

**BEFORE THE CHRISTCHURCH REPLACEMENT
DISTRICT PLAN INDEPENDENT HEARINGS PANEL**

IN THE MATTER of the Resource Management
Act 1991 and the Canterbury
Earthquake (Christchurch
Replacement District Plan) Order
2014

AND

IN THE MATTER of the Natural Hazards (Stage 3)
hearing

**MEMORANDUM OF COUNSEL FOR THE CHRISTCHURCH CITY COUNCIL
IN RESPONSE TO PANEL MINUTE DATED 3 MARCH 2016**

7 MARCH 2016

 **Simpson Grierson**
Barristers & Solicitors

J G A Winchester / S S R Meares
Telephone: +64-3-968 4067
Facsimile: +64-3-379 5023
Email: sophie.meares@simpsongrierson.com
PO Box 874
SOLICITORS
CHRISTCHURCH 8140

MAY IT PLEASE THE PANEL:

1. This memorandum is filed on behalf of the Christchurch City Council (**Council**) in response to the Panel's minute dated 25 February 2015, but issued on 3 March 2016.
2. The Panel intends to seek supplementary information from the Council on the following matters:
 - (a) additional HFHMA mapping and provisions (**Additional HFHMA Information**);
 - (b) the effect of Council's management of waterways on FPMAs (**Waterway Management**); and
 - (c) permitted activities in rural areas affected by overlays (**Permitted Activities**).
3. The Panel directed that the Council file a memorandum today proposing how the above information will be provided and in what timeframe.

Additional HFHMA Information

4. The following technical work will be required in order to provide the Additional HFHMA Information to the Panel:
 - (a) revised modelling of the HFHMAs with different sea-level rise inputs – 4 weeks;
 - (b) smoothing of the mapping results of the revised modelling to be done by the Council GIS team – 2 weeks;¹ and
 - (c) risk analysis of smoothed mapping to be done by Graeme Smart and NIWA – 2 weeks.
5. The Additional HFHMA Information will be provided to the Panel by:
 - (a) supplementary evidence of Greg Whyte (DHI) – modelling;
 - (b) supplementary evidence of Graeme Smart (NIWA) – risk analysis;
 - (c) supplementary evidence of Ruth Evans – planning (setting out draft provisions to apply to new/replacement dwellings in residential HFHMAs); and
 - (d) memorandum of counsel explaining the Council's position on using the revised mapping as the basis for an alternative under ss32 and 32AA of the RMA.

¹ It is noted that there are likely to be several decisions issued by the Panel in the coming weeks that will require substantial mapping work from the GIS team. If this is the case and the GIS team do not have sufficient capacity to complete the revised mapping for this hearing in time, the Council may apply for an extension of time for the supplementary evidence in this hearing.

6. At paragraph 7 of the Panel's minute, the Panel states that the Council "*can express any riders it wishes to concerning its position on the information provided*". Mr Smart's technical evidence on the risks associated with the revised modelling and the memorandum of counsel explaining the legal position in relation to the revised modelling falls into this category. It is submitted that Mr Smart's evidence will be necessary to assist the Panel to understand the limitations and implications of the alternative modelling.
7. Given the substantial amount of work required, including technical modelling and mapping and long timeframes required for this, the evidence can be prepared by **2 May 2016**.
8. It is noted that the HFHMA modelling for the Waimakariri stopbank area was done by Environment Canterbury and the relevant personnel are no longer available. The Council's view is that this area is not affected by sea-level rise. Therefore given the complexities of getting this revised modelling done for this area (and the probability that the mapping will not change), the Council asks that the Panel direct that this area does not require revised modelling.

Waterway Management

9. In relation to Waterway Management, the Panel requests answers to the following two questions:
 - (a) Does the Council have a funded programme for stream maintenance for flood management purposes and is this being carried out; if not, why not?
 - (b) Have these matters been accounted for in the modelling that produced the FPMA; if so how and if not, why not?
10. Peter Christensen (an external expert seconded to the Council to assist with the Land Drainage Recovery Programme) will provide the answer to the first question. Mr Christensen's evidence will incorporate input from additional experts within and outside Council to address operational waterway management and modelling inputs, to the extent that is within his area of expertise, to address the Panel's observations raised in paragraph 17 of its minute. Graham Harrington will provide the answer to the second question on the basis that he has the closest and most relevant technical knowledge to

best answer the Panel's question on the modelling inputs. This evidence can be prepared by **21 March 2016**.

Permitted Activities

11. Graham Harrington will provide a technical assessment of the effect of the proposed rural activities on the overlays and Ruth Evans will provide planning evidence setting out draft provisions providing for the appropriate permitted activities. This evidence can be prepared by **21 March 2016**.

Summary / Timetabling directions sought

12. In summary, the Council submits that the following timetabling for the supplementary information is appropriate:

Information sought	How information will be provided	Timetable
Additional HFHMA Information	<ul style="list-style-type: none"> • supplementary evidence of Greg Whyte • supplementary evidence of Graeme Smart • supplementary evidence of Ruth Evans • memorandum of counsel 	2 May 2016
Waterway Management	<ul style="list-style-type: none"> • supplementary evidence of Peter Christensen • supplementary evidence of Graham Harrington 	21 March 2016
Permitted Activities	<ul style="list-style-type: none"> • supplementary evidence of Graham Harrington • supplementary evidence of Ruth Evans 	21 March 2016

DATED this 7th day of March 2016



J G A Winchester / S S R Meares
Counsel for the Christchurch City Council