

**BEFORE THE HEARINGS PANEL
FOR THE PROPOSED WAIMAKARIRI DISTRICT PLAN**

UNDER the Resource Management Act 1991 (RMA)

IN THE MATTER of the Proposed Waimakariri District Plan

AND

IN THE MATTER of Hearing Stream 4: Coastal Environment, Natural Character of Freshwater Bodies, Natural Features and Landscapes, Public Access and Activities on the Surface of Water

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

**HEARING STREAM 4
COASTAL ENVIRONMENT, NATURAL CHARACTER OF FRESHWATER
BODIES, NATURAL FEATURES AND LANDSCAPES, PUBLIC ACCESS,
ACTIVITIES ON THE SURFACE OF WATER**

FOR THE PROPOSED WAIMAKARIRI DISTRICT PLAN

28 June 2023

SUMMARY STATEMENT

- 1 The Canterbury Regional Council (**Regional Council**) submission was generally supportive of the notified Proposed Waimakariri District Plan (**pWDP**) provisions subject to this hearing stream. The Regional Council did, however, seek some amendments to policies in the coastal environment, natural character of freshwater bodies, natural features and landscapes, and activities on the surface of water chapters of the Proposed Waimakariri District Plan.
- 2 I have reviewed the Section 42A (**S42A**) reports prepared by Ms Steven (Tomonga mārea - Public Access and Ngā momo tākaro ki runga i te wai - Activities on the Surface of Water), Ms Milosavljevic (Āhuatanga o te whenua - Natural Features and Landscapes) and Mr Wilson (Te taiao o te takutai moana - Coastal Environment and Āhuatanga o te awa - Natural character of freshwater bodies ('NATC')) for the Waimakariri District Council.
- 3 My evidence focuses on the recommendations that are important in giving effect to the New Zealand Coastal Policy Statement (**NZCPS**) and the Canterbury Regional Policy Statement (**CRPS**). My evidence also addresses amendments to the pWDP sought in the Regional Council submission where the intent of the submission can be clarified in light of the comments and recommendations in the S42A reports.
- 4 I have proposed one amendment to be made to the pWDP (regarding clarification to NATC-R8) and this is included as **Appendix 1** to my evidence.

INTRODUCTION

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

CODE OF CONDUCT

- 8 Whilst I acknowledge that this is not an Environment Court hearing, I confirm that I have read and am familiar with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023. I have complied with the Code of Conduct in preparing this evidence and I agree to comply with it while giving any oral evidence during this hearing. Except where I state that I am relying on the evidence of another person, my evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
- 9 Although I am employed by the Regional Council, I am conscious that in giving evidence in an expert capacity that my overriding duty is to the Hearing Panel.

SCOPE OF EVIDENCE

- 10 I have been asked to provide evidence in relation to the Regional Council's submission points on the coastal environment, natural character of freshwater bodies, natural features and landscapes, public access, and activities on the surface of water chapters of the pWDP. My evidence addresses:
- (a) An overview of the Regional Council's interest in the pWDP and the coastal environment, natural character of freshwater bodies, natural features and landscapes, public access and activities on the surface of water chapters of the pWDP.
 - (b) The relevant statutory framework with a particular focus on the NZCPS and the CRPS.
 - (c) Recommendations in the following Section 42A Reports (insofar as they relate to the Regional Council's submission points):

- (i) Proposed Waimakariri District Plan: Tomonga mārea - Public Access, prepared by Ms Bryony Steven for the Waimakariri District Council dated 15 May 2023;
- (ii) Proposed Waimakariri District Council: Ngā momo tākaro ki runga i te wai – Activities on the Surface of Water, prepared by Ms Bryony Steven for the Waimakariri District Council dated 15 May 2023;
- (iii) Proposed Waimakariri District Council: Āhuratanga o te whenua – Natural Features and Landscapes, prepared by Ms Shelley Milosavljevic for the Waimakariri District Council dated 15 May 2023;
- (iv) Proposed Waimakariri District Council: Te taiao o te takutai moana – Coastal Environment, prepared by Mr Peter Wilson for the Waimakariri District Council dated 14 June 2023; and
- (v) Proposed Waimakariri District Council: Āhuratanga o te awa – Natural Character of Freshwater Bodies ('NATC'), prepared by Mr Peter Wilson for the Waimakariri District Council dated 14 June 2023.

