

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

UNDER the Resource Management Act 1991 (RMA)

IN THE MATTER of the Proposed Timaru District Plan

AND

IN THE MATTER of the Energy and Infrastructure, Stormwater and
Transport, Subdivision and Development Areas, Sites and
Areas of Significance to Māori, and Historic Heritage
Chapters (Hearing E)

**STATEMENT OF EVIDENCE OF DEIDRE FRANCIS ON BEHALF OF THE
CANTERBURY REGIONAL COUNCIL**

23 January 2025

Next date – 10 -14 February 2025 – Hearing

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INTRODUCTION

1. My full name is Deidre Francis. I am a Principal Planner at the Canterbury Regional Council, (**Regional Council**) a position I have held since August 2022.
2. I hold a master's degree with distinction in Regional and Resource Planning from the University of Otago (1995) (**MRRP**). I have over 20 years' experience in resource management planning.
3. My relevant experience includes drafting plan provisions, preparing s32A reports, preparing s42A reports and decisions reports for council Plan hearings, preparing submissions and presenting at hearings on proposed district plans. I led the development of the first Southland Regional Coastal Plan and the first Southland Regional Water Plan.
4. Prior to joining the Regional Council, I worked as a Senior Management Planner for the Department of Conservation based in the Christchurch office, working on the development of the Rangitahi/Molesworth Recreation Reserve Management Plan and leading the rewrite of the draft Aoraki Mount Cook National Park Management Plan. Prior to that I worked for 14 years at the Southland Regional Council, starting as a graduate planner and finishing as Senior Planner. I also worked for the Planning Consultancy Ernest New and Associates in Invercargill, part time, while completing my MRRP.

CODE OF CONDUCT

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

the Hearing Panel as an independent planning expert. The recommendations made in this evidence are my own, based on my expertise.

SCOPE OF EVIDENCE

8. I have been asked by the Regional Council to provide planning evidence in relation to the Energy and Infrastructure, Stormwater and Transport, Subdivision and Development Areas, Sites and Areas of Significance to Māori and Historic Heritage Chapters of the proposed Timaru District Plan (**pTDP**).
9. My evidence provides:
 - a. An overview of the Regional Council's interest in the above-mentioned chapters of the pTDP.
 - b. Reference to the relevant statutory provisions relevant to this matter; and
 - c. My comments on the recommendations in the relevant Section 42A Reports (**the s42A Reports**).
10. In preparing my evidence I have reviewed the following documents:
 - a. The Resource Management Act 1991 (**RMA**);
 - b. The National Planning Standards 2019 (**NPS**);
 - c. The National Policy Statement for Indigenous Biodiversity 2023 (**NPSIB**);
 - d. The National Policy Statement for Fresh Water Management 2020 (**NPS-FM**);
 - e. The Canterbury Regional Policy Statement 2013 (**CRPS**);
 - f. The pTDP including the section 32 Report and supporting information notified by the Council;
 - g. The Regional Council's submission on the pTDP;
 - h. The summary of relevant submissions and further submissions on the pTDP, (and where relevant, the original submissions and further submissions themselves); and
 - i. The s42A reports referred to above.

SUMMARY STATEMENT

11. The Regional Council's submission is generally supportive of the pTDP. However, the Regional Council sought amendments in relation to:
 - a. Definitions for urban development and urban areas;
 - b. An additional matter of discretion for SUB-R3; and
 - c. Deletion of PER-1 in SASM-R5.
12. I have reviewed the s42A Reports prepared for the Timaru District Council by Mr Andrew Willis (Energy and Infrastructure, Transport and Stormwater Management); Mr Nick Boyes (Subdivision and Development Areas); Ms Liz White (Sites and Areas of Significance to Māori) and by Mr Andrew MacLennan (Historic Heritage).
13. I have attached a Table, as **Appendix 2**, indicating my response to the recommendations in the s42A reports.
14. The s42A reports have recommended that most of the Regional Council's submissions be either accepted or accepted in part. I support most of these recommendations. For some recommendations, that support is subject to further minor amendments being made. My recommended further amendments are collated in **Appendix 1**.
15. The Regional Council's submission 183.1 requested that the entire plan be reviewed to ensure all references to the size of a building are linked either to the building footprint or gross floor area. This submission has been considered in each s42A report. Mr Willis and Mr Boyes have recommended rejecting the submission for the chapters they have reviewed. Mr McLennan has said the submission is not relevant for the Historic Heritage chapter and Ms White has accepted the submission in part by recommending amendments to MPZ-R5 PER 3 to refer to gross floor area. I support the s42A Officers' recommendations in relation to these matters.
16. I have no further comment to make on the Regional Councils' submission points on Subdivision, Sites and Areas of Significance to Māori, and Historic Heritage.
17. I have further comments on recommendations to amend the wording of Policy SW-P2, Objective EI-O2 and Policy EI-P2 in the Energy and Infrastructure, Stormwater and Transport s42A report.

THE REGIONAL COUNCIL'S INTEREST AND OVERVIEW OF SUBMISSIONS IN HEARING E OF THE pTDP

18. The focus of the Regional Council's submission was to ensure that the CRPS is given effect to, and to avoid any duplication or inconsistencies with the regional planning framework. This reflects the Regional Council's statutory responsibility regarding the implementation of the CRPS.
19. I consider that the pTDP chapters that are the subject of Hearing E generally give effect to the CRPS. However, I have recommended further amendments to the s42A officer's recommended wording for SW-P2, EI-O2 and EI-P2 to provide greater certainty and clarity. As noted in paragraph 14 a copy of my recommended amendments is provided as Appendix 1 to this statement of evidence.

STATUTORY FRAMEWORK

20. The section 32 reports prepared for the topics covered in this hearing provide an accurate reflection of the obligations for a District Plan Review. I have nothing to add to that analysis.

