District Planning and Regulation Committee

Agenda

Tuesday 20 August 2019

1.00pm

Waimakariri District Council Chambers
215 High Street
Rangiora

Members:
Cr Dan Gordon (Chairperson)
Cr Neville Atkinson
Cr Wendy Doody
Cr John Meyer
Cr Sandra Stewart
Mayor David Ayers (ex officio)
The Chairperson and Members  
DISTRICT PLANNING AND REGULATION COMMITTEE  

A Meeting of the DISTRICT PLANNING AND REGULATION COMMITTEE will be held in the COUNCIL CHAMBERS, 215 HIGH STREET, RANGIORA on TUESDAY 20 AUGUST 2019 to commence at 1.00pm.  

Adrienne Smith  
Governance Coordinator  

Recommendations in reports are not to be construed as Council policy until adopted by the Council  

BUSINESS  

1 APOLOUGIES  

2 CONFLICTS OF INTEREST  

Conflicts of interest (if any) to be reported for minuting.  

3 CONFIRMATION OF MINUTES  

3.1 Minutes of a meeting of the District Planning and Regulation Committee held on Tuesday 18 June 2019  

RECOMMENDATION 7-10  

THAT the District Planning and Regulation Committee:  

(a) Confirms, as a true and correct record, the minutes of a meeting of the District Planning and regulation Committee held on Tuesday 18 June 2019.  

4 MATTERS ARISING  

5 DEPUTATIONS
6 REPORT

6.1 District Plan Review – Commissioners/ Hearing Panel – Trevor Ellis (Development Planning Manager)

RECOMMENDATION 11-15

THAT the District Planning and Regulation Committee:

(a) Receives report No. 190731106968.
(b) Agrees that an independent chair for the District Plan Review Hearing Panel be appointed through an expression of interest process.
(c) Delegates to the Mayor and Chief Executive to approve the appointment of the independent chair.
(d) Confirms which elected members are to be appointed to the hearings panel is a matter for consideration by the new Council in early 2020.
(e) Notes the anticipated time commitments of the hearings panel outlined in paragraph 4.9 of the report.
(f) Notes the intended early functions of the appointed independent chair for the District Plan Review Hearing Panel outlined in paragraph 4.6 of the report.

6.2 Feedback on ‘What’s the Plan?’ District Plan – Daniel Cox (Policy Analyst) and Kate Pierson (Communications Consultant)

RECOMMENDATION 16-86

THAT the District Planning and Regulation Committee

(a) Receives report No 190726104863.
(b) Receives the District Plan Review What’s The Plan? Summary of Responses 2019 report (Attachment i).
(c) Notes that staff will use feedback received to inform the review of the District Plan and engage with submitters and stakeholders identified during the consultation.
6.3 The Heritage, Biodiversity and Ecological Fund – Gina Maxwell (Policy Technician)

RECOMMENDATION 87-91

THAT the District Planning and regulation Committee:

(a) Receives this report No 190806109349.

(b) Notes that 18 applications were received totalling approximately $114,000.

(c) Appoints Councillor………….…, Councillor………….… and Councillor………….… to the Heritage, Biodiversity and Ecological Fund Sub-Committee.

(d) Notes the meeting to decide disbursement of funds would occur Tuesday 10 September 2019 at 9am.

6.4 Annual Report: Dog Control 2018/2019 – Nick Harrison (Manager Regulation)

RECOMMENDATION 92-97

THAT the District Planning and Regulation Committee:

(a) Receives report No. 190730105964.

THAT the Council:

(b) Approves the attached 2018/2019 Annual Report on Dog Control to the Department of Internal Affairs.

(c) Circulates a copy of this report to the Community Boards.

6.5 Review of Signage Bylaw 2012 – Mike O’Connell (Senior Policy Analyst) and Geoff Meadows (Policy Manager)

RECOMMENDATION 98-121

THAT the District Planning and regulation Committee:

(a) Receives report No 190726105104.

(b) Initiates the Special Consultative Procedure for this Bylaw in terms of the Local Government Act 2002 (LGA 2002) section 159 to be undertaken 30 August to 30 September 2019.
6.6 **Review of Parking Bylaw 2007 – Mike O’Connell (Senior Policy Analyst) and Geoff Meadows (Policy Manager)**

**RECOMMENDATION**

THAT the District Planning and regulation Committee:

(a) **Receives** report No 190725104179.

(b) **Initiates** the Special Consultative Procedure for this Bylaw in terms of the *Local Government Act 2002* (LGA 2002) section 159 to be undertaken 30 August to 30 September 2019.

6.7 **Proposed Property Maintenance and Nuisance Control Bylaw – Garry Blay (Consultant Planner)**

**RECOMMENDATION**

THAT the District Planning and regulation Committee:

(a) **Receives** report No 190807110080.

(b) **Initiates** the Special Consultative Procedure in terms of the *Local Government Act 2002* (LGA 2002) sections 159 and 83A.

(c) **Approves** the attached Statement of Proposal (Trim 190807110088) and draft Property Maintenance and Nuisance Control Bylaw 2019 (Trim 190807110071) for notification and consultation.

(d) **Delegates** the consideration of submissions to the Hearing Panel comprised of: Councillor ................., Councillor ................. and Councillor ................. for the hearing and deliberations meeting to be held in December 2019.

7 **MATTERS REFERRED FROM THE KAIAPOI-TUAHIWI COMMUNITY BOARD MEETING OF 19 AUGUST**

7.1 **Request for carpark removal and loading zone installation on Charles Street, Kaiapoi – Joanne McBride (Roading and Transport Manager) and Glenn Kempton (Engineering Technician)**

This matter will be heard at the Kaiapoi-Tuahiwi Community Board meeting 19 August 2019. An update will be provided at the meeting.

8 **PORTFOLIO UPDATES**

8.1 **District Planning Development – Councillor Neville Atkinson**

8.2 **Regulation and Civil Defence – Councillor John Meyer**

8.3 **Business, Promotion and Town Centres – Councillor Dan Gordon**
9 QUESTIONS

10 URGENT GENERAL BUSINESS

NEXT MEETING

The next meeting of the District Planning and Regulation Committee is scheduled for 1pm, Tuesday 24 September 2019.
WAIMAKARIRI DISTRICT COUNCIL

MINUTES OF THE DISTRICT PLANNING AND REGULATION COMMITTEE MEETING HELD IN THE COUNCIL CHAMBERS, 215 HIGH STREET, RANGIORA ON TUESDAY 18 JUNE 2019 AT 1.00PM.

PRESENT
Councillor D Gordon (Chair), Councillors N Atkinson, W Doody, J Meyer, S Stewart and Mayor Ayers (ex officio).

IN ATTENDANCE
Councillors K Barnett, K Felstead and P Williams
J Palmer (Chief Executive), M Bacon (Planning Manager), T Ellis (Development Planning Manager), K Pierson (Communications Consultant), W Taylor (Building Unit Manager), S Markham (Strategy and Engagement Manager), A Benbrook (Development Planning Administrator), L Beckingsale (Policy Analyst), C Goldsmith (Senior Animal Management Officer), M O'Connell (Senior Policy Analyst), and E Stubbs (Governance Support Officer).

D Gordon advised M Bacon would be present for the meeting in the absence of N Harrison (Planning and Regulation Manager).

1. APOLOGIES
There were no apologies.

2. CONFLICTS OF INTEREST
There were no conflicts of interest.

3. CONFIRMATION OF MINUTES

3.1 Minutes of a meeting of the District Planning and Regulation Committee held on 19 February 2019

Moved Councillor Meyer seconded Mayor Ayers

THAT the District Planning and Regulation Committee:

(a) Confirms as a true and correct record the minutes of a meeting of the District Planning and Regulation Committee held on 19 February 2019.

CARRIED

4. MATTERS ARISING FROM THE MINUTES
There were no matters arising.

5. DEPUTATION
There were no deputations.
6. REPORTS

6.1 Review: Policy on Dogs and Dog Control Bylaw – Lynley Beckingsale (Policy Analyst) and Nick Harrison (Manager Planning and Regulation)

L Beckingsale and C Goldsmith presented the report. L Beckingsale noted the report was to seek agreement to consult on the Dog Control Bylaw and Policy, and for delegation to the hearing panel.

L Beckingsale noted the key changes including,

- All dogs to be on leads in town centres,
- Dogs to be under effective voice control or on a lead around horses – to align with Pegasus Bay Bylaw, and
- Fees for microchipping for impounded dogs.

L Beckingsale advised that since the briefing the previous week she had spoken to representatives of the two farmers markets. Feedback had been that they were supportive of the Dog Control Bylaw and that it performed sufficiently. They would like education around dogs allowed at Farmers Market. L Beckingsale advised that the feedback would be included as a submission as part of the consultation process.

L Beckingsale noted the hearings were set down for 15 August 2019 and they anticipated the deliberations could be held the same day.

Questions

Councillor Atkinson asked about the wording regarding dogs that are not able to be kept under effective voice control around horses. C Goldsmith advised that the inclusion aligned with the Pegasus Bay Bylaw.

Councillor Atkinson asked how it could be proved a dog was under effective voice control. C Goldsmith commented there were reserves around the district where dogs could run off lead in a controlled manner. The other option was to tether the dog.

Councillor Stewart referred to dogs being prohibited in all cemeteries except Kaiapoi Anglican Cemetery Reserve. She acknowledged members of the public may wish to take a dog to a gravesite and asked the reason for prohibition and the reason why Kaiapoi Anglican was not included in that. C Goldsmith replied that dogs were prohibited due to the issue of fouling in a sacred area. The Kaiapoi Anglican Cemetery Reserve was an exception as the majority was a reserve rather than a cemetery.

Councillor Doody asked if whistle control could be included and C Goldsmith acknowledged there were different ways to control dogs.

Moved Councillor Atkinson seconded Councillor Gordon

THAT the District Planning and Regulation Committee

(a) **Receives** report No. 190530076703.

(b) **Initiates** the Special Consultative Procedure in terms of the *Local Government Act 2002* (LGA 2002) sections 159 and 83A and the *Dog Control Act 1996* section 10AA.

(c) **Approves** the attached Statement of Proposal, draft Dog Control Policy 2019 and draft Dog Control Bylaw 2019 for notification and consultation.
(d) Delegates the consideration of submissions to the Hearing Panel comprised of: Councillor Meyer (Regulatory Portfolio holder), Councillor Stewart and Councillor Doody for the hearing and deliberations meeting to be held on Thursday 15 August 2019.

CARRIED

Councillor Atkinson commented that the consultation had to be undertaken. He was concerned with the wording around ‘effective voice control’ and how that would be assessed by officers. He suggested that wording be improved through the process.

6.2 Review of the Gambling Venue and Board Venue Policies – Lynley Beckingsale (Policy Analyst) and Nick Harrison (Manager Planning and Regulation)

L Beckingsale spoke to the report. It was proposed that no changes be made to the Policies and they were reviewed on papers only. It was suggested that the next review include a full social impact assessment. The assessment could be undertaken next year in order that it was carried out and completed in time for a review in 2021.

Questions

Councillor Doody asked if Social Services Waimakariri could be consulted through the social impact assessment. L Beckingsale advised they would be, it was a very broad assessment that included consultation with key stakeholders.

Moved Councillor Atkinson seconded Mayor Ayers

THAT the District Planning and Regulation Committee

(a) Receives report No 190606080102

(b) Retains the Gambling Venue Policy unchanged (Trim 190606079820)

(c) Retains the Board Venue Policy unchanged (Trim 190606079821).

CARRIED

Councillor Atkinson believed the policy was working well with sufficient numbers. He welcomed a review in the next triennium.

6.3 Review of Parking Bylaw 2007 – Geoff Meadows (Policy Manager)

It was advised this report was withdrawn. A report would come to the Committee in August or September 2019.


7. PORTFOLIO UPDATES

7.1 District Planning Development - Councillor Neville Atkinson

Councillor Atkinson noted the recent briefings.

7.2 Regulation and Civil Defence – Councillor John Meyer

Councillor Meyer noted the Regulation reports to the Committee.
Councillor Meyer noted the invitation to Councillors from B Wiremu (Emergency Management Advisor) to attend the Civil Defence exercise in Oxford on 27 July 2019.

Councillor Gordon noted the Civil Defence planning exercise at Glentui.

7.3 **Business, Promotion and Town Centres** – Councillor Dan Gordon

Councillor Gordon advised he had attended the recent AGMs for the Kaiapoi (KPA), Oxford (OPAC) and Rangiora (RPA) Promotion Associations. KPA had had an encouraging turnaround from a $28,000 deficit to $25,000 surplus. They were running good events including the Carnival. A new Chair, Martin Pinkham had been elected. The current chairs for OPAC and RPA had been re-elected. Both those associations were also performing well. There was an upcoming joint promotions association chair and coordinators meeting the following week.

Councillor Gordon advised he had met with NZRT12 and was impressed with the group. The district was lucky to have that organisation.

The upcoming Big Splash and Oxford Festival of Lights events were noted.

There was general agreement to the suggestion from S Markham that there be a deputation from the Promotions Associations at the Audit and Risk Committee Meeting.

8. **QUESTIONS**

There were no questions.

9. **URGENT GENERAL BUSINESS**

There was no urgent general business.

THERE BEING NO FURTHER BUSINESS, THE MEETING WAS CLOSED AT 1.21PM.

CONFIRMED

________________________
Chairperson

________________________
Date

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**Briefing**

At the conclusion of the meeting,

(a) Trevor Ellis and Kate Pierson discussed Natural Hazards relating to the District Plan Review.

(b) James Thompson (Regional Civil Defence Office) spoke on Alpine Fault Magnitude 8 Science Assessment.

(c) Alex Sutherland, from Lines of Sight Ltd, Tauranga, spoke on the results of regulatory department customer surveys recently completed
WAIMAKARIRI DISTRICT COUNCIL

REPORT FOR DECISION

FILE NO and TRIM NO: DDS-06-05-06-05 / 190731106968

REPORT TO: District Planning and Regulation Committee

DATE OF MEETING: 20 August 2019

FROM: Trevor Ellis, Development Planning Manager

SUBJECT: District Plan Review – Commissioners / Hearings Panel

SIGNED BY: [Signature]

1. SUMMARY

1.1 The purpose of this report is twofold - to provide the Committee an outline of the statutory process for the reviewed District Plan once publicly notified; and, to agree the appointment of a Hearings Panel Chair to assist with the establishment of the panel for hearing submissions and making subsequent recommendations to Council regarding decisions on the District Plan under the Resource Management Act 1991 (RMA).

2. RECOMMENDATION

THAT the Committee:

(a) Receives report No. 190731106968.

(b) Agrees that an independent chair for the District Plan Review Hearing Panel be appointed through an expression of interest process.

(c) Delegates to the Mayor and Chief Executive to approve the appointment of the independent chair.

(d) Confirms which elected members are to be appointed to the hearings panel is a matter for consideration by the new Council in early 2020.

(e) Notes the anticipated time commitments of the hearings panel outlined in paragraph 4.9 below.

(f) Notes the intended early functions of the appointed independent chair for the District Plan Review Hearing Panel outlined in paragraph 4.6 below.

3. BACKGROUND

3.1. Schedule 1 of the RMA sets out the process and legal requirements for public notification of a proposed plan i.e. the reviewed District Plan. Council has previously considered the plan development process options available under the RMA (181204142198) and resolved to proceed using the ‘standard’ plan making process under Part 1 of Schedule 1 of the RMA.

3.2. At that time, Council also resolved to authorise the formal public notification of the intention to review the District Plan under Part 1 of Schedule 1. The first opportunity of which will be
the early intention to make a call for designations by requiring authorities in the last quarter of this year.

3.3. In summary, after the submissions period has closed under the 'standard' process, a summary of decisions requested by submissions is then prepared and publicly notified for further submissions. Once all submissions and further submissions have been received, the proposed changes to the Plan, and any subsequent variations, proceed to the next phase in the process which is the holding of a hearing(s) by Council.

3.4. Hearings are open to those persons who made a submission or further submission and wish to be heard. A local authority, under the RMA, can delegate to a hearing panel(s) its responsibilities to hear and make decisions on the notified plan.

3.5. Once the hearings have been completed, the Council must make any changes to the notified Plan in response to submissions. The Council must give its decision no later than 2 years after notifying the Plan and must publicly notify the decision in the same time.

3.6. The Council must then notify the decisions made on the proposed Plan. The appeals process to the Environment Court may then occur, subject RMA criteria. The Plan is made operative following decisions on any appeals.

4. ISSUES AND OPTIONS

4.1. For the making of recommendations on submissions and hearing submitters, a hearing panel will be required. Under the RMA, Council can delegate (s34A) to an accredited hearings panel the Council’s functions, powers and duties for the purpose of hearing and recommending on submissions on a proposed plan.

4.2. At the 20 June 2019 meeting of the DPR (staff) Project Control Group (PCG), the composition and terms of the DPR hearings panel was discussed. This included matters including the number of hearing panel commissioners, the appointment of a chair and deputy chair, the likely duration/time commitment of the hearings process and the number of hearings that might be required. Also discussed was the role of Councillors and a desirability of having an Iwi commissioner on the panel.

4.3. The approach suggested by the PCG is, given notification is approximately 12 months away, to recommend to the Committee that it authorises the selection of a chair in the first instance and that the next term of Council considers those Councillors and independent commissioners that are available for the hearings panel from mid-2020 and beyond. The appointed chairperson would play a key role in the preparation of the panel’s terms of reference, the appointment of further commissioners and Councillors, if any, and the setting of an approach for making decisions on submissions. Early appointment of the Chair is advisable given the pressure on the small pool of available, experienced and capable Chairpersons.

4.4. The PCG also considered that a panel of 6 commissioners, including an Iwi commissioner would be appropriate taking into account the number of topics and consideration of their relative complexity. The composition of the panel and number of panel members would be a matter to be guided by advice from the Chair, but would normally involve at least 3 panellists.

4.5. There are a few other matters to note:

4.5.1. To be eligible for appointment to a hearings panel, it is necessary for both elected and independent members to hold current accreditation for decision making under the RMA (pursuant to s39B, unless exceptional circumstances apply that mean
there is no opportunity to ensure all members are accredited). This accreditation is obtained by completing the ‘Making Good Decisions’ course which is offered by the Ministry for the Environment.

4.5.2. Council must consult tangata whenua through the relevant iwi authority on whether it is appropriate to appoint a commissioner with an understanding of tikanga Māori and of the perspectives of the local iwi or hapū. If the Council considers it appropriate, it must appoint at least 1 commissioner with an understanding of tikanga Māori and of the perspectives of local iwi or hapū, in consultation with relevant iwi authorities (s34A (1A)).

4.5.3. It is recommended that terms of reference for the Hearings Panel be prepared as enabled by s34 of the RMA. Effectively, this would provide delegation to the panel to act on behalf of the Council.

4.6 As outlined above, the recommendation is to seek approval to appoint a hearing commissioner to act in the capacity of chair for a panel of hearing commissioners to hear, consider and make recommendations to it on submissions to the notified proposed District Plan. The chair, as an independent, would need to an experienced planning hearings practitioner, be suitably qualified, have knowledge of the district and its key issues and have sufficient time to commit to the process of thorough written decision making (taking into account RMA matters, including those outlined below in paragraph 7.2).

4.7 Following appointment of the chair, the chair will have a role in assisting with the appointment of further hearing commissioners (including an Iwi commissioner under the provisions of s34A(1A)) and the setting of an approach for the hearing of submissions, in agreement with Council. In doing so, the following is noted (for the chair and all commissioners):

4.7.1 The preference is for a single dedicated hearing commissioner to sit as chair, with an alternative deputy as required, to achieve decision consistency.

4.7.2 Panel members are able to commit to significant ongoing services in order to provide continuity to make recommendations on submissions.

4.7.3 The need to ensure no involvement in anyway or to identify involvement in the preparation of the District Plan.

4.7.4 Panel members should have access to sufficient office support and project management resources to assist the Council to meet its statutory resource management obligations, noting that Council will supply logistical support to an extent agreed with the appointee(s).

4.7.5 The pool of accredited commissioners with relevant and demonstrated experience to act as chair is small and that the approach to the appointment of a chair would be by expressions of interest.

4.8 The time commitment for panel members will not be insubstantial. The amount of time required for hearings will be known once submissions have been received and a hearing schedule is prepared. There is a need to consider a range of factors including accommodation and IT requirements, along with staff time in putting together a workable hearing schedule.

4.9 At this time, the estimate is potentially 232 hearing sitting days (approximately 8 months) and 600 submissions (with many more submission points) based on an initial evaluation of hearing requirements and complexity, including time for drafting recommendations (s32AA) by the panel. This assessment considers factors such as the age of the current
Plan, the range and nature of issues that have moved on since, the extent of change to the district size and operating environment and the experience of comparable plan review exercises.

4.10 The Management Team have reviewed this report and support the recommendations.

5. COMMUNITY VIEWS

5.1. Groups and Organisations

Not applicable.

6. IMPLICATIONS AND RISKS

6.1. Financial Implications

There are no financial implications directly associated with the recommendations of this report. Existing budgets apply.

It is intended to report to Council as part of the 2020/21 Annual Plan preparation in regard to any anticipated budget changes for the notification and hearings phase of the District Plan Review.

Any elected members will be remunerated for their appointment to the hearings panel in accordance with the fees and allowances set by the Remuneration Authority. Independent commissioners would be paid based on market expectations.

6.2. Community Implications

Not applicable, noting that the hearing panel will be specifically tasked with considering all submissions and further submissions on the notified reviewed Plan and hearing those submitters that wish to be heard.

6.3. Risk Management

No adverse risks are identified in relation to the recommendations. A positive risk mitigation around what will be substantial undertaking requiring careful planning is the early appointment of a Chair to ensure preparations are well founded by the time to hear submissions arises.

6.4. Health and Safety

Not applicable.

7. CONTEXT

7.1. Policy

This matter is not a matter of significance in terms of the Council’s Significance and Engagement Policy.

7.2. Legislation

The Resource Management Act 1991, noting the following in particular for a hearings panel:
• To exercise functions delegated under s34 and s34A of the Act (to hear and consider submissions).

• To recognise and apply the principles of s39 of the Act.

• To meet the requirements of s39B of the Act.

• To exercise discretion under s40 of the Act.

• To exercise discretion to require and receive reports under s42A of the Act and exercise of powers conferred by s41, s41A, s41B and s41C of the Act.

• To provide opinion and exercise discretion of s41D of the Act, in agreement with Council.

7.3. Community Outcomes

• There are wide ranging opportunities for people to contribute to the decision making effects our District.

7.4 Delegation

Under S-DM 1026, the Committee has specific jurisdiction as follows:

• The appointment of suitable persons to a list of approved Hearing Commissioners for Resource Management Act 1991 purposes.
1. SUMMARY

1.1 This report summarises the responses received to the ‘What’s the Plan?’ consultation. The consultation ran for approximately four weeks from Monday 8 April to Monday 6 May 2019.

1.2 Respondents were asked about a variety of topics that relate to various chapters in the District Plan Review. Topic areas that received the most feedback included Rural Density (Rural Lot Size and Development – including Rural Residential), Housing Lot Size, Subdivision and Development, Transport and Natural Environment.

1.3 There were 95 respondents (54 responded by hard copy, and 41 responded online) with a total of 267 responses. 476 unique users (individual website views) visited the ‘What’s the Plan?’ Let’s Talk webpage while 302 unique users visited the ‘What’s the Plan?’ Project webpage. Social Media advertising promoting the consultation opportunity reached an audience of 15,000 people and received 7,312 views.

1.4 Overall, awareness of the consultation was high, although written responses were modest. However, the feedback is important to further progress the drafting of the District Plan.

Attachments:

i. District Plan Review – ‘What’s the Plan?’ Summary of Submissions (TRIM: 190701092355)

2. RECOMMENDATION

THAT the District Plan Planning and Regulation Committee:

(a) Receives report No. 190726104863.

(b) Receives the District Plan Review What’s The Plan? Summary of Responses 2019 report (Attachment i)

(c) Notes that staff will use feedback received to inform the review of the District Plan and engage with submitters and stakeholders identified during the consultation.
3. **BACKGROUND**

3.1 The ‘What's the Plan?’ consultation is part of the District Plan Review. The purpose of the consultation was to test basic options or approaches to drafting direction across several different topic areas. It also served to indicate possible directions that differing topics may take when compared to the Operative District Plan.

3.2 The consultation built on the earlier Issues and Options consultation exercise that helped to inform initial matters to investigate and consider further as part of the scoping of the District Plan Review. The Issues and Options themselves were partly informed by the District Development Strategy (DDS), both of which occurred in 2017/2018.

3.3 *What's the Plan?* provided a further opportunity for the community and stakeholders to help shape the content of the reviewed District Plan by having their say on important matters that will feed into drafting of the reviewed District Plan. Feedback is being used to factor into the provisions currently being drafted and also as a means to talk further with those that may provide feedback, as required. Section 32 of the Resource Management Act 1991 also requires Council to outline any consultation undertaken in the preparation of Plan provisions and *What's the Plan?* assists in achieving this requirement.

3.4 When the District Plan is formally notified in mid-2020, the District Plan Review submission process is the detailed and statutory opportunity for community and stakeholders to submit their views, under the Resource Management Act 1991.

4. **ISSUES AND OPTIONS**

4.1 The attached ‘What’s the Plan?’ Summary of Submissions report outlines the background to the consultation, along with analysis of responses to questions asked for each topic area. These responses are summarised further below.

4.2 Rural Lot Size & Development – including Rural Residential Development was the most popular topic in the *What's the Plan?* consultation. Twenty-five respondents unanimously supported the protection of rural production as well as avoiding the potential for reverse sensitivity. Twenty-four respondents unanimously agreed that maintaining rural character is important. Regarding which combination of zoning options would work best for the District, seventeen respondents provided feedback with the consensus supporting the introduction of smaller lot sizes to prevent the development of 4 hectare sites.

4.3 Residential – Housing, Lot Size, Subdivision and Development received one of the highest volume of responses. Respondents were most interested in the four proposed zones (Medium Density Residential Zone, Residential Zone, Low Density Residential Zone & Settlement Zone). Less than a third of the 19 respondents clearly supported this proposal, with four respondents firmly against the idea. The remainder expressed support for ensuring that zones provide for smaller and larger lot sizes. Respondents were also equally interested in the minimum section size for existing residential zone land and whether this should be kept the same size or be more flexible in allowing smaller lot sizes. Seven respondents said no to more flexibility, expressing concern over the loss of natural environment/greenspace. Respondents who were open to the idea said they supported the proposal only on the basis there were subdivisions offering bigger lots and provided the small sections were concentrated in one area, not dispersed throughout subdivisions.

4.4 Transport received significant responses. Respondents were most interested in whether major new developments should be required to provide an Integrated Transport Assessment (ITA) as part of resource consent applications. The majority supported this requirement citing reasons including the impact of large developments and minimising future congestion. Respondents were also concerned about road widths and layout in...
greenfield developments, specifically, ensuring that developments have wider roads to support sufficient on-road parking and physical connectivity between new developments.

4.5. Like Transport, Natural Environment received a high volume of responses. Respondents were most interested in whether offering development bonuses (or similar) to protect and/or enhance Significant Natural Areas (SNAs) or Ecological Corridor Priority Areas would be an appropriate incentive to improve Waimakariri District’s biodiversity values. Respondents asked for greater protection for wetlands and restriction of development in the Outstanding Natural Landscape areas. Respondents were also interested in seeing protection afforded to Ashley Gorge, Puketeraki Range, watercourses, the Kaiapoi River, and Mount Thomas, and careful control of certain activities in the coastal environment that could compromise its natural character, i.e., cars and motorbikes driving on the beach.

4.6. The Management Team have reviewed this report and support the recommendations.

5. COMMUNITY VIEWS

5.1. Groups and Organisations

5.1.1. The ‘What's the Plan?’ summary of submissions report will be circulated to Council staff, Community boards, Councillors, and the public.

5.2. Wider Community

5.2.1. The wider community will be informed of the results once the ‘What's the Plan?’ summary of submissions report is made public.

6. IMPLICATIONS AND RISKS

6.1. Financial Implications

6.1.1. There are no identified financial risks associated with the production of the ‘What’s the Plan?’ summary report. All work undertaken as part of this consultation has been covered in existing operational budgets.

6.2. Community Implications

6.2.1. It is important to understand community perspectives on issues that may affect them in the future. The information provided will help draft the provisions in the new District Plan, as well as helping to inform the drafting of section 32 reports.

6.3. Risk Management

6.3.1. There are no risks identified with the publication of the ‘What’s the Plan?’ summary report.

6.4. Health and Safety

6.4.1. There are no health and safety risks associated with the ‘What's the Plan?’ summary report.

7. CONTEXT

7.1. Policy

This is a matter of significance in terms of the Council's Significance and Engagement Policy.

7.2. Legislation

Local Government Act 2002 Section 82 – Principles of Consultation
- This consultation has been undertaken in accordance with section 82 of the LGA 2002.

Resource Management 1991 Section 32 – *Requirements for preparing and publishing evaluation reports*.

- This consultation will also help to inform drafting of section 32 reports as required under the RMA 1991.

7.3. **Community Outcomes**

7.3.1. **Governance**

“There are wide-ranging opportunities for people to contribute to the decision making that effects our District.”

