

**BEFORE THE CHRISTCHURCH REPLACEMENT DISTRICT PLAN  
HEARINGS PANEL**

**IN THE MATTER** of the Resource Management Act 1991 and the Canterbury  
Earthquake (Christchurch Replacement District Plan) Order  
2014

**AND** Stage 2 of the Christchurch Replacement District Plan

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**SECOND STATEMENT OF EVIDENCE OF HELEN MARGARET ANDERSON  
ON BEHALF OF THE CROWN (SUBMITTER #2387)**

**PROPOSAL 8: SUBDIVISION, DEVELOPMENT AND EARTHWORKS  
(STAGE 2)**

**Planning Evidence**

Dated 14 October 2015

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## TABLE OF CONTENTS

1. INTRODUCTION .....	2
2. CODE OF CONDUCT .....	2
3. SCOPE .....	3
4. EXECUTIVE SUMMARY .....	4
5. THE CROWN'S SUBMISSION ON PROPOSAL 8 (STAGE 2).....	6
6. AGREEMENTS REACHED BETWEEN THE COUNCIL AND THE CROWN AND REMAINING POINTS .....	10
7. OTHER MATTERS .....	23
8. CONSISTENCY WITH THE STATUTORY FRAMEWORK .....	23
9. CONCLUSION .....	24
APPENDIX A – DOCUMENTS RELIED ON OR REFERRED TO .....	25
APPENDIX B – CROWN'S SUBMISSION POINTS TABLE .....	26
APPENDIX C – PROPOSED WORDING FOR 8.2.2.1 C5 AND C6, 8.2.2.1 RD2 AND 8.2.2.3 DISCRETIONARY ACTIVITIES .....	34

## 1. INTRODUCTION

- 1.1 My name is Helen Margaret Anderson. I work for AECOM New Zealand Ltd (formerly URS New Zealand Limited) ("**AECOM**") as a planning consultant. I have been working for AECOM since April 2000.
- 1.2 This is the second statement of evidence I have prepared on the Christchurch Replacement District Plan ("**Replacement Plan**"). My first statement of evidence was provided for the hearing on the Stage 2 notification of Proposal 14 (Residential)<sup>1</sup> and I continue to support the views I expressed in that evidence. Rather than repeating that evidence, I will cross-reference any relevant aspects of that evidence for the purposes of this second statement of evidence. A summary of my qualifications and relevant past experience is contained at paragraphs 1.1 to 1.3 of my first statement of evidence.
- 1.3 I have been engaged by the Crown, through the Canterbury Earthquake Recovery Authority ("**CERA**"), to provide planning evidence in relation to the Crown's submission on the Stage 2 notification of Proposal 8 (Subdivision, Development and Earthworks) ("**Proposal 8**").

## 2. CODE OF CONDUCT

- 2.1 I confirm that I have read the code of conduct for expert witnesses as contained in the Environment Court's Practice Note 2014. I have complied with the practice note when preparing my written statement of evidence, and will do so when I give oral evidence before the Hearings Panel.
- 2.2 The data, information, facts and assumptions I have considered in forming my opinions are set out in my evidence to follow. The reasons for the opinions expressed are also set out in the evidence to follow.
- 2.3 Unless I state otherwise, this evidence is within my sphere of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

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<sup>1</sup> Statement of Evidence of Helen Anderson, dated 27 August 2015. Available for download at <http://www.chchplan.ihp.govt.nz/hearing/chapter-14-residential-part-stage-2/> under the heading "*Submitter Evidence*".

### 3. SCOPE

- 3.1 I have been asked to provide planning evidence in relation to the Crown's submission on Proposal 8 of the Replacement Plan. In my evidence I address:
- (a) The major themes and key submission points from the Crown's submission and further submission on Proposal 8;
  - (b) Agreements reached between the Christchurch City Council ("**Council**") and the Crown;
  - (c) The few remaining points on which the Crown seeks revision; and
  - (d) Consistency with the statutory framework.
- 3.2 I have reviewed the amendments in the Council's revised version of Proposal 8 dated 5 October 2015 attached to Mr Andrew Long's evidence as Attachment A ("**Revised Proposal**"). Virtually all of the matters raised in the Crown's submission have been addressed following mediation and other discussions. Accordingly my evidence identifies the ways in which those matters have been addressed by the Council and supports the resulting provisions in the Revised Proposal.
- 3.3 I have relied on and support the evidence of Ms Sandra McIntyre on the Stage 1 notification of Proposal 8 in preparing my evidence<sup>2</sup>.
- 3.4 I have also relied on and support the first and second statements of evidence of Mr Alan Merry on behalf of the Crown on the Stage 1 notification of Proposal 3 (Strategic Directions) and Proposal 14 (Residential)<sup>3</sup>, which provide information on the design requirements of fire stations.
- 3.5 I have read the evidence of the witnesses for Council on Proposal 8 and am familiar with the range of submissions on Proposal 8. A list of other documents I have relied on or referred to in my evidence is provided in **Appendix A** to my evidence.

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<sup>2</sup> Second Statement of Evidence of Sandra McIntyre on behalf of the Crown, dated 8 June 2015. Available for download at: <http://www.chchplan.ihp.govt.nz/hearing/chapter-8-subdivision-development-and-earthworks/> under the heading "*Submitter Evidence*".

<sup>3</sup> Statement of Evidence of Alan Merry on behalf of the Crown, Proposal 3 (Strategic Directions), dated 25 November 2014, available for download at: <http://www.chchplan.ihp.govt.nz/hearing/chapter-3-strategic-directions-and-strategic-outcomes/> under the heading "*Evidence*", and Second Statement of Evidence of Alan Merry on behalf of the Crown, Proposal 14 (Residential), dated 20 March 2015. Available for download at: <http://www.chchplan.ihp.govt.nz/hearing/chapter-14-residential/> under the heading "*Submitter Evidence*".

- 3.6 I have compiled in **Appendix B** to this evidence a table of the Crown's relevant specific submission points for Proposal 8 which:
- (a) identifies the points which I support in the Revised Proposal; and
  - (b) identifies recommended alternatives where I consider that amendments are required to the Revised Proposal.
- 3.7 I attended a meeting, along with my colleague Ms McIntyre, with Mr Long, the Council's chapter lead for Proposal 8, on Thursday 10 September 2015 to discuss amendments the Council proposed to make to Proposal 8 in response to the Crown's submission.
- 3.8 I also attended facilitated mediation, specific to parties calling planning experts, on Proposal 8 on Tuesday 22 September 2015, and further facilitated mediation on Thursday 8 October 2015.

#### **4. EXECUTIVE SUMMARY**

- 4.1 The changes that have been made in the Revised Proposal are such that the Crown is satisfied that the Revised Proposal is now consistent with the statutory and regulatory framework. The points the Crown had raised in its submission on Proposal 8 have, for the reasons I now summarise and with just a couple of proposed adjustments, been satisfied. Having worked with Mr Long for the purpose of endeavouring to achieve agreement on the Crown's submission points, I regard the outcomes that I go on to summarise as being appropriate, and I support them accordingly.

##### **Subdivision**

- 4.2 The Crown's submission points on the Residential New Neighbourhood ("RNN") Zone will be addressed when those provisions are considered in a separate hearing.
- 4.3 The concerns the Crown had raised about structure and clarity in Proposal 8 have been addressed, including through the deletion in the Revised Proposal of assessment matters relating to land use, rather than to subdivision.
- 4.4 The Crown's one remaining suggestion, for the purposes of clarity, is that C5 in 8.2.2.1 be restructured into two provisions which provide for subdivision in areas that are and are not subject to an Outline Development Plan and that the current activity description in C6 of "identified building area" (which is not

an activity as such) be changed to refer to subdivision which provides for residential activity in certain residential zones.

### **Earthworks**

- 4.5 The Crown's concerns about references in the proposal to the application of a single section in the Erosion and Sediment Control Guidelines as an activity standard have been addressed through a reference, in the form of a note, to the Guidelines as a whole.
- 4.6 Concerns about the five-year period during which earthworks are not to exceed Table 1 volumes have been addressed through reducing the time period to one year.
- 4.7 The Crown's view that the maximum earthworks volumes in Table 1 should be reduced in sensitive areas will be addressed through the Overlays that are to be introduced into the Proposal during Stage 3, so the Crown does not seek changes to Table 1 at this stage.

