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**Christchurch City Council**  
**ATTACHMENTS UNDER SEPARATE COVER**

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**Date:** Thursday 14 May 2020  
**Time:** 10am  
**Venue:** Held by Audio/Video Link

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**BEFORE THE CHRISTCHURCH CITY COUNCIL**

**UNDER**

The Resource Management Act 1991

**AND**

**IN THE MATTER OF**

Submissions on Proposed Plan Change 2 to  
the Christchurch District Plan  
Port Hills Slope Instability Hazard Management  
Areas Overlays Update

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**REPORT AND RECOMMENDATIONS OF INDEPENDENT HEARING COMMISSIONER**

**Sarah Dawson**  
**20 February 2020**

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## PRELIMINARY

### Terminology Used in this report

1. Throughout this report the following abbreviations are used:

Act	Resource Management Act 1991
Council	Christchurch City Council
CRDP	Christchurch Replacement District Plan
CRPS	The operative Canterbury Regional Policy Statement, 13 December 2012; revised by the insertion of Chapter 6, 6 December 2013
District Plan	The operative Christchurch District Plan
GCRA	Greater Christchurch Regeneration Act 2016
GNS	Institute of Geological and Nuclear Sciences Limited
IHP	Independent Hearings Panel responsible for making decisions on the proposals for the CRDP, including changes to the notified proposals
IMP	Mahaanui Iwi Management Plan 2013
LURP	Land Use Recovery Plan
MKT	Mahaanui Kurataiao Limited
OiC	Order in Council
PC2	Plan Change 2 to the operative Christchurch District Plan
Proposed PC2	Plan Change 2 to the operative Christchurch District Plan, as publicly notified on 30 September 2019
s32 Report	The report prepared by Christchurch City Council evaluating PC2 in terms of s32 of the Act at the time that Proposed PC2 was publicly notified
s42A Report	The Planning Officer's Report prepared by Florian Risse under s42A of the Act which makes recommendations on the submissions and further submissions received on Proposed PC2 (dated 14 January 2020)

### Summary of, and Background to, Plan Change 2

2. Plan Change 2 (**PC2**) relates to the Port Hills Slope Instability Management Area Overlays shown on the Planning Maps of the operative Christchurch District Plan (**District Plan**).
3. PC2 does not propose any changes to the objectives, policies or rules of the District Plan in relation to Natural Hazards in Chapter 5. It seeks to adjust the Port Hills Slope Instability Management Area overlays on Planning Maps 46B, 47B, 52B, 54B and R1B, which means that the rules applying to the affected properties change accordingly.
4. PC2 seeks to amend the hazard map overlay provisions that were included in the District Plan through the Christchurch Replacement District Plan (**CRDP**) process. Both the **s32 Report**<sup>1</sup> and the **s42A Report**<sup>2</sup> set out the background to **Proposed PC2** and its relationship to the CRDP process. I adopt that description which, in summary, identifies that:
  - a. The Canterbury earthquakes of 2010 and 2011 damaged many properties in the Port Hills area of Christchurch and resulted in the deaths of five people. Hundreds of property owners and occupiers were not permitted to occupy their homes on the Port Hills following the February 2011 earthquake event, either because the damage to their homes made them uninhabitable or because the risk posed by slope instability hazards or other unstable buildings rendered them unsafe to occupy.
  - b. The slope instability hazards that contributed to this damage and loss of life were present across the Port Hills and wider Banks Peninsula prior to the 2010-2011 earthquakes. After the earthquakes, the Christchurch City Council (**Council**) worked with engineers and geologists with geotechnical expertise to better understand slope instability hazards in the Port Hills and the risk these hazards present to people, in particular life-safety risk (or risk of death) to people living in these areas. Investigations commissioned by the Council and undertaken by the Institute of Geological and Nuclear Sciences Limited (**GNS**) have been described in a number of reports and were used to inform the management of slope instability hazards in the Natural Hazards chapter<sup>3</sup> of the District Plan. These reports have been extensively peer-reviewed by national and international experts.
  - c. Slope stability across the Port Hills was modelled to indicate which properties were affected by, or deemed to be at risk from, rockfall, cliff collapse or mass movement. This information was presented as evidence to the Independent Hearings Panel (**IHP**) responsible for making decisions on the Proposals for the CRDP<sup>4</sup>. The information was included in the District Plan as a suite of hazard map overlays called Slope Instability Management Areas. Within these areas, the District Plan requires most development to obtain resource consent. The different overlays and their resource consent requirements reflect the different types

<sup>1</sup> At [12], [16] - [27]

<sup>2</sup> At sections 1.2 & 2.2

<sup>3</sup> Chapter 5

<sup>4</sup> I record that I was a member of the IHP who heard and decided on the Natural Hazards Proposal of the CRDP (Decision 6 on Chapter 5).

and levels of risk.

- d. Although the modelling carried out by GNS for the CRDP was “ground-truthed” to a certain degree, it was effectively at a “suburb” scale. However, there is always a risk that the information does not reflect changes that occur in the environment and/or what may be assessed on a site-by-site basis. Regular updates are therefore important to reflect the latest information and to trigger appropriate responses, including any necessary changes to the District Plan.
  - e. Subsequent hazard removal works and calculation of risk through site or area-specific geotechnical assessments have shown that there is a different or lesser level of risk for numerous properties than what is mapped in the operative District Plan. Despite changes in the understanding of the risk level, these properties remain subject to overlays and applicable provisions which do not align with their level of existing risk. The Council has received multiple requests from property owners to update the District Plan and to reflect the change in risk profile, in order to avoid the time and cost of resource consent processes that do not align with the level of risk, and so that property values reflect the updated risk profiles.
  - f. The IHP foreshadowed this situation in its decision on the Natural Hazards Chapter of the CRDP, including Policy 5.2.2.4.2 (b) & (c) which require the Council to:
    - “b. Make information from site-specific assessments of risk from rockfall and/or cliff collapse (which have been certified by the Council) readily publicly available.*
    - c. Regularly notify changes to the District Plan, as required to change the planning maps, in order to reflect updated information from site-specific assessments of life-safety risk from rockfall and/or cliff collapse which have been certified by the Council.”*
5. Until March 2019, the legislative environment did not allow for plan changes. Prior to that time, an Order-in-Council (OIC) under the Greater Christchurch Regeneration Act (GCRA) prevented the Council from notifying a plan change under Schedule 1 of the Resource Management Act (Act), therefore delaying any updates to the Slope Instability Management Area Overlays. The OIC has now been revoked (on 18 March 2019), such that PC2 has been able to be publicly notified.
  6. By adjusting the mapping of the Slope Instability Management Area overlays, PC2 seeks to align the rules for areas subject to these overlays with the level of existing risk for individual properties. PC2 amends the planning maps as a result of revised risk assessments where the risks of slope instability hazards have either been recalculated or are different than originally modelled. 84

properties are affected (100 property titles) in seven areas/clusters<sup>5</sup>, where the risks of slope instability hazards have either been recalculated, deemed to be less or been removed through physical works<sup>6</sup>. The technical assessments undertaken as evidence to support this plan change are described in the s32 Report<sup>7</sup> and I adopt that information.

7. The effect of the proposed changes is generally positive with a more permissive set of rules applying to 99 of the affected properties. The exception is one property at 10 Boulder Bay, which is subject to a more restrictive set of rules with a change from Rockfall Management Area 2 to Cliff Collapse Management Area 2<sup>8</sup>.

#### Notification and Submissions

8. Proposed PC2 was publicly notified on 30 September 2019. The periods for submissions and further submissions closed on 29 October and 22 November 2019 respectively. The Council received six submissions. Five of the submissions were in support of the proposals sought by PC2, and one submission neither supported nor opposed the proposal<sup>9</sup>. The s42A Report documents that a subsequent meeting, between Council planning staff and this submitter, confirmed the submitter's support for the proposal<sup>10</sup>. One further submission was received, which indicated support for the proposal, but did not identify the particular submission that it was supporting (or opposing). This further submission has been deemed invalid in the s42A report<sup>11</sup>. A summary, and full copies, of the submissions and further submission received are attached to the s42A Report<sup>12</sup>.

#### Appointment of Commissioner

9. I have been appointed by the Council under section 34A of the Act to make recommendations to the Council on the submissions and further submission received. This report sets out my recommendations and the reasons for them. No hearing has been necessary.

### STATUTORY CONSIDERATIONS

10. The statutory requirements for consideration of submissions and further submissions on a proposed plan change can be derived generally from the Environment Court's decision in *Colonial Vineyard Limited v Marlborough District Council*<sup>13</sup>. However, the *Colonial Vineyard* decision predated the 2013<sup>14</sup> and 2017<sup>15</sup> amendments to the Act coming into effect. Accordingly, the tests posed by the Environment Court in *Colonial Vineyard* also need to be read subject to the effect of those

<sup>5</sup> In Bowenvale, Hillsborough / Avoca Valley, Lyttelton, Taylor's Mistake and Boulder Bay shown generally on the map in Section 2.2 of the s42A Report.

<sup>6</sup> s42A Report at [13] – [15]

<sup>7</sup> At [3.1]

<sup>8</sup> s32 Report at [3.3.2]

<sup>9</sup> s42A Report at [35]

<sup>10</sup> s42A Report at [5] & [37]

<sup>11</sup> At [6] & [36]

<sup>12</sup> As Appendices 3 and 4

<sup>13</sup> [2014] NZ EnvC 55 ("*Colonial Vineyard*")

<sup>14</sup> In particular, amendments to ss74(1) and s32

<sup>15</sup> In particular, amendments to s6(h), s31(1)(aa), s32 (to a minor extent) and ss74(1)(ea)

amendments. Together, the *Colonial Vineyard* requirements and those recent amendments provide the legal tests I am to apply in determining the submissions on proposed PC2.

11. The *Colonial Vineyard* decision also predated the decision of the Supreme Court in *Environmental Defence Society v The New Zealand King Salmon Company Limited*<sup>16</sup>, and subsequent cases that have examined the principles contained in the *King Salmon* decision in the context of plan processes. These subsequent higher-order decisions supplement the guidance derived generally from *Colonial Vineyard*.
12. The s32<sup>17</sup> and s42A<sup>18</sup> Reports set out the statutory considerations for preparing a change to a district plan under Sections 74 and 75 of the Act. Having considered the statutory requirements, the guidance from the higher-order decisions, and the evaluation contained in the s32 and s42A Reports, I note the following as being relevant to my recommendations on PC2:
- a. I accept the position of the s32<sup>19</sup> Report that PC2 accords with the Council's functions under Section 31 of the Act, in particular establishing methods to achieve integrated management of the effects of the use and development of land in areas of the Port Hills potentially affected by slope instability, and controlling actual or potential effects of the use and development of this land.
  - b. The s32 and s42A Reports<sup>20</sup> do not identify any national policy statements or national planning standards of relevance to PC2. I accept the position of these reports in this regard.
  - c. The Canterbury Regional Policy Statement (**CRPS**) is the operative regional policy statement to be given effect to and the objectives and policies of Chapters 6 and 11 of the CRPS are relevant to PC2<sup>21</sup>.
  - d. I agree with the s32 Report<sup>22</sup> that there are no relevant Water Conservation Orders, regional plans or other regional matters.
  - e. The Mahaanui Iwi Management Plan 2013 (**IMP**) is the relevant Iwi Management Plan for Christchurch and must be taken into account in preparing PC2<sup>23</sup>.
  - f. In the Christchurch context, other plans and strategies to have regard to include the Greater Christchurch Urban Development Strategy; the Recovery Strategy for Greater Christchurch; and the Land Use Recovery Plan (**LURP**)<sup>24</sup>. In particular, I note any changes to the District Plan must not be inconsistent with the LURP. I agree with the s32 Report<sup>25</sup>

<sup>16</sup> [2014] NZSC 38 ("*King Salmon*")

<sup>17</sup> At sections 2.1, 5 & 6

<sup>18</sup> At sections 5, 6 & 8

<sup>19</sup> At [40]

<sup>20</sup> s32 Report at [2.1.5]

<sup>21</sup> s32 Report at [2.1.3]

<sup>22</sup> At [2.1.5]

<sup>23</sup> s32 Report at [2.1.3], and s42A Report, at [47] – [49]

<sup>24</sup> s32 Report, at [2.1.3], and s42A Report, at [43] – [45]

<sup>25</sup> At [2.1.6]



that there are no other management plans or strategies prepared under other Acts that are relevant to the resource management issues identified in the preparation of PC2<sup>26</sup>.

- g. PC2 does not introduce any new, or alter any existing, objectives or policies. It proposes amendments to the planning maps (i.e. methods, which include the rules). The rules of a District Plan must implement the policies and achieve the objectives and policies<sup>27</sup>.
- h. PC2 must be prepared in accordance with the Council's obligations under s32 of the Act<sup>28</sup>.
- i. PC2 must be prepared in accordance with the provisions of Part 2<sup>29</sup>.

#### Canterbury Regional Policy Statement

13. The relevant objectives and policies of the CRPS are set out in the s32 Report<sup>30</sup>. These provisions seek to protect people from unacceptable risk from natural hazards, with the level of protection corresponding with the degree of risk and likely effectiveness of mitigation. Having regard to these provisions of the CRPS, I agree with the conclusions of the s32<sup>31</sup> and s42A<sup>32</sup> Reports that the higher-level policy direction in the CRPS has been specifically given effect to, or had regard to, in the provisions the District Plan, consistent with these outcomes sought by the CRPS. I agree that updating the Slope Instability Management Area overlays to better align the rules with the level of existing risk identified is consistent with the CRPS's strategic approach to natural hazards' management. I am satisfied that the provisions of PC2 give effect to the relevant provisions of the CRPS.

#### Mahaanui Iwi Management Plan

14. The s32<sup>33</sup> and s42A<sup>34</sup> Reports both identify the IMP as being the relevant iwi management plan for the Port Hills areas covered by PC2. The s42A Report<sup>35</sup> states that the IMP does not identify any specific issues or direction with regard to the management of risks from natural hazards in the Port Hills. The reports<sup>36</sup> state the IMP seeks that Ngāi Tahu maintains a prominent and influential role in the rebuild and redevelopment of Ōtautahi, post-earthquake, by participating in urban planning, including involvement in plan changes. A consultation was undertaken with iwi authorities (via Mahaanui Kurataiao Limited (**MKT**)) during the preparation of proposed PC2<sup>37</sup>. The s32 Report<sup>38</sup> notes that feedback received from the relevant Rūnanga, Ngāti Wheke, was that they do not have any concerns, other than that the overlay in Rāpaki had not been assessed. It is stated that

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<sup>26</sup> At section 2.2

<sup>27</sup> s75(1) and s76(1) of the Act

<sup>28</sup> s74(1)(d) & (e) of the Act

<sup>29</sup> s74(1)(b) of the Act

<sup>30</sup> At [2.1.3]

<sup>31</sup> At [2.1.7]

<sup>32</sup> At [42]

<sup>33</sup> At [2.1.3]

<sup>34</sup> At [47]

<sup>35</sup> At [47]

<sup>36</sup> s32 Report at [2.1.3] and s42A Report at [48]

<sup>37</sup> s32 Report at [3.5.1]

<sup>38</sup> At [3.5.2]



subsequent correspondence from MKT indicated that the Rūnanga would not have any further concerns. From this information, I am satisfied that the relevant Iwi Management Plan has been appropriately taken into account in preparing PC2.

#### Land Use Recovery Plan

15. The s42A Report<sup>39</sup> describes the relevance of the LURP. The s32 report<sup>40</sup> identifies the relevant provisions of the LURP as being Outcomes 1, 3, 4 & 5. It states that these outcomes seek to ensure a clear planning framework which directs where and how new development should occur while avoiding key hazards and constraints; that plans and regulatory processes are to enable rebuilding and development without unnecessary constraints; and the regulatory environment is to support investor confidence. The LURP has already resulted in the incorporation of Chapter 6 into the CRPS, consistency with which I have addressed above, and has been taken into account in the preparation of the CRDP. I accept the conclusion of the s32 Report<sup>41</sup> that PC2 is consistent with the LURP. In particular, I consider the refinement of the Slope Instability Management Area overlays, to better align the rules with the level of risk identified for individual properties, is consistent with the LURP's outcomes of:

- a. ensuring a clear planning framework which continues to avoid key natural hazards,
- b. preventing unnecessary costs, time constraints and effects on property values as a result of rules that are not well aligned with the levels of risk at a site-specific level, and
- c. improving the confidence of property owners in the District Plan's provisions.

I am satisfied that PC2 has had appropriate regard to, and is not inconsistent with, the LURP.

#### Higher-Order Consistency with Objectives and Policies of the District Plan

16. PC2 does not introduce any new or alter any existing, objectives or policies. It proposes amendments to the planning maps (i.e. methods, which include the associated rules). The rules must implement the policies and achieve the objectives and policies. The s32 Report<sup>42</sup> contains an evaluation of proposed PC2 against the relevant District Plan objectives and policies. The s42A Report<sup>43</sup> states that its author generally agrees with the assessment carried out in the s32 Report.

17. Chapter 3 of the District Plan, Strategic Directions, contains Strategic Objective 3.3.6 regarding natural hazards. This is carried over as the objective for Chapter 5, Natural Hazards. More specific matters regarding slope instability hazards are addressed in the policies of Chapter 5<sup>44</sup>. The rules provide for the identification and assessment of risk from natural hazards in the Port Hills<sup>45</sup>. The s32 Report<sup>46</sup> identifies two additional strategic objectives of relevance to PC2, Objectives 3.3.1 and

<sup>39</sup> At [43] – [45]

<sup>40</sup> At [2.1.3]

<sup>41</sup> At [45]

<sup>42</sup> At Sections 2.1, 3.2 & 6.2

<sup>43</sup> At [46]

<sup>44</sup> In particular, Policies 5.2.2.1.2, 5.2.2.1.6, 5.2.2.1.8, 5.2.2.4.1 & 5.2.2.4.2 (Refer s32 report at [3.2.3] – [3.2.5])

<sup>45</sup> s32 Report at [3.2.6]

<sup>46</sup> At [2.1.9]

3.3.2. These seek outcomes of expedited recovery, investment certainty, minimising transaction costs and reliance on resource consents.

18. I agree with the s32 Report<sup>47</sup> that PC2 contributes to achieving Strategic Objective 3.3.6 by ensuring the District Plan provisions (the planning maps and associated rules) reflect the level of natural hazard risk assessed for the properties included in PC2. New subdivision, use and development will continue to be avoided in those areas where the risks from slope instability hazards are assessed as being unacceptable<sup>48</sup> and, in other areas with a lesser level of risk, development will continue to be undertaken in a manner that ensures the risk is appropriately mitigated<sup>49</sup>. As stated in the s32 Report, PC2 continues to raise public awareness of the scale of natural hazard events<sup>50</sup>.
19. By updating the planning maps based on recent information and technical assessments, PC2 is directly implementing Policy 5.2.2.1.2 to manage activities in a manner commensurate with the likelihood and consequences of a natural hazard event on life and property. I accept the evaluation of the s32 Report<sup>51</sup> that the level of technical and planning assessment undertaken for PC2 reflects the potential scale and significance of the slope instability hazards, and the nature and scale of the areas affected and their susceptibility to those hazards; consistent with the requirements of Policy 5.5.2.1.8. PC2 ensures people are better informed about the natural hazards relating to their properties and the surrounding area, by including accurate hazard mapping in the District Plan, implementing Policy 5.2.2.1.6. In particular, I agree with the s32 Report<sup>52</sup> that PC2 specifically implements the Council's commitment in Policy 5.2.2.4.2 to regularly notify changes to the District Plan, including changing the planning maps, in order to reflect updated information from site-specific assessments of life-safety risk from rockfall and/or cliff collapse. By more accurately aligning the planning maps and associated rules with updated technical assessments of the level of existing risk, I agree<sup>53</sup> that PC2 achieves the outcomes sought through Objectives 3.3.1 and 3.3.2 of avoiding unnecessary costs and delays for property owners<sup>54</sup>, thereby expediting recovery, improving investment certainty, and minimising transaction costs and reliance on resource consents.

#### Evaluation of Alternatives – Section 32

20. PC2 must be prepared in accordance with the Council's obligations under s32 of the Act. The s32 Report<sup>55</sup> undertakes an evaluation of proposed PC2 in terms of the s32 requirements. The s42A

<sup>47</sup> At [6.2.3]

<sup>48</sup> Also continuing to implement Policies 5.2.2.1.1 & 5.2.2.4.1

<sup>49</sup> Strategic Objective 3.3.6.a

<sup>50</sup> At [6.2.3], achieving Strategic Objective 3.3.6.c

<sup>51</sup> At section 4

<sup>52</sup> At [6.2.3]

<sup>53</sup> s32 Report, at [6.2.3]

<sup>54</sup> The s32 Report, at [2.2.9] – [2.2.14,] and the s42A Report, at [29] - [33], set out the problems, costs and time delays for property owners as a result of the misalignment between the planning maps / rules and hazard risk, and associated effects on their wellbeing and potentially their property values.

<sup>55</sup> At sections 4, 5 & 6 of the s32 Report

Report<sup>56</sup> refers to that evaluation. I accept the conclusions regarding the appropriateness of the proposed PC2 provisions, in particular:

- a. proposed PC2 does not depart from the purpose of the existing objectives, policies and rules of the District Plan in relation to the management of slope instability hazards, and its purpose continues to achieve the purpose of the Act<sup>57</sup>;
- b. other reasonably practicable options for achieving the proposal have been identified and examined and found to be less appropriate than the approach in proposed PC2<sup>58</sup>;
- c. the option proposed in PC2 of reviewing the Slope Instability Management Area overlays for a specific suite of properties is efficient in achieving certainty and avoiding further costs and delays for those property owners, enabling them to proceed with development in a manner that is aligned with the currently understood level of hazard risk. There are some inefficiencies in carrying out multiple reviews and plan changes for different groups of properties over the proposed 2-yearly interval schedule, however, this is outweighed by the known delays and costs for the PC2 property owners (who have been waiting for a plan change) should the plan change wait for a comprehensive review of all properties in the overlay areas<sup>59</sup>;
- d. the proposed PC2 provisions are found to be effective at raising awareness of natural hazards and ensuring the District Plan provisions remain up-to-date and reflect the level of risk for the properties identified. PC2 may be less effective for properties not reviewed to-date and, therefore, not included in the PC2 provisions, however, the Council's commitment to regular reviews and plan changes will sufficiently mitigate this<sup>60</sup>;
- e. the benefits and costs of the provisions have been identified and assessed, at a level of detail that corresponds to the scale and significance of the effects anticipated from implementing PC2<sup>61</sup>;
- f. the risks of proposing or not proposing PC2 have been appropriately assessed and weighed<sup>62</sup>;
- g. proposed PC2 has been examined as to its appropriateness to achieve the objectives, and implement the policies, of the District Plan and overall found to be the most appropriate option having regard to efficiency and effectiveness. It aligns the planning rules with the level of risk from hazards in a timely manner without unnecessary delays for property owners who have been waiting for the Council to make changes<sup>63</sup>.

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<sup>56</sup> At [53] - [54]

<sup>57</sup> At [5.1.1] – [5.1.2]

<sup>58</sup> At [5.2.1] - [5.3.6]

<sup>59</sup> At [5.3.4] – [5.3.6], [6.2.2] - [6.2.3] & [6.3.1]

<sup>60</sup> At [5.3.4] – [5.3.6] & [6.2.2] - [6.2.3]

<sup>61</sup> At Sections 4, 5 & 6

<sup>62</sup> At [4.2.2] & Sections 5 & 6

<sup>63</sup> At [6.3.1]

## CONSIDERATION OF SUBMISSIONS

21. As all submissions are either stated as being, or subsequently found to be, in support of proposed PC2, there has been no need for a hearing. I have not received evidence from any parties other than the s42A Report, with the s32 Report attached. As all submissions support the provisions of PC2 as proposed, I have no amendments to those provisions to consider. I only need to consider the proposed provisions of PC2 and provide my recommendations on the submissions seeking approval of PC2.

### Approval of PC2

22. Paul Spicer (S2-D1), Tim Allan (S3-D1), Megan Allan (S4-D1), Paul Page (S5-D1) and Matthew Rout (S6-D1) lodged submissions supporting PC2. A submission was also received from Bowenvale Estate Limited (S1-D1) which did not state whether it supported or opposed the proposal. The s42A Report documents that a subsequent meeting, between Council planning staff and this submitter, confirmed the submitter's support for the proposal<sup>64</sup>. Attached to the s42A Report<sup>65</sup> is a copy of an email from this submitter confirming support for the plan change. A further submission from Line King Limited (FS1-D3) also specifically stated support for the proposal but did not identify the particular submission it was supporting (or opposing)<sup>66</sup>.

23. As I am recommending PC2 be adopted, I recommend the submissions seeking approval of PC2 be accepted (or in the case of S1-D1 accepted in part)<sup>67</sup>. I accept the recommendation of the s42A Report<sup>68</sup> that the further submission (FS1-D3) is invalid and should, therefore, be rejected, although I note my recommendation for the Council to adopt Proposed PC2 is consistent with the outcome sought in this further submission.

## PART 2 OF THE ACT

24. s74(1)(b) requires every change to a District Plan to be in accordance with Part 2 of the Act. The s42A Report<sup>69</sup> evaluates proposed PC2 as to whether it achieves the purpose of the Act in s5 and concludes that it does so, setting out the reasons in paragraph 55. I accept that conclusion.

25. The s42A Report goes on to evaluate PC2 in terms of the relevant parts of sections 6 & 7 of the Act. In terms of s6(h) of the Act, the s42A Report<sup>70</sup> concludes that PC2 recognises and provides for the management of significant risks from natural hazards by applying a risk-based management framework to sites that is commensurate with the existing level of risk. I agree with that conclusion. With respect to the other matters to have particular regard to in s7, the s42A Report<sup>71</sup> states that

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<sup>64</sup> s42A Report at [5] & [37]

<sup>65</sup> Appendix 5

<sup>66</sup> The s42A report, at [6] & [36], states that this further submission is deemed invalid as it is a submission in support of the PC2 proposal rather than expressing support / opposition to a submission.

<sup>67</sup> As recommended in Appendix 3 to the s42A Report

<sup>68</sup> As recommended in Appendix 3 to the s42A Report

<sup>69</sup> At [55]

<sup>70</sup> At [56]

<sup>71</sup> At [57]

PC2 provides for the efficient use and development of land that is otherwise impeded by the existing District Plan provisions; and that this will enable greater opportunity to maintain and enhance amenity values and the quality of the environment in the locations subject to the plan change. I accept that conclusion.

26. On this basis, I am satisfied that, with the amendments to the planning maps through PC2, the provisions of the District Plan will continue to be in accordance with Part 2 of the Act.

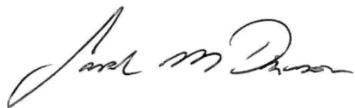
## OVERALL CONCLUSION AND RECOMMENDATIONS

27. For the reasons set out above, I am satisfied that the proposed provisions of PC2 are the most appropriate for achieving the purpose of the Act and the purpose of PC2; will give effect to the relevant higher-order planning direction; and will achieve the relevant objectives of the District Plan.

28. For the reasons above, I recommend the Council:

- a. adopt the amendments to the District Plan as publicly notified in proposed PC2; and
- b. accept, accept in part, or reject the submissions and further submission as set out in Appendix 1.

Dated this 20<sup>th</sup> day of February 2020



---

Sarah Dawson

Independent Hearings Commissioner

## Appendix 1 – Summary of Submissions with Commissioner’s Recommendations

### CHRISTCHURCH DISTRICT PLAN PLAN CHANGE 2 - PORT HILLS SLOPE INSTABILITY MANAGEMENT AREA OVERLAYS UPDATE SUMMARY OF SUBMISSIONS WITH COMMISSIONER’S RECOMMENDATIONS

Submitter	Submission No.	Decision No.	Decision Sought	Accept / Reject Recommendation
Bowenvale Estate Limited	<b>S1</b>	<b>D1</b>	The submitter seeks the property’s return to residential status and associated rights pertaining prior to its red-zoning. An email from the submitter to the Council (dated 10 December 2019) confirms the submitter’s support for the proposed plan change, in view of the explanations from Council staff.	<b>Accept in part</b>
Paul Spicer	<b>S2</b>	<b>D1</b>	Approve the slope instability overlays as proposed for the Rockcrest Lane area, Bowenvale	<b>Accept</b>
Tim Allan	<b>S3</b>	<b>D1</b>	Approve the slope instability overlays as proposed for the Rockcrest Lane area, Bowenvale	<b>Accept</b>
Megan Allan	<b>S4</b>	<b>D1</b>	Approve the slope instability overlays as proposed for the Rockcrest Lane area, Bowenvale	<b>Accept</b>
Paul Page	<b>S5</b>	<b>D1</b>	Approve the slope instability overlays as proposed	<b>Accept</b>
Matthew Rout	<b>S6</b>	<b>D1</b>	No comment provided, but in support	<b>Accept</b>
Line King Limited	<b>FS1</b>	<b>D3</b>	Approve the slope instability overlays as it is beneficial for the property	<b>Reject</b>

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Report of Commissioner – Plan Change 2 to Christchurch District Plan

Submitter	Submission No.	Decision No.	Decision Sought	Accept / Reject Recommendation
				The submission does not constitute a valid Further Submission, as it makes no reference to the Submission it is in support of (or opposes) as required by s8A of Schedule 1 of the Act.



## **CHRISTCHURCH DISTRICT PLAN**

### **PLAN CHANGE 2**

#### **Update of the Slope Instability Hazard Management Areas**

#### **PLANNING OFFICER'S REPORT UNDER SECTION 42A OF THE RESOURCE MANAGEMENT ACT 1991**

**14 January 2020**



TRIM 20/11138

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## 1 INTRODUCTION

### 1.1 REPORTING OFFICER

- [1] My full name is Florian Risse. I am employed as an Assistant Policy planner in the City Planning Team, Strategy and Transformation Group of the Christchurch City Council (**the Council**). I have been in this position since 2016.
- [2] I hold a Bachelor in Environmental Management and Planning and a Master in Environmental Policy from Lincoln University. I am also an intermediate member of the New Zealand Planning Institute.
- [3] I have four years' experience in planning and resource management in New Zealand, having worked as an Assistant Policy Planner, and Planner (Level two) in the Resource Consents unit for the Christchurch City Council for the last 4 years.

### 1.2 THE PURPOSE AND SCOPE OF THIS REPORT

- [4] This report has been prepared in accordance with Section 42A of the Resource Management Act 1991 (**the Act/RMA**). It makes recommendations on Council initiated Plan Change 2 (**the plan change / PC2**) to the Christchurch District Plan (**the Plan**) and submissions and further submissions received on it. A copy of the notified plan change is contained in **Appendix 1**.
- [5] The plan change was notified on 30<sup>th</sup> September 2019, with the period for submissions closing on 29<sup>th</sup> October 2019. Further submissions were called for between 8<sup>th</sup> and 22<sup>nd</sup> November 2019 respectively. The Council received six submissions. Five of these submissions were in support of the proposals sought by this plan change. One submission neither supported nor opposed the proposal. A subsequent meeting confirmed the submitter's support for the proposal.
- [6] The Council received one further submission which indicated support for the proposal but was ultimately deemed invalid. It was considered invalid because it did not meet the requirements of section 8A as it did not identify the submission it relates to. A copy of the submissions and further submissions received is contained within **Appendix 4**.
- [7] The purpose of this report is to highlight relevant information and issues regarding Plan Change 2, in terms of the statutory requirements, and make recommendations on submissions and further submissions made on it, in order to assist the Commissioner. Recommendations as to acceptance, acceptance in part or rejection of the submissions and further submissions received can be found in **Appendix 3 – Table of Submissions with Recommendations and Reasons**.
- [8] The scope of this report includes:
  - a) Summary of Plan Change 2;

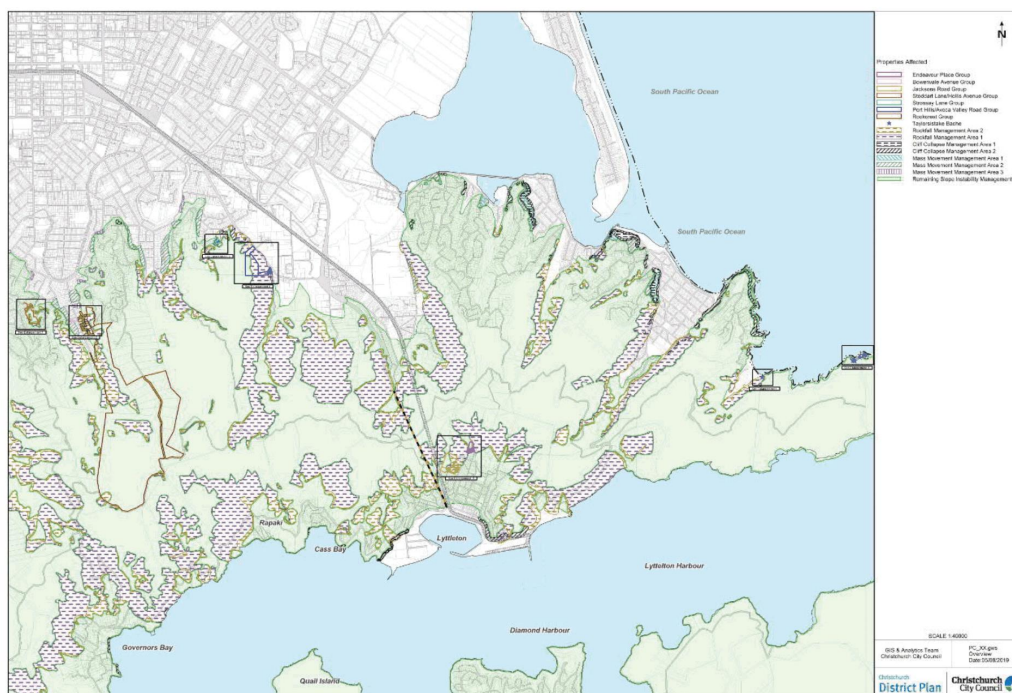
- b) Background and matters relevant to the Plan Change;
  - c) An overview of submissions and further submissions received;
  - d) Statutory considerations including:
  - e) The Resource Management Act 1991 (**RMA**);
  - f) The Canterbury Regional Policy Statement 2013 (**CRPS**);
  - g) Land Use Recovery Plan (**LURP**);
  - h) The Christchurch District Plan Objectives and Policies;
  - i) Mahaanui Iwi Management Plan 2013 (**IMP**);
  - j) Analysis and evaluation of submissions, and recommendations;
  - k) Summary of the Section 32
  - l) Consideration of the Plan Change in terms of Part 2 of the Act;
  - m) Conclusions and recommendations.
- [9] I confirm that the opinions expressed in this report are within my area of expertise, except where I am relying on facts and information provided to me by another person. In addition to considering the Section 32 and the submissions, I have taken into account the advice and recommendations of the following experts:
- [10] Jesse Dykstra (Principal Geotechnical Advisor CCC) – Geotechnical – (refer to Section 32 Evaluation **Appendix 2**)
- [11] I have considered and stated, where applicable, all material facts known to me which might alter or qualify the opinions I express. It must be emphasised that any conclusion and recommendations made in this report are my own and are not binding upon the Commissioner or the Christchurch City Council in any way. It should not be assumed that the Commissioner will reach the same conclusions as I have when they have heard and considered all of the evidence presented.

