

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

UNDER of the Resource Management Act 1991 (RMA)

IN THE MATTER of the Proposed Waimakariri District Plan
AND

IN THE MATTER of Hearing Stream 7B: Variation 1 (Housing
Intensification)

**STATEMENT OF EVIDENCE OF VICTORIA WATT ON BEHALF OF THE
CANTERBURY REGIONAL COUNCIL**

**HEARING STREAM 7B:
VARIATION 1 (HOUSING INTENSIFICATION)**

30 August 2024

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SUMMARY STATEMENT

- 1 The Canterbury Regional Council (**Regional Council**), in their submission on Variation 1 to the notified Proposed Waimakariri District Plan (**pWDP**) was generally supportive of the provisions. The Regional Council did, however, seek some amendments to provisions in Variation 1 (Housing Intensification).
- 2 I have reviewed the Section 42A (**s42A**) report prepared by Mr Peter Wilson (Variation 1 - Housing Intensification).
- 3 My evidence focuses on areas where amendments are sought to the recommendations outlined in the s42A reports in order to better give effect to 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 report.
- 4 I have proposed amendments to be made to the pWDP and this is included in **Appendix 1** to my evidence.

INTRODUCTION

- 5 My full name is Victoria Elizabeth Watt.
- 6 I am a Senior Planner at the Regional Council, a position I have held since January 2023.
- 7 I hold a Bachelor of Science in Geography and Environmental Science from the University of Canterbury. I have over 4 years' experience in planning.
- 8 My relevant experience includes drafting plan provisions, section 32 report writing, and preparing submissions on plan changes.
- 9 Prior to joining the Planning team at the Regional Council in 2023, I worked as a Resource Consent Planner in the Consents Planning team at the Regional Council, processing resource consent applications.
- 10 I have prepared this planning evidence on behalf of the Regional Council.

CODE OF CONDUCT

- 11 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.
- 12 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

- 13 I have been asked by the Regional Council to provide planning evidence in relation to Variation 1 (Housing Intensification) to the pWDP.
- 14 My evidence addresses:
- (a) an overview of the Regional Council's interest in Variation 1 (Housing Intensification) to the pWDP;
 - (b) the relevant statutory framework with a particular focus on the CRPS; and
 - (c) recommendations in the following s42A report (insofar as they relate to the Regional Council's submission points):
 - (i) Officer's Report: Variation 1 - Housing Intensification, prepared by Mr Peter Wilson for Waimakariri District Council, dated 19 August 2024.
- 15 In preparing my evidence, I have reviewed the following documents:
- (a) the Section 32 reports prepared and notified by the Waimakariri District Council (**WDC**) in relation to Variation 1;
 - (b) the notified provisions Variation 1 (Housing Intensification);
 - (c) the submissions made on Variation 1 (Housing Intensification) to the extent they are relevant to the Regional Council's interests;

- (d) the s42A report; and
- (e) the CRPS.

REGIONAL COUNCIL'S INTEREST AND OVERVIEW OF SUBMISSIONS IN HEARING STREAM 7B OF THE PWDP

- 16 The Regional Council lodged a submission on Variation 1 (housing intensification) to the pWDP. The submission was generally supportive of the provisions relating to Variation 1.
- 17 However, the Regional Council's submission did express concern about the proposal to reduce minimum allotment sizes within Kaiapoi Area A (and any others) affected by the High Hazard Flood Overlay below those notified in the pWDP. I note that there is not a High Hazard Flood Overlay within the pWDP and that this should be treated as a reference to the 'qualifying matters – natural hazard area'.

STATUTORY FRAMEWORK

- 18 My assessment of the relevant statutory framework that applies to the provisions the subject of this hearing stream is attached to my evidence as **Appendix 1**.
- 19 My opinion as expressed in this statement of evidence has been informed by this statutory framework, and I have taken guidance from the relevant policy documents when suggesting amendments to the provisions, given the requirement to give effect to both national policy statements and the CRPS under the Resource Management Act 1991 (**RMA**).

RECOMMENDATIONS IN THE S42A REPORTS

Hearing Stream 7B (Variation 1)

- 20 In its submission, the Regional Council supported the inclusion of natural hazards as a qualifying matter but had concerns regarding the density of development provided for within areas subject to high hazard risk within Kaiapoi. As such, the Regional Council sought that no further intensification is undertaken within flooding risk qualifying matter areas, and that the amount of potential intensification is quantified and requests

that consideration is had on the effects of increasing the risk from a high hazard flood event.

- 21 The submission noted that while Policy 11.3.1 of the CRPS provides for development within existing residential areas that may be subject to high hazard risk, the Regional Council considered that it would be more appropriate to avoid further intensification in these areas that are subject to high hazard risk.
- 22 In its submission, the Regional Council sought that the minimum allotment size of 500m² for sites within Kaiapoi Area A is retained (and in any other areas) that are affected by the High Hazard Flood Overlay¹, as was notified in the pWDP.
- 23 I note that I support the amendment to MRZ - BFS1 whereby it states that there must be no more than 1 residential unit per site within the natural hazards and airport noise qualifying matter areas. The amendment goes towards addressing the concerns in the Regional Council's submission and gives effect to policy 11.3.1 of the CRPS.
- 24 While the s42A Officer noted the submission in the body of the report (paragraph 145), the s42A report did not directly respond to the submission point.
- 25 Mr Wilson noted in Appendix B of the s42A report that flooding hazards have been assessed in the s42A report on residential rezonings, and the number of additional dwellings within Kaiapoi Area A is quantified in evidence by rezoning submitters.
- 26 I consider the resolution of this submission unclear but remain of the opinion that the minimum allotment size of 500m² for sites within Kaiapoi Area A that are affected by the qualifying matters – natural hazard area is retained. I consider this to be more appropriate to avoid further intensification in areas that are subject to high hazard risk and also note that the CRPS directs the avoidance of development of land that increases risks associated with natural hazards (Objective 11.2.1 and Policy 11.3.1).

