

**BEFORE INDEPENDENT HEARING COMMISSIONERS
IN CHRISTCHURCH**

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

UNDER of the Resource Management Act 1991 (RMA)

AND

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

AND

IN THE MATTER of Canterbury Regional Council (submitter 689)

**STATEMENT OF EVIDENCE OF MEG BUDDLE ON BEHALF OF THE
CANTERBURY REGIONAL COUNCIL**

PLANNING

20 September 2023

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INTRODUCTION

- 1 My full name is Meg Catherine Buddle.
- 2 I am a Senior Planner at the Canterbury Regional Council (**Regional Council**). I have held this position for 2 months. Immediately prior to my current role I worked at the Thames-Coromandel District Council as a policy planner for 1 and a half years and before that I worked as an environmental lawyer for a private firm. Several years ago I was employed by the Regional Council as a consent planner. In total I have five years' experience in environmental policy, planning and environmental law.
- 3 I have a Bachelor of Laws from the University of Otago.
- 4 I have been asked by the Regional Council (submitter number 689) to prepare evidence in respect of Plan Change 14 (**PC14**) to the Christchurch District Plan (**CDP**).
- 5 Whilst I am an employee of the Regional Council, I have prepared this evidence in my capacity as an expert and, although 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.

SCOPE OF EVIDENCE

- 6 I have been asked by the Regional Council to provide planning evidence in relation to PC14.
- 7 My evidence addresses:
 - a. Overview of PC14 to the Christchurch District Plan;
 - b. Airport noise contours;
 - c. Low public transport accessibility qualifying matter;
 - d. Port Hills intensification – stormwater issues;

- e. Halswell intensification – flooding issues; and
 - f. Tsunami management areas.
- 8 In preparing my evidence, I have reviewed the following documents and evidence:
- a. Part 1 of the Section 32 Evaluation: Introduction, High Level District issues and Strategic Directions; prepared and notified by the Christchurch City Council;
 - b. Part 2 of the Section 32 Evaluation: Qualifying Matters;
 - c. The notified provisions of PC14, where they relate to qualifying matters and the Residential Chapter;
 - d. The Section 42A Report by Sarah Oliver;
 - e. The Section 42A Report by Ike Kleynbos;
 - f. The Section 42A Report by Brittany Ratka;
 - g. The Section 42A Evidence of Brian Norton;
 - h. The PC14 provisions updated to incorporate the s42A recommendations;
 - i. The Canterbury Regional Policy Statement;
 - j. The Regional Council submission on PC14;
 - k. The submissions of other submitters as they relate to the Regional Council's submission;
 - l. The evidence of Jessica Newlands on behalf of the Regional Council; and
 - m. The evidence of Matthew Surman on behalf of the Regional Council.

EXECUTIVE SUMMARY

- 9 The Regional Council's original submission supported the majority of PC14. The submission also sought amendments to PC14, primarily on the application of the qualifying matters to medium density residential standards within relevant residential zones.

Airport noise contours

- 10 The airport noise qualifying matter (**QM**) proposed by PC14 is different to that shown on both the operative CDP planning maps and on Map A of the Canterbury Regional Policy Statement (the **current 50dBA contour**).
- 11 Experts for the Christchurch International Airport (**Airport**) have produced a set of remodelled contours based on current information, and an Independent Expert Panel engaged by the Regional Council has reviewed the remodelled contours (as well as the modelling inputs and assumptions). This information will inform the CRPS review, however, the Regional Council considers that any updated contours outputted from this modelling are technical information only, and the current 50dBA contour is currently the most appropriate boundary for land use planning purposes.
- 12 I agree with the Regional Council's position that the current 50dBA contour is the most appropriate for land use planning purposes, until any updates to the current 50dBA contour have been tested through the CRPS review.

Low public transport accessibility area

- 13 PC14 as notified included a qualifying matter called "Low Public Transport Accessibility Area" Overlay, used to restrict the application of medium density residential standards. The qualifying matter was intended to cover areas that either:
- a. Had poor access to public transport; or
 - b. Would be disruptive, costly and potentially impractical to provide three waters infrastructure to these areas.
- 14 The Regional Council's original submission noted that some of the areas covered by the LPT QM, actually have high levels of public transport frequency. The Regional Council was concerned that the name "Low

Public Transport Accessibility Area” in some cases did not reflect the reason development was being restricted, and it could undermine the public confidence in the provision of public transport.

- 15 I understand the Regional Council’s concerns that suggesting an area is “Low Public Transport Accessibility” has the potential to undermine public confidence in the provision of public transport now and into the future and consequently affect the uptake of public transport.
- 16 While my reasons may be different to Mr Kleynbos’s, I agree with his s42A recommended changes to switch from an overlay approach to a precinct approach, because it removes the “Low Public Transport Accessibility Area” name from the PC14 provisions.

Stormwater and flooding issues

- 17 PC14 does not include a stormwater constraints qualifying matter, although it does include the low public transport accessibility qualifying matter discussed above, which appears to be directed at low public transport access and general three waters servicing restraints rather than specific stormwater issues.
- 18 Regarding the Port Hills, medium density development is restricted across the majority of the residential suburbs. Only parts of Cashmere and Huntsbury have medium density development enabled as a permitted activity.
- 19 Based on:
- a. The evidence of Ms Newlands for the Regional Council; and
 - b. The s42A evidence of Mr Norton for the City Council, who acknowledges the stormwater issues that could be created by intensification of the Port Hills¹ and
 - c. The relevant planning documents

I consider that the entire Port Hills suburbs should not be enabled for permitted medium density development and that the consenting requirements for medium density development should allow for stormwater constraints to be considered.