### **Natural values**

- 4.8 The Crown's wish to include the effects of subdivision on natural values – such as indigenous biodiversity and ecosystems – within matters of discretion for allotment sizes and dimensions has been addressed through the restructured matters for control and discretion in 8.2.4.1 and 8.2.4.2.
- 4.9 The Crown's wish to include the effects of earthworks on natural values such as indigenous biodiversity and ecosystems in the coastal environment within the matters of discretion for earthworks in 8.8.7 has been provided for in a new clause 7 in that provision.
- 4.10 The Rural Banks Peninsula's zone lifestyle allotment options 1 and 2, which had been provided for in Tables 6a and 6b in 8.3.1.1, provided for single allotments that did not comply with minimum site requirements. The allotments were to be created subject to the legal protection of one or more identified natural values. The Crown's submission that any such allotment should be subject to a legal encumbrance that would protect more than one value has now been addressed through the new controlled activity C7 in 8.2.2.1, the new restricted discretionary activity, RD8, in 8.2.2.2 and the new discretionary activity, D6, in 8.2.2.3.

## **Minimum allotment sizes**

- 4.11 The Crown's submissions seeking the deletion or review of minimum allotment sizes in Character Areas in residential zones have been addressed through the rebuttal evidence in the Stage 2 residential hearing. I am advised that the Crown is satisfied that the defined allotment sizes in 14.2.3.1 of Proposal 14 and those in 8.2.3.1, Table 1 in the Revised Proposal address the character values with which it was concerned and so it no longer pursues the submission point.
- 4.12 Controlled activity C4 now includes subdivision for emergency services with no minimum allotment size, which addresses the Crown's concerns on allotment sizes for emergency service facilities. For clarity, I suggest that the relevant standard for C4 be changed from 'Nil' to 'The minimum allotment size requirements shall not apply'.

## **Further submission points**

- 4.13 The Crown supports changes made to ensure that no minimum allotment size should apply in the Specific Purpose (Hospital) Zone, it supports the new clause 6 in 8.8.7 (matters of discretion) to provide for amenity, it supports the exemption that has now been made to the filling and excavation provisions for the maintenance of farm access tracks and it supports the exemption that has been made to enable agencies to carry out their functions and operations.

## **5. THE CROWN'S SUBMISSION ON PROPOSAL 8 (STAGE 2)**

- 5.1 The major themes in the Crown's Stage 2 submission that are relevant to Proposal 8 are set out in Part A<sup>4</sup> and Part B<sup>5</sup> of that submission. The Crown's specific submission on Part B includes matters relating to the RNN zone which will be considered at a separate hearing. In this section of my evidence, I identify the primary points of concern that were raised by the Crown in its submission on Proposal 8. They are concerns that have now been almost fully addressed.

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<sup>4</sup> Pages 9 to 29 of the Crown's submission.

<sup>5</sup> Pages 89 to 110 of the Crown's submission.

## Structure and clarity of Proposal 8

- 5.2 The Crown wanted to make Proposal 8 more useable and clear, and reduce the level of prescriptive regulation<sup>6</sup>. For example, the Crown sought the deletion of assessment matters relating to land use rather than subdivision<sup>7</sup>.
- 5.3 The Crown sought that section 8.8 be reformatted and re-organised to be easier to read and that cross referencing to different sections of Proposal 8 be accurate<sup>8</sup>.
- 5.4 The Revised Proposal largely addresses the Crown's concerns about the overall structure and clarity of Proposal 8. I comment further on this matter at paragraphs 6.2 to 6.6 of my evidence below.

## Earthworks provisions

- 5.5 The Crown sought to ensure that the objectives and policies recognised the importance of earthworks, relating to both residential and non-residential activities, in supporting recovery and rebuild activities<sup>9</sup>. Earthworks are an essential part of rebuilding for recovery as they enable the construction of buildings, subdivision, land repair and rehabilitation and hazard mitigation works. I consider that the Revised Proposal achieves what was sought by the Crown in this respect.
- 5.6 The Crown's submission sought a number of amendments to the rule framework for earthworks to make the provisions clear and more useable, including amendments to (for example):
- (a) Ensure that the permitted activity standards relating to earthworks were appropriate and enforceable<sup>10</sup>.
  - (b) Delete the five year earthworks volume limitation for non-sensitive zones<sup>11</sup>.
  - (c) Reduce the maximum earthworks volumes listed in 8.8.2 Table 1 within some of the more sensitive overlay areas<sup>12</sup>.

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<sup>6</sup> See for example page 89 (paragraph 15.6(a)(ii)) of the Crown's submission.

<sup>7</sup> See for example page 105 of the Crown's submission.

<sup>8</sup> See for example page 110 of the Crown's submission.

<sup>9</sup> See for example page 89 (paragraph 15.2) of the Crown's submission.

<sup>10</sup> See for example page 89 (paragraphs 15.5 and 15.6(a)(ii)) of the Crown's submission.

<sup>11</sup> See for example page 106 of the Crown's submission.

<sup>12</sup> See for example page 108 of the Crown's submission.

- (d) Delete from the earthworks exemptions those activities which have the potential for significant adverse effects (e.g. construction of fire ponds, stock tracks and vehicle access tracks)<sup>13</sup>.

5.7 I comment further on the amendments sought to the earthworks rule framework in my evidence below in paragraphs 6.7 to 6.30 but suffice to say that the Crown's concerns have been addressed by the Revised Proposal.

5.8 The Crown is not pursuing the submission point noted at (c) above as part of the Stage 2 hearing on Proposal 8. I discuss this matter further below at paragraphs 6.15 to 6.18.

### **Natural values**

5.9 The Crown's submission sought a number of amendments to Proposal 8 to protect and maintain natural values. For example the Crown sought:

- (a) Widening of the scope of Objective 8.7.1 to provide recognition of natural values<sup>14</sup>.
- (b) Provision of policy wording for heritage, biodiversity, ecosystems, landscape and trees<sup>15</sup>.
- (c) Amendments to provisions including the matters of discretion to provide for the consideration of indigenous biodiversity and ecosystems, the coastal environment, water bodies and their margins, as anticipated by the Canterbury Regional Policy Statement, New Zealand Coastal Policy Statement and Resource Management Act 1991 ("**RMA**")<sup>16</sup>.
- (d) Improvements in the clarity and focus of minimum allotment size rules applying to subdivision for lifestyle allotments in the Rural Banks Peninsula zone, and the mechanism in these rules for protection of the identified values<sup>17</sup>.

5.10 Natural values matters have largely been addressed in the Stage 3 Proposals, including in Proposal 8, Proposal 9 and Proposal 19 (Coastal Environment). The Crown is therefore not pursuing submission points on natural values if the point in question is covered in Stage 3 provisions and it will address those points at the relevant Stage 3 hearings.

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<sup>13</sup> See for example page 109 of the Crown's submission.

<sup>14</sup> See for example page 106 of the Crown's submission.

<sup>15</sup> See for example page 106 of the Crown's submission.

<sup>16</sup> See for example pages 14 (paragraph 4.6) and 89 (paragraphs 15.3 and 15.6(a)(i)), and pages 93, 94 and 109 of the Crown's submission.

<sup>17</sup> See for example page 108 of the Crown's submission.

5.11 I discuss natural values matters below at paragraphs 6.31 to 6.48.

### **Minimum allotment size**

5.12 The Crown sought that the minimum allotment sizes for Residential Character Areas within the Residential Suburban, Residential Suburban Density Transition and Residential Medium Density zones be deleted or reviewed to ensure the minimum requirement reflects the prevailing character. Because this submission point has been addressed through the Stage 2 hearing on Proposal 14, the Crown is no longer pursuing this deletion. I explain the Crown's position on this submission point in paragraphs 6.49 to 6.51 of my evidence below.

5.13 The Crown also sought amendments to Proposal 8 to:

- (a) Delete minimum allotment sizes in relation to emergency service facilities<sup>18</sup>.
- (b) Delete allotment size provisions relating to the Future Urban Development Zone, which is no longer proposed<sup>19</sup>.

5.14 I comment further on these matters in my evidence at paragraphs 6.52 to 6.56 below.

### **Further submission points**

5.15 The Crown's further submission addressed the submissions of<sup>20</sup>:

- (a) Canterbury District Health Board (submitter 2360);
- (b) Experience Trust (submitter 2501);
- (c) Cashmere Fields (submitter 2148); and
- (d) Canterbury Regional Council (submitter 2249).

5.16 I comment further on the Crown's position on these submissions in my evidence at paragraphs 6.57 to 6.66 below.

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<sup>18</sup> See for example page 93 of the Crown's submission.

<sup>19</sup> See for example page 93 of the Crown's submission.

<sup>20</sup> See pages 14 to 15 of the Crown's further submission.

## 6. AGREEMENTS REACHED BETWEEN THE COUNCIL AND THE CROWN AND REMAINING POINTS

6.1 In this section of my evidence, I identify and discuss the matters on which agreement has been reached between the Crown and the Council and the few remaining points on which the Crown seeks further revision.