- The Council makes information about its plans and activities readily available
- The Council takes account of the views across the community including mana whenua.
- The Council makes known its views on significant proposals by others affecting the District’s wellbeing.

7.4. **Delegations**

Jurisdiction of District Planning & Regulation Committee

- District Strategy Development and consultation with recommendations to the Council.
What's the Plan? Summary of Consultation Responses

**Introduction and Purpose**

The purpose of this report is to summarise comments received through the Waimakariri District Council’s Let’s Talk What’s the Plan? consultation.

This consultation was undertaken to help shape the content of the reviewed District Plan. While the community has a detailed and statutory opportunity to submit their view when the District Plan is formally notified in mid-2020, What’s the Plan? was a key vehicle for the Council to hear from the community during the early stages of drafting and help the Development Planning Unit (DPU) to respond to important matters which will feed into the reviewed District Plan.

What’s the Plan? introduced multiple key chapter topics providing a high-level summary overview of what the chapter entails, along with current key issues, and what Council is thinking for the reviewed District Plan by way of changes to provisions, along with a series of questions to invite public feedback on these ideas.

Chapter topics not included in this consultation were Lights, Signs, Activities on the Surface of Water, Special Purpose Zones, Waimakariri as a Cultural Landscape, Natural Hazards, Hazardous Substances and Contaminated Sites, and Utilities. A number of these topics were precluded as Chapter drafting had not reached a stage where public comment could be invited on preliminary considerations, while Natural Hazards was excluded in favour of holding a separate consultation with the community to help shape the Chapter content. This decision was also taken to respect the sensitivity of the topic and to ensure Ministry for Environment (MfE) best practice advice regarding community engagement could be upheld.

**Background**

What’s the Plan? was released for public comment for four weeks from Monday 8 April to Monday 6 May 2019 – extensions were offered on a case-by-case basis. Numerous communication and engagement tools were utilised to ensure people who may be affected by the District Plan Review, or have an interest in it, were provided with relevant information in a manner and format that enabled them to make informed decisions. These included:

- A dedicated project webpage on Council’s website (that exists in perpetuity) - [https://www.waimakariri.govt.nz/planning/district-plan/district-plan-review](https://www.waimakariri.govt.nz/planning/district-plan/district-plan-review) - which provides an overview of the District Plan Review and background reports
- Council’s Let’s Talk consultation webpage (existed for the lifespan of the consultation before being archived) - [https://www.waimakariri.govt.nz/have-a-say/lets-talk/closed-consultations2/about-district-plan-review2](https://www.waimakariri.govt.nz/have-a-say/lets-talk/closed-consultations2/about-district-plan-review2) which provided a framework for the consultation process, allowed online responses to be made and included links to What’s the Plan in electronic format
  - Let’s Talk adverts x 5
  - News story
  - Video
  - Let’s Talk webpage
  - Project webpage
  - Council social media
  - Electronic noticeboards
  - Stakeholder emails – circa 700-800 targeted contacts.
- Five drop-in sessions (5-7pm) at Loburn, Ohoka, Oxford, Woodend, and Rangiora during the consultation period
- DPRC presentations
- Individual workshops with the four Community Boards to answer any questions about the document and recording responses
- Hard copies of *What's the Plan?* available at all Council Service Centres and libraries.

Summary of feedback

Figure one displays the breakdown of responses to each parent topic. Our District received the most feedback accounting for 57% of the total number of responses (152 responses). This was followed by rural, which accounted for 20% (52 responses) and residential which accounted for 12% (33 responses). Business accounted for the lowest number of responses at 11% (30 responses).

![Figure 1: Total Responses by Parent Topic](image)

Figure two displays the total number of respondents received for each sub-topic. Rural density (covered in the rural parent topic) received feedback from 39 respondents, making it the most popular sub-topic. This was followed by housing lot size subdivision and development (33 responses), natural environment and transport (22 responses) and noise (21 responses). All other sub-topics received less than 20 responses.
Key Feedback
The Council received 267 responses during the consultation period from 95 respondents – 54 via hard copy and 41 online.

Key topics of interest included Rural Density (Rural Lot Size and Development – including Rural Residential), Housing Lot Size, Subdivision and Development, Transport and Natural Environment.

The following pages overview the comments made in relation to the Chapter topics.

While not formally invited through the consultation, Council received feedback on several chapter topics, and this feedback has been captured and summarised separately. It should be noted that feedback discussed in this document summarises the views of respondents only; they are not the views of the Council.

Our District
Community Values

*How much protection, more or less, do we need for our historic heritage?*

Twelve respondents provided comments relevant to this question. The majority of respondents favoured greater protection for heritage, which included both trees and buildings. Respondents wanted greater protection for trees, which also included better maintenance of street trees and more information on what could be classed as protected. Respondents also wanted consideration of private property rights and more support for landowners (e.g., through a heritage fund). Two respondents also wanted future heritage or features of future heritage identified pre-emptively.

*What level of protected tree pruning by landowners is acceptable?*

Nine respondents provided comments relevant to this question. Most respondents supported limits on the amount of tree pruning that could be undertaken. This included consulting an independent arborist, limiting the amount of trimming by quantity or having stricter criteria for pruning. Respondents also favoured cost ownership between private landowners and Council and sought more advice for landowners with protected trees.
**What should be avoided within the dripline of a protected tree? (e.g., storage of herbicide).**

Five respondents provided comments relevant to this question. Respondents believed that buildings, semi-impermeable surfaces, asphalt, harmful chemicals, and herbicides should be avoided within the dripline of a protected tree. One submitter was opposed to rules around driplines.

**Do you know of any trees that you think may be worthy of protection?**

Seven respondents provided comments relevant to this question. Respondents wanted a wide range of trees protected, which included the large redwood trees in Oxford, the street trees along Queen Street, and the trees on the main street of Rangiora.

**Open Space and Recreation Zones**

**Do you have any comments on what we are thinking for Open Space and Recreation Zones?**

Fourteen respondents provided comments relevant to this question. Most respondents favoured greater protection for open space and recreation zones, through covenants or other measures. Two respondents were not supportive, citing concerns around reverse sensitivity near the rural zone and the Pines Kairaki forestry area in the proposed zone.

**Noise**

**Do you agree or disagree with any of the noise rules outlined in What's the Plan? Why?**

Seventeen respondents provided comments relevant to this question. Generally, respondents supported the need to clarify permitted noise levels and hours. Two respondents did not support day and night hours being the same for all zones, while three supported standardisation of rules across all zones. Respondents generally supported controls to manage noise from quarries, construction, agriculture, bird scarers, frost fans, and military training. Two respondents challenged the Council’s suggestion to focus on the zone affected by the noise, not the zone creating it, with one suggesting noise generated should be measured at the boundary of the zone in which the noise is generated.

**Do you agree with introducing noise rules for quarry blasting, commercial firewood processing, dog boarding kennels, gun clubs, shooting ranges, motor vehicle racing, function venues, and military training?**

Nine respondents provided comments relevant to this question. Eight out of nine respondents supported this idea with only one contesting it. The opposed submitter said it is difficult to define a noise level from specialised activities.

**Are there any parks and reserves where you think noise levels should be more permissive?**

Two respondents provided comments relevant to this question. They suggested events (with clear duration and day rules) and Waimakariri Gorge (because of its distance from landowners and dwellings) should have more permissive noise levels.

**Other comments about noise**

One respondent provided a comment about noise that was not related to questions in asked in What’s the Plan?. This respondent suggested having specific noise rules for construction, mixed use development.
Earthworks

*Should we change the thresholds for earthwork activities from a ratio approach to a volume that can be undertaken annually on a site?*

Six respondents provided comments relevant to this question. Two did not support the approach, with one submitter citing a preference for a revision of ratio rules, and the other noting the potential for earthworks on larger sites having less impact than earthworks undertaken on smaller sites. One submitter also believed Council should not provide for earthworks in Significant Natural Areas (SNAs).

*Should we introduce limits on stockpile heights and setbacks?*

Ten respondents provided comments relevant to this question. Nine supported introducing limits on stockpile heights and setbacks while one was sceptical. Some respondents who supported limits also suggested this would need to vary from zone to zone. The one submitter that was unsure cited concerns that controls may restrict short-term construction activities. Other comments expressed general support and did not provide any additional detail.

*How should stormwater channels be protected?*

Seven respondents provided comments relevant to this question. Comments from respondents were wide-ranging and included protection through resource consent and general comments about protection. One submitter wanted Council to avoid duplication with Bylaws and the Regional Plan.

*Are there any earthwork activities that you think should require special treatment?*

Eight respondents provided comments relevant to this question. Activities in close proximity to wetlands, streams, rivers, or the coastal environment were seen as needing special treatment. One submitter wanted Council to avoid duplication with other legislation, and another wanted minor earthworks that were part of primary production to be provided for.

*Other comments about earthworks*

Seven respondents provided comments about earthworks that were not related to questions asked in *What’s the Plan?* This included comments imploring Council to avoid duplication with other legislation, providing for ancillary activities, and addressing the health impacts from earthworks, and more restrictive earthworks thresholds for SNAs and Outstanding Natural Landscapes ONL/Fs. Refer to the appendices for more information on other comments about earthworks.

Quarrying

*What controls do you think there should be for quarrying?*

Eight respondents provided comments relevant to this question. Respondents mostly requested controls on noise, dust, and amenity. Two respondents believed that quarrying should be setback from residential zones and sensitive activities such as schools. One submitter suggested a 250m minimum setback, another suggested decibel and dust boundaries. Two respondents expressed concern, with one wanting to limit regulation and another wanting controls that were not too onerous.

*Should we introduce setbacks for quarrying from houses and other sensitive activities?*
Twelve respondents provided comments relevant to this question. The majority of respondents supported setbacks for quarrying from houses and sensitive activities. Submitter’s comments were mostly general, although some provided specific distances (e.g., 250m) or believed that quarries should be located outside town boundaries where no growth was planned.

**What do you think these setbacks should be, where should they be measured from, and should they be the same for all types of quarrying activity?**

Nine respondents provided comments relevant to this question. Most respondents did not provide specific distances but believed setbacks should be measured from the nearest house, roads, townships, and existing or adjoining properties.

**To what extent should resource consents be required for quarries as an activity in different zones?**

Six respondents provided comments relevant to this question. Most respondents believed that resource consents should be required for all zones. One submitter believed there should be a quarry zone where the activity could be permitted, and anything outside this zone should require resource consent.

**Other comments about Quarrying**

One respondent provided a comment that did not relate to specific questions asked in the What’s the Plan? consultation. This was an extensive comment about rehabilitating after quarrying activities which would involve using locally sourced native plants.

**Natural Environment**

**Do you think offering development bonuses (or similar) to protect and/or enhance Significant Natural Areas (SNAs) or Ecological Corridor Priority Areas would be an appropriate incentive to improve our District’s biodiversity values?**

Twelve respondents provided comments relevant to this question. Most respondents were in favour of using development bonuses as an incentive for biodiversity enhancement. Supportive comments were mostly general, with some respondents only supportive under certain conditions (e.g., no change for the minimum lot size for rural subdivision, carefully drafted rules, and ongoing monitoring). Respondents opposed to development bonus incentives generally favoured more stringent protection.

**Are there any biodiversity values or locations that should be included or not included within the reviewed District Plan Provisions?**

Eleven respondents provided comments relevant to this question. Three respondents wanted greater protection for wetlands, with one suggesting that a wetlands inventory be created. Other respondents mentioned remnant vegetation, water races, and Council parks as being worthy of additional protection. One submitter believed there should be broader criteria for biodiversity values (e.g., low, medium, or high).

**What are your views on the amount of acceptable development in the Outstanding Landscape Areas (e.g., wind farms & cell phone towers).**

Six respondents provided comments relevant to this question. Comments from respondents were mixed but mostly favoured restrictions on development in ONL areas (e.g., ‘no large commercial buildings and blended into the landscape').

**Are there any natural features or landscapes in our District that should be protected?**
Eight respondents provided comments relevant to this question. Comments included a range of landscapes and features in the District such as sand dunes, braided rivers, and wetlands in Lees Valley, Ashley Gorge, Puketeraki Range, watercourses, the Kaiapoi River, and Mount Thomas.

**What are your views on the revised extent of Outstanding Natural Landscapes (foothills) and newly identified Outstanding Natural Features (Waimakariri River and the Ashley Rakahuri/Saltwater Creek Estuary)?**

Eight respondents provided comments relevant to this question. Most respondents supported inclusion of the Waimakariri River and Ashley-Rakahuri/Saltwater Creek estuary, although one submitter was concerned about the removal of the foothill area. Two respondents were opposed, with one citing that the Waimakariri River was already highly modified and the other concerned how newly identified ONL/F provisions may affect primary production.

**What activities in the coastal environment do you think should be managed by the reviewed District Plan?**

Eleven respondents provided comments relevant to this question. Comments were varied and included additional controls on vehicles (cars and motorbikes driving on the beach), dogs, intensive farming, and activities that compromise natural character or cause high sediment loads to enter water bodies. One submitter requested that there should be no additional controls on activities to protect the Council assets.

**What level of activity in the coastal environment is acceptable?**

Ten respondents provided comments relevant to this question. The majority of respondents wanted the coastal environment protected from harmful activities. Comments discussed limiting harmful activities, only allowing activities that had no impact, and providing for restoration and enhancement. Respondents also wanted Council to consider the effects from climate change and the potential for natural hazards.

**Other comments about the Natural Environment**

Seven respondents provided comments not related to Natural Environment subtopics included in *What’s the Plan?* Comments were wide-ranging and discussed limiting development in areas prone to coastal hazards, maintaining existing use for plantation forestry, maintaining current District Plan provisions for activities on the surface of water, and supporting work to protect the coastal environment. Refer to the appendices for more information on other comments about the Natural Environment.

**Temporary Activities**

**Are there any other Temporary Activities you think require special treatment?**

Two respondents provided comments relevant to this question. One said there are no other temporary activities requiring special treatment while the other said sport shooting requires it, but without substantiating why.

**How should electronic sound amplification and fireworks associated with events be managed?**

One submitted provided comments relevant to this question. Response was “carefully.”

**What hours do you consider appropriate for noisy events?**
Four respondents provided comments relevant to this question. Two respondents suggested until 10pm is acceptable with one stipulating this relates to weeknights with greater tolerance suggested for weekends, and midnight considered an acceptable cut-off for temporary activities. The two other respondents were more concerned with ensuring that effective traffic management is in place to minimise disruption to local communities during the event.

_How often, and for what duration, should temporary events and other temporary activities occur on each site?_

Four respondents provided comments relevant to this question. Only one submitter was specific in their response to this question, suggesting that temporary activities should be restricted to one day in the weekend, and two days during the week, during the hours of 8am-10pm.

Two respondents felt it was too difficult to have general rules, noting what is suitable would differ depending on the event. The fourth submitter emphasised the importance of road management and asked for better communication with local organisations around temporary activity planning.

_Are there any locations that should be afforded leniency for temporary event noise levels?_

Four respondents provided comments relevant to this question – locations included consented gun clubs (i.e., North Canterbury Clay Target Association), parks (for events like local festivals), temporary military training activities, Woodford Glen, town centres and other event locations (unspecified).

**Other**

Additional points raised included the importance of rubbish management, restitution of areas, and provision for temporary telecommunication and infrastructure activities (Spark New Zealand).

**Transport**

_Do you have any comments on the road widths and layout provided in recent greenfield developments?_

Ten respondents provided comments relevant to this question. Key feedback included support for wider roads that accommodate cyclists, wider footpaths to accommodate mobile scooters, layouts that support sufficient on-road parking and physical connectivity between new developments. Examples given of exemplary layouts included Pounamu Place while Pegasus Development was considered unsuitable due to its narrow streets. There was support for minimum roadway and carriageway widths.

_Should major new developments be required to provide an integrated transport assessment as part of their resource consent application?_

Eleven respondents provided comments relevant to this question. Of the eleven, nine supported the requirement for new developments to provide an Integrated Transport Assessments (ITA) as part of their resource consent applications. Reasons included using the assessment to reveal shared pathways, the impact of large developments (Ravenswood used as an example) on transport in the immediate area, and minimising future congestion. Two respondents also detailed their expectations about what would be included in an ITA such as addressing any groups adversely affected by an assessment, prior to approval, and the inclusion of level crossings. Shared pathways were noted as something to avoid.
The two respondents opposed to the provision of ITAs cited the District Development Strategy (DDS) as the vehicle through which transport assessment should have been completed, and referenced the National Policy Statement on Urban Development Capacity (NPS-UDC) and Council’s responsibility under this to address the long-term provision of transportation infrastructure, rather than individual developers.

**Do you have any other comments on the technical standards that control road and access design?**

Nine respondents provided comments relevant to this question. Respondents emphasised that technical standards and rules must be able to support safety for cyclists and pedestrians, enable accessibility, encourage walking and cycling, and provide for better access to transport. Partner cooperation to mitigate transports issues and more yellow lines were also considered important.

**Other comments about Transport**

Seven respondents provided comments outside of the scope of questions asked in the What’s the Plan? Consultation. This included having provisions for major arterial routes to better cater for heavy vehicles, expanding cycleways, ensuring roads were not compromised through inappropriate developments and ensuring that subdivision did not adversely affect rail corridors.
Residential

**Should we be more flexible and allow for different types of housing? (E.g., Tiny Homes)**

Seventeen respondents provided comments relevant to this question. Fifteen respondents supported the idea of allowing more flexible and different types of housing. Reasons included supporting enhanced character of an area (Pines Kairaki Beaches given as an example), catering for those who want to upsize and downsize, improving diversity, and affordability. Two respondents challenged this idea with one substantiating their position citing reasons of keeping residential zones consistent.

**Are there any accommodation types that should be restricted? Why?**

Twelve respondents provided comments relevant to this question. Four respondents said there are no accommodation types that should be restricted with one stipulating that complementarity between housing typology and area is key to this. Six respondents supported restriction of various accommodation types including Ryman Village (awful urban design), tiny houses, caravans, mobile homes, tin sheds, high buildings on small sections (cause stress), and Pegasus (box-like houses have the potential to become slum-like), accommodation with single garages where the occupant has more than one car, multi-storey homes (affects sunlight).

**Should we restrict the numbers of storeys for housing in Medium Density Zones? If so, what should the maximum number of storeys be in these zones? Why?**

Nine respondents provided comments relevant to this question. Respondents unanimously agreed the number of storeys for housing in Medium Density Zones should be restricted. The following tally reflects submitter preferences for maximum storeys:

- 2 storeys – four respondents (to avoid compromising neighbour’s lifestyle, maintain privacy)
- 2-3 storeys – two respondents (to keep the area consistent, if located above commercial, then could be higher)
- 3 storeys – one submitter (no explanation provided)
- 4 storeys – one submitter (no explanation provided)

**What do you think about the four proposed zones? (E.g., Medium Density Residential Zone, Residential Zone, Low Density Residential Zone & Settlement Zone)**

Nineteen respondents provided comments relevant to this question. Six respondents clearly supported the four proposed zones, one submitter found the proposal confusing, while four were firmly against the idea and wanted the zones to remain as they are. The remaining respondents were most concerned with ensuring zones provided for smaller and larger lots and more intensive development.

**Should we keep the same minimum section size for existing residential zone land or be more flexible by allowing smaller lot sizes?**

Nineteen respondents provided comments relevant to this question. Seven respondents said no for reasons including loss of the natural environment/greenspace. Respondents open to the idea said they supported the proposal only on the basis there were subdivisions also offering bigger lots, and provided the small sections were concentrated in one area, not dispersed throughout subdivisions. Perceived advantages of smaller lots sizes included more efficient use of land and provision of 1-2 bedroom places to cater to an ageing
population. Five respondents said they were primarily concerned with seeing diversity in section sizes.

**Do you have any additional Comments on Housing, Lot Size, Subdivision and Development?**

Twenty-five respondents provided comments relevant to this question. A range of comments were made reinforcing comments already made in this section regarding density, housing options, character, development layout, zoning, and providing diversity in accommodation and lot sizes. See appendices for specific details.

**Rural**

**Rural Lot Size & Development – including Rural Residential**

**Do you support the protection of rural production?**

Twenty-five respondents provided comments relevant to this question. Respondents unanimously supported the protection of rural production. Respondents believed that the protection of rural production should be a key focus and that it was important to avoid the potential for reverse sensitivity. Two respondents supported protection of rural production on a conditional basis, maintaining that it should only be allowed on versatile soils or land suitable for intensive farming.

**Do you agree that maintaining rural character is important? Is it more important in some areas than in others? If so, why?**

Twenty-four respondents provided comments relevant to this question. Respondents unanimously agreed that maintaining rural character was important, although some believed the definition of rural character was subjective, multi-faceted, and difficult to define. Other views around rural character were mixed, with one respondent suggesting that 2 hectare and 4 hectare blocks could enhance the value of the rural zone, while others suggested that it was important to protect rural areas from residential development to avoid reverse sensitivity.

**Based on character, land use, and the potential for future production should the rural zone be split into more than one zone? At present, there is a one zone (four hectare minimum) approach across the rural area of the District.**

Twenty-four respondents provided comments relevant to this question. The views of respondents were wide-ranging but mostly supported the establishment of two separate rural zones for residential and rural activities. Some respondents favoured increasing the minimum lot size to 20 hectares or more and locating rural residential areas closer to existing towns. In addition, respondents wanted productive soil protected from residential activities and believed that any residential activities in the rural zone should be located on less productive soil.

**What combination of zoning options would work best for the District? Where?**

Seventeen respondents provided comments relevant to this question. Respondents favoured introducing smaller lot sizes to prevent the development of 4 hectare sites. Lower density sites were also sought close to foothills, clustered together, and close to townships as opposed to being scattered throughout the rural zone.
Other comments on Rural Lot Size & Development

Five respondents provided comments that were outside the scope of questions asked about Rural Lot Size & Development. These covered issues such as reverse sensitivity and avoiding residential development on highly productive land. A complete list of submitter’s comments are available in the appendices.

Effluent Spreading & Intensive Farming

Do you support removing current rules requiring separation between liquid animal effluent spreading and houses?

Eleven respondents provided comments relevant to this question. Most respondents supported this proposal, although two indicated they did not support the rules becoming more onerous. Several respondents did not support the proposal to remove duplicated rules. Reasoning for this was mixed – one was unsubstantiated, the second reflected a misunderstanding of the question, and the third suggested ECan’s management is not effective, and that new developments should not be allowed if they stand to pose issues in the future.

Do you support continuing to manage separation between intensive farms and houses?

Nine respondents provided comments relevant to this question. All respondents supported this proposal. Reasons included supporting the protection and retention of valuable productive land.

Do you have any additional feedback on Rural Density and/or Effluent Spreading and Intensive Farming?

Seventeen respondents provided comments that were outside the scope of questions asked in the chapters of Rural Density, Effluent Spreading and Intensive Farming. This included further comments on the minimum lot size (e.g., 4ha too high, establish smaller lots), the importance of considering the potential for reverse sensitivity effects, the issue of smells and odours from rural activities in residential areas, and retaining high-value soils.
Business

Consultation Summary

Commercial and Industrial Zones

Do you agree industrial areas should remain primarily for industrial activities (i.e., not for standalone offices) or ‘High Street’ retailing?

Eleven respondents provided comments relevant to this question. Respondents were split as to whether industrial areas should exclude retailing or offices, although a slight majority generally agreed. Respondents opposed believed that retail activities were important for servicing industrial areas as they supported the production of associated products.

What are your thoughts on allowing trade-based and yard-based retailing in industrial zones?

Nine respondents provided comments relevant to this question. There was near-unanimous support for allowing trade-based and yard-based retailing to be located in industrial zones, with one neutral submitter. Reasons for supporting this were mostly convenience related.

Do you agree with increasing the height limit in the Rangiora and Kaiapoi Town Centres?

Seven respondents provided comments relevant to this question. There was equal support for and against raising the height limit, with one neutral respondent. Respondent reasons for and against increasing the height limit were mostly general, although one respondent cited concerns around costs and land values.

Do you agree with introducing minimum residential amenity for residential activities in commercial zones?

Seven respondents provided comments relevant to this question. Most respondents supported introducing minimum residential amenity for residential activities in commercial zones, with two respondents neutral and one opposed. One respondent suggested that amenity requirements for those living in commercial zones should be different to existing residential zones to reflect different lifestyle aspirations.

Do you have any other comments on what we are thinking?

Ten respondents provided comments relevant to this question. Respondent comments were wide-ranging and included support for expanding the industrial zone, better policy and utilisation of amenity in town centres, less regulation for businesses, not allowing industrial activities in the rural zone, and better definitions of key concepts (e.g., mixed-use). A complete list of respondent comments is available in the appendices.
Business Activities in Rural and Residential Zones

**What businesses should be permitted in residential and rural zones?**

Eleven respondents provided comments relevant to this question, although it is worth noting that respondents also answered the second question on this survey as part of this question.

Regarding business activities in rural and residential zones, one submitter was firmly against this on the basis there is plenty of commercial and industrial land to accommodate business in the next 20-30 years, while another said they do not support light industry in these zones, only home-based or farming businesses.

Regarding rural zones only, three respondents said any businesses that do not relate to farming, forestry, or tourism would have difficulty justifying a rural location. One submitter opposed these views saying that any business serving the public should be permitted so they can generate enough income to meet the large expenses of owning rural land.

Regarding business activities in residential zones, four respondents supported home-based businesses on the condition they did not disrupt local residents with noise, congestion, or smell. Respondents showed a preference for business activities including health practices, retail, and services distinct to the community, accommodation, and repairs.

**What business should not operate in a rural or residential zone?**

Eleven respondents provided comments relevant to this question. Building on comments from the first question, respondents indicated support for keeping rural zones for rural businesses only and residential zones for home-based businesses. Respondents wanted business activities in residential zones that generate higher volumes of noise, smell, and traffic to be avoided, with examples including manufacturing, vehicle repair, sales rooms, and noxious businesses.

Composting businesses and the Plastics Factory (Easterbrook Road) were examples given of businesses that respondents did not want in rural zones with two respondents indicating they did not want industry based businesses in rural zones.

**Do you have any additional comments on Commercial and Industrial Zones or Business Activities in Rural and Residential Zones?**

Seven respondents provided comments relevant to this question. Most comments supported points made in questions one and two, with the following thoughts noted by respondents:

- Businesses should only be located on land unlikely to be rezoned in the future
- Removable houses should be located in rural zones
- The Council should have increased consultation with Community Boards and Residents' Associations concerning developments and projects that affect residents or change the environment or zoning
- Support Large Format Retail (LFR) on Smith Street
- Keep rural business in rural settings, and use rural settings for rural business
Hazardous Substances and Contaminated Sites

Two respondents provided feedback on general Hazardous Substances, which was outside the scope of the consultation but highlighted important feedback that has been recorded and analysed. Both respondents (including one industry stakeholder) challenged the need for hazardous substances management in the District Plan with both noting this is sufficiently taken care of by regional plans and legislation like the Hazardous Substances and New Organisms Act 1996 and the Health & Safety Work Act 2015.

One submitter (industry stakeholder) provided feedback on Contaminated Sites asking for a contaminated land policy framework given the absence of objectivities and policies in the National Environmental Standard for Assessing and Managing Contaminants in Soil to protect Human Health (NESC).

Do you have any additional comments on topics covered in the ‘Our District’ section of What’s the Plan?

Key concerns/requests included:

- Asks that Council uses national threat classification schedules which list indigenous flora and fauna to help assess and prioritise areas for protection under the District Plan. Moreover, as effective protection of indigenous biodiversity is defined, the respondents asks Council to provide affected landowners with the appropriate level of support
- Asks that Council ensures those living in the outer parts of the District are not driven further from main centres by developments
- Seeks exemption for Temporary Military Training Activities (TMTAs) from rules in other chapters, i.e., transport. Asks that if TMTAs are subject to specific chapters or rules, these are clearly noted in relevant parts of the District Plan
- Asks that the District Plan places greater emphasis on social wellbeing to respect the mandate of the RMA which is to ‘provide for sustainable management of social, economic and cultural wellbeing, and health and safety.’
- Supports a 1 in 50 to 1 in 100 flood event as the basis for Natural Hazards modelling and mitigation in Southbrook and notes that the current requirements of the Regional Policy Statement (RPS) are not relevant for industrial areas
- Provided feedback on Light noting support of different light levels in different zones.
### Appendices

**Our District**

**Community Values**

How much protection, more or less, do we need for our historic heritage?