RESPONSE TO S42A REPORTS

Support for s42A Recommendations to retain or adopt minor amendments

21. The s42A reports have recommended that the following provisions are retained as notified:
 - a. Transport: TRAN-P1, TRAN-P2, TRAN-P7, TRAN-S6.
 - b. Subdivision: SUB-O2, SUB-P2, SUB-P4, SUB-P15, SUB-R3.
 - c. Sites and Areas of Significance to Māori: SASM-O1, SASM-O3, SASM-P1, SASM-SCHED6.
22. These were provisions that the Regional Council supported as notified, because they were consistent with the CRPS. I support these recommendations.
23. The s42A reports have recommended minor amendments to the following notified provisions that were supported in the Regional Council's submission:

- a. Subdivision: SUB-P5, SUB-P6.
 - b. Historic: HH-P1, HH-R1.
24. I agree that these amendments are appropriate and consistent with the original intent of the provisions. The amendments are also consistent with the CRPS.

Support for s42A Recommendations subject to further minor amendments

25. I support the recommended changes to the following provisions, subject to some suggested improvements:
- a. Energy and Infrastructure: EI-O2 & EI-P2.1a
 - b. Stormwater: SW-P2
 - c. Definitions: “Impervious surfaces”.
26. Each of these provisions is discussed below.

Energy and Infrastructure: EI-O2 & EI-P2

27. The Regional Council’s original submission sought to retain Objective EI-O2 as notified or preserve the original intent, stating it is consistent with CRPS Objective 5.2.2(2b).
28. The s42A report has recommended changes to this objective.
29. The recommended changes to EI-O2 include:
- a. Extending the scope of the objective to apply to all infrastructure (See paragraphs 32-38);
 - b. Removing reference to avoiding adverse effects in “sensitive environments” and instead avoiding adverse effects in “areas identified in EI-P2.1a” (See paragraphs 39-59);
 - c. Adding a requirement for “no practical alternative locations” (See paragraphs 60-65); and
 - d. Amending the requirement, where adverse effects cannot be avoided, from “remedied or mitigated” to be “managed by applying the effects management hierarchy set out in EI-P2 or EI-PX for the National Grid.” (See paragraphs 66-67).
31. I have analysed the implications of the recommended changes to EI-O2, to determine if the intent of the objective is preserved, as requested in

the Regional Council's submission. I address each of these recommended changes below, in the order listed above.

Extending the scope of the objective:

32. The notified version of EI-O2 only applied to regionally significant infrastructure and lifeline utilities. If the s42A Officer's recommendation in paragraph 6.22.8 is accepted the objective will apply to all infrastructure.
33. The s42A Officer's recommendation combines EI-O2 with EI-O3. Both objectives sought to avoid adverse effects on sensitive environments while avoiding, remedying or mitigating adverse effects in other areas.
34. I concur with the comments of the s42A Officer in paragraph 6.22.4 of the s42A report. The key difference between the notified versions of EI-O2 and EI-O3 is that EI-O2 provided an exemption to the "avoid" direction for regionally significant infrastructure and lifeline utilities. Where there was a functional or operational need to be in a sensitive environment, adverse effects were to be remedied or mitigated. This exemption was not available to 'other infrastructure' in EI-O3.
35. Paragraph 6.22.2 of the s42A report outlines the Telcos' request for the application of the functional need and operational need exemption to apply to all infrastructure. The s42A Officer recommended accepting this request at paragraph 6.22.5 of the s42A report.
36. My understanding of functional need and operational need is based on the NPS. Functional Need indicates that a particular activity can only be located in a particular environment. The obvious example is that hydro dams can only be located in rivers. Operational need is where an activity could be located elsewhere but because of technical, logistical or operational characteristics or constraints, it needs to be in a particular environment. I note that functional need and operational need are considerations in the NPSIB and the NPSHPL and that functional need is a consideration in the NPS-FM.
37. The CRPS does not contain specific policies on functional need or operational need. Nor does it contain specific policies for infrastructure that would not fit the pTDP definition for regionally significant infrastructure or lifeline utilities.

38. I have reviewed the relevant CRPS Chapter 5 Objectives and Policies and I am satisfied that the change in scope to apply this objective to all infrastructure, recommended by the s42A Officer, is consistent with giving effect to the CRPS.

Removing reference to “sensitive environments” in EO-O2 and referring to EI-P2.1a

39. The CRPS does not generally use the term “sensitive environments,” other than in two specific instances. The first is in Policy 5.3.9 and the second is in the “Principal reasons and explanation” to Policy 18.3.1 concerning hazardous substances.
40. Policy 5.3.9 3(c) addresses requirements for regionally significant infrastructure proposals (wider region) within a sensitive environment. Sensitive environment is not defined in the CRPS but the clause refers to these environments including any environment subject to s6 RMA. Alternative sites, routes, methods and design of all components and associated structures are required to be considered so that the proposal satisfies sections 5(2)(a)-(c) RMA as fully as practicable.
41. The principal reasons and explanation (**reasons**) to Policy 18.3.1 indicate that the locations listed in the policy are “sensitive environments.” The Policy is about the protection of sensitive areas and activities from adverse effects, resulting from the use, storage or disposal of hazardous substances in listed locations. The third paragraph of the reasons states that: “in some instances, existing regionally significant infrastructure and other activities that involve the use, storage, disposal or transport of hazardous substances may have to be located in sensitive environments. In such cases, the hazardous substances should be contained in such a way to ensure that any actual or potential adverse effects are avoided.”
42. The locations include: high hazard areas, community drinking water protection zones, areas where there is a risk of contaminating community water supplies, unconfined or semi-confined aquifers, the coastal marine area, beds of lakes and rivers, wāhi tapu, urupā, institutions and residential areas. Many, but not all, of these locations are included in the pTDC definition of sensitive environments and/or EI-P2.1a.