### Structure and clarity of Proposal 8

6.2 The Revised Proposal simplifies the structure of Proposal 8, and reflects the structure of the Stage 1 version of the Proposal. I support the restructuring that has been undertaken which addresses the Crown's concerns about clarity and usability.

6.3 There is just one remaining point as far as structure is concerned. As a result of the restructuring of Proposal 8, and the introduction of controlled activities under 8.2.2.1, upon review I suggest that C5 be restructured into two separate provisions (i.e. subdivision in an area subject to an Outline Development Plan and subdivision in an area not subject to an Outline Development Plan) and that C6 be amended to provide that the relevant "activity" is subdivision in particular zones; not "identified building area" (which is not an activity). Consequential amendments to 8.2.2.2 RD2 and 8.2.2.3 D3 are also required.

6.4 My recommended amendments to 8.2.2.1, 8.2.2.2 and 8.2.2.3 are provided as **Appendix C** to my evidence.

### *Matters for Control relating to Takamatua and Robinsons Bay comprehensive development areas and Samarang Bay and Allendale (8.2.4.1.12)*

6.5 The Crown's submission sought that the matters for control in section 8.5.5 in Proposal 8 (as notified) be deleted because the matters related to land use rather than subdivision and should not have been included as subdivision assessment matters (eg. matters relating to roof pitch, roof colour and wall cladding). They were methods for achieving outcomes and were more in the nature of design guides.

6.6 The Council has deleted these assessment matters in the Revised Proposal (where 'Matters for control 'are set out in 8.2.4.1.12)<sup>21</sup>. I support the deletion.

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<sup>21</sup> Statement of Evidence of Andrew Long dated 5 October 2015, Attachment B - Submission Accept/Reject Table, pg.57, sub point no 2387.258.

## **Earthworks provisions**

### *Rule 8.8.2 P1 Earthworks Activity Standard 7*

- 6.7 The Crown's submission sought that Activity Standard 7 be amended to refer to the full Erosion and Sediment Control Guidelines and not just to section 6.1 of the Guidelines.
- 6.8 The Revised Proposal has deleted Activity Standard 7, and has instead inserted 'Notes' which refer to the Erosion and Sediment Control Guidelines, the Natural Resources Regional Plan and Land and Water Regional Plan and to Council's Water Supply, Wastewater and Stormwater Bylaw<sup>22</sup>.
- 6.9 I support the amendment in the Revised Proposal, as reference to these guidance documents as an advice note rather than as an activity standard provides greater flexibility in undertaking earthworks.

### *Rule 8.8.2 P1 Earthworks Activity Standard 1 – Permitted Time period*

- 6.10 The Crown's submission sought that maximum earthworks volumes applying to the Residential, Commercial/Industrial, Open Space (a) and (b), Specific Purpose, Transport and Coastal zones not be subject to the five year time period prescribed originally in Activity Standard 1 in 8.8.2 P1. But it sought that the maximum earthworks volumes specified in Table 1 continue to apply to those zones. The Crown considered that applying a five year time period to these zones was not appropriate, and that it introduced an unnecessary level of regulatory control that would be difficult for Council to enforce or monitor.
- 6.11 The permitted activity time period for earthworks volumes was discussed at the mediation held on Tuesday 22 September 2015. As a consequence, the Revised Proposal amends the five year time period specified in 8.8.2 P1(1) to one year. This amendment is addressed in Mr Long's evidence<sup>23</sup>. I support his view that the standards at 8.8.2 P1 are sufficient to manage the effects of earthworks without stipulating a time period but that, for the volume thresholds to function, some time period is necessary. I agree that amending the time period would reduce compliance costs and prescriptiveness, without compromising achievement of relevant objectives and policies.

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<sup>22</sup> Statement of Evidence of Andrew Long dated 5 October 2015, para 7.25 and Attachment B - Submission Accept/Reject Table, pg.32, sub point no. 2387.266.

<sup>23</sup> Statement of Evidence of Andrew Long dated 5 October 2015, para 7.25, pg. 16.

6.12 I confirm that the Crown supports the change to the time period from five years to one year in 8.8.2 P1 (1) for the maximum earthworks volumes listed in Table 1.

*Rule 8.8.2 P2 Earthworks for the purpose of land repair Activity Standards 1 and 2*

6.13 The Crown's submission noted that incorrect sections of the Proposal were referenced within these activity standards.

6.14 In response to this submission point, the Council has incorporated the terms of the former requirements of 8.8.6 'Earthworks for the purpose of land repair' into 8.8.2 P2 in the Revised Proposal. I support this amendment.

*Rule 8.8.2 Table 1: Maximum volumes – earthworks*

6.15 The Crown's submission requested that the maximum earthworks volumes in Table 1 within more sensitive areas (for example, the Rural zone both inside and outside of the Coastal Environment Overlay and within the Open Space (Natural) and Open Space (Water and Margins) zones) be reduced in order to ensure adverse effects on natural values from earthworks within these sensitive areas could be managed through the permitted activity rule framework. The Crown's submission also sought clarity on how the earthworks provisions in Proposal 8 are to be integrated with the earthworks provisions in section 6.6 'Water Body Setbacks' of the Replacement Plan.

6.16 The Stage 3 notification of Proposal 8 introduces into Table 1 maximum earthworks volumes in a range of Overlays<sup>24</sup>. As a result of the introduction of Overlays in Stage 3, the Crown is no longer pursuing its Stage 2 submission points seeking to reduce maximum earthworks volumes from 50m<sup>3</sup>/ha to 10m<sup>3</sup>/ha for the Open Space (Natural) and Open Space (Water and Margins) zones or to reduce the maximum earthworks volumes inside or outside the Coastal Environment Overlay to the Rural zone.

6.17 The reasons for this change in position are:

- (a) For the Open Space (Natural) zone (identified at 'c' in 8.8.2 Table 1), the Crown considers that the adverse risk to the environment of having a higher volume is low because the relevant land is owned by the Crown or the Council, and some of these areas are covered by the Stage 3 Overlays which impose more stringent earthworks volumes.

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<sup>24</sup> Stage 3 8.8.2 Table 1 Overlays that have been introduced are: Outstanding Natural Landscapes, Area of Outstanding Natural Character, Areas of Very High Natural Character, or Areas of High Natural Character, Coastal Environment, Sites of Ecological Significance, Outstanding Natural Features, Important Ridgeline.

- (b) For the Open Space (Water and Margins) zone (identified at 'd' in 8.8.2 Table 1), the Crown considers that its submission on Stage 2 Proposal 6 (which seeks that waterbodies not identified on planning maps also be captured by waterbody setback rules), and its submission on Stage 3 Proposal 8 (which seeks a 'nil' volume for water body margins), adequately address the Crown's concerns.
- (c) For the Coastal Environment Overlay, Stage 3 Proposal 8 has introduced a maximum earthworks volume. The Crown's Stage 2 submission point has therefore been superseded by the Stage 3 Proposal 8 notification and the Crown will not pursue this submission point as part of the Stage 2 hearing.

6.18 For completeness, I note my understanding that:

- (a) The Crown's submission sought reduced earthworks volumes within the Coastal Environment Overlay area, but not within the Coastal zone. The Crown considers that a higher earthworks volume can apply within the Coastal zone because development is more appropriate in areas covered by that zone. The Crown is therefore comfortable with the maximum volume proposed for the Coastal zone in Proposal 8.
- (b) The Crown's position on time period for earthworks within sensitive environments, particularly the proposed Overlays, is that there still needs to be a greater level of protection. The Crown considers that the five year time period must continue to apply to the Stage 3 maximum earthworks volumes which will apply to the Overlays. This is a position that I support and which I will pursue on behalf of the Crown in relation to the Stage 3 provisions. It is a matter that will be addressed at the Stage 3 hearing.

*Rule 8.8.3 Restricted Discretionary Activities: Earthworks – RD1 and RD5*

6.19 The Crown's submission identified some incorrect cross referencing in RD1 to other sections of Proposal 8. The Revised Proposal has corrected these cross referencing issues in RD1 and has deleted RD5 as it is no longer required. I support this approach.

*Rule 8.8.3 Restricted Discretionary Activities: Earthworks RD2*

6.20 The Crown's submission sought to clarify in rule 8.8.3 the point that earthworks undertaken to repair land used for residential purposes damaged

by earthquakes which did not comply with the permitted activity standards should be a restricted discretionary activity. The Revised Proposal includes a restricted discretionary activity (under RD2), which addresses the Crown's submission point. I support this approach.

*Rule 8.8.4 Discretionary Activities: Earthworks*

6.21 Proposal 8 included 8.8.4 'Discretionary Activities: Earthworks' as a heading, but contained no text. The Crown sought clarification on whether discretionary activities are proposed under rule 8.8.4. This matter has been subsequently addressed by the Council as part of the Stage 3 notification.

