

**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**

**IN THE MATTER** of the hearing regarding the Natural Hazards Proposal of  
the proposed Christchurch Replacement District Plan

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**JOINT MEMORANDUM OF COUNSEL FOR  
CANTERBURY REGIONAL COUNCIL (342), CHRISTCHURCH CITY  
COUNCIL AND THE CROWN (495) IN RELATION TO AMENDMENTS TO  
THE CANTERBURY REGIONAL POLICY STATEMENT 2013**

**28 July 2015**

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**MAY IT PLEASE THE HEARINGS PANEL:**

- 1 By Memorandum dated 23 June 2015, Counsel for the Canterbury Regional Council ("CRC") and Christchurch City Council ("CCC") updated the Hearings Panel in relation to:
  - (a) Amendments made to the natural hazards provisions of the Canterbury Regional Policy Statement ("CRPS") under Action 46 of the Land Use Recovery Plan ("LURP") and section 24(1)(c) of the Canterbury Earthquake Recovery Act 2011 ("CER Act"); and
  - (b) A request made to the Minister for Canterbury Earthquake Recovery ("the Minister") under section 27 of the CER Act to make consequential changes to Chapter 11 of the CRPS.
- 2 These amendments relate to the management of coastal hazards and the management of new development within urban areas in High Hazard Areas.
- 3 In the Memorandum, Counsel for CRC and CCC advised that they would further update the Hearings Panel when a decision is received from the Minister on the request to the Minister to make changes under section 27 of the CER Act.
- 4 Pursuant to section 27(1)(a) of the CER Act, the Minister has, by Public Notice dated 23 July 2015, amended the Statement of Local Authority Responsibilities in Chapter 11 and the Principal Reasons and Explanation to Policy 11.3.1 as shown in grey highlighting in **Attachment 1**.
- 5 The amendments have legal effect from 23 July 2015. A copy of the Public Notice is attached as **Attachment 2**.
- 6 The amendments are consequential changes to ensure the changes directed by Action 46 of the LURP and made by section 24(1)(c) of the CER Act can operate within the existing framework of the Natural Hazards Chapter of the CRPS.

- 7 It is considered that these consequential changes do not have any implications for the Stage 1 Natural Hazards Proposal. Rather, they are relevant for Stage 3 Proposals notified by CCC on 25 July 2015.

Dated this 28<sup>th</sup> day of July 2015



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Counsel for Canterbury Regional Council



.....  
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# ATTACHMENT 1

## AMENDMENTS TO CANTERBURY REGIONAL POLICY STATEMENT

### UNDER THE LAND USE RECOVERY PLAN (LURP) AND THE CANTERBURY EARTHQUAKE RECOVERY (CER) ACT

#### Understanding the changes

##### **Management of development within high hazard areas in CRPS (High Hazard Area Changes)**

The deletions and additions made to the Canterbury Regional Policy Statement under Action 46 and section 24 of the CER Act as part of the High Hazard Area changes are shown in bold strikethrough and underline respectively (and not highlighted grey).

Instructions to aid to the understanding of what has been amended are included in a text box.

These changes took legal effect on 12 June 2015.

##### **Identification and management of Coastal Hazard areas (Coastal Hazard Changes)**

The deletions and additions made to the Canterbury Regional Policy Statement under Action 46 and section 24 of the CER Act as part of the Coastal Hazard changes are shown in bold double strikethrough and underline respectively (and not highlighted grey).

Instructions to aid to the understanding of what has been amended are included in a text box.

These changes took legal effect on 12 June 2015.

##### **Section 27 changes**

The changes highlighted grey are amendments that were made by the Minister under section 27 of the CER Act.

These section 27 changes took legal effect on 23 July 2015.

The following changes to Chapter 11, Statement of Local Authority Responsibilities

### STATEMENT OF LOCAL AUTHORITY RESPONSIBILITIES

Section 62 of the Resource Management Act 1991 (RMA) requires that a regional policy statement must state the local authority responsible in whole or any part of the region for specifying the objectives, policies and methods for the control of the use of land to avoid or mitigate natural hazards.