43. Other than those two policies, the CRPS focuses on avoiding adverse effects on significant natural and physical resources.
44. Significant natural and physical resources are not defined in the CRPS. The RMA defines natural and physical resources as including land, water, air, soil, minerals, and energy, all forms of plants and animals (whether native to New Zealand or introduced), and all structures.
45. The intent of the original objective is preserved if the adverse effects of infrastructure, including regionally significant infrastructure and lifeline utilities, on sensitive environments are addressed either in revised EP-2.1a or elsewhere in the pTDP.
46. Table 1 in **Appendix 3** identifies the overlaps and differences between the pTDP definition of “sensitive environments” and the areas identified in EI-P2.1a. This identifies which areas in the “sensitive environments definition” are not covered in EI-P2.1a. It also identifies whether each of the areas identified in EI-P2.1a are defined in the pTDP, included in a Schedule or have a specific planning map to identify where these identified values and qualities are found within the Timaru District.
47. I have reviewed how the definition of “sensitive environments” compares to the areas identified in EI-P2.1a. In my opinion the three main differences are as follows:
 - a. Reduced scope: The definition of “sensitive environments” applies to some areas that have not been referred to in EI-P2.1a. This includes areas where there is potential for different natural hazards¹ to occur and Drinking Water protection areas (see paragraphs 49-55);
 - b. SASM reference: EI-P2.1 refers to Sites of Significance to Māori, while the sensitive environments definition refers to Sites **and areas** of Significance to Māori (emphasis added) (see paragraph 56); and
 - c. Broader terms: EI-P2.1a contains some broad terms that may be intended to encompass terms that were included in the “sensitive environments” definition but that have not been specifically transferred to the policy (see paragraphs 57-59).

¹ Refer to Appendix 3 to identify the different hazard areas under the sensitive environment definition.

48. I address each of the above separately below:

Reduced scope

49. As notified, ECO-O2 required adverse effects to be avoided in sensitive environments. The wording recommended by the s42A Officer deletes the reference to sensitive environments and instead directs adverse effects to be avoided in the areas identified in EI-P2.1a.
50. The pTDP definition of sensitive environments includes areas that are not included in EI-P2.1a. The differences and overlaps are detailed in Appendix 3. The main difference is that the following sensitive environments are not included in EI-P2.1a:
- a. Areas subject to natural hazards.
 - b. Drinking Water Protection Areas.
51. The removal of reference to ‘sensitive environments’ therefore reduces the original scope of ECO-O2.
52. Paragraph 2 of the introduction to the Energy and Infrastructure chapter states that regionally significant infrastructure and other infrastructure can have adverse effects, especially on sensitive environments.
53. In paragraph 6.21.12 of his report, the s42A Officer relies on the submission from Opuha Water to amend inconsistencies between the EI-O2.1 reference to “sensitive environments’ and the “sensitive environments subset” in EI-P2.1a.² He recommends addressing this inconsistency by amending EI-O2 to refer to the sensitive environments subset in EI-P2.1a. I note that some of the areas/topics in EI-P2.1a are subsets of “sensitive environments” and some are additional to that list. Neither High Naturalness Waterbodies Areas nor Bat protection areas, for example, are included in the definition of “sensitive environments”.
54. Part of the reasoning for this change was that NH-P11 addresses regionally significant infrastructure in natural hazard areas³. I believe that NH-P11 and Rules NH-5 and NH-6 would address any issues of

² Refer to paragraph 6.21.6 of the s42A report.

³ Natural Hazard Areas has the same meaning as in section 2 of the RMA i.e. means any atmospheric or earth or water related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire, or flooding) the action of which adversely affects or may adversely affect human life, property, or other aspects of the environment.

regionally significant infrastructure in natural hazards areas that were previously covered by the reference to avoiding adverse effects in sensitive environments.

55. The Drinking Water Protection Areas are also included in the sensitive environments definition but not covered in EI-P2.1a. DWP-P2 in the pTDP addresses activities that have potential to negatively affect water quality in drinking water supplies. Discharges have the biggest impact on water quality, and this is mostly addressed in the Canterbury Land and Water Regional Plan, but there is a rule in the pTDP that applies to pipelines used for transferring hazardous substances (DWP-R4). I am comfortable that DWP-P2 and the supporting rules in the Drinking Water Chapter are capable of addressing adverse effects from infrastructure on Drinking Water Protection areas.

SASM reference

56. EI-P2.1 refers to Sites of Significance to Māori, while the sensitive environments definition refers to Sites **and areas** of Significance to Māori. The latter term is referred to frequently in the pTDP. No reason is given for this change, and I understand from the s42A Officer that the removal of the reference to “areas” was unintentional. I conclude this is likely to be an oversight and I recommend that the reference to areas of significance be added to EI-P2.1a.

Broader terms in EI-P2.1a

57. The definition of “sensitive environments” contains reference to a number of areas that are not specified in EI-P2.1a⁴. In some cases, attributes in EI-P2.1a may encompass more than one attribute from the definition of “sensitive environments” e.g. “historic heritage” may encompass “Heritage Item” and “Heritage Item extent”.⁵ It is my opinion that both these things may be captured within the EI-P2 reference to identified values and qualities of historic heritage.
58. As a further example, “Coastal High Natural Character Areas” appear in the definition of “sensitive environments” but “Coastal Environment” is included in EI-P2.1a. Coastal Environment may encompass Coastal

⁴ Refer to Appendix 3 for a comparison between the Sensitive Environment areas and the areas identified in EI-P1.2a

⁵ Table containing comparison is included in in Appendix 3.

High Natural Character Areas, given the NCZPS Policy 1.2 description of the Coastal Environment,⁶ The term “Coastal Environment” is not defined in the pTDP, making the use of this term uncertain.