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

- (a) the Section 32 report prepared and notified by Waimakariri District Council (**WDC**);
- (b) the notified provisions of the Coastal Environment, Natural Character of Freshwater Bodies, Natural Features and Landscapes, Public Access and Activities on the Surface of Water chapters of the pWDP;
- (c) the submissions made on the notified provisions within the Coastal Environment, Natural Character of Freshwater Bodies, Natural Features and landscapes, Public Access and Activities on the Surface of Water chapters of the pWDP; to the extent they are relevant to the Regional Council's interests;
- (d) the s42A reports referred to above;
- (e) the NZCPS;
- (f) the CRPS;

- (g) The Regional Coastal Environment Plan for the Canterbury Region (**RCEP**).

REGIONAL COUNCIL'S INTEREST AND OVERVIEW OF SUBMISSIONS IN HEARING STREAM 4 OF THE PWDP

- 12 The Regional Council considers that the pWDP chapters the subject of Hearing Stream 4 generally give effect to the CRPS. A summary of the Regional Council's interest is outlined as follows.
- 13 In addition to the changes proposed by the section 42A officer, I have only one further recommended change to the provisions the subject of Hearing Stream 4. A copy of my recommended amendment to the provision is provided as **Appendix 1** to this statement of evidence.

Coastal Environment

- 14 The focus of the Regional Council's submission regarding the coastal environment chapter is to ensure the pWDP gives effect to the CRPS and the NZCPS. The Regional Council generally supports the proposed changes, specifically the recognition of Ngāi Tūāhuriri values in the coastal environment, and the natural character and public access policies.
- 15 I agree with Mr Wilson's recommendations in the S42A report and that the NZCPS is given effect to in the Ecosystems and Indigenous Biodiversity chapter and the Natural Features and Landscapes chapter of the pWDP.

Natural Character of Freshwater Bodies

- 16 The Regional Council provided three submission points on the natural character of freshwater bodies provisions. The Regional Council sought that setbacks are not required for plantings for erosion and flood control and sought amendments regarding new structures within and over freshwater bodies.
- 17 Where an amendment has been sought beyond those provided in the S42A report (NATC-R8) it is to ensure there is clarity on the application of the rule to freshwater bodies.

Natural Features and Landscapes

- 18 The Regional Council's submission on this chapter of the pWDP sought that two advice notes be included in relation to the Regional Council's consenting responsibilities.
- 19 The Regional Council also sought amendments regarding the planting of restricted tree species in relation to the most appropriate willow species that are used for flood protection.
- 20 The officer accepted the Regional Council's submission points and made the recommended amendments. Because of this, no further amendments are sought in my evidence in relation to the Natural Character provisions in the pWDP.

Public Access

- 21 The Regional Council's submission supported the public access provisions in the pWDP.
- 22 I have not sought any further amendments to the Public Access chapter of the pWDP beyond those provided for in the S42A report.

Activities on the surface of the water

- 23 The Regional Council's submission requested one amendment to the rule framework regarding the use of watercraft. The Regional Council recommended that the use of non-motorised watercraft such as kayaks and paddleboards for individual use be allowed in high, very high and outstanding natural character areas.
- 24 I agree with Ms Steven's recommendations to add an Advice Note regarding ASW-1 stating the Regional Council's responsibilities and the clarification that the activity status is for motorised craft.

STATUTORY FRAMEWORK

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

RECOMMENDATIONS IN THE S42A REPORT

Coastal environment

- 26 The Regional Council's submission on the coastal environment chapter generally supported the pWDP in giving effect to the CRPS and the regional planning framework. The Regional Council supported CE-O1, CE-O2, CE-O3, CE-P1, CE-P4, CE-P5 and CE-AN1 as notified.
- 27 The Regional Council did however seek amendments to CE-O4, CE-P2, CE-P6, CE-P7 and associated mapping due to the need to give effect to policies in the NZCPS.
- 28 I support the recommendations of the s42A report author on the amendments to the objectives and policies listed above.
- 29 My evidence generally follows the structure of the s42A report.