¹ Refer to paragraph 78 of Mr Norton’s evidence in particular, and paragraphs 4-6, 35, 71 of his evidence are also relevant.

20 Medium density development is enabled as a permitted activity within the majority of the residential parts of the Halswell catchment; although there are some residential areas where medium density is not enabled.

21 Based on:

- a. The evidence of Mr Surman for the Regional Council;
- b. The s42A evidence of Mr Norton for the City Council, who acknowledges the difficulties with managing stormwater runoff from infill sites; and the fact that volume effects cannot be mitigated²; and
- c. The relevant planning documents

I consider that residential areas within the Halswell catchment should not have medium density enabled as a permitted activity and that the consenting requirements for medium density development should allow for stormwater constraints to be considered.

22 In my view the Density Precincts, included in the s42A recommendations for the low public transport accessibility qualifying matter, are the simplest tool to achieve the aim of restricting intensification in areas subject to stormwater and flooding issues. I suggest that all of the residential areas located on the Port Hills or within the Halswell catchment be covered by the Suburban Hill Density Precinct and the Suburban Density Precinct, respectively. I also suggest one amendment to the relevant rules, to ensure that stormwater constraints are considered during the consenting process.

Tsunami management areas

23 The Regional Council's original submission supported the Tsunami Management Area qualifying matter included in PC14 as notified. The submission also sought for a minor amendment be made to Chapter 14 of the CDP to reflect the updated area. I support the minor amendment, as it incorporates the most up-to-date information.

² Refer to paragraph 35 to 37 of Mr Norton's evidence, with particular emphasis on paragraph 36(b).

OVERVIEW OF PC14

- 24 PC14 is proposed to align the CDP with central government direction contained in:
- a. The National Policy Statement on Urban Development (**NPS-UD**), in particular the direction in Policies 3 and 4 to enable certain heights and densities in certain residential areas unless a “qualifying matter” applies; and
 - b. The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act, in particular the direction to apply medium density residential standards (**MDRS**) across existing residential areas unless the area is exempt or a qualifying matter applies.
- 25 PC14 allows for medium density development within most residential zoned land within the City, unless a qualifying matter is applied.
- 26 The Regional Council supported the majority of PC14, as noted in its original submission. The Regional Council’s original submission also expressed several specific concerns about the way that certain qualifying matters had been applied within the City. My evidence discusses these specific concerns by topic.

AIRPORT NOISE CONTOURS

Operative District Plan provisions relevant to airport noise management

- 27 The operative CDP uses three noise contours³ to manage both noise effects from the Airport, and reverse sensitivity effects on the Airport from noise sensitive activities, including residential activities. The most relevant noise contour to my evidence is the outermost contour shown on the operative CDP planning maps: the 50 dBA Ldn Air Noise Contour (**current 50dBA contour**). This contour is the same as the airport noise contour shown on Map A of the Canterbury Regional Policy Statement.

³ An inner Air Noise Boundary, which is the combined outer extent of a 65 dB Ldn noise contour and a 95 dB Lae noise contour; a 55 dBA Ldn Air Noise Contour; and 50 dBA Ldn Air Noise Contour, which is also known as the Outer Control Boundary.

- 28 Residential activities inside the current 50dBA contour that do not meet the permitted or controlled activity density standards trigger a restricted discretionary rule related to airport noise issues⁴. This means that:
- a. When assessing consent applications, the Council must consider two specific matters of discretion:
 - i. “The extent to which effects, as a result of the sensitivity of activities to current and future noise generation from aircraft, are proposed to be managed, including avoidance of any effect that may limit the operation, maintenance or upgrade of Christchurch International Airport.”; and
 - ii. “The extent to which appropriate indoor noise insulation is provided with regard to Appendix 14.16.4”; and
 - b. The application must be limited notified to the Airport.

PC14 provisions relevant to airport noise management

- 29 PC14 (as notified) proposed to restrict intensification within the area covered by the 50dBA Ldn Annual Average Noise contour that was included in a 2021 CIAL report. The mechanism for restricting MDRS was a qualifying matter called “Airport Noise Influence Area”. Sites covered by the notified PC14 contour would retain their current operative CDP zoning and associated provisions⁵.
- 30 The City Council’s s42A Reporting Officer has since recommended that the contour used to restrict intensification should instead be the area broadly covered by the Outer Envelope contour, but with the following carved out: “an area of land north of Riccarton Road within the area broadly between Straven Road, Otakaro Avon River, Matai Street, Deans Avenue and Riccarton Road”; suggesting that this carved out land be zoned High Density Residential under PC14.⁶ Sites covered by

⁴ Rule 14.4.1.3, RD34 for the Residential Suburban Zone and RSDTZ and Rule 14.12.1.3 RD26 for the Residential New Neighbourhood Zone.

⁵ Part 2 of the Section 32 Evaluation: Qualifying Matters [Appendix 18 - Airport Contour s77K Appendix Eight: Section 32 evaluation](#), page 25.

⁶ Sarah Oliver’s s42A Report at paragraph 12.67 and 12.68.

the s42A recommended contour would retain their current operative CDP zoning and associated provisions⁷.

- 31 According to Ms Oliver's s42A Report at paragraph 12.65 and 12.66, those properties that are not inside the current 50dBA contour, but would be covered by the PC14 Airport Noise Influence Area, will not need to comply with the airport noise provisions in the operative CDP (described above at paragraph 28). Therefore, PC14 is not intended to be more restrictive than the CDP.