59. I believe the current list in EI-P2 lacks certainty. Only SNAs, historic heritage and riparian margins have hyperlinks to definitions. It is my opinion that if definition hyperlinks were added to the listed values in EI-P2.1a, and those definitions included reference to any Schedules or Planning maps that aid the identification of these areas, the clarity and certainty of the pTDP would be improved.

Addition of “no practical alternative locations”

60. The exemption for functional or operational need is further qualified by the recommendation to add the words “*and no practical alternative locations*”.
61. The “*no practical alternative locations*” recommendation is made as the result of a submission by the Director-General of Conservation (Dir. General Conservation), who requested the following wording changes to achieve alignment with the NPSIB:

“1. are avoided in sensitive environments unless there is a functional need for the infrastructure to be in that location and there are no practicable alternative locations, in which case they must be managed by applying the effects management hierarchy ~~remedied or mitigated~~; and [...]”⁷

62. This is consistent with NPSIB Policy 3.11, which provides for exceptions to where adverse effects on an SNA must be avoided. Among other things, the new development needs to have a functional need or operational need to be in that particular location, and there are no practicable alternative locations for the new activity⁸. The s42A officer’s recommendation to include reference to alternative locations is therefore consistent with giving effect to the NPSIB.
63. The policies within section 5.3 of the CRPS refer to avoiding adverse effects, and where this is not practicable – specifying other

⁶ NCZPS Policy 1.2 description of the Coastal Environment includes:

(f) elements and features that contribute to the natural character, landscape, visual qualities or amenity values.

⁷ Discussed in paragraph [6.21.5] of the s42A report

⁸ NPSIB Clauses 3.11 (1) (b) & (c)

requirements. The consideration of whether there are no other practicable locations, is only one aspect of whether it is practicable to avoid adverse effects.

64. I therefore conclude that including consideration of whether there are other practicable locations is part of giving effect to the CRPS and the NPSIB.
65. As noted in paragraph 61 above, the Dir. General Conservation request was to include the words “no **practicable** alternative locations” (emphasis added). At paragraph 6.21.18 of the s42A report the recommended wording is “no **practical** alternative locations” (emphasis added). The wording should be consistent with the NPSIB. I have asked the s42A Officer about this and understand the use of “practical” is a typographical area. I therefore recommend that the wording be changed to reflect the request of the Dir. General Conservation

Effects management hierarchy

66. Where adverse effects cannot be avoided in the areas identified in EI-P2.1a and there is a functional or operational need for the infrastructure to be located in one of these areas, and there is no practicable alternative location, the Dir. General Conservation requested that adverse effects be managed by applying the effects management hierarchy from the NPSIB (see paragraph 61 above). Opuha Water⁹ and TDC¹⁰ also requested the inclusion of an effects management hierarchy approach for addressing adverse effects of infrastructure in these locations.
67. In paragraph 6.21.18 of the s42A report, the s42A Officer has recommended adopting the effects management hierarchy approach. He has stated that this approach provides clearer guidance than stating that adverse effects must be remedied or mitigated. I support this approach and consider it will help the pTDP give effect to the NPSIB.

Further changes to improve readability

68. The s42A Officer has recommended changes to the heading and the first line of EI-O2. These changes mean that the objective now applies to all infrastructure. After discussing this change with the s42A Officer, I

⁹ Discussed in paragraph [6.21.6] of the s42A report

¹⁰ Discussed in paragraph [6.21.7] of the s42A report

understand that some submitters specifically wanted regionally significant infrastructure and lifeline utilities to be identified in the objective. I believe a minor amendment as shown below, would improve the clarity and readability of the objective, in both the title and the first line.

69. The adverse effects of Infrastructure, including Regionally Significant Infrastructure and Lifeline Utilities ~~and other infrastructure~~.

Stormwater Water: SW-P2

70. The Regional Council's original submission sought to retain Policy SW-P2 as notified or preserve the original intent. The submission particularly supported clause 1 of SW-P2. There are no recommendations to change clause 1, and I support that.
71. The s42A Officer has recommended changes to this policy. In paragraph 6.60.4 of the s42A report, the s42A Officer discusses the Waka Kotahi submission to amend the Policy to maintain **or** enhance stormwater quality (emphasis added).
72. I agree with the reasoning in the s42A report. I note that the CRPS P5.3.6, which includes stormwater infrastructure, does not require enhancing stormwater quality. Implementation Method 3 of this policy does not require TAs to enhance stormwater quality.
73. In paragraph 6.60.5 of the s42A report the s42A Officer discusses the BP Oil et al submission in opposition to requiring "the treatment of stormwater quality". I agree that alternative wording that requires treatment where that is necessary to enhance water quality should be included. However, I believe the current recommended wording lacks clarity for when treatment would be required. I recommend a change to the wording to make it clear that where stormwater will not meet the standards specified in Table 7 of SW-S3, it will need to be treated in order to maintain stormwater quality as follows:

Maintain ~~and~~ or enhance stormwater quality by requiring:

1 ...; and

2. the treatment of stormwater ~~quality, if required, where minimum standards identified in SW-S3 Table 7 cannot be met,~~ for new or increased trafficked hardstand areas ~~impervious surfaces~~ created by subdivision, use or development.

Definitions – impervious surfaces

74. In paragraph 6.60.6 of the s42A report the s42A Officer discusses an amendment to SW-P2, as a consequence of changes made to SW-S4. That amendment involves referring to “trafficked hardstand areas” rather than “impervious surfaces”. I accept that trafficked hardstand areas are a subset of impervious surfaces and that these are the areas most likely to contribute the contaminants of concern. However, for consistency and clarity I believe that the current definition of impervious surfaces should be amended to include reference to “trafficked hardstand areas”.
75. A further issue with the SW rules and standards is that consequential renumbering has not been reflected in all of the provisions. The s42A Officer has recommended deletion of SW-S1, as notified, and consequently the standards have been renumbered. The Rules should be checked to ensure that the correct standard is being referenced.

