

**BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH**

ENV-2016-CHC-71

UNDER the Resource Management Act 1991

IN THE MATTER of an application for declarations under Part 12 of the Act

BETWEEN **ENVIRONMENTAL DEFENCE SOCIETY
INCORPORATED**

Applicant

AND **MACKENZIE DISTRICT COUNCIL**

Respondent

AFFIDAVIT OF LISA JENKINS (NEE KISSELL)

9 December 2016

**WYNN WILLIAMS
LAWYERS
CHRISTCHURCH**

Solicitor: L F de Latour
(lucy.delatour@wynnwilliams.co.nz)

Canterbury Regional Council's
Solicitor
Level 5, Wynn Williams House
47 Hereford Street
P O Box 4341, DX WX11179
CHRISTCHURCH 8140
Tel 0064 3 3797622
Fax 0064 3 3792467

I, **LISA JENKINS** (nee **KISSELL**) of Christchurch, Planner, swear:

- 1 My full name is Lisa Jenkins (nee Kissell). I am a Senior Planner at Canterbury Regional Council (**CRC**) and I have worked for the CRC for ten years.
- 2 I have twelve years' experience in planning, with ten years in plan development. I hold a Bachelor of Resource Studies from Lincoln University. I am a qualified independent hearing commissioner having completed the Ministry for the Environment's Making Good Decisions Training, Assessment and Certification Programme.
- 3 I have read the Environment Court Practice Note for Expert Witnesses 2014. I confirm that this evidence complies with the Practice Note in all respects and the opinions expressed herein are within my area of expertise.

SCOPE OF EVIDENCE

- 4 My evidence provides some background to the implementation of the Canterbury Regional Policy Statement (**CRPS**) and the way in which territorial authorities work with the CRC when reviewing their plans in order to ensure that they give effect to the CRPS.
- 5 This evidence relates to the declaration sought by Environmental Defence Society Incorporated stating that:

“exemptions to Rules 12.1.1.g and 12.1.1.h do not in any event give effect to the objectives and policies in Chapter 9: Ecosystems and indigenous biodiversity and Chapter 12: Landscape Canterbury Regional Policy Statement in breach of s75(3) RMA.”

- 6 I understand that leave has been sought by EDS to amend the declaration.

BACKGROUND

- 7 The CRPS became operative on 15 January 2013.
- 8 I am a member of the Canterbury Regional Council's Regional Planning section and sit within the District Plan Liaison team. The core work of the District Plan Liaison team is to work with territorial authorities to assist in the implementation of the CRPS.

- 9 The District Plan Liaison team includes a senior staff member, based in Timaru, who is tasked with providing whatever assistance is needed, in relation to CRPS implementation, to the Timaru, Waimate, Waitaki and Mackenzie District Councils.

TERRITORIAL AUTHORITY REVIEW PROCESS

- 10 The CRPS states, at section 3.1.1:

“There will be many instances where the provisions [of the CRPS] are already being implemented by local authorities. In these situations, no further action will be necessary to give effect to the CRPS.

In specific circumstances, the methods specify timeframes for implementation. Where these are not specified, implementation is to occur as soon as reasonably practicable.”

- 11 When District Plans are reviewed, the CRC engages with the relevant territorial authority through the District Planning Liaison team. The following table shows which District Plans have been reviewed since the CRPS became operative and when reviews are scheduled for the remainder.

Territorial Authority	Plan review status
Kaikōura	Have not undertaken a Plan review. Review is due in 2018.
Hurunui	Recently completed Plan review. Plan currently under appeal.
Waimakariri	Plan is currently under review, in the initial scoping stage.
Christchurch	Plan is currently under review, decisions are being progressively released.
Selwyn	Plan is currently under review, currently at “issues and options” stage, with indicative notification date of 2018.
Ashburton	Plan was reviewed just prior to the notification of the CRPS. It is not due for further review until 2024.
Mackenzie	Operative parts of the Plan are currently under review.
Timaru	Plan is currently under review. Currently at scoping stage, indicative notification date is 2018.

Waimate	The Plan was reviewed and made operative in 2014. It is not due for another review until 2024.
Waitaki	Plan is currently under review and indicative notification date is 2018.


- 12 How the District Plan Liaison team assists territorial authorities to implement the CRPS varies. For example, throughout the Hurunui Plan Review, a planner from the CRC spent two to three days a week working from the Hurunui District Council office. That Planner assisted the district planning team in building stakeholder relationships, undertaking consultation, writing sections of reports and reviewing chapters of the Plan. The Planner's role was to ensure the proposed Hurunui District Plan gave effect to the CRPS. That officer also provided planning evidence in support of the Hurunui District Council at the plan hearing.
- 13 By contrast, CRC engaged in the Christchurch City Plan review in a more reactionary way, for example: providing feedback along with other key stakeholders; and making submissions and providing planning evidence to the hearings panel to assist the panel in determining if the plan proposals gave effect to the CRPS.
- 14 The CRC makes every attempt to work with territorial authorities in the early stages of Plan review in order to encourage the development of District Plans that give effect to the CRPS.
- 15 However, the CRC is respectful of the relationships territorial authorities have with their local communities and stakeholders. For each plan review the level of input the CRC has at the early stages is discussed with the relevant territorial authority.
- 16 The Mackenzie District Council is currently conducting a review of the operative parts of the Mackenzie District Plan. The District Planning Liaison team are in contact with the staff at Mackenzie District Council and will be available to provide advice and assistance to ensure the review results in a Plan that gives effect to the CRPS.
- 17 The Mackenzie District Council has also been progressing a number of plan changes, including Plan Change 13 (notified in 2007), and the CRC has provided planning evidence along the way to assist the hearing

panel, and Court to determine the extent to which various proposals give effect to the CRPS.



Lisa Jenkins (nee Kissell)

SWORN at Christchurch)
this 9th day of December 2016)
before me:)



A Solicitor of the High Court of New Zealand

**FIONA MAIRE KEALL HENDERSON,
SOLICITOR
CHRISTCHURCH**