

**Before the Hearings Panel
At Waimakariri District Council**

Under Schedule 1 of the Resource Management Act 1991

In the matter of the Proposed Waimakariri District Plan

Between **Various**

Submitters

And **Waimakariri District Council**

Respondent

**Council Officer's preliminary response to written questions on Special
Purpose Zone (Kaiapoi Regeneration) chapter on behalf of Waimakariri
District Council**

Date: 19 February 2024

INTRODUCTION:

- 1 My name is Shelley Milosavljevic. I am a Senior Policy Planner at the Waimakariri District Council.
- 2 The purpose of this document is to provide a preliminary response to the written questions from the Hearings Panel in response to my s42 report¹ relating to the Special Purpose Zone (Kaiapoi Regeneration) (SPZ(KR)).
- 3 No submitter evidence has been received in relation to this SPZ(KR) s42A report.
- 4 Following the conclusion of this hearing, I will prepare a reply report outlining any changes to my recommendations as a result of matters highlighted during the hearing, and a complete set of any amendments relevant to the matters covered in my s42A report.
- 5 I am authorised to provide this evidence on behalf of the District Council.

Date: 16 February 2024



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¹ https://www.waimakariri.govt.nz/_data/assets/pdf_file/0023/155390/STREAM-10-S42A-SPZ-KAIAPOI-REGENERATION.PDF

Question number	s42A report paragraph reference	Hearings Panel question
s42A Officer's preliminary response pre-hearing		
1	Para 23	<p>Does the Recovery Plan ceasing to have legal effect on 30 June 2021 mean that the wording the Introduction to the Chapter where it says the District Plan must not be inconsistent with the Recovery Plan is incorrect?</p>
<p>Yes, I agree that this part of the SPZ(KR) Introduction is incorrect. This was overlooked during the final stages of drafting the PDP, during which the Recovery Plan (WRRZRP) changed from being a document that the District Plan <i>'must not be inconsistent with'</i> to <i>'shall have regard to'</i> a few months prior to the PDP being notified. I consider it should be corrected as a minor error correction under Clause 16 of Schedule 1 of the RMA, as shown below:</p> <p>"The District Plan must not be inconsistent with <u>shall have regard to</u> the WRRZRP."</p> <p>I consider no persons would be prejudiced by this amendment as it reinforces the correct statutory tests.</p> <p>This error was also noted in the Special Purpose Zone (Pines Beach and Kairaki Regeneration) chapter and I have discussed it with the Reporting Officer for that chapter and we have the same conclusion and recommended correction.</p>		
2	Para 57	<p>Do you maintain that none of the UFD objectives and policies are relevant, given that the SPZ(KR) does in fact provide for residential, industrial and commercial activities?</p>
<p>I have reconsidered this matter by assessing the relevance of each of the UFD objectives and policies. Table 1 below outlines my view on the relevance of each of these objectives and policies to the SPZ(KR) zone.</p>		

To summarise, I consider only UFD-P1 is of some relevance to this zone, where it refers to providing for *“intensification in urban environments through provision for.....retirement villages,...”* as this zone provides for retirement villages as a restricted discretionary activity.

However, overall, while this zone does provide for some commercial and industrial activities as permitted activities, and manages residential activities as a discretionary activity, in my view, this would not contribute to feasible development capacity given the special circumstances of the zone in terms of the uncertainty surrounding its geotechnical constraints and its provision for regeneration.

Table 1: Relevance of UFD objectives and policies to SPZ(KR)

UFD Objectives and policies	Relevance to SPZ(KR)
<i>UFD-01 - Feasible development capacity for residential activities</i>	Not relevant as residential activities are a discretionary activity under SPZ(KR)-R34 and would not contribute to feasible development capacity given the uncertainty around the geotechnical constraints of the area.
<i>UFD-02 - Feasible development capacity for commercial activities and industrial activities</i>	Not relevant as while some commercial and industrial activities are provided for, this would not contribute to feasible development capacity given the uncertainty around the geotechnical constraints of the area.
<i>UFD-P1 - Density of residential development</i>	The part of this policy that refers to <i>“provide for intensification in urban environments through provision for.....retirement villages,...”</i> is of some relevance as this zone provides for retirement villages as a restricted discretionary activity (which is similar to other residential zones). The other matters in this policy relating to intensification of residential development and the location of Medium Density Residential Zones are not relevant to this zone.

