

**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**

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**Council Officer's Preliminary Response to written questions on Special  
Purpose Zone Pines Beach and Kairaki Regeneration on behalf of Waimakariri  
District Council**

**Date: 16 February 2024**

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## **INTRODUCTION:**

- 1 My full name is Bryony Annette Steven. I am employed as a Policy Planner for Waimakariri District Council.
- 2 The purpose of this document is to respond to the list of questions from the Hearings Panel in response to my s42 report.
- 3 In preparing these responses, I note that I have not had the benefit of hearing evidence presented to the Panel at the hearing. For this reason, my response to the questions may alter through the course of the hearing and after consideration of any additional matters raised.
- 4 I also note that given the timing of these questions, my preliminary responses in some instances have not been informed by consideration of evidence or legal submissions lodged with the Council following the issuing of my s42A report. Where I have considered such evidence, I have recorded this within the preliminary answers below.
- 5 Following the conclusion of this hearing, a final right of reply document will be prepared outlining any changes to my recommendations as a result of evidence presented at the hearing, and a complete set of any additions or amendments relevant to the matters covered in my s42A report.
- 6 The format of these responses in the table below follows the format of the questions from the Panel.
- 7 I am authorised to provide this evidence on behalf of the District Council.

**Date:** 16/02/2024

B. Fleven

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Paragraph or Plan reference	Question
Para 27	<p><b>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?</b></p>
<p>Yes, this wording is incorrect, and the Introduction should read ‘have regard to’ rather than ‘not be inconsistent with’. I consider this is a minor error that can be corrected under Clause 16 of Schedule 1 of the RMA. I consider no persons would be prejudiced by this change as it reinforces the correct statutory tests. The sentence should read as follows:</p> <p>“The District Plan <del>must not be inconsistent with</del> <u>shall have regard to</u> the WRRZRP.”</p> <p>I note that this error was also noted in the Kaiapoi Regeneration chapter Introduction, and I have discussed it with the Reporting Officer for that chapter and we have the same conclusion and recommended correction.</p>	
Para 63	<p><b>How relevant are points a to d to Pines Beach and Kairaki?</b></p>
<p>As areas that are part of the Recovery Plan, clauses a) to d) are relevant to both The Pines Beach and Kairaki to varying degrees.</p> <p>Both these areas have been extensively re-developed including the replacement of The Pines Beach Community Hall and the re-development of the Pines Oval, car parking and public toilet facilities at Kairaki Beach, the re-development of The Pines Beach entrance, and extensive improvements to infrastructure including along Featherson Avenue. The majority of the regeneration land in Kairaki and some of the land in The Pines Beach was divested to Te Kōhaka o Tūhaitara Trust and is managed as part of the Tūhaitara Coastal Park. The remaining regeneration land is owned by the Council. These areas are discrete areas and require specific management which is provided through the chapter provisions.</p>	
Para 65	<p><b>If the Panel determines that the SD objectives should have full primacy, and if we accept there is no scope to include a</b></p>

Paragraph or Plan reference	Question
	<p><b>new SD for regeneration, will this cause any issues for the SPZ Chapter?</b></p>
	<p>Under a full primacy approach, I consider that Strategic Directions O1, O2, and O6 generally reflect the SPZ(PBKR) chapter objectives. However, the SDs do not specifically recognise regeneration which is the primary purpose of the chapter and underpins each objective, nor do the SDs provide for pre-earthquake residential activities to continue on privately owned sites. As a result, I consider that an SD for regeneration would be appropriate.</p> <p>Without a specific SD for regeneration, I consider that there is the potential for the relevant SDs to prevail in matters applicable to the zone, potentially overriding the need for regeneration. However, I consider it is unlikely that there would be issues for the chapter or adverse effects on the zone as these are small, discrete areas with limited permitted activities and are already generally provided for by the SDs.</p>
<p><b>Para 67</b></p>	<p><b>In preparing this assessment, did you consider the wording in the Introduction of the Chapter which states:</b></p> <p><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>
	<p>I considered the entirety of the chapter when undertaking the assessment and it is my understanding that the chapter is generally consistent with the SDs. However, the SDs are not a full and complete coverage of the matters in the chapter, and this is why I consider a SD for regeneration would be appropriate under a full primacy approach. However, noting my answer to the previous question, I do not necessarily consider that the SDs need to represent a full and complete coverage of this chapter as whilst there is some potential for adverse effects, I consider this is unlikely.</p>
<p><b>Para 84</b></p>	<p><b>Please explain the relationship between SPZ(PBKR)-O2 and the Natural Hazards Chapter, and why natural hazards are</b></p>