¹ As noted above, this should be a reference to the 'qualifying matters – natural hazard area'.

27 We are seeing increased frequency and intensity of natural hazards events in the face of climate change. The CRPS directs development in areas that increase the risk of natural hazards to people should be avoided unless the risk can be mitigated. While mitigation can protect against hazard risk, intensifying in an area that is identified as a natural hazard area exposes more people to hazard risk and in the event that mitigation fails due to the increasing intensity of hazard events, more people are subject to harm.

CONCLUSION

28 In summary, I consider the provisions as recommended by the s42A Officer do not address the Regional Council's concerns and recommend amending the provisions to include a minimum allotment size of 500m² for sites within Kaiapoi Area A that are within the qualifying matters – natural hazard area to better give effect to Objective 11.2.1 and Policy 11.3.1 of the CRPS.



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Victoria Watt

30 August 2024

APPENDIX 1: 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 7B of the pWDP must give effect to include the CRPS.

3 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 chapters covered by Hearing Streams 7A and 7B of the pWDP and the submissions made by the Regional Council.

4 I address the CRPS further below.

Canterbury Regional Policy Statement

CRPS Chapter 5 – Land-use and infrastructure

Responsibilities of the Regional Councils and Territorial Authorities

5 The Territorial Authority's responsibilities under CRPS Chapter 5 include:

Under Policy 5.3.2, Territorial Authorities are required to “Set out objectives and policies, and may include methods in district plans, particular to each district, to avoid subdivision, use and development that does not meet the criteria set out in Policy 11.3.1. clauses (1) to (5) for known high hazard areas.”

6 Those clauses in Policy 11.3.1 are outlined under Chapter 11 below.

Policy framework

7 The relevant policy framework in CRPS Chapter 5:

Policy 5.3.2. – Development conditions (Wider Region)

To enable development which avoid or mitigate natural and other hazards, or land uses that would likely result in increases in the frequency and/or severity of hazards.

CRPS Chapter 11 – Natural Hazards

Responsibilities of the Regional Councils and Territorial Authorities

- 8 The Territorial Authority's responsibilities under CRPS Chapter 11 include:
- a. Under Policy 11.3.1, Territorial Authorities within Greater Christchurch are required to set out objectives, policies and methods, in district plans to give effect to Policy 11.3.1.

Policy framework

- 9 The relevant policy framework in CRPS Chapter 11:

Objective 11.2.1. – Avoid new subdivision, use and development of land that increases risks associated with natural hazards

New subdivision, use and development of land which increases the risk of natural hazards to people, property and infrastructure is avoided or, where avoidance is not possible, mitigation measures minimise such risks.

Policy 11.3.1. – Avoidance of inappropriate development in high hazard areas

To avoid new subdivision, use and development of land in high hazard areas unless the subdivision, use or development:

1. is not likely to result in loss of life or serious injuries in the event of a natural hazard occurrence; and
2. is not likely to suffer significant damage or loss in the event of a natural hazard occurrence; and
3. is not likely to require new or upgraded hazard mitigation works to mitigate or avoid the natural hazard; and
4. is not likely to exacerbate the effects of the natural hazard; or

5. Outside of greater Christchurch, is proposed to be located in an area zoned or identified in a district plan for urban residential, industrial or commercial use, at the date of notification of the CRPS, in which case the effects of the natural hazard must be mitigated.

6. Within greater Christchurch, is proposed to be located in an area zoned in a district plan for urban residential, industrial or commercial use, or identified as a "Greenfield Priority Area" on Map A of Chapter 6... in which the effect of the natural hazard must be avoided or appropriately mitigated.

APPENDIX 2: AMENDMENTS TO SECTION 42A RECOMMENDATIONS SOUGHT IN EVIDENCE

Provision	As notified	WDC s42A Drafting	Canterbury Regional Council Relief Sought (additions, deletions, red text where change is to s42A drafting)	Reasons for Regional Council Amendments		
Table SUB-1 Minimum allotment sizes and dimensions	<table border="1" data-bbox="322 403 813 603"> <tr> <td data-bbox="322 403 589 603">Medium Density Residential Zone (with qualifying matter - natural hazards)</td> <td data-bbox="589 403 813 603">Kaiapoi Area A 200m²</td> </tr> </table>	Medium Density Residential Zone (with qualifying matter - natural hazards)	Kaiapoi Area A 200m²	No wording change	Kaiapoi Area A 200m² <u>500m²</u>	<p>More appropriate to avoid further intensification in these areas that are subject to high hazard risk.</p> <p>Appropriately mitigating high hazard risk in these areas will be a difficult process to undertake and assess through the district plan. It could lead to unforeseen consequences on the surrounding areas due to the nature of mitigation that would likely be required. This could be on amenity effects (raised floor levels) and offsite flood displacement.</p>
Medium Density Residential Zone (with qualifying matter - natural hazards)	Kaiapoi Area A 200m²					