## 2 PLAN CHANGE 2 – OVERVIEW

### 2.1 SUMMARY OF THE PROPOSAL

- [12] Plan Change 2 seeks to update the Port Hills Slope Instability Management Area Overlays, which aligns rules for areas subject to the Slope Instability Management Area overlays with the level of existing risk for individual properties. Affected are those properties where the risks of slope instability hazards have either been recalculated or deemed to be less or been removed through physical works.
- [13] There are seven areas / clusters with properties where the existing risk has changed. The map below shows the areas of the Port Hills with properties subject to this plan change.

## 2.2 LOCATIONS AND CONTEXT



- [14] The clusters contain a total of 84 sites (or 100 property titles) affected by the changes. Each site is zoned residential. A small number of these form part of the Residential Red Zone under the Greater Christchurch Regeneration Act 2016. Maps defining the properties affected in each area/ cluster are included as Appendices to the Section 32 report.
- [15] The clusters can be roughly grouped into areas described as Stronsay Lane (Hillsborough/Avoca Valley), Rockcrest Lane (Bowenvale), Jacksons Road, Ross Parade & Ross Terrace (Lyttelton), and Taylor's Mistake and Boulder Bay. Detailed descriptions and background assessments can be found in part 3 of the section 32 assessment.<sup>1</sup>

## 3 BACKGROUND TO THE PLAN CHANGE

### 3.1 CHRISTCHURCH REPLACEMENT DISTRICT PLAN

- [16] The CRDP process involved a bespoke legislative process that modified the standard RMA (Schedule 1) plan change process. The CRDP process was established under an Order-in-

<sup>1</sup> See Appendix 2 – Section 32 Evaluation

- Council (OIC), the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014, which was made pursuant to the Canterbury Earthquake Recovery Act 2011 (CERA).
- [17] In summary, the modified process provided for the notification of proposals for the CRDP, the making of submission on those proposals, and hearings into those submissions conducted by an Independent Hearings Panel (IHP), with the IHP responsible for making decisions on the proposals and including changes to any notified proposal. The OIC limited the appeal rights available in respect of any decision by the Panel to questions of law only.
- [18] Clause 4 of the OIC acts to prevent the Council from notifying a plan change under Schedule 1 of the RMA until that Order-in-Council expires or is otherwise revoked.
- [19] On 19 April 2016, the OIC was extended to the close of 30 June 2021 by section 147(1)(b) of the Greater Christchurch Regeneration Act 2016. The effect of the extended OIC has been that the Council has not been able to notify any plan change. Despite the OIC's extended lifespan under the Act, the order was revoked on 18 March 2019.

### 3.2 THE CANTERBURY EARTHQUAKES OF 2010 AND 2011

- [20] The Canterbury earthquakes of 2010 and 2011 damaged many properties in the Port Hills area of Christchurch and resulted in the deaths of five people. Hundreds of property owners and occupiers were not permitted to occupy their homes on the Port Hills following the February 2011 earthquake event either because the damage to their homes made them uninhabitable or because the risk posed by slope instability hazards or other unstable buildings rendered them unsafe to occupy.
- [21] The slope instability hazards that contributed to this damage and loss of life were present across the Port Hills and wider Banks Peninsula prior to the 2010-2011 earthquakes.
- [22] After the 2010-2011 earthquakes, the Council worked with engineers and geologists with geotechnical expertise to better understand slope instability hazards in the Port Hills and the risk these hazards present to people. Investigations commissioned by the Council and undertaken by the Institute of Geological and Nuclear Sciences Limited (GNS) have been described in a number of reports and were used to inform the management of slope instability hazards in the Natural Hazards chapter of the Christchurch District Plan. These reports have been extensively peer reviewed by national and international experts.
- [23] The GNS reports include estimates of the life-safety risk (or risk of death) to people living in areas of the Port Hills. The reports map areas subject to life-safety risk from cliff collapse, rockfall or boulder roll and mass movement. The research into mass movement also considered the risk to life-line infrastructure.
- [24] The modelling carried out by GNS was effectively at a 'suburban' scale and was translated into a suite of hazard map overlays called Slope Instability Management Areas. This suite contains overlays specifically managing the risks from rockfall (represented by Rockfall Management Area 1 and 2), cliff collapse (represented by Cliff Collapse Management Area



- 1 and 2) and mass movement (represented by Mass Movement Management Area 1, 2 and 3). The different tiers reflected the different levels of risk.
- [25] Using this type of methodology is time and cost effective. However, as with any assessment, there is a risk of information not reflecting changes in the environment and/or what may be observed on a site-by-site basis.
- [26] Regular updates are therefore important to reflect the latest information and to trigger appropriate responses, including changes to the District Plan. The repealed Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014 (Order in Council) precluded any changes to the District Plan until its revocation in March, therefore delaying any updates.
- [27] Plan Change 2 was developed by the Council to address these issues, taking into account updated advice at a site specific level and physical works undertaken since the Canterbury earthquakes. The key considerations relevant to the plan change, including the actual and potential effects of the proposal, and the proposed mitigation measures, have been discussed in the Section 32 and technical reports accompanying the Plan Change. These matters will be discussed in section 3 of this report.

### 3.3 MATTERS RELEVANT TO THE PLAN CHANGE PROPOSAL

#### Problem Definition and Consequences

- [28] Matters relevant to the proposal, including the actual and potential environmental, economic, social and cultural effects of the proposed update, risks and any constraints, have been discussed in part 6 of the Section 32 Evaluation
- [29] The main issue is that the District Plan rules do not correspond to the level of risk that exists at specific sites, having regard to updated advice and investigations, together with physical works that affects the risk of hazards.
- [30] Without the amendments proposed by Plan Change 2, it is possible that the plan change could give rise to some adverse consequences beyond those anticipated in the relevant planning documents. The lack of updates to the overlays over the last few years since their inception has a number of consequences for property owners and Council as outlined below.
- [31] *Lack of reviews/updates:* The inability to review the slope instability management area overlays in the District Plan has led to a degree of misalignment between the planning rules and hazard risk. In some instances, the risk that was initially determined was conservative. In other cases, the risk has been recalculated and is deemed lower, or physical works have been undertaken to remove any hazards from the sites in question. In some cases, the extent of the risk has reduced or has a different alignment that affects the rules a property (or part thereof) should be subject to. Despite these findings, property owners were unable to have the Slope Instability Management Area overlays updated to reflect the risks on their property due to the Order in Council being in place.

- [32] *Costs/time/value*: As a consequence of the inability for review/ updates to the District Plan, property owners who sought to undertake developments on their site have had to go through a consent process under provisions of the District Plan that do not align with the level of risk. As a result, the costs and time it would take to develop a site have increased. At the same time, the presence of such overlays potentially affect property values.
- [33] *Wellbeing*: Property owners may have been left confused or frustrated with the delay in progress of updating the overlays to reflect the updated risk profile of their properties in the District Plan. This may have unintended consequences on owners such as concern over the ability to obtain insurance and this puts additional stress and potential psychosocial pressure on people and communities. This has triggered occasional concerns by owners and at pre-application meetings with Council planners.
- [34] *Not delivering on a policy commitment*: Policies 5.2.2.1.2 – (Manage activities to address natural hazard risks), 5.2.2.1.6 (Awareness of natural hazards) and 5.2.2.4.2 (Policy – Site-specific risk assessment for AIFR certificates in certain areas potentially affected by rockfall and/or cliff collapse) are currently not effectively implemented.
- a) Policy 5.2.2.1.2 requires that activities in areas subject to natural hazards are managed in a manner that is commensurate with the likelihood and consequences of a natural hazard event on life and property. As conveyed earlier, the provisions do not reflect updated information on the level of risk for identified properties and there is potential for activities to be managed in a way that is not commensurate with the risk.
  - b) Policy 5.2.2.1.6 is to ensure people are informed about the natural hazards relating to their properties and surrounding area, including through information on hazard maps on the Council's website. Hazard related site information is currently not up to date for specific properties in the District plan to reflect information on the risk of slope instability.
  - c) Policy 5.2.2.4.2 (c) is for Council to regularly notify changes to the District Plan to reflect updated information. This plan change seeks to deliver on this commitment.

## 4 OVERVIEW OF SUBMISSIONS AND FURTHER SUBMISSIONS

### 4.1 SUBMISSIONS

- [35] The Council received six submissions, five of which were in support of the proposals sought by this plan change. One submission neither supported nor opposed the proposal.
- [36] These attracted one further submission, which was deemed invalid, supporting the plan change proposal rather than expressing support/ opposition to a submission. For the summary of submissions refer to **Appendix 3**. Copies of all submissions can be viewed on the Council website at <https://www.ccc.govt.nz/the-council/plans-strategies-policies-and->

bylaws/plans/christchurch-district-plan/changes-to-the-district-plan/proposed-changes-to-the-district-plan/districtplanchange2/.

- [37] The one submission, which did not indicate support or opposition to the proposal, is in relation to a parcel of land that has been red zoned following the earthquakes. The submitter, Bowenvale Estate Limited, sought the reinstatement of the pre-earthquake land zoning as it was assumed the site's 'red zone' status has replaced this. In addition, the zoning that the submitter referred to was 'Living Hills'<sup>2</sup> and is a zone term used under the former City Plan and has been replaced with Residential Hills zoning under the District Plan. Through meeting with the submitter, Mr Rawlings of Bowenvale Estates, Council staff clarified the nature of the changes proposed.

## 5 STATUTORY CONSIDERATIONS UNDER SECTIONS 74 AND 75

### 5.1 THE RESOURCE MANAGEMENT ACT 1991

- [38] Section 74 of the Resource Management Act sets out the matters that must be considered in preparing a change to a district plan.
- [39] Among other things, Section 74 requires a local authority to comply with its functions under section 31, its duties under section 32 and 32AA, contents of district plans under Section 75 and the overall purpose of the Act under Part 2. This includes recognising and providing for matters of national importance (Section 6), having particular regard to other matters (Section 7) and taking account of the principles of the Treaty of Waitangi (Section 8).
- [40] Plan Change 2 aligns with the Council's functions under Section 31, which include:
- a) Establishing, implementing and reviewing objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land; and associated natural and physical resources of the district; and
  - b) Controlling actual or potential effects of the use, development, or protection of land.
- [41] Section 75(3)(c) requires the Council to give effect to any national or regional policy statements or national planning standards. The relevant statutory documents can be found in part 5 of this report.

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<sup>2</sup> The reference to the former Living Hills Zone came up as part of a phone conversation with Mr Rawlings.



## 6 STATUTORY INSTRUMENTS

### 6.1 CANTERBURY REGIONAL POLICY STATEMENT 2013

- [42] The Canterbury Regional Policy Statement provides an overview of the resource management issues in the Canterbury region, and the objectives, policies and methods to achieve integrated management of natural and physical resources. These methods include directions for provisions in district plans. The relevant provisions of the CRPS are discussed in section 2.1 of the Section 32 evaluation report found in Appendix 2 and I agree with the assessment that the proposed plan change provisions are consistent with the CRPS.

### 6.2 LAND USE RECOVERY PLAN

- [43] The Land Use Recovery Plan 2013, prepared in response to the Canterbury earthquakes, includes a discussion on the recovery needs for Greater Christchurch and sets out a series of actions (or methods) for implementation of land use recovery in Greater Christchurch. The LURP's purpose is to provide for residential and business land use to support recovery and rebuilding to 2028 while achieving the identified desired outcomes. Any changes to the Christchurch District Plan must not be inconsistent with the Recovery Plan.
- [44] The Land Use Recovery Plan includes 50 Actions. Most of these Actions directed changes to planning documents that took immediate effect and were directly incorporated into relevant plans and policies. Other Actions are ongoing.
- [45] The relevant provisions of the LURP are discussed in section 2.1 of the Section 32 evaluation report found in Appendix 2 and I agree with the assessment that the proposed plan change provisions are consistent with the LURP.

### 6.3 CHRISTCHURCH DISTRICT PLAN

- [46] The section 32 report attached to Plan Change 2 contains an evaluation of the proposal against the relevant District Plan objectives and policies. I generally agree with the assessment carried out. The relevant provisions of the Christchurch District Plan are discussed in section 3.2 of the Section 32 evaluation report found in Appendix 2.

### 6.4 MAAHANUI IWI MANAGEMENT PLAN 2013

- [47] Ngāi Tahu prepared the Maahanui Iwi Management Plan (IMP), being the relevant Iwi Management Plan for Christchurch. This document does not identify any specific issues or direction with regard to the management of the risks from natural hazards in the Port Hills.
- [48] The IMP seeks that Ngāi Tahu maintains a prominent and influential role in the rebuild and redevelopment of Ōtautahi, post-earthquake by participating in urban planning, including involvement in plan changes.

- [49] The relevant provisions of the Iwi Management Plan are discussed in section 2.1 of the Section 32 evaluation report found in **Appendix 2** and I agree with the assessment that the proposed plan change provisions are consistent with the Iwi Management Plan.

## 7 ANALYSIS AND EVALUATION OF SUBMISSIONS

- [50] Five out of six submissions are in support of the proposal. One further submission being invalid as stated earlier. Mr Rawlings, Bowenvale Estates Ltd, did not indicate support or opposition to the proposal in their submission. In Mr. Rawlings' submission, he expresses his desire to return the property to the associated rights pertaining before its red-zoning.
- [51] Also, the District Plan, as existed before the land's rezoning, did not have an overlay equivalent to the 'Remainder of Port Hills and Banks Peninsula Slope Instability Management Area', which is one of the outcomes of this plan change.
- [52] Consequently a meeting has been held with the submitter, Mr Rawlings of Bowenvale Estates, with the intention to clarify the objectives of the plan change, what is proposed, and the reasons why the removal of the 'red zone' status is outside the scope of the proposed change and why the property will be subject to the Remainder of Port Hills Banks Peninsula Slope Instability Management Area overlay. Consequently the Plan Change proposal received the support of the submitter, which has been communicated to Council via email on 10 December 2019.

## 8 SECTION 32

### 8.1 SECTION 32 EVALUATION

- [53] Section 32 of the Act requires the Council to carry out an evaluation of the plan change to examine the extent to which relevant objectives are the most appropriate way to achieve the purpose of the Act, and whether, having regard to their efficiency and effectiveness, the related policies, rules, or other methods are the most appropriate for achieving the objectives.
- [54] In this case, the Plan Change does not propose to add or alter any objectives or policies. I refer to the evaluation provided in the Section 32 report accompanying the Plan Change 2, which concludes that the updated overlays, as limited notified, are appropriate, efficient and effective in achieving the relevant existing objective/s.

### 8.2 PART 2 OF THE ACT

- [55] Section 5 of Part 2, the purpose of the RMA, seeks to promote the sustainable management of natural and physical resources in a way which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety,

while, among other considerations, avoiding, remedying or mitigating any adverse effects of activities on the environment. Section 5 essentially involves an overall broad judgement as to whether the proposal will promote the sustainable management of natural and physical resources. The plan change seeks to ensure the sustainable management of land subject to risks from hazards, with commensuration of the level of regulation with natural hazard risks that applies to the properties in light of the mitigation and/or removal of hazard risk. In doing so, it enables property owners to provide for their health and safety and positively impacts on the amenity for affected owners.

- [56] Section 6(h) of the Act lists matters of national importance which need to be recognised and provided for in achieving the purpose of the Act. These include the management of significant risks from natural hazards. The Plan Change recognizes this in that it applies a risk-based management framework to sites that is commensurate with the existing level of risk.
- [57] In considering the possible methods of achieving the purpose of the Act, particular regard needs to be had to 'other matters' listed in section 7. Subsections 7(b), (c) and (f), related to the efficient use and development of resources, the maintenance of amenity values, and the maintenance and enhancement of the quality of the environment are relevant to this proposal. The update to the Port Hills Slope Instability Management Area overlays provides for the efficient use of and development of natural and physical resources that is otherwise impeded by the exiting provisions. In enabling the use and development of the subject sites, there is a greater opportunity to maintain and enhance the amenity values and quality of the environment in the locations subject to the plan change.
- [58] Overall, I am of the opinion that Plan Change 2 provides an efficient and effective, as well as the most appropriate way of achieving the relevant planning objectives, higher order direction, and the purpose of the Act.

## 9 CONCLUSIONS AND RECOMMENDATIONS


- [59] In summary, I am satisfied that Plan Change 2, comprising the proposed update to the Port Hills Slope Instability Management Area overlays, will more appropriately achieve the District Plan objectives and better meet the purpose of the Act than the current Plan provisions.
- [60] I recommend therefore that:
- Plan Change 2 be approved; and
  - Submissions on the Plan Change be accepted as set out in **Appendix 3** to this report.

10 APPENDICES



10.1 APPENDIX 1: PORT HILLS SLOPE INSTABILITY MANAGEMENT AREA OVERLAYS UPDATE



	<p>Resource Management Act 1991</p> <p>Christchurch District Plan</p> <p>Proposed Plan Change</p>	<p>2</p>
<p><b>NOTE:</b> The rule amendments proposed in this Plan Change <b>have no legal effect</b> until the Council's decision approving the Change is publicly notified (s 86B).</p> <p><b>PLAN CHANGE 2 : Port Hills Slope Instability Management Area Overlays Update</b></p> <p><b>Explanation</b></p> <p>The purpose of Plan Change 2 is to amend the planning maps of the District Plan as a result of revised risk assessments for individual properties where the risks of slope instability hazards have either been recalculated or are different than originally modelled.</p> <p>This will be achieved through amendments to the Port Hills Slope Instability Management Areas overlays on Planning Maps 46B, 47B, 52B, 54B and R1B, which affect 84 properties (100 property titles). The changes are summarised as follows:</p> <ul style="list-style-type: none"> <li>• Removal of the Rockfall Management Areas 1/ 2: 7 properties</li> <li>• Adjustment to the boundary of the Rockfall Management Area 1/ 2: 32 properties</li> <li>• Replacement of Rockfall Management Areas 1/ 2 with Remainder of Port Hills and Banks Peninsula Slope Instability Management Area: 51 properties</li> <li>• Removal of Mass Movement Area 2: 4 properties</li> <li>• Replacement of Cliff Collapse Management Area 2 with Rockfall Management Area 2: 5 properties</li> <li>• Replacement of Rockfall Management Area 2 with Cliff Collapse Management Area 2: 1 property</li> </ul> <p>The effect of those proposed changes is generally positive with a more permissive set of rules proposed for 99 of the properties subject to changes in the overlays. The exception is one property at 10 Boulder Bay, which is subject to a more restrictive set of rules with the change from Rockfall Management Area 2 to Cliff Collapse Management Area 2.</p> <p><b>Key elements of the proposed changes:</b></p> <ul style="list-style-type: none"> <li>• Adjustment of Port Hills Slope Instability Management Area overlays on Planning Maps 46B, 47B, 52B, 54B and R1B.</li> </ul>		
<p><b>Date Limited Notified:</b> 30 September 2019</p> <p><b>Council Decision Notified:</b></p> <p><b>Plan Details:</b> Planning Maps 46B, 47B, 52B, 54B and R1B</p>	<p><b>Date Operative:</b></p> <p><b>File No:</b> PL/DP/2</p> <p><b>TRIM No:</b> FOLDER19/117</p>	



**Reasons for the change**

After the Canterbury earthquakes, GNS modelled slope instability to indicate which Port Hills properties were affected by, or deemed to be at risk from rockfall, cliff collapse or mass movement. This information is displayed in the Christchurch District Plan as mapped hazard areas, called Slope Instability Management Area overlays, and in these areas, most development require resource consent.

Updated information is now available for 100 property titles where the risk has been removed or identified as being different than originally anticipated. Amendments to the Slope Instability Management Area overlays avoid imposing unnecessary restrictions on property owners and accords with a policy commitment to regularly update the District Plan to reflect latest hazard information from site-specific assessments (Policy 5.2.2.4.2).

The Plan Change proposes the following **amendments**:

- a. Amend Planning Maps 46B, 47B, 52B, 54B and R1B to change the Slope Instability Management Areas of the subject sites as specified below.

**Note:**

The amended Planning Maps are shown after the enlargement maps (before and after maps).

The enlargement maps do not form part of this plan change and are not included in the Christchurch District Plan. Their only purpose in this document is to provide clarity as to the proposed changes, which may otherwise be difficult to see at the scale of the individual Planning Maps.

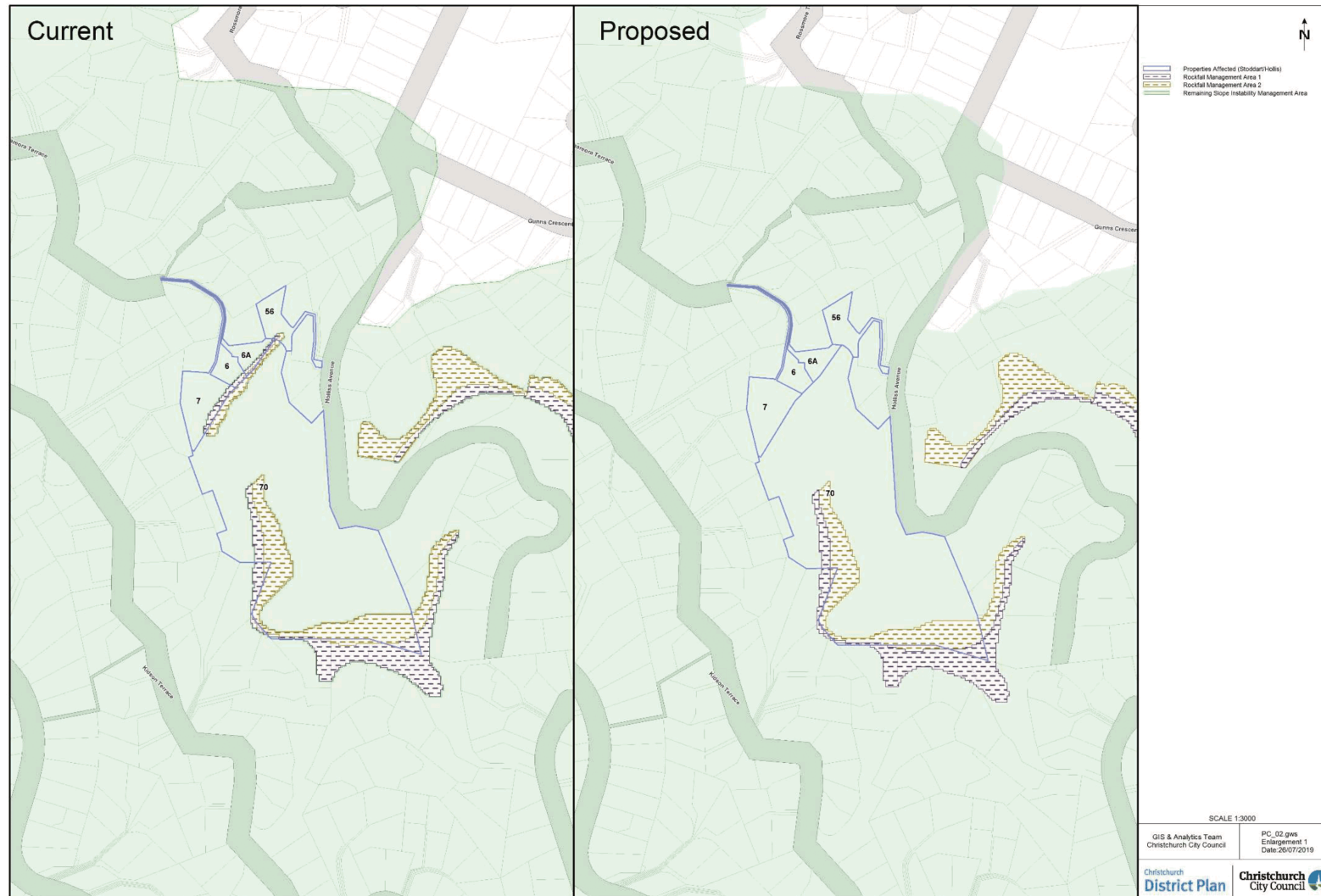
## **Planning Maps**

### **Planning Map 46B**

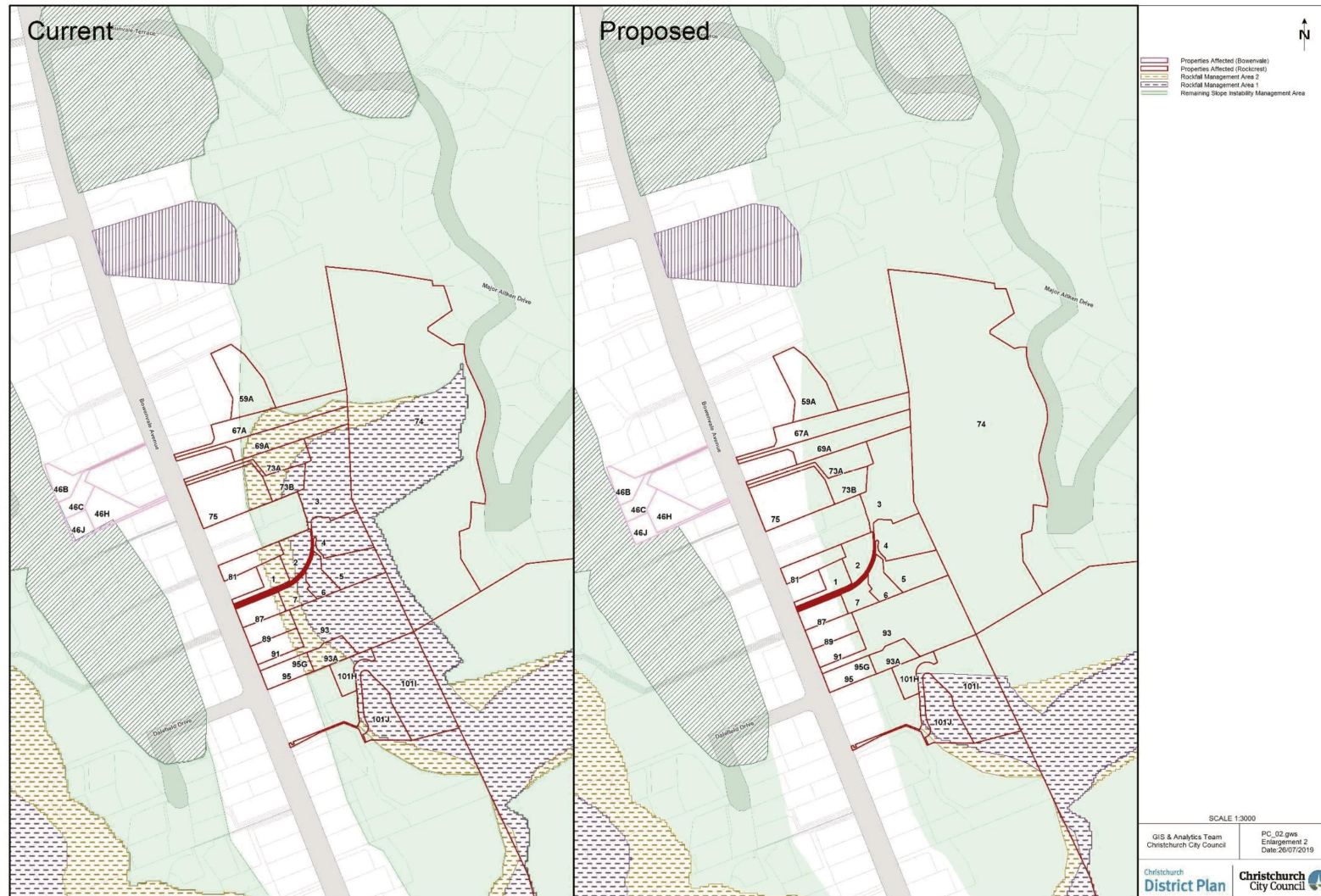
Amend Planning Map 46B by removing the Rockfall Management Area 1 and Rockfall Management Area 2 overlays in specific areas, as shown in the map 'Proposed Plan Change 2 – Slope Instability Overlays, Enlargement 1'.

Amend Planning Map 46B by removing the Rockfall Management Area 1 and Rockfall Management Area 2 overlays in specific areas and by adjusting the boundary of the Mass Movement Management Area 2 so that it follows property boundaries, as shown in the map 'Proposed Plan Change 2 – Slope Instability Overlays, Enlargement 2'.

Amend Planning Map 46B by removing and adjusting the Rockfall Management Area 1 and Rockfall Management Area 2 overlays in specific areas, as shown in the map 'Proposed Plan Change 2 – Slope Instability Overlays, Enlargement 3'.