<table>
<thead>
<tr>
<th>Name</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Thea Kunkel</strong></td>
<td>It is important that the heritage properties are protected as a whole</td>
</tr>
<tr>
<td><strong>Heather Thomas</strong></td>
<td>Probably more especially re trees. Would be useful to have clarity on what can be classified as protected.</td>
</tr>
<tr>
<td><strong>Cilla and Nick Taylor</strong></td>
<td>We agree to add heritage settings. List heritage features. Agree to add/update the list of important trees. Add the trees in the Rangiora town centre to the list (main street and the north end of Conway Lane). The main street trees were part of a 1980s plan and are looking great. Pruning could be necessary but these need protection now. Also Queen Street and all parks. Require all subdivisions to submit a plan for thoughtful protection of trees, such as the redwood tree in Oxford Estates.</td>
</tr>
<tr>
<td><strong>Mark Duncan</strong></td>
<td>More protection. Many thing not registered.</td>
</tr>
<tr>
<td><strong>Tristan Wadsworth – New Zealand Archaeological Association</strong></td>
<td>The loss of considerable heritage buildings and archaeological sites in the wake of the Canterbury earthquakes of 2010 and 2011 make it clear that heritage needs greater protection and maintenance. Furthermore, the values of subsurface archaeological sites, and the requirements of the Heritage New Zealand Pouhere Taonga Act 2014 must be taken into consideration as part of the updated district plan.</td>
</tr>
<tr>
<td><strong>Pegasus Residents Group Incorporated</strong></td>
<td>Develop a strategy in consultation with the public to identify possible future heritage sites. Protect future heritage sites and structures, i.e., Pegasus Lake Swingbridge and POU (Māori carvings) Protect Pegasus sites including Kaiapoi Pa, Eastern and Western Conservation areas. Mark sites of historic events and pre-European settlements.</td>
</tr>
<tr>
<td><strong>Woodend-Sefton Community Board</strong></td>
<td>A need to capture significant features of future Historic Heritage. These will need respect and care but there is no way to currently identify them. Māori Carvings should be protected and respected. Mechanism to review inventory more frequently with nominations possible any time. Unhappy about large equipment boxes built at base of Pegasus Footbridge which deserves to be regarded as heritage in due course and therefore it should have been protected.</td>
</tr>
<tr>
<td><strong>Kaiapoi-Tuahiwi Community Board</strong></td>
<td>Current process for identifying heritage is fit for purpose but would like to see more information about what character setting means and how this may impact landowners. Develop a fund to support heritage building and site retention so landowners are supported. Better criteria needed - is it defined by date or other aspects?</td>
</tr>
</tbody>
</table>
Rangiora-Ashley Community Board

It's needed, but the date at which heritage becomes heritage is not clear, nor is the criteria.

Support heritage owners fund for maintenance and repairs.

Future heritage should be identified and protected now.

Warren and Mahoney houses should be heritage, Mill Foundation.

Kathryn Nordmeyer
Protect land for farming with years of built-up fertility. It is an irreplaceable resource.

Elisha Young-Ebert – Federated Farmers
Supports updating list, consider private property rights, do not over-regulate management of inventory

A one-size-fits-all approach is not appropriate when adding 'heritage settings' as many surrounds would only have singular features of notable Historic Heritage.

Supports appropriate protection for historic heritage and settings including using CRPS assessment criteria.

What level of protected tree pruning by landowners is acceptable?

Heather Thomas
Only that which is deemed necessary by an independent arborist to remove dead/dangerous wood or to reduce interference with power lines

Cilla and Nick Taylor
Consult an arborist.

Mark Duncan
Trimming only. No great changes to the shape or size of the tree. Unless it is dangerous to a structure.

B Warren
One tenth of the tree.

Oxford Ohoka Community Board
There is a history of losing magnificent trees in Oxford and the Rangiora Woodend Road oak trees should have been protected. More care should be taken to save significant trees.

Requesting guidelines that cover what trees to protect and how to stop significant trees from being removed.

Work with power companies re tree trimming near power lines

Advocating for community board to support with Protected Trees inventory management

Use a sticker approach to identify them.

Pegasus Residents Group Incorporated
A more flexible approach to tree pruning and removal is supported and a greater leniency is recommended re tree removal on private properties. Of the latter, it should be at owner's expense and with Council permission. Strict guidance wanted re removal of trees.

Woodend-Sefton Community Board
Needs to be more flexibility for people to attend to trees with issues but strict criteria for pruning, felling or replacement

If there are iconic trees on private land affecting public areas, clear consultation with the community is important

**Kaiapoi-Tuahiwi Community Board**  
Support Protected Tree retention  
Better advice needed to landowners with Protected Trees

**Elisha Young-Ebert – Federated Farmers**  
To be agreed with landowners on a one-to-one basis. Consider ownership of cost, maintenance and nature of agreement between Council and landowner.

---

**What should be avoided within the dripline of a protected tree? (e.g., storage of herbicide)**

**Heather Thomas**  
Herbicides, semi/impermeable ground cover

**Cilla and Nick Taylor**  
Buildings or asphalt. Select sprays carefully.

**Mark Duncan**  
No building near the tree, or keeping of harmful chemicals.

**B Warren**  
No buildings

**Kaiapoi-Tuahiwi Community Board**  
Do not support rules around driplines. Use common sense re earthworks near tree roots.

---

**Do you know of any trees that you think may be worthy of protection?**

**Heather Thomas**  
Not at this stage although we were surprised to see oak trees cut down alongside Woodend/Rangiora Road

**Cilla and Nick Taylor**  
Main street Rangiora, Queen St Rangiora, carpark end of Conway Lane Rangiora. Redwood at Oxford estates.

**Mark Duncan**  
The tree by Bupa retirement village on West Belt. The trees in Victoria park. Redwoods in the main park in Oxford.

**B Warren**  
Possibly too late? Save the Plane Trees in Queen Street which are being poisoned by locals. Most recently we have lost the Wellingtonian cnr of Mill road, the stand of poplars at Silverstream Subdivision, the oaks along Rangiora Woodend Rd, the poplars in Ohoka Domain, the Wellingtonians in Southbrook. There always seems to be good justification given.

**Woodend-Sefton Community Board**  
Oak Tree in Sefton Domain by the Cenotaph

**Kaiapoi-Tuahiwi Community Board**  
Trees that line Mill Road

**Kathryn Nordmeyer**  
Please value all trees for aesthetic benefits and climate change mitigation.
Other

<table>
<thead>
<tr>
<th>Name</th>
<th>Organization</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Graeme McCarrison – Spark</strong></td>
<td></td>
<td>Work needs to be undertaken to prune and work on protected trees, particularly where existing infrastructure exists within the root zone or dripline of protected trees. Rules previously suggested.</td>
</tr>
</tbody>
</table>

Open Space and Recreation Zones

<table>
<thead>
<tr>
<th>Name</th>
<th>Organization</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Pegasus Resident Group Inc</strong></td>
<td></td>
<td>We would like to see protection for bodies of water such as Pegasus Lake to ensure any type of pollution, including noise pollution is monitored and minimised.</td>
</tr>
<tr>
<td><strong>Heather Thomas</strong></td>
<td></td>
<td>Important to retain/increase OS and RZ e.g., by covenants.</td>
</tr>
<tr>
<td><strong>Cilla and Nick Taylor</strong></td>
<td></td>
<td>Agree with key issues as listed - all are important. Make it clear that swales are not parks when talking to developers and drawing up master plans.</td>
</tr>
<tr>
<td><strong>Scott Pearson – North Canterbury Fish and Game</strong></td>
<td></td>
<td>Fish and Game is supportive of the development of these Zones and would like to know more about what is planned. We encourage WDC to work with ECan in looking at ways to improvement recreation and amenity under the Canterbury Water Management Strategy. Some angling areas in the District may benefit from improved access and infrastructural services, if they are in keeping with type of experience anglers would normally enjoy in the proposed location.</td>
</tr>
<tr>
<td><strong>Oxford Ohoka Community Board</strong></td>
<td></td>
<td>It is really important we protect parks and reserves - greenspace will be at a premium. Camping grounds in the District are great.</td>
</tr>
<tr>
<td><strong>Pegasus Residents Group Incorporated</strong></td>
<td></td>
<td>Wants to see protection of water bodies like Pegasus Like to monitor and minimise pollution - including noise pollution</td>
</tr>
<tr>
<td><strong>Trevor Wright</strong></td>
<td></td>
<td>Rangiora needs large space set aside for future n.c botanic gardens</td>
</tr>
<tr>
<td><strong>Woodend-Sefton Community Board</strong></td>
<td></td>
<td>Lakes and rivers should be recognised as recreational assets and under an Open Space Zone. Do lakes fit into this zone?</td>
</tr>
<tr>
<td><strong>Kaiapoi-Tuahiwi Community Board</strong></td>
<td></td>
<td>The Zones proposed make sense. Concur these are only for public land.</td>
</tr>
<tr>
<td><strong>Bob &amp; Joanne Gumbell</strong></td>
<td></td>
<td>Create a number of footpaths linking rural roads are ??? Both for recreational and for exercise for health</td>
</tr>
<tr>
<td><strong>Rachel Mcclung – Horticulture New Zealand</strong></td>
<td></td>
<td>HortNZ believes that care must be taken when creating open space and recreation zones to ensure that consideration is given to the interface with adjoining activities such as rural production. Needs to be clear understanding that activities on adjoining land are legitimate and they will not be compromised through the creation of open space or rec zones, as there is potential for reverse sensitivity.</td>
</tr>
<tr>
<td><strong>Pines Kairaki Beach Association</strong></td>
<td></td>
<td>Does not support inclusion of Pines/Kairaki regeneration areas in the Natural Space Open Zone</td>
</tr>
<tr>
<td><strong>Sandy Brinsdon – Canterbury District Health Board</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supports zones. Recommends rules are created for these zones to ensure appropriate access to public facilities and to protect neighbouring residential zones.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| **Herb Familton – Department of Conservation** |  
| Support having three different zones to address natural and creational management areas. Zoning would apply to public conservation land (PCL) and Council reserves as a fit for purpose solution. Would also support a Natural Open Space Zone for most areas of PCL within the District. |

May also be scope for considering one further "riparian" zone for esplanade reserves and other relevant purpose reserves which have a secondary function to protect water and soil values (under section 23 of the Reserves Act 1977). Purpose of zone would be to focus on protecting riparian areas, buy managing water and soil issues and allowing for appropriate public access. |

Also have the view that the natural open space zoning should be less permissive than an open space zone. WDC attracts a range of visitors as it’s located on the margins of the South Island's largest urban centre, which means a spectrum of recreational activities and activities need to be managed. The most remote locations should be more restrictive in terms of activities.
Noise
Do you agree or disagree with any of the noise rules outlined in What's the Plan? Why?

**Haydn Porritt – North Canterbury Clay Target Association**

As there is no information on what the "rules" are, we are unable to comment on them specifically. That said, our club would not support any decrease in permitted noise levels or hours of use. We are a long-standing permitted activity, reverse sensitivity effects were ignored when consenting the rural subdivision surrounding our property. To date, the council has wasted hundreds of thousands of dollars of ratepayers money attempting to force the closure of our consented activity without even monitoring our activity to determine a breach of consent/district plan. Such negligence when consenting has had a significant impact on the club and neighbours, something of which could have been easily managed with due diligence. Whilst it is positive to see the council acknowledging better management is needed in relation to reverses sensitivity effects, we believe it has a duty of care to rectify existing effects cursos as a result of poor management planning and consenting practices. Such engagement and contribution would not only mitigate existing issues but also provide certainly/clarify for all parties involved.

**Heather Thomas**

Agree need to clarify hours/noise levels.

**Martin Pinkham – McAlpines Ltd**

We do not support the concept of daytime and night time hours being the same for all zones. Higher noise levels in Industrial, Commercial, and some Open Space zones should be permitted. We also support there being a difference between night time and day time noise levels. We also support the concept of noise levels being measured at the interface between zones. This may require there to be a transition of noise generation levels closer to Residential zones.

**Cilla and Nick Taylor**

Yes, protect existing activities from new ones but they cannot extend without an assessment of noise. Have tight rules on quarry noise. Rangiora airfield needs noise limits. Construction noise needs clear rules and this should include clear communication with nearby residents. All large-scale construction should require a designated noise complaint contact. Agree with specific noise limits for quarry blasting etc. as listed.

**B Warren**

Just because its an Agricultural activity should not exempt it from any noise control. This is an assumption that needs to be challenged as well as the assumption that because it is an existing activity it is exempt.

**Michael Baynes – Rural Gas Gun Use**

Disagree. The current noise standards are not a useful measure for things such as Bird Scarers that provide a loud intermittent noise.

**Pegasus Residents Group Incorporated**

Agree rules need to be updated to reflect up-to-date best practice and acoustical standards.

Rules should be considered for construction sites to mitigate noise pollution - key to this is hours of operation.

Same applies for mixed development zones (commercial and residential) to protect residential properties.

**Woodend-Sefton Community Board**
Rules should look at possible restriction in residential areas regarding hours of business where trucks are concerned. Particularly, Pegasus Blvd and Infinity Drive. How can this be enforced to ensure businesses comply with the rules? Balance commercial with residential needs regarding trucks making noise. Is there scope within the plan to enforce hours of operation?

**Kaiapoi-Tuahiwi Community Board**

Do not agree with making daytime and night-time hours the same for all zones.

Noise generated from new activities should be measured at the boundary of the zone in which noise is generated and reflect the impact of nature on the adjoining zone.

Do not support controls on various activities within a zone as this will never capture potential noise generation. Should measure noise at the adjoining boundary.

**Rachel McClung – Horticulture New Zealand**

Daytime/night time hours same for all zones: Hortnz seeks to ensure that hours are the same 7 days a week, rural activities occur on all days.

Document does not suggest what times may be considered. Hortnz seeks to ensure that times recognise rural production. (7am to 10pm is a typical district plan provision).

Introduce controls to manage effects of new activities on existing activities - recognition of reverse sensitivity is important in terms of noise generated in rural areas.

Hortnz supports setting appropriate rules based on location and activity for certain activities such as frost fans but seeks to ensure that they adequately recognise potential reverse sensitivity effects.

Support a rule to best manage quarry blasting and military training activities.

Retaining an exemption for primary production activities is important to ensure that horticultural activities can continue without fear of reverse sensitivity complaints. The exemptions should include intermittent use of aircraft for primary production activities, e.g. spraying/use of fertilisers. Suggested that there are specific rules for bird scarers/frost fans so they are not included in exemptions.

Manage noise from small airfields: unclear how Council would determine what a small airfield is. Important as Hortnz seek to ensure that helicopters or fixed wing planes applying fertiliser or sprays are provided as a permitted activity as its temporary/intermittent. Impractical to limit such use to so many days a month as fertiliser may be applied in one or two days but exceed monthly limit.

Appropriate to exempt public roads from noise rules, include a rule for activities near high traffic volume roads, and consider noise rules for housing development close to rail roads.

Contain all noise limits into a concise table focusing on zone affected by noise. Hortnz supports - however, Hortnz does not support setting the noise limit at the point where it is received rather than where it is generated. Has potential to create perverse effects for rural production activities where there is adjoining residential, rural-residential zones. Limit in zone is important in setting the permitted baseline for relevant zone. Noise limit should focus on what noise is acceptable in relevant zone and manage cross boundary effects through other planning mechanisms (setbacks & buffer distances).
Given bulk of earthquake recovery work that has already been undertaken, appropriate to remove these rules.

**Aggregate and Quarry Association and Straterra**

Accepts a need to avoid, remedy or mitigate - the extent practical - quarry associated noise. Details tools available to achieve this.

**Elisha Young-Ebert – Federated Farmers**

Supports updating rules to most recent acoustical standards, standardising day and night hours for all zones. Asks that rules do not over-restrict essential rural activities.

Have clear exemptions for agricultural activities.

Manage reverse sensitivity however do not support controls on existing activities to accommodate new rural residential development.

Challenging:

Setting noise limit at the point where it is received rather than where it is generated

Exemptions for public roads

The need to control heat pumps

Removing EQR noise rules.

**Sandy Brinsdon – Canterbury District Health Board**

Supports measures to effectively manage noise, minimise impacts on sensitive receptors, i.e., childhood education centres and residential sleeping.

**Felicity Blackmore – Christchurch International Airport**

Supports the need for the Plan to reflect updated acoustical standards

**Herb Familton – Department of Conservation**

Does not support measuring the noise level in the rural environment to the nearest residential dwelling as it ignores the effects of noise on public conservation land including Council managed reserves where there are no residential dwellings present

Noise rules applying to natural open space zones would be more appropriate to apply at zone boundaries rather than the distance to nearest residential dwelling. Noise levels managed this way should assist with the protection of recreational amenity generally.

**Ken Fletcher – Ashley Industrial Services**

Support standardisation of noise hours across all zones.

Support better management of reverse sensitivity effects as it relates to noise but would go further. Residential activity expanded around our boundary without notice, suggest that this consideration should be expanded to new activities around all established activities.

Suggestion for noise rules to new house development close to rail lines could be expanded to new house developments close to existing activities that generate noise.
Do you agree with introducing noise rules for quarry blasting, commercial firewood processing, dog boarding kennels, gun clubs, shooting ranges, motor vehicle racing, function venues, and military training?

<table>
<thead>
<tr>
<th>Name</th>
<th>Organization</th>
</tr>
</thead>
<tbody>
<tr>
<td>Haydn Porritt</td>
<td>North Canterbury Clay Association</td>
</tr>
<tr>
<td>Heather Thomas</td>
<td></td>
</tr>
<tr>
<td>Martin Pinkham</td>
<td></td>
</tr>
<tr>
<td>Cilla and Nick Taylor</td>
<td></td>
</tr>
<tr>
<td>B Warren</td>
<td></td>
</tr>
<tr>
<td>Michael Baynes</td>
<td>Rural Gas Gun Use</td>
</tr>
<tr>
<td>C/O Niki Mealings</td>
<td>Ohoka Residents Association</td>
</tr>
<tr>
<td>Elisha Young-Ebert</td>
<td>Federated Farmers</td>
</tr>
</tbody>
</table>

Haydn Porritt – North Canterbury Clay Association
We believe all activities should have boundaries so as to be able to provide clarity and certainty. Such rules need to be created in collaboration with existing activities allowing traditional activities undertaken in the country to continue.

Heather Thomas
Yes (Location/dust/vehicle movements are also important) as long as it doesn’t result in reverse sensitivity issues. Important not to hinder farming activities.

Martin Pinkham
Yes, with noise levels measured at the boundary of noise generating site

Cilla and Nick Taylor
Yes

B Warren
Yes but also included in this list should be the discharging of guns within close proximity of houses.

Michael Baynes – Rural Gas Gun Use
Yes. Plus Bird Scarers/Gas Guns

Kaiapoi-Tuahiwi Community Board
Do not support this - difficult to define a noise level from specialised activities

C/O Niki Mealings – Ohoka Residents Association
Re quarrying, defined allowable hours of operation should be in place to control noise. 24 hour operation should not be permitted.

Loud noise-producing activities should be confined to set hours of operation.

Elisha Young-Ebert – Federated Farmers
Yes, as appropriate.

Are there any parks and reserves where you think noise levels should be more permissive?

Kaiapoi-Tuahiwi Community Board
Support some being having more permissive noise levels for activities like events but rules should exist re duration and days.

Jet Boating New Zealand

In the Waimakariri Gorge - few landowners and no dwellings close to river margin, boat noise will therefore have a limited impact.

Waimakariri River is the most boated river in New Zealand for jet boats. High use from for recreational boaters and commercial operators due to proximity to Christchurch and neighbouring townships.

Public access near the Gorge is restricted to Woodstock and boating noise should not have any practical impact on the public.

Noise caused by boaters is not considered to be adverse as its occasional and short duration. Noise has a positive effect as it alerts kayakers, rafters and other boaters close to boats and allows them to take safety precautions.
### Other

<table>
<thead>
<tr>
<th><strong>Russell Cameron</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Wanting to know if airport contours for air noise are to change, as they restrict development under them. What restrictions will these air noises contribute to and why are the restrictions put on areas that would be suitable for subdivision development?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Jet Boating New Zealand</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>JBNZ recommends that noise from recreational boating be restricted to 80 dBA. Boats with effective silencing meet this requirement.</td>
</tr>
<tr>
<td>JBNZ currently organising noise tests under different river conditions to understand noise generation and how it might be recognised in standards.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Elisha Young-Ebert – Federated Farmers</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Support rules for housing developments close to rail roads</td>
</tr>
<tr>
<td>Bring all noise limit rules into a concise table</td>
</tr>
<tr>
<td>Simplify rules for aircraft noise.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Rebecca Davies – New Zealand Defence Force</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Seeks an approach that sees specific noise control permitted activity standards for TMTAs - see submission for inclusions.</td>
</tr>
</tbody>
</table>
Earthworks

Should we change the thresholds for earthwork activities from a ratio approach to a volume that can be undertaken annually on a site?

<table>
<thead>
<tr>
<th>Name</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thea Kunkel</td>
<td>Don't know</td>
</tr>
<tr>
<td>Heather Thomas</td>
<td>We do not support the concept of thresholds being based on volume but would like to see the ratio rules being revised and easier to follow.</td>
</tr>
<tr>
<td>Cilla and Nick Taylor</td>
<td>no idea</td>
</tr>
<tr>
<td>Kaiapoi-Tuahiwi Community Board</td>
<td>Do not support - need to acknowledge potential impact of earthworks on a large site will be a lot smaller than for a smaller site.</td>
</tr>
<tr>
<td>Elisha Young-Ebert – Federates Farmers</td>
<td>Generally support - recommend the volume control is staggered based on the size of the site in question.</td>
</tr>
<tr>
<td>Herb Hamilton – Department of Conservation</td>
<td>Would encourage Council to not provide for earthworks in SNAs and the incorporation of landscape treatment of locally sourced native planting and weed and pest conditions as a requirement of consent.</td>
</tr>
</tbody>
</table>

Should we introduce limits on stockpile heights and setbacks?

<table>
<thead>
<tr>
<th>Name</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thea Kunkel</td>
<td>probably but why and what would be the difference/benefit from this?</td>
</tr>
<tr>
<td>Heather Thomas</td>
<td>We support limits on heights and setbacks of stockpiles but these need to be varied from zone to zone.</td>
</tr>
<tr>
<td>Cilla and Nick Taylor</td>
<td>Yes</td>
</tr>
<tr>
<td>Pegasus Residents Group Incorporated</td>
<td>Yes. Residential homes need to be protected and road safety/pollution considered.</td>
</tr>
<tr>
<td>Kaiapoi-Tuahiwi Community Board</td>
<td>Support - need to vary from zone to zone</td>
</tr>
<tr>
<td>C/O Niki Mealings – Ohoka Residents Association</td>
<td>Yes</td>
</tr>
<tr>
<td>Elisha Young-Ebert – Federated Farmers</td>
<td>Generally support</td>
</tr>
<tr>
<td>Sandy Brinsdon – Canterbury District Health Board</td>
<td>Yes</td>
</tr>
<tr>
<td>Herb Hamilton – Department of Conservation</td>
<td>Support</td>
</tr>
<tr>
<td>Petrol Companies</td>
<td>Considers it important that any such controls do not unnecessarily restrict short-term construction activities.</td>
</tr>
</tbody>
</table>

How should stormwater channels be protected?

<table>
<thead>
<tr>
<th>Name</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thea Kunkel</td>
<td>Not sure how but important that they are protected.</td>
</tr>
<tr>
<td>Heather Thomas</td>
<td>There are already protections for stormwater channels under regional plans and the WDC Stormwater Bylaw. There is no need for additional requirements in the District Plan.</td>
</tr>
<tr>
<td>Organization</td>
<td>Description</td>
</tr>
<tr>
<td>------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Pegasus Residents Group Incorporated</strong></td>
<td>Require consents where earthworks are likely to affect stormwater channels. Protect with setbacks, maintaining same entry and exist point, requiring consents in flood prone areas.</td>
</tr>
<tr>
<td><strong>Kaiapoi-Tuahiwi Community Board</strong></td>
<td>Overflow paths should be protected.</td>
</tr>
<tr>
<td><strong>Ohoka Residents Association</strong></td>
<td>This is of high importance to protect properties and importance infrastructure. Concerns over modifying channels when properties previously not seen as being at risk become vulnerable after their ability to mitigate the risk has passed.</td>
</tr>
<tr>
<td><strong>Canterbury District Health Board</strong></td>
<td>By requiring consents</td>
</tr>
</tbody>
</table>

**Are there any earthwork activities that you think should require special treatment?**

<table>
<thead>
<tr>
<th>Name</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thea Kunkel</td>
<td>Stopbanks</td>
</tr>
<tr>
<td>Cilla and Nick Taylor</td>
<td>when near water</td>
</tr>
<tr>
<td>Mark Duncan</td>
<td>The Waimakariri District Council has a responsibility to make its constituents aware of their responsibilities regarding the Heritage New Zealand Pouhere Taonga Act 2014. Resource consents for earthworks within the vicinity of archaeological sites should include a clause that the consent holder should contact Heritage New Zealand Pouhere Taonga or an archaeologist to determine if the works will require an archaeological authority.</td>
</tr>
<tr>
<td>Woodend-Sefton Community Board</td>
<td>Any near wetlands which should be protected. Protect streams, waterflow.</td>
</tr>
<tr>
<td>Kaiapoi-Tuahiwi Community Board</td>
<td>No.</td>
</tr>
<tr>
<td>Rachel Mcclung</td>
<td>Hortnz supports a clearer focus on sensitive environments but seeks that minor earthworks as part of primary production activities are ancillary to that activity. HortNZ considers minor that minor earthworks undertaken as part of primary production activities should be provided for as ancillary to the primary production activity.</td>
</tr>
<tr>
<td>Canterbury District Health Board</td>
<td>Those near rivers and the coastal environment - need specific rules, particularly around protecting mahinga kai</td>
</tr>
<tr>
<td>4Sight Consulting on behalf of Z energy, BP oil, &amp; Mobil</td>
<td>Considers the removal and replacement of fuel storage tanks as a well-defined activity controlled by the NESCS and as such recommends it does not need to be addressed separately via the DP provisions.</td>
</tr>
</tbody>
</table>
### Other

<table>
<thead>
<tr>
<th><strong>Rayonier New Zealand</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Rayonier supports removing any duplication with the Regional Plan and recognition of the National Environmental Standard for Plantation Forestry.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Horticulture New Zealand</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Discussion document does not include a definition for earthworks is used, therefore assumed it is the planning standards definition. Earthworks provisions would therefore exclude cultivation from definition.</td>
</tr>
</tbody>
</table>

HortNZ seeks to ensure that root ripping and farm tracks are provided for as ancillary to the primary production activity.

Change provisions to manage the amount of earthworks permissible in a year (e.g. volume per site) volume per site is dependent on the definition of site. It is not always an appropriate measure for larger rural landholdings.

Hortnz considers approach in the District Plan rules should be to sensitive areas where potential for adverse effects from earthworks are significant.

Require consent where earthworks are likely to affect stormwater channels - should be permitted activity and if these cannot be met then consent would be required. There should not be a presumption that consent is always required.

Having more restrictive approaches for earthwork thresholds on sensitive environments (SNA/ONL) should be effects based.

<table>
<thead>
<tr>
<th><strong>Aggregate and Quarry Association and Straterra</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Support comment in What’s the Plan? That quarrying is a unique activity and should be covered separately from earthworks.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Federated Farmers</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Regional rules set by Ecan's Land and Water Plan are sufficient. No duplication.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Canterbury District Health Board</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Earthworks should be allowed but environmental health impacts need to be effectively managed.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Spark</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Support removal of duplicated rules.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Department of Conservation</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Support more restrictive thresholds for SNAs, ONF/L</td>
</tr>
</tbody>
</table>

Support including volume per site limits, support removal of duplicated rules, recognise NES for planation forestry.

Do not enable earthworks where they effect a sensitive environment/feature such as a waterway.
### Quarrying

**What controls do you think there should be for quarrying?**

<table>
<thead>
<tr>
<th>Name</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Heather Thomas</td>
<td>Controls on location. Impacts from noise, dust, vehicles.</td>
</tr>
<tr>
<td><strong>Cilla and Nick Taylor</strong></td>
<td>minimum setback of 250m from residents and sensitive activities such as schools. Resource consents in all zones - quarrying is increasingly industrial.</td>
</tr>
<tr>
<td><strong>Mark Duncan</strong></td>
<td>Rural zone only and not within many kilometres of an residential or built up area. Approval from affected people before consent approval.</td>
</tr>
<tr>
<td><strong>Oxford - Ohoka Community Board</strong></td>
<td>The Board asks that quarrying activity is not regulated too strictly as they are needed.</td>
</tr>
<tr>
<td><strong>Kaiapoi-Tuahiwi Community Board</strong></td>
<td>Support controls on noise relating to quarrying to minimise amenity impact - i.e., dust, vibration.</td>
</tr>
<tr>
<td><strong>Rangiara-Ashley Community Board</strong></td>
<td>Noise related controls. Use decibel and dust boundaries.</td>
</tr>
<tr>
<td><strong>Aggregate and Quarry Association and Straterra</strong></td>
<td>Supports a case for resource consent requirements for activities potentially impacted by quarries to avoid reverse sensitivity impacts.</td>
</tr>
<tr>
<td><strong>Canterbury District Health Board</strong></td>
<td>Those that can manage dust, water and noise. Minimum requirements should exist and detailed assessment criteria should be part of the resource consent process.</td>
</tr>
<tr>
<td><strong>Department of Conservation</strong></td>
<td>Support rehabilitation using locally sourced native plants and require management plans and rehabilitation plans as part of any rehabilitation proposal.</td>
</tr>
<tr>
<td></td>
<td>Conditions on gravel extraction generally should be required to not take weed infested gravel, imposed management conditions to protect riverbed birds with appropriate cleaning and post management weed removal.</td>
</tr>
<tr>
<td></td>
<td>Management should seek to ensure that those that benefit from gravel extraction contribute to the costs of weed control. Gravel extraction should apply restoration incorporation of landscape treatment, including locally sourced native planting.</td>
</tr>
</tbody>
</table>

### Should we introduce setbacks for quarrying from houses and other sensitive activities?

<table>
<thead>
<tr>
<th>Name</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Heather Thomas</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Cilla and Nick Taylor</strong></td>
<td>yes, minimum 250m</td>
</tr>
<tr>
<td><strong>Mark Duncan</strong></td>
<td>Most definitely.</td>
</tr>
<tr>
<td><strong>Oxford - Ohoka Community Board</strong></td>
<td>WDC should identify likely quarry sites and ensure no resource consents for residential development are issued. Noise, dust, transport trucks are all factors to consider.</td>
</tr>
<tr>
<td>Community Board</td>
<td>Comment</td>
</tr>
<tr>
<td>---------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Woodend-Sefton Community Board</td>
<td>Yes, houses</td>
</tr>
<tr>
<td>Kaiapoi-Tuahiwi Community Board</td>
<td>Support. Base on appropriate NZ or international standards.</td>
</tr>
<tr>
<td>Rangiora-Ashley Community Board</td>
<td>Yes - important. Only locate quarries far beyond town boundaries and where no growth and development is planned.</td>
</tr>
<tr>
<td>Aggregate and Quarry Association and Straterra</td>
<td>Would like a discussion.</td>
</tr>
<tr>
<td>Ohoka Residents Association</td>
<td>Yes - from the quarrying activity to the closest external residence boundary.</td>
</tr>
<tr>
<td>Federated Farmers</td>
<td>Yes</td>
</tr>
<tr>
<td>Canterbury District Health Board</td>
<td>Yes</td>
</tr>
<tr>
<td>Department of Conservation</td>
<td>Support providing setbacks for sensitive areas and activities. Some form of locational control of quarrying will assist to manage its adverse effects. Good sediment management will assist with reducing phosphorus input waterways. Enable gravel extraction where it can be used to enhance braided river habitat.</td>
</tr>
</tbody>
</table>

What do you think these setbacks should be, where should they be measured from, and should they be the same for all types of quarrying activity?