*Rule 8.8.5 Exemptions – Clause 5*

6.22 The Crown's submission sought to amend Clause 5 in 8.8.5 which exempts earthworks associated with the construction or maintenance of hazard mitigation works where undertaken by the Council or the Crown. It sought to remove reference to the 'consent holder' as part of this clause.

6.23 The further submission by the Oil Companies (submitter #2787) opposed the deletion of the reference to 'consent holder' in Clause 5 on the basis of their view that it is not clear why utility operators undertaking such works would be limited to those Crown agencies or the Council, and to ensure there is no conflict or duplication with the natural hazard provisions of Proposal 5.

6.24 I support the Crown's submission to remove reference to 'consent holder' from Clause 5 (which has been taken up in the Revised Proposal), because the consent holder does not need to be exempt as they will already have consent to undertake earthworks associated with the construction or maintenance of hazard mitigation works.

*Rule 8.8.5 Exemptions – Clause 11*

6.25 The Crown's submission sought to delete exemption 11 which relates to the construction of fire ponds, stock tracks and vehicle access tracks in Rural zones. The Crown was concerned that these activities could have significant adverse effects on the environment if not appropriately regulated.

- 6.26 Mr Long<sup>25</sup> notes that these works are managed through Proposal 9 (Natural and Cultural Heritage) and considers that these works are important to facilitate rural activities.
- 6.27 The Revised Proposal has retained this exemption and has included a reference to sections 9.1.2.2.1 – 9.1.2.2.5 of Proposal 9.
- 6.28 I accept Mr Long's assessment and the approach of retaining this exemption with reference to the relevant Proposal 9 provisions. This approach will ensure that these activities can be undertaken in Rural zones, but only where the works do not trigger consenting requirements under Proposal 9; for example, indigenous vegetation clearance within a site of ecological significance would trigger the need for consent.
- 6.29 The Crown also sought that the exemptions under 8.8.5 be reviewed to provide more certainty for mass movement earthworks activities.
- 6.30 I accept Mr Long's assessment<sup>26</sup> that mass movement earthworks activities are dealt with in Proposal 8 already. However, I note that Mr Long's accept/reject table should refer to 8.8.5(5), not 8.5.3(4).

## **Natural values**

### *8.7.1 Objective - Earthworks*

- 6.31 The Crown's submission provided that the scope of this objective as notified was too narrow. It sought that natural values be provided for in this objective.
- 6.32 The Council has rejected this submission point<sup>27</sup>. However, I consider that the Stage 3 notification of Proposal 8 has overtaken this submission point, through the inclusion of a second clause in this objective. The Crown's concerns about the wording of this objective will therefore best be addressed as part of the Stage 3 hearing.

### *Policies 8.7.1.1 Heritage, 8.7.1.2 Biodiversity and Ecosystems, 8.7.1.3 Landscape and 8.7.1.4 Trees*

- 6.33 The Crown's submission identified that heading placeholders but no text had been provided for these policies in Stage 2. The Crown sought that the

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<sup>25</sup> Statement of Evidence of Andrew Long dated 5 October 2015, Attachment B - Submission Accept/Reject Table, pg.36, sub point no. 2387.279.

<sup>26</sup> Statement of Evidence of Andrew Long dated 5 October 2015, Attachment B - Submission Accept/Reject Table, pg.37, sub point no. 2387.281.

<sup>27</sup> Statement of Evidence of Andrew Long dated 5 October 2015, Attachment B - Submission Accept/Reject Table, pg.21, sub point no.2387.260.

wording of these policies be consistent with Proposal 9. This matter has been addressed subsequently by Council as part of the Stage 3 notification of Proposal 8, where policy wording has been provided. This matter will therefore be addressed in Stage 3.

*Matters for discretion (8.2.4.2)*

- 6.34 The Crown's submission requested that additional matters for discretion be included in 8.3.1.5 'Matters for discretion – allotment size and dimension' in order to address the effects of subdivision on natural values, for example indigenous biodiversity and ecosystems.
- 6.35 The restructuring of Proposal 8 in the Revised Proposal has resulted in a consolidated list of matters for discretion (8.2.4.2) and matters for control (8.2.4.1) that will apply to any relevant subdivision activities. These matters now include reference to indigenous biodiversity and sites of ecological significance as matters that must be considered, so there is no need for specific 'Matters for discretion' for allotment size.
- 6.36 Ms Deborah Hogan's evidence<sup>28</sup> advises that, in response to the general submission from the Crown, the matters for discretion/control have been simplified and 8.2.4.1(6) (relating to matters for allotment size and dimension - Rural zones) has been revised to improve clarity and focus.
- 6.37 I support the restructuring and amendments of the matters for discretion (8.2.4.2) and matters for control (8.2.4.1) in the Revised Proposal and consider that the Crown's submission point has been addressed accordingly. Matters relating to indigenous biodiversity and ecosystems are important, and are now considered in the assessment of any relevant subdivision activity, rather than relating only to allotment size, as was previously the case in the notified version of Proposal 8.
- 6.38 For completeness, I note that matters of discretion and assessment matters applying to subdivision in relation to Natural and Cultural Heritage that were notified in Stage 1 have been deferred to Stage 3<sup>29</sup>.

*Rule 8.8.7 Matters for discretion – Indigenous biodiversity and ecosystems*

- 6.39 The Crown's submission identified that the matters for discretion in 8.8.7 did not provide for any scope to address the effects of earthworks on natural

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<sup>28</sup> Statement of Evidence of Deborah Hogan dated 5 October 2015, at para 7.44.

<sup>29</sup> Minute of the Hearings Panel dated 5 June 2015 regarding deferral of natural and cultural heritage provisions in relation to the Subdivision Proposal and Definitions Proposal, at paragraph 4(a)(i)(1).

values, for example, indigenous biodiversity and ecosystems and the coastal environment, and sought that reference to these matters be added to the matters for discretion.

- 6.40 The Council in the Revised Proposal has now included indigenous biodiversity, the coast and the landscape as matters for discretion (Clause 7). I support this amendment as consideration will now be given to these matters in the assessment of restricted discretionary activities listed in 8.8.3.
- 6.41 I note however that Mr Long advises in the accept/reject table<sup>30</sup> that the Crown's submission point is rejected because the additions sought are addressed by provisions included in Stage 3. This is inconsistent with the amendment made in the Revised Proposal. In my view, it is appropriate to include this matter for discretion as part of the Stage 2 Proposal because it ensures that effects of earthworks on ecosystems and indigenous biodiversity are considered when assessing relevant restricted discretionary activities.

*Minimum allotment size – Rural zones (8.2.3.1 Activity Standards – Table 6a and 6b)*

- 6.42 The Crown's submission had expressed concerns about the Rural Banks Peninsula zone lifestyle allotment options 1 and 2 as listed in 8.3.1.1 Table 6a and Table 6b of Proposal 8 as notified. The activity standards provided for a single lifestyle allotment that does not comply with the minimum site area requirements to be created subject to legal protection of one or more identified values, being indigenous vegetation or wetland, landscape or features, cultural features and public access to the coast.
- 6.43 The Crown's submission sought amendments to ensure any balance allotment was subject to a legal encumbrance that would protect more than just one of the values identified. The Crown's submission also sought clarity on how Table 6a and Table 6b would apply through the proposed rule framework.
- 6.44 Following facilitated mediation held on Wednesday 21 September (Ms McIntyre for the Crown in attendance), the Council indicated that further amendments would be made to the Revised Proposal to clarify how the rules relating to Table 6a and 6b will be applied. Ms Hogan notes in her evidence

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<sup>30</sup> Statement of Evidence of Andrew Long dated 5 October 2015, Attachment B - Submission Accept/Reject Table, pg.40, sub point no. 2387.282.

on behalf of the Council<sup>31</sup> that the Council has reached agreement with the Crown in relation to the provisions for the 1ha residential allotment combinations for Rural Banks Peninsula.