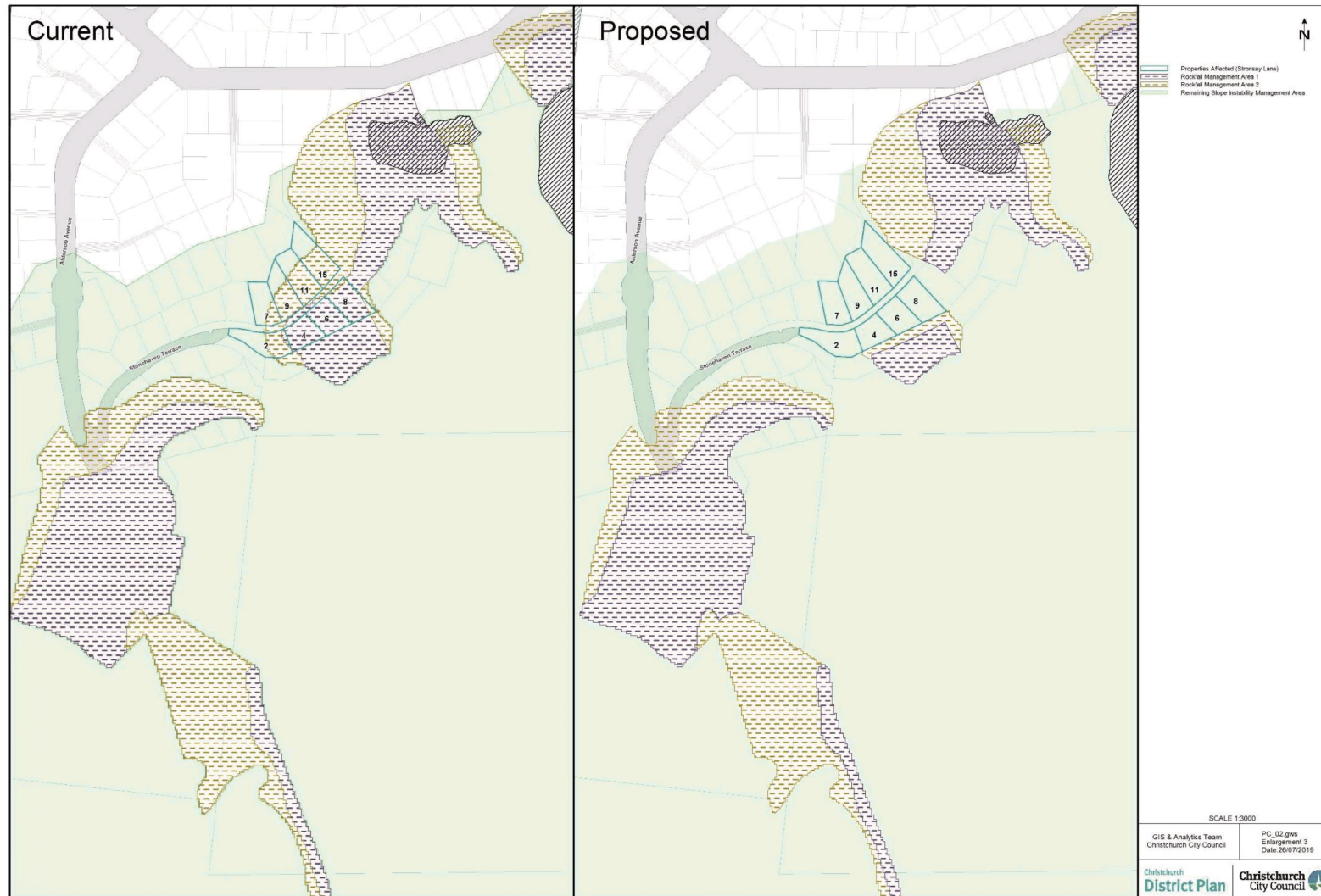


Proposed Plan Change 2 - Slope Instability Overlays. Enlargement 1

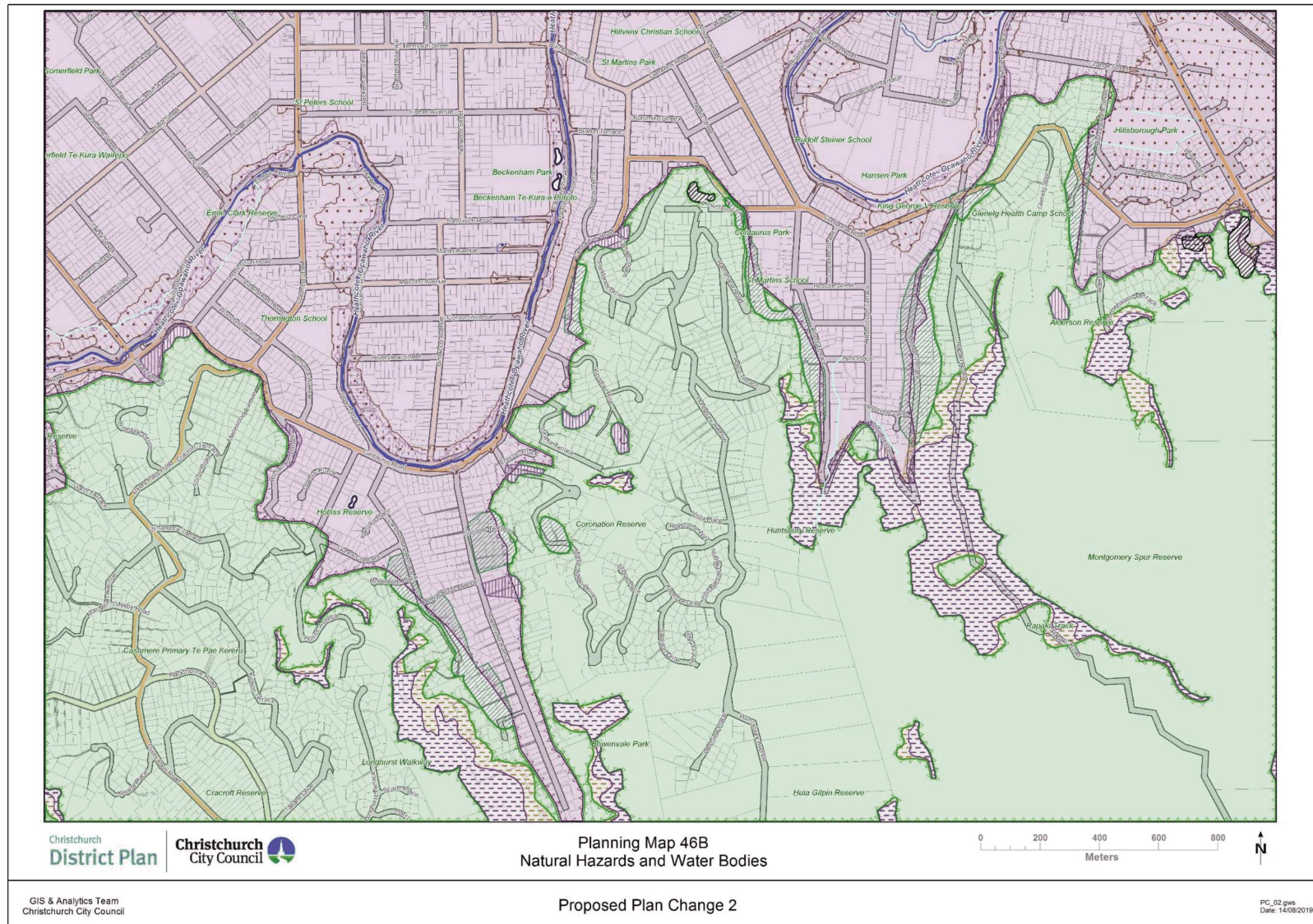


Proposed Plan Change 2 - Slope Instability Overlays. Enlargement 2





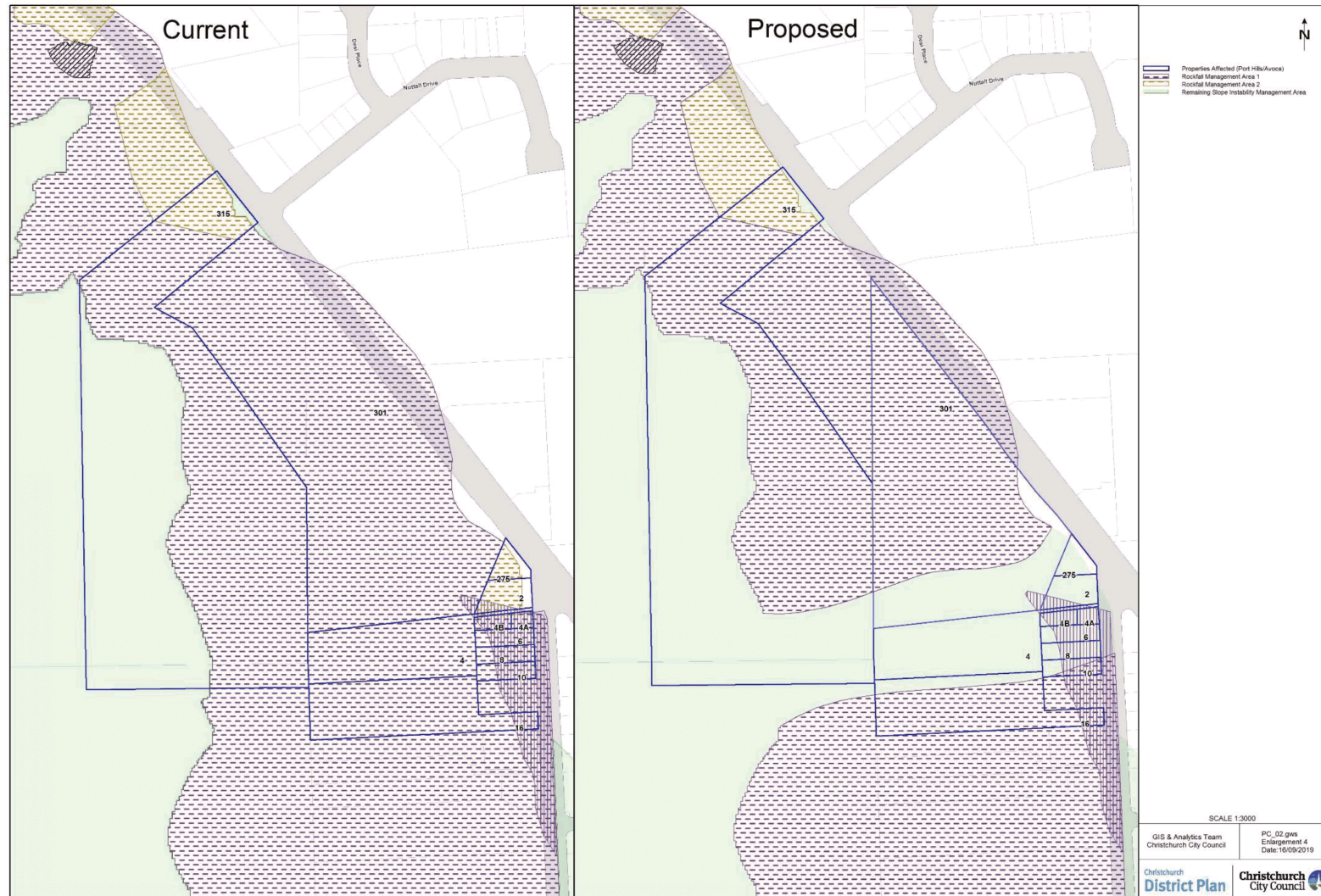
Proposed Plan Change 2 - Slope Instability Overlays. Enlargement 3



**Planning Map 47B**

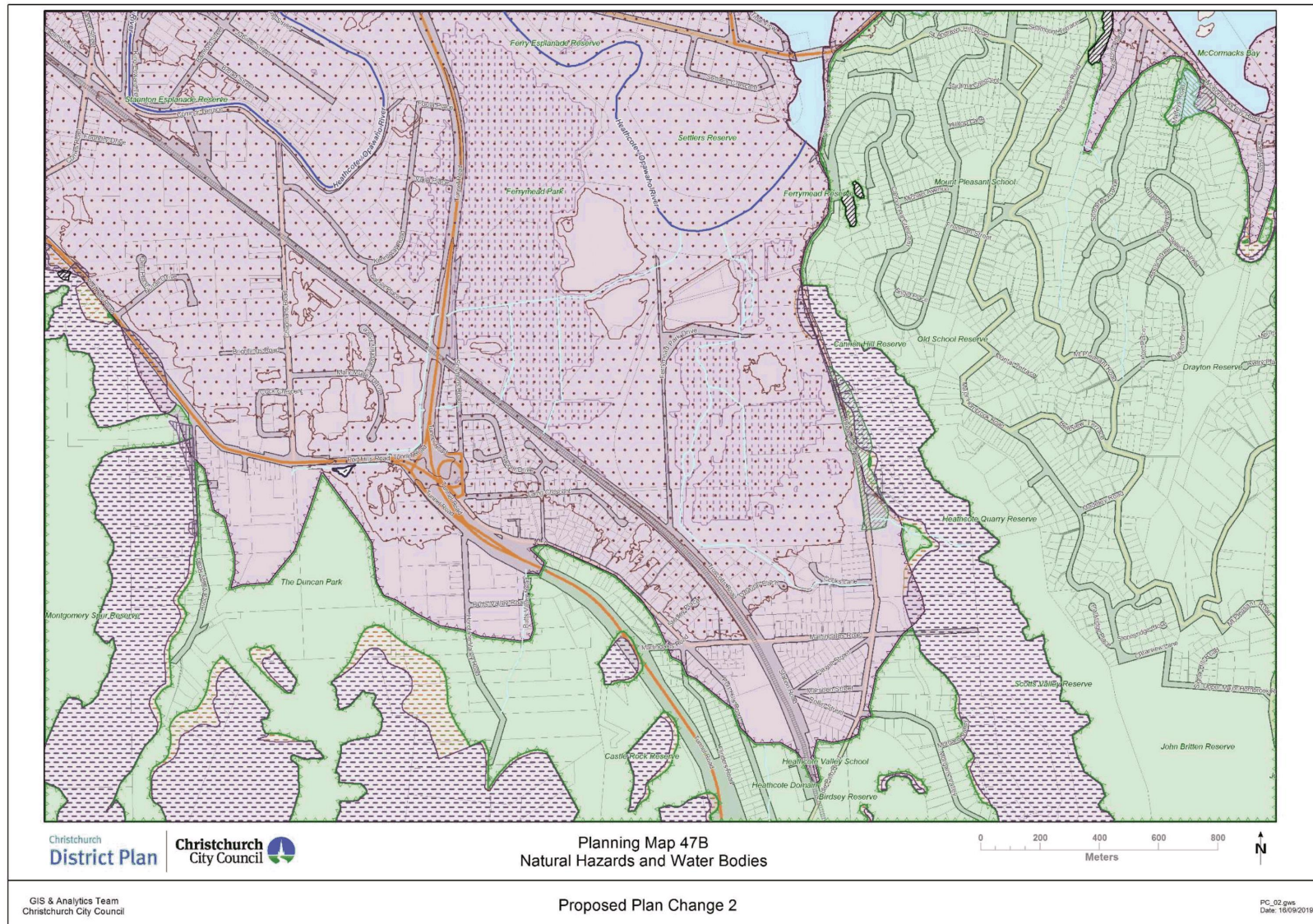
Amend Planning Map 47B by removing the Rockfall Management Area 1 and Rockfall Management Area 2 overlays in specific areas, as shown in the map 'Proposed Plan Change 2 – Slope Instability Overlays, Enlargement 4'.





Proposed Plan Change 2 - Slope Instability Overlays. Enlargement 4





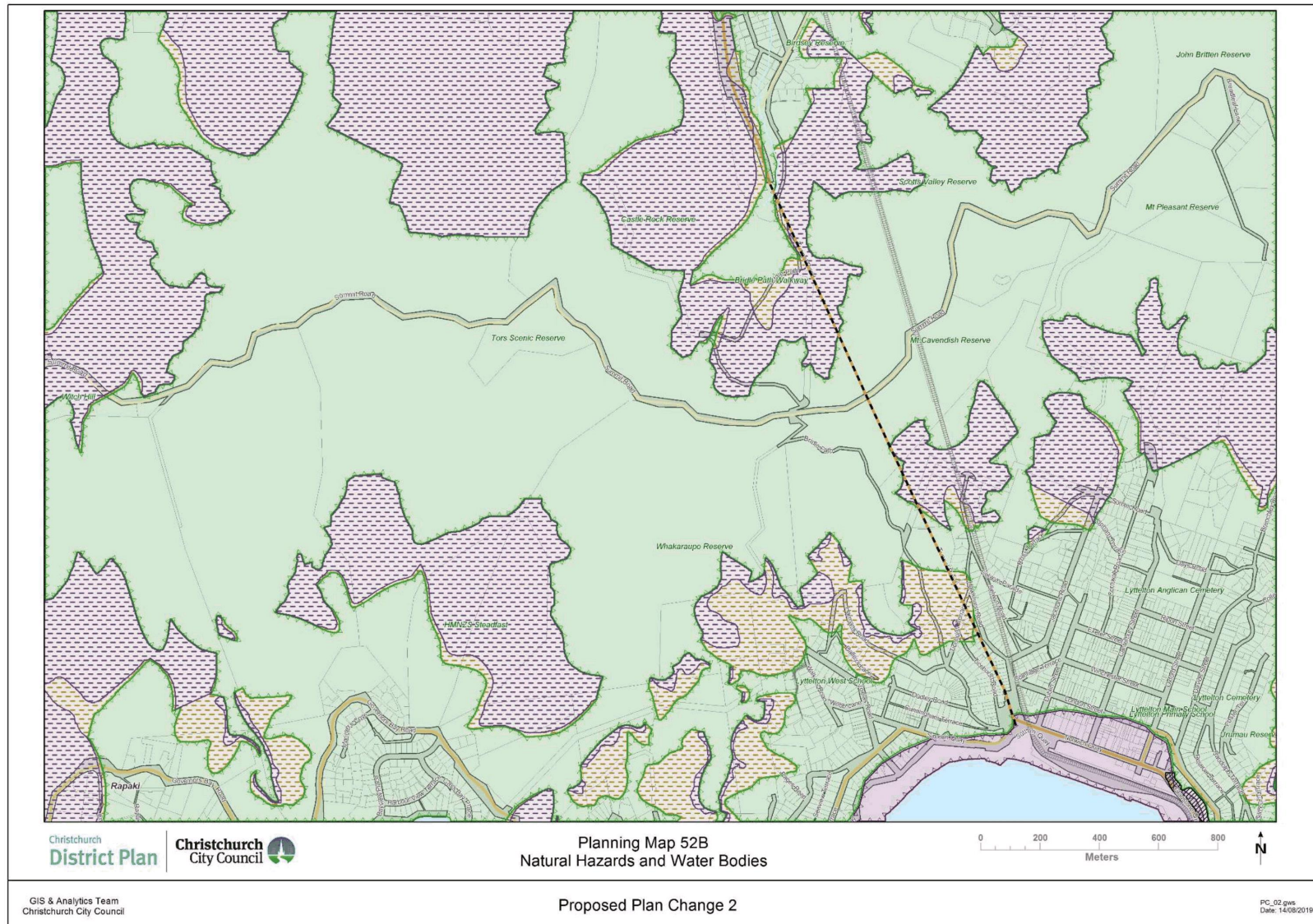
**Planning Map 52B**

Amend Planning Map 52B by removing the Rockfall Management Area 1 and Rockfall Management Area 2 overlays in specific areas, as shown in the map 'Proposed Plan Change 2 – Slope Instability Overlays, Enlargement 5'.





Proposed Plan Change 2 - Slope Instability Overlays. Enlargement 5





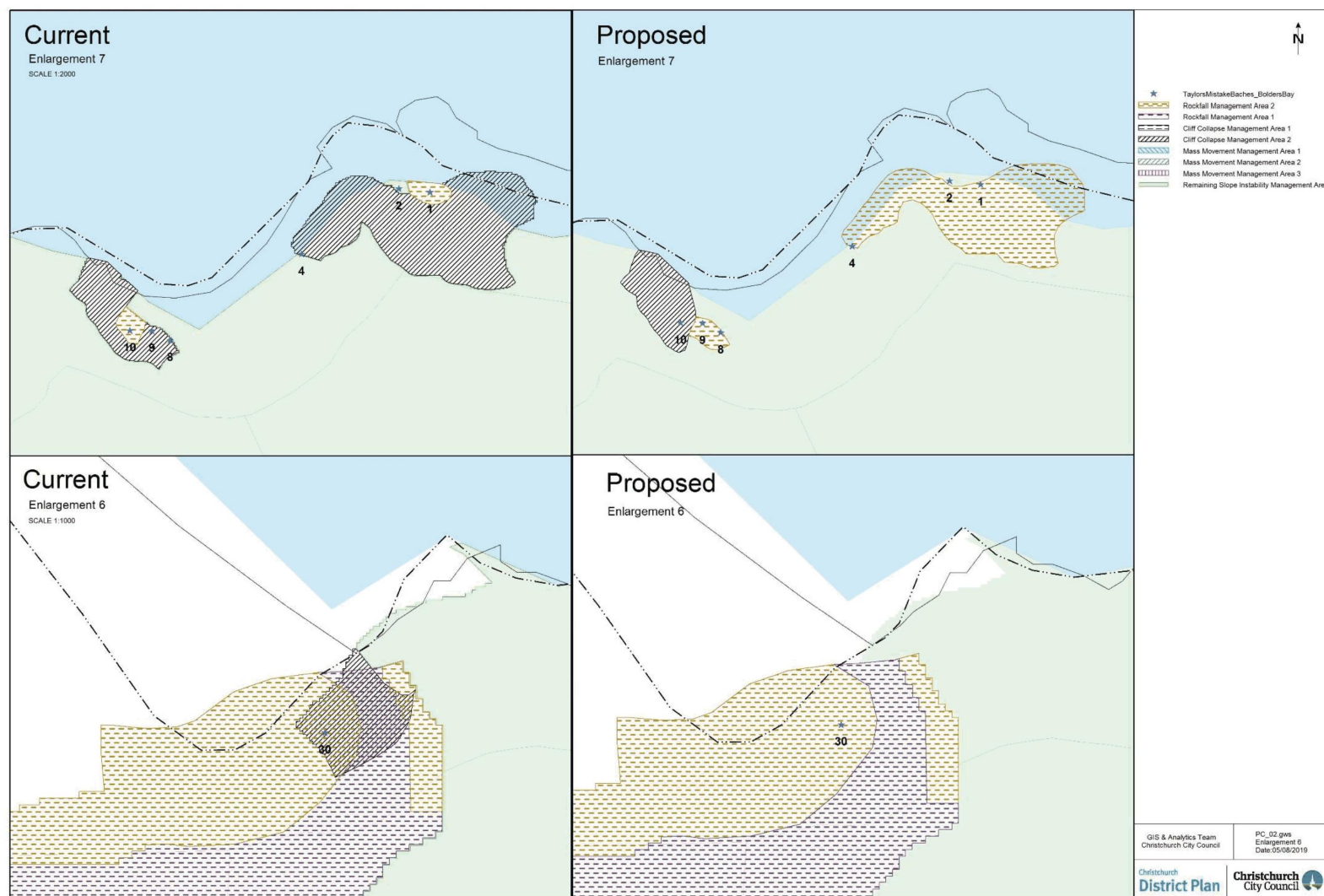
**Planning Map 54B**

Amend Planning Map 54B by:

Replacing Cliff Collapse Management Area 2 with Rockfall Management Area 2 and replacing Rockfall Management Area 2 with Cliff Collapse Management Area 2 as shown in Enlargement 7; and

Removing Cliff Collapse Management Area 2 in Enlargement 6.

The proposed amendments are shown in 'Proposed Plan Change 2 – Slope Instability Overlays, Enlargement 6 and 7'.



Proposed Plan Change 2 - Slope Instability Overlays. Enlargements 6 and 7





**Planning Map R1B**

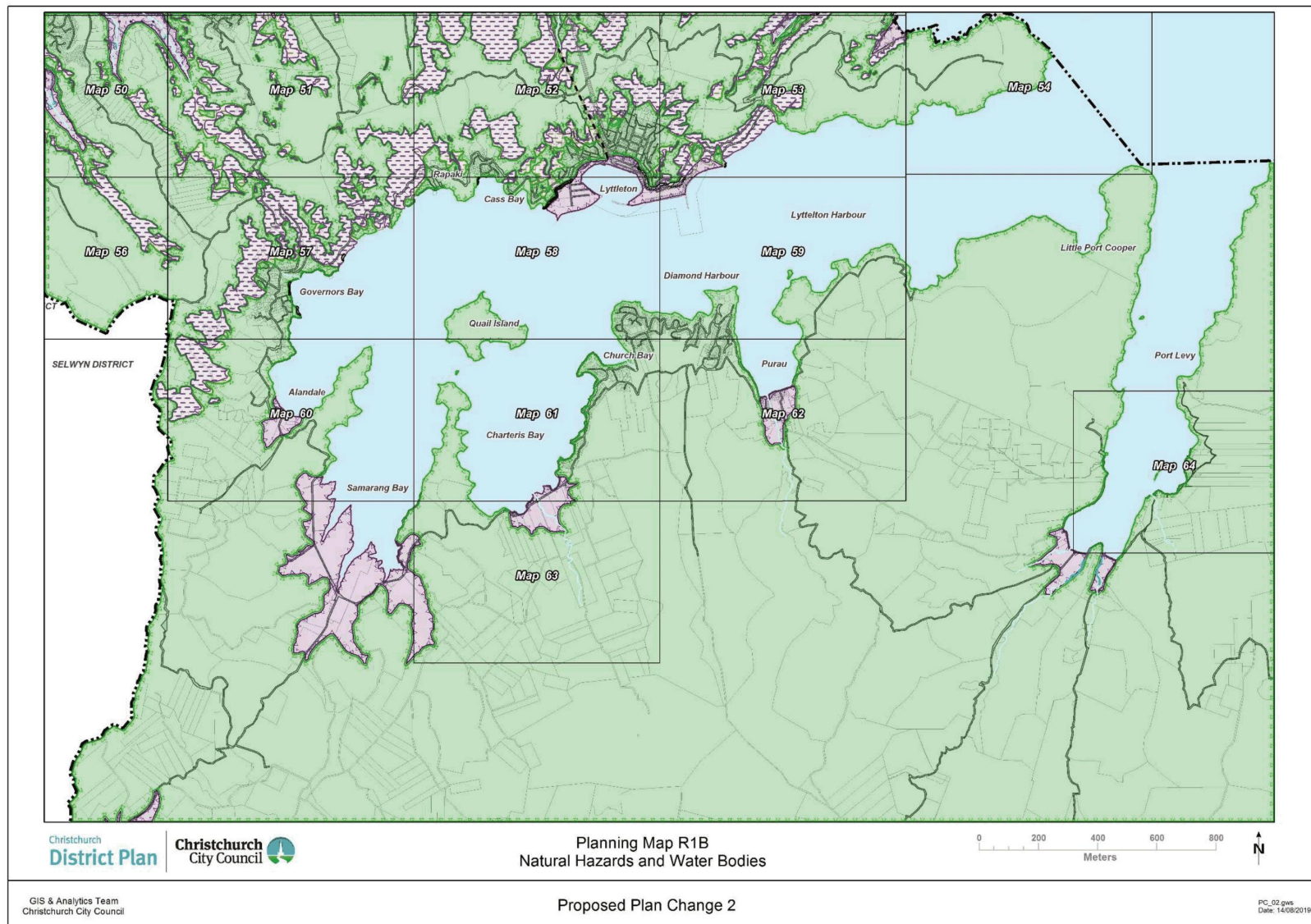
Amend Planning Map R1B as per the amendments to Planning Maps 52B and 54B.

Areas affected are:

Lyttelton

Boulder Bay baches x 5


Taylors Mistake bach x 1



10.2 APPENDIX 2: SECTION 32 EVALUATION



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	<p>Resource Management Act 1991</p> <p>Christchurch District Plan</p> <p>Plan Change 2</p> <p><b>Section 32 Evaluation</b></p>	<p>2</p>
<p><b>PORT HILLS SLOPE INSTABILITY MANAGEMENT AREA OVERLAYS UPDATE</b></p> <p><b>Proposal to amend the Christchurch District Plan Port Hills Slope Instability Management Area Overlays in specific locations where the risk has been removed or recalculated</b></p> <p><b>Introduction</b></p> <p>The following report has been prepared to support Plan Change 2 to the Christchurch District Plan, which proposes to amend the Christchurch District Plan Port Hills Slope Instability Management Areas defined by overlays in specific locations where the risk has been removed or recalculated.</p> <p>Areas affected can be grouped into the following locations:</p> <ul style="list-style-type: none"> <li>• Stronsay Lane;</li> <li>• Rockcrest Lane and Bowenvale Avenue;</li> <li>• Port Hills Road and Avoca Valley Road;</li> <li>• Stoddart Lane and Hollis Avenue;</li> <li>• Ross Parade, Ross Terrace and Jacksons Road; and</li> <li>• Endeavour Place.</li> <li>• Also affected are five baches in Boulder Bay and one in Taylors Mistake.</li> </ul> <p>It has been prepared in accordance with the requirements of Section 32 (s 32) of the Resource Management Act 1991 (RMA).</p> <p>This report includes:</p> <ul style="list-style-type: none"> <li>• An outline of resource management issues and possible options for addressing these;</li> <li>• An evaluation of the proposed changes in terms of the relevant provisions of statutory and planning documents;</li> <li>• An evaluation of the method proposed, including an evaluation of costs and benefits of the reasonably practicable options considered;</li> <li>• An evaluation of effectiveness and efficiency of each option based on the anticipated environmental, economic, social and cultural effects of implementing the plan change in such detail as corresponds with the scale and significance of the actual or potential environmental effects anticipated;</li> <li>• A conclusion as to the most appropriate option.</li> </ul>		

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## 1 Introduction

- 1.1.1 The overarching purpose of section 32 of the Resource Management Act 1991 (RMA / Act) is to ensure that plans are developed using sound evidence and rigorous policy analysis, leading to more robust and enduring provisions.
- 1.1.2 Section 32 (s32) of the Resource Management Act 1991 (RMA) requires that the Council provides an evaluation of the changes proposed in Plan Change 2 to the Christchurch District Plan (the Plan). The evaluation must examine whether the proposed provisions are the most appropriate way to achieve the objectives of the Plan. The report must consider reasonably practicable alternatives and assess the efficiency and effectiveness of the provisions in achieving the objectives. This will involve identifying and assessing the benefits and costs of the environmental, economic, social and cultural effects anticipated from implementing the provisions. The report must also assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.
- 1.1.3 The purpose of this report is to fulfil these s32 requirements for proposed Plan Change 2 - Port Hills Slope Instability Management Areas Update. In addition, the report examines any relevant directions from the statutory context including higher order documents.

## 1.2 The Plan Change overview

- 1.2.1 Proposed Plan Change 2 - **Port Hills Slope Instability Management Area Overlays Update** aligns rules for areas subject to the Slope Instability Management Area overlays with the level of existing risk for individual properties. Affected are those properties where the risks of slope instability hazards have either been recalculated or deemed to be less or been removed through physical works.
- 1.2.2 The Christchurch District Plan uses natural hazard overlays to manage areas and properties within these areas which are subject to natural hazards risk. The Port Hills Slope Instability Management Area overlays are one such collection of overlays and identifies properties deemed at risk from rockfall, cliff collapse or mass movement.<sup>1</sup>
- 1.2.3 This group of overlays was introduced after the Canterbury Earthquakes and informed by GNS modelling. The GNS risk models were developed over approximately 3 years and while the Port Hills Geotechnical Group 'ground-truthed' the results to a certain degree, GNS' life risk models effectively remained at a 'suburb' level.
- 1.2.4 Subsequent hazard removal works and recalculation of the risk through site or area-specific geotechnical assessments have shown that there is a different or lesser risk for 84 identified properties (100 property titles) than what is currently mapped in the District Plan. Despite these changes in risk level, the properties remain subject to the overlays and applicable provisions.
- 1.2.5 There have been multiple requests from property owners to update the District Plan and to reflect the change in risk profile in relation to their properties. Without an update, the ability for property owners to carry out activities on or develop their sites is affected, as is the potential improvement value of the properties in question. While development is possible in

<sup>1</sup> see appendix 8.1 – Slope Instability Management Areas Information



many cases, proposals often have to undergo rigorous planning assessments as part of the resource consent process. This increases development costs and stress caused by high levels of uncertainty for the landowners.

- 1.2.6 In addition to this, the Council has a policy commitment to ensure that people are informed about natural hazards relating to their properties (DP Policy 5.2.2.1.6), and for Council to regularly update the District Plan to reflect updated information from site specific assessments (DP Policy 5.2.2.4.2). By showing incorrect information about the extent of the Slope Instability Management Areas, Council is failing to meet this commitment.

## 2 Resource management issues

### 2.1 Council's legal obligations and strategic planning documents

- 2.1.1 Sections 74 and 75 of the RMA set out the Council's obligations when preparing a change to its District Plan. The Council has a responsibility under Section 31 of the RMA to establish, implement and review objectives and provisions for, among other things, achieving integrated management of the effects of the use, development, or protection of land and associated resources. One of the Council's functions is to control the actual and potential effects of land use or development on the environment, and to do so in accordance with the provisions of Part 2.
- 2.1.2 Additionally, Council has a responsibility to recognise and provide for RMA Section 6 matters, and to have particular regard to RMA Section 7 matters. For this plan change, the relevant matters are:
- a. Section 6(h): "the management of significant risks from natural hazards";
  - b. Section 7(b) "the efficient use and development of natural and physical resources".
- 2.1.3 As required by s74 and s75, the Plan Change must specifically give effect to, not be inconsistent with, take into account, or have regard to the following "higher order" documents / provision:

Document	Relevant provisions	Relevant direction given effect to/ taken account of in the proposed Plan Change
RMA, Part 2, Section 5	<p>(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.</p> <p>(2) Sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at rate, which enables people and communities to provide for their social, economic, and cultural well-being</p>	The purpose of the Act includes managing natural and physical resources to provide for the health and safety of people and communities while avoiding, remedying or mitigating any adverse effects of these activities on the environment. The provisions of the Natural Hazards chapter with regard to Slope Instability Management Areas address the actual and potential adverse effects of slope instability on subdivision, use and development, focusing on the impact of these hazards on the health and safety of people and communities.



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Document	Relevant provisions	Relevant direction given effect to/ taken account of in the proposed Plan Change
	and for their health and safety while - ... (c) Avoiding, remedying or mitigating any adverse effects of activities on the environment.	
Canterbury Regional Policy Statement (CRPS) 2013	Chapter 6, (Objective 6.2.1.(8): ... enabling a land use and infrastructure framework that; (8) protects people from unacceptable risk from natural hazards and effects of sea level rise.	Chapter 6 of the CRPS sets out the intended land use distribution for Greater Christchurch for the period to 2028, and includes an objective of protecting people from unacceptable risk from natural hazards. The Natural Hazards chapter provides a framework of objectives, policies and rules to protect people from unacceptable risk from natural hazards, including avoidance policies (CRPS 11.3.1) where the risk is considerable, to the provision of controls over the type of development where mitigation is likely to be effective.
	Chapter 11 – Natural Hazards: Objective 11.2.1 – Avoid new subdivision, use and development of land that increases risks associated with natural hazards Policy 11.3.5 – General risk management approach Policy 11.3.7 – Physical mitigation works	There is limited reference to areas at risk of slope instability in the CRPS chapter; however Objective 11.2.1, Policies 11.3.5 and 7 are most relevant. Policy 11.3.5 directs that subdivision, use and development of land shall be avoided if the risk from the natural hazard is considered to be unacceptable. When there is uncertainty in the likelihood or consequences of a natural hazard event, the local authority shall adopt a precautionary approach.  Policy 11.3.7 states that new physical works to mitigate natural hazards will be acceptable only where the natural hazard risk cannot reasonably be avoided.
Land Use Recovery Plan (LURP)	Outcome 1 – Planning framework Outcome 3 – Land use recovery Outcome 4 – Efficient and effective planning processes Outcome 5 – Supportive and certain planning environment	The outcomes in the LURP relevant to this proposed plan change seek to ensure a clear planning framework which directs where and how new development should occur while avoiding key hazards and constraints (Outcome 1). Plans and regulatory processes are to enable rebuilding and development without unnecessary impediments (Outcome 4), and the regulatory environment is to be supportive and provide certainty to keep investor confidence up, while ensuring the best outcomes are achieved with the available resources.

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Document	Relevant provisions	Relevant direction given effect to/ taken account of in the proposed Plan Change
Iwi Management Plan (IMP)	Part 5, Objective 1 Policy IH1.1 Policy IH1.2	The IMP seeks that Ngāi Tahu maintains a prominent and influential role in the rebuild and redevelopment of Ōtautahi, post-earthquake by participating in urban planning, including involvement in plan changes.

- 2.1.4 The higher order documents broadly identify the resource management issues relevant to the district and provide direction in resolving these issues.
- 2.1.5 There are no relevant national policy statements, including the New Zealand Coastal Policy Statement, or national planning standards to give effect to (section 75(3) and (4)) in the case of this plan change and the relevant matters relating to the CRPS have been discussed above. There are no relevant Water Conservation Orders or any regional matter under a regional plan.
- 2.1.6 No other management plans or strategies prepared under other Acts are relevant to the resource management issue identified.
- 2.1.7 In the District Plan, higher-level policy direction has been specifically given effect to or had regard to in Chapter 3 - Strategic Directions to reflect the outcomes sought and to ensure that the purpose of the RMA is achieved. Strategic Objective 3.3.6 is the only objective in chapter 3 regarding natural hazards and provides overall direction for the appropriate management and development in natural hazard areas.
- 2.1.8 The objectives in Chapter 5 refers to strategic policy direction in Chapter 3, while addressing more specific issues associated with slope instability hazards in the policies.
- 2.1.9 There are two additional strategic objectives that are relevant to the proposed plan change, which include Objective 3.3.1 and 3.3.2. They seek an outcome of an expedited recovery and enhancement of Christchurch in a manner that meets the community's immediate and longer-term needs and social and cultural well-being, foster investment certainty, and ensure the District Plan minimises transaction costs and reliance on resource consents.
- 2.1.10 This plan change does not seek to change any of the strategic objectives or chapter objectives and the amendments proposed seek to give better effect to the relevant strategic directions above, as well as Policy 5.2.2.4.2.

## 2.2 Problem definition - the issues being addressed

### 2.2.1 Issue

The issue is that the District Plan rules do not correspond to the level of risk that exists at specific sites.