<table>
<thead>
<tr>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Heather Thomas</td>
</tr>
<tr>
<td>Cilla and Nick Taylor</td>
</tr>
<tr>
<td>Mark Duncan</td>
</tr>
<tr>
<td>Oxford - Ohoka Community Board</td>
</tr>
<tr>
<td>Woodend-Sefton Community Board</td>
</tr>
<tr>
<td>Kaiapoi-Tuahiwi Community Board</td>
</tr>
<tr>
<td>Rangiora-Ashley Community Board</td>
</tr>
<tr>
<td>Aggregate and Quarry Association and Straterra</td>
</tr>
<tr>
<td>Federated Farmers</td>
</tr>
</tbody>
</table>
To what extent should resource consents be required for quarries as an activity in different zones?

<table>
<thead>
<tr>
<th><strong>Heather Thomas</strong></th>
<th>Should always be required</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Cilla and Nick Taylor</strong></td>
<td>all zones - one house if as important as many!!!</td>
</tr>
<tr>
<td><strong>Mark Duncan</strong></td>
<td>All quarrying should need a resource consent. A resource consent is needed for a vehicle crossing that is slightly too wide or close to another. Surely a quarry would need to be assessed.</td>
</tr>
<tr>
<td><strong>Kaiapoi-Tuahiwi Community Board</strong></td>
<td>Some Board members support concept of quarry zones with associated rules - these would be &quot;permitted activities&quot;</td>
</tr>
<tr>
<td><strong>C/O Niki Mealings</strong></td>
<td>Other zones should require a resource consent.</td>
</tr>
<tr>
<td><strong>Sandy Brinsdon</strong></td>
<td>Yes - they should reflect the environment in which they are located</td>
</tr>
</tbody>
</table>

Other

| **Department of Conservation** | Support rehabilitation using locally sourced native plants and require management plans and rehabilitation plans as part of any rehabilitation proposal. |
|                               | Conditions on gravel extraction generally should be required to not take weed infested gravel, imposed management conditions to protect riverbed birds with appropriate cleaning and post management weed removal. |
|                               | Management should seek to ensure that those that benefit from gravel extraction contribute to the costs of weed control. Gravel extraction should apply restoration incorporation of landscape treatment, including locally sourced native planting. |
### Natural Environment

Do you think offering development bonuses (or similar) to protect and/or enhance Significant Natural Areas (SNAs) or Ecological Corridor Priority Areas would be an appropriate incentive to improve our District's biodiversity values?

<table>
<thead>
<tr>
<th>Name</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Heather Thomas</strong></td>
<td>No. SNA or ECPA should not be part of a barter/bonus system</td>
</tr>
<tr>
<td><strong>Anonymous</strong></td>
<td>I would prefer that any money given by Council to protect existing remnants, is not tied in with development bonuses.</td>
</tr>
<tr>
<td><strong>Cilla and Nick Taylor</strong></td>
<td>No. Protect all natural areas especially wetlands, springs, water races and courses, remnant native vegetation and significant planting of native vegetation and isolated trees. Require centre pivots to plant corners of paddocks and not irrigate every square meter. Require biological offsets for removal of hedges and copses.</td>
</tr>
<tr>
<td><strong>Mark Duncan</strong></td>
<td>They should be protected. All new subdivision should require native planting only. And native planting that is suitable to the area and district.</td>
</tr>
<tr>
<td><strong>North Canterbury Fish &amp; Game</strong></td>
<td>Fish and Game supports offering incentives for the advancement of SNAs and Ecological Corridors. But this must ensure that long-term protection will be maintained.</td>
</tr>
<tr>
<td><strong>George Jason Smith</strong></td>
<td>Yes, within reason. This concept should be extended to encourage the preservation of existing areas and versatile soils</td>
</tr>
<tr>
<td><strong>B Warren</strong></td>
<td>Good idea.</td>
</tr>
<tr>
<td><strong>Oxford Ohoka Community Board</strong></td>
<td>Yes. It would be good to see incentive for people, especially for those near waterways.</td>
</tr>
<tr>
<td><strong>Kaiapoi-Tuahiwi Community Board</strong></td>
<td>Support. Recommend a fund to compensate landowners who are adversely impacted.</td>
</tr>
<tr>
<td><strong>Opal Consortia</strong></td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Ohoka Residents Association</strong></td>
<td>Yes, however, does NOT support incentivising these features where developers wanting to develop rural subdivisions below the minimum lot size are concerned.</td>
</tr>
<tr>
<td><strong>Department of Conservation</strong></td>
<td>Incentives to protect biodiversity have merit, but national experiences is that rules need to be carefully drafted and monitored to work well. Staff have previously discussed with Council how the EDS provides necessary guidance</td>
</tr>
</tbody>
</table>
Are there any biodiversity values or locations that should be included or not included within the reviewed District Plan provisions?

<table>
<thead>
<tr>
<th>Name</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Heather Thomas</strong></td>
<td>Wetlands don't appear to have a specific mention yet should be included.</td>
</tr>
<tr>
<td><strong>Anonymous</strong></td>
<td>All remnant vegetation locations and their associated biodiversity values should be included within the Plan.</td>
</tr>
<tr>
<td><strong>Mark Duncan</strong></td>
<td>Only some Council parks I can think to be included. Matawai park etc.</td>
</tr>
<tr>
<td><strong>North Canterbury Fish &amp; Game</strong></td>
<td>Fish and Game supports clearer rules to better protect SNAs and maintain other indigenous remnants. We suggest WDC adopt a similar approach to Selwyn District Council in investigating a better approach for defining what is &quot;improved pasture&quot; as well as a more systematic approach to identifying high, medium and low indigenous biodiversity values down to a farm level. This will help to improve soil and water conservation, water retention and quality, habitat protection and quality for aquatic and associated terrestrial species. We also support clearer integrated provisions for riparian areas and drains.</td>
</tr>
<tr>
<td><strong>B Warren</strong></td>
<td>One could assume that you consider the Canterbury Plains between all the rivers, the mountains and sea has no natural value worth protecting or restoring anymore.</td>
</tr>
<tr>
<td><strong>Oxford Ohoka Community Board</strong></td>
<td>Some fantastic wetlands exist along with areas including lagoons and wet areas with birds. Developers should be responsible too for protecting these.</td>
</tr>
<tr>
<td></td>
<td>We can learn from Tūhaitara Coastal Park.</td>
</tr>
<tr>
<td></td>
<td>If planting is not done correctly, it can create problems with biodiversity and ecosystems.</td>
</tr>
<tr>
<td><strong>Woodend-Sefton Community Board</strong></td>
<td>There should be a wetlands inventory on public and private land. Bird habitats are being destroyed.</td>
</tr>
<tr>
<td><strong>Kaiapoi-Tuahiwi Community Board</strong></td>
<td>Not aware of any. Interested in research.</td>
</tr>
<tr>
<td><strong>Federated Farmers</strong></td>
<td>Changes involving ONLs can impact ability to farm on private land. Landowner engagement vital. Any ONLS on working rural land must be absolutely necessary and appropriate.</td>
</tr>
<tr>
<td><strong>Department of Conservation</strong></td>
<td>DoC would continue to work with Council on maintaining indigenous biodiversity as required section 31 RMA.</td>
</tr>
<tr>
<td></td>
<td>DoC aware of Biodiversity Officer position, seen as an important component in implementing any biodiversity provisions in the draft Plan, as well as working with stakeholders and the community to achieve Canterbury Biodiversity Strategy outcomes.</td>
</tr>
</tbody>
</table>
What are your views on the amount of acceptable development in the Outstanding Landscape areas? (e.g. wind farms & cell phone towers)

<table>
<thead>
<tr>
<th><strong>Heather Thomas</strong></th>
<th>Only permissible if they do not impact on Outstanding landscape</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Cilla and Nick Taylor</strong></td>
<td>require public consultation and ecological impact assessment</td>
</tr>
<tr>
<td><strong>Mark Duncan</strong></td>
<td>Development to only private use. Eg sheds and dwellings. No large commercial structures.</td>
</tr>
<tr>
<td><strong>North Canterbury Fish &amp; Game</strong></td>
<td>We have concerns about the increasing intensification in high country areas, which has both visual and other environmental effects.</td>
</tr>
<tr>
<td><strong>George Jason Smith</strong></td>
<td>Cell phone towers are OK- just take care with the access roads. Windmills can be be OK - ditto re roading - and require that they be painted a less obtrusive colour (to be detailed in each approval)</td>
</tr>
<tr>
<td><strong>Kaiapoi-Tuahiwi Community Board</strong></td>
<td>Support some controls on cellphone tower installation.</td>
</tr>
</tbody>
</table>

Do not support a total ban on wind farms. Expect to see DP include criteria for assessing wind farm development proposals and support design that protects amenity value of landscape.

Are there any other natural features or landscapes in our District that should be protected?

<table>
<thead>
<tr>
<th><strong>Heather Thomas</strong></th>
<th>Dunes? Patches of indigenous vegetation.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Cilla and Nick Taylor</strong></td>
<td>yes</td>
</tr>
<tr>
<td><strong>Mark Duncan</strong></td>
<td>No</td>
</tr>
<tr>
<td><strong>North Canterbury Fish &amp; Game</strong></td>
<td>We support strong protection of braided river environments, areas like the Ashley Gorge and remaining wetland areas in the Lees Valley and other parts of the District. We support better provisions for protection of second tier &quot;modified landscapes&quot;. At times the definition of &quot;modified&quot; has allowed inappropriate development to take place, to the detriment of special natural features and landscapes.</td>
</tr>
<tr>
<td><strong>George Jason Smith</strong></td>
<td>Oxford Forest  The Puketeraki Range</td>
</tr>
<tr>
<td><strong>B Warren</strong></td>
<td>All the water courses. Especially the Ohoka Stream between Bradley and Whites Road.</td>
</tr>
<tr>
<td><strong>Oxford Ohoka Community Board</strong></td>
<td>Mt Thomas Forest and other forestry areas should be protected and replanted.</td>
</tr>
<tr>
<td><strong>Kaiapoi-Tuahiwi Community Board</strong></td>
<td>Kaiapoi River and its banks</td>
</tr>
</tbody>
</table>

What are your views on the revised extent of Outstanding Natural Landscapes (foothills) and newly identified Outstanding Natural Features (Waimakariri River and the Ashley-Rakahuri/Saltwater Creek Estuary)?

<p>| <strong>Heather Thomas</strong> | |</p>
<table>
<thead>
<tr>
<th>Name</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cilla and Nick Taylor</td>
<td>Agree - v important areas</td>
</tr>
<tr>
<td>Mark Duncan</td>
<td>This is an improvement</td>
</tr>
<tr>
<td>North Canterbury Fish &amp; Game</td>
<td>We have concerns about removing more &quot;foothills&quot; edges from the ONL classification (e.g. Lees Valley). We need to see more justification for these decisions, given the likely effects from easing provisions to allow more intensive farming to occur. High country areas have in the past have maintained a relatively low or extensive footprint, however we are seeing this change significantly across Canterbury.</td>
</tr>
<tr>
<td>B Warren</td>
<td>Yes - Determine the activities which can adversely impact on Outstanding Natural Landscapes and Features including agricultural activities like the pig and dairy farms that operate along the banks of the Salt Water creek areas and ban duck shooting within 50 km of a protected wetland. No brainer don't you think.</td>
</tr>
<tr>
<td>Kaiapoi-Tuahiwi Community Board</td>
<td>Do not support inclusion of Waimakariri River - already highly modified and valuable source of aggregates as well as boundary issues with Christchurch and Selwyn. Do not support inclusion of Ashley-Rakahuri - same as reasons above.</td>
</tr>
<tr>
<td>Horticulture New Zealand</td>
<td>Hortnz would need to see a map of areas to be identified as ONLFs to assess impact on growers. Hortnz would be concerned if there would be limitations on primary production activities where there is a current existing use. Hortnz does not support a second tier of natural landscapes and features in the Plan.</td>
</tr>
<tr>
<td>Department of Conservation</td>
<td>Support approach suggested by Council to identify areas, manage the public conservation land in the Puketeraki Range and Oxford Foothills. Also support identifying/protecting Waimakariri River/Ashley Rakahuri Saltwater creek biodiversity, landscape, and natural character qualities. Provide for rules to manage activities in these areas.</td>
</tr>
</tbody>
</table>
What activities in the coastal environment do you think should be managed by the reviewed District Plan?

<table>
<thead>
<tr>
<th>Name</th>
<th>Suggested Management</th>
</tr>
</thead>
<tbody>
<tr>
<td>Heather Thomas</td>
<td>Vehicular/dog access</td>
</tr>
<tr>
<td>Cilla and Nick Taylor</td>
<td>Housing, infrastructure, parking etc. Allow for sea-level rise in future.</td>
</tr>
<tr>
<td>Mark Duncan</td>
<td>No motorbikes or cars on any beaches. Harmful to the wildlife (which is limited enough).</td>
</tr>
<tr>
<td>North Canterbury Fish &amp; Game</td>
<td>Any activities that may contribute significantly to sediment loads in waterbodies, in conjunction with other agencies.</td>
</tr>
<tr>
<td>B Warren</td>
<td>Intensive farming.</td>
</tr>
<tr>
<td>Pegasus Residents Group Incorporated</td>
<td>Protection of Tūhaitara Coastal Park and the Ashley Rakahuri estuary is critical. Supporting coastal environment mapping and rules to manage activities (like structures) that could compromise natural character.</td>
</tr>
<tr>
<td>Woodend-Sefton Community Board</td>
<td>The coastal environment needs maximum protection.</td>
</tr>
<tr>
<td>Kaiapoi-Tuahiwi Community Board</td>
<td>No additional controls. Concerned that additional forestry activity controls in coastal areas could impact Council assets and Te Kohaka coastal environment. Take rising seal levels into account when building close to coast and limit development in the coastal zone.</td>
</tr>
<tr>
<td>Horticulture New Zealand</td>
<td>Hortnz indicated that it sought to be involved if the Council pursued identification of the coastal environment. No specific engagement has been sought.</td>
</tr>
<tr>
<td>Federated Farmers</td>
<td>Activities where there is no duplication of rules. Consider the impact of change on private landowners and consult directly.</td>
</tr>
<tr>
<td>Department of Conservation</td>
<td>Plan should have objectives, policies and rules related to Policy 15 (a) and (b) of the NZCPS.</td>
</tr>
</tbody>
</table>
What level of activity in the coastal environment is acceptable?

<table>
<thead>
<tr>
<th>Name</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Heather Thomas</td>
<td>Only that which does not harm the environment. Take only photos - leave only footprints. Need to consider impact from global warming/sea level rise and consider potential planned retreat.</td>
</tr>
<tr>
<td>Cilla and Nick Taylor</td>
<td>within constraints of hazard protection</td>
</tr>
<tr>
<td>Mark Duncan</td>
<td>Pedestrians only.</td>
</tr>
<tr>
<td>North Canterbury Fish &amp; Game</td>
<td>Activities in the coastal environment should aim to at least maintain the current state of environmental quality, in line with the Canterbury Regional Coastal Plan.</td>
</tr>
<tr>
<td>George Jason Smith</td>
<td>The default level should be &quot;Do No Harm&quot;. Financial reward alone is never sufficient grounds for a consent in this area.</td>
</tr>
<tr>
<td>B Warren</td>
<td>No vehicles along beaches including the whitebait season.</td>
</tr>
<tr>
<td>Kaiapoi-Tuahiwí Community Board</td>
<td>No further activity.</td>
</tr>
<tr>
<td>Kathryn Nordmeyer</td>
<td>Give serious consideration to climate change - particularly sea level rise, extreme weather events, tsunami risk.</td>
</tr>
<tr>
<td>Sandy Brinsdon</td>
<td>Development should not occur in high hazard areas and septic systems must be resilient.</td>
</tr>
<tr>
<td>Herb Familton</td>
<td>Plan should identify and provide for public open space and access as outlined in policies 18 &amp; 19 of NZCPS. Restrictions limited to Policy 19 (3).</td>
</tr>
<tr>
<td></td>
<td>Plan should identify areas/opportunities for restoration and rehabilitation of natural character.</td>
</tr>
</tbody>
</table>

Other

<table>
<thead>
<tr>
<th>Name</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rayonier New Zealand</td>
<td>Retain and enhance indigenous Biodiversity provided that District Plan provisions enable existing plantation forestry operations to continue. Ensure controls on ONL/F continue to allow for existing forestry plantations.</td>
</tr>
<tr>
<td>Canterbury Branch Jet Boating New Zealand</td>
<td>Retain current District Plan provisions for activities on the surface of water.</td>
</tr>
<tr>
<td></td>
<td>No adverse effects from jet boats have been reported/no complaints received.</td>
</tr>
<tr>
<td>Jet Boating New Zealand</td>
<td>Ashley Rivercare Group has indicated that boating does not provide any significant risk to birdlife.</td>
</tr>
<tr>
<td>Horticulture New Zealand</td>
<td>HortNZ has previously identified the need to include provisions which enable response to biosecurity incursions, including riparian areas. There needs to be ability to clear areas if there is an infestation of an unwanted organism.</td>
</tr>
<tr>
<td></td>
<td>HortNZ supports additional controls for wetlands in principle, it is important there is clarity as to the extent that wet areas on farms are classed as wetlands. Important that the Plan explicitly state that wet areas in pasture, sediment ponds and farm drains are not included as wetlands.</td>
</tr>
<tr>
<td>Federated Farmers</td>
<td></td>
</tr>
</tbody>
</table>
It is important to note that SNAs, rural character and potential productive land all interconnect. Their outlook and aims are different yet their bases are rooted in rural land. Acknowledge this tension and ensure properly balance rules.

**Spark**
Support work to protect coastal environment - wishes to participate in ongoing conversations in recognition of existing telecommunications networks and assets in said areas.

**Department of Conservation**
Support a comprehensive District SNA identification process with policies and rules to give effect to the Canterbury RPS Policy 9.3.1 and requirements of 6 (c)RMA

Support establishment of ecological corridors in Ashley/Rakahuri Riverbed, Waimakariri Riverbed, Foothills (Mt Oxford forest), Tuhitara Coastal Park including Ashley-Rakahuri & Waimakariri Estuary margins.

Coastal hazards

Overall policy direction for coastal hazards in the Plan should minimise public permanent structures and avoid new permanent private structures in hazard areas. This will assist with natural character in Ashley-Rakahuri Estuary.

Public lands in the coastal fringe should be managed on an integrated basis by management agencies, with the District Plan providing overall land use strategy for the coastal environment. Would encourage Council to consider issues raised by Whitelaw (2011) paper attached with submission.
### Temporary Activities

Are there any other temporary activities you think require special treatment?

<table>
<thead>
<tr>
<th><strong>North Canterbury Clay Target Association</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Sporting shooting</td>
</tr>
</tbody>
</table>

**Kaiapoi-Tuahiwi Community Board**

| No |

How should electronic sound amplification and fireworks associated with events be managed?

**Heather Thomas**

| Carefully |

**What hours do you consider appropriate for noisy events?**

<table>
<thead>
<tr>
<th><strong>North Canterbury Clay Target Association</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>8am - 10pm</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Heather Thomas</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Depends on the event and location. Traffic management is an area that should be considered.</td>
</tr>
</tbody>
</table>

**Woodend-Sefton Community Board**

| Complaints have presented about trucks/heavy vehicles associated with temporary activities so a potential issue at all times. |

**Kaiapoi-Tuahiwi Community Board**

| Ok until 10pm weeknights, midnight on Friday and Saturday nights |

### How often, and for what duration, should temporary events and other temporary activities occur on each site?

<table>
<thead>
<tr>
<th><strong>North Canterbury Clay Target Association</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>restricted to one day in the weekend and two days during the week 8am-10pm</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Heather Thomas</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Question is to wide as could vary per event</td>
</tr>
</tbody>
</table>

**Pegasus Residents Group Incorporated**

| Issues in the past associated with road closures around Pegasus sporting events. Recommend more communication with local organisations re residents' associations around planning. |

**Kaiapoi-Tuahiwi Community Board**

| Difficult to have general rules. Support specific sites - i.e., Woodford Glen having specific rules. |

### Are there any locations that should be afforded leniency for temporary event noise levels?

<table>
<thead>
<tr>
<th><strong>North Canterbury Clay Target Association</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>consented gun clubs, especially where lifestyle blocks/living have been permitted without consisting reverse sensitively effects - North Canterbury Clay Target Association being a prime example. We do not believe you should be able to have a shooting event on private property without holding consent. There are enough facilities/club about to cater for regional demand</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Cilla and Nick Taylor</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>parks, for instance a local festival can move and out very quickly and residents be fully warned about any noise.</td>
</tr>
</tbody>
</table>

**Kaiapoi-Tuahiwi Community Board**
<table>
<thead>
<tr>
<th>Yes some - as per submission examples.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>New Zealand Defence Force</strong></td>
</tr>
<tr>
<td>Support military training activities being enabled because of their short duration and more tolerable effects on the surrounding environment than permanent activities.</td>
</tr>
</tbody>
</table>

**Other**

| **Woodend-Sefton Community Board**   |
| Rubbish and road closures management and restitution of areas is important |

| **Canterbury District Health Board** |
| Support infrequent noisier temporary community activities. Control noise effect from temporary events through restrictions on duration, times, locations, use of amplified sound and event frequency |

| **Spark**                             |
| It is important for there to be provisions for temporary telecommunication and infrastructure activities. |

| **New Zealand Defence Force**         |
| Supports military training activities being recognised as a temporary activity and for the DP framework to provide for TMTA as a permitted activity in all zones, subject to appropriate standards. |
## Transport

Do you have any comments on the road widths and layout provided in recent greenfield developments?

<table>
<thead>
<tr>
<th>Name</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Heather Thomas</strong></td>
<td>Need to be wide enough for cyclist and public transport including light rail.</td>
</tr>
<tr>
<td><strong>Cilla and Nick Taylor</strong></td>
<td>Yes. Roads are often too narrow/dangerous for bikes. Some new footpaths are far too narrow. Look at Ryman for instance. The footpath is a joke for people on mobility vehicles for example!</td>
</tr>
<tr>
<td><strong>Mark Duncan</strong></td>
<td>Reduced widths, such as Oakwood drive in Arlington, should not be allowed.</td>
</tr>
<tr>
<td><strong>George Jason Smith</strong></td>
<td>There is a need to specify minimum widths for both the roadway and the carriageway. Minimum carriageway widths must provide for movement of traffic when the properties servicing the road are being developed and are all fully developed. There is thus a need to consider on-road parking and the safe passage of trucks (Concrete-trucks and Refuse Collection in particular). Min widths must also apply to rural roads and carriageways. Road width must allow for pedestrians on each side and, in rural areas, horses should also be considered in this calculation.</td>
</tr>
<tr>
<td><strong>Pegasus Residents Group Incorporated</strong></td>
<td>Supports introducing revised minimum road/subdivision layout requirements. Pegasus Development is an example of a layout prohibitive of practical parking and results in H&amp;S issues. Parking bays recommended for narrow streets. Encouraging developers to adopt Pounamu Place approach.</td>
</tr>
<tr>
<td><strong>Woodend Sefton Community Board</strong></td>
<td>Provision needed for sufficient parking especially in areas with smaller homes and narrow streets</td>
</tr>
<tr>
<td></td>
<td>Residential parking bays do not accommodate larger vehicles like SUVs</td>
</tr>
<tr>
<td></td>
<td>Physical connectivity lacking between new developments - i.e., Ravenswood commercial is not safely accessible</td>
</tr>
<tr>
<td></td>
<td>Conflict between pedestrian and traffic caused by poor planning to manage traffic tensions, i.e., Ravenswood and BP/McDonalds</td>
</tr>
<tr>
<td><strong>Kaiapoi-Tuahiwi Community Board</strong></td>
<td>No - however, road parking capacity is poor in higher density areas, i.e., Silverstream.</td>
</tr>
<tr>
<td><strong>Rangiora Gospel Trust</strong></td>
<td>Traffic congestion is problematic, evidenced by Rangiora main entrance among others. Wider planning is needed to mitigate future issues. Acknowledges NZTA Northern Motorway programme but how is Council catering for its growing population? Rail would be ideal to support freight transport.</td>
</tr>
<tr>
<td><strong>Waimakariri Access Group (WAG)</strong></td>
<td>Recommends widths of footpaths are 1.8m to allow easier access for mobility aids.</td>
</tr>
<tr>
<td></td>
<td>Road widths should be sufficient.</td>
</tr>
<tr>
<td></td>
<td>Cycle lanes should be included in new developments.</td>
</tr>
<tr>
<td><strong>Canterbury District Health Board</strong></td>
<td>CDHB supports road widths based on their function. Widths should be assessed using the Healthy Streets approach to ensure widening of residential streets does not inadvertently implement rules leading to poor health outcomes.</td>
</tr>
</tbody>
</table>
Should major new developments be required to provide an integrated transport assessment as part of their resource consent application?

<table>
<thead>
<tr>
<th>Organization</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>KiwiRail Holdings Limited (KiwiRail)</td>
<td>Supports the inclusion of level crossings as part of an ITA or through providing a separate Level Crossing Safety Impact Assessment (LCSIA).</td>
</tr>
<tr>
<td>Waimakariri Access Group (WAG)</td>
<td>Yes. Further, any groups adversely affected as revealed by an assessment should be addressed prior to approval. Shared pathways should be avoided.</td>
</tr>
<tr>
<td>Canterbury District Health Board</td>
<td>Yes - based on the scale of the development.</td>
</tr>
<tr>
<td>Petrol Companies</td>
<td>Seeks to ensure any provisions are appropriately effects based and are appropriate to the nature and effect of new traffic generating activities.</td>
</tr>
</tbody>
</table>

Do you have any other comments on the technical standards that control road and access design?

<table>
<thead>
<tr>
<th>Name</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Heather Thomas</td>
<td>safety of all users should be key consideration.</td>
</tr>
<tr>
<td>Cilla and Nick Taylor</td>
<td>yes - bad for many of the commercial areas, such as Southbrook, and Stans Pharmacy cnr.</td>
</tr>
<tr>
<td>Mark Duncan</td>
<td>More yellow lines may be needed even though there is a maintenance cost.</td>
</tr>
<tr>
<td>George Jason Smith</td>
<td>The District cannot function without an adequate road network. In this regard it is necessary to provide it with the maximum degree of protection possible. It seems too easy for developments to occur alongside major roads and subsequently requiring that speed limits on these roads be reduced because of either political pressure of the level of development. Development and access requirements served by Strategic, Arterial and Collector roads, and all other roads longer than (say) 1.5km, should be such that there is at least a 20% &quot;buffer&quot; in the speed-limit to ensure that the utility of the road and the accessibility it afford users is maintained in future, despite possible future changes in speed limit regulations. Discussion on Accessibility issues in the District Plan MUST extend beyond accessibility of the mobility impaired to the accessibility of all areas, features, etc., of the District in reasonable time by all its residents.</td>
</tr>
<tr>
<td>Pegasus Residents Group Incorporated</td>
<td>Improvements needed in public transport system for successful community planning. Serious concerns re safety of cyclists/pedestrians to get safely from Pegasus to Ravenswood commercial area. DP should ensure developers, Council and NZTA work together to prevent this happening again.</td>
</tr>
<tr>
<td>Woodend Sefton Community Board</td>
<td>Cooperation between all authorities is required to mitigate transport issues</td>
</tr>
<tr>
<td>Kaiapoi-Tuahiwi Community Board</td>
<td>No.</td>
</tr>
<tr>
<td>Waimakariri Access Group (WAG)</td>
<td>Accessibility and safety audits should be part of an application. RTS14 and The Pedestrian Planning &amp; Design Guide should be used as guidance. Also bus infrastructure guidelines.</td>
</tr>
<tr>
<td>Canterbury District Health Board</td>
<td></td>
</tr>
</tbody>
</table>
Supports rules that encourage walking, cycling, and better access to public transport. Consideration should be given to assessment criteria for stormwater treatment methods related to changes in the road network and any new development.