- 6.45 The Revised Proposal has incorporated the amendments discussed between the Council and the Crown at the facilitated mediation. The Rural Banks Peninsula – lifestyle allotment 1 zone in Table 6a and the Rural Banks Peninsula – lifestyle allotment 2 zone in Table 6b have been deleted. Instead, a new controlled activity (C7) is provided in 8.2.2.1<sup>32</sup>, a new restricted discretionary activity (RD8) is provided in 8.2.2.2<sup>33</sup> and a new Discretionary Activity (D6) is provided in 8.2.2.3<sup>34</sup>.
- 6.46 Ms Hogan sets out the notified subdivision and residential density provisions based around minimum allotment sizes in her evidence<sup>35</sup>. She explains that the intent of the 1ha residential allotment plus balance approach in Proposal 8 as notified is to provide landowners with the ability to subdivide off a small allotment for residential lifestyle purposes without the need to subdivide the larger minimum. The balance area is required to be subject to a consent notice ensuring protection of significant values such as sites or features scheduled in Proposal 9 and significant areas of indigenous biodiversity and to prevent further dwellings.
- 6.47 Ms Hogan supports strengthening the provisions requiring protection through a consent notice, by linking these provisions to Proposal 9 and clearly stating the requirement for protection as a standard in the activity status table<sup>36</sup>.
- 6.48 As a result of the amendments in the Revised Proposal, I consider that the rule framework for Rural Banks Peninsula residential allotment creation has been made clearer. I support the amendments made to relevant standards in C7 as there is now clear linkage to Proposal 9 and protection of significant values.

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<sup>31</sup> Statement of Evidence of Deborah Hogan dated 5 October 2015, at paras 6.1(a) and 7.31.

<sup>32</sup> 8.2.2.1 C7 provides as a controlled activity 'In the Rural Banks Peninsula zone, subdivision creating a residential allotment with a minimum area of 1ha and a balance allotment that when combined comply with the applicable minimum specified in Table 6.'

<sup>33</sup> 8.2.2.2 RD8 provides as a restricted discretionary activity 'In the Rural Banks Peninsula Zone, subdivision of any site creating more than one 1ha residential allotment in accordance with Rule 8.2.2.1 C7'.

<sup>34</sup> 8.2.2.3 D6 provides as a discretionary activity 'Subdivision of any site in the Rural Banks Peninsula Zone creating a residential allotment with a minimum area of 1ha, that when combined with the balance allotment area makes up a minimum of 4ha where: 1. Only one residential allotment can be created per complete multiple of 4ha. 2. A portion of the balance allotment must be made subject to a consent notice (subject to a, b and c), 3. The balance allotment must be contiguous with the 1ha to which it relates.'

<sup>35</sup> Statement of Evidence of Deborah Hogan dated 5 October 2015, at paras 4.5 to 4.7.

<sup>36</sup> Statement of Evidence of Deborah Hogan dated 5 October 2015, at paras 7.32 and 7.33.

## Minimum allotment sizes

### *Minimum allotment sizes – Residential zones (8.2.3.1 Activity Standards – Table 1 – Character Areas)*

- 6.49 The Crown's submission sought to ensure that minimum allotment sizes for the Character Areas were appropriate and necessary to ensure that the distinctive form and qualities of Character Areas were maintained. The Crown requested that the minimum allotment sizes for the Character Areas<sup>37</sup> within the Residential Suburban, Residential Suburban Density Transition and Residential Medium Density zones in 8.2.3.1 Table 1 be either deleted or reviewed to ensure the minimum allotment sizes reflected the prevailing character.
- 6.50 This submission point has now been addressed through the Stage 2 Residential Hearing. The Council presented rebuttal evidence for the Residential Hearing<sup>38</sup>, which provided additional information reviewing the site sizes of Category 1 Character Areas. This review concluded that 70% of sites within Character Areas met the site size rules as proposed and that the defined allotment sizes in Proposal 14 – 14.2.3.1 and Proposal 8 - 8.3.1.1 Table 1 (now 8.2.3.1) Table 1 should be retained as notified, in order to protect this character. For example, a Character Area in the Residential Suburban zone has a minimum net site area is 600m<sup>2</sup><sup>39</sup>, compared to a minimum net site area of 450m<sup>2</sup> where no Character Area applies. The Crown accepts the conclusions in this rebuttal evidence and I can confirm that the Crown is no longer pursuing deletion of the minimum allotment sizes for the Residential Character Areas.
- 6.51 As the Hearings Panel's decision on Proposal 14 (Stage 2) has not yet been released, the Crown requests that the minimum allotment sizes for Character Areas in Residential zones, as listed in 8.2.3.1 Table 1, be consistent with the Panel's decision on Proposal 14 (Stage 2).

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<sup>37</sup> A Character Areas is a residential area identified by a Character Area overlay on the Planning Maps that has been identified as containing built and natural environment elements and features that combined contribute to a distinctive residential character. The Statement of Evidence of Josephine Schröder on behalf of Council, Proposal 14 (Residential), dated 18 August 2015, at Section 5, explains character values and character elements. Available for download at: <http://www.chchplan.ihp.govt.nz/hearing/chapter-14-residential-part-stage-2/> under the heading "Christchurch City Council Evidence".

<sup>38</sup> Rebuttal evidence of Josephine Schröder, Proposal 14 (Residential), dated 2 September 2015, paragraphs 6.1 to 6.3, and Attachments B and C, available for download at: <http://www.chchplan.ihp.govt.nz/hearing/chapter-14-residential-part-stage-2/> under the "Rebuttal Evidence" heading.

<sup>39</sup> 8.2.3.1 Table 1 – Residential Suburban zone, additional standard 4.

*Exemption of Emergency service facilities from minimum allotment size requirements in rural zones*

- 6.52 The Crown's submission sought that emergency service facilities be exempt from the minimum allotment size requirements of 8.3.1.1 (now 8.2.3.1) Table 6a – Rural zones, as the Crown considered that the minimum allotment size requirements in Rural zones did not consider activities such as emergency service facilities and would result in land parcels that are greater than is necessary for such facilities.
- 6.53 Mr Merry discussed fire station design requirements in his evidence for the Stage 1 Strategic Directions hearing and the Stage 1 Residential hearing<sup>40</sup> and outlined in section 6 of both sets of evidence the fact that the New Zealand Fire Service Commission designs fire stations to a national set of guidelines, in order to meet key operational requirements. As outlined in Mr Merry's evidence, fire stations need to be situated in areas which enable the New Zealand Fire Service to respond to emergencies across the Christchurch District in order to meet or exceed the response time guidelines<sup>41</sup> and to also locate resources in order to respond to future needs of the public, future transport, infrastructure and demographic changes.
- 6.54 I support the Crown's submission point because, in my opinion, applying minimum lot size requirements to emergency service facilities, particularly where they need to be located in Rural zones, is contrary to Objective 3.3.13 (Emergency services and public safety) of the Strategic Directions decision which supports the provision of comprehensive emergency services throughout the city. I do not consider that it is appropriate to require a 4ha minimum lot size for an emergency service facility site in a rural area.
- 6.55 Controlled Activity C4 in the Revised Proposal now includes subdivision for emergency services as a controlled activity. I support this amendment as it is now clear in the Revised Proposal that subdivision to create allotments for emergency services is controlled in any zone, with no requirement to comply with a minimum allotment size. However in order to provide clarity to the application of this rule I propose that the relevant standard for C4 be changed from 'Nil' to 'The minimum allotment size requirements shall not apply'.

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<sup>40</sup> Statement of Evidence of Alan Merry on behalf of the Crown, Proposal 3 (Strategic Directions), dated 25 November 2014, available for download at: <http://www.chchplan.ihp.govt.nz/hearing/chapter-3-strategic-directions-and-strategic-outcomes/> under the heading "Evidence", and Second Statement of Evidence of Alan Merry on behalf of the Crown, Proposal 14 (Residential), dated 20 March 2015. Available for download at: <http://www.chchplan.ihp.govt.nz/hearing/chapter-14-residential/> under the heading "Submitter Evidence".

<sup>41</sup> Statement of Evidence of Alan Merry on behalf of the Crown, Proposal 3 (Strategic Directions), dated 25 November 2014, available for download at: <http://www.chchplan.ihp.govt.nz/hearing/chapter-3-strategic-directions-and-strategic-outcomes/> under the heading "Evidence", para 5.8, pg 6 to 7.

*Future Urban Development Zone Allotment size and dimensions (8.2.2.3 D4)*

6.56 The Crown's submission identified that a Future Urban Development zone is no longer proposed, and therefore the provisions in the notified 8.2.2.3 D4 are irrelevant. Mr Long acknowledges that the provisions relating to this zone were included inadvertently<sup>42</sup>. He has deleted 8.2.2.3 D4 in the Revised Proposal and deleted Matters for control 8.2.4.1.13 Future Urban Development Zone. I support these deletions.

**Further submission points**

*Canterbury District Health Board (2360)- 8.2.3.1 Table 4 Minimum allotment size - Specific Purpose zone*

6.57 The Crown supports the submission of the Canterbury District Health Board<sup>43</sup> which seeks that no minimum allotment size should apply to the Specific Purpose (Hospital) zone and that the minimum standard 1 (which specifies that no minimum net site area applies) should refer to hospitals and not health care facilities. The Council in the Revised Proposal has deleted reference to health care facilities in the minimum standard and has added a reference to hospitals. I support this revision, because it is appropriate that essential services, such as hospitals, not be subject to minimum net site area requirements.