Canterbury Regional Policy Statement

- 32 As noted above, the Canterbury Regional Policy Statement (**CRPS**) contains a single 50 dBA Ldn airport noise contour, in Map A. This current 50dBA contour is used to limit new noise sensitive activities (including residential activities), in order to manage noise effects from the Airport and integrate land use and infrastructure. This policy direction is primarily implemented by Policy 6.3.5.4 of the CRPS.
- 33 The Regional Council is currently reviewing the CRPS in its entirety, with notification of a new CRPS expected in December 2024. The airport noise contour on Map A is within scope of the CRPS review.
- 34 The need to protect strategic infrastructure, including the Airport, is also recognised in the draft Greater Christchurch Spatial Plan (**draft Spatial Plan**) which has been prepared by the Greater Christchurch Partnership and is currently being consulted on.⁸ The draft Spatial Plan uses the Operative CRPS 50dBA airport noise contours as the outermost protection boundary⁹ and notes that the Regional Council is reviewing the airport noise contours as part of its CRPS review.¹⁰

Remodelling the airport noise contours

- 35 Policy 6.3.11.3 of the CRPS allows the Regional Council to request that the Airport remodel the air noise contours "prior to initiating a review of [Chapter 6 to the CRPS]". In 2021, the Regional Council formally requested that the Airport undertake the remodelling. The Regional

⁷ Sarah Oliver's s42A Report at paragraph 12.67.

Submissions on the draft Spatial Plan closed on 23 July 2023 and hearings are expected for October.

⁹ Map 9 of the draft Spatial Plan.

¹⁰ Page 25 of the draft Spatial Plan.

Council asked that the modelling inputs, assumptions, and outputs from the Airport's panel of experts (**Airport's Experts**) be peer reviewed by an independent expert panel appointed by the Regional Council (**Independent Expert Panel**).

- 36 The Airport's Experts have produced a set of remodelled contours, and the Independent Expert Panel has reviewed the remodelled contours (as well as the modelling inputs and assumptions).
- 37 It is important to note that the remodelling process did not produce a single contour option for outermost land use planning contour (also referred to as the **outer control boundary** or **OCB**). There are effectively six OCB options outputted from the modelling process:
- a. Three Annual Average contours of 50, 55 and 65dBA; and
 - b. Three Outer Envelope contours of 50, 55 and 65dBA¹¹.
- 38 Neither the Airport's experts, nor the Independent Expert Panel, have recommended that one particular OCB option be chosen over another, because that would go beyond their remit.
- 39 The remodelled contours will inform the CRPS review, however, the Regional Council considers that the remodelled contours are technical information only, and the current 50dBA contour is currently the most appropriate OCB for land use planning purposes.
- 40 I agree with the Regional Council's position that the current 50dBA contour is the most appropriate for land use planning purposes, until any updates to the current 50dBA contour have been tested through the CRPS review, because:
- a. The modelling process has produced effectively six possible outer control boundary options, all of which are technically valid;
 - b. The Greater Christchurch community should have the opportunity to contribute to the decision on which contour to choose. The consultation on PC14 may not have provided the community with sufficient opportunity to contribute to the decision;

¹¹ International Expert Panel Report on Christchurch Airport Remodelled Contour (dated June 2023), at page 43.

- c. The CRPS is the correct forum to decide on the extent of an airport noise restriction on land use; and
 - d. Using an air noise contour other than the current 50dBA contour could lead to inconsistencies with the other Greater Christchurch councils.
- 41 Regarding Ms Oliver's interpretation of several Policies in the CRPS; in paragraph 12.13 to 12.18 of Ms Oliver's s42A report she suggests that, because Policy 6.3.5.4 simply says "the 50dBA Ldn airport noise contour for Christchurch International Airport", and not "the 50dBA Ldn airport noise contour for Christchurch International Airport identified on Map A", that the airport noise contour reference in Policy 6.3.5.4 could also be to an updated contour, other than that shown on Map A¹².
- 42 I disagree with Ms Oliver's interpretation of Policy 6.3.5.4. My reasons are that:
- a. The title of the contour on Map A ("50dBA Airport Noise Contour") matches the language in Policy 6.3.5.4 exactly, suggesting the intent for Policy 6.3.5.4 to link to the contours drawn on Map A;
 - b. The interpretation makes the contours drawn on Map A redundant;
 - c. The interpretation makes CRPS Policy 6.3.11.3 redundant. If the contours could be updated at any time, there would be no need for Policy 6.3.11.3. Further, there is nothing in the CRPS that indicates that the contour would change prior to a review of the CRPS; and
 - d. The words "50dBA Airport Noise Contour" are not enough to define the spatial extent that Policy 6.3.5.4 relates to. The current remodelling process has demonstrated that there are a range of possible choices for the 50 dBA contour (e.g. Annual Average, Outer Envelope, Operative CRPS Contour), and that noise modelling can be affected by subjectivity and human error. Therefore Policy 6.3.5.4 would be very difficult to implement

¹² Sarah Oliver's s42A Report at page 82, paragraphs 12.13 to 12.18.

without a complementary map to show which 50dBA contour had been agreed on.

- 43 Ms Oliver also discusses an interpretation of the terms “new development” and “existing residentially zoned urban area” in Policy 6.3.5.4¹³. I do not fully understand Ms Oliver’s interpretation, however I have read and agree with the interpretation of the Independent Hearings Panel for the Christchurch Replacement District Plan in 2015, which was that:¹⁴

[191] Therefore, we read this part of Policy 6.3.5(4) as providing that noise sensitive activities (as defined) are to be avoided within the 50 contour, unless one of three exceptions is satisfied, as to the location of the (noise sensitive) activity, i.e., that it is located within:

(a) An existing residentially zoned urban area, meaning an area so zoned as at 6 December 2013; or

[(b) and (c) not relevant]

- 44 Applying this interpretation to PC14, any land that was zoned for residential use in December 2013 under the operative CDP at the time falls within the exception in Policy 6.3.5.4. Intensification of this land is not constrained by the “avoid” direction in Policy 6.3.5.4.