Objective CE-O1

- 30 The Regional Council's submission sought that CE-O1 be retained as notified or that the original intent is preserved.
- 31 In response to other submissions Mr Wilson has suggested that the words 'maintained and enhanced' is removed from CE-O1 for the reason that both the NZCPS and the CRPS do not use the words 'maintained and enhanced'. I agree with Mr Wilson's recommendation and that the original intent of the objective is preserved with these words removed.

Objectives CE-O2 and CE-O3, Policies CE-P1, CE-P4, CE-P5 and Advice Note CE-AN1

- 32 The Regional Council's submission sought that Objectives CE-O2, CE-O3, Policies CE-P1, CE-P4, CE-P5 and Advice Note CE-AN1 be retained as notified or that the original intent is preserved.
- 33 In response to submissions on the provisions stated above, Mr Wilson has recommended that no changes to the proposed plan are required. I agree with his recommendation.

Objective CE-O4

- 34 The Regional Council's submission sought that CE-O4 be amended to give effect to NZCPS Policy 15 (Natural features and natural landscapes).
- 35 Mr Wilson recommended that the Regional Council's relief sought is unnecessary as it is his view that NZCPS Policy 15 is given effect to in the district wide natural features and landscapes provisions.
- 36 I agree with Mr Wilson in that NZCPS Policy 15 is given effect to in the district wide natural features and landscapes provisions.

Policy CE-P2

- 37 The Regional Council's submission sought that Policy CE-P2 be amended so that indigenous biodiversity is dealt with in its own policy and that CE-P2 is limited to the natural character values of vegetation. The Regional Council also sought that references to indigenous biodiversity in CE-P2 could be cross-referenced to the ECO chapter of the pWDP.
- 38 I agree with Mr Wilson's amendments to Policy CE-P2 to include a cross-reference to ECO-P7.

Policies CE-P6 and CE-P7

- 39 The Regional Council's submission sought that Policy CE-P6 and CE-P7 be amended to give effect to NZCPS Policies 11 (indigenous biological diversity) and 15 (natural features and landscapes).
- 40 Mr Wilson has recommended that no changes be made to CE-P6 and CE-P7. His stated reasons are that the NZCPS Policy 11 is given effect to by Policy ECO-P7, and NZCPS Policy 15 through Policy NFL-P1.
- 41 I agree with Mr Wilson that policies ECO-P7 (as notified) and NFL-P1 (as proposed to be amended) do give effect to NZCPS Policy 11 (indigenous biodiversity) and policy 15 (natural features and landscapes).
- 42 I also note that the ECO provisions are being heard as part of a later hearing stream and may be subject to further changes through this process. In hearing those provisions, the Panel will also need to be

aware of their application to the coastal environment (and any relevant consequential changes).

Mapping

- 43 The Regional Council's submission sought that the coastal environment overlay map more closely align with the coastal flood assessment overlay.
- 44 This mapping connects with the Natural Hazards chapter of the pWDP which is to be heard in Hearing Stream 3. I agree with Mr Wilson's recommendations regarding the changes I understand will be proposed to the overlay through the section 42A report on that topic, and that if that recommendation is accepted by the Panel there will no longer need to be any coastal specific hazard layer.

Natural Character of Freshwater Bodies

- 45 The Regional Council's submission on the Natural Character of Freshwater Bodies chapter generally supported the pWDP. The Regional Council in its submission asked for clarification regarding Condition 3 of NATC-R2- planting of non-indigenous vegetation. The submissions also sought that NATC-R8 and NATC-R9 be amended.

Rule NATC-R2

- 46 The Regional Council's submission sought that Condition 3 of Rule NATC-R2 not apply to plantings for erosion or flood control purposes undertaken by the Regional or District Council, otherwise the setback distances would apply.
- 47 Mr Wilson considered this submission in his S42A report and agreed that the rule as proposed is internally inconsistent and does not achieve its purpose. Mr Wilson recommended an amendment to the Rule to delete condition 3 so that the planting does not need to comply with the setback distance.
- 48 I agree with Mr Wilson's recommendation to delete Condition 3 of NATC-R2.