*Experience Trust (2501) - Policy 8.7.1.8 Amenity and 8.8.7 Matters for discretion*

6.58 The Crown opposed the submission of the Experience Trust (#2501.9)<sup>44</sup> to add a new Policy 8.7.1.8 'Amenity' and a new Clause 6 'Visual Amenity' to the 8.8.7 'Matters for discretion', because the Crown considered it questionable as to whether it was appropriate to control amenity in general and visual amenity under earthworks provisions, and the amendment would potentially add additional and unnecessary complexity.

6.59 During facilitated mediation on 22 September 2015, the intent of Experience Trust's submission point was discussed with a view to including a policy addressing amenity along with a matter for discretion relating to visual amenity, particularly in relation to altering ground levels and the effect that this may have on visual amenity, views, outlook, overlooking and privacy. It

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<sup>42</sup> Statement of Evidence of Andrew Long dated 5 October 2015, Attachment B - Submission Accept/Reject Table, pg.6, sub point no.2387.235.

<sup>43</sup> Crown's further submission, page 14.

<sup>44</sup> Crown's further submission, pages 14-15.

was agreed that the Council would review the wording of Policy 8.7.1.8 'Amenity' and also review the wording of 8.8.7 Clause 6 'Visual Amenity'<sup>45</sup>.

6.60 The Revised Proposal has included a new Policy addressing amenity (Policy 8.7.1.8) and included under 8.8.7 'Matters for discretion' a new Clause 6 addressing amenity.

6.61 Mr Long notes in his evidence<sup>46</sup> that the Council generally supports the inclusion of the additional matters of discretion for visual amenity as they will better enable Council to address effects on adjoining landowners.

6.62 I have reviewed the proposed wording of the Policy 8.7.1.8 and the additional matter 8.8.7 (6) in the Revised Proposal and I support the proposed amendments.

#### *Cashmere Fields (2148) - 8.8.5 Exemptions*

6.63 The Crown supported the submission of Cashmere Fields<sup>47</sup> to exempt filling or excavation for the maintenance of farm access tracks, within certain parameters relating to finished ground levels and total volume, and composting or silage making. The Council has incorporated the amendments requested in the Revised Proposal (at 8.8.5 13. and 14.). I support those amendments.

#### *Canterbury Regional Council (2249) – 8.8.5 Exemptions*

6.64 The Crown supported the submission of the Canterbury Regional Council<sup>48</sup> to include an exemption from the earthworks provisions to enable agencies to carry out their functions and operations.

6.65 The Revised Proposal has amended Clause 5 relating to earthworks associated with the maintenance, upgrade or construction of hazard mitigation and protection works where undertaken by the Council, the Crown and now also the Canterbury Regional Council. Reference to the 'consent holder' has been deleted.

6.66 A new Clause 12 has also been added which exempts earthworks undertaken by the Council and the Canterbury Regional Council to maintain or upgrade their own parks and reserves. I support these amendments to 8.8.5 in the Revised Proposal.

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<sup>45</sup> Mediation Report - 21 and 22 September 2015, pg. 4, Session 10.

<sup>46</sup> Statement of Evidence of Andrew Long, dated 5 October 2015, pg.6, para 6.6.

<sup>47</sup> Crown's further submission, page 15.

<sup>48</sup> Crown's further submission, page 15.

## **7. OTHER MATTERS**

- 7.1 Mr Long notes in his evidence<sup>49</sup> that the Crown supports Memorial Avenue Investment Limited's ("**MAIL**") submission seeking that two additional assessment matters be included at new clause 8.5.6 (Crown FS2810.254). This statement is incorrect. The Crown has not lodged a further submission supporting MAIL's submission point #2378.74.
- 7.2 The submission of Cashmere Stream Care Group (#2156.8) seeks that 8.8.2 P1 Activity Standard 7 be amended, as the Group did not consider erosion and sediment control guidelines to be sufficient, particularly on hill slopes. The Crown made no further submission on this submission point. However, the Crown's submission on 8.8.2 P1 Activity Standard 7 requested replacing Activity Standard 7 with amended wording to reference to the full Erosion and Sediment Control Guidelines, and not just section 6.1 of the Guidelines. As discussed at paragraphs 6.7 – 6.9 of my evidence, I support the approach in the Revised Proposal.

## **8. CONSISTENCY WITH THE STATUTORY FRAMEWORK**

- 8.1 The Crown's submission on Proposal 8 is largely concerned with increasing clarity of direction and improving the policy focus (particularly within the Earthworks section of Proposal 8).
- 8.2 I consider that the amendments proposed to the notified version of Proposal 8 through the Revised Proposal and the Council's evidence, and with the further amendments proposed in Appendix C of my evidence and at paragraph 6.55, will improve compliance with Objective 3.3.2 (b) and (c) in the Strategic Directions decision and clauses (b) and (i) of the Statement of Expectations.
- 8.3 Ms McIntyre's evidence on the Stage 1 notification of Proposal 8, in section 11, addresses consistency with the statutory framework (being the Strategic Directions decision, Statement of Expectations, Land Use Recovery Plan, Te Mahere Whakahaumanu Tāone and the RMA). I support the analysis and the conclusions in this evidence on the consistency of the Revised Proposal with the statutory framework.<sup>50</sup>

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<sup>49</sup> Statement of Evidence of Andrew Long, dated 5 October 2015, pg.14, para 7.18.

<sup>50</sup> Second Statement of Evidence of Sandra McIntyre, dated 8 June 2015. Available for download at: <http://www.chchplan.ihp.govt.nz/hearing/chapter-8-subdivision-development-and-earthworks/> under the heading "Submitter Evidence". Refer section 11, pgs. 20 to 21.

## 9. CONCLUSION

- 9.1 The Revised Proposal has addressed the Crown's concerns raised in its submission and further submission. Subject to the adjustments I propose in Appendix C and at paragraph 6.55 of my evidence, no matters remain in contention between the Council and the Crown.
- 9.2 For the reasons given in my evidence I support the amendments contained in the Revised Proposal. In my opinion the revised provisions better meet the purpose of the RMA compared to Proposal 8 as notified.



Helen Margaret Anderson

14 October 2015

## APPENDIX A – DOCUMENTS RELIED ON OR REFERRED TO

- (a) The Canterbury Regional Policy Statement;
- (b) Recovery Strategy for Greater Christchurch, Mahere Haumanutanga o Waitaha;
- (c) The Land Use Recovery Plan, Te Mahere Whakahaumanu Tāone;
- (d) The Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014, specifically the Statement of Expectations;
- (e) The decision of the Hearings Panel on Strategic Directions and Strategic Outcomes (and Relevant Definitions) dated 26 February 2015;
- (f) The Council's revised version of Proposal 8 dated 17 September 2015;
- (g) The Council's revised version of Proposal 8 dated 5 October 2015 as included in the evidence of Mr Andrew Long at Attachment A;
- (h) The Council's section 32 report as notified on 2 May 2015;
- (i) The Crown's submission dated 15 June 2015, particularly as it relates to Proposal 8;<sup>51</sup>
- (j) The Crown's further submission on Proposal 8 dated 13 July 2015;<sup>52</sup>  
and
- (k) The Mahaanui Iwi Management Plan 2013.

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<sup>51</sup> Crown's submission, pages 89 to 110.

<sup>52</sup> Crown's further submission, pages 14 to 15.

## APPENDIX B – CROWN'S SUBMISSION POINTS TABLE

The following table follows the order of relevant specific submission points in the parts of the Crown's submission and further submission relating to Proposal 8. They identify points where I support the Revised Proposal and points where I recommend amendments.