Does PC14 need to give effect to the CRPS?

- 45 Section 77G of the RMA states that the requirements for territorial authorities to incorporate MDRS into relevant residential zones “applies irrespective of any inconsistent objective or policy in a regional policy statement”.¹⁵ Therefore the CRPS doesn’t constrain the decision-makers in deciding whether to enable MDRS in a certain area or not.
- 46 However, in my opinion the objectives and policies in the CRPS directing the management of noise sensitive activities within the Operative CRPS noise contour drawn on Map A, provide valuable direction on the appropriate location of residential activities including to best manage the effects of noise.

¹³ Sarah Oliver’s s42A Report at page 80, paragraphs 12.10 – 12.12.

¹⁴ The Independent Hearings Panel Decision 10 at paragraph [191], available here: <https://chchplan.ihp.govt.nz/wp-content/uploads/2015/03/Residential-Stage-1-decision.pdf>.

¹⁵ s 77G(8) RMA.

Suggested changes to notified PC14 provisions

- 47 I disagree with the recommendation in paragraph 12.67 of Ms Oliver’s s42A report for the spatial extent of the airport noise qualifying matter to align with the Outer Envelope contour. I consider that PC14 should be amended so that the boundary of the airport noise qualifying matter is the same as the current 50dBA contour, for the reasons discussed above.
- 48 Because this is a change to the notified version of PC14, a s32AA assessment is arguably required. However, I consider it inappropriate to conduct this assessment at this stage, because it would require considering the merits of one airport noise contour over another. PC14 is not the appropriate forum to discuss and decide on these merits and doing so now would prejudice the upcoming CRPS review of airport noise contours.
- 49 In addition, I consider that if the boundary used was the same as the current 50dBA contour then the qualifying matter would be an “existing qualifying matter” under s77I(e) RMA, therefore the s77K test would apply (instead of the tests for a “new” qualifying matter). Therefore, I think that a further s32AA/s32 evaluation is unnecessary, because the decision makers can rely on the City Council’s original s32 evaluation released when PC14 was notified.

LOW PUBLIC TRANSPORT ACCESSIBILITY QUALIFYING MATTER

PC14 provisions as notified

- 50 PC14 as notified included a qualifying matter called “Low Public Transport Accessibility Area” Overlay (**LPT QM**), that would prevent the application of MDRS standards in residential areas covered by the LPT QM.
- 51 The areas covered by the LPT QM were intended to apply to all residential zoned areas that were outside of¹⁶:

¹⁶ Part 2 of the Section 32 Evaluation: Qualifying Matters at page 434, paragraph 6.32.48.

- a. An 800m walk from five high frequency (core) public transport routes¹⁷ or significant bus routes between employment centres¹⁸; based on both the current and planned future investment in the public transport network;
 - b. Areas within 200m of High Density Residential Zones; and
 - c. Areas zoned in the operative CDP as Residential Suburban Density Transition Zone, Residential New Neighbourhoods or Residential Medium Density.
- 52 According to the City Council's s32 Report, the LPT QM was designed to restrict intensification in areas that had one of the following two characteristics:
- a. Areas with poor access to public transport, to achieve a "more compact and consolidated urban form with land use intensification occurring on and around selected public transport routes that connect centres and major employment centres"¹⁹; or
 - b. Areas where it would be "disruptive, costly and potentially impractical to provide the three waters [infrastructure]"²⁰.

Regional Council Submission

- 53 The Regional Council's original submission noted that some of the areas covered by the LPT QM, e.g. the #3 Purple line from Ferrymead to Sumner, actually have high levels of public transport frequency.
- 54 The Regional Council was concerned that the name "Low Public Transport Accessibility Area" in some cases did not reflect the reason development was being restricted, and it could undermine the public confidence in the provision of public transport.
- 55 I agree with the points in the Regional Council's original submission, that the notified "Low Public Transport Accessibility Area" overlay appears to cover some areas that do in fact have good public transport access. For

¹⁷ Greater Christchurch Public Transport Combined Business Case 2020, The Blue Line, Orange Line, Orbiter, Purple Line and Yellow Line, Attachment II 34, Figure 57, page 43.

¹⁸ No. 17 route Merivale/Bryndwr; No. 29 route Fendalton to Airport; No. 44 route City to Shirley; No. 125 route Redwood to Halswell (connects Hornby, Airport, Papanui, and almost Belfast).

¹⁹ Part 2 of the Section 32 Evaluation: Qualifying Matters at page 402, paragraph 6.32.5.

²⁰ Part 2 of the Section 32 Evaluation: Qualifying Matters at page 401, paragraph 6.32.3.

instance, the Metro Bus Timetable²¹ shows that the #3 line has buses leaving Sumner every 10 minutes from 6.30 am to 6.30 pm every weekday. That currently makes the #3 line the most frequent radial bus service in Greater Christchurch. The only other bus route with a comparable service level is the circular Orbiter.