### Background

- 2.2.2 The Canterbury earthquakes of 2010 and 2011 damaged many properties on the Port Hills area of Christchurch and resulted in the deaths of five people. Hundreds of property owners and occupiers were not permitted to occupy their homes on the Port Hills following the February 2011 earthquake event either because the damage to their homes made them

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uninhabitable or because the risk posed by slope instability hazards or other unstable buildings rendered them unsafe to occupy.

- 2.2.3 The slope instability hazards that contributed to this damage and loss of life were present across the Port Hills and wider Banks Peninsula prior to the 2010-2011 earthquakes.
- 2.2.4 After the 2010-2011 earthquakes, the Council worked with engineers and geologists with geotechnical expertise to better understand slope instability hazards in the Port Hills and the risk these hazards present to people. Investigations commissioned by the Council and undertaken by the Institute of Geological and Nuclear Sciences Limited (GNS) have been described in a number of reports and were used to inform the management of slope instability hazards in the Natural Hazards chapter of the Christchurch District Plan. These reports have been extensively peer reviewed by national and international experts.
- 2.2.5 The GNS reports include estimates of the life-safety risk (or risk of death) to people living in areas of the Port Hills. The reports map areas subject to life-safety risk from cliff collapse, rockfall or boulder roll and mass movement. The research into mass movement also considered the risk to life-line infrastructure.
- 2.2.6 The modelling carried out by GNS was effectively at a 'suburban' scale and translated into a suite of hazard map overlays called Slope Instability Management Areas. This suite contains overlays specifically managing the risks from rockfall (represented by Rockfall Management Area 1 and 2), cliff collapse (represented by Cliff Collapse Management Area 1 and 2) and mass movement (represented by Mass Movement Management Area 1, 2 and 3). The different tiers reflected the different levels of risk.
- 2.2.7 Using this type of methodology is time and cost effective. However, as with any assessment, there is a risk of information not reflecting changes in the environment and/or what may be observed on a site-by-site basis.
- 2.2.8 Regular updates and rolling reviews are therefore important to reflect the latest information and to trigger appropriate responses, including changes to the District Plan. The repealed Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014 (Order in Council) precluded any changes to the District Plan until its revocation in March, therefore delaying any updates.

#### **Consequences**

- 2.2.9 *Lack of reviews/updates:* The absence of regular reviews over time has led to a degree of misalignment between the planning rules and hazard risk. In some instances, the risk that was initially determined was conservative. In other cases, the risk has been recalculated and is deemed lower, or the owners engaged in physical works to remove any hazards from their sites. In some cases, the extent of risk has reduced or has a different alignment that can also affect the rules a property is subject to. Despite these findings, property owners were unable to have the Slope Instability Management Area overlays updated to reflect the risks on their property with the Order in Council in place.
- 2.2.10 *Costs/time/value:* As a consequence of the lack of reviews/ updates, property owners who sought to undertake developments on their site have had to go through a consent process under provisions of the District Plan that do not align with the level of risk. As a result, the costs and time it would take to develop a site have increased. At the same time, the presence of such overlays potentially affect property values.

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- 2.2.11 *Wellbeing*: Property owners may have been left confused or frustrated with the delay in progress of updating the overlays to reflect the updated risk profile of their properties in the District Plan. This may have unintended consequences on owners such as concern over the ability to obtain insurance and this puts additional stress and potential psychosocial pressure on people and communities. This has triggered occasional concerns by owners and at pre-application meetings with Council planners.
- 2.2.12 *Not delivering on a policy commitment*: Policies 5.2.2.1.2 – (Manage activities to address natural hazard risks), 5.2.2.1.6 (Awareness of natural hazards) and 5.2.2.4.2 (Policy – Site-specific risk assessment for AIFR certificates in certain areas potentially affected by rockfall and/or cliff collapse) are currently not effectively implemented.
- 2.2.13 Policy 5.2.2.1.2 requires that activities in areas subject to natural hazards are managed in a manner that is commensurate with the likelihood and consequences of a natural hazard event on life and property. As conveyed earlier, the provisions do not reflect updated information on the level of risk for identified properties and there is potential for activities to be managed in a way that is not commensurate with the risk.
- 2.2.14 Policy 5.2.2.1.6 is to ensure people are informed about the natural hazards relating to their properties and surrounding area, including through information on hazard maps on the Council's website. Hazard related site information is currently not up to date for specific properties in the District plan to reflect information on the risk of slope instability.
- 2.2.15 Policy 5.2.2.4.2 (c) is for Council to regulatory notify changes to the District Plan to reflect updated information. This plan change seeks to deliver on this commitment.

### 3 Development of the plan change

#### 3.1 Background

- 3.1.1 The resource management issues set out above have been identified through the following sources
  - a. public feedback and comments through various sources including stakeholder consultation/public engagement,
  - b. monitoring and review of the current district plan; and
  - c. matters raised in various forums by e.g. planning and technical investigations
- 3.1.2 *Previous studies by GNS*
- 3.1.3 There are limitations in the GNS studies carried out post-earthquake, namely the work reflecting an area wide approach to the location of assumed risks. On this basis, a policy commitment was made to review and update hazard information commensurate with the likelihood and consequences of the risk to life.
- 3.1.4 *Updated assessments of risk (Council & Privately initiated)*
- 3.1.5 Since the earlier assessments by GNS, a number of owners of properties subject to the overlays commissioned their own independent geotechnical assessments. These assessments concluded that there was a different risk from what the overlay stipulates and in some instances was absent or less severe from what was originally modelled.

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- 3.1.6 These private assessments were a catalyst for a series of Council-led site-specific assessments for the following areas: Stronsay Lane Area, Hillsborough; Rockcrest Lane Area, Bowenvale; Jacksons Road & Ross Terrace, Lyttelton; and several baches on public land in Boulder Bay and Taylors Mistake.
- 3.1.7 The last outstanding report for additional properties in the Avoca Valley has been finalised, following the completion of physical works. Each report identifies and describes the specific area, its geotechnical history, any special features and issues, and provides recommendations to inform a change to the Port Hills Slope Instability Management Areas in the District Plan.
- 3.1.8 The reports prepared as evidence for this plan change are as follows:

**Table 1:** Technical Reports informing Plan Change 2

	Title	Author	Description of Report
a.	<b>Geotechnical Assessment Report Series -</b> Geotechnical Rockfall Risk Assessment Reports (Stronsay Lane, Hillsborough; Rockcrest Lane Area, Bowenvale; Jacksons Rd, Ross Parade, Endeavour Place & Ross Tce, Lyttelton; Additional properties; Avoca Valley Road properties)	CCC	Geotechnical conditions / recommendations for addressing issues  The reports provide a geotechnical assessment for properties in areas subject to the Slope Instability Management Areas in Christchurch. The assessments are multi-tiered and include <ul style="list-style-type: none"> <li>- a desktop review of available site-specific geotechnical information;</li> <li>- a review of available aerial photography and topographic mapping;</li> <li>- a site assessment and hazard assessment, where appropriate; and</li> <li>- recommendations for actions appropriate to the findings.</li> </ul>

- 3.1.9 The following describes each area where the risk has been reviewed and changes are proposed to the Slope Instability Management Areas. Please note, while there are changes to some overlays identified, there may be other slope instability areas that apply.
- 3.1.10 *Stronsay Lane Area, Hillsborough (Avoca Valley)*
- 3.1.11 The study summarises the results of site-specific boulder roll modelling and includes a life safety risk assessment for this particular area. The 2010-2011 Canterbury Earthquake sequence triggered rockfall throughout the Port Hills, including properties on Stronsay Lane in the Avoca Valley. Several boulder sources were identified in this area following the earthquakes.
- 3.1.12 A resource consent application for 9 Stronsay Lane (08/07/2015) included a site-specific rockfall risk assessment in support of the application for a new home. The assessment concluded that the life safety risk at 9 Stronsay Lane is nearly of an order of magnitude less than CCC's accepted risk threshold. The assessment used is the standard methodology described in the District Plan.
- 3.1.13 The difference between the status quo and this assessment is derived from site-specific conditions such as the source area and slope characteristics. Consequently, Jesse Dykstra the Council's geotechnical engineer provided his own assessment, which concluded that the property at greatest risk from the subject rockfall source area is 6 Stronsay Lane. However, at

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its closest point (the property boundary) to the rockfall source area, the risk is significantly less than the risk threshold defined in the District Plan for Rockfall Management Areas 1 and 2.

- 3.1.14 Due to the significantly lower risk, the report recommends the removal of the existing District Plan Rockfall Management Areas that extend over 2, 4, 6, 7, 8, 9, 11 and 15 Stronsay Lane. However, the life safety risk to 10 and 17 Stronsay Lane is affected by a different rockfall source area, and the current rockfall management areas are appropriate<sup>2</sup>.
- 3.1.15 *Rockcrest Lane Area, Bowenvale*
- 3.1.16 The report by the Council's geotechnical engineer, Jesse Dykstra, assesses the Rockcrest Lane Area, which was subject to rockfall hazard reduction works. These works removed the existing outcrops by grinding away the rock and/or benching to match the overall slope. The works reduced the rockfall risk for specifically targeted properties at 93 Bowenvale Avenue and 2 Rockcrest Lane. These works were carried out as part of the Christchurch City Council Rockfall Protection Structures grant programme. The aim of this programme is to remove rockfall hazard and allow continued occupancy of residential properties.
- 3.1.17 The Council's geotechnical engineer assessed the effects, in terms of residual risks, to adjacent properties, which were not specifically targeted by the removal works.
- 3.1.18 The results of this wider area assessment concluded that there is less residual hazard risk to a number of properties. Consequently, it is recommended that adjustments are made to the boundaries of the Slope Instability Management Area, and partial and/or complete changes to the overlay applicable to properties.<sup>3</sup>
- 3.1.19 *Jacksons Road, Ross Parade & Ross Terrace, Lyttelton*
- 3.1.20 The upper Jacksons Road area was identified for review because of a resource consent application, which re-calculated the rockfall risk as less than the District Plan threshold for acceptable life safety risk. Nearby properties on Ross Tce are subject to similar geotechnical conditions and therefore the risk was re-calculated for them, too.
- 3.1.21 The results of this assessment of life safety risk supports revising the Slope Instability Management Areas for certain properties in this area..<sup>4</sup>
- 3.1.22 *Additional properties*
- 3.1.23 The additional properties covered in a separate report are located on Stoddart Lane, Hollis Ave, Bowenvale Ave, Endeavour Place and The Spur.
- 3.1.24 Following enquiries regarding the presence of rockfall hazards by the owner of 6a Stoddart Lane, subsequent site assessments of the assumed 'source area' confirmed the absence of any credible rockfall source. Consequently, the report recommends the removal of the Slope Instability Management Area over 6, 6A & 7 Stoddart Lane, 56 Hollis Avenue, and removal of a part of the Rockfall Management Area on 70 Hollis Avenue.<sup>5</sup>

<sup>2</sup> Appendices 8.3.3 Affected Properties – Stronsay Lane and 8.2 List of properties incl. proposed changes

<sup>3</sup> See Appendices 8.3.1 Affected Properties – Stronsay Lane and 8.2 List of properties incl. proposed changes

<sup>4</sup> See Appendices 8.3.4 Affected Properties – Stronsay Lane and 8.2 List of properties incl. proposed changes

<sup>5</sup> See Appendices 8.3.7 Affected Properties – Stoddart Lane / Hollis Avenue and 8.2 List of properties incl. proposed changes

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- 3.1.25 There are four properties on Bowenvale Ave, which are located within the Mass Movement Hazard Management Area 2 overlay. A resource consent (RMA/2018/890) for earthworks at 46J Bowenvale Ave, included a site-specific geotechnical assessment, which concluded that there was no evidence of ground damage associated with mass movement, and that there was no credible life safety risk associated with mass movement at the location.
- 3.1.26 The Council's geotechnical engineer, Jesse Dykstra, confirmed in his assessment the absence of any ground damage and found that there is no site-specific evidence to support the position that there is a greater risk (compared to 46J) within adjacent properties at 46B, C, and H Bowenvale Ave. A very narrow area defined as MMA2 is along the fringes of the three properties, and would be appropriately adjusted to match the property boundary in each case.
- 3.1.27 There are 11 properties at Endeavour Place, Lyttelton, that are affected by the Rockfall Management Area 1 overlay, which extends across the end of Endeavour Place (near Cornwall Road). A resource consent (RMA/2016/1630) was approved for the construction of a new residence at 7 Endeavour Place. The application included a site-specific rockfall assessment by Eliot Sinclair, 29 July 2015, which concluded that the Annual Individual Fatality Risk due to rockfall is sufficiently low to not require any mitigation under the District Plan. This has regard to the local topography and the distribution of rockfall during the Canterbury Earthquake Sequence.
- 3.1.28 The requirement for a rockfall risk assessment as part of the resource consent application for 7 Endeavour Place was triggered by the presence of the Rockfall Management Area 1 overlay on approximately 5m<sup>2</sup> of the narrow strip of land within the common driveway that connects 11 individual properties. Notwithstanding this, the actual developable residential areas of the properties are unaffected by the Rockfall Management Area overlay. Consequently, the report recommends the removal of the overlay at the Cornwall Road end of Endeavour Place, encompassing 1, 3, 3A, 4, 5, 6, 7, 8, 9, and 10, and adjustment of the boundary of the overlay to match the property boundary on 2 Endeavour Place (not affected). The separate Rockfall Management Areas 1 and 2 to the west on 8, 9, and 10 Endeavour Place are to be retained given the risk that still exists in these locations.
- 3.1.29 The property at 4 The Spur falls partially within the Cliff Collapse Management Area 2 (CCMA2) overlay and was identified for a potential change as a result of an approved resource consent application (RMA/2016/292) for construction of a new cantilevered driveway and garage. The application included a site-specific cliff collapse risk assessment by Engeo, 21 December 2015, which concluded that the risk to life safety is lower than what was assessed in the post-earthquake GNS study. The Council's geotechnical engineer, Jesse Dykstra, agrees with the reduction in risk, however recommends no changes to the extent of CCMA2. This is on the basis of the innate risks of the site being located so close to the cliff.<sup>6</sup>
- 3.1.30 *Avoca Valley properties*
- 3.1.31 The properties that form part of the Avoca Valley group (2, 4, 4A, 4B, 6, 8, 10, & 16 Avoca Valley Road and 301 and 315 Port Hills Road<sup>7</sup>) are affected by hazard removal works that were completed in August 2019. Jesse Dykstra, the Council's geotechnical engineer, considers the likelihood of rockfall (or other slope instability) occurring within the remediated area and concludes that the potential life safety risk to properties below the hazard has been remediated and no longer presents a significant slope instability risk<sup>8</sup>.

<sup>6</sup> See Appendices 8.3.6 Affected Properties – Stronsay Lane and 8.2 List of properties incl. proposed changes

<sup>7</sup> See Appendix 8.3.4 – Avoca Valley Properties

<sup>8</sup> See Avoca Valley Rockfall Risk Assessment by Jesse Dykstra

### 3.2 Current Christchurch District Plan provisions

- 3.2.1 The current Plan provisions relevant to this plan change are described below.
- 3.2.2 Chapter 3 Strategic Directions provides an overall direction, Objective 3.3.6 (Natural Hazards) seeking to (a)(i) avoid development in areas where the risks from natural hazards to people and property is assessed as being unacceptable. In all other areas, development is to be undertaken in a manner that ensures the risks of natural hazards to people, property and infrastructure are appropriately mitigated (a(ii)).
- 3.2.3 Objective 5.2.1.1 refers to Objective 3.3.6 in Chapter 3 (Strategic Directions) for direction. Policy 5.2.2.1.2 is to manage activities in a manner commensurate with the risk to life and property and Policy 5.2.2.1.6 (Awareness of natural hazards) seeks to ensure people are informed about the natural hazards relating to their properties and surrounding area, including through provision of relevant information on Land Information Memoranda and hazard mapping on the Council's website.
- 3.2.4 Policy 5.2.2.1.8 (Assessment of hazards) is to ensure that the level of assessment undertaken for plan changes, subdivision or development reflects the potential scale and significance of the hazard; and the nature and scale of the rezoning, subdivision or development and its susceptibility to those hazards.
- 3.2.5 Council has made a commitment under Policy 5.2.2.4.2 to regularly notify changes to the District Plan in order to reflect updated information from site-specific assessments of life-safety risk, which have been certified by Council. This also extends to assessments prepared as part of resource consent applications.
- 3.2.6 The rules provide for the identification and assessment of risk from natural hazards in the Port Hills.
- 3.2.7 Reflecting updated information and physical works, the activity status is not commensurate with the level of risk that exists for specific properties. The implication is that rules are not consistent with policies 5.2.2.1.2 and 5.2.2.1.8 and the relevant objective, Objective 3.3.6, may not be achieved.

### 3.3 Description and scope of the changes proposed

- 3.3.1 The Plan Change proposes to amend the overlays for Slope Instability Management Areas on specifically identified properties to align rules for areas subject to the overlays with the level of existing risk for individual properties. The changes are to Planning Maps 46B, 47B, 48B, 51B, 52B, 54B and R1B. There are 84 properties (100 property titles) affected by this plan change, which are listed in Appendix 8.2. The changes are summarised as follows:

Change proposed	No. of property titles affected
Removal of the Rockfall Management Areas 1/ 2	7
Adjustment to the boundary of the Rockfall Management Area 1/ 2	32
Replacement of Rockfall Management Areas 1/ 2 with Remainder of Port Hills and Banks Peninsula Slope Instability Management Area	51
Removal of Mass Movement Area 2	4



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Replacement of Cliff Collapse Management Area 2 with Rockfall Management Area 2	5
Replacement of Rockfall Management Area 2 with Cliff Collapse Management Area 2	1
<b>Total</b>	<b>100</b>

- 3.3.2 The effect of those proposed changes is generally positive with a more permissive set of rules proposed for 83 of the properties subject to changes in the overlays. The exception is one bach at 10 Boulder Bay, which is subject to a more restrictive set of rules with the change from Rockfall Management Area 2 to Cliff Collapse Management Area 2.
- 3.3.3 The change to planning map 47 for the Avoca Valley was subject to the completion of works and a technical review. These works and the subsequent technical review have now been completed and planning map 47 can be amended accordingly.
- 3.3.4 The Plan Change does not propose any changes to the objectives and policies of the Plan in relation to natural hazards.

#### 3.4 Community/Stakeholder engagement

- 3.4.1 As part of the process of this proposed plan change, the Council consulted with statutory bodies as defined in Clause 3 of Schedule 1. This included the Department for the Prime Minister and Cabinet, Ministry for the Environment, Environment Canterbury, Selwyn District and Waimakariri District Councils, Mahaanui Kurataiao (MKT) on behalf of affected Rūnanga, and property owners directly affected by the proposed changes<sup>9</sup>.
- 3.4.2 Letters were sent on the 18th and 19th July 2019 to statutory bodies and affected property owners advising them of the proposed changes including the process of undertaking a plan change, and inviting feedback.
- 3.4.3 Property owners of sites affected by the proposed changes were also sent a letter on the 6th May 2019<sup>10</sup>. The letter included some background information as to why the changes are being proposed and invited property owners to contact Council staff if they wanted more information or if they wished to provide any feedback. Property owners generally sought to understand the specific changes to their property (and what they meant) or to comment that they supported the proposed changes. Some property owners requested a meeting to discuss the changes, while others were satisfied with a telephone call and/or email.

Date	Consultation method	Statutory bodies and directly affected persons	Resulting changes to the draft proposal
6/05/2019	Letter advising of the proposal to use s71 GCRA	Property owners identified as of the 6 <sup>th</sup> May 2019	n/a
18/07/2019	Pre-notification consultation Letter	Statutory bodies	n/a

<sup>9</sup> See Appendix 8.2 List of properties incl. proposed changes

<sup>10</sup> Some owners on the final list of properties affected by the proposed plan change did not receive the original letter as the number of properties was increased by an updated geotechnical report (dated 6th June 2019). LINZ/The Crown also did not receive the original letter.

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19/07/2019	Pre-notification consultation Letter	Property owners including LINZ	n/a
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### 3.5 Consultation with iwi authorities

- 3.5.1 Consultation on the proposal was undertaken with iwi authorities. An initial meeting with a representative from MKT was held on the 10<sup>th</sup> April 2019. Further engagement occurred with MKT in respect of properties in Lyttelton. A letter dated 6<sup>th</sup> June 2019 was sent to MKT identifying all the affected properties in Lyttelton, and a subsequent meeting was held on 10<sup>th</sup> July 2019 to discuss.
- 3.5.2 Feedback from Ngāti Wheke is that they do not have any concerns other than with the overlay in Rāpaki not having been assessed<sup>11</sup>. Subsequent correspondence<sup>12</sup> from MKT suggests that Rūnanga would not have any further concerns.

## 4 Scale and significance evaluation

### 4.1 The degree of shift in the provisions

- 4.1.1 The level of detail in the evaluation of the proposal has been determined by the degree of shift from the status quo and the scale of effects anticipated from the proposal.
- 4.1.2 The degree of shift from the status quo varies in so far as the amendments proposed to the Slope Instability Management Areas vary. In some cases, the overlay is proposed to be removed from a property reflecting a reduced level of risk, or the risk is changing e.g. from a risk of rockfall to a risk of cliff collapse. The degree of shift has to be viewed in a site-specific context.

### 4.2 Scale and significance of effects

- 4.2.1 The scale and significance of the likely effects anticipated from the implementation of the proposal has also been evaluated. In making this evaluation, considerations included whether the proposal:
- a. gives better effect to the Plan objectives by seeking amendments to the Slope Instability Management Area overlays to align with the level of risk of hazards;
  - b. is localised in the area affected;
  - c. will affect a limited number of property owners and neighbourhoods albeit having a high impact on the owners of specific properties;
  - d. is likely to reduce adverse effects on those with particular interests, including Maori;
  - e. contributes to the City's recovery;
  - f. reduces an adverse effect on people's health and safety;
  - g. will affect individual property owners and the wider community, including impacts on social, cultural and economic wellbeing;
  - h. will not impose significant costs on individuals or communities;

<sup>11</sup> Email from Brad Thomson of MKT to Mark Stevenson of CCC dated 14 August 2019.

<sup>12</sup> Email from Brad Thomson of MKT to Mark Stevenson of CCC dated 10th September 2019.

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- i. represents a well-tested approach and there is certainty regarding the benefits and costs.

4.2.2 The considerations in determining the scale and significance of the plan change are as follows:

1. Reasons for the change	The change is proposed to align provisions in the District Plan with the risk of hazards. It gives effect to the policy framework of the District Plan, particularly policies 5.2.2.1.2 and 5.2.2.1.8. It also reflects Councils commitment under policy 5.2.2.4.2 to update the plan as new information becomes available.
2. Degree of shift from the status quo (status quo defined as the current approach)	There is variation in the degree of shift from the status quo, because the proposed change varies on a site-specific basis, reflecting the risk and therefore the hazard that applies. The rules that apply for each management area will not change as a result.
3. Who and how many will be affected?	The proposed change will affect 84 properties (100 property titles). The property owners have been engaged with to invite feedback. There is low community interest beyond those who are directly affected. However, there may be other property owners who wish to seek removal of the management areas from their properties
4. Degree of impact on, or interest from iwi/Maori	Feedback was sought from Rūnanga on the effect of the proposed plan change and their interest. Feedback from Ngāti Wheke has indicated that they do not have any concerns other than with the overlay in Rāpaki having not been reassessed yet.
5. When will effects occur?	The effects of the proposed changes will be permanent and become operative after the decision has been notified.
6. Geographic scale of impacts	The changes are spatially confined to specific properties that have been subject to risk from rockfall, mass movement and cliff collapse.
7. Type of effect	<p>In all but one case (see below in respect of Bach 10), the proposed change reflects a lower level of risk to people and property and thereby introduces less restrictive provisions for use and development of the properties in question. This will have positive tangible and non-tangible effects on property owners and the Council, including:</p> <ul style="list-style-type: none"> <li>• The ability for property owners to undertake activities on properties more easily, potentially reducing the stress in obtaining approval to use or develop their property; and</li> <li>• Improved development opportunities.</li> </ul> <p>Bach 10, Boulder Bay, has been identified as being subject to a risk of cliff collapse rather than rockfall and it is therefore</p>

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	proposed that a change is made to the management area that applies (From Rockfall Management Area 1 to Cliff Collapse Management Area 2).
8. Degree of policy risk, implementation risk, or uncertainty	<p>Sufficient information is now available through the provision of site-specific geotechnical reports for the affected properties.</p> <p>This information lowers the costs and risks to Council, ratepayers and wider community.</p> <p>There is a low impact on the Council's capacity to carry out its role and functions, in displaying accurate hazard information on people's property.</p>

## 5 Evaluation of the proposal

### 5.1 Evaluation of objectives

- 5.1.1 Section 32 requires an evaluation of the extent to which the objectives<sup>13</sup> of the proposal are the most appropriate way to achieve the purpose of the Act (s 32(1)(a)).
- 5.1.2 The existing objectives of the operative Christchurch District Plan are not proposed to be altered. The existing Plan objectives, including the strategic objectives in Chapter 3, were assessed, through the District Plan review process, as the most appropriate way to achieve the directions of the relevant higher order documents as well as the purpose of the RMA. .
- 5.1.3 Consideration has also been given, however, to any changes to higher order documents since then. This report, therefore, examines the extent to which the proposed plan change provisions are the most appropriate way to achieve the objectives of the District Plan and any relevant directions of higher order documents.
- 5.1.4 In establishing the most appropriate provisions for the proposal to achieve the objectives and any relevant higher order directions, reasonable alternative options of achieving these objectives were identified and evaluated.

### 5.2 Reasonably practicable options for provisions

- 5.2.1 In considering reasonably practicable alternatives for achieving the objectives of the Plan and the relevant higher order directions, the following options have been identified. Taking into account the environmental, economic, social and cultural effects, the options identified were assessed in terms of their benefits, and costs. Based on that, the overall efficiency and effectiveness of the alternative options was assessed.
- 5.2.2 **Option 1 – Status quo**
  - 5.2.2.1 The status quo would be to retain the existing overlays over the identified properties and not seek any amendments. This option would continue to provide for an exemption-based certification process to allow affected property owners to proceed with proposed activities on their properties under a set of rules that is not commensurate with the existing risk.
- 5.2.3 **Option 2 – Comprehensive review of the Slope Instability Management Areas**
  - 5.2.3.1 Option 2 would involve a comprehensive review of the Slope Instability Management Areas on the Port Hills, including investigations into the level of risk as an update to the earlier GNS studies. This may result in changes to the overlays as defined on the District Planning maps to reflect the risk.

### 5.3 Evaluation of options

- 5.3.1 Before providing a detailed evaluation of the preferred option in the plan change, the alternative options identified have been considered in terms of their potential costs and benefits and overall appropriateness in achieving the objectives of the Plan and the relevant directions of the higher order documents.

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<sup>13</sup> Section 32(6) defines "objectives" and "proposal" in terms specific to sections 32 – 32A. "Objectives" are defined as meaning:

- (a) for a proposal that contains or states objectives, those objectives;
- (b) for all other proposals, the purpose of the proposal.

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- 5.3.2 The tables below **summarise** the assessment of costs and benefits for each option based on their anticipated environmental, economic, social, and cultural effects. The assessments are supported by the information obtained through technical reports and consultation.
- 5.3.3 The overall effectiveness and efficiency of each option has been evaluated, as well as the risks of acting or not acting.
- 5.3.4 **Option 1 - Status quo**

<b>Benefits</b> <i>[Quantify or monetise benefits and costs wherever possible, also see 6.2.1 for more details on this]</i>	<b>Appropriateness in achieving the objectives/ higher order document directions</b> <i>[if relevant]</i>
<p>Environmental<sup>14</sup>:</p> <ul style="list-style-type: none"> <li>- Enables assessment of any residual risk through the consent process</li> </ul> <p>Economic:</p> <ul style="list-style-type: none"> <li>- Reduced costs to Council from not amending the overlays.</li> </ul> <p>Social:</p> <ul style="list-style-type: none"> <li>- Raises awareness of the presence of potential natural hazards</li> </ul> <p>Cultural:</p> <ul style="list-style-type: none"> <li>- N/A</li> </ul>	<p><b>Efficiency:</b></p> <p>The option to maintain the status quo offers benefits, which include the triggering of consents in high and low hazard areas alike and therefore providing for the health and safety of people and property and raising general awareness of natural hazards. However, this approach triggers consents not commensurate with the level of risk and therefore increases economic costs for property owners and Council. This sets a higher threshold for people to develop/use their property, which could affect wellbeing.</p> <p>Overall, the status quo offers costs and benefits, however the costs, in terms of both quality and quantity, outweigh the benefits. Therefore, this option is considered to be as efficient.</p> <p><b>Effectiveness</b></p> <p>While this option supports the achievement of objective 3.3.6(c) in raising awareness of natural hazards, it is not consistent with policies 5.2.2.1.6 and 5.2.2.4.2 in the District Plan. This is on the basis that people are misinformed of the risk associated with hazards if the management areas are not updated.</p> <p>A function of the Slope Instability Management Areas is to convey complex information, raise awareness, and inform decision-making processes. In not providing</p>
<p><b>Costs</b></p> <p>Environmental:</p> <ul style="list-style-type: none"> <li>- The information in the District Plan is out of date and is therefore misleading</li> <li>- It may adversely impact on awareness of hazards on the basis that property owners (including those outside the scope of the plan change) assume there is no risk and the planning maps are incorrect.</li> </ul> <p>Economic:</p> <ul style="list-style-type: none"> <li>- May limit/deter forms of development in areas of lower risk and appropriate for development.</li> <li>- Potentially affects the value of property that may arise from a property being identified at risk in the District Plan.</li> <li>- Increases compliance costs associated with consenting.</li> <li>- Increased cost of administering the District Plan by having to provide information that is more up-to-date to property owners</li> </ul> <p>Social:</p>	

<sup>14</sup> Refer to Table 6 page 41 of MfE's 'A Guide to Section 32 of the Resource Management Act 1991' for examples of costs and benefits - <http://www.mfe.govt.nz/publications/rma/guide-section-32-of-resource-management-act>, including separating out groups whom those costs and benefits fall on e.g. landowners, businesses, consent authority.

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<ul style="list-style-type: none"> <li>- People unduly affected by hazard overlays may feel aggrieved that there is an unnecessary constraint on their property.</li> <li>- Uncertainty for property owners and investors may impact on their well-being</li> <li>- Hazard awareness based on out-of-date information.</li> </ul>	up to date information, the effectiveness of the plan in achieving the function described is reduced.
<p>Cultural:</p> <ul style="list-style-type: none"> <li>- Unnecessary restrictions on the development of land in the Papakainga/Kāinga Nohoanga Zones.</li> </ul>	
<p><b>Risk of acting/not acting<sup>15</sup></b></p> <ul style="list-style-type: none"> <li>- Number of properties where the Slope Instability Management Areas need to be updated may increase further and create a backlog that may be more expensive to resolve, having regard to the investigations required by Council.</li> <li>- Not acting will delay amendments to the rules that currently restricts the use and development of properties, which are not commensurate with the life risk that exists at the location.</li> </ul>	
<p><b>Recommendation:</b> This option is not recommended as it does not achieve the objective and policies of the District Plan in the most effective and efficient manner.</p>	

#### 5.3.5 Option 2: Comprehensive Review of the Port Hill Slope Instability Management Area overlay

<b>Benefits</b> <i>[Quantify or monetise benefits and costs wherever possible, also see 6.2.1 for more details on this]</i>	<b>Appropriateness in achieving the objectives/ higher order document directions</b> <i>[if relevant]</i>
<p>Environmental<sup>16</sup>:</p> <ul style="list-style-type: none"> <li>- A comprehensive review will ensure all affected properties are subject to the latest hazard risk information.</li> </ul>	<p><b>Efficiency</b></p> <p>This option of comprehensively reviewing all potentially affected properties is effective in achieving consistency and certainty for property owners. In completing a review of all sites, it is also more efficient than multiple reviews occurring over a number of years. However, the additional time and costs associated with this process may not add value, particularly where a property owner has no intention to undertake activities or development otherwise restricted by the District Plan. This results in a less efficient process relative to a review occurring as property owners come forward with an updated assessment of risk.</p>
<p>Economic:</p> <ul style="list-style-type: none"> <li>- No additional costs to developers from extended time and consenting/certification fees where the risk from hazards has reduced.</li> <li>- Avoids development in areas prone to high hazard risk while being more enabling in all other areas.</li> <li>- Improved development rights for land owners where the risk has reduced.</li> <li>- Potential for improved property values where the risk of hazards has reduced.</li> </ul>	
<p>Social:</p>	

<sup>15</sup> Refer to Table 8, page 46 of MfE's A Guide to Section 32 of the RMA for steps and approaches to assessing risks - <http://www.mfe.govt.nz/publications/rma/guide-section-32-of-resource-management-act>.

<sup>16</sup> Refer to Table 6 page 41 of MfE's 'A Guide to Section 32 of the Resource Management Act 1991' for examples of costs and benefits - <http://www.mfe.govt.nz/publications/rma/guide-section-32-of-resource-management-act>, including separating out groups whom those costs and benefits fall on e.g. landowners, businesses, consent authority.