### Proposal 8: Subdivision, Development and Earthworks (part) – Revised Proposal dated 5 October 2015

Replacement Plan Provisions	Recommendation	Evidence paragraph reference																
<b>Subdivision and Development</b>																		
8.2.2.1 Controlled Activities	<p>In order to improve clarity of the Controlled Activity rule framework under 8.2.2.1 I suggest that the following amendments be made (also set out at Appendix C of my evidence):</p> <p>Insert a new Controlled Activity:</p> <table border="1" data-bbox="712 858 1733 1134"> <thead> <tr> <th></th> <th>Activity</th> <th>Relevant standards</th> <th>Matters for control</th> </tr> </thead> <tbody> <tr> <td>CX (this was part of C5)</td> <td>Subdivision in any <u>zone unless otherwise specified in 8.2.2.1 – 8.2.2.5</u></td> <td><u>Activity standards 8.2.3.1 (1) - (9) and (12)</u></td> <td><u>8.2.4.1 (4) and, where relevant, 8.2.4.1(5) - (12)</u></td> </tr> </tbody> </table> <p>Amend C5 and C6 as follows:</p> <table border="1" data-bbox="712 1251 1733 1453"> <thead> <tr> <th></th> <th>Activity</th> <th>Relevant Standards</th> <th>Matters for Control</th> </tr> </thead> <tbody> <tr> <td>C5</td> <td>Subdivision in an <del>zone unless otherwise specified</del> <u>area subject to an</u></td> <td>(a) Activity standards 8.2.3.1 (1) - (9) and (12). <del>Where there is a relevant</del></td> <td>8.2.4.1 (4) and, where relevant, 8.2.4.1(5) - (12).</td> </tr> </tbody> </table>		Activity	Relevant standards	Matters for control	CX (this was part of C5)	Subdivision in any <u>zone unless otherwise specified in 8.2.2.1 – 8.2.2.5</u>	<u>Activity standards 8.2.3.1 (1) - (9) and (12)</u>	<u>8.2.4.1 (4) and, where relevant, 8.2.4.1(5) - (12)</u>		Activity	Relevant Standards	Matters for Control	C5	Subdivision in an <del>zone unless otherwise specified</del> <u>area subject to an</u>	(a) Activity standards 8.2.3.1 (1) - (9) and (12). <del>Where there is a relevant</del>	8.2.4.1 (4) and, where relevant, 8.2.4.1(5) - (12).	6.2 - 6.4
	Activity	Relevant standards	Matters for control															
CX (this was part of C5)	Subdivision in any <u>zone unless otherwise specified in 8.2.2.1 – 8.2.2.5</u>	<u>Activity standards 8.2.3.1 (1) - (9) and (12)</u>	<u>8.2.4.1 (4) and, where relevant, 8.2.4.1(5) - (12)</u>															
	Activity	Relevant Standards	Matters for Control															
C5	Subdivision in an <del>zone unless otherwise specified</del> <u>area subject to an</u>	(a) Activity standards 8.2.3.1 (1) - (9) and (12). <del>Where there is a relevant</del>	8.2.4.1 (4) and, where relevant, 8.2.4.1(5) - (12).															

Replacement Plan Provisions	Recommendation				Evidence paragraph reference
		<p><u>Outline Development Plan</u>, including where the subdivision is not in accordance with one or more of the flexible elements shown on the relevant Outline Development Plan.</p>	<p><del>Outline Development Plan</del>            (b) All fixed elements <del>shown on that plan</del> identified in the <u>Outline Development Plan</u> must be provided as described within that Plan.            (c) All flexible elements <del>shown in that plan</del> identified in the <u>Outline Development Plan</u> must be provided for.            (d) In the Industrial General Southwest Hornby Zone, Activity standard 8.2.3.1(10) also applies.            (e) In the Industrial General Wilmers Road zone, disposal of wastewater shall be via the Christchurch City Council reticulated sanitary sewage disposal system.</p>		
	C6	<p>Identified building area</p> <p><u>Subdivision providing for residential activity in the following zones:</u>            a. <u>Residential Hills;</u>            b. <u>Residential Large</u></p>	<p><del>1. Any subdivision in the following zones must clearly identify</del></p> <p>1. An identified building area <u>must be shown</u> on <del>every site on a</del> <u>the</u> scheme plan of subdivision on <u>every site</u></p>	8.2.4.1 (4) and, where relevant, 8.2.4.1(5), (6) and (8) - (12)	

Replacement Plan Provisions	Recommendation		Evidence paragraph reference
		<p><u>Lot:</u>  <u>c. Residential Small Settlement; and</u>  <u>d. all Rural Zones other than Rural Quarry</u></p> <p>on which a residential unit is anticipated.</p> <p>2. Where the site contains an existing residential unit at the time the subdivision application is made, the identified building area must include the existing residential unit, or indicate that the residential unit will be removed from the site altogether or relocated to an identified building area for that site.</p> <p>3. The identified building area must:  (a) include a single area of land of not less than 100m<sup>2</sup> and no greater than 2000m<sup>2</sup> which is capable of containing a residential unit;  (b) include curtilage area contiguous to the area identified in (a) of not less than 200m<sup>2</sup> and no greater than 4000m<sup>2</sup>; and  (c) be able to be linked by adequate and appropriate vehicle access to a formed public road.</p> <p><u>4. Activity standards</u></p>	

Replacement Plan Provisions	Recommendation	Evidence paragraph reference																
	<table border="1" data-bbox="712 300 1733 336"> <tr> <td data-bbox="712 300 808 336"></td> <td data-bbox="808 300 1115 336"></td> <td data-bbox="1115 300 1489 336">8.2.3.1 (1) - (9) and (12).</td> <td data-bbox="1489 300 1733 336"></td> </tr> </table> <p data-bbox="712 379 1115 411">Amend 8.2.2.1 RD2 as follows:</p> <table border="1" data-bbox="712 456 1733 831"> <thead> <tr> <th data-bbox="712 456 808 523"></th> <th data-bbox="808 456 1115 523">Activity</th> <th data-bbox="1115 456 1489 523">Relevant standards</th> <th data-bbox="1489 456 1733 523">Matters for control</th> </tr> </thead> <tbody> <tr> <td data-bbox="712 523 808 831">RD2</td> <td data-bbox="808 523 1115 831">Subdivision in any zone not complying with C5 or CX (except as specified at 8.2.2.3 or 8.2.2.4 or 8.2.2.2 RD8</td> <td data-bbox="1115 523 1489 831">NA</td> <td data-bbox="1489 523 1733 831">The matters for control at 8.2.4.1(4) and, where relevant (8.2.4.1 (5) – (12); and the matters for discretion at 8.2.4.2 etc...</td> </tr> </tbody> </table> <p data-bbox="712 874 1205 906">Amend 8.2.2.3 Discretionary Activities</p> <table border="1" data-bbox="712 951 1733 1121"> <thead> <tr> <th data-bbox="712 951 808 986"></th> <th data-bbox="808 951 1733 986">Activity</th> </tr> </thead> <tbody> <tr> <td data-bbox="712 986 808 1121">D3</td> <td data-bbox="808 986 1733 1121">Any subdivision in a Rural zone resulting in allotments that do not comply with the minimum net site area <u>standards required in 8.2.2.1</u> <del>and other requirements specified at Table 6</del> unless otherwise specified.</td> </tr> </tbody> </table>			8.2.3.1 (1) - (9) and (12).			Activity	Relevant standards	Matters for control	RD2	Subdivision in any zone not complying with C5 or CX (except as specified at 8.2.2.3 or 8.2.2.4 or 8.2.2.2 RD8	NA	The matters for control at 8.2.4.1(4) and, where relevant (8.2.4.1 (5) – (12); and the matters for discretion at 8.2.4.2 etc...		Activity	D3	Any subdivision in a Rural zone resulting in allotments that do not comply with the minimum net site area <u>standards required in 8.2.2.1</u> <del>and other requirements specified at Table 6</del> unless otherwise specified.	
		8.2.3.1 (1) - (9) and (12).																
	Activity	Relevant standards	Matters for control															
RD2	Subdivision in any zone not complying with C5 or CX (except as specified at 8.2.2.3 or 8.2.2.4 or 8.2.2.2 RD8	NA	The matters for control at 8.2.4.1(4) and, where relevant (8.2.4.1 (5) – (12); and the matters for discretion at 8.2.4.2 etc...															
	Activity																	
D3	Any subdivision in a Rural zone resulting in allotments that do not comply with the minimum net site area <u>standards required in 8.2.2.1</u> <del>and other requirements specified at Table 6</del> unless otherwise specified.																	
<p data-bbox="136 1222 488 1254">8.2.3.1 Activity Standards</p> <p data-bbox="136 1297 622 1369">Table 1 – Minimum allotment sizes– Residential zones</p>	<p data-bbox="696 1222 1727 1369">Accept Revised Proposal version. The Crown is no longer pursuing the deletion of minimum allotment sizes for the Residential Character Areas within the Residential Suburban, Residential Suburban Density Transition, and Residential Medium Density zones in Table 1.</p>	<p data-bbox="1749 1222 1921 1254">6.49 – 6.51</p>																