CONCLUSION

76. In summary, I generally agree with the recommendations in the s42A report, as noted above, but have recommended amendments to assist with clarity and consistency.

Deidre Francis

Dated this 23rd day of January 2025

Appendix 1 – Further Amendments sought to the pTDP by CRC in response to the s42A report

Provision	As notified	Council S42A Drafting	Canterbury Regional Council Recommended Amendments to s42A recommendations (in red)
EI-O2	<p>EI-O2 Adverse effects of Regionally Significant Infrastructure</p> <p>The adverse effects of Regionally Significant Infrastructure and Lifeline Utilities:</p> <ol style="list-style-type: none"> 1. Are avoided in sensitive environments unless there is a functional or operational need for the infrastructure to be in that location ... <p>EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure:</p> <p>Provide for Regionally Significant Infrastructure, and other infrastructure where any adverse effects are appropriately managed by:</p> <ol style="list-style-type: none"> a. seeking to avoid adverse effects on the identified values and qualities of Outstanding Natural Landscapes and 	<p>EI-O2 Adverse effects of Regionally Significant Infrastructure, <u>and Lifeline Utilities and other infrastructure</u></p> <p>The adverse effects of Regionally Significant Infrastructure, <u>and</u> Lifeline Utilities, <u>and other infrastructure</u>.</p> <ol style="list-style-type: none"> 1. Are avoided in sensitive environments <u>the areas identified in EI-P2.1a</u> unless there is a functional <u>need</u> or operational need for the infrastructure to be in that location <u>and no practical alternative locations</u> ... <p>EI-P2 Managing adverse effects of Regionally Significant Infrastructure and <u>Lifeline Utilities and other infrastructure</u>:</p> <ol style="list-style-type: none"> 1. <u>Except as provided for by Policy EI-PX,</u> Provide for Regionally Significant Infrastructure, <u>Lifeline Utilities</u> and other infrastructure where any 	<p>EI-O2 Adverse effects of <u>Infrastructure, including</u> Regionally Significant Infrastructure <u>and</u> Lifeline Utilities <u>and other infrastructure</u>.</p> <p>The adverse effects of <u>Infrastructure, including</u> Regionally Significant Infrastructure <u>and</u> Lifeline Utilities <u>and other infrastructure</u>.</p> <ol style="list-style-type: none"> 1. Are avoided in sensitive environments <u>the areas identified in EI-P2.1a</u> unless there is a functional <u>need</u> or operational need for the infrastructure to be in that location <u>and no practical practicable alternative locations</u> ... <p>Because of the removal of reference to “sensitive environments” amend EI-P2.1a to: <u>Regionally Significant Infrastructure and Lifeline Utilities and other infrastructure:</u></p>

Provision	As notified	Council S42A Drafting	Canterbury Regional Council Recommended Amendments to s42A recommendations (in red)
	<p>Outstanding Natural Features, Visual Amenity Landscapes, the Coastal Environment, Significant Natural Areas, High Naturalness Waterbodies Areas, Sites of Significance to Māori, historic heritage, cultural, and archaeological areas, riparian margins and notable trees; and</p>	<p>adverse effects are appropriately managed by:</p> <p>b. seeking to avoid adverse effects on the identified values and qualities of Outstanding Natural Landscapes and Outstanding Natural Features, Visual Amenity Landscapes, the Coastal Environment, Significant Natural Areas, High Naturalness Waterbodies Areas, Sites of Significance to Māori, historic heritage, cultural, and archaeological areas, riparian margins and notable trees; <u>in accordance with the relevant Part 2- District Wide provisions applying to those areas;</u> and ...</p>	<p>1. <u>Except as provided for by Policy EI-PX,</u> Provide for Regionally Significant Infrastructure, <u>Lifeline Utilities</u> and other infrastructure where any adverse effects are appropriately managed by:</p> <p>c. seeking to avoid adverse effects on the identified values and qualities of Outstanding Natural Landscapes and Outstanding Natural Features, Visual Amenity Landscapes, the Coastal Environment, Significant Natural Areas, High Naturalness Waterbodies Areas, Sites of Significance to Māori, historic heritage, cultural, and archaeological areas, riparian margins and notable trees; <u>in accordance with the relevant Part 2- District Wide provisions applying to those areas;</u> and ...</p>

Provision	As notified	Council S42A Drafting	Canterbury Regional Council Recommended Amendments to s42A recommendations (in red)
EI-P2.1a	<p>Provide for Regionally Significant Infrastructure and other infrastructure where any adverse effects are appropriately managed by:</p> <p>a. seeking to avoid adverse effects on the identified values and qualities of Outstanding Natural Landscapes and Outstanding Natural Features, Visual Amenity Landscapes, the Coastal Environment, Significant Natural Areas, High Naturalness Waterbodies Areas, Sites of Significance to Māori, historic heritage, cultural, and archaeological areas, riparian margins and notable trees; and</p>	<p>1. <u>Except as provided for by Policy EI-PX,</u> Pprovide for Regionally Significant Infrastructure, <u>Lifeline Utilities</u> and other infrastructure where any adverse effects are appropriately managed by:</p> <p>a. seeking to avoid adverse effects on the identified values and qualities of Outstanding Natural Landscapes and Outstanding Natural Features, Visual Amenity Landscapes, the Coastal Environment, Significant Natural Areas, High Naturalness Waterbodies Areas, Sites of Significance to Māori, historic heritage, cultural, and archaeological areas, riparian margins, bat protection areas and notable trees <u>in accordance with the relevant Part 2 - District Wide provisions applying to those areas</u>; and</p>	<p>1. <u>Except as provided for by Policy EI-PX,</u> Pprovide for Regionally Significant Infrastructure, <u>Lifeline Utilities</u> and other infrastructure where any adverse effects are appropriately managed by:</p> <p>a. seeking to avoid adverse effects on the identified values and qualities of Outstanding Natural Landscapes and Outstanding Natural Features, Visual Amenity Landscapes, the Coastal Environment, Significant Natural Areas, High Naturalness Waterbodies Areas, Sites <u>and areas</u> of Significance to Māori, historic heritage, cultural, and archaeological areas, riparian margins, bat protection areas³² and notable trees <u>in accordance with the relevant Part 2 - District Wide provisions applying to those areas</u>; and</p> <p>Add definition hyperlinks to the listed values in EI-P2.1a, and include reference, in those definitions, to any Schedules or Planning maps that aid the identification of these areas.</p>