Other

<table>
<thead>
<tr>
<th>Rayonier New Zealand</th>
<th>Provisions in the District Plan should ensure major arterial routes to and from commercial forestry areas are identified and maintained/upgraded to better cater for heavy vehicles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bob &amp; Joanne Gumbell</td>
<td>Safe cycleway should be expanded by Carrs road between inland scientific route and dixons Road</td>
</tr>
<tr>
<td>Horticulture New Zealand</td>
<td>Need to ensure that infrastructure, such as roads are not compromised through inappropriate developments. Where non-rural development occurs in rural area there needs to be consideration of the impacts and improvements required.</td>
</tr>
<tr>
<td>KiwiRail Holdings Limited (KiwiRail)</td>
<td>Seeking Council's consideration of a 'special purpose transport zone' to establish a permitted baseline for effects based on zones. Asks DP to recognise Railway as a constraint when considering future urban development locations. Asks that reverse sensitivity effects are recognised and managed. Asks that incompatible subdivision, use and development conflicts are avoided to protect railway operations. Asks that future Rail activity is considered and planned for.</td>
</tr>
<tr>
<td>Canterbury District Health Board</td>
<td>Recommends a range of transport options should be provided through the transport network to improve health outcomes. Supports a rule to assist with dust reduction in rural areas around entry and exit points that have significant volumes of vehicle movement contributing to dust generation. Supports prioritising footpaths on both sides of roads over on-street parking and wider perms. Supports protection of potential public transport corridors. Supports provision of cycle parking.</td>
</tr>
<tr>
<td>Michael de Hamel</td>
<td>A new transport route across the Waimakariri River warrants consideration - see submission.</td>
</tr>
<tr>
<td>Department of Conservation</td>
<td>Support approach to include natural elements into transport network.</td>
</tr>
</tbody>
</table>
### Contaminated Sites

**Petrol Companies**

Emphasise important distinction between hazardous substances and contaminated land. Use of hazardous substances does not typically correlate to contaminated land which instead relates to historic discharges or loss incidents of hazardous substances.

Important to have a contaminated land policy framework given the absence of objectives and policies within the national environmental standard for assessing and managing contaminants in soil to protect human health. Applications that require discretionary consent pursuant to the NESCS can be assessed against framework. NESCS provides appropriate land use controls in relation to both disturbance and changes of use.

### Hazardous Substances

**Petrol Companies**

Notes that the Hazardous Substances and New Organisms Act 1996 (HSNO) and Health & Safety Work Act 2015 (HSWA) provide adequate legislation to manage hazardous substances and adverse effects and asks if Councils can justify their RMA mandated control of hazardous substances when the Acts generally meet their purposes. Notes the importance of robust section 32 analysis to ensure controls are necessary and efficient and the need to avoid duplication.

Concerning Council's discretionary activity under the RMA (see submission for detailed activity references), the submission notes that Council is unlikely to be able to justify its discretion to discuss many of the matters and asks that Council comprehensively revisits its hazardous substances approach in the reviewed District Plan.

Wants the reviewed District Plan to reflect that Diesel is a class 3c hazardous substance and for its definition to be class 3d substance.

Asks for a clear definition of a 'hazardous facility.'

Notes hazardous facilities are likely to be suitable for operation in proximity to sensitive receptors.

Asks for Councils to identify a) specific hazardous substance related activities, the probability of related risk events, sensitive land uses that may require additional protection. Following this, recommends Councils confirm if the HSNO and HSWA/relevant legislation suitably address these. If not, asks that Councils consider if adequate protection is afforded through zoning/overlays or whether more is needed.

Suggests a risk overlay or separation distance rule could provide suitable methodologies to manage risk where necessary.

**McAlpines**

Notes that protections exist under national legislation and regional plans and as such as there is no need for additional requirements in the DP.
Residential
Housing, Lot Size, Subdivision and Development
Should we be more flexible and allow for different types of housing? (e.g. tiny homes)

<table>
<thead>
<tr>
<th>Name</th>
<th>Opinion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Heather Thomas</td>
<td>Yes</td>
</tr>
<tr>
<td>Cilla &amp; Nick Taylor</td>
<td>Yes</td>
</tr>
<tr>
<td>Ruth Zahner</td>
<td>Yes</td>
</tr>
<tr>
<td>Heather Smyth</td>
<td>No</td>
</tr>
<tr>
<td>Dianne Smith</td>
<td>No. The residential zoning, especially of Kairaki and Pines Beach should remain the same as it is at present. I support the rationale &amp; details described in the PKBA submission. Also, Following the earthquakes residents remaining in the red zone were given verbal assurance that the residential zoning would remain the same.</td>
</tr>
<tr>
<td>Affordable housing for seniors</td>
<td>DEFINITELY!!! It's the only affordable option available, and they are growing rapidly in popularity all over the world. Allows much better use of resources, and encourages people to live in an environmentally friendly way, it's a minimalist lifestyle which reduces &quot;Stuff&quot; clogging up refuse areas. Listen to your residents: they voted for you, and pay your wages via rates and charges.</td>
</tr>
<tr>
<td>Gerard Bassett</td>
<td>Yes</td>
</tr>
<tr>
<td>John Larsen</td>
<td>Yes from small to large!</td>
</tr>
<tr>
<td>Richard Townshend</td>
<td>Yes. There is a need for bigger sections and bigger houses within the Rangiora boundary</td>
</tr>
<tr>
<td>Ian Bisman</td>
<td>Yes</td>
</tr>
<tr>
<td>LEO HARRIS</td>
<td>Yes</td>
</tr>
<tr>
<td>Oxford Ohoka Community Board</td>
<td>Yes. Enable a range of housing types and lot sizes.</td>
</tr>
<tr>
<td>Kaiapoi-Tuahiwi Community Board</td>
<td>Yes - one density is boring and doesn't offer diversity.</td>
</tr>
<tr>
<td>Rangiora Gospel Trust</td>
<td>Yes and recognise the need for the family home too and cater for those wanting to upsize.</td>
</tr>
<tr>
<td>Pines Kairaki Beach Association</td>
<td>Yes - it would be wrong to create any rules and be too prescriptive. Doing so would undermine the character and eclectic nature of the area.</td>
</tr>
<tr>
<td>Canterbury District Health Board</td>
<td>Supports MBIE definition of Tiny Homes - on this basis, supports Tiny Homes being treated the same as other dwellings, i.e., no more than two per 600m2 section and same rates obligation.</td>
</tr>
<tr>
<td>Doncaster Developments Ltd</td>
<td>Yes</td>
</tr>
</tbody>
</table>
### Are there any accommodation types that should be restricted? Why?

<table>
<thead>
<tr>
<th>Name</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Cilla and Nick Taylor</strong></td>
<td>Awful urban design e.g. Ryman village</td>
</tr>
<tr>
<td><strong>Heather Smyth</strong></td>
<td>Tiny houses, caravans, mobile homes, tin sheds</td>
</tr>
<tr>
<td><strong>Dianne Smith</strong></td>
<td>Yes. Tiny houses and mobile homes. The Kairaki Camp is the place for these.</td>
</tr>
<tr>
<td><strong>Affordable housing for seniors</strong></td>
<td>High buildings on small sections should not be permitted because they cause stress. Every dwelling should have its own parking area, not just street parking. Hostels are a great idea as long as they are well run, and prevent people living in cars.</td>
</tr>
<tr>
<td><strong>John Larsen</strong></td>
<td>Not if in the right area</td>
</tr>
<tr>
<td><strong>Ian Bisman</strong></td>
<td>No</td>
</tr>
<tr>
<td><strong>Leo Harris</strong></td>
<td>No</td>
</tr>
<tr>
<td><strong>Oxford Ohoka Community Board</strong></td>
<td>In Pegasus we have allowed whole streets of 'box-like' houses that look the same to be built. They have the potential to become slum-like. It is supposed to be a high-class development. Place restrictions on developers buying up large parcels of land to build small houses in a row.</td>
</tr>
<tr>
<td><strong>Pegasus Residents Group Incorporated</strong></td>
<td>Accommodation with single garages where the occupant has more than one car. The on-street parking is generally detrimental.</td>
</tr>
<tr>
<td><strong>Kaiapoi-Tuahiwi Community Board</strong></td>
<td>No.</td>
</tr>
<tr>
<td><strong>Rangiora-Ashley Community Board</strong></td>
<td>Don't put all smaller houses together - affects character.</td>
</tr>
<tr>
<td></td>
<td>Multi-story homes affected sunlight.</td>
</tr>
<tr>
<td><strong>Pines Kairaki Beach Association</strong></td>
<td>Where too many minor dwellings are permitted on one parcel of land creating 'slum' like settings.</td>
</tr>
</tbody>
</table>

### Should we restrict the number of storeys for housing in Medium Density Zones? If so, what should the maximum number of storeys be in these zones? Why?

<table>
<thead>
<tr>
<th>Name</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Heather Thomas</strong></td>
<td>Yes to 2-3 stories - unless it is residential above commercial in which case it could be higher.</td>
</tr>
<tr>
<td><strong>Cilla and Nick Taylor</strong></td>
<td>Three</td>
</tr>
<tr>
<td><strong>Ruth Zahner</strong></td>
<td>Yes – 2</td>
</tr>
<tr>
<td><strong>Affordable housing for seniors</strong></td>
<td>2 storey is high enough otherwise neighbours lifestyle is compromised.</td>
</tr>
<tr>
<td><strong>Gerard Bassett</strong></td>
<td>Yes 2 story Privacy</td>
</tr>
<tr>
<td><strong>John Larsen</strong></td>
<td>2 or 3 stories max just to keep the area consistent</td>
</tr>
<tr>
<td><strong>Ian Bisman</strong></td>
<td>Just control by max. height plane</td>
</tr>
<tr>
<td><strong>Leo Harris</strong></td>
<td></td>
</tr>
</tbody>
</table>
2 story should remain the maximum

**Kaiapoi-Tuahiwi Community Board**
No more than four stories in medium density zones.

**Rangiora-Ashley Community Board**
A need for a balance between density and diversity of houses.

**Rangiora Gospel Trust**
Medium Density - may not be met with a lot of market demand

Residential - allow for a minimum lot size of 450m2 to provide for a greater range of section sizes

Low Density - support.

Support NPS Large Lot Residential Zone.

**Pines Kairaki Beach Association**
Does not support changes to zoning in Pines Kairaki.

Does not support higher density development in The Pines and Kairaki Beach area.

**Sahera Laing**
Does not support changes to zoning in Pines Kairaki.

Does not support higher density development in The Pines and Kairaki Beach area.

---

Should we keep the same minimum section size for existing residential zoned land or be more flexible by allowing smaller lot sizes?

**Stan & Carole Price**
Keep Residential Zone 3 sizes.

**Heather Thomas**
Tricky as this might be OK in some but not all situations

**Cilla and Nick Taylor**
Flexible enough now

**Ruth Zahner**
I have concerns that by decreasing lots sizes even further the built environment within urban areas could result in a loss of the natural environment i.e. gardens, green spaces. I feel as it stands now minimum lot sizes are small enough.

**Heather Smyth**
No. The section size should stay the same

**Dianne Smith**
Keep the same minimum section size as they are now.

**Affordable housing for seniors**
Keep the minimum size as it is, everyone needs green space, and houses change hands often. If people want a more dense arrangement they can apply to put conjoined dwellings on a title to house seniors.

**Gerard Bassett**
As long as there is provision for subdivisions with bigger lots e.g. Belmont Ave

**John Larsen**
Smaller lots are fine in defined areas

**Richard Townshend**
Smaller lot sizes should be all in the same area, not sprinkled among bigger lots

**Ian Bisman**
Allow for more intensive development.

**Leo Harris**
No, keep them the same. Lot sizes now are small enough
### Matthew Withers
I feel that the 600m² + access premium section size for Residential 2 properties is too large. Most sections close into the centre of Rangiora just miss out on being able to meet this size. If the minimum section was reduced to 450m² for res 2 this might encourage more compact homes and density of population centrally.

### Pegasus Residents Group Incorporated
Allow for greater choice in house design and density. An ageing population and smaller family sizes needs smaller sections and apartment-style housing - i.e. 1-2 bedrooms. Will result in more efficient use of land, reduce need for motor vehicles in town centres, improve town centre retail viability.

### Woodend-Sefton Community Board
Provision of 1-2 bedroom places is important to cater for ageing population

### Kaiapoi-Tuahiwi Community Board
Support diversity.

### Rangiora-Ashley Community Board
12 houses per hectare is a concern - 'slum like'.

### Canterbury District Health Board
Be flexible

### Doncaster Developments Ltd
Be flexible. There is unmet demand also for large lot subdivisions.

---

**Do you have any additional comments on Housing, Lot Size, Subdivision and Development?**

### Stan & Carole Price
That owners of private land at Kairaki should have the right to put caravans on it (not a trailer park slum). P.S. We were advised the deadline for submissions was extended to May 10. Thank you.

### Richard Townshend
Made some suggestions earlier, but would like to request specifically that the Council rezone the whole of the Res4b Zone at the top of West Belt, Rangiora, to Residential 2 Zone or the equivalent.

### McAlpines Ltd
We would like to see a wider range of lot sizes within each zone.

### Cilla and Nick Taylor
Encourage green technology - more than "allow", e.g. rate rebates for re-purposing grey water in urban areas

### Ruth Zahner
Consider continuity within urban areas, for example large rural zoned sections surrounded by residential sections should be rezoned to rural-residential or residential.

### Heather Smyth
I support the Pines Kairaki Beach Association submission

### Dianne Smith
The zoning should remain as at present.

### Affordable housing for seniors
Historical existing titles MUST be respected as giving permission to build a dwelling on. They are usually clustered together in old settlements, were designed for the town type of scenario, and valuable amenity is being lost by not permitting these titles to be fully utilised in the way they were intended. If they can't be used then demand amalgamation, so buyers know where they stand and are not being disadvantaged. If people buy property they MUST be able to use it as THEY want to. It's not fair otherwise. There is no good
reason currently to deny building as a right permitted through existing historical titles. It's never been addressed properly in District Plans to date.

<table>
<thead>
<tr>
<th>Gerard Bassett</th>
</tr>
</thead>
<tbody>
<tr>
<td>Re zoning of some Rural Residential land top end of West Belt to allow some owners to subdivide down into lots of 1000 to 3000m2. Associated with a group of people wanting and finding it hard to get 5 or more bedroom houses on a good size lot to bring up a family on without having to go out into the country to a 4ha block. Some I know have purchased 2 sections to build a larger house on.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>John Larsen</th>
</tr>
</thead>
<tbody>
<tr>
<td>We need more specific areas like Fairview Briars to enhance quality housing and encourage well-to-do families to have larger and more spacious houses with larger lots of land averaging 1500m2.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Richard Townshend</th>
</tr>
</thead>
<tbody>
<tr>
<td>There is a need for bigger sections in Rangiora. Having small sections downgrades an area. The current approach by the Council of requiring individual subdivisions to have a certain density is not a good long-term strategy. Having small lots among larger lots within a subdivision lowers the quality of the whole area. The Council needs to look at the town as a whole and allocate higher density areas and lower density areas within the town boundary - not within each subdivision. Having small and larger lots together is making the town unattractive for those wish to live in a better area - and these are the people with the means to provide employment and the resources to make the whole town a better place to live.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Ian Bisman</th>
</tr>
</thead>
<tbody>
<tr>
<td>There is ample opportunity to redevelop within existing urban areas. ALL urban development (sprawl) into rural land MUST BE HALTED immediately. See Ministry for the Environment document &quot;Environment Aotearoa 2019&quot;</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Leo Harris</th>
</tr>
</thead>
<tbody>
<tr>
<td>No</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Oxford Ohoka Community Board</th>
</tr>
</thead>
<tbody>
<tr>
<td>Better road planning is needed in subdivisions - roads in Pegasus are too narrow. Consider existing developments and think of the future when introducing new infrastructure.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Gordon Smith</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zones. Yes I agree in general. Some Residential Zone lots are near rural. 2ha is too large in these zones. Rural, this is the area I'm most interested in. Make minimum rural lots larger, say 20ha but allow existing 4ha lots to be broken down to the 2ha size within a limited radius to avoid population growth away from main centres. We don't want 2ha lots way up Depot Road or over Loburn. More than one zone, otherwise I've always supported the Rural Residential smaller lots to avoid chopping up good land into lifestyle lots. Life sentence! Rural, the argument by academics is water and sewerage must be Council supplied and run. There's more modern systems for sewerage than the KM of pipeline and pumps. The Oasis Three Tank system, Natural flow/BIO Leo are others. Many of these are in my area of Clarkville on 2ha lots and smaller, with Oasis systems. Water, other than sinking more wells. One well on 4ha lot could provide water to one other lot of 2ha subject to water test and meter or restricted tank as on rural residential lots. If a Council supply fails, it affects a large number of residents. If a rural well fails, it only effects those on that well. Treatment systems can be put in</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Pegasus Residents Group Incorporated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stricter monitoring is necessary when environments are being remediated by contractors. Example given is work by Ravenswood contractors along Pegasus Blvd resulting in a degradation of the area. N.B relates to earthworks chapter too.</td>
</tr>
</tbody>
</table>

Fencing and covenants not always enforced - can this be covered in planning rules?
Recommend where swales are included in residential developments i.e. Pegasus, provision for safe passages for pedestrians is key. Numerous cases of slips and injuries reported.

Create better community look and feel by using street layouts like Cassino St and Pounamu Place. Good traffic systems promoting speed reduction and grassed areas.

**Woodend-Sefton Community Board**  
The Plan should deal with remediation of areas when developers have introduced new infrastructure

Covenants are not working to enforce fence heights and street frontages - Pegasus is a classic example

More permeable products could be used for surfaces responsible for storm water management

Where swales are used, pedestrian crossings should be in place otherwise a H&S issue

Allow for greenspaces within higher density developments - Pegasus has not done this, but Pounamu Place is a good example

**Rangiora Gospel Trust**  
Roadside setbacks should be reviewed.

Maximum road wall height needs to be consistent.

Submits that Places of Assembly are part of the residential landscape and should be a permitted activity in residential zones. Ask that the DP does not unduly regulate the establishment of Places of Assembly.

**Dalkeith Holdings Ltd, C/- Aston Consultants Ltd**  
Seeking relief - that the Dalkeith site and other neighbouring land, as appropriate, be rezoned for residential purposes in the DRP or earlier. If any sequencing or stage occurs, a request for this site to be in stage one. Intent to make it available for development as soon as it is rezoned.

**Pines Kairaki Beach Association**  
Regarding Residential 3 - these rules have formed the Pines Kairaki Beaches community and they are fit for purpose. While existing use rights would apply to existing structures and residents, any changes to neighbouring properties could affect residents.

No changes around solar, water collection, recession planes, coverage.

Design restrictions are problematic, they stifle creativity and the eclectic nature of the beach settlements.

Supports a secondary residential unit under the same room as the main house with a resource consent.

Supports minor residential units.

Supports fence height and street frontages that enhance eclectic aesthetic of the community.

Supports greater control of hard surfaces to better manage storm water.
Asks that the DP recognises building in the regen zone is practical and achievable.

**KiwiRail Holdings Limited (KiwiRail)**
Seeks the inclusion of provisions to support setbacks from railway corridor boundary for amenity and safety reasons, setback of new vehicle access of 30m from level crossing, a noise and vibration standard for noise sensitivity activities near operational railway corridors, level crossing safety sight line

Supports accessible, liveable, resilient communities, urban growth, high amenity and urban design outcomes, which can be achieved with a safe and efficient land transport network including rail.

**Ohoka Residents Association**
Seeks to retain the provisions and constraints on development in Ohoka as stated in Policy 18.1.1.19.

**Federated Farmers**
Any areas prone to sea level rise are not suitable for residential development.

**Canterbury District Health Board**
Supports a wide range of different densities and sizes of housing options

Consider a rule for greenway/walkway connections at the end of new cul-de-sacs to improve walkability, active transport, connectivity.

**Doncaster Developments Ltd**
To protect the suburban character of Res 2 Zones, areas of higher density on much larger than standard lots should be subject to resource consent processes for comprehensive development.

**New Zealand Heavy Haulage Association**
The association seeks to ensure that controls through District Plans reflect the purpose of resource management legislation as expressed in an Environment Court Decision (see submission for further details).

**Other**
Support approach by Council to provide for natural rehabilitation, use of swale and native plantings and establishment of wetlands to "scrub" nutrients.
**Rural**

**Intensive Farming and Effluent Spreading**

| New Zealand Pork | The feedback from our producers is that the currently planning controls are working well. NZ Pork supports the retention of the separation distances between intensive farming and other activities and the minimum separation distances for farm effluent application to land. |
| Heather Thomas | Yes |
| Cilla and Nick Taylor | Yes, very important |
| DR & SH Harrison | We are happy with the current rules |
| John Larsen – Farmer | Yes to a degree |
| Claire McKay – Farmer | NO. The issue of reverse sensitivity is real. The key issues of maintaining register and constraining development rights are insufficient reasons for removing current rules. Agree with relying on consent conditions for significant odour control (X ECan). However what is acceptable to one person may not be to another, and "odour" becomes subjective, and sometimes the issue of vexatious complaints. |
| Kaiapoi-Tuahiwi Community Board | Yes |
| Rangiora-Ashley Community Board | Concerns about dry spreading - smells when wet. Support removing duplication. |
| Ohoka Residents Association | No - the DP should still direct odour management. ECan does not effectively mitigate current issues. New developments should not be allowed in the first instance if the stand to pose a problem in the future. Remove duplication of rules will not prevent new developments on the fringe of rural areas becoming vulnerable to reverse sensitivity. |
| Federated Farmers | Generally supportive of the proposed approach - we do not support onerous rules at district level. Council needs to be able to firstly quantify the contribution intensive farming makes to the District at look at the impact of new rules on this. |
| Canterbury District Health Board | Yes |

**Do you support continuing to manage separation between intensive farms and houses?**

| New Zealand Pork | NZPork fully endorse an approach whereby one council should take on the whole responsibility for assessing odour and dust discharges and there should not be duplication of regulation across regional and district councils. The cost and time implications on applicants in having to address overlapping processes between two authorities is an impediment to investment and confidence in rural production activities. It should be clearer that ECan’s Canterbury Air Regional Plan requirements are the primary method for managing odour, which would be more consistent with approaches taken in other Canterbury Districts. |
| Heather Thomas | If it is necessary to protect and retain valuable productive land |
Cilla and Nick Taylor  
Yes

DR & SH Harrison  
Yes

John Larsen – Farmer  
Yes, 300m minimum

Claire Mckay – Farmer  
Yes. For reasons as above. Existing operations should be protected.

Kaiapoi-Tuahiwi Community Board  
Yes

Rangiora-Ashley Community Board  
Yes

Canterbury District Health Board  
Yes

**Rural Density**

**Kenswick Farm Dairies Ltd**
It is important to maintain rural character, but it is also important to recognise that rural character is defined by many elements. This includes rural production activities that change and adapted practice, systems and structures to remain viable and meet market and environmental requirements. Rural areas are characterised by sights, sounds and smells of rural production activities that often conflict with the amenity expectations of visitors and non-rural activities that locate in rural areas.

**Morris Harris**
Yes but what is rural character? As soon as you drive out of a Township you are in the rural area. If this is land, trees, hills, stock in paddocks, crops growing in paddocks its rural 4ha blocks its still rural just lots of house’s and in some case’s land not being used to produce anything but this is still rural. Need to define what is Rural Character? To me it is the Country Side outside of Town’s. In the Waimakariri it is farms and 4ha blocks side by side "Right or Wrong" that is what you have and no going back to what we once had farms with a few small blocks around the District.

**Heather Thomas**
Important in all rural areas

**Gregory MacIntosh**
Yes, rural farming should be protected in areas that are not in close proximity to towns, cities.

**Ian Bisman**
Yes. It is critically important that rural land not be diminished with residential development

**Cilla and Nick Taylor**
Yes, rural landscapes and vistas, balance of land-use types. All areas

**Richard Townshend**
Yes it is important, especially away from the towns and where there has been a lot of investment for rural activity for the land use. For example irrigation

**Mandeville Property Owners**
Yes. Important in areas where there is larger farms which are more productive.

**DR & SH Harrison**
Yes, particularly in areas surrounding existing infrastructure for example schools. Rural character can include 2 hectare and 4 hectare lifestyle properties as these are well maintained and enhance the quality and value of the district

**John Larsen – Farmer**
Yes, we need to encourage development in pockets rather than sporadic

**Emma Frazer Planning North Canterbury**
Maintaining rural character is important, however it is subjective and differs throughout the Rural Zone. The resource consent process helps assess the rural character specific to different areas of the District.

**James Werner – Consultant**
Yes, it is crucial. In other regions of NZ that have a larger lot size requirement, rural character is retained & farming operations continue unaffected by lifestyle blocks. The UK has even more stringent planning rules as they recognize that feeding their people is more important than allowing for inappropriate development in the rural area. All areas outside of "town boundaries" should have their rural character maintained.

**Geoff Spark**
yes, more important further away from existing high density areas

**Leo Harris**
Yes, important to maintain rural character for overall wellbeing

**Claire mckay – Farmer**
Yes - agree that maintaining rural character is extremely important. I would like to see some sort of limit on further unconstrained subdivision of productive rural land.

**Oxford Ohoka Community Board**
Yes. Discourage good quality farming for housing developments.

**Pegasus Residents Group Incorporated**
Rural character is important and this applies particularly to rural areas surrounding settlements.

**Rangiora-Ashley Community Board**
Ensure rural lots are not opened for business/industrial purposes i.e., plastics factory.

**Anonymous**
Agree that rural character should be protected.

Maintaining rural character is a means to ensure that the rural area is retained in a manner suitable for use for primary production, therefore it is appropriate and important.

**Kathryn Nordmeyer**
Yes

**Ohoka Residents Association**
Yes

**Federated Farmers**
It is important, however, any development must have infrastructure to support it.

**Canterbury District Health Board**
Yes

**Christchurch International Airport Limited**
Yes - particularly those in proximity to the Airport. Ensures there is no intensification of noise sensitive activities within the Air Noise Contour.

Based on character, land use, and the potential for future production, should the rural zone be split into more than one zone? At present, there is a one zone (four hectare minimum) approach across the rural area of the District.

**New Zealand Pork**
NZ Pork is supportive of the current planning rules except for the location of the minimum lots sizes (4ha). The issue is not the size of the lots as we recognise that the 4ha size is popular for a segment of the community seeking a rural 'lifestyle' property. A concern for our producers is the number of 4 ha lots that are located on productive soils or land with rural production potential when these lots are not ‘producing’. NZ Pork would prefer to see new 4ha lots situated in areas where soils have less productive value and away from areas of existing and potential rural production activity.

**Morris Harris**
Yes Rural Residential, 4ha Blocks which we have enough of, and Farmland for the purpose of large scale farming. Where? Rural Residential close to existing Towns were the infrastructure is in place and were people want to live the best of both worlds not in town and not on a 4ha block and the work that goes with it. 4ha blocks spread all over the District so people who want one have a choice of many places to go. Farmland anything over 100ha should tried to be retained as a farm. A larger minimum lot size over 4ha suggested from some feedback? Why? And what for? That is what is called a Farm. If people want 8ha or 10ha then they should lease some of the many 4ha places that are not being used to produce anything. I would like to know the numbers wanting larger lot sizes verse smaller lot sizes as one of the most common known facts is people saying they never wanted 4ha only 1ha for the pony, boat whatever.