Section 42A Report recommendations

- 56 The City Council's s42A Reporting Officer, Ike Kleynbos recommended several areas of the City be removed from the LPT QM, because these areas did in fact have access to frequent public transport, and it would be appropriate to enable MDRS in these areas²².
- 57 Mr Kleynbos also considered whether areas adjacent to #3 line from Ferrymead to Sumner should be removed from the LPT QM. He acknowledged that the Sumner Catchment did have access to frequent public transport. However, he recommended that the LPT QM be retained over the eastern extent of #3 line for reasons related to wastewater servicing constraints, not public transport accessibility.
- 58 Finally, Mr Kleynbos recommended that the notified overlay approach be switched to a precinct approach, specifically that²³:
- a. The Low Public Transport Accessibility Area overlay be deleted;
 - b. Two new precincts be introduced instead to cover the LPT QM extent:
 - i. A "Suburban Hill Density Precinct" to be applied to all LPT QM land currently zoned Residential Hills, and
 - ii. A "Suburban Density Precinct" to be applied to all LPT QM land currently zoned either Residential Suburban or Residential Banks Peninsula;
 - c. All land within the LPT QM to be rezoned Medium Density Residential;

²¹ <https://www.metroinfo.co.nz/timetables/3-airport-or-sheffield-cres-sumner/>.

²² Ike Kleynbos's s42A Report at page 283, paragraph 10.1.425.

²³ Ike Kleynbos's s42A Report at page 237, paragraphs 10.1.421 and 10.1.422.

- d. New precinct-specific built form standards be introduced for site density, building height, setbacks, building coverage and windows to street; which generally retained the operative standards of built form; and
- e. A restricted discretionary resource consent pathway be introduced for a medium density development of three units of up to two storeys.

59 While my reasons may be different to Mr Kleynbos's, I agree with his recommended changes.

60 Mr Kleynbos does not explicitly state his reasoning for the change from an overlay approach to a precinct approach, other than (at page 224): "I agree that proposed controls are more restrictive than necessary. Modified provisions have been proposed, although the intention is still to prevent medium density housing from being achieved". Mr Kleynbos does not respond specifically to the Regional Council's request to rename the Overlay to something that better reflects the reason development is being restricted.

Suggested changes to notified PC14 provisions

61 I understand the Regional Council's concerns about suggesting an area is "Low Public Transport Accessibility", when the area isn't. It has the potential to undermine public confidence in the provision of public transport now and into the future and consequently affect the uptake of public transport.

62 Therefore, I agree with Mr Kelynbos's s42A recommendations to switch from an overlay approach to a precinct approach, because it removes the "Low Public Transport Accessibility Area" name from the PC14 provisions.

PORT HILLS INTENSIFICATION – STORMWATER ISSUES

PC14 provisions relevant to Port Hills intensification

63 The Regional Council's original submission raised concerns about intensification on the Port Hills, because of lack of stormwater attenuation capacity and sediment loss into the City's waterways.

- 64 PC14 proposes to enable medium density development in areas of the Port Hills (e.g. lower Cashmere and lower Huntsbury).
- 65 Enabling medium density residential standards results in the following built form changes that have a stormwater impact:
- a. An increase in the number of houses permitted per site from one primary and one minor residential unit to three units;
 - b. An increase in the permitted building coverage from 35% to 50%. This building coverage cap doesn't include other impervious surfaces, such as driveways, decks, balconies, eaves;
 - c. A minimum landscaped area of 20%, which could be made up of grass or plants, or tree canopy cover regardless of the ground treatment beneath it; and
 - d. Like the operative CDP, there are no restrictions on total impervious surface area. While there are no restrictions on impervious area in the MDRS legislation²⁴, an earlier draft of the MDRS contained an impervious area restriction of 60%, but this was removed from the final Bill, with the following reasons given by the Select Committee²⁵:

We recommend deleting this [impervious area] standard from the MDRS, with the subject matter of the standard instead being dealt with as a district-wide matter for councils to determine.

Mr Norton in his s42A evidence for the City Council, assumed that the impervious area in medium density areas could be as large as 80%²⁶.
- 66 The operative CDP rules and standards are retained for the remaining hill suburbs²⁷. The main qualifying matter used to restrict medium density in these hill suburbs is a "Low Public Transport Accessibility Area" (to be renamed "Suburban Hill Density Precinct" if s42A recommendations are adopted), which is directed more at low public

²⁴ Schedule 3A, Part 2 of the RMA.

²⁵ Page 13 of the Select Committee Report on the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill.

²⁶ Brian Norton's s42A evidence at page 6, paragraph 31.

²⁷ Kennedys Bush, Redmund Spur, Westmorland, Cracroft, Hillsborough, Heathcote Valley, Mt Pleasant, Redcliffs, Clifton / Richmond Hill, Sumner, Scarborough.

transport access and general three waters infrastructure servicing restraints than specific stormwater issues.

- 67 There is also a qualifying matter for smaller, isolated Slope Instability Areas – which are the Cliff Collapse Management Area 1, Cliff Collapse Management Area 2 and Rockfall Management Area 1 carried over from the operative CDP.
- 68 There is no specific stormwater qualifying matter covering these areas.

Issues with PC14 intensification

- 69 I have read Ms Newlands' evidence for Regional Council, and agree with her reasons which outline the potential stormwater quality and quantity issues created by intensification on the Port Hills.
- 70 I have also read the s42A evidence of Mr Norton for the City Council, who acknowledges the stormwater issues that could be created by intensification of the Port Hills²⁸.

Methods for managing issues

- 71 In this section I discuss the benefits of managing stormwater issues through a district plan zoning approach as opposed to relying on other methods outside the district plan. This is in response to Mr Norton's expert evidence for the City Council at paragraph 55, where he says, relevantly:

55. There are two primary reasons why a stormwater network constraint Qualifying Matter was not proposed as part of PC14, in addition to the Qualifying Matters discussed above:

(a) The existing tools and powers (see below) that Council has in place are sufficient to manage some of the impacts; and

- 72 Where a residential area is clearly inappropriate for a certain level of residential intensity, I consider that the most efficient and effective way to manage inappropriate development is to use the appropriate residential zoning (or precincts in this case), instead of relying on other regulatory methods to prevent development or manage adverse effects.
- 73 There are two main reasons for using a zone or precinct based approach. The first is that it avoids a "nasty surprise" for the developer.