Rule NATC-R8 and Rule NATC-R9

- 49 The Regional Council's submission sought that NATC-R8 be amended to provide for a more focussed group of buildings and structures that may be considered within and over freshwater bodies. The Regional Council's submission relating to NATC-R9 relates to the same point as its submission on NATC-R8, however applies to the overlay.
- 50 In his S42A report, Mr Wilson agrees that Rules NATC-R8 and NATC-R9 need clarification on where they apply. In his assessment, Mr Wilson has recommended an amendment to the title of NATC-R8 to remove freshwater bodies and instead add freshwater overlays and setbacks. I agree that an amendment is required to the title of the rule to clarify its application, but I consider that the words 'freshwater bodies' need to remain alongside the additions Mr Wilson has recommended. My recommended amendment is set out in Appendix 1.
- 51 Mr Wilson has not recommended any changes to NATC-R9. I agree with his recommendation.

Natural Features and Landscapes

- 52 The Regional Council's submission on Natural Features and Landscapes sought that NATC-O1 (NFL-O1) and NATC-O2 (NFL-O2) be retained as proposed or that the original intent is retained, as they give effect to the CRPS Objective 12.2.1 and Policy 12.3.2. The Regional Council's submission also supported NFL-P3 and sought amendments to the introduction of the chapter, NFL-R11 and NFL-R12.
- 53 I note here that the Regional Council's submission referred to NATC-O1 and NATC-O2 when in fact the reference should have been NFL-O1 and NFL-O2.
- 54 Ms Milosavljevic's report did not consider the Regional Council's submissions on these points due to this error in the submission. However, I agree with Ms Milosavljevic's recommendation to add 'inappropriate' to NFL-O1 and NFL-O2. The original intent as sought by the Regional Council is retained through this proposed amendment.

Policy NFL-P3

- 55 The Regional Council's submission sought that NFL-P3 be retained as proposed or that the original intent is retained as it gives effect to Chapter 12 of the CRPS by requiring the protection of the values of natural character and landscapes. Ms Milosavljevic has not included the submission by the Regional Council in her assessment. However, I do agree with her recommended changes regarding the addition of the word 'inappropriate'. In my view, this addition does not change the original intent of the policy.

Introduction

- 56 The Regional Council's submission sought to move from the introduction to an advice note that activities in, on, under or over the beds of lakes and rivers are regulated by the Regional Council, and that the rules in the Natural Features and Landscapes chapter do not apply to these areas. This would also provide a more consistent approach to the use of Advice Notes throughout the rest of the pWDP.
- 57 I agree with Ms Milosavljevic's recommendation in the S42A report that an Advice Note be added, and I agree with her recommended wording for the Advice Note.

Rule NFL-R11

- 58 The Regional Council's submission sought that NFL-R11 be amended so that only crack and grey willow are listed, as other species of willows are essential species for flood protection and it would be more appropriate to restrict the use of the two known invasive species of willow.
- 59 I agree with Ms Milosavljevic's recommendation to accept the submission and amend NFL-R11 appropriately.

Rule NFL- R12

- 60 The Regional Council's submission sought to clarify Rule NFL-R12 to state that consent is only required from the Regional Council for mining and quarrying activities within the riverbed. The Regional Council recommended that an Advice Note would be appropriate.

- 61 I agree with Ms Milosavljevic's recommendation in her S42A report to add an advice note to this effect.

Public Access

- 62 The Regional Council's submission points supported the Public Access provisions in the pWDP.

Objective PA-O1, Policy PA-P2, Advice Note PA-AN1

- 63 The Regional Council supported PA-O1, PA-P2 and PA-AN1 because the objectives and policies give effect to the public access requirements of the CRPS. The Regional Council also supported the inclusion of an advice note that plan users should also refer to regional plans.
- 64 I support the recommendations of the s42A report author to accept all three of the Regional Council's submission points on the Public Access chapter of the pWDP.

Activities on the Surface of the Water

- 65 The Regional Council's submission generally supported the pWDP provisions in the Activities on the Surface of Water chapter.
- 66 The Regional Council supported ASW-O1, ASW-P1 and ASW-P2 and sought amendments to ASW-R1.
- 67 I support the recommendations of the s42A report author on the objectives and policies listed above.