Local authority responsibilities for the control of the use of land for natural hazards in the Canterbury Region are as follows:

#### (1) The Canterbury Regional Council

Will be responsible for specifying the objectives, policies and methods for the control of the use of land in the following areas:

- (a) within the 100-year coastal erosion hazard zones outside of greater Christchurch, as defined by maps in the Canterbury Regional Coastal Environment Plan.
- (b) within areas in greater Christchurch likely to be subject to coastal erosion and sea water inundation including the cumulative effects of sea level rise over the next 100 years where provisions are not specified in an operative district plan;  
and
- ~~(bc)~~ within the beds of rivers and lakes; and
- ~~(ed)~~ within the coastal marine area for the purpose of avoiding or mitigating natural hazards.

#### (2) Territorial authorities

Will be responsible for specifying the objectives, policies, and methods for the control of the use of land, to avoid or mitigate natural hazards in their respective areas excluding those areas described in 1(a), 1(~~bc~~) and 1(~~ed~~) above.

#### (3) Joint Responsibilities

Local authorities will have joint responsibility for specifying the objectives, policies, and methods for the control of the use of land, to avoid or mitigate natural hazards in areas subject to seawater inundation. The Canterbury Regional Council will be limited to developing objectives, policies and non-regulatory methods. Territorial authorities will develop objectives, policies and methods which may include rules.

The following changes to Chapter 11, Policy 11.3.1 (including definition in methods and principal reasons and explanation) of the Canterbury Regional Policy Statement:

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

To avoid new subdivision, use and development (except as provided for in Policy 11.3.4) 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 ~~G~~greater Christchurch**, is proposed to be located in an area zoned or identified in a district plan ~~or Chapter 6 of the CRPS~~ 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; or
- (6) **Within ~~G~~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, both at the date the Land Use Recovery Plan was notified in the Gazette, in which case the effects of the natural hazard must be avoided or appropriately mitigated; or**
- (7) **Within ~~G~~greater Christchurch, relates to the maintenance and/or upgrading of existing critical or significant infrastructure.**

This policy implements the following objective:  
Objective 11.2.1 and 6.2.1

## Methods

### The Canterbury Regional Council:

Will:

- (1) **(a) Outside of ~~G~~greater Christchurch:** Set out objectives and policies, and may include methods in regional plans, to avoid new subdivision, use and development that do not meet the criteria set out in Policy 11.3.1 clauses (1) to (5), within areas subject to coastal erosion within the next 100 years, and in the beds of lakes and rivers.
- (b) Within ~~G~~greater Christchurch: Set out objectives and policies, and may include methods, in regional plans to give effect to Policy 11.3.1, except in relation to land likely to be subject to coastal erosion and sea water inundation including the cumulative effects of sea level rise where provisions are specified in an operative District Plan.**
- (2) Provide information it holds on historical and design events to define high hazard areas.
- (3) Make available upon request, any information about natural hazards that it holds.
- (4) Provide information to territorial authorities within greater Christchurch on high hazard areas.**
- (45) Identify areas subject to coastal erosion through the provisions of its Regional Plans until areas subject to coastal erosion in greater Christchurch are identified in an operative district plan.**

Should:

- (56)** Develop guidelines and strategies on appropriate new development within high hazard areas.

### Territorial authorities:

Will:

- (67) (a) Outside of ~~G~~greater Christchurch:** Set out objectives and policies, and may include methods in district plans, to avoid new 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 excluding those areas subject to coastal erosion within the next 100 years and within the beds of lakes and rivers.
- (b) Within ~~G~~greater Christchurch: Within 5 years of Policy 11.3.1 becoming operative set out objectives, and policies and may include methods, in district plans to give effect to Policy 11.3.1.**
- (c) Within ~~G~~greater Christchurch: Within 5 years of Policy 11.3.1 becoming operative identify high hazard areas through the provisions of their district plans. When identifying land likely to be subject to coastal**

**erosion and sea water inundation over the next 100 years, may take into account the following criteria:**

- (i) The effects of climate change including associated sea level rise.**
- (ii) The location of areas subject to coastal erosion and sea water inundation including the cumulative effects of sea level rise over the next 100 years identified in district plans of neighbouring territorial authorities.**

Should:

- (78)** Promote the use of guidelines developed pursuant to Method 11.3.1(5) to guide the design and assessment of new development.