<table>
<thead>
<tr>
<th>Heather Thomas</th>
<th>Retain 4ha minimum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gregory MacIntosh</td>
<td>Yes</td>
</tr>
<tr>
<td>Ian Bisman</td>
<td>Yes, these existing rural residential areas could be sub-divided</td>
</tr>
<tr>
<td>Cilla and Nick Taylor</td>
<td>Yes. Need to have a mix of rural residential (small holdings). Zone lifestyle blocks (4ha) and add a zone of 10 ha and above. Locate the smaller areas around townships and villages as much as feasible</td>
</tr>
<tr>
<td>Andrew Kiddey</td>
<td>As a land owner of a 2.5 hectare in MR873 Tuahiwi that was subdivided in 1923 into smaller rural lots. the property has consented water and septic but cannot build as undersize</td>
</tr>
<tr>
<td>Richard Townshend</td>
<td>There needs to be an option to have smaller than 4 hectares as well.</td>
</tr>
<tr>
<td>Mandeville Property Owners</td>
<td>Yes</td>
</tr>
<tr>
<td>DR &amp; SH Harrison</td>
<td>Yes, however we believe there must be the option of 2 hectare or 4 hectare lots available particularly around Fernside.</td>
</tr>
<tr>
<td>John Larsen</td>
<td>Yes there needs to be definite areas of rural residential zones that continue to cater for people who want greater area than a section in a town. Outside of that 4ha lots are ok but there needs to be different rules that mean houses cannot be built closer than 300 m to intensive typical rural farm and that on these lots they do not have the option to object to normal farming activities</td>
</tr>
<tr>
<td>Emma Frazer – Planning North Canterbury</td>
<td>Lower densities are appropriate in the foothill and more remote areas of the District. Consideration of cluster housing and/or smaller lot subdivision where the equivalent minimum land area is covenanted on adjoining sites to maintain densities would be advantageous to land owners while still archiving outcomes of maintaining rural character and protecting productivity.</td>
</tr>
<tr>
<td>James Werner – Consultant</td>
<td>As mentioned earlier, ideally the minimum lot size would be 20-50 hectares. The SDC has an inner &amp; outer plains zone to allow for subdivision of a minimum of 4 ha &amp; 20 ha respectively. Likewise, the Ashburton DC uses 8 ha &amp; 50 ha minimum lot sizes for the rural zone. To safeguard agricultural production, it is advised that the WDC consider implementing a tiered rural zone if a blanket 20-50ha minimum lot size in the rural area is not chosen.</td>
</tr>
<tr>
<td>Geoff Spark</td>
<td>Yes increase minimum size from 4ha to 20 ha further away from towns and reduce minimum size closer to towns so more rural residential</td>
</tr>
</tbody>
</table>
Leo Harris
I think there needs to be more than just 1 zone. A new zone should be established that is more representative of lifestyle/small farm. Another that represents large scale and more productive farms. Too many lifestyle blocks taking up good productive land. Limit/reduce land block size for lifestyle blocks.

Claire Mckay – Farming
Yes, this approach would be worthy of further investigation, however I appreciate that it could constrain opportunities for some individuals.

Woodend Sefton Community Board
Support the increase of minimum lot size to make land more efficient.

Margaret Evans Taylor and Bruce Taylor
4 ha is not economic for farming and 4 ha blocks are essentially rural lifestyle blocks, not efficient use of land. There should be a more nuanced approach which splits the rural area into more than one zone based on character, land use, and rural production potential and also proximity to major townships and hence level of demand for small lot properties. Submitter proposes a small lot rural lifestyle zone/business zone with minimum lot size of 2 ha and no maximum. Land is dry and stoney east of Mandeville and not productive unlike rural residential area in Ohoka which is part of a highly productive dairy farm. Refers to NPS on versatile land and high class soils. Rural production zone prioritises rural production, likely to require a larger minimum lot size than 4 ha other than where intensive farming activities are involved. Rural Zone could include different overlays with different densities (mi 4 ha to maintain rural character and 2 ha where higher density rural living is more appropriate). Smaller 2 ha properties would still be large enough for primary production activities. Background context for this answer is available with the submission (TRIM: 190510066830)

Kaiapoi-Tuahiwi Community Board
Support variation in rural lot sizes based on potential production, i.e., smaller lot size for high quality soils, and vice versa.

Rangiora-Ashley Community Board
Continued development of 4ha blocks is unsustainable and oversubscribed.

Rangiora Gospel Trust
If there is to be restriction on 4ha blocks in rural areas, it will be necessary to open up additional rural residential areas.

Anonymous
There could be a case for a split zone where the subdivision standard is different. However, there would need to be a clear objective and policy framework that supported the approach. Generally, horticulture growers are in the east of the district where much subdivision has occurred previously, so they would be unlikely to benefit from a zone that had a larger minimum lot size.

Opal Consortia
Land is not always used productively so a change in density rules could have a minor impact.

Wayne & Gill
Supports move to be able to subdivide 4ha

What combination of zoning options would work best for the District? Where?

New Zealand Pork
We would suggest that a zoned approach to rural residential living is preferable to a scattered or disbursed response. The primary cause of conflict in rural areas for rural production activities is reverse sensitivity. The plan should identify and provide for rural residential activity in a separate zone to rural production activities.

Heather Thomas
As is - protect farmed areas
<table>
<thead>
<tr>
<th>Name</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gregory Maclntosh</td>
<td>We feel that a minimum lot size of 1 hectare should be considered as appropriate close to towns with amenities like schools, shops etc.</td>
</tr>
<tr>
<td>Cilla and Nick Taylor</td>
<td>As above</td>
</tr>
<tr>
<td>Andrew Kiddey</td>
<td>previous freehold titles in rural areas that have had building consent should be considered as in Tuahiwi</td>
</tr>
<tr>
<td>Richard Townshend</td>
<td>Areas for smaller rural lots closer to the towns and services.</td>
</tr>
<tr>
<td>Mandeville Property Owners</td>
<td>Further west larger lot sizes. Around existing rural-residential hubs can have different zones allowing for 1ha lots.</td>
</tr>
<tr>
<td>DR &amp; SH Harrison</td>
<td>As mentioned in question 8 we reiterate that the options must be 2 hectare and 4 hectare lots giving buyers a choice.</td>
</tr>
<tr>
<td>John Larsen – Farmer</td>
<td>As many rural residential zones of 2000 -10,000m2 that cater to the need so people don't purchase 4ha if they don't need it. The development of 4ha should only continue within 1km of areas where this has already happened. If enough small lots are available the breaking up of larger lots sporadically won't happen as the need won't be there.</td>
</tr>
<tr>
<td>Emma Frazer – Planning North Canterbury</td>
<td>Lower densities in foothills and beyond Depot Road Oxford. Maintain 4ha densities adjacent to rivers and water ways to buffer from diary and high-fert farming practices.</td>
</tr>
<tr>
<td>James Werner – Consultant</td>
<td>Whilst I believe a minimum lot size of 20-50 ha over the whole rural zone is appropriate, there should be the ability for “cluster developments”. For example, if the minimum lot size is 50 ha, and a landowner has 200 ha, they can create four 1 ha lots, and the balance is retained for productive farming.</td>
</tr>
<tr>
<td>Geoff Spark</td>
<td>As 6.</td>
</tr>
<tr>
<td>Leo Harris</td>
<td>More rural zones are needed. More representative of actual land use verses lifestyle use. Lifestyle /small farming needs a zone.</td>
</tr>
<tr>
<td>Claire Mckay</td>
<td>No comment</td>
</tr>
<tr>
<td>Kaiapoi-Tuahiwi Community Board</td>
<td>Rural zones should reflect production potential.</td>
</tr>
<tr>
<td>Rangiora-Ashley Community Board</td>
<td>Lot sizes between 5000m2 and 1ha should help to remove pressure on the 4ha subdivisions.</td>
</tr>
<tr>
<td>Canterbury District Health Board</td>
<td>Supports rural residential and lifestyle blocks</td>
</tr>
</tbody>
</table>
Do you have any additional feedback on Rural Density and/or Effluent Spreading and Intensive Farming?

Kenswick Farm Dairies Ltd
Dear Council, I would like to submit for keeping the current 4ha residential lot sizes close to Rangiora/Ohoka, and enabling lower sizes where suitable. We have farmed on the outskirts of Rangiora since the 1850's. We take a very long term approach to farming. I have just made investments on our farm that have a 30 year payback time. We lease land from 17 different entities on the outskirts of Rangiora (including many lifestyle blocks), and our farm, and many others have contributed to the growth in Rangiora since it's formation. We are as much a part of Rangiora as Rangiora is a part of us. We are very good to adapting to new rules, and when the 4ha lot rule came in, we knew that we had to adapt, even though we didn't agree with them at the time. We knew that productive land was being taken for housing, but people need to live somewhere. Due to our proximity to Rangiora, the land we have acquired recently has been at a significant premium to the underlying value for farming. Any change in rules would leave us with land worth significantly less than what we paid for it. Also, we are under intense pressure to reduce our water use, and it has been signalled that we may face much greater water restrictions in the future. For our location, with lowland streams, we may be left with the option that our farm cannot be farmed and can't be subdivided either. Eventually, the best land use option for our farm from an economic, social and cultural perspective will be for us to stop farming and subdivide. 1. The current rules are not broken. Since the 4ha lot rule came in, 23000ha of land has been irrigated from the WIL irrigation scheme. The development of 4ha blocks has largely co-existed with intensification of land. Farmers have assessed the "best use" land option, and in most of the district, that is still farming. We have made significant long term investments in centre pivot irrigators, dairy sheds, etc that dictate that most productive farmland will stay farmland. 2. Especially close to Rangiora/Ohoka, removing the ability to subdivide to 4ha or less would leave farmers in a very vulnerable financial position due to weakened balance sheet positions. 3. The community has an obligation to protect all its citizens, including those that have worked the land for well over 150 years. Just because we have the option to subdivide, doesn't mean we will subdivide. However, it underpins the economic stability of our farms, and counter intuitively, having the option to subdivide actually increases the likelihood that we will not have to do that, because we have economic resilience in our balance sheet. 4. The financial stress in the farming community is real. I am very uncomfortable with some of the comments made where we can "let people fail" and someone else will buy the land. We have, above all else, an underlying fundamental commitment to protect our citizens, and that includes farming families like our own that have benefited the community since the 1850’s. I find it unpalatable that any rule changes could affect the underlying viability of those that have contributed so much for so long to our community. 5. The "horse has bolted". We have been farming with the current 4ha rules for the past 30 years. We have made many long term decisions based on the current rules. 6. For areas like our farm, the presence of 4ha blocks has made adoption of modern farming tools impossible. The shape of our farm makes it very hard to put in technologies like centre pivots, as houses occupy land that we would require to complete an economic irrigation plan. The existing 4ha blocks, current reverse sensitivities and the constraints our location imposes on us makes the only realistic long term option for us as being subdivision, which we would like to see protected. I would be keen to submit on the draft plan please.

Keith Rollitt
We will like to see the min 4 Ha blocks to be brought down to 4,000m2 - 5,000m2 as we feel 4 Ha is too much for people wanting smaller areas - as there is a lot of good land going to waste

Gregory MacIntosh
No

Cilla and Nick Taylor
Subdivisions in rural area cannot later expect the council to provide infrastructure. Can use rating to cover this.

**Richard Townshend**
I have also put some feedback under Residential. There is a lack of options of blocks between 600m - 700m and 4 hectares. (residential and rural) There needs to be more options in-between this, especially around the 2000m size and this would preserve more rural land for rural use rather than the uneconomical 4 hectare block.

**Mandeville Property Owners**
Rural-residential boundary at Mandeville needs to be extended north of the current boundary to allow for growth around existing hub and prevent further division of good land into inefficient 4ha lots.

**DR & SH Harrison**
No other than effluent spreading must be on land suitable for this practice that is not detrimental to the environment and public wellbeing.

**John Larsen – Farming**
Yes if you own or want to live on a 4ha block you should not have the right to object to effluent spreading or intensive farming. If you on a rural residential or urban area there should be distances applied via rules.

**Planning North Canterbury**
No

**James Werner – Consultant**
Just reinforce the importance of retaining high value soils for future generations.


**Geoff Spark**
The Spark family owns a significant area of land adjacent to the eastern boundary of Rangiora. We believe that some of this land would be ideal for residential or rural residential development. We would be keen to have ongoing communication with WDC to discuss future opportunities for our land.

**Leo Harris**
No

**Claire Mckay – Farmer**
No

**Oxford Ohoka Community Board**
If infrastructure is present, rural residential development is possible.

**Pegasus Residents Group Incorporated**
Too much smell drifting to Waikuku Beach and Pegasus from Saltwater Creek Pig Farm. Get cattle out of waterways.

**Woodend Sefton Community Board**
Odour and smoke carry and contaminate urban areas - stronger restrictions needed.

**Petera Gloria Casserly**
Too much land wasted in Tuahiwi - People building on smaller areas, decrease the minimum 4ha blocks to 2,000 to 4,000 square metres.

**Rayonier New Zealand**
Ensure that any future rural-residential development is provided with sufficient buffers and/or setbacks from existing plantation forestry areas to avoid the potential for reverse sensitivity effects to arise in the future.

**Kaiapoi-Tuahiwi Community Board**
Support rural production as primary focus of rural areas.

**Anonymous**
It is assumed that the revised district plan will use the term and definition of intensive indoor primary production rather than ‘intensive farming.’ HortNZ supports that duplication with ECan provisions are avoided and that there is
separation between intensive indoor primary production and residential dwellings as a means to manage potential reverse sensitivity effects.

**Canterbury District Health Board**
Exclusion distances between discharging activities should consider public and private drinking water. Setbacks or similar mechanisms should be applied.

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**Other**

**Anonymous**
Agree that more should be done to manage reverse sensitivity effects. Particularly where rural residential activities locate in rural areas. There should be a clear policy framework enabling primary production in rural areas. HortNZ seeks 30m setbacks for new dwellings in rural areas so that the potential for reverse sensitivity effects are reduced.

Subdivision response should be a package that links increased rural residential potential (avoiding areas suitable of highly productive land) and greater constraints on subdividing rural land.

**Opal Consortia**
Suggests an approach to amalgamate productive areas of small holdings into single agriculture units, achieving a minimal effect on Rural Zone while providing the opportunity for wealth creation.

**Ohoka Residents Association**
More should be done to manage reverse sensitivity.

**Christchurch International Airport Limited**
Supports recognition of the issue of reverse sensitivity but requests greater specificity in the DP concerning objectives/policies - see submission for detail.

**Doncaster Developments Ltd**
Refer submission - detailing a request via RRDS consultation.
### Business

#### Commercial and Industrial Zones

Do you agree industrial areas should remain primarily for industrial activities (i.e., not for standalone offices) or 'High Street' retailing?

<table>
<thead>
<tr>
<th>Name</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gordon Smith</td>
<td>no, mixed could be appropriate</td>
</tr>
<tr>
<td>Heather Thomas</td>
<td>We are concerned about the Council’s view that Industrial areas should not have office or retail activities, and were somewhat surprised that the Council had no statistics on how many people work in the Southbrook area. We see no reason why Industrial areas, such as Southbrook, should not have retail and service businesses that serve the needs of those working in that specific area. Feedback from own staff is that it is inconvenient, and contributes to unnecessary traffic movements, by having to travel to the Rangiora or Kaiapoi central business areas for services such as doctors, dentist, chemist, legal, repairs, insurance, and groceries. As you will have observed the Pak n Save supermarket, and our own Mitre 10 store, is very popular with the local working community. As discussed at the meeting we do not have any specific data, but we would estimate that the daytime population of the Southbrook area is in the region of 2000 people. We believe it would beneficial if the Council conducted some research on this matter, so that it can understand the scale of the needs of the local working community. While we understand that it is highly desirable to have a vibrant and successful town centre we are also aware that the nature of retailing is rapidly changing. With the rapid uptake of online retailing traditional retailers will find it hard to compete, and the town centres need to become more of an entertainment and hospitality hub with more artisan type retailers.</td>
</tr>
<tr>
<td>McAlpines Ltd</td>
<td>Yes, absolutely. Strict rules are needed.</td>
</tr>
<tr>
<td>Cilla and Nick Taylor</td>
<td>Yes</td>
</tr>
<tr>
<td>Malcolm Taylor</td>
<td>Agree</td>
</tr>
<tr>
<td>PLC Group</td>
<td>No</td>
</tr>
<tr>
<td>Affordable housing for Seniors</td>
<td>Neutral</td>
</tr>
<tr>
<td>Woodend Sefton Community Board</td>
<td>Yes</td>
</tr>
<tr>
<td>Anonymous</td>
<td>Industrial activities should be the primary function, however, all industrial areas should have a wide range of services and retail outlets to support these.</td>
</tr>
<tr>
<td>Ashley Industrial Services</td>
<td>Support rezoning of commercial activities/areas to a zoning appropriate to their activity. Out of zone activities established since 1998 on the basis of a resource consent better managed under conditions of their consent. Areas zoned industrial should be primarily used for industrial and related activities. Industrial activities should be occurring in industrial zones. Yard-based retailing in association with production of the goods being sold and of associated products should be allowed in industrial zones.</td>
</tr>
<tr>
<td>Department of Corrections</td>
<td>The Department typically looks to locate its community facilities in areas accessible to offenders - usually commercial or business areas, however, there is also benefit in location in industrial areas. Indicates support for standalone offices.</td>
</tr>
</tbody>
</table>
What are your thoughts on allowing trade-based and yard-based retailing in industrial zones?

<table>
<thead>
<tr>
<th>Name</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gordon Smith</td>
<td>Ok</td>
</tr>
<tr>
<td>Heather Thomas</td>
<td>We believe that it is highly convenient, and efficient, for trade based and yard-based retailing, as well as gyms and sports centres, to be located in Industrial zones. We note that some activities, like sports centres and gyms, are already offering a range of medical and wellness based services.</td>
</tr>
<tr>
<td>McAlpines Ltd</td>
<td>yes, but with clear definitions of activities - the horse appears to have bolted in some zones, e.g. Southbrook with clear effects on the town centre</td>
</tr>
<tr>
<td>Cilla and Nick Taylor</td>
<td>Yes fine</td>
</tr>
<tr>
<td>Malcolm Taylor</td>
<td>Agree in principle</td>
</tr>
<tr>
<td>PLC Group</td>
<td>It makes sense and should be allowed</td>
</tr>
<tr>
<td>Affordable housing for Seniors</td>
<td>Neutral</td>
</tr>
<tr>
<td>Kaiapoi-Tuahiwi Community Board</td>
<td>Support - it is realistic that the District would have these.</td>
</tr>
<tr>
<td>Department of Corrections</td>
<td>The Department's work facilities can include yards and facilities to store equipment and indicates that some facilities may be located in industrial areas, in which case it is indicating support for this.</td>
</tr>
</tbody>
</table>

Do you agree with increasing the height limit in the Rangiora and Kaiapoi town centres?

<table>
<thead>
<tr>
<th>Name</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gordon Smith</td>
<td>No</td>
</tr>
<tr>
<td>McAlpines Ltd</td>
<td>Yes</td>
</tr>
<tr>
<td>Cilla and Nick Taylor</td>
<td>No strong opinion</td>
</tr>
<tr>
<td>Malcolm Taylor</td>
<td>I don’t see any issue increasing the height limit, however from an economic perspective it is cost prohibitive going higher subject to underlying land values.</td>
</tr>
<tr>
<td>PLC Group</td>
<td>No</td>
</tr>
<tr>
<td>Affordable housing for Seniors</td>
<td>Neutral</td>
</tr>
<tr>
<td>Kaiapoi-Tuahiwi Community Board</td>
<td>Yes - four stories.</td>
</tr>
</tbody>
</table>
Do you agree with introducing minimum residential amenity requirements for residential activities in commercial zones?

<table>
<thead>
<tr>
<th>Name</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gordon Smith</td>
<td>don't think so</td>
</tr>
<tr>
<td>Heather Thomas</td>
<td>We support any initiatives that would encourage more intensive residential development in the Commercial zones, but that these should meet a minimum standard for providing amenity.</td>
</tr>
<tr>
<td>McAlpines Ltd</td>
<td>Yes</td>
</tr>
<tr>
<td>Malcolm Taylor</td>
<td>Neutral</td>
</tr>
<tr>
<td>PLC Group</td>
<td>Yes</td>
</tr>
<tr>
<td>Affordable housing for Seniors</td>
<td>Neutral</td>
</tr>
<tr>
<td>Kaiapoi-Tuahiwi Community Board</td>
<td>Yes. However, these would need to be different to amenity requirements in residential zones to reflect lifestyle aspirations of those living in commercial zones.</td>
</tr>
</tbody>
</table>

Do you have any other comments on what we are thinking?

<table>
<thead>
<tr>
<th>Name</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Heather Thomas</td>
<td>We see a lot of merit in all the existing Southbrook Business 2 zone being changed to an Industrial zone, as defined in the proposed National Planning Standard. In addition, we also propose that this District Plan Review also consider extending the Industrial zone to have a western boundary on Townsend Road, and a northern border along the Southbrook Stream. We strongly support defining the ultimate boundaries of zones, based on logical geographic boundaries, rather than have incremental changes to zone boundaries. This approach will ensure that reverse sensitivity and servicing matters are dealt with at one time, and that a comprehensive Outline Development Plan (ODP) provides long term certainty for land owners, neighbours, and other stakeholders. This approach will need to include the preferred sequencing of development to ensure logical and efficient development.</td>
</tr>
<tr>
<td>McAlpines Ltd</td>
<td>You need to have clear policies stating the importance of town centres as social hubs for the community. Understand the importance of multi-purpose trips to town centres. Require shop and business parking to be integrated by avoiding kerbs and fences that interrupt flows of people and vehicles, and amenity values. Also, require urban design approaches to urban amenity/landscapes and mobility, especially for pedestrians.</td>
</tr>
<tr>
<td>Malcolm Taylor</td>
<td>We agree with Council's identification of the key issue &quot;Trade-based and yard-based activities are currently directed to town centres. However, town centres can be better utilised for more intensive commercial activities. The District's business areas also need to accommodate &quot;space hungry&quot; Large format retail (LFR) activities. Currently there is no clear direction on where these activities should locate. LFR activities require significant land holdings to provide suitable car parking requirements as well as good traffic connections and high visibility. We consider the Business 5 zone (Smith St, Kaiapoi) is a location where these LFR activities should be specifically provided for, noting the zone, among other things: 1. has excellent access to the strategic road network and is conveniently located for visitors from much of the District. It is also convenient to the Kaiapoi Town Centre and has the potential to support the town centre by attracting visitors and shoppers to the area from other areas within and beyond the District; 2. Has sufficient and suitable land to cater for extensive LFR development; 3. Is able to accommodate LFR</td>
</tr>
</tbody>
</table>
built form, traffic and associated activity without adversely affecting the surrounding environment (e.g. visual effects, amenity, traffic, etc.); 4. Is presently zoned for a range of non-industrial business activities, including yard based retail.

**McAlpines Ltd**
You need to have clear policies stating the importance of town centres as social hubs for the community. Understand the importance of multi-purpose trips to town centres. Require shop and business parking to be integrated by avoiding kerbs and fences that interrupt flows of people and vehicles, and amenity values. Also, require urban design approaches to urban amenity/landscapes and mobility, especially for pedestrians.

**Malcolm Taylor**
We agree with Council's identification of the key issue "Trade-based and yard-based activities are currently directed to town centres. However, town centres can be better utilised for more intensive commercial activities. The District's business areas also need to accommodate "space hungry" Large format retail (LFR) activities. Currently there is no clear direction on where these activities should locate. LFR activities require significant land holdings to provide suitable car parking requirements as well as good traffic connections and high visibility. We consider the Business 5 zone (Smith St, Kaiapoi) is a location where these LFR activities should be specifically provided for, noting the zone, among other things: 1. has excellent access to the strategic road network and is conveniently located for visitors from much of the District. It is also convenient to the Kaiapoi Town Centre and has the potential to support the town centre by attracting visitors and shoppers to the area from other areas within and beyond the District; 2. Has sufficient and suitable land to cater for extensive LFR development; 3. Is able to accommodate LFR built form, traffic and associated activity without adversely affecting the surrounding environment (e.g. visual effects, amenity, traffic, etc.); 4. Is presently zoned for a range of non-industrial business activities, including yard based retail.

**PLC Group**
People who set up businesses put a huge amount of time and money into their venture. They should be able to run it in whatever way they want to, they want to serve the public.

**Affordable housing for Seniors**
We agree with Council's identification of the following key issue: "Trade-based and yard-based activities are currently directed to town centres. However, these areas can be better utilised for more intensive commercial activities. The District’s business areas also need to accommodate ‘space hungry’ Large Format Retail (LFR) activities. Currently, there is no clear direction on where these activities should locate”. We consider that the Business 5 zone (Smith Street, Kaiapoi) is a location where these activities should be specifically provided for, noting the zone, among other things: 1. Has excellent access to the strategic road network and is conveniently located for visitors from much of the District. It also is convenient to the Kaiapoi town centre and has the potential to support the town centre by attracting visitors/shoppers to the area from other areas within and beyond the District; 2. Has sufficient and suitable land to cater for extensive LFR development; 3. Is able to accommodate LFR built form, traffic and associated activity without adversely affecting the surrounding environment (e.g. visual effects, amenity, traffic, etc); 4. Is presently zoned for a range of non-industrial business activities, including yard-based retail.

**Clampett Investments Limited**
Unless it pertains to a rural activity it should be in an industrial zone. In the Clarkville area, the horse has bolted. With a warehouse, trucking business, lift hoist, manufacturing plant we are near industrial. What is allowed on a lifestyle rural lot? For a private one man activity I have no problem. We have a mechanic, carpenter, furniture marker, consultant engineer etc on lifestyle lots. Let’s better utilise land already chopped up (4ha lots) by allowing 2ha rural lots and leave larger areas for production.

**Pegasus Residents Group Incorporated**
Do not support minor amendment to Pegasus Business 1 Zone pending further information.

Favour concentrating Large Format Retail near town centres. Loss of consumer spending cannot be mitigated when there is geographical disconnect between town centres and large retailers. Provided sufficient land is available.

Commercial and retail developments should have pedestrian facilities, cycle parking and seating available.

**Kaiapoi-Tuahiwi Community Board**

Mixed-use business definition for Kaiapoi regen area unclear. Define in the reviewed DP.

Oppose proposal for 2m deep landscape strip between industrial buildings. Support wider landscape strips on arterial and collector roads in industrial areas.

**Rangiora Gospel Trust**

Deficit of business land available. Allow business adjacent to urban areas. Offset restrictions for business/industry in rural by rezoning land commercial and industrial, i.e., Southbrook.

**Department of Corrections**

To note - the Department considers it appropriate for community correction facilities to be located in Town Centre Commercial (B1) and Light Industrial Environments (B2) as well as Large Format Retail Zones. Seeking for community corrections facilities to be provided for as explicitly permitted activities within B1 and B2 zones.

By giving them their own definition (see Strategic Directions chapter tab), this will enable differentiation between the potential effects of community corrections facilities and other community facilities i.e., libraries.

Department signals intent to Council roll over current designation on existing facility at 81 Ivory Street.

### Business Activities in Rural Residential Zones

**What businesses should be permitted in residential zones and rural zones?**

**Heather Thomas**

Not light industry. Only home based or farming businesses.

**McAlpines Ltd**

We oppose further development of business activities in the Rural and Residential areas. As noted in the Property Economics reports, there is plenty of Commercial and Industrial land available for the next 20 to 30 years.

**Cilla and Nick Taylor**

Support for home businesses so long as they don’t affect noise, parking, congestion etc. Require rural service businesses to be in commercial zones if they affect nearby residents.

**Malcolm Taylor**

Quiet home-based that have minimum of vehicle movements and do not omit noise or smells.

**Affordable housing for Seniors**

Farming and horticulture activities are already businesses being operated in a rural area. So are homestays, engineering, and many more. People who buy rural property must make an income to pay the huge mortgage and expenses. So any business that serves the public should be permitted, especially regarding accommodation and services. The WDC wants green spaces to look nice: it takes MONEY to maintain rural areas, so owners must be free to earn that money! Trades people should be able to run their business from...
their rural property, they need room for equipment and it makes sense. Many businesses should be permitted in residential zones, such as health related services, accommodation, retail, repairs, etc. people who buy the property should be able to use it as they wish: they have paid for that right.

**Pegasus Residents Group Incorporated**  
Any business without a relationship with farming, forestry or tourism would be hard to get across the line in a rural zone

Only non-intrusive, home-based businesses should be allowed in residential areas. Businesses should comply with WDC provisions

**Kaiapoi-Tuahiwi Community Board**  
Diverse businesses. In residential, a preference for retail and service distinct to the community. In rural, agribusinesses ok provided they do not create adverse noise and traffic, and parking is sufficient.

**Horticulture New Zealand**  
Support the introduction of more specific provisions detailing what business activities are permitted in rural and residential zones, what activities need a resource consent and identify those not expected to locate there.

**Ohoka Residents Association**  
Home businesses within defined standards and only businesses with a rural basis/strong need to be rurally located.

**Federated Farmers**  
Consider all anticipated rural activities to make a well-informed decision on activities to be permitted, managed or restricted.

**Canterbury District Health Board**  
Health practices in residential zones including on-road parking.

---

**What businesses should not operate in a rural or residential zone? Why?**

**Heather Thomas**  
any that are not farm or home based

**McAlpines Ltd**  
Noise and traffic generating activities.

**Cilla and Nick Taylor**  
Big topic! In simple terms, those that should be in commercial or industrial zones!

**Malcolm Taylor**  
Those that omit noise or smells if they are close to dwellings whether rural, rural-residential or residential.

**Affordable housing for Seniors**  
Rural: noisy after dark; smelly; dusty; industrial type factories. Residential: noisy after dark, an eyesore such as dead cars; irritating such as boarding kennels for dogs & cats.

**Oxford Ohoka Community Board**  
The Board asks that there are tighter restrictions on business use in rural zones. Discourage situations like Diversion Road composting because the business is circumventing responsibilities like managing dust, smell and fire. The Plastics factory is another example.

**Pegasus Residents Group Incorporated**  
No manufacturing, vehicle repair, sales rooms, noxious businesses, noise polluting businesses in residential zones.