Objective ASW-O1, Policy ASW-P1, Policy ASW-P2

- 68 The Regional Council's submission sought that Objective ASW-O1, Policy ASW-P1 and ASW-P2 be retained as the provisions are consistent with the general intent of the CRPS, and the Harbourmaster's office supports the specific consideration of houseboats in Policy ASW-P2.
- 69 I agree with Ms Steven's recommendation in the S42A report to retain Objective ASW-O1, Policy ASW-P1 and Policy ASW-P2 as notified in the pWDP.

Rule ASW-R1

- 70 The Regional Council's submission sought that WDC reconsider whether it is appropriate to require resource consent for the recreational use of non-motorised watercraft within high, very high and outstanding natural character waterbodies. The Regional Council's submission requested that the recreational use of non-motorised watercraft such as kayaks and paddleboards should be permitted, rather than a non-complying activity as currently set out in the pWDP.
- 71 I agree with Ms Steven's recommendations in the S42A Report to clarify that a non-complying activity applies to motorised watercraft in particular areas rather than all watercraft (including non-motorised) as was in the notified version.

CONCLUSION

- 72 In summary, I generally agree with the recommendations of the S42A report officers. I have however provided an amendment that in my view would help with the clarity of a provision.
- 73 In regard to the Coastal Environment chapter, I agree with Mr Wilson's recommendations on CE-O2, CE-O3, CE-O4, CE-P1, CE-P2, CE-P4, CE-P5, CE-P6, CE-P7 and CE-AN1. With regard to mapping, I agree with Mr Wilson's recommendations and the link that he makes to the recommended hazards overlay in future Hearing Stream 3.
- 74 Regarding the Regional Council's submission on the Natural Character of Freshwater Bodies, I agree with Mr Wilson's recommendation for NATC-R2 to remove the setback condition. I also agree with part of the Officer's recommendation for NATC-R8 but have suggested that some of the wording he proposes to delete needs to remain. I agree that no changes are required to NATC-R9.
- 75 I agree with the recommendations in the S42A reports in regard to the Regional Council's submissions on the Natural Features and Landscapes and Public Access chapter of the pWDP.
- 76 I agree with Ms Steven's recommendations to retain Objective ASW-O1 and policies ASW-P1 and ASW-P2.

- 77 Ms Steven's recommendations have addressed the Regional Council's submission on ASW-R1 requesting that the use of non-motorised watercraft should be a permitted activity rather than a non-complying activity, and I support her approach.

Dated this 28th day of June 2023



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Joanne Mitten

APPENDIX 1: AMENDMENTS TO SECTION 42A RECOMMENDATIONS SOUGHT IN EVIDENCE

Provision	As notified	WDC S42A Drafting	Canterbury Regional Council Relief Sought (<u>additions</u> , deletions , red text where change is to s42A drafting)	Reasons for Regional Council Amendments
NATC-R8	<p>New structures within and over freshwater bodies</p> <p>...</p>	<p>New structures within and over freshwater bodies <u>overlays and setbacks</u></p> <p>...</p>	<p>New structures within and over freshwater <u>bodies, overlays and setbacks</u></p>	<p>To ensure that freshwater bodies are also captured.</p>

APPENDIX 2: STATUTORY FRAMEWORK

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

A district plan must give effect to –

(a) any national policy statement; and

(b) any New Zealand coastal policy statement; and

(ba) a national planning standard; and

(c) any regional policy statement.

2 Relevant national and regional planning documents that the provisions relevant to Hearing Stream 4 of the pWDP must give effect to include the NZCPS and the CRPS.

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

4 I have not sought to repeat all the provisions contained in these national and regional planning documents. My evidence focusses on those I consider to be most relevant to the Coastal Environment, Natural Features and Landscapes, Public Access and Activities on the Surface of Water chapters of the pWDP and the submissions made by the Regional Council.

New Zealand Coastal Policy Statement 2010 (NZCPS)

5 The NZCPS came into force in December 2010, replacing the NZCPS 1994. Regional policy statements, regional plans and district plans must give effect to the NZCPS and do so as soon as practicable.

6 The NZCPS contains seven objectives and 29 policies that cover the particular characteristics, qualities and uses of the coastal environment and the issues this area faces.