Appendix 2: Regional Council Response to the recommendations set out in the s42A reports

Our Submission #	Relevant s42A paragraph & recommendation #	Recommendation	Response
INFRASTRUCTURE			
183.1 Review entire plan so all references to the size of buildings, link to either building footprint or gross floor area.	Section 6.3 - paragraphs 6.3.1 – 6.3.3, 6.3.6, 6.3.9	Reject - – this chapter covers buildings and structures. Not all structures are buildings, and some structures don't have floors.	Generic submission to all parts of the Plan. Accept rejection for reasons given by s42A Officer
183.4 – references to height of buildings across the plan to ensure height is measured from ground level.	Section 6.3 - 6.3.1 & 6.3.2, 6.3.5 & 6.3.8 6.3.10	Accept: Include note for all height rules – height measured from ground unless expressly stated otherwise.	Support
183.9 – Definitions Urban Development – new definition proposed	Section 6.4 - 6.4.1 & 6.4.2, 6.4.5	Accept – may need to be revisited as part of Hearing G	Support
183.10 Definitions Amend – Urban Area	Section 6.5 - 6.5.1, 6.5.7 & 6.5.8	Accept in part - Definition will be further considered in Hearing F under CE, & NH Chapters and also in Hearing G.	Support – Note that Changed reference from “Urban Area” to Urban “locations”. In EI-R39 – now refers to Temuka and Timaru rather than “urban area”

Our Submission #	Relevant s42A paragraph & recommendation #	Recommendation	Response
			In TRANS2 – Table 8 & TRANS13 – Table 16 instead refers to spaces not within or adjoining rural zones.
STORMWATER MANAGEMENT			
183.23 – SW-P2 Retain as notified or preserve original intent	Section 6.60	<p>Accept in Part – amendments made as the result of other submissions.</p> <p>Maintain and or enhance stormwater quality by requiring:</p> <p>1 ...; and</p> <p>2. the treatment of stormwater quality, <u>if required,</u> for new or increased <u>trafficked hardstand areas</u> impervious surfaces created by subdivision, use or development.</p>	<p>Wording could be further altered to improve readability/understanding.</p> <p>Maintain and or enhance stormwater quality by requiring:</p> <p>1 ...; and</p> <p>2. the treatment of stormwater quality, if required, <u>where minimum standards identified in SW-S3 Table 7 cannot be met,</u> for new or increased <u>trafficked hardstand areas</u> impervious surfaces created by subdivision, use or development.</p> <p>Amend definition of impervious surfaces, because of the s42A wording change recommendation, to include “trafficked hardstand areas”.</p>
ENERGY AND INFRASTRUCUTRE			

Our Submission #	Relevant s42A paragraph & recommendation #	Recommendation	Response
183.22 – EI-O2 Retain as notified or preserve original intent	Section 6.21 6.21.1 – 6.21.19	Accept in part – wording amendments recommended as result of other submissions	<p>Further Amend EI-O2:</p> <p>1. EI-O2 Adverse effects of <u>Infrastructure</u>, <u>including</u> Regionally Significant Infrastructure <u>and</u> Lifeline Utilities and other infrastructure.</p> <p>The adverse effects of <u>Infrastructure, including</u> Regionally Significant Infrastructure <u>and</u> Lifeline Utilities and other infrastructure.</p> <p>2. To ensure consistency with approach to SASM, because of removal of reference to avoiding adverse effects in “sensitive environments” and reliance on EI-P2.1a:</p> <p><u>Regionally Significant Infrastructure and Lifeline Utilities</u> and other infrastructure:</p> <p>2. <u>Except as provided for by Policy EI-PX, Provide</u> for Regionally Significant Infrastructure, <u>Lifeline Utilities</u> and other infrastructure where any adverse effects are appropriately managed by:</p> <p>d. seeking to avoid adverse effects on the identified values and qualities of Outstanding</p>

Our Submission #	Relevant s42A paragraph & recommendation #	Recommendation	Response
			<p>Natural Landscapes and Outstanding Natural Features, Visual Amenity Landscapes, the Coastal Environment, Significant Natural Areas, High Naturalness Waterbodies Areas, Sites <u>and areas</u> of Significance to Māori, historic heritage, cultural, and archaeological areas, riparian margins and notable trees; <u>in accordance with the relevant Part 2- District Wide provisions applying to those areas;</u> and ...</p> <p>3 Provide definition hyperlinks that include reference to any relevant Schedules or Planning maps for the areas identified in EI-P1.2a.</p>
TRANSPORT			
Further Submissions 183.11FS & 183.3FS Supporting 196.4 (Energy Companies) & 116.6 Z Energy Ltd to add new Policy	Section 6.77 6.77.1 – 6.77.6	Accept in Part Recommended new Policy included: <u>TRAN-PX – EV charging facilities</u>	Support – accept that the original submission provided insufficient scope for CRC request.