**Woodend Sefton Community Board**  
No industry in retail areas.

**Horticulture New Zealand**  
HortNZ seeks to ensure that land in the rural area is retained for primary production and therefore does not support establishment of business or industry that
Consultation Summary

<table>
<thead>
<tr>
<th>Does not have the clear linkages to primary production.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Pines Kairaki Beach Association</strong></td>
</tr>
<tr>
<td>Do not make unnecessary rules. Don't be prescriptive - use simple guidelines linking back to other parts of the DP.</td>
</tr>
<tr>
<td><strong>Ohoka Residents Association</strong></td>
</tr>
<tr>
<td>No industry in rural areas with the exception of agricultural contracting businesses.</td>
</tr>
</tbody>
</table>

Do you have any additional comments on Commercial and Industrial Zones or Business Activities in Rural and Residential Zones?

<table>
<thead>
<tr>
<th><strong>Malcolm Taylor</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Planners must consider the future of business activities on rural land that could be rezoned in the future which does not prevent the Council wishing to rezone land. In other words, business activities should only be sited on land that is highly unlikely of ever being rezoned to rural-residential land.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Affordable housing for Seniors</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Overseas there are trailer parks for removable houses, which offer perfect affordable housing, and community, for seniors. They must be permitted in our district: it's the only way to address the housing crisis that many seniors face. Conditions can be imposed to ensure a neat and tidy environment, and a rural setting is the perfect location because it's what everyone wants: peace, quiet, and a nice restful rural outlook. WDC could even set some up, where people place their own homes on the site and pay WDC a fee every week for their site - $150 per week would be a good return. If they are not going to do this, they MUST permit private people to. WDC cannot bury their head in the sand forever and keep contributing to the stress seniors.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Pegasus Residents Group Incorporated</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Increased consultation with community boards and residents' association with community boards and residents' associations on development and projects that affect residents or change the environment or zoning.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Woodend Sefton Community Board</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Support Large Format Retail on Smith Street</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Horticulture New Zealand</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>HortNZ supports the focus of the definition on the clear linkages to primary production and seeks that this be the concept for business activity in the rural zones in the revised district Plan.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Aggregate and Quarry Association and Straterra</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Supports increased clarity about business activities compatible with rural or residential environments.</td>
</tr>
</tbody>
</table>

Asks the Development Planning team to refer to RMA Quality Planning Resource on aggregates and quarries.

<table>
<thead>
<tr>
<th><strong>Canterbury District Health Board</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Transport to and from health service businesses in smaller centres are lacking and result in very limited access to health services.</td>
</tr>
</tbody>
</table>

Supports medical centre on Council owned land in Oxford remaining there.
1. SUMMARY

1.1. The purpose of this report is to advise the District Planning and Regulation Committee of the applications that have been received to the Heritage, Biodiversity and Ecological Fund.

1.2. The process to assess each application and the level of support for each application also needs to be confirmed and a Sub-Committee established to undertake this assessment.

Attachments:

i. Draft Terms of Reference (Trim: 190813112587)

2. RECOMMENDATION

THAT the District Planning and Regulation Committee:

a) Receives this report No 190806109349.

b) Notes that 18 applications were received totalling approximately $114,000.

c) Appoints Councillor..........., Councillor.......... and Councillor.............. to the Heritage, Biodiversity and Ecological Fund Sub-Committee.

d) Notes the meeting to decide disbursement of funds would occur Tuesday 10 September 2019 at 9am.

3. BACKGROUND

3.1. The aim of this fund is to support district heritage and biodiversity values by providing financial assistance to owners of heritage sites, notable trees, and vegetation and habitat sites listed in the district plan who are undertaking work to protect these assets.

3.2. A report about the fund was taken to the District Planning and Regulation Committee in June 2017. Funding allocation was changed from a triannual fund to a discretionary fund and we notified the fund (formally called the contestable fund) on 10 and 24 May by way of a notice in the paper and writing to owners of sites listed in District Plan the funding criteria was confirmed.
3.3. The last Heritage, Biodiversity and Ecological funding round was 2008 and since then over $155,000 has accumulated in the fund.

3.4. Approved Funding Criteria:

Applications will be assessed on merit based on criteria listed below:

i. Priority of funding is given to sites identified by the Waimakariri District Council as potentiality significant natural areas as listed in the District Plan.

ii. The degree to which the work improves, protects, benefits, enhances, restores or reinstates native natural resources or Heritage Buildings – in particular, land, vegetation and Heritage sites.

iii. If the Applicant or Project has been past recipients of the Fund.

4. ISSUES AND OPTIONS

4.1. A total of 18 applications have been received for The Heritage, Biodiversity and Ecological Fund, 10 for vegetation, seven heritage buildings and one which is not listed in the District Plan.

4.2. The funding round closed on 10 June 2019. Applicants have applied in good faith. If we wait for the new council to be sworn in and caught up the background it is likely the fund will not be released until February 2020. The meeting to decide on fund distribution is scheduled for 10 September 2019.

4.3. Timetable:

i. Initial assessment - to identify applications that do not meet criteria and notify them.

ii. Priority Criteria - to prioritise applications based on the degree to which the work improves, protects, benefits, enhances, restores or reinstates the native natural resources or Heritage Buildings.

iii. Confirm application - Decide if any further information is required on each application.

iv. Approve Applications – Release funding.

4.4. The Management Team have reviewed this report and support the recommendations.

5. COMMUNITY VIEWS

5.1. Groups and Organisations

All owners of Vegetation, Notable Trees or Heritage buildings listed in the District Plan have received a letter advising them of the fund and that applications were being received.

5.2. Wider Community

Advertisements were placed in the Northern Outlook on 10 and 24 May 2019 notifying the public that applications were being accepted.
6. **IMPLICATIONS AND RISKS**

6.1. **Financial Implications**

The Fund has not been distributed since 2008 and has accumulated to an amount of over $155,000. It accumulates at about $15,500 per year.

6.2. **Community Implications**

The Heritage, Biodiversity and Ecological Fund provides financial assistance to owners of Heritage Sites, Notable Trees and Vegetation sites listed in the District Plan.

6.3. **Risk Management**

There is a risk of the public not understanding the limitations of the fund and raising expectations of what assistance we are able to provide.

There is also a risk that applications may fall outside of the criteria or the property is not listed and the application will be declined which may affect the reputation of the fund and the Council.

As we are currently re-evaluating the heritage buildings and vegetation sites as part of the District Plan review, there is also a possibility funds may be granted to a property or site that has degenerated and experts have deemed not significant enough to relist.

6.4. **Health and Safety**

Health and safety matters are not directly relevant to the allocation of the fund.

7. **CONTEXT**

7.1. **Policy**

This is not a matter of significance in terms of the Council’s Significance and Engagement Policy.

7.2. **Legislation**

*Resource Management Act 1991 Section 6 (c) and (f)*

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:*

*(c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*

*(e) The protection of historic heritage from inappropriate subdivision, use, and development:*

7.3. **Community Outcomes**

There are areas of significant indigenous vegetation and habitats for indigenous fauna.

- Conservation and restoration of significant areas of vegetation and/or habitats is encouraged.

The community’s cultures, arts and heritage are conserved and celebrated.
- Heritage buildings and sites are protected and the cultural heritage links with our past is preserved.

7.4. Delegations

The District Planning and Regulation Committee has delegation under S-DM 1026 to assess The Heritage, Biodiversity and Ecological Fund applications.
The Heritage, Biodiversity and Ecological Fund Sub-Committee

1. Membership

   Portfolio Holder (Chair)
   Councillors XX, and XX

2. Quorum

   A quorum will be 3 members

3. Delegation

   The Heritage, Biodiversity and Ecological Fund Sub-Committee will assess all applications to the Fund ensuring the funding criteria as described in the application form is met.

Support

   The Committee will be supported administratively by the Policy and Strategy Unit. Technical support is through the Planning Unit.

4. Objectives

   4.1 Through allocation of the Fund, make available financial assistance to owners of notable plants, vegetation and heritage sites listed in the District Plan, to encourage and assist with work that benefits the natural and built environment for these sites.

   4.2 Assess each application on its merits ensuring the criteria listed in the application form is met.

   4.3 Allocate funding in a fair and transparent way to ensure value to the wider community is achieved.

   4.4 Recommend all grants to be disbursed to the District Plan and Regulation Committee for final sign-off.

5. Programme

   To update the District Plan and Regulation Committee at each meeting and a report prepared for the Committee’s consideration by November (?) 2019.

6. Meeting Frequency

   To be arranged

7. Staff Executive

   Manager Regulation
1. SUMMARY

1.1. This report informs the District Planning and Regulation Committee of the 2018/2019 annual dog control report that the Council is required to submit to Department of Internal Affairs (DIA). Section 10A Dog Control Act 1996 (The Act), requires reports from territorial authorities to be submitted to the Department of Internal Affairs (DIA) on an annual basis. These list the number of dogs registered, the number declared dangerous or menacing, and the number and nature of dog complaints received for each fiscal year. In summary for year ending 30 June 2019:

<table>
<thead>
<tr>
<th>Category</th>
<th>2017/18</th>
<th>2018/19</th>
</tr>
</thead>
<tbody>
<tr>
<td>The number of registered dogs</td>
<td>12214</td>
<td>12500</td>
</tr>
<tr>
<td>The number of registered owners</td>
<td>8010</td>
<td>8248</td>
</tr>
<tr>
<td>Dangerous dogs</td>
<td>10</td>
<td>9</td>
</tr>
<tr>
<td>Menacing dogs</td>
<td>60</td>
<td>53</td>
</tr>
<tr>
<td>Complaints</td>
<td>2077</td>
<td>2087</td>
</tr>
<tr>
<td>Infringements issued</td>
<td>115</td>
<td>84</td>
</tr>
</tbody>
</table>

1.2. If the annual report is accepted by the Council, a copy will be submitted to the DIA. The statistics contained within the report will also be publicly notified.

Attachments:

2. RECOMMENDATION

THAT the District Planning and Regulation Committee recommends:

THAT the Council:

(a) **Receives** report No. 190730105964

(b) **Approves** the attached 2018/2019 Annual Report on Dog Control to the Department of Internal Affairs.

(c) **Circulates** a copy of this report to the Boards.
3. **BACKGROUND**

3.1 The DIA collates reports from Territorial Authorities on an annual basis. This enables the Department to maintain nationwide records and statistics in relation to dogs, dog numbers, the numbers of menacing and dangerous dogs, along with the number and type of complaints received by Councils in relation to dogs.

4. **ISSUES AND OPTIONS**

4.1. This report is a statutory requirement under *Section 10A Dog Control Act 1996*. The report informs the community of a summary of dog statistics for the District. Section 4.2 of this report outlines the information required. The Committee has the option of approving the proposed annual report as fulfilling the requirement of the Act. If the Committee approves the annual report, the report will be forwarded to DIA and the information contained therein, will be publicly notified. No other action is required.

4.2. Section 10A of the Act is prescriptive and lists the matters on which the Council is to report. The following is an explanation of the requirements with previous year numbers in (brackets).

**Registered Dogs: 12500 (12214)**
This is the number of dogs registered with Waimakariri District Council for the 2018-2019 year. 8474 of the dogs are desexed and of the 12500 registered dogs there are 1031 working dogs.

**Registered Owners: 8248 (8010)**

**Probationary Owners: 0 (0)**
A probationary owner is a person who is convicted of an offence against the Act and the Council has classified that person as a probationary owner. This classification enables the Council to place restrictions on an owner, such as barring ownership of a dog for a set period and to undergo suitable training. However if the person is the owner of a registered dog at the date of the offence, ownership of that dog continues. The probationary classification enables the Council to monitor compliance and dog control.

**Dangerous Dogs: 9 (10)**
These are animals deemed by the Council to be dangerous. They are classified because they have behaved aggressively to people and/or animals. A key criterion for this classification is that witnesses have made formal statements concerning the behaviour observed. Dangerous dogs are required to be de-sexed, as well as restrained and muzzled when in public. An owner can appeal a classification and the matter would be considered by the Council’s Hearing Committee. One new dangerous dog classification was made this year.

**Menacing Dogs: 53 (60)**
This classification has less restriction on the owner than the dangerous dog classification. Dogs can be classified as menacing if the Council considers they are a threat to people and/or stock or they are registered as a particular breed that Parliament has deemed to be menacing. These breeds include the American Pit Bull terrier, Brazilian Fila, Dogo Argentino and Japanese Tosa. Menacing dogs are also required to be desexed, restrained and muzzled in public. Six dogs were classified as menacing this year. One owner appealed a classification and the Hearing Committee upheld the order.
Complaints: 2087 (2077)
These are grouped into complaint type and are responded to by Council Animal Management staff during the week or through our after-hours contractors for complaints made after-hours.

Infringement Notices: 84 (115)
Infringements are issued for offences related to nuisances such as a dog not being under control or for having an unregistered dog. Seeking compliance is the primary focus followed by warnings. Infringements occur when owners continually fail to heed warnings.

Prosecutions: 0 (1).
In the previous 2017/18 year one person was prosecuted, charged with an offence against Section 57 Dog Control Act 1996, in relation to a dog attack in the Good Street Reserve (Rangiora) in November 2017 where a 6 year old girl was bitten by the man’s dog. No prosecutions were filed in the 18/19 year however one was filed in early July for the new 19/20 year. This is currently before the Court.

4.3. The Management Team have reviewed this report and support the recommendations.

5. COMMUNITY VIEWS

5.1. Groups and Organisations: This report is a statutory requirement of the Council intended by the Act to provide a summary of dog control statistics to the public and the Department of Internal Affairs. The information is collected district-wide and is not broken down into wards. No comment or action is required.

5.2. Wider Community: As above.

6. IMPLICATIONS AND RISKS

6.1. Financial Implications: Council’s Dog Control is funded entirely by dog registration fees.

6.2. Community Implications: The Council employs three fulltime Animal Control Officers, a .3FTE animal shelter attendant and about 0.25FTE for an administration officer. This enables the Animal Control Unit to maintain levels of service in line with the district’s growing population.

6.3. Risk Management: No policy development or animal control operational work is dependent on this report.

6.4. Health and Safety: This report has no impact on health and safety.

7. CONTEXT

7.1. Policy
This is not a matter of significance in terms of the Council’s Significance and Engagement Policy.
7.2. **Legislation**

Section 10A *Dog Control Act 1996*, sets out the criteria that must be included in the report:

10A *Territorial authority must report on dog control policy and practices—*

(1) A territorial authority must, in respect of each financial year, report on the administration of

(a) its dog control policy adopted under section 10; and

(b) its dog control practices.

(2) The report must include, in respect of each financial year, information relating to—

(a) the number of registered dogs in the territorial authority district:

(b) the number of probationary owners and disqualified owners in the territorial authority district:

(c) the number of dogs in the territorial authority district classified as dangerous under section 31 and the relevant provision under which the classification is made:

(d) the number of dogs in the territorial authority district classified as menacing under section 33A or section 33C and the relevant provision under which the classification is made:

(e) the number of infringement notices issued by the territorial authority:

(f) the number of dog related complaints received by the territorial authority in the previous year and the nature of those complaints:

(g) the number of prosecutions taken by the territorial authority under this Act.

(3) The territorial authority must give public notice of the report—

(a) by means of a notice published in—

(i) 1 or more daily newspapers circulating in the territorial authority district; or

(ii) 1 or more other newspapers that have at least an equivalent circulation in that district to the daily newspapers circulating in that district; and

(b) by any means that the territorial authority thinks desirable in the circumstances.

(4) The territorial authority must also, within 1 month after adopting the report, send a copy of the report to the Secretary for Local Government.

7.3. **Community Outcomes**

*There is a safe environment for all*

Harm to people from natural and man-made hazards is minimised.

7.4. **Delegations**

Delegation S-DM 1026:

*The District Planning and Regulation Committee shall enjoy all the powers granted to a standing committee under this Manual and shall be responsible for determining policy within the following general jurisdiction:*

- Dog registration and control
Dear Sir

WAIMAKARIRI DISTRICT COUNCIL ANNUAL REPORT ON DOG CONTROL: 2018/2019

In accordance with the Dog Control Act 1996, Section 10A, the following is a copy of the annual report for Waimakariri District Council’s dog control policy and practices.

Dog Control Policy
Waimakariri District Council (The Council) adopted a Dog Control Policy in 2009. The objectives of the policy include:
- To encourage responsible dog ownership
- To provide for Dog Access to Public areas
- To enforce dog owner obligations
This Policy is currently undergoing the special consultative procedure as part of its 10 year review.

Education
Animal Control delivers education to schools in the District encouraging safe practices around dogs including bite prevention.

Dog Parks
The Council currently provide three dog parks.

Southbrook Dog Park - This 3-hectare dog park was established in Southbrook Park, Rangiora, in 2010. Access to the park is either from Coronation Street or the Southbrook Park car park. The park features a pleasant walking circuit leading to a large fenced area where dogs can run and exercise. Information signs and seating are provided.

Millton Memorial Park Dog Park - This dog park, at the corner of Millton Avenue and River Road, Rangiora, covers 2.6 hectares and was opened in 2015. The park features a ‘large dog area’ and ‘small dog area’.

Gladstone Road Dog Park – This park was opened in early 2018 and covers approximately 2 hectares.

A further dog park is planned for Kaiapoi shortly. The dog parks have a Facebook community page www.facebook.com/RangioraDogParks/.

Dog Control on parks and reserves
To protect public safety and enjoyment, the Dog Control Bylaw 2009 classifies the district’s parks and reserves into three categories: Dog Prohibited Areas, Leash Control Areas and Under Control Areas. The First Schedule of the bylaw lists all the district’s reserves and their classifications. You can exercise your dog off the leash in Under Control Areas as long as you keep the dog under continuous supervision and control. This bylaw is currently being reviewed through the special consultative procedure as part of its 10 year statutory review.
Table 1: Annual Report for 20017/18 (Dog Control Act 1996 s10A)

<table>
<thead>
<tr>
<th>Reporting Requirement</th>
<th>17/18</th>
<th>18/19</th>
</tr>
</thead>
<tbody>
<tr>
<td>The number of registered dogs</td>
<td>12214</td>
<td>12500</td>
</tr>
<tr>
<td>The number of registered owners</td>
<td>8010</td>
<td>8248</td>
</tr>
<tr>
<td>The number of probationary owners and disqualified owners</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>The number of dogs classified as dangerous (section 31). Note these dogs were all classified under s31(1)(b) &quot;Any dog which the territorial authority has, on the basis of sworn evidence attesting to aggressive behaviour by the dog on one or more occasions, reasonable grounds to believe constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife;&quot;</td>
<td>10</td>
<td>9</td>
</tr>
<tr>
<td>The number of dogs classified as menacing (section 33). Note some of these dogs are required to be classified pursuant to Section 33E where the Act deems this type of dog (American Pit Bull Terrier) to be menacing.</td>
<td>60</td>
<td>53</td>
</tr>
</tbody>
</table>

The total number of complaints received for each Category:

<table>
<thead>
<tr>
<th>Category</th>
<th>17/18</th>
<th>18/19</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dog Attacks on People</td>
<td>29</td>
<td>27</td>
</tr>
<tr>
<td>Dog Rushing People</td>
<td>42</td>
<td>82</td>
</tr>
<tr>
<td>Dog Attacks on Stock</td>
<td>35</td>
<td>37</td>
</tr>
<tr>
<td>Dog Attacks on Dogs</td>
<td>25</td>
<td>25</td>
</tr>
<tr>
<td>Barking Dogs</td>
<td>356</td>
<td>339</td>
</tr>
<tr>
<td>Roaming Dogs</td>
<td>248</td>
<td>231</td>
</tr>
<tr>
<td>Dog Welfare Complaints</td>
<td>26</td>
<td>31</td>
</tr>
<tr>
<td>Unregistered Dogs resulting in infringements</td>
<td>107</td>
<td>71</td>
</tr>
<tr>
<td>Lost / Found</td>
<td>917</td>
<td>850</td>
</tr>
<tr>
<td>Callers requesting advice</td>
<td>292</td>
<td>310</td>
</tr>
</tbody>
</table>

**TOTAL**

|       | 2077  | 2003  |

The number of prosecutions undertaken.

|       | 1     | 0     |

The number of Infringement Notices issued.

|       | 115   | 84    |

Yours faithfully

Nick Harrison
Manager: Regulation
FILE NO and TRIM NO: BYL-61 / 190726105104

REPORT TO: District Plan and Regulation Committee

DATE OF MEETING: 20 August 2019

FROM: Mike O'Connell, Senior Policy Analyst
Geoff Meadows, Policy Manager

SUBJECT: Review of Signage Bylaw 2012

1. SUMMARY

1.1 This report is to initiate the review of the Signage Bylaw 2012. The Local Government Act 2002 requires a review no later than five years after the date on which the bylaw was first made. The bylaw will become the Signage Bylaw 2019 and the 2012 bylaw will be revoked.

1.2 The bylaw sets out requirements to ensure that signs are erected, maintained and displayed in such a manner that they do not create a nuisance or present a danger to pedestrians or vehicles.

1.3 The Bylaw is no longer appropriate or effective in addressing all of the circumstances and requirements of managing signage issues in the District, in particular signage placed at the boundary between private land and Council (public) land.

1.4 A Special Consultative Procedure on the proposed changes to the bylaw is set to open on 30 August 2019 and close on 30 September 2019.

1.5 Due to the Council elections in October, appointment of the Hearings Panel and a date for the hearing of submissions is not yet able to be set.

Attachments:
   i. The proposed draft bylaw (TRIM No 190724103671)
   ii. The Statement of Proposal (TRIM No 190726105144)
   iii. Main areas of change to existing Bylaw (TRIM No 190805109159)

2. RECOMMENDATION

THAT the District Plan and Regulation Committee:

(a) Receives report No 190726105104.

(b) Initiates the Special Consultative Procedure for this Bylaw in terms of the Local Government Act 2002 (LGA 2002) section 159 to be undertaken 30 August to 30 September 2019.
3. **BACKGROUND**

3.1 Section 158 of the *Local Government Act 2002* requires a review no later than five years after the date on which the bylaw was first made. The *Signage Bylaw 2012* was due for review on 4 December 2017.

3.2 The *Signage Bylaw 2012* will thus be automatically revoked two years after the last date on which the bylaw should have been reviewed, on 4 December 2019.

3.3 The main areas of proposed change are set out in the Statement of Proposal (Attachment ii). These changes are described in detail in Attachment iii.

4. **ISSUES AND OPTIONS**

4.1. Under section 158 of the *Local Government Act 2002* (the Act), the Council is required to review this bylaw initially after five years. This bylaw has not been formally reviewed since 2012. It would be due for review again in 2029.

4.2. The purpose of this bylaw is to ensure that signs are erected, maintained and displayed in such a manner that they do not create a nuisance or present a danger to pedestrians or vehicles. The proposed new bylaw as a result of this review process provides Council with the ability to continue this function.

4.3. The Bylaw is no longer appropriate or effective in addressing all of the circumstances and requirements of managing signage issues in the District. Of particular importance is the issue of boundaries; how signage can be placed at the boundary between private land and Council (public) land.

4.4. The Bylaw is also written to dovetail with provisions in the Signage chapter of District Plan.

4.5. Since 2012, a number of issues and trends have emerged including the siting or placement of moveable roadside advertising on trailers and signs affecting traffic, in particular, changeable message or electronic signage. The Bylaw also requires more assertive language to aid enforcement.

4.6. Considerable staff time is at times required to remove illegally placed signage. To support implementation of the Bylaw, the following fee structure for the removal and return of impounded signage is proposed. Currently there are no fees in place.

- Staff attendance to remove illegal signage, typically signage on fences or walls. It is recommended this fee be set at $85;
- Staff attendance to deconstruct and remove illegal signage, typically signage placed in the ground. It is recommended this fee be set at $200 to offset the inconvenience and effort required to remove the signage;
- Returning impounded signage to owner. It is recommended this fee be set at $85.

4.7. The Management Team have reviewed this report and support the recommendations.

5. **COMMUNITY VIEWS**

5.1. **Groups and Organisations**
Groups and organisations have the opportunity to submit through the Special Consultative Procedure.

5.2. Wider Community

The wider community will be able to express their views through the submission process, closing on 30 September 2019.

6. IMPLICATIONS AND RISKS

6.1. Financial Implications

The cost of reviewing the *Signage Bylaw 2012*, is met from existing budgets and staff resources.

6.2. Community Implications

Authorised Officers are often in discussion about current issues and proposed bylaw changes, in particular, the real estate community. The wider community will be able to express their views through the submission process, closing on 30 September 2019.

6.3. Risk Management

If the bylaw is not amended within the statutory time (4 December 2019), it will automatically be revoked.

6.4. Health and Safety

Public safety is maintained by regulating the control of vehicular traffic in town centres.

7. CONTEXT

7.1. Policy

This matter is not a matter of significance in terms of the Council’s Significance and Engagement Policy.

7.2. Legislation

*Local Government Act 2002 Section 145 & Section 158*. Section 145 of the Act empowers the Council to make a bylaw for its District. Section 158 of the Act states a review is required no later than five years after the date on which the bylaw was first made.

7.3. Community Outcomes

The centres of our towns are safe, convenient and attractive places to visit and do business.

7.4. Delegations

The Committee has the jurisdiction to administer bylaws within the committee’s fields of activity and to recommend to the Council any amendments. The full council must adopt the final bylaw following consultation.
WAIMAKARIRI DISTRICT COUNCIL
SIGNAGE BYLAW 2019

Adopted at a Council Meeting held on [day] [month] 2019

______________________________
Chief Executive

______________________________
Governance Manager
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Waimakariri District Council Signage Bylaw 2019

1. General

Introduction

1.1 This Bylaw may be cited as the Waimakariri District Council Signage Bylaw 2019.

1.2 This Bylaw supersedes the Waimakariri District Council Signage Bylaw 2012 and comes into force on [date] [month] 2019.

1.3 This Bylaw is made pursuant to Sections 145, 156(1) and 160(A) of the Local Government Act 2002.

2. Purpose and Objectives

2.1 The purpose of this bylaw is to ensure that signs are erected, maintained and displayed in such a manner that they do not create a nuisance or present a danger to pedestrians or vehicles.

2.2 This bylaw has the objective of enhancing road safety in the Waimakariri District by avoiding dangerous placement of signs that could impair visibility or access for road users or pedestrians.

2.3 This bylaw has the further objective of seeking to avoid public nuisance by ensuring advertising displays and signage on footpaths does not obstruct the passage of pedestrians and/or disabled people.

3. Scope

3.1 This bylaw covers signage located on the Council road reserve, parks and reserves, and any buildings or structures owned by the Council.

3.2 This bylaw requires any sign located on any privately owned premises within the district to comply with provisions in Section 12, but otherwise the bylaw does not apply to any sign on any privately owned premises.

This bylaw does not apply to:

3.3 Signage located within the State Highway Road Reserve.

3.4 Any traffic safety or directional signs that are erected by the Council, its Authorised Officer or Agent, or the New Zealand Transport Agency.

3.5 Sign writing on licensed vehicles.
4. Definitions

For the purposes of this bylaw, the following definitions shall apply:

**Authorised Officer or Agent** means any person appointed or authorised in writing by the Chief Executive or by the Council to act on its behalf and with its authority.

**Changeable message signage** means visible signage with mechanical or electronic moving images or displays, including LED, neon, and electronically projected images.

**Commercial event** means an event that is intended to generate a profit and that is hosted for commercial purposes.

**Council road reserve** means any part of the legal road including formed road areas designed for the carriage of vehicles, and adjacent footpath and berm areas, usually adjoining the property boundaries (including privately owned premises) on either side of the road.

**Council** means the Waimakariri District Council or any officer authorised to exercise the authority of the Council.

**Display** means an exhibition or presentation of goods or materials, or a presentation of information or graphics that can be easily seen from or within a public place.

**Directional signage** means visible signage providing direction to a building, land, site or event.

**Event** means a planned public or social occasion, including educational, social or recreational occasions to be held within the Waimakariri District or directly adjoining local authorities.

**Frangible** means able to be broken into fragments; brittle or fragile.

**Garage sale** means the sale of private household and personal items from any privately owned premises.

**Grass berm** is the area of footpath which is laid out in grass.

**Household** means members of a family or other non-related persons living together as occupants of a separate housing unit.

**Nuisance** means anything that disturbs the reasonable use of property, endangers life and health, or is offensive.

**Offence** includes any act or omission in relation to this bylaw or any part thereof for which any person is liable for prosecution.

**Person** means a natural person, corporation sole or a body of persons whether corporate or otherwise.

**Premises** means:

(a) A property or allotment which is held under a separate certificate of title or for which a separate certificate of title may be issued and in respect of which a building consent has been or may be issued; or
(b) A building or part of a building that has been defined as an individual unit by a cross-lease, unit title or company lease and for which a certificate of title is available; or
(c) Land held in public ownership (e.g. reserve) for a particular purpose.
(d) Land and open spaces managed by the Council for which reserve management plans are applicable.

Public place means:
(a) An area that is open to or used by the public and which is owned, managed, maintained or controlled by the Council.
(b) Public places include, but are not limited to roads, streets, footpaths, alleys, pedestrian malls, cycle tracks, lanes, accessways, thoroughfares, squares, carparks, reserves, parks, beaches, foreshore, riverbanks, berms, verges, and recreational grounds.
(c) The extent of the legal property boundary adjoining the Council road reserve. It includes any fence, wall or partition as part of that boundary or frontage.