UFD-P2 - <i>Identification/location of new Residential Development Areas</i>	Not relevant as the SPZ(KR) is not located within a Residential Development Area.	
UFD-P3 - <i>Identification/location and extension of Large Lot Residential Zone areas</i>	Not relevant as the SPZ(KR) is not a Large Lot Residential Zone area.	
UFD-P4 - <i>Identification/location and extension of Town Centre Zones</i>	Not relevant as the SPZ(KR) is not a Town Centre Zone.	
UFD-P5 - <i>Identification/location and extension of Industrial Zones</i>	Not relevant as the SPZ(KR) is not an Industrial Zone.	
UFD-P6 - <i>Mechanism to release Residential Development Areas</i>	Not relevant as the SPZ(KR) is not located within a Residential Development Area.	
UFD-P7 - <i>Mechanism to provide additional Commercial and Mixed Use Zones</i>	Not relevant as the SPZ(KR) is not a Commercial and Mixed Use Zone.	
UFD-P8 - <i>Mechanism to provide additional Industrial Zones</i>	Not relevant as the SPZ(KR) is not an Industrial Zone.	
UFD-P9 - <i>Unique purpose and character of the Special Purpose Zone (Kainga Nohoanga)</i>	Not relevant to SPZ(KR) as specific to Special Purpose Zone (Kainga Nohoanga).	
UFD-P10 - <i>Managing reverse sensitivity effects from new development</i>	Not relevant to SPZ(KR) as this policy relates to Residential Zones and new development areas.	
3	Para 63	Please clarify the statement in para 63 that “the strategic objectives do have some level of primacy” with the statement in para 61 that “the SD objectives

		<i>do not provide much direction specific to the SPZ(KR) and therefore would not be of particular relevance...”</i>
<p>My statement in paragraph 63 was in relation to the statement in the chapter introduction that says its provisions are consistent with the SD objectives. I consider that SD-O1, SD-O2, and SD-O6 are of some minor, indirect relevance to the SPZ(KR) so there is some consistency between them and SPZ(KR). This therefore aligns with SD primacy approaches (b)(i) and (b)(ii) thus shows the SD objectives <i>have some level of primacy</i>.</p> <p>My statement in paragraph 61 was in relation to if the SD objectives had no primacy under primacy approach (a). It related to how the SD objectives do not provide for regeneration, which is a key purpose of this zone, and are of only minor, indirect relevance. If the SD objectives had no primacy, and given that the most directive provisions apply, I consider the SD objectives would <i>not be of particular relevance</i> relative to the more directive provisions of the SPZ(KR) chapter, and any other relevant chapters.</p>		
4	Para 77	In preparing this assessment, did you consider the wording in the Introduction of the Chapter which states: “<i>the provisions in this chapter are consistent with the matters in Part 2 – District Wide Matters – Strategic Directions and give effect to matters in Part 2 – District Wide Matters – Urban Form and Development</i>”?
<p>I did consider this wording when assessing the chapter as a whole, however paragraph 77 relates to SD primacy approaches (b)(iii) and (b)(iv) (full primacy), and I consider this statement above relates to SD primacy approaches (b)(i) and (b)(ii) (partial primacy), which is the notified PDP’s SD objectives approach.</p>		
5	Paras 103 & 105	<p>Whilst impacts on property values are not a relevant effect under the RMA would you agree that amenity effects as described by the submitter are nevertheless relevant.</p> <p>Will the Transport Chapter really provide any protection for the amenity of neighbours through requiring any on-site carparks to meet design standards, when the concern expressed by the submitter relates to “<i>increased traffic</i>”</p>

		<i>movements thereby creating noise, vibration, and parking issues on a road unsuitable for such traffic”?</i>
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Yes, I agree that the amenity effects described by the submitter are a relevant effect under the RMA.

The Transport chapter manages consequential transport network effects, such as high traffic generating activities; with the threshold for this zone being 250 vehicle movements per day and 50 heavy vehicle movements per day. Policy 8 of the NPS-UD precludes minimum car parking requirements in District Plans. All roads within this zone are classed as ‘Local Roads’ in the roading hierarchy, and were originally constructed to service the houses located within the residential zone in this area prior to the earthquakes.

The zone’s provisions limit the scale of activities and control bulk and location which can help manage effects on amenity. Activities not meeting these requirements would need to apply for a resource consent and these effects and any mitigations proposed would then be assessed. While the current use of this zone is more of an open space character, it is a Residential Zone, with a small portion of Rural Zone, in the Operative District Plan. The Recovery Plan involved extensive public consultation and identified ‘rural use’ for this area which typically includes a wide range of activities, many of which can generate traffic movements.

The zone’s purpose is to provide flexibility for a range of activities, like that of a mixed use zone, in order to enable the area to be reused to provide opportunities to support Kaiapoi more widely than just open space.

6	Para 108	Would you agree that SPZ(KR) R27 applies only to industrial activities, and commercial activities are not similarly constrained? Is this significant in terms of the submitters’ concerns about the change in character of the area to non-residential land uses?
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Yes, I agree that SPZ(KR)-R27 only applies to industrial activities, and that commercial activities are not similarly constrained by an ancillary activity requirement.