Replacement Plan Provisions	Recommendation	Evidence paragraph reference
<p>8.2.3.1 Activity Standards</p> <p>Table 6a and 6b – Minimum allotment size – Rural zones</p>	<p>Accept Revised Proposal version.</p>	<p>6.42 - 6.48</p>
<p>8.2.2.1 Controlled Activities C4 Subdivision to create allotments for access, utilities, emergency services, roads and reserves</p>	<p>The inclusion of emergency facilities in to 8.2.2.1 C4 address the Crown's submission regarding the exemption of emergency facilities to the Rural zone minimum allotment size requirements in Table 6a. For clarity, I suggest that the relevant standard for C4 be changed from 'Nil' to 'The minimum allotment size requirements shall not apply'.</p>	<p>6.52 – 6.55</p>
<p>8.2.2.3 Discretionary Activities D4</p>	<p>Accept Revised Proposal version.</p>	<p>6.56</p>
<p>8.2.4.2 Matters for Discretion</p>	<p>Accept Revised Proposal version. Restructuring of Proposal 8 has addressed the Crown's submission point regarding inclusion of ecosystems and indigenous biodiversity as a Matter for Discretion. The Matters for Discretion and Assessment Matters – Natural and Cultural Heritage have been deferred to Stage 3 and will be dealt with in evidence at that hearing.</p>	<p>6.34 – 6.38</p>
<p>8.2.4.4.1.12 Matters for Control – Takamatua and Robinsons Bay comprehensive development areas and Samarang Bay and Allendale</p>	<p>Accept Revised Proposal version. The revised proposal has deleted Matters for Control applying to Takamatua and Robinsons Bay comprehensive development areas and Samarang Bay and Allendale.</p>	<p>6.5 – 6.6</p>
<p>8.7.1 Objective – Earthworks</p>	<p>Accept Revised Proposal version. The Stage 3 notification of Proposal 8 has overtaken this submission point, through the inclusion of a 2nd clause to this objective. The wording of this objective will therefore be addressed through the Proposal 8 Stage 3 process.</p>	<p>6.31 – 6.32</p>

Replacement Plan Provisions	Recommendation	Evidence paragraph reference
Policies 8.7.1.1 Heritage, 8.7.1.2 Biodiversity and Ecosystems, 8.7.1.3 Landscape and 8.7.1.4 Trees	Accept Revised Proposal version. This has been subsequently addressed by Council as part of the Stage 3 notification, where policy wording has been provided. This will therefore be addressed in Stage 3 in the context of Proposal 9.	6.33
8.8.2 P1 Earthworks Activity Standard 1	Accept Revised Proposal version. Change in permitted time period in Activity Standard 1 from five years to one year.	6.10 – 6.12
8.8.2 P1 Earthworks Activity Standard 7	Accept Revised Proposal version.	6.7 – 6.9
8.8.2 P2 Earthworks for the Purpose of Land Repair Activity Standards 1 and 2	Accept Revised Proposal version.	6.3 – 6.14
8.8.2 Table 1: Maximum Volumes – earthworks	<p>Accept Revised Proposal version. As a result of the introduction of Overlays in Stage 3, the Crown is no longer pursuing these Stage 2 submission points to reduce maximum earthworks volumes from 50m<sup>3</sup>/ha to 10m<sup>3</sup>/ha for the Open Space c. - Open Space (Natural) and Open Space (Water and Margins) zones or to reduce the maximum earthworks volumes inside or outside the Coastal Environment Overlay to the Rural zone.</p> <p>Stage 3 also introduces an earthworks volume for the Coastal Environment Overlay. The submission point with respect to the Rural zone has been addressed through the Stage 3 Proposal 8 notification and therefore the Crown will not pursue this in Stage 2.</p>	6.15 – 6.18
8.8.3 Restricted Discretionary Activities: Earthworks RD2	Accept Revised Proposal version.	6.20

<b>Replacement Plan Provisions</b>	<b>Recommendation</b>	<b>Evidence paragraph reference</b>
8.8.3 Restricted Discretionary Activities: Earthworks – RD1 and RD5	Accept Revised Proposal version.	6.19
8.8.4 Discretionary Activities: Earthworks	Accept Revised Proposal version. The Crown's concerns have been addressed by Council as part of the Stage 3 notification.	6.21
8.8.5 Exemptions – Clause 5	Accept Revised Proposal version.	6.22 – 6.24
8.8.5 Exemptions Clause 11	Accept Revised Proposal version.	6.25 – 6.30
8.8.7 Matters for discretion - – Indigenous biodiversity and ecosystems	Accept Revised Proposal version. New Clause 7 has been inserted, which addresses matters relevant to indigenous biodiversity, the coast and the landscape.	6.39 – 6.41

<b>Replacement Plan Provisions</b>	<b>Recommendation</b>	<b>Evidence paragraph reference</b>
<b>Further Submissions</b>		
Canterbury District Health Board (2360) - 8.2.3.1 Table 4 Minimum allotment size - Specific Purpose zone	Accept Revised Proposal version.	6.57
Experience Trust (2501) - Policy 8.7.1.8 Amenity and 8.8.7 Matters for discretion	Accept Revised Proposal version.	6.58 – 6.62

Replacement Plan Provisions	Recommendation	Evidence paragraph reference
Cashmere Fields (2148) - 8.8.5 Exemptions	Accept Revised Proposal version.	6.63
Canterbury Regional Council (2249) – 8.8.5 Exemptions	Accept Revised Proposal version.	6.64 – 6.66

**APPENDIX C – PROPOSED WORDING FOR 8.2.2.1 C5 AND C6, 8.2.2.1 RD2 AND 8.2.2.3  
DISCRETIONARY ACTIVITIES**

Insert a new Controlled Activity:

	<b>Activity</b>	<b>Relevant standards</b>	<b>Matters for control</b>
CX (this was part of C5)	<u>Subdivision in any zone unless otherwise specified in 8.2.2.1 – 8.2.2.5</u>	<u>Activity standards 8.2.3.1 (1) - (9) and (12).</u>	<u>8.2.4.1 (4) and, where relevant, 8.2.4.1(5) - (12)</u>

Amend C5 and C6 as follows:

	<b>Activity</b>	<b>Relevant Standards</b>	<b>Matters for Control</b>
C5	Subdivision in an <del>zone unless otherwise specified</del> <u>area subject to an Outline Development Plan</u> , including where the subdivision is not in accordance with one or more of the flexible elements shown on the relevant Outline Development Plan.	(a) Activity standards 8.2.3.1 (1) - (9) and (12).  <del>Where there is a relevant Outline Development Plan</del> (b) All fixed elements <del>shown on that plan identified in the Outline Development Plan</del> must be provided as described within that Plan. (c) All flexible elements <del>shown in that plan identified in the Outline Development Plan</del> must be provided for. (d) In the Industrial General Southwest Hornby Zone, Activity standard 8.2.3.1(10) also applies. (e) In the Industrial General Wilmers Road zone, disposal of wastewater shall be via the Christchurch City Council reticulated sanitary sewage disposal system.	8.2.4.1 (4) and, where relevant, 8.2.4.1(5) - (12).
C6	<del>Identified building area</del>  <u>Subdivision providing for residential activity in the following zones:</u> <u>a. Residential Hills;</u> <u>b. Residential Large Lot;</u> <u>c. Residential Small Settlement; and</u> <u>d. all Rural Zones other than Rural Quarry</u>	<del>1. Any subdivision in the following zones must clearly identify</del>  1. An identified building area <u>must be shown on every site on a the</u> scheme plan of subdivision on <u>every site</u> on which a residential unit is anticipated.  2. Where the site contains an existing residential unit at the time the subdivision application is made, the identified building area must include the existing residential unit, or indicate that the residential unit will be removed from the site altogether or relocated to an identified building area for that site.	8.2.4.1 (4) and, where relevant, 8.2.4.1(5), (6) and (8) - (12)

		<p>3. The identified building area must:</p> <p>(a) include a single area of land of not less than 100m<sup>2</sup> and no greater than 2000m<sup>2</sup> which is capable of containing a residential unit;</p> <p>(b) include curtilage area contiguous to the area identified in (a) of not less than 200m<sup>2</sup> and no greater than 4000m<sup>2</sup>; and</p> <p>(c) be able to be linked by adequate and appropriate vehicle access to a formed public road.</p> <p><u>4. Activity standards 8.2.3.1 (1) - (9) and (12).</u></p>	
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Amend 8.2.2.1 RD2 as follows:

	<b>Activity</b>	<b>Relevant standards</b>	<b>Matters for control</b>
RD2	Subdivision in any zone not complying with C5 <u>or CX</u> (except as specified at 8.2.2.3 or 8.2.2.4 or 8.2.2.2 RD8)	NA	The matters for control at 8.2.4.1(4) and, where relevant (8.2.4.1 (5) – (12); and the matters for discretion at 8.2.4.2 etc...

Amend 8.2.2.3 Discretionary Activities

	<b>Activity</b>
D3	Any subdivision in a Rural zone resulting in allotments that do not comply with the minimum net site area <u>standards required in 8.2.2.1</u> <del>and other requirements specified at Table 6</del> unless otherwise specified.