**Local authorities:**

Will:

- (89)** Work together to investigate and define potential high hazard areas where information is uncertain or insufficient.

**Principal reasons and explanation**

Policy 11.3.1 seeks to achieve the principle of avoiding the potential effects of natural hazards in high hazard areas in the first instance. A definition of high hazard areas is provided in the definitions section.

“High hazard areas” are:

1. flood hazard areas subject to inundation events where the water depth (metres) x velocity (metres per second) is greater than or equal to 1, or where depths are greater than 1 metre, in a 0.2% AEP flood event;
2. land **outside of greater Christchurch** subject to coastal erosion over the next 100 years; and
- 3. land within greater Christchurch likely to be subject to coastal erosion including the cumulative effects of sea level rise over the next 100 years. This includes (but is not limited to) the land located within Hazard Zones 1 and 2 shown on Maps in Appendix 5 of this Regional Policy Statement that have been determined in accordance with Appendix 6; and**
- 34. land subject to sea water inundation (excluding tsunami) over the next 100 years. This includes (but is not limited to) the land located within the sea water inundation zone boundary shown on Maps in Appendix 5 of this Regional Policy Statement.**

When determining high hazard areas, projections on the effects of climate change will be taken into account.

Development of land for most residential, industrial or commercial purposes is not sustainable in high hazard areas where natural events are most likely to occur. However, the policy acknowledges that, while potentially still adversely affected by natural hazard events, there may be some development that is appropriate in high hazard areas. Development that meets the criteria (1) to (4) will generally be low-intensity use such as forestry, farming, or recreational parks. These uses are less likely to suffer significant damage, loss of life or require significant public expenditure on infrastructure remediation due to damage from a natural hazard event. Critical infrastructure is addressed in Policy 11.3.4. Critical infrastructure is infrastructure that is necessary for ensuring the resilience of communities to the effects of natural hazard events, for example, key bridges. Flooding occurs frequently

throughout Canterbury and can result in major damage to property and risk to life. International research and observations have shown that critical flood depths and velocities will damage structures and harm people. For example, in water that is not moving, flood depths greater than about 1 metre pose a threat to life. When water is moving, the velocity can increase the risk to life and property. Depth and velocity combined can result in significant risk to life and damage to property.

Areas subject to inundation, where the depth or velocity of flood water is not likely to be sufficient to pose a significant risk to life are addressed in Policy 11.3.2. Coastal erosion is a major issue in parts of Canterbury. New development such as residential, commercial and industrial activity is not sustainable in areas subject to erosion over the next 100 years. Sea water inundation has occurred, and will continue to occur, in many coastal areas of Canterbury. Sea water inundation can occur due to a number of different factors, including coastal erosion and storm-surge. Many activities are not sustainable in these areas and should be avoided. The policy ~~also~~ indicates that it is inappropriate to develop areas that would require significant new hazard mitigation works such as stop-banks or seawalls, as such development is unsustainable.