My statement in paragraph 108 could have been clarified better with the map in **Figure 1** below which shows that the area described by the submitters as *“a commercial / industrial area in Kaikanui St, Stone*

St, and Courtenay Drive between the railway and Williams St” is all part of the General Industrial Zone (shown in purple). It is therefore of an industrial nature (not commercial), which explains my reference to SPZ(KR)-R27 (industrial activities) only.



Figure 1: Map showing industrial area described by submitters [405.1 & 406.1] - General Industrial Zone shown in purple

To clarify this, paragraph 108 could be amended as shown below to remove reference to commercial areas as while that is what the submitters refer to, it is the General Industrial Zone that they describe:

“In terms of proximity to the existing ~~commercial and~~ industrial areas (the submitter’s described the nearby General Industrial Zone shown in Figure 1), I reiterate that SPZ(KR)-R27 is limited to industrial activity’s ancillary to a recreation activity, which is different to the more general industrial nature of activities within ~~from~~ the nearby General Industrial Zone that the submitters are referring to.”

Commercial activities are managed in this zone by limiting scale, along with built form standards for bulk and location to help manage interface issues.

7	Para 117	The Recovery Plan dates back to 2016. Has there been subsequent growth in Kaiapoi that might now justify additional open space being provided?
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Greenfield developments are required to provide open space within their development area as per Council’s open space level of service requirements. Growth via infill intensification in Kaiapoi is low and dispersed. A substantial area of open space was provided via the Recovery Plan. Therefore, additional open space is not needed. **Figure 2** below shows the extent of the Open Space and Recreation Zones within Kaiapoi. I can provide a more detailed analysis of Kaiapoi’s open space provision and population if it would assist the Panel.

Open Space Zones

-  Natural Open Space Zone (NOSZ)
-  Open Space Zone (OSZ)
-  Sport and Active Recreation Zone (SARZ)