²⁸ Refer to paragraph 78 of Mr Norton's evidence in particular, and paragraphs 4-6, 35, 71 of his evidence are also relevant.

Using an inappropriate zoning has the potential to send the wrong signal to developers, who may then invest time and resources based on that signal. Mr Kleynbos, in his s42A Report for the City Council, describes this issue well at page 84:

7.1.84....This is currently an issue in the Shirley catchment, where parts are zoned for medium density development; in that area it can transpire that sections are bought, plans developed, and resource consents granted (on the basis of the permissive Plan controls), only for building consent to be denied at the end of the process. This is an inefficient means of land use management and one that could be significantly exacerbated under the full MDRS scenario.

- 74 I note that the s42A tracked changes version of the proposed PC14 provisions include this advice note in Chapter 14.5²⁹:

There is no spare, or limited, wastewater, storm water, or water supply infrastructure capacity in some areas of Christchurch City which may create difficulties in granting a building consent for some developments. Alternative means of providing for those services may be limited or not available. Compliance with the District Plan does not guarantee that connection to the Council's reticulated infrastructure is available or will be approved. Connection to the Council's reticulated infrastructure requires separate formal approval from the Council. There is a possibility that approval to connect will be declined, or development may trigger the need for infrastructure upgrades or alternative servicing at the developer's cost. Anyone considering development should, at an early stage, seek information on infrastructure capacity from Council's Three Waters Unit. Please contact the Council's Three Waters Unit at WastewaterCapacity@ccc.govt.nz, WaterCapacity@ccc.govt.nz and Stormwater.Approvals@ccc.govt.nz.

- 75 While I see the benefit of this advice note, I do not think it should be relied on as the only signal to developers that they may not be able to re-develop a site into medium density. A better approach in my mind would to use zones/precincts and associated rules that limit density to below what is enabled by the MDRS.
- 76 The second reason is that a zone or precinct based approach acts like the fence at the top of the cliff, which is a more efficient way of avoiding adverse effects before they arise. By contrast a non-RMA process like the building consent or bylaw approvals process may need to act as the ambulance at the bottom of the cliff and respond to issues once they have already arisen. In some situations, these non-RMA processes may not give adequate scope to manage environmental effects.

²⁹ Sub-chapter 14.5.2 Built form standards Medium Density Residential Zones

77 Ms Newlands in her evidence has outlined the other regulatory methods available to manage stormwater discharges in Christchurch City. She highlights some shortcomings with those other available methods. My understanding from Ms Newland's evidence is that:

- a. In most situations, the discharge of stormwater from intensified sites on the Port Hills will be covered by the City Council's Comprehensive Stormwater Network Discharge Consent (**CSNDC**) and will not require a separate discharge resource consent from the Regional Council;
- b. Stormwater discharges in Christchurch City are therefore primarily managed by the Christchurch City Council under the CSNDC and the Stormwater and Land Drainage Bylaw 2022 (**Stormwater Bylaw**). Any person wanting to discharge into the City Council's network, or alter their existing discharge, must first obtain a stormwater approval from the City Council under the Stormwater Bylaw;
- c. If a re-development is permitted under the CDP and no other Regional Plan consents are required, then the need for a stormwater approval will only be triggered during the building consent application;
- d. A Residential Building Site Erosion Sediment Control Compliance Survey undertaken by the City Council in 2022 looked at compliance with Building Act requirements for erosion and sediment runoff. The Survey found that 100% of sites failed to meet one or more of the conditions of the site-specific erosion and sediment control plans. Despite this, the Survey found that for the same period, the houses on these sites passed their building inspections and no erosion and sediment control issues were noted by building inspectors;
- e. The current scenario (of managing stormwater via the CSNDC, Stormwater Bylaw and building consents) has limited enforcement tools compared with a traditional scenario. For example, RMA infringement fines are not available under the current scenario (refer Ms Newlands' evidence, in particular paragraph 70). Infringement fines are often the best tool for prompting behavioural change, especially in situations where the transgression is too minor to warrant prosecution; and

- f. Practically, it is very difficult on Hill sites to negate all stormwater quantity and quality effects using through design or stormwater management devices (e.g. onsite rain tanks or erosion and sediment control devices).

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- 78 As I mention above at paragraphs 45 and 466, the CRPS doesn't constrain the decision-makers in deciding whether to enable MDRS in a certain area or not. However, in my opinion the objectives and policies in the CRPS provide valuable direction for planning decisions about the location of residential activities.
- 79 The following objectives and policies from the CRPS are relevant to the sediment and flooding issues that could result from intensifying the Port Hills.
- 80 Objective 6.2.3 Sustainability – this Objective says (relevantly) that the recovery and rebuilding of Greater Christchurch should provide for quality living environments incorporating good urban design and should be healthy, environmentally sustainable, functionally efficient, and prosperous.
- 81 Policy 6.3.2 Development form and urban design – this Policy directs that residential development gives effect to the principles of good urban design. These include the principle of environmentally sustainable design - ensuring that the process of design and development minimises water and resource use, restores ecosystems, safeguards mauri and maximises passive solar gain.
- 82 Objective 7.2.3 Protection of intrinsic value of waterbodies and their riparian zones – this Objective directs that the overall quality of freshwater in the region is maintained or improved, and the life supporting capacity, ecosystem processes and indigenous species and their associated fresh water ecosystems are safeguarded.
- 83 Objective 8.2.6 Protection and improvement of coastal water – this Objective requires protection of coastal water quality and associated values of the coastal environment, from significant adverse effects of the point and non-point discharge of contaminants; and enhancement of coastal water quality where it has been degraded.