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<ul style="list-style-type: none"> <li>- Risks to health and safety and potential damage or loss to property are managed commensurate to the level of existing risk.</li> <li>- Council demonstrates commitment to property owners through undertaking amendments to reflect the latest information.</li> </ul>	<p><b>Effectiveness</b></p> <p>This option contributes to achieving Objective 3.3.6(c) in raising awareness of natural hazards, and ensuring the District Plan provisions reflect the level of risk. In updating the plan, the policy approach of avoiding risks where it is unacceptable and mitigating risk in other areas can be better achieved. The option is consistent with policies 5.2.2.1.6 and 5.2.2.4.2 in the District Plan in demonstrating Council's commitment to update the plan. However, due to a comprehensive approach, those properties reviewed to date remain with restrictions in place for the foreseeable future and the provisions are therefore less effective for those properties that should otherwise have the management area(s) removed or changed.</p>
<p><b>Cultural:</b></p> <ul style="list-style-type: none"> <li>- Raises awareness of the existing level of risk from natural hazards.</li> <li>- Potentially reduces restrictions on the development of land in the Papakainga/Kāinga Nohoanga Zones if the risk is found to be less than currently identified.</li> </ul>	
<p><b>Costs</b></p>	
<p><b>Environmental:</b></p> <ul style="list-style-type: none"> <li>- The time it will take to undertake a comprehensive review will delay the roll-out of the latest hazard information on the 84 properties (100 property titles) and possibly also of those forming part of subsequent roll-outs until the time the review is completed.</li> </ul>	
<p><b>Economic:</b></p> <ul style="list-style-type: none"> <li>- Such a review would be very expensive to Council and time consuming</li> <li>- Compliance costs of consenting remain until a comprehensive review is completed and decisions are made on a plan change.</li> <li>- Until completion, property values may be adversely affected.</li> </ul>	
<p><b>Social:</b></p> <ul style="list-style-type: none"> <li>- Some property owners' wellbeing may still be adversely affected from the time it takes for the review to be completed.</li> </ul>	
<p><b>Cultural:</b></p> <ul style="list-style-type: none"> <li>- n/a</li> </ul>	
<p><b>Risk of acting/not acting<sup>17</sup></b></p> <ul style="list-style-type: none"> <li>- Does not demonstrate Council commitment to the public/property owners due to the time it would take to complete a comprehensive review.</li> <li>- There is potentially less benefit than anticipated if the investigations conclude that the Slope Instability Management Areas should remain unchanged.</li> </ul>	
<p><b>Recommendation:</b> This option is not recommended as it does not achieve the objective and policies of the District Plan in the most effective and efficient manner.</p>	

<sup>17</sup> Refer to Table 8, page 46 of MfE's A Guide to Section 32 of the RMA for steps and approaches to assessing risks - <http://www.mfe.govt.nz/publications/rma/guide-section-32-of-resource-management-act>.

5.3.6 In summary, Options 1 – 2 are not considered as efficient and effective in achieving the objectives of the Plan and the relevant directions of higher order documents (as the preferred option). Options 1 and 2 are viable options in that they ensure development in areas subject to risks from natural hazards are assessed and risks avoided or mitigated. However, Option 1 does not achieve alignment between the provisions of the District Plan and the level of risk while Option 2 will take a long period of time to complete. Option 2 will cause further delay for property owners who have been waiting for Council to amend the District Plan and may not be efficient, particularly where there is no benefit for property owners.

5.3.7 The detailed evaluation of **Option 3**, the preferred option, is as follows.

## 6 Evaluation of the preferred option for provisions

6.1.1 **Option 3** is the preferred option and is proposed as the plan change, which amends the Slope Instability Management Areas and aligns the planning rules with the existing risks.

### 6.2 Assessment of costs and benefits of the amendments to the Slope Instability Management Areas

6.2.1 The proposed amendments to the Slope Instability Management Areas seek to align planning rules in the District Plan with the existing natural hazard risk. This takes into consideration the geotechnical information obtained through resource consents and Council's own technical reports.

6.2.2 A rolling review is proposed to occur on a two-yearly interval schedule to update the Slope Instability Management Areas to reflect changes in the level of risk. The period in between is proposed to be used to identify, assess, review, and prioritise (if necessary) properties which form part of the next plan change.

6.2.3

Benefits
<p>Environmental:</p> <ul style="list-style-type: none"> <li>- The proposed Slope Instability Management areas defined in the District Plan display the extent of the existing risk therefore aligning the relevant planning rules with the risk profile. Future changes to these properties will be commensurate with the level of risk.</li> </ul>
<p>Economic:</p> <ul style="list-style-type: none"> <li>- Avoids development in areas prone to high hazard risk while being more enabling in all other areas.</li> <li>- Improved development rights for land owners where the risk has reduced and the Slope Instability Management Area is reduced/ removed.</li> <li>- Potential for improved property values from a lower level of risk classification.</li> <li>- Reduced compliance costs in consenting for activities and development.</li> </ul>
<p>Social:</p> <ul style="list-style-type: none"> <li>- Risks to health and safety and potential damages or loss to property is managed commensurate to the level of existing risk.</li> <li>- Council demonstrates a commitment to property owners through undertaking amendments and rolling reviews.</li> </ul>
<p>Cultural:</p> <ul style="list-style-type: none"> <li>- Raises awareness of the existing level of risk from natural hazards.</li> </ul>

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Costs
Environmental: <ul style="list-style-type: none"> <li>- Updates are limited to properties identified and the frequency of changes to the District Plan may not be perceived as timely enough.</li> <li>- Reviews are targeted rather than a comprehensive review.</li> </ul>
Economic: <ul style="list-style-type: none"> <li>- Some costs incurred to Council from verifying external technical reports.</li> <li>- Running a rolling review process incurs costs even though they are concentrated, planned and coordinated.</li> <li>- Potentially still affects some properties' values due to the time it takes for rolling reviews to amend the Slope Instability Management Areas.</li> </ul>
Social: <ul style="list-style-type: none"> <li>- Some property owners' wellbeing may still be adversely affected from the time it takes for amendments to take place.</li> </ul>
Cultural: <ul style="list-style-type: none"> <li>- Continues to restrict the development of land in the Papakainga/Kāinga Nohoanga Zones.</li> </ul>

Appropriateness in achieving the objectives/ higher order document directions
<b>Efficiency:</b> The option of reviewing the Slope Instability Management Areas for the properties identified is effective in achieving certainty for property owners, enabling them to proceed with development. It is efficient in addressing the issue for the 84 properties (100 property titles) identified and avoids further delay. However, it may be less efficient to carry out multiple reviews over a number of years relative to a comprehensive review.
<b>Effectiveness</b> This option contributes to achieving Objective 3.3.6(c) in raising awareness of natural hazards, and ensuring the District Plan provisions reflect the level of risk for the properties identified.  In updating the plan, the policy approach of avoiding risks where it is unacceptable and mitigating risk in other areas can be better achieved. The option is consistent with policies 5.2.2.1.6 and 5.2.2.4.2 in the District Plan in demonstrating Council's commitment to update the plan. It is important that the District Plan, as a tool to convey information on hazards, is kept up to date without unnecessary delays for property owners. The preferred option is consistent with this approach.  Those properties not reviewed to date remain with restrictions in place for the foreseeable future and the provisions are therefore less effective for those properties that should otherwise have the management area(s) removed or changed.
<b>Risk of acting/not acting</b> <b>Not acting</b> <ul style="list-style-type: none"> <li>- A continuation of the status quo, resulting in unnecessary costs and impacts on well-being for people affected.</li> </ul> <b>Acting</b> <ul style="list-style-type: none"> <li>- Property owners in other Port Hill areas not part of this process may enquire about their exclusion and seek similar relief.</li> </ul>

### 6.3 The most appropriate option

TRIM 19/794864

- 6.3.1 Amending the Slope Instability Management Areas is the most appropriate option to achieve the Objectives and Policies of the District Plan. It aligns the planning rules with the levels of risk from hazards in a timely manner without unnecessary delays for property owners who have been waiting for Council to make changes.

## 7 Conclusions

- 7.1.1 This report highlights the need for updating the Port Hill Slope Instability Management Areas in order to achieve appropriate planning responses commensurate to existing natural hazard risks.
- 7.1.2 This report has reviewed and considered all relevant District Plan and higher order document objectives, policies and general directions on the matter. Consultation with stakeholders has occurred, which enabled feedback from affected property owners, strategic partners and statutory bodies, and consultation will occur through the formal process with the opportunity for submissions.
- 7.1.3 The information, including any appendices, in this report present a comprehensive picture of all the relevant information required to enable the proposed plan change to be considered. In addition, this information is at a level of detail that is appropriate to the scale and significance of the issue of concern.
- 7.1.4 The report explored the costs and benefits and risks of the preferred and two alternative options, being the status quo and a comprehensive review of all areas, and evaluated each on its degree of efficiency and effectiveness in achieving the best possible environmental outcome. The proposed preferred option of a review for 84 properties (100 property titles) is most appropriate in achieving the Objective and policies of the District Plan, particularly in demonstrating Council's commitment to regularly review the Slope Instability Management Areas.

## 8 Appendix

### 8.1 Slope Instability Management Areas Information

Acronym	Explanation
<b>Rockfall Management Area 1 (RMA1)</b>	In Rockfall Management Area 1, most new development such as subdivision, earthworks or building a new residential unit is avoided, and will require resource consent as a non-complying activity in most instances.
<b>Rockfall Management Area 2 (RMA2)</b>	In Rockfall Management Area 2, some development is possible where it can be demonstrated through the resource consent process that the risk can be mitigated. Most development requires a resource consent for a restricted discretionary activity.
<b>Mass Movement Area 2 and 3 (MMA2, MMA3)</b>	In Mass Movement Management Area 2 and 3, some development is possible where it can be demonstrated through the resource consent process that the risk can be mitigated. Most development requires a resource consent for a restricted discretionary activity.
<b>Cliff Collapse Management Area 2 (CCMA2)</b>	In Cliff Collapse Management Area 2, most new development, such as subdivision, earthworks, and building a new residential unit is avoided, requiring resource consent for a non-complying activity in most instances.
<b>Remainder Port Hills</b>	Hill areas that are not in an area specifically identified as being at risk of rockfall, cliff collapse or mass movement, are defined within a Slope Instability Management Area described as "Remainder of Port Hills and Banks Peninsula Slope Instability Management Area". This area typically has fewer constraints for development, although in some instances, a resource consent will still be required.

### 8.2 List of affected by proposed changes to the Port Hills Slope Instability Area

Address	Current Hazard Overlay(s) in the Christchurch District Plan	Proposed Hazard Overlay(s) in the Christchurch District Plan
<b>Stronsay Lane Group</b>		
2 Stronsay Lane	RMA1 / RMA2	Remainder Port Hills
4 Stronsay Lane	RMA1	Remainder Port Hills
6 Stronsay Lane	RMA1	Remainder Port Hills
7 Stronsay Lane	RMA2	Remainder Port Hills
8 Stronsay Lane	RMA1	Remainder Port Hills
9 Stronsay Lane	RMA2	Remainder Port Hills
11 Stronsay Lane	RMA2	Remainder Port Hills
15 Stronsay Lane	RMA2	Remainder Port Hills
<b>Bowenvale Avenue / Rockcrest Lane Group</b>		
46B Bowenvale Avenue	MMA2	Remove MMA2 overlay
46C Bowenvale Avenue	MMA2	Remove MMA2 overlay
46H Bowenvale Avenue	MMA2	Remove MMA2 overlay

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46J Bowenvale Avenue	MMA2	Remove MMA2 overlay
59A Bowenvale Avenue	RMA2	Remainder Port Hills
67A Bowenvale Avenue	RMA2	Remainder Port Hills
69A Bowenvale Avenue	RMA2	Remainder Port Hills
73A Bowenvale Avenue	RMA1 / RMA 2	Remainder Port Hills
73B Bowenvale Avenue	RMA1 / RMA2	Remainder Port Hills
75 Bowenvale Avenue	RMA2	Remainder Port Hills
81 Bowenvale Avenue	RMA2	Remainder Port Hills
87 Bowenvale Avenue	RMA2	Remainder Port Hills
89 Bowenvale Avenue	RMA2	Remainder Port Hills
91 Bowenvale Avenue	RMA2	Remainder Port Hills
93 Bowenvale Avenue	RMA1 / RMA2	Remainder Port Hills
93A Bowenvale Avenue	RMA1 / RMA2	Remainder Port Hills
95 Bowenvale Avenue	RMA2	Remainder Port Hills
101H Bowenvale Avenue	RMA1	Remainder Port Hills
101I Bowenvale Avenue	RMA1 / RMA2	RMA1 / RMA2 overlay boundary adjustment only
101J Bowenvale Avenue	RMA1 / RMA2	RMA1 / RMA2 overlay boundary adjustment only
1 Rockcrest Lane	RMA2	Remainder Port Hills
2 Rockcrest Lane	RMA1 / RMA2	Remainder Port Hills
3 Rockcrest Lane	RMA1 / RMA2	Remainder Port Hills
4 Rockcrest Lane	RMA1 / RMA2	Remainder Port Hills
5 Rockcrest Lane	RMA1 / RMA2	Remainder Port Hills
6 Rockcrest Lane	RMA1 / RMA2	Remainder Port Hills
7 Rockcrest Lane	RMA1 / RMA2	Remainder Port Hills
74 Major Aitken Drive	RMA1 / RMA2	Remainder Port Hills
281 Huntsbury Avenue	RMA1 / RMA2	Adjustment to Remainder Port Hills at Rockcrest Lane end of property only
<b>Port Hills/Avoca Valley Road Group</b>		
275 Port Hills Road	RMA2	Remainder Port Hills
315 Port Hills Road	RMA1 / RMA2 / RPHBP	Remainder Port Hills. RMA2 will be partially removed. Property is still affected by RMA1 and RMA 2.
301 Port Hills Road	RMA1	Remainder Port Hills. Partial removal of RMA1
2 Avoca Valley Road	RMA2 / MMA3	Remainder Port Hills. MMA3 overlay to remain.
4 Avoca Valley Road	RMA1 / RMA2 / MMA3	Remainder Port Hills. MMA3 overlay to remain.
4a Avoca Valley Road	RMA1 / RMA2 / MMA3	Remainder Port Hills. MMA3 overlay to remain.
4b Avoca Valley Road	RMA1 / RMA2 / MMA3	Remainder Port Hills. MMA3 overlay to remain.
6 Avoca Valley Road	RMA1 / MMA3	Remainder Port Hills. MMA3 overlay to remain.
8 Avoca Valley Road	RMA1 / MMA3	Remainder Port Hills. MMA3 overlay to remain.

25



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10 and 16 Avoca Valley Road	RMA1 / MMA3	Remainder Port Hills. RMA1 boundary adjustment.
Stoddart Lane/Hollis Avenue Group		
6a Stoddart Lane	RMA1 / RMA2	Remainder Port Hills
6 Stoddart Lane	RMA1 / RMA2	Remainder Port Hills
7 Stoddart Lane	RMA1 / RMA2	Remainder Port Hills
56 Holliss Avenue	RMA1 / RMA2	Remainder Port Hills
70 Holliss Avenue	RMA1 / RMA2 (2 source areas)	Remove RMA1 / RMA2 overlays related to north source area only, change to Remainder Port Hills
Jacksons Road Group		
77 Jacksons Road	RMA2	Remainder Port Hills
77A Jacksons Road	RMA2	Remainder Port Hills
79 Jacksons Road	RMA2	Remainder Port Hills
79A Jacksons Road	RMA2	Remainder Port Hills
81 Jacksons Road	RMA2	Remainder Port Hills
81A Jacksons Road	RMA2	Remainder Port Hills
81B Jacksons Road	RMA2	Remainder Port Hills
16 Ross Terrace	RMA2	Remainder Port Hills
18 Ross Terrace	RMA2	Remainder Port Hills
23 Ross Terrace	RMA2	Remainder Port Hills
23A Ross Terrace	RMA2	RMA2 overlay boundary adjustment only
25 Ross Terrace	RMA1 / RMA2	RMA1 / RMA2 overlay boundary adjustment only
1 Ross Parade	RMA2	Remainder Port Hills
2 Ross Parade	RMA2	Remainder Port Hills
3 Ross Parade	RMA2	RMA2 overlay boundary adjustment only
Endeavour Place Group		
1 Endeavour Place	RMA1	Remove RMA1 overlay at Cornwall Road (common driveway) end only.
3 Endeavour Place	RMA1	
3A Endeavour Place	RMA1	
4 Endeavour Place	RMA1	
5 Endeavour Place	RMA1	Note that 8, 9 and 10 Endeavour Place are also affected by a separate rockfall hazard area to the west. The hazard overlays related to this area should not be changed
6 Endeavour Place	RMA1	
7 Endeavour Place	RMA1	
8 Endeavour Place	RMA1	
9 Endeavour Place	RMA1	
10 Endeavour Place	RMA1	
Baches		
Bach 2 Boulder Bay	CCMA2 (partial)	RMA2
Bach 4 Boulder Bay	CCMA2 (partial)	RMA2
Bach 8 Boulder Bay	CCMA2 (partial)	RMA2
Bach 9 Boulder Bay	CCMA2	RMA2
Bach 10 Boulder Bay	RMA2	CCMA2
Bach 30 Taylors Mistake	CCMA2 / RMA2	RMA2



# Attachment B

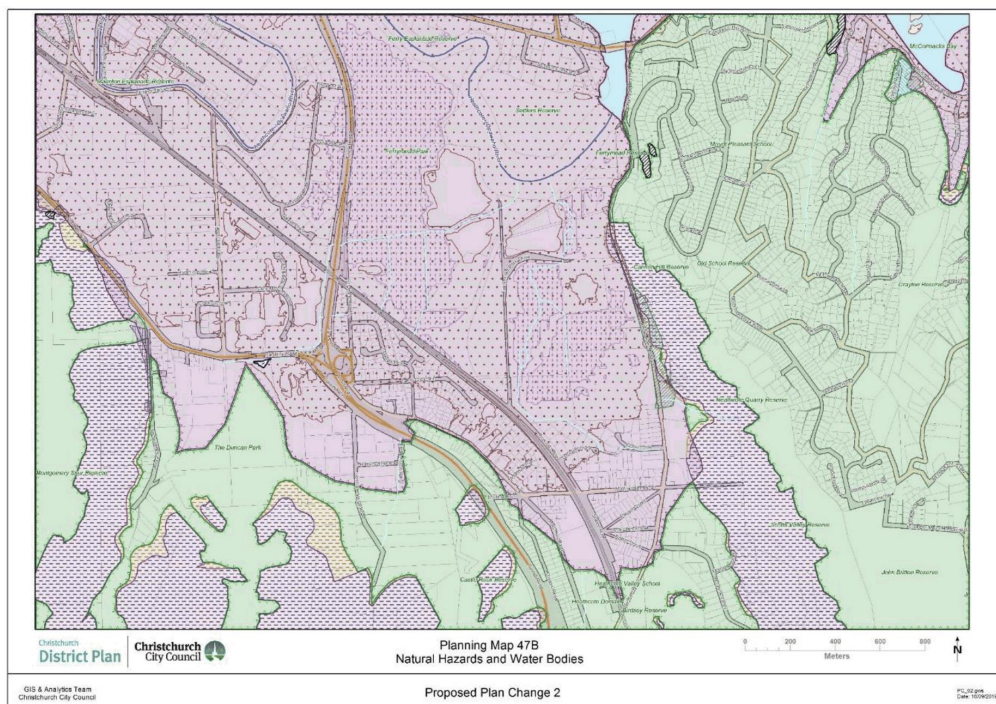
### 8.3.1 Affected Properties – Overview



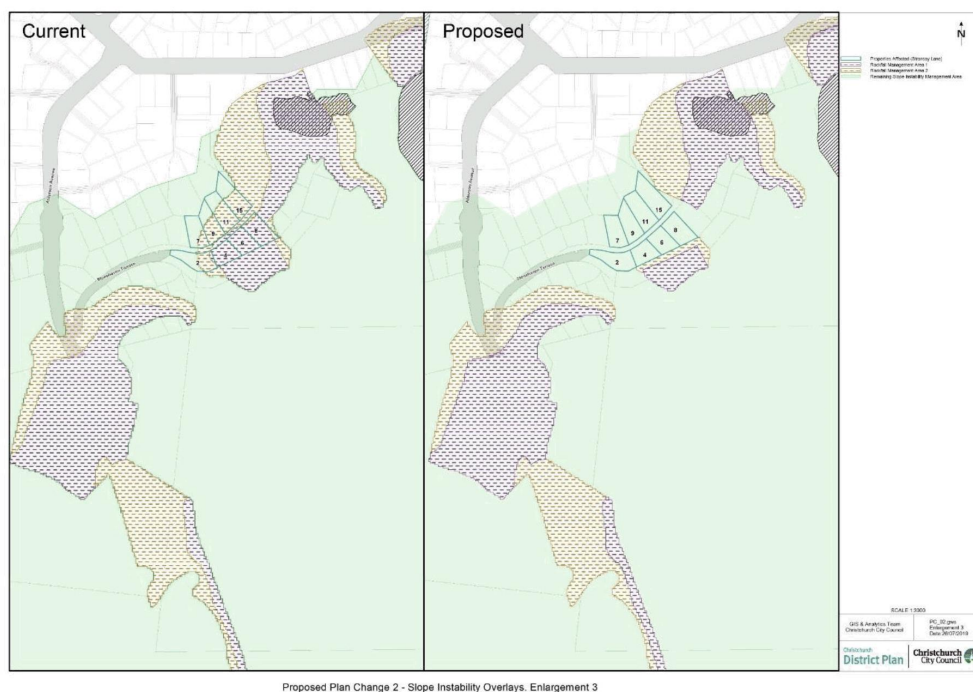




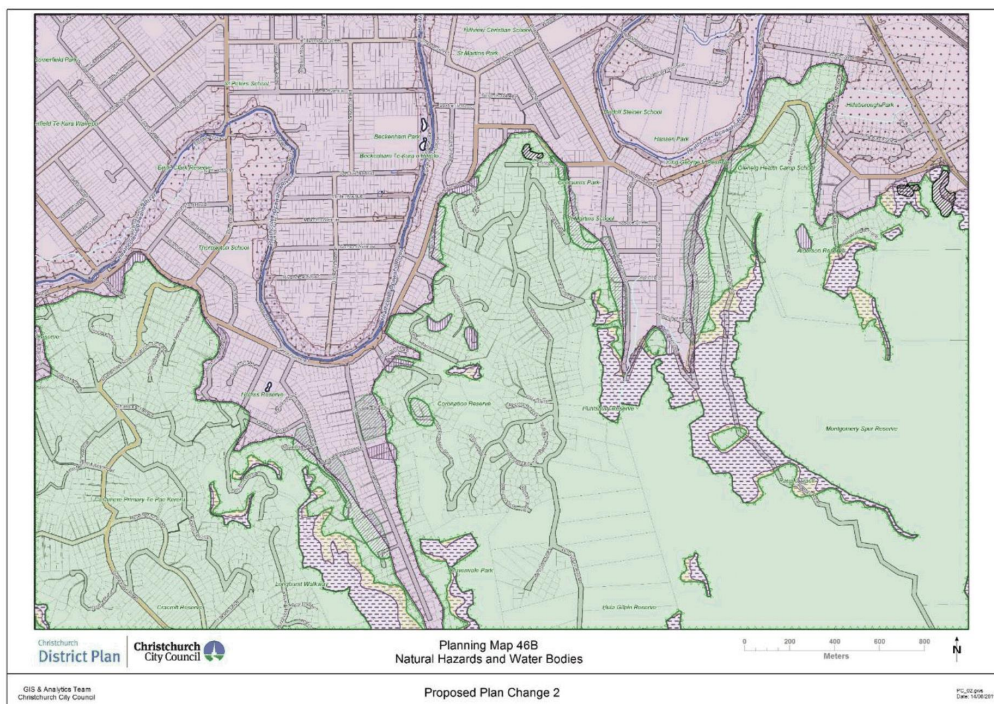
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#### 8.3.4 Affected Properties – Stronsay Avenue



TRIM 19/794864

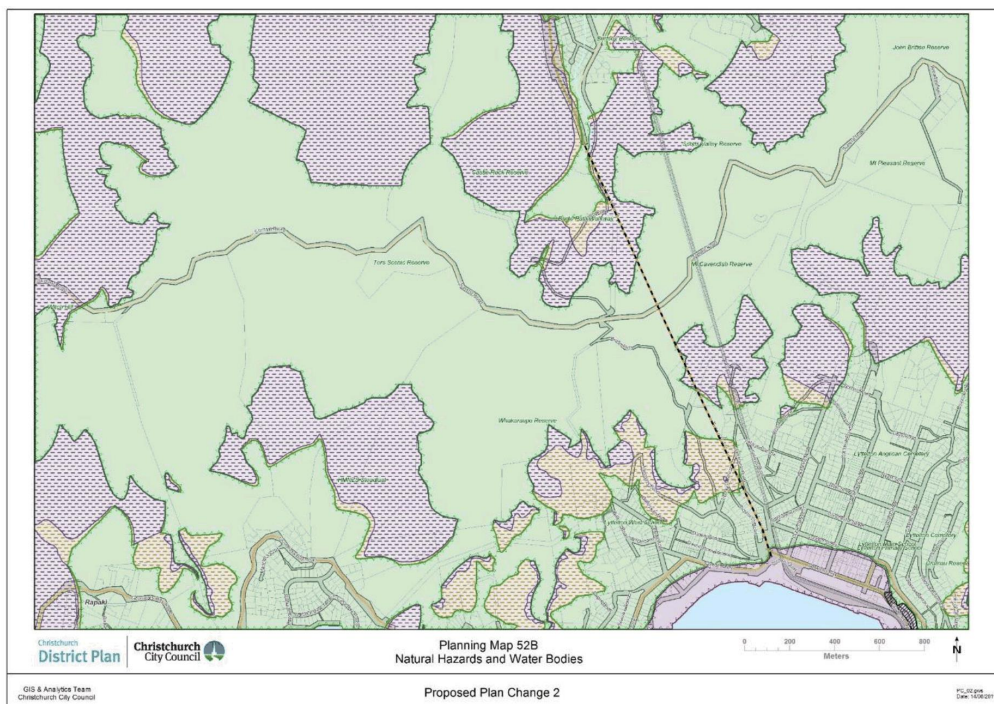


### 8.3.5 Affected Properties – Endeavour-Jackson Road

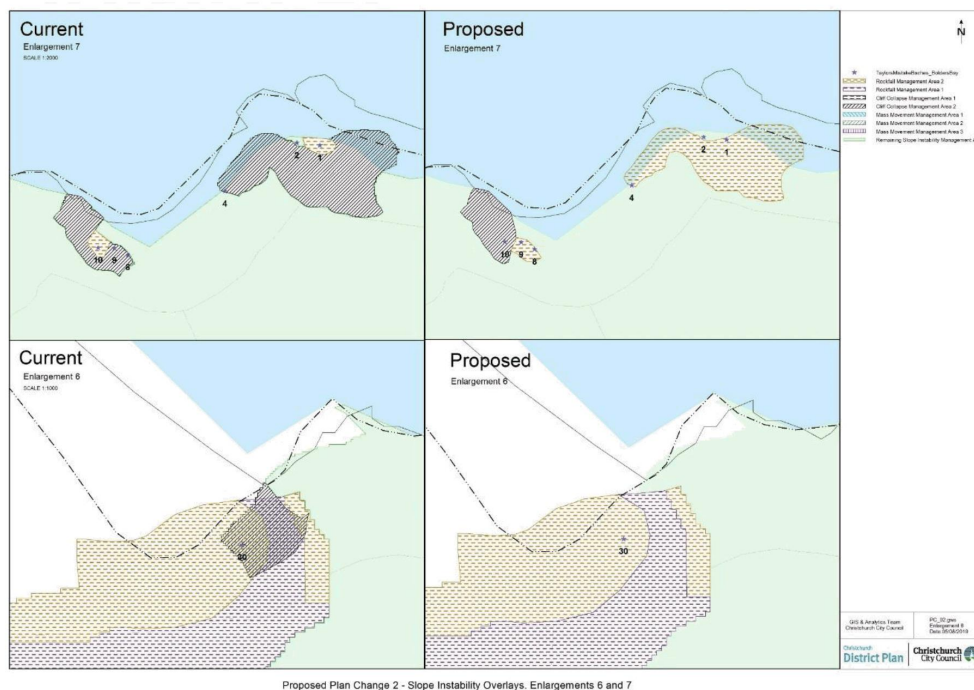




TRIM 19/794864



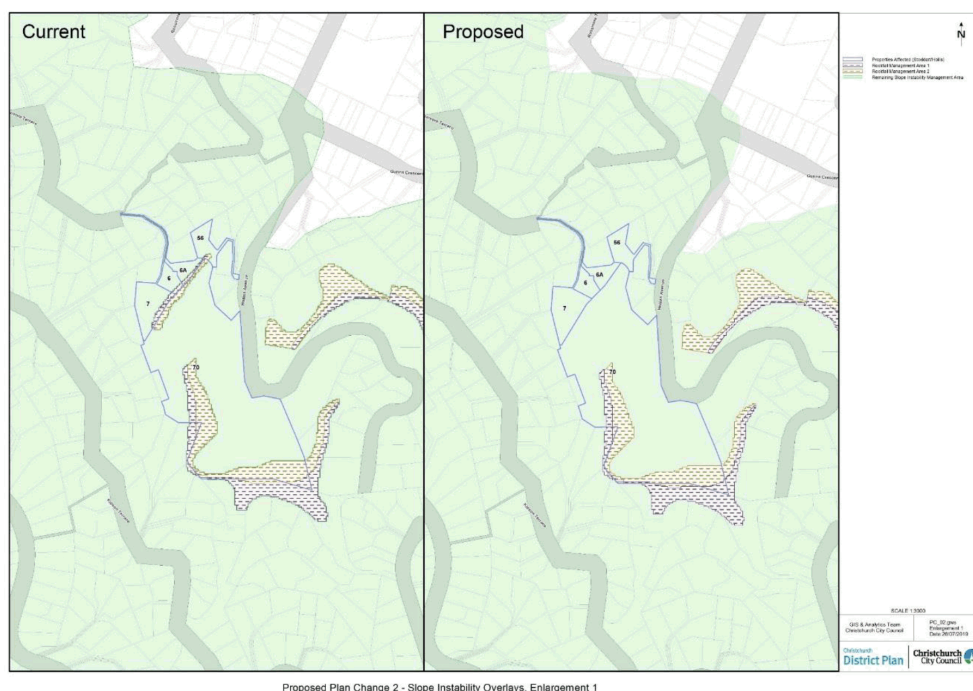
### 8.3.6 Affected Baches



TRIM 19/794864



### 8.3.7 Affected Properties – Stoddart Lane. -Holliss Avenue



10.3 APPENDIX 3: TABLE OF SUBMISSIONS AND RECOMMENDATIONS





Appendix 3: Table of Submissions and Recommendations

Submitter	Submission No.	Decision No.	Decision Sought	Recommendation and Reasons
Bowenvale Estate Limited	<b>S1</b>	<b>D1</b>	The submitter seeks the property's return to residential status and associated rights pertaining prior to its red-zoning.	<b>Accept in part</b>
Paul Spicer	<b>S2</b>	<b>D1</b>	Approve the slope instability overlays as proposed for the Rockcrest Lane area, Bowenvale	<b>Accept</b>
Tim Allan	<b>S3</b>	<b>D1</b>	Approve the slope instability overlays as proposed for the Rockcrest Lane area, Bowenvale	<b>Accept</b>
Megan Allan	<b>S4</b>	<b>D1</b>	Approve the slope instability overlays as proposed for the Rockcrest Lane area, Bowenvale	<b>Accept</b>
Paul Page	<b>S5</b>	<b>D1</b>	Approve the slope instability overlays as proposed	<b>Accept</b>
Matthew Rout	<b>S6</b>	<b>D1</b>	No comment provided, but in support	<b>Accept</b>
Line King Limited	<b>FS1</b>	<b>D3</b>	Approve the slope instability overlays as it is beneficial for the property	<b>Reject</b> – The further submission has been deemed invalid as it makes no reference to the submission it is in support of as required by s8A of Schedule 1 of the Act.



10.4 APPENDIX 4: COPIES OF SUBMISSIONS AND FURTHER SUBMISSIONS



**PLAN CHANGE 2**  
**PORT HILLS SLOPE INSTABILITY**  
**MANAGEMENT AREA OVERLAYS UPDATE**

**COPY OF SUBMISSIONS**





## Submission on a limited notified plan change to the Christchurch District Plan

Clause 6A of Schedule 1, Resource Management Act 1991

For office use only  
Submission no:

S1

### Submissions can be:

**Posted to:** City Planning Team  
Christchurch City Council  
PO Box 73012  
Christchurch 8154

**Delivered to:** Ground floor reception  
53 Hereford Street  
Christchurch  
Attn: City Planning Team

**Emailed to:** [PlanChange@ccc.govt.nz](mailto:PlanChange@ccc.govt.nz)

For Office Use Only  
Received in Council Office

Date

14 OCT 2019

Time

Person

\* Denotes required information

### I wish to make a submission on:

Plan Change Number:\* **PLAN CHANGE 2**

### Your name and contact details

Full name of person **or** organisation making submission:\*

**Bowenvale Estate Limited**

HUSSEIN RAJENDRAN FOR BOWENVALE ESTATE LTD

Address for service:\*



Email:



Phone:\*



**Trade competition and adverse effects\*** (select appropriate)

☒ I could / ☒ could not gain an advantage in trade competition through this submission.

I DO NOT KNOW WHAT THIS MEANS IN RELATION TO RETURNING MY PROPERTY TO PRIOR STATUS (PAGE 50)

(delete the following paragraph if you have indicated you could not gain an advantage in trade competition)

If you are a person who could gain an advantage in trade competition through this submission, are you directly affected by an effect of the proposed plan change/part of the plan change that -

(a) adversely affects the environment, and

(b) does not relate to the trade competition or the effects of trade competition?

☐ Yes ☐ No

**NOTE:**

A person who could gain an advantage in trade competition through the submission may make a submission only if you answered Yes to the above, as per clause 6A(2) of Part 1 of Schedule 1 of the Resource Management Act 1991.

The specific provisions of the plan change that my submission relates to are as follows:\* (Please continue on separate sheet(s) if necessary.)

My submission is that:\* (You should clearly state whether you **support or oppose** the specific proposed provisions **or wish to have them amended**. You should also state the reasons for your views. Please continue on separate sheet(s) if necessary.)



**I seek the following decision from the Council:\*** (Please give precise details stating what amendments you wish to see made to the proposed Plan Change. Please continue on separate sheet(s) if necessary.)

My PROPERTY WAS ZONED AS A RESIDENTIAL PART OF THE  
PORT HILLS PRIOR TO THE 2010/2011 EQs

AFTER THOSE EVENTS IT WAS RED ZONED DUE TO ROCKFALL RISK.  
I ENTERED INTO AN AGREEMENT WITH CCC FOR REMEDIATION OF  
THAT RISK UNDER THE OVERSIGHT OF CCC GEOLOGISTS, AND ALL WORK  
WAS COMPLETED TO CCC GEOLOGY AGREEMENT.