7 Three policies in the NZCPS that are particularly relevant to my evidence are Policies 11, 13 and 15. Policy 11 of the NZCPS seeks to protect indigenous biological diversity in the coastal environment.

8 The Policy 11 approach has two levels. First, adverse effects of activities on indigenous ecosystems, threatened vegetation and habitats of indigenous species that are at their limit (e.g. listed as at risk or threatened in a relevant database) are to be avoided.

- 9 Secondly, significant adverse effects of activities on other indigenous ecosystems (listed in Policy 11(b)) are to be avoided. Where the adverse effects are not significant, all other adverse effects of activities on indigenous biodiversity should be avoided, remedied or mitigated.
- 10 Policy 13 of the NZCPS directs the preservation of the natural character of the coastal environment and protection from inappropriate subdivision, use and development. This is to be achieved through avoiding adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character, and avoiding significant adverse effects (and avoiding, remedying or mitigating other adverse effects) on natural character in all other areas of the coastal environment. In order to achieve this, Policy 13 requires natural character to be assessed and areas of high natural character mapped or otherwise identified. Policy 13 also recognises that natural character is not the same as natural features and landscapes or amenity values.
- 11 Policy 15 of the NZCPS directs the protection of natural features and landscapes of the coastal environment from inappropriate subdivision, use and development, by avoiding adverse effects of activities on outstanding natural features and outstanding natural landscapes, and avoiding significant adverse effects on other natural features and landscapes in the coastal environment. Policy 15 is a response to the progressive degradation of natural features and landscapes in the coastal environment.

Canterbury Regional Policy Statement

CRPS Chapter 8 - The coastal environment

Policy framework

- 12 The policy framework in the operative CRPS that is relevant to the coastal environment is set out in Chapter 8. The CRPS addresses issues related to activities in the coastal environment, including the occupation and use of the Coastal Marine Area (**CMA**).
- 13 The definition of the CMA in the CRPS has the same meaning as coastal marine area as defined by Section 2 of the RMA and is outlined below:

“coastal marine area means the foreshore, seabed, and coastal water, and the air space above the water—

- (a) of which the seaward boundary is the outer limits of the territorial sea;
- (b) of which the landward boundary is the line of mean high water springs, except that where that line crosses a river, the landward boundary at that point shall be whichever is the lesser of—
 - (i) 1 kilometre upstream from the mouth of the river; or
 - (ii) the point upstream that is calculated by multiplying the width of the river mouth by 5”

14 The definition of the coastal environment is defined in Policy 1 of the NZCPS and is outlined below:

“Policy 1

...2. Recognise that the coastal environment includes:

- a. the coastal marine area;
- b. islands within the coastal marine area;
- c. areas where coastal processes, influences or qualities are significant, including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these;
- d. areas at risk from coastal hazards;
- e. coastal vegetation and the habitat of indigenous coastal species including migratory birds;
- f. elements and features that contribute to the natural character, landscape, visual qualities or amenity values;
- g. items of cultural and historic heritage in the coastal marine area or on the coast;
- h. inter-related coastal marine and terrestrial systems, including the intertidal zone; and
- i. physical resources and built facilities, including infrastructure, that have modified the coastal environment.”

15 Therefore, the coastal environment encompasses land that is part of the CMA (and therefore the responsibility of the Regional Council), as well as other land, which falls within the functions of the relevant territorial authority.

16 The CRPS must give effect to national policy statements including the NZCPS.

17 Chapter 8 of the CRPS sets out six objectives to:

- (a) Increase our knowledge of the coastal environment;
- (b) Enable appropriate activities while managing their adverse effects;
- (c) Recognise that other uses of the coastal environment do not affect regionally significant infrastructure;