84 Ms Newlands' evidence describes the potential environmental effects from Port Hills intensification, and the difficulties with managing these effects using existing methods. Based on that evidence, in my opinion the intensification enabled through PC14 does not align with the above objectives and policies from the CRPS.

Suggested changes to notified PC14 provisions

85 Having regard to Ms Newlands' evidence and the relevant objectives and policies from the CRPS, I consider that the Port Hill suburbs are not suitable for medium density development as a permitted activity. I suggest that all of the Port Hill suburbs be covered by a qualifying matter that retains the same density, building coverage and landscaping standards as the operative CDP.

86 In my opinion, the simplest way to achieve this is to:

- a. Adopt the City Council's s42A recommendations to use "Suburban Hill Density Precinct" for Port Hill areas covered by the LPT QM in the notified planning maps;
- b. Extend the Suburban Hill Density precinct to all other areas of the Port Hill suburbs (e.g. lower Cashmere and lower Huntsbury);
- c. Amend the City Council's s42A recommended matters of discretion for medium density development within Density Precincts as a restricted discretionary activity (at proposed Rule 14.15.43) to clarify that stormwater discharge issues are a relevant matter. This suggested change to the section 42A version of the provisions is included in Appendix 1; and
- d. Adopt the balance of the City Council's s42A recommended plan provisions to accompany the Suburban Hill Density Precinct, which reference water supply, wastewater and stormwater discharge serviceability as well as accessibility to public transport.

87 Mr Kleynbos's s42A report can be relied upon to fulfil the s32AA requirements for the changes suggested at (a) and (d) above. Appendix 1 contains my evaluation of the suggested changes at (b) and (c) above against s32AA of the RMA. My overall conclusion is that the changes I have suggested above are the most appropriate way to achieve the relevant objectives.

- 88 Ms Ratka and Mr Norton consider³⁰ that there is insufficient evidence to satisfy the threshold for an “other” qualifying matter under the legislation. I disagree and consider that the requirements are satisfied for an “other” qualifying matter under s77I(j), s77J and s77L RMA. I have provided an assessment under these sections in Appendix 1.

HALSWELL INTENSIFICATION – FLOODING ISSUES

PC14 provisions relevant to Halswell intensification

- 89 The Regional Council’s original submission raised concerns about intensification in the Halswell catchment residential areas, because of downstream flooding impacts.
- 90 Under PC14, residential areas in Halswell are affected in four different ways, depending on the operative District Plan zoning and whether a qualifying matter is applied. They are (in approximate order of largest to smallest land area):
- a. Majority of Halswell – developed sites are re-zoned from Residential Suburban Zone or Residential New Neighbourhood Zone to Medium Density Residential Zone (based on PC14 planning maps). Medium density development is a permitted activity on these sites, and therefore the built form standards (relevant to stormwater) listed in paragraph 655 would apply;
 - b. Sites on the outskirts of Halswell that have not yet been subdivided or developed – the Residential New Neighbourhood zoning for these sites is renamed Future Urban Zone, with no change to the operative District Plan rules;
 - c. Areas covered by a qualifying matter on the notified PC14 Planning Maps – the Residential Suburban Zoning under the Operative District Plan and related rules is retained for these sites. The largest of these qualifying matter areas (see Fig 1 below) is covered by the LPT QM;

³⁰ Ms Rattka’s s42A Report at paragraph 9.4.19, and Mr Norton’s s42A evidence at paragraph 55(b).



Figure 1 - Discrete area in Halswell covered by the low public transport qualifying matter

- d. Existing Residential Medium Density zoned land (e.g. sites between Murphys, Quaiques, Whincops and Halswell Junction Rd) – the Residential Medium Density zoning for these sites is renamed Medium Density Residential. Medium density residential standards are enabled for these sites. The number of houses permitted per site and the permitted building coverage effectively remains the same.

91 As noted above in the Port Hills discussion, the LPT QM is directed at low public transport access and general three waters servicing constraints rather than specific stormwater / flooding issues.

Issues with PC14 intensification

92 I have read Mr Surman's evidence for Regional Council, which outlines the potential downstream flooding impacts created by intensification in the upper Halswell catchment and agree with his concerns about PC14.

93 Mr Surman describes the unique characteristics of the Halswell catchment and its vulnerability to increased flows. He notes that the Canterbury Land and Water Regional Plan (**CLWRP**) singles out the Halswell/Huritini catchment for special treatment because of its extreme

sensitivity to additional discharges. The CLWRP requires stormwater and drainage discharges in the catchment to demonstrate “hydraulic neutrality”, which means no increase in drainage or stormwater peaks of flowrates or volumes discharged.

- 94 Mr Surman also discusses the particular treatment for the Halswell catchment under the CSNDC. The CSNDC conditions, at Schedule 10, include a zero limit on the maximum increase for peak modelled flood levels in the Halswell Catchment. Of the four modelled catchments in Christchurch City, Halswell is the only one to have a zero limit on flood levels (the other catchment limits range from 30mm to 100mm).
- 95 Mr Surman explains that, without mitigation, the additional runoff caused the proposed intensification under PC14 would likely increase both:
- a. The peak flows; and
 - b. The overall volume of runoff.
- 96 Increases in volume will affect the farming land use activities in the lower Halswell catchment by prolonging the time it takes for low-lying areas to drain after a rain event. This type of flooding disrupts farming operations and causes inconvenience and losses to other residents on the floodplain. Larger flood events could cause significant economic losses to farmers and other residents, flooding pasture, buildings, houses, causing livestock losses and road closures.
- 97 The intensification proposed by PC14 will have a cumulative effect when added to the existing flooding issues, and existing approved increases in flows (current residential zoning and the consented Central Plains Water scheme).