THERE I WISH CCC WILL RETURN MY PROPERTY TO THE  
RESIDENTIAL STATUS AND RIGHTS PERTAINING PRIOR TO BEING RED ZONED

**Please indicate by ticking the relevant box whether you wish to be heard in support of your submission\***

☒ I wish to / ☐ I do not wish to speak at the hearing in support of my submission.

**Joint submissions** (Please tick this box if you agree)

☒ If others make a similar submission, I will consider presenting a joint case with them at the hearing.

**If you have used extra sheets for this submission, please attach them to this form and indicate below\***

☐ Yes, I have attached extra sheets. ☒ No, I have not attached extra sheets.

**Signature of submitter** (or person authorised to sign on behalf of submitter)

A signature is not required if you make your submission by electronic means.

Signature: 

Date: 09 Oct 19

**Submissions are public information**

The information requested in this submission, including your contact details is required by the Resource Management Act 1991. A copy of your submission will be made available for inspection at the central library in accordance with the requirements of the Act. A document summarising all submissions and including names and addresses of submitters will be posted on the Council's website.

If you consider there are compelling reasons why your contact details should be kept confidential, you should contact the Statutory Administration Advisor at 941 8999.



## Submission on a limited notified plan change to the Christchurch District Plan

Clause 6A of Schedule 1, Resource Management Act 1991

For office use only  
Submission no:

S2

### Submissions can be:

**Posted to:** City Planning Team  
Christchurch City Council  
PO Box 73012  
Christchurch 8154

**Delivered to:** Ground floor reception  
53 Hereford Street  
Christchurch  
Attn: City Planning Team

**Emailed to:** [PlanChange@ccc.govt.nz](mailto:PlanChange@ccc.govt.nz)

For Office Use Only  
Received in Council Office

15 OCT 2019

Date

Time

Person

\* Denotes required information

### I wish to make a submission on:

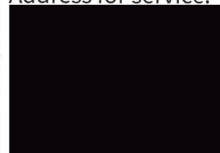
Plan Change Number:\* **PLAN CHANGE 2**

### Your name and contact details

Full name of person **or** organisation making submission:\*

**Paul Spicer**

Address for service:\*



Email:



Phone:\*



Submission on a limited notified plan change to the Christchurch District Plan



<b>Trade competition and adverse effects*</b> <i>(select appropriate)</i>
<input type="checkbox"/> I could / <input checked="" type="checkbox"/> could not gain an advantage in trade competition through this submission.
<p><i>(delete the following paragraph if you have indicated you could not gain an advantage in trade competition)</i></p> <p>If you are a person who could gain an advantage in trade competition through this submission, are you directly affected by an effect of the proposed plan change/part of the plan change that -</p> <p>(a) adversely affects the environment, and (b) does not relate to the trade competition or the effects of trade competition?</p> <p><input type="radio"/> Yes <input type="radio"/> No</p> <p><b>NOTE:</b> A person who could gain an advantage in trade competition through the submission may make a submission only if you answered Yes to the above, as per clause 6A(2) of Part 1 of Schedule 1 of the Resource Management Act 1991.</p>
<b>The specific provisions of the plan change that my submission relates to are as follows:*</b> <i>(Please continue on separate sheet(s) if necessary.)</i>
<p>Rochcrest Lane Area, Lowenvale</p>
<b>My submission is that:*</b> <i>(You should clearly state whether you <b>support or oppose</b> the specific proposed provisions <b>or wish to have them amended</b>. You should also state the reasons for your views. Please continue on separate sheet(s) if necessary.)</i>
<p>In support of proposed Plan change</p>

**I seek the following decision from the Council:\*** (Please give precise details stating what amendments you wish to see made to the proposed Plan Change. Please continue on separate sheet(s) if necessary.)

Approve the slope instability overlays as proposed

**Please indicate by ticking the relevant box whether you wish to be heard in support of your submission\***

☐ I wish to / ☒ I do not wish to speak at the hearing in support of my submission.

**Joint submissions** (Please tick this box if you agree)

☒ If others make a similar submission, I will consider presenting a joint case with them at the hearing.

**If you have used extra sheets for this submission, please attach them to this form and indicate below\***

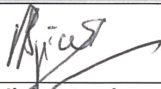
☐ Yes, I have attached extra sheets.

☒ No, I have not attached extra sheets.

**Signature of submitter** (or person authorised to sign on behalf of submitter)

*Signature is not required if you make your submission by electronic means.*

Signature:



Date:

11/10/19.

**Submissions are public information**

The information requested in this submission, including your contact details is required by the Resource Management Act 1991. A copy of your submission will be made available for inspection at the central library in accordance with the requirements of the Act. A document summarising all submissions and including names and addresses of submitters will be posted on the Council's website.

If you consider there are compelling reasons why your contact details should be kept confidential, you should contact the Statutory Administration Advisor at 941 8999.



# Submission on a limited notified plan change to the Christchurch District Plan

Clause 6A of Schedule 1, Resource Management Act 1991

For office use only  
Submission no:

S3

## Submissions can be:

**Posted to:** City Planning Team  
Christchurch City Council  
PO Box 73012  
Christchurch 8154

**Delivered to:** Ground floor reception  
53 Hereford Street  
Christchurch  
Attn: City Planning Team

**Emailed to:** [PlanChange@ccc.govt.nz](mailto:PlanChange@ccc.govt.nz)

For Office Use Only  
Received in Council Office

Date

15 OCT 2019

Time

Person

\* Denotes required information

### I wish to make a submission on:

Plan Change Number:\* **PLAN CHANGE 2**

### Your name and contact details

Full name of person or organisation making submission:\*

Tim Allan

Address for service:\*



Email:



Phone:\*



Submission on a limited notified plan change to the Christchurch District Plan



<b>Trade competition and adverse effects*</b> (select appropriate)
<input type="checkbox"/> I could / <input checked="" type="checkbox"/> could not gain an advantage in trade competition through this submission.
<p>(delete the following paragraph if you have indicated you could not gain an advantage in trade competition)</p> <p>If you are a person who could gain an advantage in trade competition through this submission, are you directly affected by an effect of the proposed plan change/part of the plan change that -</p> <p>(a) adversely affects the environment, and</p> <p>(b) does not relate to the trade competition or the effects of trade competition?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p> <p><b>NOTE:</b> A person who could gain an advantage in trade competition through the submission may make a submission only if you answered Yes to the above, as per clause 6A(2) of Part 1 of Schedule 1 of the Resource Management Act 1991.</p>

<b>The specific provisions of the plan change that my submission relates to are as follows:*</b> (Please continue on separate sheet(s) if necessary.)
<p>Rochester Lane Area, Howenake</p>
<b>My submission is that:*</b> (You should clearly state whether you <b>support or oppose</b> the specific proposed provisions <b>or wish to have them amended</b> . You should also state the reasons for your views. Please continue on separate sheet(s) if necessary.)
<p>In support of proposed Plan change</p>

**I seek the following decision from the Council:\*** (Please give precise details stating what amendments you wish to see made to the proposed Plan Change. Please continue on separate sheet(s) if necessary.)

Approve the slope instability overlays as proposed

**Please indicate by ticking the relevant box whether you wish to be heard in support of your submission\***

☒ I wish to / ☐ I do not wish to speak at the hearing in support of my submission.

**Joint submissions** (Please tick this box if you agree)

☐ If others make a similar submission, I will consider presenting a joint case with them at the hearing.

**If you have used extra sheets for this submission, please attach them to this form and indicate below\***

☐ Yes, I have attached extra sheets.

☒ No, I have not attached extra sheets.

**Signature of submitter** (or person authorised to sign on behalf of submitter)

A signature is not required if you make your submission by electronic means.

Signature: 

Date: 10/10/19

**Submissions are public information**

The information requested in this submission, including your contact details is required by the Resource Management Act 1991. A copy of your submission will be made available for inspection at the central library in accordance with the requirements of the Act. A document summarising all submissions and including names and addresses of submitters will be posted on the Council's website.

If you consider there are compelling reasons why your contact details should be kept confidential, you should contact the Statutory Administration Advisor at 941 8999.





## Submission on a limited notified plan change to the Christchurch District Plan

Clause 6A of Schedule 1, Resource Management Act 1991

For office use only  
Submission no:

54

### Submissions can be:

**Posted to:** City Planning Team  
Christchurch City Council  
PO Box 73012  
Christchurch 8154

**Delivered to:** Ground floor reception  
53 Hereford Street  
Christchurch  
Attn: City Planning Team

**Emailed to:** [PlanChange@ccc.govt.nz](mailto:PlanChange@ccc.govt.nz)

For Office Use Only  
Received in Council Office

15 OCT 2019

Date

Time

Person

*\* Denotes required information*

### I wish to make a submission on:

Plan Change Number:\* **PLAN CHANGE 2**

### Your name and contact details

Full name of person **or** organisation making submission:\*  
**Megan Allan**

Address for service:\*

[Redacted address]

Email:

[Redacted email]

Phone:\*

[Redacted phone]

Submission on a limited notified plan change to the Christchurch District Plan

<b>Trade competition and adverse effects*</b> (select appropriate)
<input type="checkbox"/> I could / <input checked="" type="checkbox"/> could not gain an advantage in trade competition through this submission.
<p><i>(delete the following paragraph if you have indicated you could not gain an advantage in trade competition)</i></p> <p>If you are a person who could gain an advantage in trade competition through this submission, are you directly affected by an effect of the proposed plan change/part of the plan change that -</p> <ul style="list-style-type: none"><li>(a) adversely affects the environment, and</li><li>(b) does not relate to the trade competition or the effects of trade competition?</li></ul> <p><input type="radio"/> Yes      <input type="radio"/> No</p> <p><b>NOTE:</b> A person who could gain an advantage in trade competition through the submission may make a submission only if you answered Yes to the above, as per clause 6A(2) of Part 1 of Schedule 1 of the Resource Management Act 1991.</p>

<b>The specific provisions of the plan change that my submission relates to are as follows:*</b> (Please continue on separate sheet(s) if necessary.)
<p>Rockcrest Lore Area, Boxenvale</p>
<b>My submission is that:*</b> (You should clearly state whether you <b>support or oppose</b> the specific proposed provisions <b>or wish to have them amended</b> . You should also state the reasons for your views. Please continue on separate sheet(s) if necessary.)
<p>In support of proposed Plan change</p>

**I seek the following decision from the Council:\*** *(Please give precise details stating what amendments you wish to see made to the proposed Plan Change. Please continue on separate sheet(s) if necessary.)*

Approve the Slope instability overlays as proposed

**Please indicate by ticking the relevant box whether you wish to be heard in support of your submission\***

☐ I wish to / ☒ I do not wish to speak at the hearing in support of my submission.

**Joint submissions** *(Please tick this box if you agree)*

☒ If others make a similar submission, I will consider presenting a joint case with them at the hearing.

**If you have used extra sheets for this submission, please attach them to this form and indicate below\***

☐ Yes, I have attached extra sheets.

☒ No, I have not attached extra sheets.

**Signature of submitter** *(or person authorised to sign on behalf of submitter)*

*A signature is not required if you make your submission by electronic means.*

Signature:



Date:

10/10/18

**Submissions are public information**

The information requested in this submission, including your contact details is required by the Resource Management Act 1991. A copy of your submission will be made available for inspection at the central library in accordance with the requirements of the Act. A document summarising all submissions and including names and addresses of submitters will be posted on the Council's website.

If you consider there are compelling reasons why your contact details should be kept confidential, you should contact the Statutory Administration Advisor at 941 8999.





## Submission on a limited notified plan change to the Christchurch District Plan

Clause 6A of Schedule 1, Resource Management Act 1991

For office use only  
Submission no:

85

### Submissions can be:

**Posted to:** City Planning Team  
Christchurch City Council  
PO Box 73012  
Christchurch 8154

**Delivered to:** Ground floor reception  
53 Hereford Street  
Christchurch  
Attn: City Planning Team

**Emailed to:** [PlanChange@ccc.govt.nz](mailto:PlanChange@ccc.govt.nz)

For Office Use Only  
Received in Council Office

30 OCT 2019

Date

Time

Person

\* Denotes required information

#### I wish to make a submission on:

Plan Change Number:\* **PLAN CHANGE 2**

#### Your name and contact details

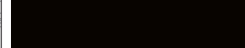
Full name of person **or** organisation making submission:\*  
**Paul Page**

Address for service:\*



Email:

Phone:\*



<b>Trade competition and adverse effects*</b> (select appropriate)
<input type="checkbox"/> I could / <input checked="" type="checkbox"/> could not gain an advantage in trade competition through this submission.
(delete the following paragraph if you have indicated you could not gain an advantage in trade competition) If you are a person who could gain an advantage in trade competition through this submission, are you directly affected by an effect of the proposed plan change/part of the plan change that -  (a) adversely affects the environment, and (b) does not relate to the trade competition or the effects of trade competition?  <input type="radio"/> Yes <input type="radio"/> No
<b>NOTE:</b> A person who could gain an advantage in trade competition through the submission may make a submission only if you answered Yes to the above, as per clause 6A(2) of Part 1 of Schedule 1 of the Resource Management Act 1991.

<b>The specific provisions of the plan change that my submission relates to are as follows:*</b> (Please continue on separate sheet(s) if necessary.)
<div style="text-align: right;">8105 T30 08</div>
<b>My submission is that:*</b> (You should clearly state whether you <b>support or oppose</b> the specific proposed provisions <b>or wish to have them amended</b> . You should also state the reasons for your views. Please continue on separate sheet(s) if necessary.)
I <u>support</u> the proposed plan change. As a resident living in the affected area and having seen first hand the remediation work done to mitigate the rock fall hazard, I see no reason why the area outlined shouldn't be re-zoned back to 'Remainder Port Hills' as these works have successfully removed the rock fall hazard to a manageable level.

**I seek the following decision from the Council:\*** (Please give precise details stating what amendments you wish to see made to the proposed Plan Change. Please continue on separate sheet(s) if necessary.)

That Plan change 2 of the Christchurch district Plan be implemented. I support this plan change.

**Please indicate by ticking the relevant box whether you wish to be heard in support of your submission\***

☐ I wish to / ☒ I do not wish to speak at the hearing in support of my submission.

**Joint submissions** (Please tick this box if you agree)

☒ If others make a similar submission, I will consider presenting a joint case with them at the hearing.

**If you have used extra sheets for this submission, please attach them to this form and indicate below\***

☐ Yes, I have attached extra sheets. ☒ No, I have not attached extra sheets.

**Signature of submitter** (or person authorised to sign on behalf of submitter)

A signature is not required if you make your submission by electronic means.

Signature:



Date:

21/10/2019

**Submissions are public information**

The information requested in this submission, including your contact details is required by the Resource Management Act 1991. A copy of your submission will be made available for inspection at the central library in accordance with the requirements of the Act. A document summarising all submissions and including names and addresses of submitters will be posted on the Council's website.

If you consider there are compelling reasons why your contact details should be kept confidential, you should contact the Statutory Administration Advisor at 941 8999.





# Submission on a limited notified plan change to the Christchurch District Plan

Clause 6A of Schedule 1, Resource Management Act 1991

For office use only  
Submission no:

56

## Submissions can be:

**Posted to:** City Planning Team  
Christchurch City Council  
PO Box 73012  
Christchurch 8154

**Delivered to:** Ground floor reception  
53 Hereford Street  
Christchurch  
Attn: City Planning Team

**Emailed to:** [PlanChange@ccc.govt.nz](mailto:PlanChange@ccc.govt.nz)

For Office Use Only

Received in Council Office

30 OCT 2019

Date

Time

Person

\* Denotes required information

**I wish to make a submission on:**

Plan Change Number:\* **PLAN CHANGE 2**

**Your name and contact details**

Full name of person **or** organisation making submission:\*

**Matthew Rout**

Address for service:\*

[Redacted address]

Email:

[Redacted email]

Phone:\*

[Redacted phone]

Submission on a limited notified plan change to the Christchurch District Plan

Christchurch  
City Council 

Item 13  
Attachment B



<b>Trade competition and adverse effects*</b> <i>(select appropriate)</i>
<input type="checkbox"/> I could / <input checked="" type="checkbox"/> I could not gain an advantage in trade competition through this submission.
<p><i>(delete the following paragraph if you have indicated you could not gain an advantage in trade competition)</i></p> <p>If you are a person who could gain an advantage in trade competition through this submission, are you directly affected by an effect of the proposed plan change/part of the plan change that -</p> <ul style="list-style-type: none"><li>(a) adversely affects the environment, and</li><li>(b) does not relate to the trade competition or the effects of trade competition?</li></ul> <p><input type="radio"/> Yes    <input type="radio"/> No</p> <p><b>NOTE:</b> A person who could gain an advantage in trade competition through the submission may make a submission only if you answered Yes to the above, as per clause 6A(2) of Part 1 of Schedule 1 of the Resource Management Act 1991.</p>
<b>The specific provisions of the plan change that my submission relates to are as follows:*</b> <i>(Please continue on separate sheet(s) if necessary.)</i>
CHRISTCHURCH DISTRICT PLAN PROPOSED CHANGE 2, CHANGING MY SECTION, 2 STRONGSAY TO THE <del>PORT</del> REMAINDER PORT HILLS OVERLAY
<b>My submission is that:*</b> <i>(You should clearly state whether you <b>support or oppose</b> the specific proposed provisions <b>or wish to have them amended</b>. You should also state the reasons for your views. Please continue on separate sheet(s) if necessary.)</i>
I SUPPORT THE PLAN CHANGE

**I seek the following decision from the Council:\*** *(Please give precise details stating what amendments you wish to see made to the proposed Plan Change. Please continue on separate sheet(s) if necessary.)*

**Please indicate by ticking the relevant box whether you wish to be heard in support of your submission\***

☐ I wish to / ☒ I do not wish to speak at the hearing in support of my submission.

**Joint submissions** *(Please tick this box if you agree)*

☐ If others make a similar submission, I will consider presenting a joint case with them at the hearing.

**If you have used extra sheets for this submission, please attach them to this form and indicate below\***

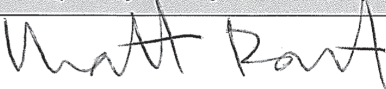
☐ Yes, I have attached extra sheets.

☐ No, I have not attached extra sheets.

**Signature of submitter** *(or person authorised to sign on behalf of submitter)*

*A signature is not required if you make your submission by electronic means.*

Signature:



Date:

25/10/19

**Submissions are public information**

The information requested in this submission, including your contact details is required by the Resource Management Act 1991. A copy of your submission will be made available for inspection at the central library in accordance with the requirements of the Act. A document summarising all submissions and including names and addresses of submitters will be posted on the Council's website.

If you consider there are compelling reasons why your contact details should be kept confidential, you should contact the Statutory Administration Advisor at 941 8999.

## Further submission on a limited notified plan change to the Christchurch District Plan

Clause 8 of Schedule 1, Resource Management Act 1991

For office use only  
F-Submission no:

FS1

Further submissions can be:

**Posted to:** City Planning Team  
Christchurch City Council  
PO Box 73012  
Christchurch 8154

**Delivered to:** Ground floor reception  
53 Hereford Street  
Christchurch  
Attn: City Planning Team

**Emailed to:** [PlanChange@ccc.govt.nz](mailto:PlanChange@ccc.govt.nz)

For Office Use Only  
Received in Council Office

22 NOV 2019

Date

Time

Person

\* Denotes required information

I wish to make a further submission on:

Plan Change Number:\* **PLAN CHANGE 2**

Your name and contact details

Full name of person **or** organisation making submission:\*  
**Line King Limited**

Address for service:\*

Email:


Phone:\*

Further Submission on a limited notified plan change to the Christchurch District plan



Person of interest declaration* (select appropriate)
I am (state whether you are): <input checked="" type="checkbox"/> (a) a person representing a relevant aspect of the public interest, or <input type="checkbox"/> (b) a person who has an interest in the proposal that is greater than the interest the general public has, or <input type="checkbox"/> (c) the local authority for the relevant area.
Explain the grounds for saying you come within category (a) or (b) above:  Owner

Note to person making further submission
<b>A further submission can only support or oppose an original submission listed in the summary. It is <u>not</u> an opportunity to make a fresh submission on matters not raised in the submissions.</b> <b>A copy of your further submission must be served on the original submitter within 5 working days of making the further submission to the Council.</b>

I support / <del>oppose</del> (choose one) the submission of:*
(Please insert the name and address of the original submitter, and submission number of the original submission. If you are making a further submission on multiple submitters, please use the <b>table form</b> on the last page and make sure it is attached.)  Support Paul Szybiak 

The particular parts of the submission that I support / <del>oppose</del> (choose one) are:*
(You should clearly indicate which parts of the original submission you support or oppose ( <b>state S and D number as shown in the summary of submission</b> ), together with the relevant provision of the proposed Plan Change.)

The reasons for my support (or opposition) are:\* (Please give precise details)

Beneficial for property

I seek that the whole or part of the submission be allowed / ~~disallowed~~\* (Please specify the relevant parts)

Please indicate by ticking the relevant box whether you wish to be heard in support of your further submission\*

☐ I wish to / ☒ I do not wish to speak at the hearing in support of my further submission.

Joint submissions (Please tick this box if you agree)

☒ If others make a similar submission, I will consider presenting a joint case with them at the hearing.

If you have used extra sheets for this further submission, please attach them to this form and indicate below\*

☐ Yes, I have attached extra sheets.

☒ No, I have not attached extra sheets.

Signature of submitter (or person authorised to sign on behalf of submitter)

A signature is not required if you make your submission by electronic means.

Signature:



Date:

21/11/19

**Submissions are public information**

The information requested in this submission, including your contact details is required by the Resource Management Act 1991. A copy of your submission will be made available for inspection at the central library in accordance with the requirements of the Act. A document summarising all submissions and including names and addresses of submitters will be posted on the Council's website.

If you consider there are compelling reasons why your contact details should be kept confidential, you should contact the Statutory Administration Advisor at 941 8999.



10.5 APPENDIX 5: EMAIL FROM MR RAWLING STATING SUPPORT FOR PROPOSED PLAN  
CHANGE



**From:** Hussein Rawlings [REDACTED]  
**Sent:** Friday, 13 December 2019 8:42 a.m.  
**To:** Risse, Florian  
**Subject:** FW: Request to talk with Mark Stevenson - as invited by letter

Sorry Florian,

Overlooked making this 'reply all'  
- Anyway, forwarding this to keep you informed

Best

Hussein

---

**From:** Hussein Rawlings  
**Sent:** Friday, 13 December 2019 8:39 AM  
**To:** Stevenson, Mark  
**Subject:** RE: Request to talk with Mark Stevenson - as invited by letter

Thanks fine Mark – no hearing  
Should speed things up then!

Thanks for taking up liaison with you colleagues in the Parks unit.  
- We did have someone approach us re purchase, and I have given them your name to verify the removal of red zone status, new plan, etc  
- My preference is to see CCC acquire enough portions of it to enable access into that Bowenvale Reserve.

Regards

Hussein

---

**From:** Stevenson, Mark <[Mark.Stevenson@ccc.govt.nz](mailto:Mark.Stevenson@ccc.govt.nz)>  
**Sent:** Friday, 13 December 2019 8:32 AM  
**To:** Hussein Rawlings <[REDACTED]>  
**Cc:** Risse, Florian <[Florian.Risse@ccc.govt.nz](mailto:Florian.Risse@ccc.govt.nz)>  
**Subject:** RE: Request to talk with Mark Stevenson - as invited by letter

Hi

Thanks for letting me know. Having regard to this, we now propose to not have a hearing. There is one other submitter who requested to be heard in their submission but who has indicated that they no longer wish to present.  
Please advise if you have any concerns/ comments in this regard.

On a different note, I am liaising with colleagues in our Parks unit re. land purchase.

Thanks  
Kind Regards

**Mark Stevenson**  
**Team Leader City Planning (W)**  
City Planning (W)

 03 941 5583  
 [Mark.Stevenson@ccc.govt.nz](mailto:Mark.Stevenson@ccc.govt.nz)  
 Te Hononga Civic Offices, 53 Hereford Street, Christchurch  
 PO Box 73012, Christchurch 8154  
 [ccc.govt.nz](http://ccc.govt.nz)



---

**From:** Hussein Rawlings [REDACTED]  
**Sent:** Friday, 13 December 2019 8:24 AM  
**To:** Stevenson, Mark <[Mark.Stevenson@ccc.govt.nz](mailto:Mark.Stevenson@ccc.govt.nz)>  
**Subject:** RE: Request to talk with Mark Stevenson - as invited by letter

I don't have any questions now Mark – you covered all matters in your meeting with me.  
It was just if anything occurred to me, but I don't now expect that to be the case

Regards  
Hussein

---

**From:** Stevenson, Mark <[Mark.Stevenson@ccc.govt.nz](mailto:Mark.Stevenson@ccc.govt.nz)>  
**Sent:** Friday, 13 December 2019 8:16 AM  
**To:** Hussein Rawlings [REDACTED]  
**Subject:** RE: Request to talk with Mark Stevenson - as invited by letter

Hi

Having the right to be heard enables you to present further information relevant to and within the scope of your submission. The commissioner/ hearings panel may also ask questions of you.  
The ability for you to ask questions is subject to the discretion of the Commissioner but is not typically provided for. Notwithstanding this, please advise if you have any questions that we may be able to answer,

Thanks  
Mark

**Mark Stevenson**  
**Team Leader City Planning (W)**  
City Planning (W)

 03 941 5583  
 [Mark.Stevenson@ccc.govt.nz](mailto:Mark.Stevenson@ccc.govt.nz)  
 Te Hononga Civic Offices, 53 Hereford Street, Christchurch  
 PO Box 73012, Christchurch 8154  
 [ccc.govt.nz](http://ccc.govt.nz)



**From:** Hussein Rawlings [REDACTED]  
**Sent:** Tuesday, 10 December 2019 2:46 PM  
**To:** Stevenson, Mark <[Mark.Stevenson@ccc.govt.nz](mailto:Mark.Stevenson@ccc.govt.nz)>  
**Cc:** Risse, Florian <[Florian.Risse@ccc.govt.nz](mailto:Florian.Risse@ccc.govt.nz)>  
**Subject:** RE: Request to talk with Mark Stevenson - as invited by letter

Hello Mark, Florian,

Yes I confirm that I support the proposed plan change, and in view of your detailed explanations I no longer need to be heard on my submission. However I would still like to attend and participate by asking any questions that may arise – is this normal process?

Kind regards

Hussein

---

Hussein Rawlings



---

**From:** Stevenson, Mark <[Mark.Stevenson@ccc.govt.nz](mailto:Mark.Stevenson@ccc.govt.nz)>  
**Sent:** Tuesday, 10 December 2019 2:36 PM  
**To:** Hussein Rawlings <[REDACTED]>  
**Cc:** Risse, Florian <[Florian.Risse@ccc.govt.nz](mailto:Florian.Risse@ccc.govt.nz)>  
**Subject:** RE: Request to talk with Mark Stevenson - as invited by letter

Dear Mr Rawlings

Thank you for meeting with Florian and I last week. We appreciated your time to discuss your submission.

As discussed, we are happy to provide any additional information on the plan change. We understand from the meeting that you support the proposed plan change and will email us to confirm that. Also, please advise after due consideration whether you wish to be heard on your submission.

Further to our meeting, I have sent the plan you provided to colleagues in the Greenspace unit of Council to consider any land purchase/ exchange to enable access to Bowenvale Reserve. I will keep you informed on this.

Thanks

Mark

**Mark Stevenson**  
Team Leader City Planning (W)  
City Planning (W)

 03 941 5583  
 [Mark.Stevenson@ccc.govt.nz](mailto:Mark.Stevenson@ccc.govt.nz)  
 Te Hononga Civic Offices, 53 Hereford Street, Christchurch  
 PO Box 73012, Christchurch 8154  
 [ccc.govt.nz](http://ccc.govt.nz)



---

**From:** Hussein Rawlings [REDACTED]  
**Sent:** Wednesday, 7 August 2019 4:00 p.m.  
**To:** PlanChange <[PlanChange@ccc.govt.nz](mailto:PlanChange@ccc.govt.nz)>  
**Subject:** Request to talk with Mark Stevenson - as invited by letter

Hi Mark,

Can you call me please to discuss some issues around the proposed rezoning of my currently Red Zone property at [REDACTED] from Red Zone to **Remainder Port Hills**.

After participating in the CCC sponsored Rock Remediation programme under CCC Geotech, and having the remediation signed off, I understand my property will revert to what used to be Living Hills. There are a couple of aspects I need to discuss please

Thank you

**From:** Risse, Florian  
**Sent:** Thursday, 5 December 2019 8:24 a.m.  
**To:** Stevenson, Mark  
**Cc:** Scully, Lloyds  
**Subject:** FW: Proposed Plan Change 2

fyi

---

**From:** Tim Allan [REDACTED]  
**Sent:** Wednesday, 4 December 2019 5:22 p.m.  
**To:** Risse, Florian  
**Subject:** Re: Proposed Plan Change 2

Hi Florian,

As discussed. I no longer wish to be heard.

Kind Regards  
Tim Allan  
[REDACTED]

On 4/12/2019, at 9:10 AM, Risse, Florian <[Florian.Risse@ccc.govt.nz](mailto:Florian.Risse@ccc.govt.nz)> wrote:

Good morning Tim,

I just left you a message on your phone regarding your submission on the proposed plan change 2 to update the natural hazard overlays applying to identified properties in the Port Hills. I have a question regarding your submission. Please give me a ring back or email me a time to talk that would suit you most.

Kind regards,

**Florian Risse**  
(Int. NZPI) (M.Env.Policy)  
Assistant Policy Planner  
Strategy and Transformation

03 9418524  
[Florian.risse@ccc.govt.nz](mailto:Florian.risse@ccc.govt.nz)  
Civic Offices, 53 Hereford Street, Christchurch 8013  
PO Box 73012, Christchurch 8154  
[www.ccc.govt.nz](http://www.ccc.govt.nz)

\*\*\*\*\*

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Christchurch City Council  
<http://www.ccc.govt.nz>

\*\*\*\*\*





TRIM 19/794864

	<p>Resource Management Act 1991</p> <p>Christchurch District Plan</p> <p>Plan Change 2</p> <p><b>Section 32 Evaluation</b></p>	<p>2</p>
<p><b>PORT HILLS SLOPE INSTABILITY MANAGEMENT AREA OVERLAYS UPDATE</b></p> <p><b>Proposal to amend the Christchurch District Plan Port Hills Slope Instability Management Area Overlays in specific locations where the risk has been removed or recalculated</b></p> <p><b>Introduction</b></p> <p>The following report has been prepared to support Plan Change 2 to the Christchurch District Plan, which proposes to amend the Christchurch District Plan Port Hills Slope Instability Management Areas defined by overlays in specific locations where the risk has been removed or recalculated.</p> <p>Areas affected can be grouped into the following locations:</p> <ul style="list-style-type: none"> <li>• Stronsay Lane;</li> <li>• Rockcrest Lane and Bowenvale Avenue;</li> <li>• Port Hills Road and Avoca Valley Road;</li> <li>• Stoddart Lane and Hollis Avenue;</li> <li>• Ross Parade, Ross Terrace and Jacksons Road; and</li> <li>• Endeavour Place.</li> <li>• Also affected are five baches in Boulder Bay and one in Taylors Mistake.</li> </ul> <p>It has been prepared in accordance with the requirements of Section 32 (s 32) of the Resource Management Act 1991 (RMA).</p> <p>This report includes:</p> <ul style="list-style-type: none"> <li>• An outline of resource management issues and possible options for addressing these;</li> <li>• An evaluation of the proposed changes in terms of the relevant provisions of statutory and planning documents;</li> <li>• An evaluation of the method proposed, including an evaluation of costs and benefits of the reasonably practicable options considered;</li> <li>• An evaluation of effectiveness and efficiency of each option based on the anticipated environmental, economic, social and cultural effects of implementing the plan change in such detail as corresponds with the scale and significance of the actual or potential environmental effects anticipated;</li> <li>• A conclusion as to the most appropriate option.</li> </ul>		

TRIM 19/794864

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## 1 Introduction

- 1.1.1 The overarching purpose of section 32 of the Resource Management Act 1991 (RMA / Act) is to ensure that plans are developed using sound evidence and rigorous policy analysis, leading to more robust and enduring provisions.
- 1.1.2 Section 32 (s32) of the Resource Management Act 1991 (RMA) requires that the Council provides an evaluation of the changes proposed in Plan Change 2 to the Christchurch District Plan (the Plan). The evaluation must examine whether the proposed provisions are the most appropriate way to achieve the objectives of the Plan. The report must consider reasonably practicable alternatives and assess the efficiency and effectiveness of the provisions in achieving the objectives. This will involve identifying and assessing the benefits and costs of the environmental, economic, social and cultural effects anticipated from implementing the provisions. The report must also assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.
- 1.1.3 The purpose of this report is to fulfil these s32 requirements for proposed Plan Change 2 - Port Hills Slope Instability Management Areas Update. In addition, the report examines any relevant directions from the statutory context including higher order documents.

## 1.2 The Plan Change overview

- 1.2.1 Proposed Plan Change 2 - **Port Hills Slope Instability Management Area Overlays Update** aligns rules for areas subject to the Slope Instability Management Area overlays with the level of existing risk for individual properties. Affected are those properties where the risks of slope instability hazards have either been recalculated or deemed to be less or been removed through physical works.
- 1.2.2 The Christchurch District Plan uses natural hazard overlays to manage areas and properties within these areas which are subject to natural hazards risk. The Port Hills Slope Instability Management Area overlays are one such collection of overlays and identifies properties deemed at risk from rockfall, cliff collapse or mass movement.<sup>1</sup>
- 1.2.3 This group of overlays was introduced after the Canterbury Earthquakes and informed by GNS modelling. The GNS risk models were developed over approximately 3 years and while the Port Hills Geotechnical Group 'ground-truthed' the results to a certain degree, GNS' life risk models effectively remained at a 'suburb' level.
- 1.2.4 Subsequent hazard removal works and recalculation of the risk through site or area-specific geotechnical assessments have shown that there is a different or lesser risk for 84 identified properties (100 property titles) than what is currently mapped in the District Plan. Despite these changes in risk level, the properties remain subject to the overlays and applicable provisions.
- 1.2.5 There have been multiple requests from property owners to update the District Plan and to reflect the change in risk profile in relation to their properties. Without an update, the ability for property owners to carry out activities on or develop their sites is affected, as is the potential improvement value of the properties in question. While development is possible in

<sup>1</sup> see appendix 8.1 – Slope Instability Management Areas Information

many cases, proposals often have to undergo rigorous planning assessments as part of the resource consent process. This increases development costs and stress caused by high levels of uncertainty for the landowners.