**The policy acknowledges that within Greater Christchurch significant investment and resources may exist within high hazard areas together with a greater consequence to life and property from the adverse effects of natural hazards. Climate change including Sea Level Rise is likely to exacerbate these adverse effects over time. Whether it is appropriate to avoid further development in high hazard areas including associated infrastructure and services will be guided by a number of factors. The policy also recognises the provisions of the New Zealand Coastal Policy Statement 2010.**

**For the purposes of managing coastal erosion, Appendix 5 of this Regional Policy Statement contains coastal erosion hazard zones and seawater inundation zones. These have been developed from historical data. Therefore they provide a minimum baseline of likely erosion rates however, when the effects of accelerated sea level rise due to climate change are considered these lines may not be adequate for long term planning. Therefore local authorities within greater Christchurch may wish to undertake a more detailed assessment on the effects of sea level rise and include additional zones within their district plans.**

**Providing certainty on how new development will be managed in high hazard areas in Greater Christchurch is also necessary to enable long term plans to be made by people, investors, service providers and infrastructure providers in these areas. Providing this certainty is important to help Greater Christchurch recover from the 2010 and 2011 earthquakes, and to provide a sound basis for managing urban growth in these areas.**

**As part of developing an integrated approach to the management of natural hazards and land use, territorial authorities within greater Christchurch will have responsibility for the control of the use of land to address the avoidance or mitigation of natural hazards in areas likely to be subject to coastal erosion and sea water inundation over the next 100 years, including areas where coastal erosion and inundation are exacerbated by climate change including sea level rise. This approach will also create efficiencies for the public where one agency is responsible for land use controls in these areas so that dual consent processes can be minimised where possible.**

**For the purposes of this Policy, greater Christchurch means the districts of the Christchurch City Council, the Selwyn District Council, and the Waimakariri District**



**Council, and includes the coastal marine area adjacent to these districts, as defined in the Canterbury Earthquake Recovery Act 2011.**

The following changes to definition of high hazard area in Glossary and Definitions

“High hazard areas” are:

1. flood hazard areas subject to inundation events where the water depth (metres) x velocity (metres per second) is greater than or equal to 1, or where depths are greater than 1 metre, in a 0.2% AEP flood event;
2. land **outside of greater Christchurch** subject to coastal erosion over the next 100 years; and
3. **land within greater Christchurch likely to be subject to coastal erosion including the cumulative effects of sea level rise over the next 100 years. This includes (but is not limited to) the land located within Hazard Zones 1 and 2 shown on Maps in Appendix 5 of this Regional Policy Statement that have been determined in accordance with Appendix 6; and**
34. land subject to sea water inundation (excluding tsunami) over the next 100 years. **This includes (but is not limited to) the land located within the sea water inundation zone boundary shown on Maps in Appendix 5 of this Regional Policy Statement.**

When determining high hazard areas, projections on the effects of climate change will be taken into account.

Insertion of a definition of greater Christchurch in Glossary and Definitions

greater Christchurch

**greater Christchurch means the districts of the Christchurch City Council, the Selwyn District Council, and the Waimakariri District Council, and includes the coastal marine area adjacent to these districts, as defined in the Canterbury Earthquake Recovery Act 2011.**

Insertion of a new Appendix 5 which includes maps showing Christchurch, Waimakariri and Selwyn Coastal Hazard Zones areas and sea water inundation boundaries.

### **Appendix 5 – greater Christchurch Coastal Hazard Areas**

A Copy of the maps is provided separately and can also be accessed at <http://ecan.govt.nz/pages/home.aspx>.

Insertion of a new Appendix 6 as referred to in the definition of High Hazard Area

## Appendix 6 – greater Christchurch coastal hazard zones: Definitions and Explanations

### Hazard Zones

#### Hazard Zone 1

##### (a) For stable or accretionary shorelines:

Where there is no evidence of shoreline erosion, the width of Hazard Zone 1 is the area landward of the Coastal Marine Area boundary to the landward limit of the active beach system. This position is determined either by ground survey, or from aerial photography.

##### (b) For most eroding shorelines:

The width of Hazard Zone 1 includes the active beach system and the area landward of this, which is likely to be part of the active beach system if contemporary erosion processes continue unaltered for the next 50 years. Hence, the landward limit of Hazard Zone 1 corresponds to the projected position of the landward toes of the active beach system.

The width of hazard zones has been determined by interpolating the rate of shoreline retreat between fixed determination points. For all determination points, except for some special situations listed below, there was no evidence of a change in the long-term rate of shoreline retreat. Therefore, the longest term historical erosion rates have been used. These will include short term fluctuations.