Paragraph or Plan reference	Question
	<p><b>addressed in the SPZ(PBKR) Chapter in addition to the NH chapter.</b></p>
	<p>Including SPZ(PBKR)-O2 in this zone provides a clearer 'line of sight' from this zone to the Waimakariri Residential Red Zone Recovery Plan which provides the basis for the activities in the area. SPZ(PBKR)-O2 was also necessary to provide the objective and policy framework to enable relocatable buildings in SPZ(PBKR)-R17 as this was a key land use identified in the Recovery Plan. The requirement for relocatable buildings is specific to this zone and is not a requirement under the Natural Hazards chapter. As well as SPZ(PBKR)-O2, the Natural Hazards provisions also apply to activities in the zone where relevant.</p> <p>I have spoken to the author of the SPZ(PBKR) chapter, Mr Andrew Willis, and he has confirmed that the objective is located within the SPZ(PBKR) chapter due to its fundamental influence on the provisions of the zone and to ensure that the objective is not separated from this role through location within the Natural Hazards chapter. The author also wanted to both limit the specific relocatable building requirements to this area and 'ringfence' these requirements in the specific zone to avoid them being subjected to general natural hazard submissions that were not relevant to The Pines Beach and Kairaki regeneration areas. This is a unique situation that warranted a targeted response.</p> <p>The National Planning Standards Mandatory Direction 7 clause 10 directs natural hazard provisions to be located in the Natural Hazards chapter, however for the reasons described above, I consider the objectives location in the SPZ(PBKR) chapter is appropriate.</p>
<p><b>Para 93</b></p>	<p><b>Please set out the evidence / basis for the proposed hours of operation.</b></p>
	<p>When I was assessing the relevant submissions, I looked at other zone chapters and in particular the SPZ(KR) chapter to see how similar activities were managed and to better understand the use of hours of operation. My intention in the proposed hours of operations was to generally align with provisions in other chapters in the Plan for consistency and efficiency.</p>
<p><b>Para 97</b></p>	<p><b>Please explain the difference between visitors and clients in respect to these activities.</b></p>

Paragraph or Plan reference	Question
	<p>In respect to these activities, 'visitors' and 'clients' differentiates between the potential different users of a commercial, retail or entertainment activity and their relationship to the activity. A visitor may or may not participate in the goods or services provided by the activity whereas a client has a transactional or business relationship to the goods or services. The use of these terms is common to hours of operation in provisions elsewhere in the Plan and their use is encompassing of different types of users in relation to the activity.</p>
<p><b>Para 133 - 135</b></p>	<p><b>It is not totally clear to the Panel why those 2 properties were not treated the same as the other residential properties, was this an omission?</b></p>
	<ul style="list-style-type: none"> <li>• 2 and 3 Chichester Street are the only remaining residential properties in The Pines Beach, all other remaining residential properties in this area are located at Kairaki.</li> <li>• In the Operative Plan, The Pines Beach and Kairaki are zoned Residential 3 which applies to the beach settlements and small rural towns. This zoning was rolled over into the Proposed Plan becoming the Settlement Zone. The parts of The Pines Beach and Kairaki not zoned Special Purpose are instead zoned Settlement.</li> <li>• As I understand, early on in the drafting of the Plan these two properties were identified within the Natural Open Space Zone. In this zone, all other remaining residential properties are located in Kaiapoi and are alternatively zoned General Residential Zone with NOSZ-R1 providing a pathway for residential activities to occur on these sites.</li> <li>• In Appendix 1 in the Proposed Plan, the alternative zone for 2 and 3 Chichester Street is Settlement zone and therefore the rule pathway that is proved by NOSZ-R1 does not apply as it references the General Residential zone and not the Settlement zone.</li> <li>• The submission by the Council sought to amend this issue by changing the alternative zone for 2 and 3 Chichester Street from Settlement to General Residential.</li> <li>• It is my understanding that the alternative zoning for these properties should be Settlement Zone as was notified because the Operative Plan zoning is Residential 3 and all other residential properties within The Pines Beach are zoned Settlement in the Proposed Plan. This means the Council submission to amend the alternative zoning to General Residential zone is the incorrect solution to the issue.</li> </ul>

Paragraph or Plan reference	Question
	<ul style="list-style-type: none"><li data-bbox="156 304 1374 546">• To resolve the issue, I consider that NOSZ-R1 would need to be amended to include reference to the Settlement Zone and relevant provisions to provide the rule pathway for residential activities. The planning maps also need amending to show 2 Chichester Street as NOSZ rather than SPZ(PBKR). However, I do not consider the submission by the Council provides scope to make this amendment.</li><li data-bbox="156 573 1362 763">• Whilst recognising that the recommendation I made in the S42A report does not ultimately resolve the issue, I consider that it is currently the only option available within the scope of the submission, to achieve the rule pathway for residential activities for the two affected properties, unless the Panel determines that there is scope for the changes that I have set out above.</li></ul>