- 1.2.6 In addition to this, the Council has a policy commitment to ensure that people are informed about natural hazards relating to their properties (DP Policy 5.2.2.1.6), and for Council to regularly update the District Plan to reflect updated information from site specific assessments (DP Policy 5.2.2.4.2). By showing incorrect information about the extent of the Slope Instability Management Areas, Council is failing to meet this commitment.

## 2 Resource management issues

### 2.1 Council's legal obligations and strategic planning documents

- 2.1.1 Sections 74 and 75 of the RMA set out the Council's obligations when preparing a change to its District Plan. The Council has a responsibility under Section 31 of the RMA to establish, implement and review objectives and provisions for, among other things, achieving integrated management of the effects of the use, development, or protection of land and associated resources. One of the Council's functions is to control the actual and potential effects of land use or development on the environment, and to do so in accordance with the provisions of Part 2.
- 2.1.2 Additionally, Council has a responsibility to recognise and provide for RMA Section 6 matters, and to have particular regard to RMA Section 7 matters. For this plan change, the relevant matters are:
- a. Section 6(h): "the management of significant risks from natural hazards";
  - b. Section 7(b) "the efficient use and development of natural and physical resources".
- 2.1.3 As required by s74 and s75, the Plan Change must specifically give effect to, not be inconsistent with, take into account, or have regard to the following "higher order" documents / provision:

Document	Relevant provisions	Relevant direction given effect to/ taken account of in the proposed Plan Change
RMA, Part 2, Section 5	<p>(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.</p> <p>(2) Sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at rate, which enables people and communities to provide for their social, economic, and cultural well-being</p>	The purpose of the Act includes managing natural and physical resources to provide for the health and safety of people and communities while avoiding, remedying or mitigating any adverse effects of these activities on the environment. The provisions of the Natural Hazards chapter with regard to Slope Instability Management Areas address the actual and potential adverse effects of slope instability on subdivision, use and development, focusing on the impact of these hazards on the health and safety of people and communities.



TRIM 19/794864

Document	Relevant provisions	Relevant direction given effect to/ taken account of in the proposed Plan Change
	and for their health and safety while - ... (c) Avoiding, remedying or mitigating any adverse effects of activities on the environment.	
Canterbury Regional Policy Statement (CRPS) 2013	Chapter 6, (Objective 6.2.1.(8): ... enabling a land use and infrastructure framework that; (8) protects people from unacceptable risk from natural hazards and effects of sea level rise.	Chapter 6 of the CRPS sets out the intended land use distribution for Greater Christchurch for the period to 2028, and includes an objective of protecting people from unacceptable risk from natural hazards. The Natural Hazards chapter provides a framework of objectives, policies and rules to protect people from unacceptable risk from natural hazards, including avoidance policies (CRPS 11.3.1) where the risk is considerable, to the provision of controls over the type of development where mitigation is likely to be effective.
	Chapter 11 – Natural Hazards: Objective 11.2.1 – Avoid new subdivision, use and development of land that increases risks associated with natural hazards Policy 11.3.5 – General risk management approach Policy 11.3.7 – Physical mitigation works	There is limited reference to areas at risk of slope instability in the CRPS chapter; however Objective 11.2.1, Policies 11.3.5 and 7 are most relevant. Policy 11.3.5 directs that subdivision, use and development of land shall be avoided if the risk from the natural hazard is considered to be unacceptable. When there is uncertainty in the likelihood or consequences of a natural hazard event, the local authority shall adopt a precautionary approach.  Policy 11.3.7 states that new physical works to mitigate natural hazards will be acceptable only where the natural hazard risk cannot reasonably be avoided.
Land Use Recovery Plan (LURP)	Outcome 1 – Planning framework Outcome 3 – Land use recovery Outcome 4 – Efficient and effective planning processes Outcome 5 – Supportive and certain planning environment	The outcomes in the LURP relevant to this proposed plan change seek to ensure a clear planning framework which directs where and how new development should occur while avoiding key hazards and constraints (Outcome 1). Plans and regulatory processes are to enable rebuilding and development without unnecessary impediments (Outcome 4), and the regulatory environment is to be supportive and provide certainty to keep investor confidence up, while ensuring the best outcomes are achieved with the available resources.

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Document	Relevant provisions	Relevant direction given effect to/ taken account of in the proposed Plan Change
Iwi Management Plan (IMP)	Part 5, Objective 1 Policy IH1.1 Policy IH1.2	The IMP seeks that Ngāi Tahu maintains a prominent and influential role in the rebuild and redevelopment of Ōtautahi, post-earthquake by participating in urban planning, including involvement in plan changes.

- 2.1.4 The higher order documents broadly identify the resource management issues relevant to the district and provide direction in resolving these issues.
- 2.1.5 There are no relevant national policy statements, including the New Zealand Coastal Policy Statement, or national planning standards to give effect to (section 75(3) and (4)) in the case of this plan change and the relevant matters relating to the CRPS have been discussed above. There are no relevant Water Conservation Orders or any regional matter under a regional plan.
- 2.1.6 No other management plans or strategies prepared under other Acts are relevant to the resource management issue identified.
- 2.1.7 In the District Plan, higher-level policy direction has been specifically given effect to or had regard to in Chapter 3 - Strategic Directions to reflect the outcomes sought and to ensure that the purpose of the RMA is achieved. Strategic Objective 3.3.6 is the only objective in chapter 3 regarding natural hazards and provides overall direction for the appropriate management and development in natural hazard areas.
- 2.1.8 The objectives in Chapter 5 refers to strategic policy direction in Chapter 3, while addressing more specific issues associated with slope instability hazards in the policies.
- 2.1.9 There are two additional strategic objectives that are relevant to the proposed plan change, which include Objective 3.3.1 and 3.3.2. They seek an outcome of an expedited recovery and enhancement of Christchurch in a manner that meets the community's immediate and longer-term needs and social and cultural well-being, foster investment certainty, and ensure the District Plan minimises transaction costs and reliance on resource consents.
- 2.1.10 This plan change does not seek to change any of the strategic objectives or chapter objectives and the amendments proposed seek to give better effect to the relevant strategic directions above, as well as Policy 5.2.2.4.2.

## 2.2 Problem definition - the issues being addressed

### 2.2.1 Issue

The issue is that the District Plan rules do not correspond to the level of risk that exists at specific sites.

### Background

- 2.2.2 The Canterbury earthquakes of 2010 and 2011 damaged many properties on the Port Hills area of Christchurch and resulted in the deaths of five people. Hundreds of property owners and occupiers were not permitted to occupy their homes on the Port Hills following the February 2011 earthquake event either because the damage to their homes made them

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uninhabitable or because the risk posed by slope instability hazards or other unstable buildings rendered them unsafe to occupy.

- 2.2.3 The slope instability hazards that contributed to this damage and loss of life were present across the Port Hills and wider Banks Peninsula prior to the 2010-2011 earthquakes.
- 2.2.4 After the 2010-2011 earthquakes, the Council worked with engineers and geologists with geotechnical expertise to better understand slope instability hazards in the Port Hills and the risk these hazards present to people. Investigations commissioned by the Council and undertaken by the Institute of Geological and Nuclear Sciences Limited (GNS) have been described in a number of reports and were used to inform the management of slope instability hazards in the Natural Hazards chapter of the Christchurch District Plan. These reports have been extensively peer reviewed by national and international experts.
- 2.2.5 The GNS reports include estimates of the life-safety risk (or risk of death) to people living in areas of the Port Hills. The reports map areas subject to life-safety risk from cliff collapse, rockfall or boulder roll and mass movement. The research into mass movement also considered the risk to life-line infrastructure.
- 2.2.6 The modelling carried out by GNS was effectively at a 'suburban' scale and translated into a suite of hazard map overlays called Slope Instability Management Areas. This suite contains overlays specifically managing the risks from rockfall (represented by Rockfall Management Area 1 and 2), cliff collapse (represented by Cliff Collapse Management Area 1 and 2) and mass movement (represented by Mass Movement Management Area 1, 2 and 3). The different tiers reflected the different levels of risk.
- 2.2.7 Using this type of methodology is time and cost effective. However, as with any assessment, there is a risk of information not reflecting changes in the environment and/or what may be observed on a site-by-site basis.
- 2.2.8 Regular updates and rolling reviews are therefore important to reflect the latest information and to trigger appropriate responses, including changes to the District Plan. The repealed Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014 (Order in Council) precluded any changes to the District Plan until its revocation in March, therefore delaying any updates.

#### Consequences

- 2.2.9 *Lack of reviews/updates:* The absence of regular reviews over time has led to a degree of misalignment between the planning rules and hazard risk. In some instances, the risk that was initially determined was conservative. In other cases, the risk has been recalculated and is deemed lower, or the owners engaged in physical works to remove any hazards from their sites. In some cases, the extent of risk has reduced or has a different alignment that can also affect the rules a property is subject to. Despite these findings, property owners were unable to have the Slope Instability Management Area overlays updated to reflect the risks on their property with the Order in Council in place.
- 2.2.10 *Costs/time/value:* As a consequence of the lack of reviews/ updates, property owners who sought to undertake developments on their site have had to go through a consent process under provisions of the District Plan that do not align with the level of risk. As a result, the costs and time it would take to develop a site have increased. At the same time, the presence of such overlays potentially affect property values.

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- 2.2.11 *Wellbeing*: Property owners may have been left confused or frustrated with the delay in progress of updating the overlays to reflect the updated risk profile of their properties in the District Plan. This may have unintended consequences on owners such as concern over the ability to obtain insurance and this puts additional stress and potential psychosocial pressure on people and communities. This has triggered occasional concerns by owners and at pre-application meetings with Council planners.
- 2.2.12 *Not delivering on a policy commitment*: Policies 5.2.2.1.2 – (Manage activities to address natural hazard risks), 5.2.2.1.6 (Awareness of natural hazards) and 5.2.2.4.2 (Policy – Site-specific risk assessment for AIFR certificates in certain areas potentially affected by rockfall and/or cliff collapse) are currently not effectively implemented.
- 2.2.13 Policy 5.2.2.1.2 requires that activities in areas subject to natural hazards are managed in a manner that is commensurate with the likelihood and consequences of a natural hazard event on life and property. As conveyed earlier, the provisions do not reflect updated information on the level of risk for identified properties and there is potential for activities to be managed in a way that is not commensurate with the risk.
- 2.2.14 Policy 5.2.2.1.6 is to ensure people are informed about the natural hazards relating to their properties and surrounding area, including through information on hazard maps on the Council's website. Hazard related site information is currently not up to date for specific properties in the District plan to reflect information on the risk of slope instability.
- 2.2.15 Policy 5.2.2.4.2 (c) is for Council to regulatory notify changes to the District Plan to reflect updated information. This plan change seeks to deliver on this commitment.

### 3 Development of the plan change

#### 3.1 Background

- 3.1.1 The resource management issues set out above have been identified through the following sources
  - a. public feedback and comments through various sources including stakeholder consultation/public engagement,
  - b. monitoring and review of the current district plan; and
  - c. matters raised in various forums by e.g. planning and technical investigations
- 3.1.2 *Previous studies by GNS*
- 3.1.3 There are limitations in the GNS studies carried out post-earthquake, namely the work reflecting an area wide approach to the location of assumed risks. On this basis, a policy commitment was made to review and update hazard information commensurate with the likelihood and consequences of the risk to life.
- 3.1.4 *Updated assessments of risk (Council & Privately initiated)*
- 3.1.5 Since the earlier assessments by GNS, a number of owners of properties subject to the overlays commissioned their own independent geotechnical assessments. These assessments concluded that there was a different risk from what the overlay stipulates and in some instances was absent or less severe from what was originally modelled.

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- 3.1.6 These private assessments were a catalyst for a series of Council-led site-specific assessments for the following areas: Stronsay Lane Area, Hillsborough; Rockcrest Lane Area, Bowenvale; Jacksons Road & Ross Terrace, Lyttelton; and several baches on public land in Boulder Bay and Taylors Mistake.
- 3.1.7 The last outstanding report for additional properties in the Avoca Valley has been finalised, following the completion of physical works. Each report identifies and describes the specific area, its geotechnical history, any special features and issues, and provides recommendations to inform a change to the Port Hills Slope Instability Management Areas in the District Plan.
- 3.1.8 The reports prepared as evidence for this plan change are as follows:

**Table 1:** Technical Reports informing Plan Change 2

	Title	Author	Description of Report
a.	<b>Geotechnical Assessment Report Series -</b> Geotechnical Rockfall Risk Assessment Reports (Stronsay Lane, Hillsborough; Rockcrest Lane Area, Bowenvale; Jacksons Rd, Ross Parade, Endeavour Place & Ross Tce, Lyttelton; Additional properties; Avoca Valley Road properties)	CCC	Geotechnical conditions / recommendations for addressing issues  The reports provide a geotechnical assessment for properties in areas subject to the Slope Instability Management Areas in Christchurch. The assessments are multi-tiered and include <ul style="list-style-type: none"> <li>- a desktop review of available site-specific geotechnical information;</li> <li>- a review of available aerial photography and topographic mapping;</li> <li>- a site assessment and hazard assessment, where appropriate; and</li> <li>- recommendations for actions appropriate to the findings.</li> </ul>

- 3.1.9 The following describes each area where the risk has been reviewed and changes are proposed to the Slope Instability Management Areas. Please note, while there are changes to some overlays identified, there may be other slope instability areas that apply.
- 3.1.10 *Stronsay Lane Area, Hillsborough (Avoca Valley)*
- 3.1.11 The study summarises the results of site-specific boulder roll modelling and includes a life safety risk assessment for this particular area. The 2010-2011 Canterbury Earthquake sequence triggered rockfall throughout the Port Hills, including properties on Stronsay Lane in the Avoca Valley. Several boulder sources were identified in this area following the earthquakes.
- 3.1.12 A resource consent application for 9 Stronsay Lane (08/07/2015) included a site-specific rockfall risk assessment in support of the application for a new home. The assessment concluded that the life safety risk at 9 Stronsay Lane is nearly of an order of magnitude less than CCC's accepted risk threshold. The assessment used is the standard methodology described in the District Plan.
- 3.1.13 The difference between the status quo and this assessment is derived from site-specific conditions such as the source area and slope characteristics. Consequently, Jesse Dykstra the Council's geotechnical engineer provided his own assessment, which concluded that the property at greatest risk from the subject rockfall source area is 6 Stronsay Lane. However, at

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its closest point (the property boundary) to the rockfall source area, the risk is significantly less than the risk threshold defined in the District Plan for Rockfall Management Areas 1 and 2.

- 3.1.14 Due to the significantly lower risk, the report recommends the removal of the existing District Plan Rockfall Management Areas that extend over 2, 4, 6, 7, 8, 9, 11 and 15 Stronsay Lane. However, the life safety risk to 10 and 17 Stronsay Lane is affected by a different rockfall source area, and the current rockfall management areas are appropriate<sup>2</sup>.

3.1.15 *Rockcrest Lane Area, Bowenvale*

- 3.1.16 The report by the Council's geotechnical engineer, Jesse Dykstra, assesses the Rockcrest Lane Area, which was subject to rockfall hazard reduction works. These works removed the existing outcrops by grinding away the rock and/or benching to match the overall slope. The works reduced the rockfall risk for specifically targeted properties at 93 Bowenvale Avenue and 2 Rockcrest Lane. These works were carried out as part of the Christchurch City Council Rockfall Protection Structures grant programme. The aim of this programme is to remove rockfall hazard and allow continued occupancy of residential properties.

- 3.1.17 The Council's geotechnical engineer assessed the effects, in terms of residual risks, to adjacent properties, which were not specifically targeted by the removal works.

- 3.1.18 The results of this wider area assessment concluded that there is less residual hazard risk to a number of properties. Consequently, it is recommended that adjustments are made to the boundaries of the Slope Instability Management Area, and partial and/or complete changes to the overlay applicable to properties.<sup>3</sup>

3.1.19 *Jacksons Road, Ross Parade & Ross Terrace, Lyttelton*

- 3.1.20 The upper Jacksons Road area was identified for review because of a resource consent application, which re-calculated the rockfall risk as less than the District Plan threshold for acceptable life safety risk. Nearby properties on Ross Tce are subject to similar geotechnical conditions and therefore the risk was re-calculated for them, too.

- 3.1.21 The results of this assessment of life safety risk supports revising the Slope Instability Management Areas for certain properties in this area..<sup>4</sup>

3.1.22 *Additional properties*

- 3.1.23 The additional properties covered in a separate report are located on Stoddart Lane, Hollis Ave, Bowenvale Ave, Endeavour Place and The Spur.

- 3.1.24 Following enquiries regarding the presence of rockfall hazards by the owner of 6a Stoddart Lane, subsequent site assessments of the assumed 'source area' confirmed the absence of any credible rockfall source. Consequently, the report recommends the removal of the Slope Instability Management Area over 6, 6A & 7 Stoddart Lane, 56 Hollis Avenue, and removal of a part of the Rockfall Management Area on 70 Hollis Avenue.<sup>5</sup>

<sup>2</sup> Appendices 8.3.3 Affected Properties – Stronsay Lane and 8.2 List of properties incl. proposed changes

<sup>3</sup> See Appendices 8.3.1 Affected Properties – Stronsay Lane and 8.2 List of properties incl. proposed changes

<sup>4</sup> See Appendices 8.3.4 Affected Properties – Stronsay Lane and 8.2 List of properties incl. proposed changes

<sup>5</sup> See Appendices 8.3.7 Affected Properties – Stoddart Lane / Hollis Avenue and 8.2 List of properties incl. proposed changes

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- 3.1.25 There are four properties on Bowenvale Ave, which are located within the Mass Movement Hazard Management Area 2 overlay. A resource consent (RMA/2018/890) for earthworks at 46J Bowenvale Ave, included a site-specific geotechnical assessment, which concluded that there was no evidence of ground damage associated with mass movement, and that there was no credible life safety risk associated with mass movement at the location.
- 3.1.26 The Council's geotechnical engineer, Jesse Dykstra, confirmed in his assessment the absence of any ground damage and found that there is no site-specific evidence to support the position that there is a greater risk (compared to 46J) within adjacent properties at 46B, C, and H Bowenvale Ave. A very narrow area defined as MMA2 is along the fringes of the three properties, and would be appropriately adjusted to match the property boundary in each case.
- 3.1.27 There are 11 properties at Endeavour Place, Lyttelton, that are affected by the Rockfall Management Area 1 overlay, which extends across the end of Endeavour Place (near Cornwall Road). A resource consent (RMA/2016/1630) was approved for the construction of a new residence at 7 Endeavour Place. The application included a site-specific rockfall assessment by Eliot Sinclair, 29 July 2015, which concluded that the Annual Individual Fatality Risk due to rockfall is sufficiently low to not require any mitigation under the District Plan. This has regard to the local topography and the distribution of rockfall during the Canterbury Earthquake Sequence.
- 3.1.28 The requirement for a rockfall risk assessment as part of the resource consent application for 7 Endeavour Place was triggered by the presence of the Rockfall Management Area 1 overlay on approximately 5m<sup>2</sup> of the narrow strip of land within the common driveway that connects 11 individual properties. Notwithstanding this, the actual developable residential areas of the properties are unaffected by the Rockfall Management Area overlay. Consequently, the report recommends the removal of the overlay at the Cornwall Road end of Endeavour Place, encompassing 1, 3, 3A, 4, 5, 6, 7, 8, 9, and 10, and adjustment of the boundary of the overlay to match the property boundary on 2 Endeavour Place (not affected). The separate Rockfall Management Areas 1 and 2 to the west on 8, 9, and 10 Endeavour Place are to be retained given the risk that still exists in these locations.
- 3.1.29 The property at 4 The Spur falls partially within the Cliff Collapse Management Area 2 (CCMA2) overlay and was identified for a potential change as a result of an approved resource consent application (RMA/2016/292) for construction of a new cantilevered driveway and garage. The application included a site-specific cliff collapse risk assessment by Engeo, 21 December 2015, which concluded that the risk to life safety is lower than what was assessed in the post-earthquake GNS study. The Council's geotechnical engineer, Jesse Dykstra, agrees with the reduction in risk, however recommends no changes to the extent of CCMA2. This is on the basis of the innate risks of the site being located so close to the cliff.<sup>6</sup>
- 3.1.30 *Avoca Valley properties*
- 3.1.31 The properties that form part of the Avoca Valley group (2, 4, 4A, 4B, 6, 8, 10, & 16 Avoca Valley Road and 301 and 315 Port Hills Road<sup>7</sup>) are affected by hazard removal works that were completed in August 2019. Jesse Dykstra, the Council's geotechnical engineer, considers the likelihood of rockfall (or other slope instability) occurring within the remediated area and concludes that the potential life safety risk to properties below the hazard has been remediated and no longer presents a significant slope instability risk<sup>8</sup>.

<sup>6</sup> See Appendices 8.3.6 Affected Properties – Stronsay Lane and 8.2 List of properties incl. proposed changes

<sup>7</sup> See Appendix 8.3.4 – Avoca Valley Properties

<sup>8</sup> See Avoca Valley Rockfall Risk Assessment by Jesse Dykstra

### 3.2 Current Christchurch District Plan provisions

- 3.2.1 The current Plan provisions relevant to this plan change are described below.
- 3.2.2 Chapter 3 Strategic Directions provides an overall direction, Objective 3.3.6 (Natural Hazards) seeking to (a)(i) avoid development in areas where the risks from natural hazards to people and property is assessed as being unacceptable. In all other areas, development is to be undertaken in a manner that ensures the risks of natural hazards to people, property and infrastructure are appropriately mitigated (a(ii)).
- 3.2.3 Objective 5.2.1.1 refers to Objective 3.3.6 in Chapter 3 (Strategic Directions) for direction. Policy 5.2.2.1.2 is to manage activities in a manner commensurate with the risk to life and property and Policy 5.2.2.1.6 (Awareness of natural hazards) seeks to ensure people are informed about the natural hazards relating to their properties and surrounding area, including through provision of relevant information on Land Information Memoranda and hazard mapping on the Council's website.
- 3.2.4 Policy 5.2.2.1.8 (Assessment of hazards) is to ensure that the level of assessment undertaken for plan changes, subdivision or development reflects the potential scale and significance of the hazard; and the nature and scale of the rezoning, subdivision or development and its susceptibility to those hazards.
- 3.2.5 Council has made a commitment under Policy 5.2.2.4.2 to regularly notify changes to the District Plan in order to reflect updated information from site-specific assessments of life-safety risk, which have been certified by Council. This also extends to assessments prepared as part of resource consent applications.
- 3.2.6 The rules provide for the identification and assessment of risk from natural hazards in the Port Hills.
- 3.2.7 Reflecting updated information and physical works, the activity status is not commensurate with the level of risk that exists for specific properties. The implication is that rules are not consistent with policies 5.2.2.1.2 and 5.2.2.1.8 and the relevant objective, Objective 3.3.6, may not be achieved.

### 3.3 Description and scope of the changes proposed

- 3.3.1 The Plan Change proposes to amend the overlays for Slope Instability Management Areas on specifically identified properties to align rules for areas subject to the overlays with the level of existing risk for individual properties. The changes are to Planning Maps 46B, 47B, 48B, 51B, 52B, 54B and R1B. There are 84 properties (100 property titles) affected by this plan change, which are listed in Appendix 8.2. The changes are summarised as follows:

Change proposed	No. of property titles affected
Removal of the Rockfall Management Areas 1/ 2	7
Adjustment to the boundary of the Rockfall Management Area 1/ 2	32
Replacement of Rockfall Management Areas 1/ 2 with Remainder of Port Hills and Banks Peninsula Slope Instability Management Area	51
Removal of Mass Movement Area 2	4

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Replacement of Cliff Collapse Management Area 2 with Rockfall Management Area 2	5
Replacement of Rockfall Management Area 2 with Cliff Collapse Management Area 2	1
<b>Total</b>	<b>100</b>

- 3.3.2 The effect of those proposed changes is generally positive with a more permissive set of rules proposed for 83 of the properties subject to changes in the overlays. The exception is one bach at 10 Boulder Bay, which is subject to a more restrictive set of rules with the change from Rockfall Management Area 2 to Cliff Collapse Management Area 2.
- 3.3.3 The change to planning map 47 for the Avoca Valley was subject to the completion of works and a technical review. These works and the subsequent technical review have now been completed and planning map 47 can be amended accordingly.
- 3.3.4 The Plan Change does not propose any changes to the objectives and policies of the Plan in relation to natural hazards.

#### 3.4 Community/Stakeholder engagement

- 3.4.1 As part of the process of this proposed plan change, the Council consulted with statutory bodies as defined in Clause 3 of Schedule 1. This included the Department for the Prime Minister and Cabinet, Ministry for the Environment, Environment Canterbury, Selwyn District and Waimakariri District Councils, Mahaanui Kurataiao (MKT) on behalf of affected Rūnanga, and property owners directly affected by the proposed changes<sup>9</sup>.
- 3.4.2 Letters were sent on the 18th and 19th July 2019 to statutory bodies and affected property owners advising them of the proposed changes including the process of undertaking a plan change, and inviting feedback.
- 3.4.3 Property owners of sites affected by the proposed changes were also sent a letter on the 6th May 2019<sup>10</sup>. The letter included some background information as to why the changes are being proposed and invited property owners to contact Council staff if they wanted more information or if they wished to provide any feedback. Property owners generally sought to understand the specific changes to their property (and what they meant) or to comment that they supported the proposed changes. Some property owners requested a meeting to discuss the changes, while others were satisfied with a telephone call and/or email.

Date	Consultation method	Statutory bodies and directly affected persons	Resulting changes to the draft proposal
6/05/2019	Letter advising of the proposal to use s71 GCRA	Property owners identified as of the 6 <sup>th</sup> May 2019	n/a
18/07/2019	Pre-notification consultation Letter	Statutory bodies	n/a

<sup>9</sup> See Appendix 8.2 List of properties incl. proposed changes

<sup>10</sup> Some owners on the final list of properties affected by the proposed plan change did not receive the original letter as the number of properties was increased by an updated geotechnical report (dated 6th June 2019). LINZ/The Crown also did not receive the original letter.

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19/07/2019	Pre-notification consultation Letter	Property owners including LINZ	n/a
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### 3.5 Consultation with iwi authorities

- 3.5.1 Consultation on the proposal was undertaken with iwi authorities. An initial meeting with a representative from MKT was held on the 10<sup>th</sup> April 2019. Further engagement occurred with MKT in respect of properties in Lyttelton. A letter dated 6<sup>th</sup> June 2019 was sent to MKT identifying all the affected properties in Lyttelton, and a subsequent meeting was held on 10<sup>th</sup> July 2019 to discuss.
- 3.5.2 Feedback from Ngāti Wheke is that they do not have any concerns other than with the overlay in Rāpaki not having been assessed<sup>11</sup>. Subsequent correspondence<sup>12</sup> from MKT suggests that Rūnanga would not have any further concerns.

## 4 Scale and significance evaluation

### 4.1 The degree of shift in the provisions

- 4.1.1 The level of detail in the evaluation of the proposal has been determined by the degree of shift from the status quo and the scale of effects anticipated from the proposal.
- 4.1.2 The degree of shift from the status quo varies in so far as the amendments proposed to the Slope Instability Management Areas vary. In some cases, the overlay is proposed to be removed from a property reflecting a reduced level of risk, or the risk is changing e.g. from a risk of rockfall to a risk of cliff collapse. The degree of shift has to be viewed in a site-specific context.

### 4.2 Scale and significance of effects

- 4.2.1 The scale and significance of the likely effects anticipated from the implementation of the proposal has also been evaluated. In making this evaluation, considerations included whether the proposal:
- a. gives better effect to the Plan objectives by seeking amendments to the Slope Instability Management Area overlays to align with the level of risk of hazards;
  - b. is localised in the area affected;
  - c. will affect a limited number of property owners and neighbourhoods albeit having a high impact on the owners of specific properties;
  - d. is likely to reduce adverse effects on those with particular interests, including Maori;
  - e. contributes to the City's recovery;
  - f. reduces an adverse effect on people's health and safety;
  - g. will affect individual property owners and the wider community, including impacts on social, cultural and economic wellbeing;
  - h. will not impose significant costs on individuals or communities;

<sup>11</sup> Email from Brad Thomson of MKT to Mark Stevenson of CCC dated 14 August 2019.

<sup>12</sup> Email from Brad Thomson of MKT to Mark Stevenson of CCC dated 10th September 2019.



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- i. represents a well-tested approach and there is certainty regarding the benefits and costs.

4.2.2 The considerations in determining the scale and significance of the plan change are as follows:

1. Reasons for the change	The change is proposed to align provisions in the District Plan with the risk of hazards. It gives effect to the policy framework of the District Plan, particularly policies 5.2.2.1.2 and 5.2.2.1.8. It also reflects Councils commitment under policy 5.2.2.4.2 to update the plan as new information becomes available.
2. Degree of shift from the status quo (status quo defined as the current approach)	There is variation in the degree of shift from the status quo, because the proposed change varies on a site-specific basis, reflecting the risk and therefore the hazard that applies. The rules that apply for each management area will not change as a result.
3. Who and how many will be affected?	The proposed change will affect 84 properties (100 property titles). The property owners have been engaged with to invite feedback. There is low community interest beyond those who are directly affected. However, there may be other property owners who wish to seek removal of the management areas from their properties
4. Degree of impact on, or interest from iwi/Maori	Feedback was sought from Rūnanga on the effect of the proposed plan change and their interest. Feedback from Ngāti Wheke has indicated that they do not have any concerns other than with the overlay in Rāpaki having not been reassessed yet.
5. When will effects occur?	The effects of the proposed changes will be permanent and become operative after the decision has been notified.
6. Geographic scale of impacts	The changes are spatially confined to specific properties that have been subject to risk from rockfall, mass movement and cliff collapse.
7. Type of effect	<p>In all but one case (see below in respect of Bach 10), the proposed change reflects a lower level of risk to people and property and thereby introduces less restrictive provisions for use and development of the properties in question. This will have positive tangible and non-tangible effects on property owners and the Council, including:</p> <ul style="list-style-type: none"> <li>• The ability for property owners to undertake activities on properties more easily, potentially reducing the stress in obtaining approval to use or develop their property; and</li> <li>• Improved development opportunities.</li> </ul> <p>Bach 10, Boulder Bay, has been identified as being subject to a risk of cliff collapse rather than rockfall and it is therefore</p>

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	proposed that a change is made to the management area that applies (From Rockfall Management Area 1 to Cliff Collapse Management Area 2).
8. Degree of policy risk, implementation risk, or uncertainty	<p>Sufficient information is now available through the provision of site-specific geotechnical reports for the affected properties.</p> <p>This information lowers the costs and risks to Council, ratepayers and wider community.</p> <p>There is a low impact on the Council's capacity to carry out its role and functions, in displaying accurate hazard information on people's property.</p>

## 5 Evaluation of the proposal

### 5.1 Evaluation of objectives

- 5.1.1 Section 32 requires an evaluation of the extent to which the objectives<sup>13</sup> of the proposal are the most appropriate way to achieve the purpose of the Act (s 32(1)(a)).
- 5.1.2 The existing objectives of the operative Christchurch District Plan are not proposed to be altered. The existing Plan objectives, including the strategic objectives in Chapter 3, were assessed, through the District Plan review process, as the most appropriate way to achieve the directions of the relevant higher order documents as well as the purpose of the RMA. .
- 5.1.3 Consideration has also been given, however, to any changes to higher order documents since then. This report, therefore, examines the extent to which the proposed plan change provisions are the most appropriate way to achieve the objectives of the District Plan and any relevant directions of higher order documents.
- 5.1.4 In establishing the most appropriate provisions for the proposal to achieve the objectives and any relevant higher order directions, reasonable alternative options of achieving these objectives were identified and evaluated.

### 5.2 Reasonably practicable options for provisions

- 5.2.1 In considering reasonably practicable alternatives for achieving the objectives of the Plan and the relevant higher order directions, the following options have been identified. Taking into account the environmental, economic, social and cultural effects, the options identified were assessed in terms of their benefits, and costs. Based on that, the overall efficiency and effectiveness of the alternative options was assessed.
- 5.2.2 **Option 1 – Status quo**
  - 5.2.2.1 The status quo would be to retain the existing overlays over the identified properties and not seek any amendments. This option would continue to provide for an exemption-based certification process to allow affected property owners to proceed with proposed activities on their properties under a set of rules that is not commensurate with the existing risk.
- 5.2.3 **Option 2 – Comprehensive review of the Slope Instability Management Areas**
  - 5.2.3.1 Option 2 would involve a comprehensive review of the Slope Instability Management Areas on the Port Hills, including investigations into the level of risk as an update to the earlier GNS studies. This may result in changes to the overlays as defined on the District Planning maps to reflect the risk.

### 5.3 Evaluation of options

- 5.3.1 Before providing a detailed evaluation of the preferred option in the plan change, the alternative options identified have been considered in terms of their potential costs and benefits and overall appropriateness in achieving the objectives of the Plan and the relevant directions of the higher order documents.

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<sup>13</sup> Section 32(6) defines "objectives" and "proposal" in terms specific to sections 32 – 32A. "Objectives" are defined as meaning:

- (a) for a proposal that contains or states objectives, those objectives;
- (b) for all other proposals, the purpose of the proposal.