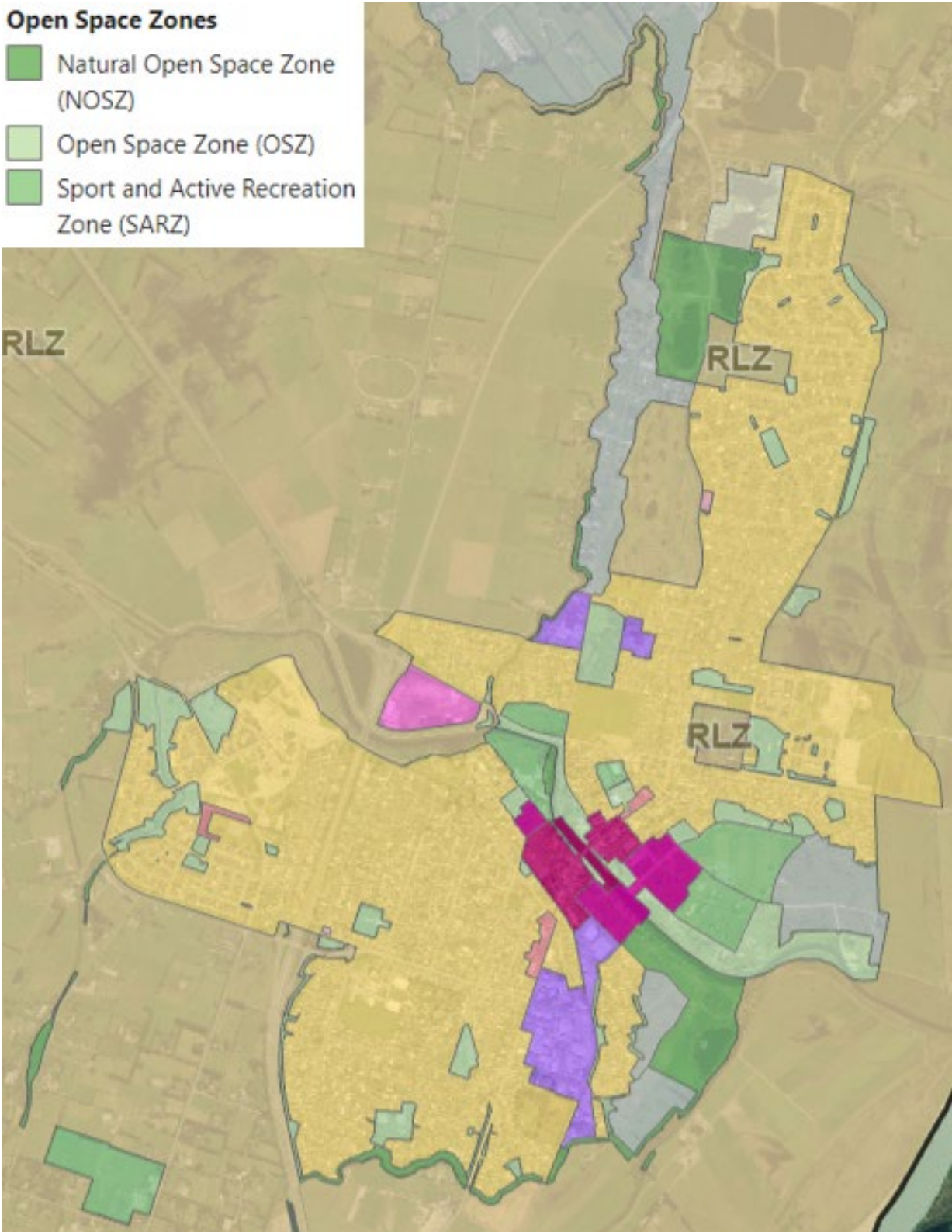


Figure 2: Zoning map of Kaiapoi showing extent of Open Space and Recreation Zones

8	Para 131	<p>You have agreed with the submission requesting a 20m building setback from the NOSZ, as you consider a 6m setback would not provide a sufficient buffer particularly if the vegetation had been removed.</p> <p>How realistic is it that the established vegetation shown in your Figure 5 photograph (which is presumably in a NOSZ zone controlled by Council and which provides excellent amenity) will ever be removed?</p>
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The vegetation shown in Figure 5 of my s42A report is partly located within the Natural Open Space Zone and partly within the Rural Lifestyle Zone. The buffer of Natural Open Space Zone parallel to the Courtney Stream is Council-owned and contains vegetation, primarily willow trees. The Courtney Stream and its margins are Crown-owned and managed by Environment Canterbury, and are located within the Rural Lifestyle Zone.

In terms of the likelihood of this vegetation being removed, I discussed this with Council’s District Regeneration Implementation Project Manager and Greenspace Community Assets Officer. They confirmed that is unlikely this vegetation would ever be removed given both its amenity function and flood management function. However, they noted it is possible Environment Canterbury could remove some vegetation where it is hazardous, or potentially a pest willow species. There are no rules in the PDP that preclude the removal of non-indigenous vegetation.

When considering this question, I also did a further assessment in the form of benchmark test of what other zones in the PDP require for internal boundary setbacks from Natural Open Space Zones. This showed that no other zones require setbacks specifically from Natural Open Space Zones, however a number do for Open Space and Recreation Zones, which is the term that includes Natural Open Space Zones, Open Space Zones and Sport and Active Recreation Zones. These setbacks for buildings ranged from 3m to 20m, as shown below:

1. **3m** internal boundary setback from Open Space and Recreation Zones for buildings within:
 - a. Neighbourhood Centre Zone (NCZ-BFS3)

- b. Local Centre Zone (LCZ-BFS3)
 - c. Mixed Use Zone (MUZ-BFS3)
 - d. Town Centre Zone (TCZ-BFS4)
2. **5m** internal boundary setback from Open Space and Recreation Zones for buildings within:
- a. Special Purpose Zone (Pines Beach and Kairaki Regeneration) (SPZ(PBKR)-BFS4)
3. **10m** internal boundary setback from Open Space and Recreation Zones for buildings within:
- a. Large Format Retail Zone (LFRZ-BFS3)
 - b. Light Industrial Zone (LIZ-BFS3)
 - c. General Industrial Zone (GIZ-BFS3)
 - d. Heavy Industrial Zone (HIZ-BFS3)
 - e. Special Purpose Zone (Museum and Conference Centre) (SPZ(MCC)-BFS3)
4. **20m** (except for standalone buildings with toilets or changing rooms which are 10m) internal boundary setback from Open Space and Recreation Zones for buildings within:
- a. Sports and Active Recreation Zone (SARZ-BFS4)

Given the above, I consider an internal boundary setback of 10m from the Natural Open Space Zone is more appropriate. While 20m is required in the Sport and Active Recreation Zone, I consider this is in relation to a stadium or sports arena that could involve large numbers of people and therefore have potential for effects such as noise.

I therefore recommend that SPZ(KR)-BFS3(1)(b) is amended to require a 10m internal boundary setback for buildings adjoining a Natural Open Space Zone. I consider it is appropriate to amend this setback from

the notified version of 6m given the amenity values of the area, and in the context of the above internal boundary setbacks required in other zones. I will provide an updated version of recommended chapter amendments and response to submissions that reflects this reassessment in my Reply Report.

9	Para 134	Should the wording be for any building adjoining a NOSZ or rather any site adjoining a NOSZ?
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Yes, I agree that 'site' is more appropriate than 'building' in the context of this standard. I therefore recommend the following updated amendment to SPZ(KR)-BFS3, noting the updated recommended setback of 10m (not 20m) discussed above:

1b. "10m for any site adjoining a Natural Open Space Zone; and"