Methods for managing issues

- 98 Regarding the increased peak flows, the kind of physical mitigation available for peak flows is similar to the rest of the City, where increases to peak levels can generally be avoided by adding to stormwater attenuation (e.g. extending stormwater basins or building additional basins). As noted above and in Mr Surman’s evidence, the City Council is required under the CSNDC to mitigate peak flows so that modelled flood levels from additional development are maintained at 2016 modelled flood levels.

- 99 In contrast to peak flows, mitigation for volume effects is much more difficult in such a flat catchment. Currently, there is no volume limit under the CSNDC for discharges in the Halswell catchment, although it is expected that a volume limit will be imposed when the Huritini-Halswell River Stormwater Management Plan is finalised and certified.
- 100 Mr Surman considers that, even with good attenuation of peak flows, the impervious area proposed as part of PC14 would lead to a practically unavoidable increase in the total volume of surface and groundwater flow in a catchment following a rainfall event.
- 101 Mr Norton, in his s42A evidence for the City Council also acknowledges the difficulties with managing stormwater runoff from infill sites; and the fact that volume effects cannot be mitigated³¹.
- 102 Apart from physically mitigating the effects of PC14 by building more/better infrastructure, the City Council could rely on its other tools and powers, such as approvals under the Stormwater Bylaw, to manage or restrict intensification. My comments in paragraphs 721 to 754 above about the benefits of using a zone-based approach are equally relevant here. I consider that it is more effective and efficient to use a zone/precinct approach in the district plan, rather than relying on other non-RMA methods to manage the effects of inappropriate development.

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- 103 My comments at paragraphs 45, 46 and 787 above apply here about the relevance of the CRPS.
- 104 The following objectives from the CRPS are relevant to the flooding issues that could result from intensifying the Halswell catchment.
- a. Objective 5.2.1 Location, Design and Function of Development:
- development in the entire region should be located and designed so that it enables people and communities, including future generations, to provide for their social, economic and cultural well-being and health and safety; and which:*
- b. provides sufficient housing choice to meet the region's housing needs;*
-*
- e. enables rural activities that support the rural environment including primary production;*

³¹ Refer to paragraph 35 to 37 of Mr Norton's evidence, with particular emphasis on paragraph 36(b).

b. Objective 6.2.3 Sustainability:

the recovery and rebuilding of Greater Christchurch should provide for quality living environments incorporating good urban design and should be healthy, environmentally sustainable, functionally efficient, and prosperous.

105 Regarding Objective 5.2.1 in particular, in the context of the Halswell flooding issues, there is a balance to be met in providing extra housing while preserving the viability of farming in the lower catchment. As discussed in the s77L and 77J assessments in Appendix 2, I consider that the balance is best met by preventing further intensification of the Halswell catchment.

106 Overall regarding the two relevant objectives above, Mr Surman's evidence describes the potential environmental effects from Halswell intensification, and the difficulties with mitigating these effects completely. Based on that evidence, in my opinion the intensification enabled in Halswell through PC14 does not align with the above objectives from the CRPS.

Suggested changes to notified PC14 provisions

107 Having regard to Mr Surman's evidence and the relevant objectives from the CRPS, I consider that the residential areas of the upper Halswell catchment are not suitable for medium density development as a permitted activity. I suggest that all of the residential land within the Halswell catchment be covered by a qualifying matter that retains the same density, building coverage and landscaping standards as the operative CDP.

108 Similar to paragraph 86 and 87 above, in my view the simplest way to do this is to:

- a. Adopt the City Council's s42A recommendations to use "Suburban Density Precinct" for Halswell areas covered by the LPT QM in the notified planning maps;
- b. Extend the Suburban Density precinct to all other residential areas in the Halswell catchment where MDRS is currently enabled;

- c. Amend the City Council's s42A recommended matters of discretion for medium density development within Density Precincts as a restricted discretionary activity (at proposed Rule 14.15.43) to clarify that stormwater discharge issues are a relevant matter. This suggested change to the section 42A version of the provisions is included in Appendix 1; and
 - d. Adopt the balance of the City Council's s42A recommended plan provisions to accompany the Suburban Density Precinct, which reference water supply, wastewater and stormwater discharge serviceability as well as accessibility to public transport.
- 109 Mr Kleynbos's s42A report can be relied upon to fulfil the s32AA requirements for the changes suggested at (a) and (d) above. Appendix 2 contains my evaluation of the suggested changes at (b) and (c) above against s32AA of the RMA. My overall conclusion is that the changes I have suggested above are the most appropriate way to achieve the relevant objectives.
- 110 Ms Ratka and Mr Norton consider that there is insufficient evidence to satisfy the threshold for an "other" qualifying matter under the legislation. I disagree, and consider that the requirements are satisfied for an "other" qualifying matter under s77I(j), s77J and s77L RMA. I have provided an assessment under these sections in Appendix 2.

TSUNAMI MANAGEMENT AREAS

- 111 The Regional Council's original submission supported the Tsunami Management Area qualifying matter included in PC14 as notified. The submission also sought a minor amendment to Chapter 14 to reflect the updated area.
- 112 The City Council requested the same minor change in their original submission on PC14³².

³² See Christchurch City Council submission dated 12 May 2023, at page 29 of Appendix 1.

- 113 However, this minor change did not appear in the City Council's s42A tracked change version of PC14 (Rule 14.4.1.1 P10, P11 and P12 and Appendix 14.16.5).
- 114 I support the minor change requested by Regional Council and City Council, as it incorporates the most up-to-date information.

Meg Buddle

20 September 2023