- (d) Preserve and protect the natural character of the coastal environment, and restore and enhance its values;
 - (e) Maintain and enhance appropriate Ngāi Tahu and public access; and
 - (f) Protect and enhance coastal water quality.
- 18 Policy 8.3.2 provides for the integrated management of resources in the coastal environment through collaboration between different agencies.
- 19 Policy 8.3.3 provides for a framework for the management of activities in the coastal environment regarding the use and occupation of space, extraction of materials, emission of noise and the protection of values from coastal activities.
- 20 Policy 8.3.4 of the CRPS seeks to preserve and restore the natural character of the coastal environment through the protection and enhancement of features and landscapes and the avoidance of new development near the CMA that will compromise areas of natural character. In accordance with the CRPS provisions, regional councils and territorial authorities should coordinate the integrated management between land and the CMA. Territorial authorities are required to set objectives and policies and may include methods in district plans to preserve the natural character of the coast and protect it from inappropriate development.
- 21 Policy 8.3.5 seeks to maintain and enhance public and Ngāi Tahu access to the CMA while values are protected, and conflicts are avoided. In their plans, territorial authorities are to set objectives, policies and may set methods to maintain and enhance access to the CMA.
- 22 Policy 8.3.6 (in relation to regionally significant infrastructure in the coastal environment) seeks to provide for efficient and effective development, operation, maintenance and upgrade, and to recognise the potential of renewable resources in the coastal environment. Territorial authorities are to set out provisions in their district plans that recognise this regionally significant infrastructure and avoid land uses that have reverse sensitivity effects.
- 23 Policies 8.3.7, 8.3.8 and 8.3.9 are all in relation to water quality. Policy 8.3.7 seeks to improve water quality in degraded areas, policy 8.3.8 seeks to manage discharges of contaminants into the CMA to maintain water quality that is currently in a natural state and policy 8.3.9 is to

ensure that human sewage is not directly discharged into the CMA. The Regional Council is responsible for all water quality in the CMA, and so these particular policies are not of direct relevance to the pWDP.

CRPS Chapter 12 - Landscapes

Policy framework

- 24 The policy framework in the operative CRPS that is relevant to Landscapes is found in Chapter 12. The chapter contains three objectives and four policies. The main purpose of the objectives is to identify and protect the region's outstanding natural features and landscapes, identify and manage other important landscapes, including natural character, amenity, historic and cultural heritage and to ensure a consistent management approach to landscapes and natural features across the Canterbury region.
- 25 Policy 12.3.1 of the CRPS sets out the need to identify the outstanding natural features and landscapes for the Canterbury Region while recognising the values set out in Appendix 4 of the CRPS. Currently in Appendix 4 there are no outstanding natural features and landscapes at a regional scale in the Waimakariri District. Policy 12.3.1 also enables the identification of specific boundaries with the assessment matters set out in Policy 12.3.4(1). Territorial authorities, where relevant, are to set objectives, policies and methods including maps to identify outstanding natural features and landscapes in district plans. Using this assessment, several natural features and landscapes have been identified by WDC as outstanding at a district scale.
- 26 Policy 12.3.2 seeks to ensure appropriate management methods are in place to ensure protection of natural features and landscapes from inappropriate subdivision, use and development. To ensure this, territorial authorities are to set objectives, policies and methods in district plans.
- 27 Policy 12.3.3 is in place for the identification and management of other important landscapes that are not outstanding natural landscapes. Under this policy local authorities can set out objectives, policies or methods that provide for the management of other important landscapes including natural character, cultural or historic heritage and amenity values.

- 28 Policy 12.3.4 of the CRPS seeks to achieve regional consistency in the identification of outstanding natural features and landscapes through setting out seven assessment matters. This policy also requires methods for landscape management accounting for methods in adjoining districts or regions and how overall these may protect outstanding natural features and landscapes in the Canterbury Region.

CRPS - Public Access

Policy framework

- 29 There is no specific chapter in the CRPS relating to public access, however Policy 8.3.5 of the CRPS seeks to maintain and enhance public and Ngāi Tahu access to the CMA while ensuring values are protected, and conflicts are avoided. This policy also directs territorial authorities to set provisions to this effect in their plans.
- 30 Policy 10.3.5 of the CRPS seeks to promote the maintenance and enhancement of public and Ngāi Tahu access to and along the beds of rivers and lakes to ensure land use development does not result in the loss of access.

CRPS - Activities on the surface of water

Policy framework

- 31 The CRPS does not specifically contain any provisions regarding activities on the surface of water.
- 32 Any other relevant CRPS policies are discussed in my evidence in the context of responding to the s42A report.