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- 5.3.2 The tables below **summarise** the assessment of costs and benefits for each option based on their anticipated environmental, economic, social, and cultural effects. The assessments are supported by the information obtained through technical reports and consultation.
- 5.3.3 The overall effectiveness and efficiency of each option has been evaluated, as well as the risks of acting or not acting.
- 5.3.4 **Option 1 - Status quo**

<b>Benefits</b> <i>[Quantify or monetise benefits and costs wherever possible, also see 6.2.1 for more details on this]</i>	<b>Appropriateness in achieving the objectives/ higher order document directions</b> <i>[if relevant]</i>
<p>Environmental<sup>14</sup>:</p> <ul style="list-style-type: none"> <li>- Enables assessment of any residual risk through the consent process</li> </ul> <p>Economic:</p> <ul style="list-style-type: none"> <li>- Reduced costs to Council from not amending the overlays.</li> </ul> <p>Social:</p> <ul style="list-style-type: none"> <li>- Raises awareness of the presence of potential natural hazards</li> </ul> <p>Cultural:</p> <ul style="list-style-type: none"> <li>- N/A</li> </ul>	<p><b>Efficiency:</b></p> <p>The option to maintain the status quo offers benefits, which include the triggering of consents in high and low hazard areas alike and therefore providing for the health and safety of people and property and raising general awareness of natural hazards.</p> <p>However, this approach triggers consents not commensurate with the level of risk and therefore increases economic costs for property owners and Council. This sets a higher threshold for people to develop/use their property, which could affect wellbeing.</p> <p>Overall, the status quo offers costs and benefits, however the costs, in terms of both quality and quantity, outweigh the benefits. Therefore, this option is considered to be as efficient.</p> <p><b>Effectiveness</b></p> <p>While this option supports the achievement of objective 3.3.6(c) in raising awareness of natural hazards, it is not consistent with policies 5.2.2.1.6 and 5.2.2.4.2 in the District Plan. This is on the basis that people are misinformed of the risk associated with hazards if the management areas are not updated.</p> <p>A function of the Slope Instability Management Areas is to convey complex information, raise awareness, and inform decision-making processes. In not providing</p>
<p><b>Costs</b></p> <p>Environmental:</p> <ul style="list-style-type: none"> <li>- The information in the District Plan is out of date and is therefore misleading</li> <li>- It may adversely impact on awareness of hazards on the basis that property owners (including those outside the scope of the plan change) assume there is no risk and the planning maps are incorrect.</li> </ul> <p>Economic:</p> <ul style="list-style-type: none"> <li>- May limit/deter forms of development in areas of lower risk and appropriate for development.</li> <li>- Potentially affects the value of property that may arise from a property being identified at risk in the District Plan.</li> <li>- Increases compliance costs associated with consenting.</li> <li>- Increased cost of administering the District Plan by having to provide information that is more up-to-date to property owners</li> </ul> <p>Social:</p>	

<sup>14</sup> Refer to Table 6 page 41 of MfE's 'A Guide to Section 32 of the Resource Management Act 1991' for examples of costs and benefits - <http://www.mfe.govt.nz/publications/rma/guide-section-32-of-resource-management-act>, including separating out groups whom those costs and benefits fall on e.g. landowners, businesses, consent authority.

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<ul style="list-style-type: none"> <li>- People unduly affected by hazard overlays may feel aggrieved that there is an unnecessary constraint on their property.</li> <li>- Uncertainty for property owners and investors may impact on their well-being</li> <li>- Hazard awareness based on out-of-date information.</li> </ul>	up to date information, the effectiveness of the plan in achieving the function described is reduced.
<p>Cultural:</p> <ul style="list-style-type: none"> <li>- Unnecessary restrictions on the development of land in the Papakainga/Kāinga Nohoanga Zones.</li> </ul>	
<p><b>Risk of acting/not acting<sup>15</sup></b></p> <ul style="list-style-type: none"> <li>- Number of properties where the Slope Instability Management Areas need to be updated may increase further and create a backlog that may be more expensive to resolve, having regard to the investigations required by Council.</li> <li>- Not acting will delay amendments to the rules that currently restricts the use and development of properties, which are not commensurate with the life risk that exists at the location.</li> </ul>	
<p><b>Recommendation:</b> This option is not recommended as it does not achieve the objective and policies of the District Plan in the most effective and efficient manner.</p>	

#### 5.3.5 Option 2: Comprehensive Review of the Port Hill Slope Instability Management Area overlay

Benefits <i>[Quantify or monetise benefits and costs wherever possible, also see 6.2.1 for more details on this]</i>	Appropriateness in achieving the objectives/ higher order document directions <i>[if relevant]</i>
<p>Environmental<sup>16</sup>:</p> <ul style="list-style-type: none"> <li>- A comprehensive review will ensure all affected properties are subject to the latest hazard risk information.</li> </ul>	<p><b>Efficiency</b></p> <p>This option of comprehensively reviewing all potentially affected properties is effective in achieving consistency and certainty for property owners. In completing a review of all sites, it is also more efficient than multiple reviews occurring over a number of years. However, the additional time and costs associated with this process may not add value, particularly where a property owner has no intention to undertake activities or development otherwise restricted by the District Plan. This results in a less efficient process relative to a review occurring as property owners come forward with an updated assessment of risk.</p>
<p>Economic:</p> <ul style="list-style-type: none"> <li>- No additional costs to developers from extended time and consenting/certification fees where the risk from hazards has reduced.</li> <li>- Avoids development in areas prone to high hazard risk while being more enabling in all other areas.</li> <li>- Improved development rights for land owners where the risk has reduced.</li> <li>- Potential for improved property values where the risk of hazards has reduced.</li> </ul>	
<p>Social:</p>	

<sup>15</sup> Refer to Table 8, page 46 of MfE's A Guide to Section 32 of the RMA for steps and approaches to assessing risks - <http://www.mfe.govt.nz/publications/rma/guide-section-32-of-resource-management-act>.

<sup>16</sup> Refer to Table 6 page 41 of MfE's 'A Guide to Section 32 of the Resource Management Act 1991' for examples of costs and benefits - <http://www.mfe.govt.nz/publications/rma/guide-section-32-of-resource-management-act>, including separating out groups whom those costs and benefits fall on e.g. landowners, businesses, consent authority.



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<ul style="list-style-type: none"> <li>- Risks to health and safety and potential damage or loss to property are managed commensurate to the level of existing risk.</li> <li>- Council demonstrates commitment to property owners through undertaking amendments to reflect the latest information.</li> </ul>	<p><b>Effectiveness</b></p> <p>This option contributes to achieving Objective 3.3.6(c) in raising awareness of natural hazards, and ensuring the District Plan provisions reflect the level of risk. In updating the plan, the policy approach of avoiding risks where it is unacceptable and mitigating risk in other areas can be better achieved. The option is consistent with policies 5.2.2.1.6 and 5.2.2.4.2 in the District Plan in demonstrating Council's commitment to update the plan. However, due to a comprehensive approach, those properties reviewed to date remain with restrictions in place for the foreseeable future and the provisions are therefore less effective for those properties that should otherwise have the management area(s) removed or changed.</p>
<p><b>Cultural:</b></p> <ul style="list-style-type: none"> <li>- Raises awareness of the existing level of risk from natural hazards.</li> <li>- Potentially reduces restrictions on the development of land in the Papakainga/Kāinga Nohoanga Zones if the risk is found to be less than currently identified.</li> </ul>	
<p><b>Costs</b></p>	
<p><b>Environmental:</b></p> <ul style="list-style-type: none"> <li>- The time it will take to undertake a comprehensive review will delay the roll-out of the latest hazard information on the 84 properties (100 property titles) and possibly also of those forming part of subsequent roll-outs until the time the review is completed.</li> </ul>	
<p><b>Economic:</b></p> <ul style="list-style-type: none"> <li>- Such a review would be very expensive to Council and time consuming</li> <li>- Compliance costs of consenting remain until a comprehensive review is completed and decisions are made on a plan change.</li> <li>- Until completion, property values may be adversely affected.</li> </ul>	
<p><b>Social:</b></p> <ul style="list-style-type: none"> <li>- Some property owners' wellbeing may still be adversely affected from the time it takes for the review to be completed.</li> </ul>	
<p><b>Cultural:</b></p> <ul style="list-style-type: none"> <li>- n/a</li> </ul>	
<p><b>Risk of acting/not acting<sup>17</sup></b></p> <ul style="list-style-type: none"> <li>- Does not demonstrate Council commitment to the public/property owners due to the time it would take to complete a comprehensive review.</li> <li>- There is potentially less benefit than anticipated if the investigations conclude that the Slope Instability Management Areas should remain unchanged.</li> </ul>	
<p><b>Recommendation:</b> This option is not recommended as it does not achieve the objective and policies of the District Plan in the most effective and efficient manner.</p>	

<sup>17</sup> Refer to Table 8, page 46 of MfE's A Guide to Section 32 of the RMA for steps and approaches to assessing risks - <http://www.mfe.govt.nz/publications/rma/guide-section-32-of-resource-management-act>.

5.3.6 In summary, Options 1 – 2 are not considered as efficient and effective in achieving the objectives of the Plan and the relevant directions of higher order documents (as the preferred option). Options 1 and 2 are viable options in that they ensure development in areas subject to risks from natural hazards are assessed and risks avoided or mitigated. However, Option 1 does not achieve alignment between the provisions of the District Plan and the level of risk while Option 2 will take a long period of time to complete. Option 2 will cause further delay for property owners who have been waiting for Council to amend the District Plan and may not be efficient, particularly where there is no benefit for property owners.

5.3.7 The detailed evaluation of **Option 3**, the preferred option, is as follows.

## 6 Evaluation of the preferred option for provisions

6.1.1 **Option 3** is the preferred option and is proposed as the plan change, which amends the Slope Instability Management Areas and aligns the planning rules with the existing risks.

### 6.2 Assessment of costs and benefits of the amendments to the Slope Instability Management Areas

6.2.1 The proposed amendments to the Slope Instability Management Areas seek to align planning rules in the District Plan with the existing natural hazard risk. This takes into consideration the geotechnical information obtained through resource consents and Council's own technical reports.

6.2.2 A rolling review is proposed to occur on a two-yearly interval schedule to update the Slope Instability Management Areas to reflect changes in the level of risk. The period in between is proposed to be used to identify, assess, review, and prioritise (if necessary) properties which form part of the next plan change.

6.2.3

Benefits
<p>Environmental:</p> <ul style="list-style-type: none"> <li>- The proposed Slope Instability Management areas defined in the District Plan display the extent of the existing risk therefore aligning the relevant planning rules with the risk profile. Future changes to these properties will be commensurate with the level of risk.</li> </ul>
<p>Economic:</p> <ul style="list-style-type: none"> <li>- Avoids development in areas prone to high hazard risk while being more enabling in all other areas.</li> <li>- Improved development rights for land owners where the risk has reduced and the Slope Instability Management Area is reduced/ removed.</li> <li>- Potential for improved property values from a lower level of risk classification.</li> <li>- Reduced compliance costs in consenting for activities and development.</li> </ul>
<p>Social:</p> <ul style="list-style-type: none"> <li>- Risks to health and safety and potential damages or loss to property is managed commensurate to the level of existing risk.</li> <li>- Council demonstrates a commitment to property owners through undertaking amendments and rolling reviews.</li> </ul>
<p>Cultural:</p> <ul style="list-style-type: none"> <li>- Raises awareness of the existing level of risk from natural hazards.</li> </ul>

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Costs
Environmental: <ul style="list-style-type: none"> <li>- Updates are limited to properties identified and the frequency of changes to the District Plan may not be perceived as timely enough.</li> <li>- Reviews are targeted rather than a comprehensive review.</li> </ul>
Economic: <ul style="list-style-type: none"> <li>- Some costs incurred to Council from verifying external technical reports.</li> <li>- Running a rolling review process incurs costs even though they are concentrated, planned and coordinated.</li> <li>- Potentially still affects some properties' values due to the time it takes for rolling reviews to amend the Slope Instability Management Areas.</li> </ul>
Social: <ul style="list-style-type: none"> <li>- Some property owners' wellbeing may still be adversely affected from the time it takes for amendments to take place.</li> </ul>
Cultural: <ul style="list-style-type: none"> <li>- Continues to restrict the development of land in the Papakainga/Kāinga Nohoanga Zones.</li> </ul>

Appropriateness in achieving the objectives/ higher order document directions
<b>Efficiency:</b> The option of reviewing the Slope Instability Management Areas for the properties identified is effective in achieving certainty for property owners, enabling them to proceed with development. It is efficient in addressing the issue for the 84 properties (100 property titles) identified and avoids further delay. However, it may be less efficient to carry out multiple reviews over a number of years relative to a comprehensive review.
<b>Effectiveness</b> This option contributes to achieving Objective 3.3.6(c) in raising awareness of natural hazards, and ensuring the District Plan provisions reflect the level of risk for the properties identified.  In updating the plan, the policy approach of avoiding risks where it is unacceptable and mitigating risk in other areas can be better achieved. The option is consistent with policies 5.2.2.1.6 and 5.2.2.4.2 in the District Plan in demonstrating Council's commitment to update the plan. It is important that the District Plan, as a tool to convey information on hazards, is kept up to date without unnecessary delays for property owners. The preferred option is consistent with this approach.  Those properties not reviewed to date remain with restrictions in place for the foreseeable future and the provisions are therefore less effective for those properties that should otherwise have the management area(s) removed or changed.
<b>Risk of acting/not acting</b> <b>Not acting</b> <ul style="list-style-type: none"> <li>- A continuation of the status quo, resulting in unnecessary costs and impacts on well-being for people affected.</li> </ul> <b>Acting</b> <ul style="list-style-type: none"> <li>- Property owners in other Port Hill areas not part of this process may enquire about their exclusion and seek similar relief.</li> </ul>

### 6.3 The most appropriate option

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- 6.3.1 Amending the Slope Instability Management Areas is the most appropriate option to achieve the Objectives and Policies of the District Plan. It aligns the planning rules with the levels of risk from hazards in a timely manner without unnecessary delays for property owners who have been waiting for Council to make changes.

## 7 Conclusions

- 7.1.1 This report highlights the need for updating the Port Hill Slope Instability Management Areas in order to achieve appropriate planning responses commensurate to existing natural hazard risks.
- 7.1.2 This report has reviewed and considered all relevant District Plan and higher order document objectives, policies and general directions on the matter. Consultation with stakeholders has occurred, which enabled feedback from affected property owners, strategic partners and statutory bodies, and consultation will occur through the formal process with the opportunity for submissions.
- 7.1.3 The information, including any appendices, in this report present a comprehensive picture of all the relevant information required to enable the proposed plan change to be considered. In addition, this information is at a level of detail that is appropriate to the scale and significance of the issue of concern.
- 7.1.4 The report explored the costs and benefits and risks of the preferred and two alternative options, being the status quo and a comprehensive review of all areas, and evaluated each on its degree of efficiency and effectiveness in achieving the best possible environmental outcome. The proposed preferred option of a review for 84 properties (100 property titles) is most appropriate in achieving the Objective and policies of the District Plan, particularly in demonstrating Council's commitment to regularly review the Slope Instability Management Areas.

## 8 Appendix

### 8.1 Slope Instability Management Areas Information

Acronym	Explanation
<b>Rockfall Management Area 1 (RMA1)</b>	In Rockfall Management Area 1, most new development such as subdivision, earthworks or building a new residential unit is avoided, and will require resource consent as a non-complying activity in most instances.
<b>Rockfall Management Area 2 (RMA2)</b>	In Rockfall Management Area 2, some development is possible where it can be demonstrated through the resource consent process that the risk can be mitigated. Most development requires a resource consent for a restricted discretionary activity.
<b>Mass Movement Area 2 and 3 (MMA2, MMA3)</b>	In Mass Movement Management Area 2 and 3, some development is possible where it can be demonstrated through the resource consent process that the risk can be mitigated. Most development requires a resource consent for a restricted discretionary activity.
<b>Cliff Collapse Management Area 2 (CCMA2)</b>	In Cliff Collapse Management Area 2, most new development, such as subdivision, earthworks, and building a new residential unit is avoided, requiring resource consent for a non-complying activity in most instances.
<b>Remainder Port Hills</b>	Hill areas that are not in an area specifically identified as being at risk of rockfall, cliff collapse or mass movement, are defined within a Slope Instability Management Area described as "Remainder of Port Hills and Banks Peninsula Slope Instability Management Area". This area typically has fewer constraints for development, although in some instances, a resource consent will still be required.

### 8.2 List of affected by proposed changes to the Port Hills Slope Instability Area

Address	Current Hazard Overlay(s) in the Christchurch District Plan	Proposed Hazard Overlay(s) in the Christchurch District Plan
<b>Stronsay Lane Group</b>		
2 Stronsay Lane	RMA1 / RMA2	Remainder Port Hills
4 Stronsay Lane	RMA1	Remainder Port Hills
6 Stronsay Lane	RMA1	Remainder Port Hills
7 Stronsay Lane	RMA2	Remainder Port Hills
8 Stronsay Lane	RMA1	Remainder Port Hills
9 Stronsay Lane	RMA2	Remainder Port Hills
11 Stronsay Lane	RMA2	Remainder Port Hills
15 Stronsay Lane	RMA2	Remainder Port Hills
<b>Bowenvale Avenue / Rockcrest Lane Group</b>		
46B Bowenvale Avenue	MMA2	Remove MMA2 overlay
46C Bowenvale Avenue	MMA2	Remove MMA2 overlay
46H Bowenvale Avenue	MMA2	Remove MMA2 overlay

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46J Bowenvale Avenue	MMA2	Remove MMA2 overlay
59A Bowenvale Avenue	RMA2	Remainder Port Hills
67A Bowenvale Avenue	RMA2	Remainder Port Hills
69A Bowenvale Avenue	RMA2	Remainder Port Hills
73A Bowenvale Avenue	RMA1 / RMA 2	Remainder Port Hills
73B Bowenvale Avenue	RMA1 / RMA2	Remainder Port Hills
75 Bowenvale Avenue	RMA2	Remainder Port Hills
81 Bowenvale Avenue	RMA2	Remainder Port Hills
87 Bowenvale Avenue	RMA2	Remainder Port Hills
89 Bowenvale Avenue	RMA2	Remainder Port Hills
91 Bowenvale Avenue	RMA2	Remainder Port Hills
93 Bowenvale Avenue	RMA1 / RMA2	Remainder Port Hills
93A Bowenvale Avenue	RMA1 / RMA2	Remainder Port Hills
95 Bowenvale Avenue	RMA2	Remainder Port Hills
101H Bowenvale Avenue	RMA1	Remainder Port Hills
101I Bowenvale Avenue	RMA1 / RMA2	RMA1 / RMA2 overlay boundary adjustment only
101J Bowenvale Avenue	RMA1 / RMA2	RMA1 / RMA2 overlay boundary adjustment only
1 Rockcrest Lane	RMA2	Remainder Port Hills
2 Rockcrest Lane	RMA1 / RMA2	Remainder Port Hills
3 Rockcrest Lane	RMA1 / RMA2	Remainder Port Hills
4 Rockcrest Lane	RMA1 / RMA2	Remainder Port Hills
5 Rockcrest Lane	RMA1 / RMA2	Remainder Port Hills
6 Rockcrest Lane	RMA1 / RMA2	Remainder Port Hills
7 Rockcrest Lane	RMA1 / RMA2	Remainder Port Hills
74 Major Aitken Drive	RMA1 / RMA2	Remainder Port Hills
281 Huntsbury Avenue	RMA1 / RMA2	Adjustment to Remainder Port Hills at Rockcrest Lane end of property only
<b>Port Hills/Avoca Valley Road Group</b>		
275 Port Hills Road	RMA2	Remainder Port Hills
315 Port Hills Road	RMA1 / RMA2 / RPHBP	Remainder Port Hills. RMA2 will be partially removed. Property is still affected by RMA1 and RMA 2.
301 Port Hills Road	RMA1	Remainder Port Hills. Partial removal of RMA1
2 Avoca Valley Road	RMA2 / MMA3	Remainder Port Hills. MMA3 overlay to remain.
4 Avoca Valley Road	RMA1 / RMA2 / MMA3	Remainder Port Hills. MMA3 overlay to remain.
4a Avoca Valley Road	RMA1 / RMA2 / MMA3	Remainder Port Hills. MMA3 overlay to remain.
4b Avoca Valley Road	RMA1 / RMA2 / MMA3	Remainder Port Hills. MMA3 overlay to remain.
6 Avoca Valley Road	RMA1 / MMA3	Remainder Port Hills. MMA3 overlay to remain.
8 Avoca Valley Road	RMA1 / MMA3	Remainder Port Hills. MMA3 overlay to remain.

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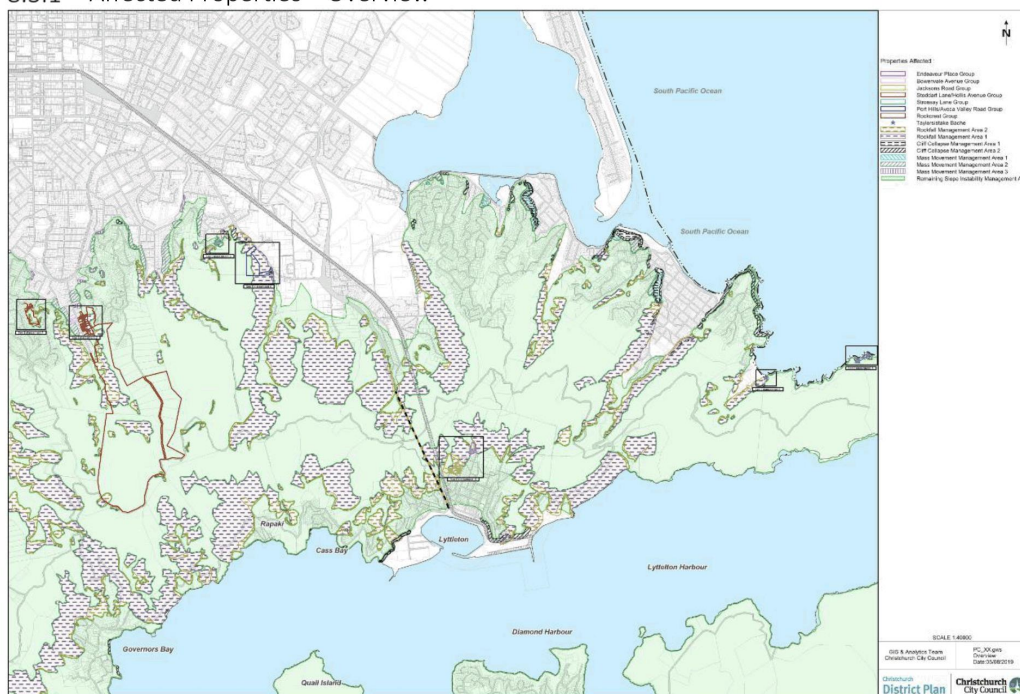
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10 and 16 Avoca Valley Road	RMA1 / MMA3	Remainder Port Hills. RMA1 boundary adjustment.
Stoddart Lane/Hollis Avenue Group		
6a Stoddart Lane	RMA1 / RMA2	Remainder Port Hills
6 Stoddart Lane	RMA1 / RMA2	Remainder Port Hills
7 Stoddart Lane	RMA1 / RMA2	Remainder Port Hills
56 Holliss Avenue	RMA1 / RMA2	Remainder Port Hills
70 Holliss Avenue	RMA1 / RMA2 (2 source areas)	Remove RMA1 / RMA2 overlays related to north source area only, change to Remainder Port Hills
Jacksons Road Group		
77 Jacksons Road	RMA2	Remainder Port Hills
77A Jacksons Road	RMA2	Remainder Port Hills
79 Jacksons Road	RMA2	Remainder Port Hills
79A Jacksons Road	RMA2	Remainder Port Hills
81 Jacksons Road	RMA2	Remainder Port Hills
81A Jacksons Road	RMA2	Remainder Port Hills
81B Jacksons Road	RMA2	Remainder Port Hills
16 Ross Terrace	RMA2	Remainder Port Hills
18 Ross Terrace	RMA2	Remainder Port Hills
23 Ross Terrace	RMA2	Remainder Port Hills
23A Ross Terrace	RMA2	RMA2 overlay boundary adjustment only
25 Ross Terrace	RMA1 / RMA2	RMA1 / RMA2 overlay boundary adjustment only
1 Ross Parade	RMA2	Remainder Port Hills
2 Ross Parade	RMA2	Remainder Port Hills
3 Ross Parade	RMA2	RMA2 overlay boundary adjustment only
Endeavour Place Group		
1 Endeavour Place	RMA1	Remove RMA1 overlay at Cornwall Road (common driveway) end only.
3 Endeavour Place	RMA1	
3A Endeavour Place	RMA1	
4 Endeavour Place	RMA1	
5 Endeavour Place	RMA1	Note that 8, 9 and 10 Endeavour Place are also affected by a separate rockfall hazard area to the west. The hazard overlays related to this area should not be changed
6 Endeavour Place	RMA1	
7 Endeavour Place	RMA1	
8 Endeavour Place	RMA1	
9 Endeavour Place	RMA1	
10 Endeavour Place	RMA1	
Baches		
Bach 2 Boulder Bay	CCMA2 (partial)	RMA2
Bach 4 Boulder Bay	CCMA2 (partial)	RMA2
Bach 8 Boulder Bay	CCMA2 (partial)	RMA2
Bach 9 Boulder Bay	CCMA2	RMA2
Bach 10 Boulder Bay	RMA2	CCMA2
Bach 30 Taylors Mistake	CCMA2 / RMA2	RMA2

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### 8.3 Maps of affected properties

### 8.3.1 Affected Properties – Overview

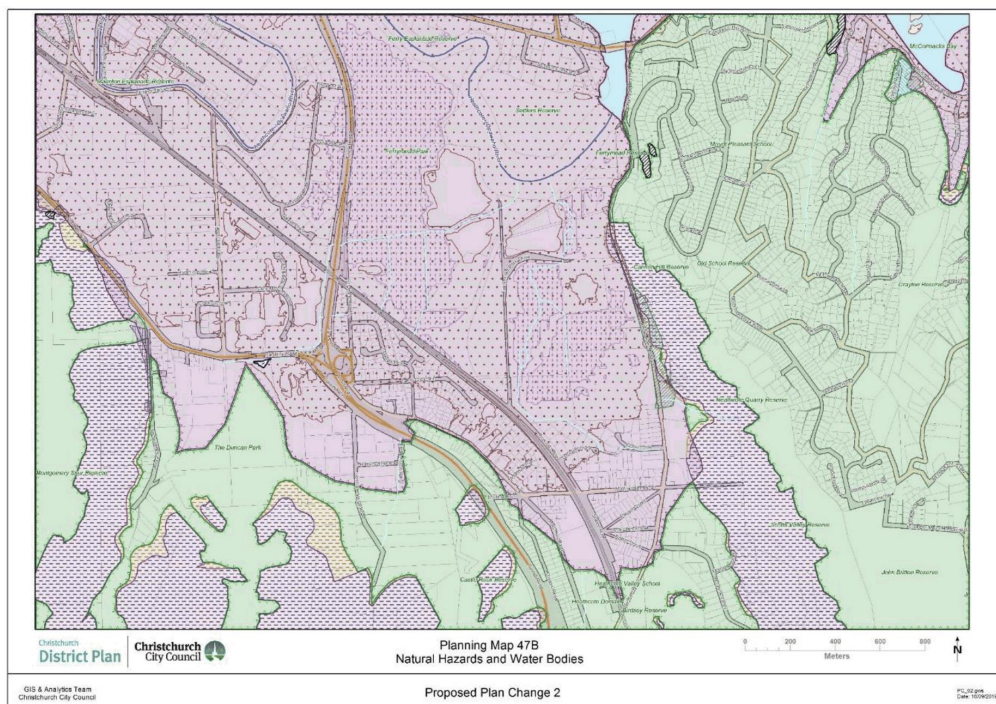


## Attachment C

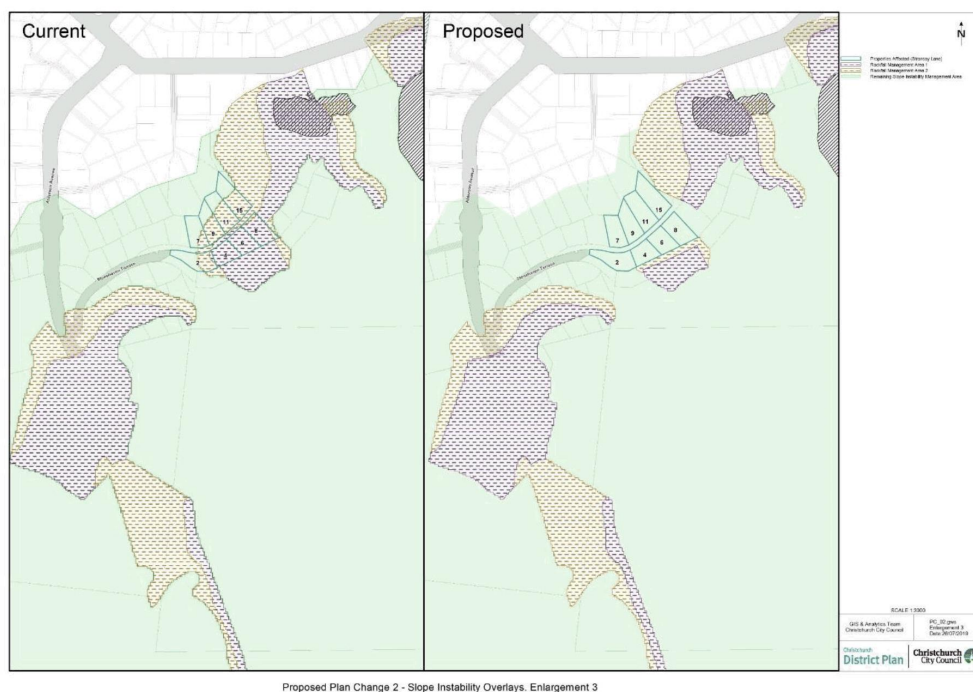
# Attachment C



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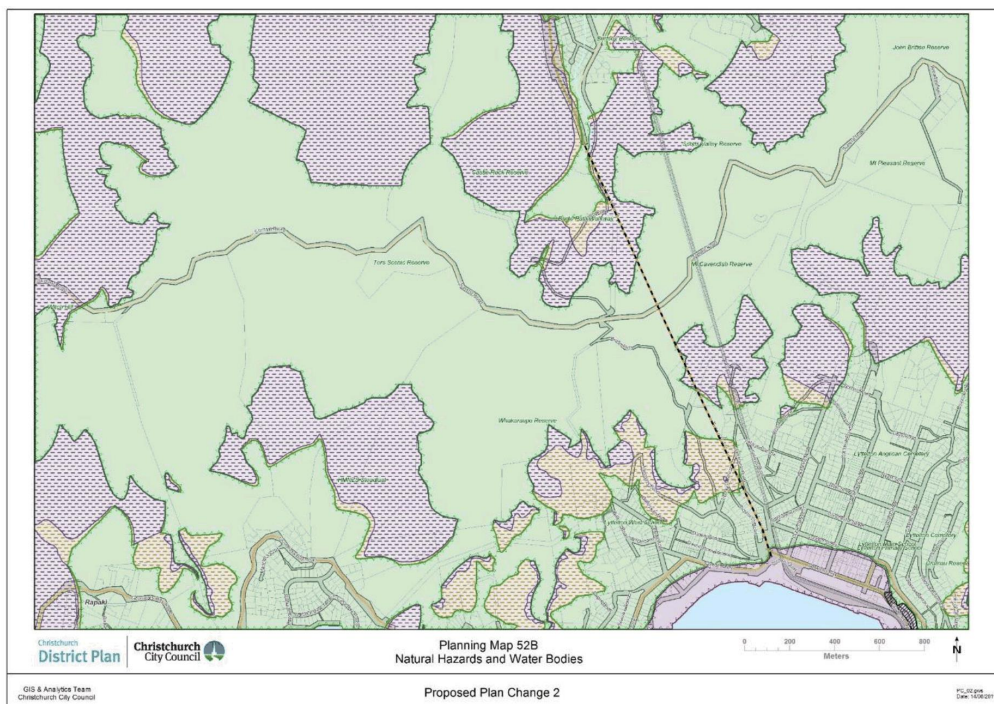
#### 8.3.4 Affected Properties – Stronsay Avenue



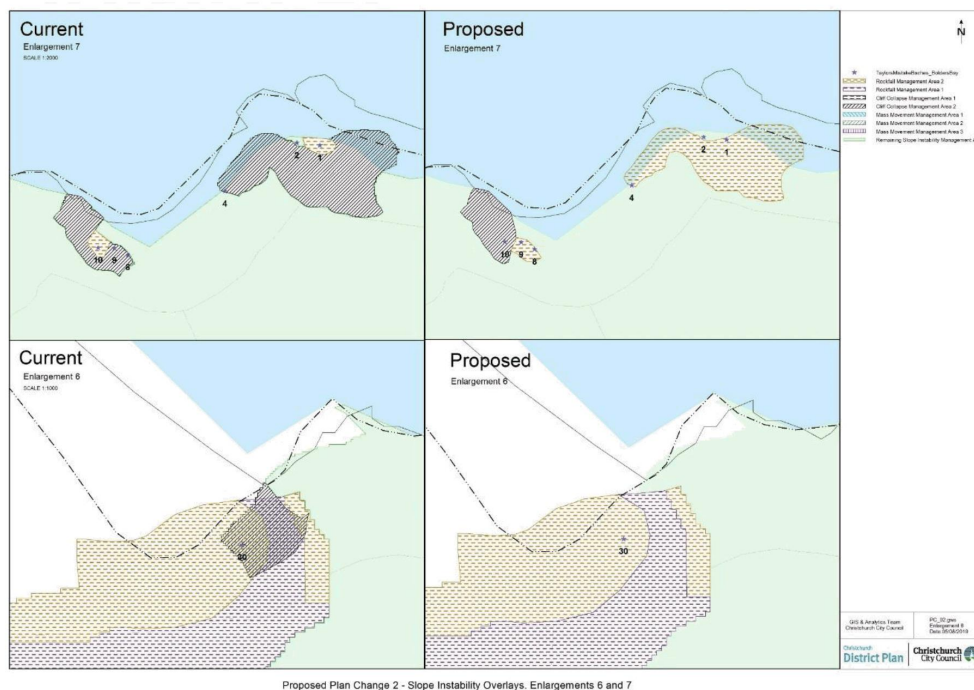




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### 8.3.6 Affected Baches





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### 8.3.7 Affected Properties – Stoddart Lane. -Holliss Avenue