Our Submission #	Relevant s42A paragraph & recommendation #	Recommendation	Response
Our submission was supportive of the request for a new policy but asked that it be widened to support decarbonisation of both private and public transport – rather than solely focusing on EV charging. Other technologies may be available now or in the future to more holistically support an integrated and sustainable transport network.		<u>Encourage existing and new land uses to support an integrated and sustainable transport network by enabling charging stations for electric vehicles.</u>	
Further Submission 183.8FS Supporting 143.56 Waka Kotahi supporting TRAN-S5 as notified	Section 6.86 6.86.1 – 6.86.7	Accept in Part Recommended exempting Clandeboye Manufacturing Zone/Precinct from Cycle parking provisions	Support for reasons given by s42A Officer
Further Submission 183.5FS Supporting 143.40 Waka Kotahi TRAN-P2 as notified	6.1.9, 6.4.4, 6.5.3, 6.5.6 & 6.5.7, 6.5.10, 6.5.14 Only change to TRAN-P2 is as a	Accept	Support

Our Submission #	Relevant s42A paragraph & recommendation #	Recommendation	Response
	result of clause 16(2) change as a result of submissions on definition of urban area.		
Further Submission 183.6FS Supporting 143.45 Waka Kotahi TRAN-P7 as notified	6.1.9	Accept – no changes recommended	Support
Further Submission 183.4FS Supporting 143.39 Waka Kotahi TRAN-P1 as notified	Section 6.71 6.71.7	Accept – no changes recommended	Support
Further Submission 183.9FS Supporting 143.57 Waka Kotahi TRAN-S6 as notified		Accept – no changes recommended	Support
SUBDIVISION			
183.1 Review entire plan so all references to the size of buildings, link to either building footprint or gross floor area.	Section 6.3, 6.3.2, 6.3.7	Reject - terms not used in this chapter	Support for reasons given by s42A Officer

Our Submission #	Relevant s42A paragraph & recommendation #	Recommendation	Response
183.4 – references to height of buildings across the plan to ensure height is measured from ground level.	Section 6.3, 6.3.2, 6.3.4, 6.3.7	Reject – terms not used in this chapter	Support for reasons given by s42A Officer
183.98 support SUB-O2	Section 7.2 7.2.1, 7.2.11, 7.2.24	Accept – no changes recommended	Support
183.99 support SUB-P2	Section 7.3 7.3.4, 7.3.35 & 7.3.36	Accept – no changes recommended	Support
183.100 support SUB-P4	Section 7.3 7.3.1, 7.3.7, 7.3.35 & 7.3.36, 7.3.42 7.3.64	Accept – one word change	Support
183.101 support SUB-P5	Section 7.3 7.3.1, 7.3.9, 7.3.35 & 7.3.36	Accept in part – wording change recommended to refer to “safe and efficient” operation, add reference to lifeline utilities, change “legally” to “lawfully” established and add reference to industrial activities	Support

Our Submission #	Relevant s42A paragraph & recommendation #	Recommendation	Response
183.102 support SUB-P6	Section 7.3 7.3.1, 7.3.17 & 7.3.18, 7.3.35 & 7.3.36, 7.3.50 & 7.3.51, 7.3.62, 7.3.66 & 7.3.67	Accept – recommended clause 16(2) Schedule 1 change to clause 9 and additional clause 10 to be added as per TroNT submission 185.61	Support
183.103 support SUB-P15	Section 7.3 7.3.1, 7.3.34 – 7.3.36	Accept	Support – no changes recommended
183.104 amend SUB R3 – additional matter of discretion	Section 7.4 7.4.1, 7.4.14 Analysis 7.4.11	Accept	Support – requested wording recommended to be added.
183.104 – support reference to standards in SUB R3	Section 7.4, 7.4.1 7.4.14, Analysis 7.4.11	Accept	Support – no changes recommended to reference to standards.
SITES AND AREAS OF SIGNIFICANCE TO MĀORI			
183.1 Review entire plan so all references to the size of buildings, link to either building footprint or gross floor area.	Section 9.3, 9.3.2, 9.3.3, 9.3.6, 9.3.7	Accept in Part by amending MPZ-R5 – Per3 to refer to gross floor area	Support

Our Submission #	Relevant s42A paragraph & recommendation #	Recommendation	Response
183.4 – references to height of buildings across the plan to ensure height is measured from ground level.	Section 9.3, 9.3.2, 9.3.4, 9.3.8	Reject	Support – for reasons given by s42A Officer
183.57 – support SASM-O1	Section 8.4, 8.4.2 8.4.3	Accept	Support – no changes recommended
183.58 – support SASM-O2	Section 8.5, 8.5.2 8.5.3	Accept in Part changes recommended as a result of other submissions	Aligns with RPS Chapter 2 – Issues of Resource Management Significance to Ngāi Tahu, Chapter 8, Gives effect to the following RPS access provisions: Method 4.15 The Coastal Environment - Objective 8.2.5, Policy 8.3.5 , Method 5a. Beds of Lakes and Rivers and their Riparian Zones: Objective 10.2.4, Policy 10.3.5 , Method 4a.
183.59 – support SASM-O3	Section 8.6, 8.6.2 8.6.3	Accept	Support – no changes recommended
183.60 – support SASM-P1	Section 8.4, 8.4.2 8.4.5	Accept	Support – no changes recommended
183.61 – support SASM-P2	Section 8.4.2, 8.4.2, 8.4.5	Accept in Part	Aligns with RPS Chapter 2 – Issues of Resource Management Significance to Ngāi Tahu, Chapter 8,