##### Special situations where these factors do not apply:

##### (i) South Brighton Spit.

#### Hazard Zone 2

No Hazard Zone 2 is defined for stable or accreting shorelines.

For eroding shorelines, Hazard Zone 2 is landward of Hazard Zone 1, and covers areas that could become part of the active beach system within 50 to 100 years if the erosion rates used to calculate Hazard Zone 1 were to continue unaltered for 100 years.

## ATTACHMENT 2



### **Public Notice: Amendments to the Canterbury Regional Policy Statement**

The Minister for Canterbury Earthquake Recovery, Hon Gerry Brownlee, has given approval for amendments to be made to the Canterbury Regional Policy Statement.

These amendments are required to ensure changes directed by Action 46 of the Land Use Recovery Plan and made by section 24(1)(c) of the Canterbury Earthquake Recovery Act 2011 can operate within the existing framework of the Natural Hazards chapter of the Canterbury Regional Policy Statement.

Approval was made under Section 27 of the Canterbury Earthquake Recovery Act 2011 (CER Act) to amend explanatory text in the Statement of Local Authority Responsibilities and the Principal reasons and explanation for Policy 11.3.1 of the Natural Hazards Chapter of the Canterbury Regional Policy Statement.

The Canterbury Regional Policy Statement sets out objectives, policies, methods, reasons and explanations to achieve integrated management of the natural and physical resources in Canterbury.

The amendments were publicly notified in The Press and apply immediately.

Date published: 23 July 2015

Date it takes effect: 23 July 2015

#### **Related information:**

- [Canterbury Regional Policy Statement Amendments](http://ecan.govt.nz/our-responsibilities/regional-plans/rps/Pages/Default.aspx) » (<http://ecan.govt.nz/our-responsibilities/regional-plans/rps/Pages/Default.aspx>)
- [Land Use Recovery Plan](http://www.cera.govt.nz/recovery-strategy/built-environment/land-use-recovery-plan) » ([/recovery-strategy/built-environment/land-use-recovery-plan](http://www.cera.govt.nz/recovery-strategy/built-environment/land-use-recovery-plan))

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#### **The public notice**

Public Notice: Amendments to the Canterbury Regional Policy Statement

Pursuant to section 27(1)(a) of the Canterbury Earthquake Recovery Act 2011, the Minister for Canterbury Earthquake Recovery gives the following notice:

The Canterbury Regional Policy Statement is amended from the publication of this notice on 23 July 2015 by:

- Amending the explanatory text in the 'Statement of Local Authority Responsibility' and the 'Principal reasons and explanation' to Policy 11.3.1 of Chapter 11: Natural Hazards.

The amendments are consequential changes to ensure the changes directed by Action 46 of the Land Use Recovery Plan and made by section 24(1)(c) of the Canterbury Earthquake Recovery Act 2011 can operate within the existing framework of the Natural Hazards chapter of the Canterbury Regional Policy Statement.

The full text of the amendments to the Canterbury Regional Policy Statement can be viewed on [Canterbury Earthquake Recovery Authority's website](http://www.cera.govt.nz/recovery-strategy/built-environment/land-use-recovery-plan) ([/recovery-strategy/built-environment/land-use-recovery-plan](http://www.cera.govt.nz/recovery-strategy/built-environment/land-use-recovery-plan)) [www.cera.govt.nz](http://www.cera.govt.nz) (<http://www.cera.govt.nz>) and the [Environment Canterbury website](http://ecan.govt.nz/our-responsibilities/regional-plans/rps/Pages/Default.aspx) (<http://ecan.govt.nz/our-responsibilities/regional-plans/rps/Pages/Default.aspx>) [WWW.ECAN.GOV.T.NZ](http://www.ecan.govt.nz) (<http://www.ecan.govt.nz>).

**HON GERRY BROWNLEE,**  
Minister for Canterbury Earthquake Recovery