Regional Coastal Environment Plan for the Canterbury Region (RCEP)

- 33 The RCEP promotes the sustainable management of the natural and physical resources of the CMA and the coastal environment of the Canterbury Region and promote the integrated management of that environment.
- 34 The plan sets out objectives, policies and methods (including rules) to improve the coastal environment. The statutory area that the Regional coastal plan must deal with is the CMA, however the Regional Council's

plan is a Regional Coastal Environment Plan which covers the CMA and the areas immediately landward. This extension to cover the immediate landward area is for the reason of promoting integrated management. Areas where integrated management is particularly pertinent is coastal hazards, access, and areas of high natural, physical, or cultural values (especially where areas are landward of the CMA) and coastal water quality.

- 35 The RCEP contains provisions for the coastal environment, including the CMA, but only includes rules where they are within the Regional Council's functions.
- 36 Section 30 of the RMA sets out the functions of regional councils in relation to the CMA. Under section 67(3) of the RMA, the RCEP must give effect to the NZCPS and the CRPS.
- 37 District Plans must give effect to the NZCPS and the CRPS, and must not be inconsistent with any regional plan. The diagram below (Figure 1) outlines the jurisdiction in the Coastal Environment.

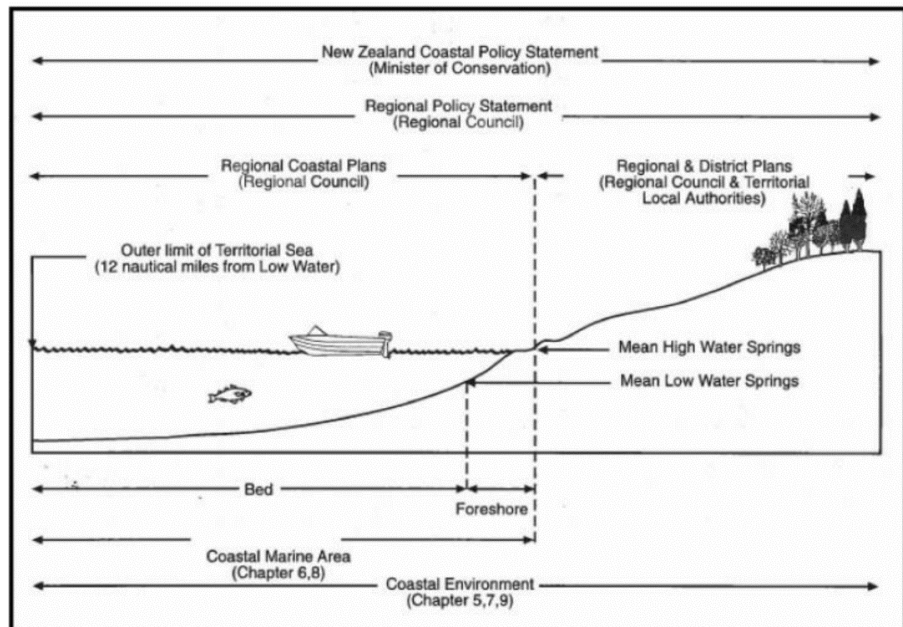


Figure 1: The Coastal Environment (from the RPS p.6)

From: [Regional Planning](#)
To: [Audrey Benbrook](#)
Cc: [Joanne Mitten](#)
Subject: WDPR Hearing Stream 4 - Statement of Evidence on behalf of CRC
Date: Wednesday, 28 June 2023 2:26:52 PM
Attachments: [0.png](#)
[Statement of Evidence of Joanne Mitten on behalf of CRC - Hearing Stream 4- \(Final evidence \).docx](#)
[Statement of Evidence of Joanne Mitten on behalf of CRC - Hearing Stream 4- \(Final evidence \).pdf](#)



Kia ora Audrey

On behalf of Environment Canterbury Regional Council (Submitter 316), please find **attached** Statement of Evidence of Joanne Mitten in relation to Hearing Stream 4 for filing.

If you could respond to this email to confirm receipt it would be much appreciated.

Kind regards

Josephine

Regional Planning

Environment Canterbury

Regional.Planning@ecan.govt.nz



PO Box 345, Christchurch 8140

Customer Services: 0800 324 636

24 Hours: 0800 76 55 88

ecan.govt.nz