Our Submission #	Relevant s42A paragraph & recommendation #	Recommendation	Response
			<p>Gives effect to the following RPS access provisions: Method 4.15</p> <p>Contributes to giving effect to RPS:</p> <p>Gives effect to the following RPS access provisions: Method 4.15</p> <p>Policy 4.3.5, Method 4.18.</p>
183.62 – support SASM-P3	Section 8.5, 8.5.2 8.5.6	Accept	Support – no changes recommended
183.63 – support SASM-P4	Section 8.5, 8.5.2 8.5.6	Accept in Part changes recommended as a result of other submissions	Support
183.64 – support SASM-P5	Section 8.6, 8.6.2 8.6.7	Accept in Part changes recommended as a result of other submissions	<p>Aligns with RPS Chapter 2 – Issues of Resource Management Significance to Ngāi Tahu, Chapter 8,</p> <p>Gives effect to the following RPS access provisions: Method 4.16, Method 4.18</p> <p>Contributes to giving effect to RPS: Objective 13.2.1, Policies 13.3.1, 13.3.2, 13.3.3</p>
183.67 – amend SASM-R5	Section 8.14, 8.14.1, 8.14.7	Accept in Part - changes recommended as a result of other submissions	
183.168 - Support SCHED 6	Section 8.2, 8.2.1 8.2.11	Accept in Part	Support -no changes recommended to Schedule 6

Our Submission #	Relevant s42A paragraph & recommendation #	Recommendation	Response
HISTORIC HERITAGE			
183.1 Review entire plan so all references to the size of buildings, link to either building footprint or gross floor area.	Not included	Not relevant to provisions of this chapter	Support
183.4 – references to height of buildings across the plan to ensure height is measured from ground level.	Not included	Not relevant to provisions of this chapter	Support
183.51 support HH-O1	Section 5.2, 5.2.1	Accept – Recommended to be retained as notified	Support
183.52 support HH-O2	Section 5.2, 5.2.1	Accept – Recommended to be retained as notified	Support
183.53 support HH-P1	Section 6.6, 6.6.1 6.6.2, 6.6.8 , 6.6.9 6.6.10	Accept in Part – no change recommended to Policy but explanations for heritage values recommended to be included in the introduction to improve clarity and interpretation	Support
183.54 support HH-P4	Section 6.7, 6.7.1, 6.7.2	Accept – Recommended to be retained as notified	Support

Our Submission #	Relevant s42A paragraph & recommendation #	Recommendation	Response
183.55 support HH-P7	Section 6.10, 6.10.1, 6.10.2, 6.10.8	Accept – Recommended to be retained as notified	Support
183.56 support HH-R1	Section 6.13, 6.13.1, 6.13.2	Accept in Part – 2 amendments recommended to Rule. Minor in nature but improve clarity and interpretation.	Support

Appendix 3: Comparison between EI-P1.2a and Sensitive Environment definition

N.B. Pink shaded areas relate to Natural Hazards.

EI-P1.2a	Sensitive Environment definition	pTDP Schedule	pTDP Overlay
Outstanding Natural Landscapes and Outstanding Natural Features	f. Outstanding Natural Features; and g. Outstanding Landscapes	Schedule 8 – Outstanding Natural Landscapes Schedule 9 – Outstanding Natural Features	Outstanding natural features map Outstanding Natural landscapes map
Visual Amenity Landscapes	j. Visual Amenity Landscapes	Schedule 10	Visual Amenity Landscape map
Coastal Environment	a. Coastal Environment b. Coastal High Natural Character Areas	Schedule 14 – schedule of attributes/qualities of coastal high natural character areas	Coastal High Natural Character Areas map Coastal Environment Area
Significant Natural Areas	i. Significant Natural Areas	Schedule 2	Significant Natural Areas map
High Naturalness Waterbodies Areas	Not specified	N/A	High Naturalness Water Bodies map
Sites of Significance to Māori	h. Sites and Areas of Significance to Māori	Schedule 6	SASM map: Wahi Taoka, Wahi Tapu, Wai Taoka, Wai Tapu, Wahi Tupuna & Wai Taoka Line.
Historic heritage	d. Heritage Item e. Heritage Item extent	Schedule 3-4, Schedules of Historic Heritage Chapter	Heritage Item map: Heritage Item, Heritage Item Extent. Historic Heritage map: Historic Heritage Areas.

EI-P1.2a	Sensitive Environment definition	pTDP Schedule	pTDP Overlay
Cultural and archaeological areas	Included under Heritage Item, Heritage Item extent &/or Sites and Areas of significance to Māori	Schedule 4	N/A
Riparian margins	the below areas: The area within 100m from the edge of a Riparian Margin; and The area within 100m from the edge of a Wetland Area	N/A	N/A
Bat protection areas	Not specified	N/A	Bat protection area map
Notable trees	Not specified	Schedule 5	Notable Tree Group map Notable Tree
N/A	c. Drinking Water Protection Areas	N/A	Drinking Water Protection Area
N/A	k. Earthquake Fault Awareness Area;	N/A	Earthquake Fault (Infrastructure or Facilities) Awareness Areas Earthquake Fault (Subdivision) Awareness Areas Liquefaction Awareness Areas
N/A	l. High Hazard Areas;	N/A	High Hazard Assessment Area

EI-P1.2a	Sensitive Environment definition	pTDP Schedule	pTDP Overlay
N/A	m. Flood assessment Area;	N/A	Flood Assessment Area
N/A	n. Seawater Inundation Overlay;	N/A	Seawater Inundation Overlay
N/A	o. Within 250m from Major Hazard Facilities;	Schedule 2	Within 250m from Major Hazard Facilities Major Hazard Facilities
	C. High Hazard Areas identified in a Flood Certificate issued under NH-S1		
Riparian margins Possibly Significant Natural Areas.	the below areas: a. The area within 100m from the edge of a Riparian Margin; and b. The area within 100m from the edge of a Wetland Area; and	N/A Schedule 2 for SNAs in these areas	N/A Significant Natural Areas map for SNAs in these areas.