Real estate sign means a sign including information about the proposed or pending sale of any premises or business.

Sign / Signage means:
(a) An advertisement, message or notice conveyed using any visual medium, which advertises or promotes a product, business, service, or event or acts to inform or warn any person;
(b) The frame, supporting device and any associated ancillary equipment whose principal function is to support the advertisement, message or notice;
(c) Advertisements, messages or notices placed on, or affixed to, or painted or stencilled onto a window, a fence, a hoarding, street furniture, utility infrastructure, footpath, road or building;
(d) Murals, banners, feather / sail / teardrop flags, posters, balloons, blimps, sandwich board signs, rotating signs, projections of lights or electronic displays.

Temporary sign means a sign or signage that is displayed or erected at a site which is visible from a public place and has content that is generally associated with short-term events or activities.

5. General Provisions

5.1 No person shall display or erect any sign in the district except in conformity with this bylaw.

5.2 No person shall erect any sign on any of the following:

5.1.1 any Council owned premises; or
5.1.2 the Council road reserve, other than as provided for in this bylaw.

5.3 With the exception of clause 12 of this bylaw, signs that are located on any privately owned premises within the district are required to comply with the District Plan.

5.4 No person shall attach or affix any sign or signage upon any infrastructure that is erected in or constructed or standing on or abutting any public place, including any part of a Council-owned premises, any Council sign or its support structure, or any part of the Council road reserve.
5.5 Any person who has erected a sign shall maintain that sign at all times in good condition, so that it does not become a nuisance to the public, or a hazard to any pedestrian or vehicle using footpaths or roads in the District.

5.6 Any sign erected on or within the Council road reserve must meet all of the requirements of the *Traffic Control Devices Manual* or any other relevant documentation published by the New Zealand Transport Agency.

6. **Vehicle and Trailer Signage**

6.1 A person must not display in the Council road reserve, signage on or connected to a mobile or parked trailer or vehicle that is on or visible from a road or a public place, if the primary function of the trailer or vehicle is to display advertising material.

6.2 Should any motor vehicle, to which clause 6.1 applies, be left stationary and unattended on any road, whether otherwise lawfully stopped or not, and in the opinion of an Authorised Officer, it is causing a safety hazard, the Authorised Officer may have it removed and stored at the cost of the owner.

6.3 Clause 6.1 does not apply to vehicles with sign writing (business logos or the business name) where the vehicle is being used in, and as part of, the normal course of business and not simply for the purpose of displaying advertising material, unless, in the opinion of an Authorised Officer, the motor vehicle is causing a safety hazard.

7. **Signage Facing Council Land or Road Reserves**

7.1 Signage at the street frontage must be flush with the wall or fence and not project beyond the legal boundary of the property to which it relates.

7.2 No person shall place on his or her property, or on the street frontage of the property, any signage in such a way that, if in the opinion of an Authorised Officer, it projects distracting, controversial, misleading or objectionable messaging into a public place or the Council road reserve.

7.3 An Authorised Officer may under clauses 7.1 and 7.2 remove or impound any sign they consider to be located or placed within the road reserve. The Council may at its discretion, charge a fee from the person responsible for the breach if that person wishes to have their property returned.

8. **Real Estate Signage**

8.1 A person may only erect a real estate sign within the Council road reserve where the sign is a temporary sign advertising an open home; and where the real estate sign is only in place on the road reserve for the duration of that open home.

8.2 Real estate signage at the street frontage must be flush with the wall or fence and not project beyond the legal boundary of the property to which it relates. A maximum of two real estate signs can be located per property. Where the property is a corner property, two real estate signs can be placed on each street frontage of the property.

8.3 Directional signage used for advertising open homes (for sale or lease) and auctions shall be removed on the day the open home or auction takes place once these events are complete.
8.4 Real estate signs, flags or banners attached to a vehicle or trailer may be displayed only during the time of an open home or on-site auction.
8.5 Signage must be removed within 14 days of the property being sold.

9. **Event Signage**

9.1 Event signage at the street frontage must be flush with the wall or fence and not project beyond the legal boundary of the property.

9.2 A sign pertaining to an event on any part of the Council road reserve shall only be permitted where:
   9.2.1 it is not in excess of 2 metres in height or does not have a display area that exceeds 3 square metres; and
   9.2.2 it is not within 50 metres of any intersection or roundabout; and
   9.2.3 it has a stable, non-perishable or frangible support structure.

9.3 Any sign in the district pertaining to an event shall not be erected more than 6 weeks prior to the date of that event and shall be removed within 7 days of the date of that event, and must relate to an event that is to be located within the district.

9.4 No person shall erect any sign on any part of the Council road reserve that pertains specifically to any of the following:
   9.4.1 a commercial event, unless prior written consent has been obtained from the Council; or
   9.4.2 any private function pertaining to any family or household group including any birthday or household party.

9.5 Any garage sale sign is only permitted on the Council road reserve for the duration of that garage sale.

9.6 Signs promoting or advertising community and non-profit events held outside the District are permitted providing they comply with the provisions of clauses 9.1 to 9.4.

10. **Footpath Signage and Advertising**

10.1 Any business or franchise may place one sign and/or one display of goods for sale on the footpath area adjacent to their premises along any road or street that has a speed limit of 70 kilometres per hour or less, if that road or street has a formed kerb, channel and footpath.

10.2 The display of any business goods for sale on a footpath is subject to a license to occupy that may be granted at the discretion of the Council.

10.3 No sign or display of any business goods on any footpath shall be placed in a position that would obstruct pedestrian movement along the footpath, or present an obstacle for any person using the footpath including any disabled person, or obstruct movement of a vehicle using any formed vehicle crossing over any footpath.

10.4 Any sign placed by a business premises on any footpath under clause 10.1 shall:
   10.4.1 not exceed 0.75 metres in height and 0.6 metres in width;
   10.4.2 not exceed 3.2 metres in height and 0.75 metres in width if they are feather, sail or teardrop style flags;
   10.4.3 be located so as to retain a clear pedestrian access way along the footpath that is no less than 2 metres wide in a continuous line, with all
signs placed upon any one length of footpath between two intersections to be placed on the same side of that footpath;
10.4.4 not be placed closer than 0.5 metres to the adjacent kerb or otherwise must be placed immediately adjacent to the frontage or facade of the building at that premises;
10.4.5 not interfere with street furniture or fittings, a grass berm or with the opening of car doors.

10.5 Notwithstanding clauses 10.1 and 10.4, the Council may approve the placement of a larger sign that includes advertising for more than one premises in the following situations
10.5.1 where the sign is required by, and includes advertising on behalf of, more than one premises; and
10.5.2 where there are a number of premises occupying a limited road frontage area; and/or
10.5.3 where there are several premises located in an area that is remote from the road frontage.

10.6 Any sign placed by any business premises on a footpath at the start of any trading day must be removed from that footpath by that premises at the end of that same trading day.

11. Signage Overhanging Footpaths or Roads

11.1 No person shall cause or permit any sign to be erected overhanging any footpath unless every part of such sign is at least 2.2 metres above the footpath and the height of such sign is no greater than 1.0 metre.

11.2 Any sign erected overhanging a footpath shall be set back at least 0.5 metres from the kerb.

12. Signs Affecting Traffic

12.1 No person shall display, erect or maintain any sign so close to any part of a road, motorway, or to any corner, bend, roundabout, safety zone, traffic sign, traffic signal, or intersection, in such a manner as, when assessed by an Authorised Officer or agent, is seen to:

12.1.1 obstruct the vision of or access for persons driving on a roadway or entering a roadway; or
12.1.2 constitute or be likely to constitute in any way a danger to the public.

12.2 No person shall illuminate on privately owned premises any sign in such a way that the light is directed onto a footpath and/or roadway in such a manner as, when assessed by an Authorised Officer or Agent, is seen to obstruct the vision of persons on that footpath or roadway.

12.3 An Authorised Officer or Agent will assess whether a sign complies with Section 12 of the Bylaw using the criteria outlined within the Schedule.

12.4 A person must not display any changeable message signage which:
12.4.1 scrolls, is continuously moving or appears to be moving, or is animated; or
12.4.2 changes rapidly, with a dwell time of less than 8 seconds for any separate display; or
12.4.3 has a transition time of greater than 1 second from one display to the next; or
12.4.4 uses more than three sequential images to impart the whole message.

13. Location of Election Signs

13.1 In accordance with Council’s Policy S-CP 4460, no political signage is to be placed on Council owned or leased buildings or land including the road reserve. Sign written motor vehicles are exempt provided:
   - the stationary vehicle does not compromise the safe use of the road
   - does not breach any other provision of the bylaw
   - Is displayed only in the period 9 weeks preceding the local body election day, and
   - must be removed by midnight prior to election day

14. Signage Content

14.1 A person must not display visible signage that does not comply with the latest Code of Ethics and any relevant Code of Practice issued by the New Zealand Advertising Standards Authority.

14.2 A person must not display, place, or allow remaining in place or on display any visible signage that:

   14.2.1 is discriminatory or advocates discrimination based on one or more of the prohibited grounds of discrimination in the Human Rights Act 1993; or

   14.2.2 is objectionable within the meaning of the Films, Videos and Publications Classification Act 1993; or

   14.2.3 is defamatory, or incites or counsels any person to commit any offence.

15. Exemptions from this Bylaw

15.1 Any person may apply to the Council for an exemption to this bylaw. Applications for exemption must be in writing and may be subject to a fee as prescribed in the Council’s fees and charges manual.

15. Delegations and Approvals

15.1 In this bylaw where any written permission or approval of the Council is required, that approval may be given by the Chief Executive, and the Chief Executive may delegate all or part of that function to any other officer of the Council.

16. Notices

16.1 The Council may give notice to any person in breach of this bylaw to carry out any remedial action in order to comply with the bylaw and every such notice shall state the time within which the remedial action is to be carried out, and may be extended from time to time.
17. Offences and Breaches

17.1 Every person breaches this bylaw and commits an offence who

17.1.1 does, or allows anything to be done, which is contrary to this bylaw or any part of it; or
17.1.2 fails to do, or allows anything to remain undone, which ought to be done by him or her within the time and in the manner required by this bylaw or any part of it; or
17.1.3 does anything which this bylaw prohibits; or
17.1.4 fails to comply with any notice given to him or her under this bylaw or any part of it or any condition that is part of any notice granted by the Council; or
17.1.5 obstructs or hinders any Authorised Officer or Agent in performing any duty or in exercising any power under this bylaw.

17.2 Council reserves the right to remove without notice any sign that is illegal or in the Council's opinion is considered to be hazardous, dangerous or offensive to the public. In such cases, the Council will, where possible, notify the person or persons responsible.

17.3 The Council may recover the cost of dealing with signs that breach this bylaw from the sign owner and/or operator, including those costs associated with the storage of the offending signs.

18. Penalties

18.1 Subject to anything to the contrary, every person who commits an offence against this bylaw shall be subject to the penalties set out in Section 242(4) of the Local Government Act 2002.

18.2 Under Section 163 of the Local Government Act 2002, the Council, or an authorised agent appointed by it, may remove or alter signage that is, or has been, constructed in breach of this bylaw.

18.3 The Council will, where circumstances are warranted, recover the costs of removing or altering any signage that is in breach of this bylaw from the person who committed or were responsible for the breach. This does not relieve that person of liability for the breach.

18.4 Under Section 162 of the Local Government Act 2002 the Council may apply to the District Court for the grant of an injunction restraining a person from committing a breach of this bylaw.

18.5 The Council may seize and impound signage in accordance with sections 164 and 165 of the Local Government Act 2002. The Council may, at its discretion, charge a fee from the person responsible for the breach if that person wishes to have their property returned.

18.6 The Council will deal with any signage seized and impounded in accordance with sections 167 and 168 of the Local Government Act 2002.

19. Serving of Notices and Documents
19.1 Except as otherwise expressly provided for in any Act, where any notice, order or other document is required to be served on any person for the purposes of this bylaw, the Council may serve notice by:
   19.1.1 delivering it personally or sending it by courier or messenger
   19.1.2 sending it by registered post to the person’s last known place of residence or business.

19.2 If that person is absent from New Zealand, the notice may be sent to his or her agent instead of to that person.

19.3 If that person has no known name or address or is absent from New Zealand and has no known agent, and the notice relates to any land or building, the notice may be served on the occupier, or if there is no occupier the notice may be put on some conspicuous part of the land or building without the notice naming the owner or occupier.

19.4 If that person has died, the notice may be served on his or her personal or legal representative or executor.

19.5 Where a notice is sent by registered post it will be sent to arrive in the normal course no later than when the notice is required to be served and will be deemed to have been served at the time when the registered letter would be delivered in the ordinary course of post.

20. Revocations and Savings

20.1 The Signage Bylaw 2012 is hereby revoked.

20.2 Any approval, permit or other act of authority which originated under or was continued by the bylaw revoked in clause 20.1 that is continuing at the commencement of this bylaw, continues to have full force and effect for the purposes of this bylaw, but is subject to the application of any relevant clauses in this bylaw.

20.3 The revocation of the bylaws specified in clause 20.1 shall not prevent any legal proceedings being taken to enforce those bylaws and such proceedings shall continue to be dealt with and completed as if the bylaws had not been revoked.

20.4 The resolutions of the Council made or continued under the bylaws revoked under clause 20.1 continue to have full force and effect for the purposes of this bylaw as if they were resolutions made under this bylaw.

21. Review of Bylaw

21.1 A comprehensive review of this Bylaw shall be carried out no later than 2029 as required by the Local Government Act 2002.

21.2 The Council reserves the right to carry out an early review of any aspect of the Bylaw that has not been found to have been effective in addressing identified user conflicts, health and safety concerns and matters of public nuisance.

21.3 The Council may by resolution make changes to any schedule or explanatory note in this Bylaw.
SCHEDULE 1. SIGNS AFFECTING TRAFFIC

The following criteria will be used by an Authorised Officer or agent to assess whether or not a sign complies with Section 12 of the Bylaw. The Authorised Officer or Agent may also find the information about signage published by the New Zealand Transport Agency (as referenced in clause 5.6), useful in making decisions under this Schedule and Section 12 of the Bylaw.

A. Placement and Location

The appropriateness of the sign in terms of its size, type, location and form in relation to the surrounding environment and the zone in which it occurs. In particular:

1. The scale, style and simplicity of the sign:
   - The location of the sign in relation to other signs and adjacent structures and buildings and the size of the site on which the sign will be placed;
   - Its relationship with the streetscape, landscape and open space areas in the vicinity of the proposed sign.

2. Whether the size of the sign is appropriate for the target audience (e.g. pedestrians or car drivers);

3. The cumulative visual effect of the sign in conjunction with any other signs in the surrounding environment;

4. The impact of any lighting associated with the sign – in particular intensity, glare, duration of use, location, direction and lighting spill;

5. How the sign:
   - Maintains safe and clear sight and movement lines;
   - Is separated from other signs.

6. Whether the sign eliminates the need for other signs on the property;

7. If the sign is freestanding, the placement of the sign having regard to whether it creates obstruction of pedestrian paths, sight and movement lines;

8. The opportunity for the sign to be used by multiple tenancies, thus reducing the need for additional signage.

B. Safety

The appropriateness of the sign in terms of its potential to cause danger to public safety. In particular:

1. The impact of the sign in obstructing the view of corners, intersections, vehicle or pedestrian crossings, or any information or naming signs;

2. The potential adverse impact of flashing lights or variable images on traffic safety or navigational safety if located near the coast;
3. The potential effect of glare from any illuminated sign on pedestrian and road users safety;

4. The potential for the sign to be confused with or obscure any traffic signal or sign;

5. The ease at which the sign can be read where traffic safety may be an issue near major roads or motorways;

6. The potential for the sign to affect public access to a site or a public place; the safety of pedestrians (including whether or not the sign might create a hiding place or an entrapment area), or the safety of road users.
Signage Bylaw 2019

Statement of Proposal
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1 Introduction

The Waimakariri District Council’s Signage Bylaw has been in effect since 2012.

The purpose of this bylaw is to ensure that signs are erected, maintained and displayed in such a manner that they do not create a nuisance or present a danger to pedestrians or vehicles.

This bylaw has the following objectives:

- Enhancing road safety by avoiding dangerous placement of signs that could impair visibility or access for road users or pedestrians;
- Seeking to avoid public nuisance by ensuring advertising displays and signage on footpaths does not obstruct the passage of pedestrians and/or disabled people.

In undertaking this review, the Council has considered what the best options for addressing the perceived problems are. This requires the Council to consider whether a bylaw is the most appropriate way of addressing the perceived problems. The options considered are:

(a) Revoke the Signage Bylaw 2012 (this is not a preferred or practicable option)

or

(b) Retain the current Bylaw (this is not preferred as the current bylaw does not address adequately some existing and new problems)

or

(c) Adopt the draft Signage Bylaw 2019 with changes. The proposed changes are outlined below (this is the preferred option given the number and significance of the recommended changes identified in the summary of proposed changes)

Council must follow the special consultative procedure to review or revoke an existing bylaw. This Statement of Proposal has been prepared in accordance with the Local Government Act 2002 (LGA).

A report on the relevant determinations made by Council under section 155 of the LGA is included in this Statement of Proposal, along with a draft of the proposed Bylaw.

2 Reasons for the proposal

Under section 158 of the Local Government Act 2002 (the Act), the Council is required to review its bylaws at 5 and then 10 yearly intervals. This bylaw has not been formally reviewed since 2012 and therefore needs to be reviewed to comply with the legislative requirements and bring it into line with current operating practices.

2.1 Option (a) Revoke the Signage Bylaw 2012

Council has the option of revoking the bylaw if it is considered the bylaw is not achieving the results outlined above and is considered an unreasonable restriction on individual rights and freedom. This option will not address identified issues and will not aid signage enforcement action.
2.2 Option (b) Retain the Signage Bylaw 2012

Council has the option of retaining the current bylaw. This is not preferred, as the current bylaw does not take account of specific issues including illegal placement of real estate signage and signage on parked vehicles and trailers.

2.3 Option (c) Adopt the draft Signage Bylaw 2019

Adopting the draft Signage Bylaw 2019 for public consultation is the preferred option as the draft takes into account significant changes in the district with regard to signage since 2012. The threat of a prosecution has also been effective in most instances, even though the Council has limited enforcement powers. A handful of reasonably significant amendments to the Bylaw will make it more robust.

3 Summary of proposed changes

The main areas of proposed change, prior to public consultation, between the current bylaw and the draft bylaw are summarised briefly below.

- Section 6 - Vehicle and Trailer Signage – new section
- Section 7 - Signage Facing Council Land or Road Reserves – new section
- Section 8 - Real Estate Signage – revised section
- Section 9 - Event Signage – revised section
- Section 10 - Footpath Signage and Advertising – revised section
- Section 12 - Signs Affecting Traffic – revised section
- Section 13 – Signage Content – new section
- Section 17 – Offences and Breaches – revised section
- Section 18 – Penalties - revised section.

A fuller explanation of changes is outlined in Signage Bylaw 2019 - main areas of proposed changes (TRIM document 190805109159 - Attachment iii to accompanying Council report).

As the proposed 2019 Bylaw is intended to replace the existing 2012 Bylaw, it is proposed the existing Bylaw be revoked at the same time as the proposed Bylaw comes into force.

4 Legislative requirements that Council must consider

Section 145 of the LGA empowers Council to make bylaws for its district for one or more of the following purposes:

(a) Protect the public from nuisance
(b) Protect, promote and maintain public health and safety
(c) Minimise the potential for offensive behaviour in public places.

However, before it makes such a bylaw, Council must be satisfied that:

- A bylaw is the most appropriate way of addressing a perceived problem or issue; and
4.1 Is a bylaw the appropriate means to deal with the problem?

The Waimakariri District has had a Signage Bylaw in effect since 2012. The purpose of this bylaw is to ensure that signs are erected, maintained and displayed in such a manner that they do not create a nuisance or present a danger to pedestrians or vehicles.

The Bylaw is no longer appropriate or effective in addressing all of the circumstances and requirements of managing signage issues in the District. Of particular importance is the issue of boundaries; how signage can be placed at the boundary between private land and Council (public) land (whether this is real estate, event or other types of signage). The Bylaw is also written to dovetail with the Signage chapter of District Plan, currently under review.

The last decade has seen the emergence of issues and trends including the siting or placement of moveable roadside advertising on trailers and signs affecting traffic, in particular, changeable message or electronic signage. The Bylaw also requires more assertive language to aid enforcement.

The current form of bylaw is also not consistent with the form of the Council’s other recent bylaws, nor is it consistent with bylaws in surrounding districts. Some of the provisions of the 2012 Bylaw do not allow the Council sufficient ability to apply penalties. Clause effectiveness is also unclear or limited in some instances.

It is considered that the Bylaw provides the most appropriate mechanism to effectively deal with signage issues. After consultation with Compliance and Planning Unit representatives, it is advised that the best approach for the Council to update the Signage Bylaw (2012).

4.2 Is the bylaw in the appropriate form?

Section 155(2)(a) of the LGA requires an assessment as to whether the bylaw is the most appropriate form of bylaw. The Council can make general bylaws for public health and safety, and specific bylaws e.g., for alcohol control in public places.

The draft bylaw is consistent with Council document standards and has been written in plain English. In this case, the Signage Bylaw 2012 is being reviewed, so the form of bylaw is appropriate.

4.3 Is the bylaw consistent with the New Zealand Bill of Rights Act 1990?

Section (155(2)(b) of the LGA requires that any bylaw is not inconsistent with the NZBORA. Section 5 of the NZBORA states: ‘Subject to section 4 of this Bill of Rights, the rights and freedoms contained in this Bill of Rights may be subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.’

The LGA provides for Councils to introduce bylaws for the purpose of managing, regulating against, or protecting from, damage, misuse, or loss, or for preventing the use of, the land,
structures, or infrastructure associated with reserves, recreation grounds, or other land under the control of the territorial authority.

The review of this Bylaw is being processed in an autonomous manner as the Council is publicly notifying its intentions, the taking and hearing of submissions and the final consideration being made by an elected Council.

5 What happens next?

The Council is inviting public submissions on the draft Signage Bylaw from Friday 30 August to Monday 30 September. Anonymous submissions will be considered at the Council’s discretion.

Submissions may be entered online through the Council’s website waimakariri.govt.nz/your_council/lets-talk or by using the submission form or any other written form and posting this to:

Signage Bylaw Submission
Waimakariri District Council
Private Bag 1005
Rangiora 7440

Or, by delivering to:

a) Rangiora Service Centre, 215 High Street, Rangiora;
   b) Ruatanwha Kaiapoi Civic Centre, cnr Raven Quay/Williams Street, Kaiapoi; or
   c) Oxford Service Centre and Library, 34 Main Street, Oxford

A copy of the full statements of proposal and supporting documents are available for public inspection during ordinary office hours at the Waimakariri District Council Service Centres and Libraries. They may also be viewed on, and downloaded from, the Council’s website, waimakariri.govt.nz/your_council/lets-talk.

If you would like to talk to someone about the draft Signage Bylaw, or the consultation process, please contact: Mike O’Connell, Senior Policy Analyst, 03 266 9249

Anyone making a submission has the opportunity to be heard by the Council’s Hearing Panel at public hearings to be held during November 2019. They should make that request in their submission.
The main areas of proposed change, prior to public consultation, between the Signage Bylaw 2012 and the draft 2019 Bylaw are summarised below:

<table>
<thead>
<tr>
<th>New Section</th>
<th>Signage Bylaw 2019</th>
<th>Comments</th>
<th>Signage Bylaw 2012 (sections amended)</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td><strong>Scope</strong></td>
<td>A provision has been added in relation to election signage. It is noted Council’s Political Hoardings on Council Lands and Buildings policy does not allow political signage to be erected on Council land.</td>
<td>Scope (Section 4)</td>
</tr>
<tr>
<td>4</td>
<td><strong>Definitions</strong></td>
<td>A number of new definitions have been added to strengthen existing list including Public Place and Sign / Signage.</td>
<td>Interpretations (Section 5) Definitions (Section 6)</td>
</tr>
<tr>
<td>5</td>
<td><strong>General Provisions</strong></td>
<td>Existing provisions have been rationalised and simplified.</td>
<td>General Provisions (Section 7)</td>
</tr>
<tr>
<td>6</td>
<td><strong>Vehicle and Trailer Signage</strong></td>
<td>This is a new section in entirety. The clauses provides clarity about conditions under which signage can or cannot be displayed on vehicles and trailers on roads or the road reserve.</td>
<td>No previous equivalent</td>
</tr>
<tr>
<td>7</td>
<td><strong>Signage Facing Council Land or Road Reserves</strong></td>
<td>This is a new section in entirety. The clauses provides clarity about where and how signage can be placed at the boundary between private land and Council (public) land. This section also complements changes being made within the District Plan.</td>
<td>No previous equivalent</td>
</tr>
<tr>
<td>8</td>
<td><strong>Real Estate Signage</strong></td>
<td>Provisions have been strengthened to reflect emerging issues which have grown in significance including controls of signage on boundaries.</td>
<td>Real Estate Signage (Section 8)</td>
</tr>
<tr>
<td>9</td>
<td><strong>Event Signage</strong></td>
<td>Provisions have been strengthened to reflect emerging issues including controls on signage on boundaries and those promoting events outside the District.</td>
<td>Community and Non-Profit Event Signage (Section 9)</td>
</tr>
<tr>
<td>10</td>
<td><strong>Footpath Signage and Advertising</strong></td>
<td>Existing provisions have been rationalised and simplified.</td>
<td>Footpath Signage and Advertising (Section 10)</td>
</tr>
<tr>
<td>11</td>
<td><strong>Signage Overhanging Footpaths</strong></td>
<td>Existing provisions have been rationalised and simplified.</td>
<td>Signage Overhanging Footpaths (Section 11)</td>
</tr>
<tr>
<td>12</td>
<td><strong>Signs Affecting Traffic</strong></td>
<td>Provisions have been strengthened to reflect emerging issues which have grown in significance including changeable message (electronic) signage.</td>
<td>Signs Affecting Traffic (Section 12)</td>
</tr>
<tr>
<td>13</td>
<td><strong>Signage Content</strong></td>
<td>This is a new section in entirety. The clauses provides clarity about how signage cannot be discriminatory, objectionable or defamatory, or incites a person to commit any offence.</td>
<td>No previous equivalent</td>
</tr>
<tr>
<td>17</td>
<td><strong>Offences and Breaches</strong></td>
<td>Provisions have been strengthened to allow the Council to remove illegally placed signage and to recover costs from the sign owner/operator.</td>
<td><strong>Offences and Breaches</strong> (Section 16)</td>
</tr>
<tr>
<td>18</td>
<td><strong>Penalties</strong></td>
<td>Provisions have been strengthened to allow the Council to recover costs and charge fees from persons breaching the Bylaw.</td>
<td><strong>Penalties</strong> (Section 17)</td>
</tr>
<tr>
<td>20</td>
<td><strong>Revocations and Savings</strong></td>
<td>Adopting best practice in modern style of Council’s bylaws</td>
<td>No previous equivalent</td>
</tr>
<tr>
<td>21</td>
<td><strong>Review of Bylaw</strong></td>
<td>Adopting best practice in modern style of Council’s bylaws</td>
<td><strong>Review of Bylaw</strong> (Section 19)</td>
</tr>
<tr>
<td>-</td>
<td><strong>Schedule 1</strong></td>
<td>The schedule is unchanged.</td>
<td>Schedule 1</td>
</tr>
</tbody>
</table>
1. **SUMMARY**

1.1 This report is to initiate the review of the Parking Bylaw 2007. The *Local Government Act 2002* requires the Council to review the bylaw within 10 years of the last review. The bylaw will become the Parking Bylaw 2019 and the 2007 bylaw will be revoked.

1.2 The bylaw sets out the requirements for parking control of vehicular or other traffic on any road or area under the care, control or management of the Council, which in turn contributes to protecting wider public health and safety, and avoiding or controlling nuisance.

1.3 The Bylaw has been reviewed to reflect changes to current codes, standards and legislation as well as to review outdated definitions and language. Some of the provisions of the 2007 Bylaw are also overly complex, dated, and wordy or their effectiveness is unclear or limited.

1.4 A Special Consultative Procedure on the proposed changes to the bylaw is set to open on 30 August 2019 and close on 30 September 2019.

1.5 Due to the Council elections in October, appointment of the Hearings Panel and a date for the hearing of submissions is not yet able to be set.

**Attachments:**

i. The proposed draft bylaw (TRIM No 190708095686)

ii. The Statement of Proposal (TRIM No 190426059689)

iii. Main areas of change to existing Bylaw (TRIM No 190805109225)

2. **RECOMMENDATION**

**THAT** the District Plan and Regulation Committee:

(a) Receives report No 190725104179.

(b) Initiates the Special Consultative Procedure for this Bylaw in terms of the *Local Government Act 2002* (LGA 2002) section 159 to be undertaken 30 August to 30 September 2019.
3. **BACKGROUND**

3.1 Section 159 of the *Local Government Act 2002* requires bylaws to be reviewed every ten years. The *Parking Bylaw 2007* was due for review on 4 September 2017.

3.2 Under Section 160A of the Act, a bylaw that is not reviewed within 10 years will automatically be revoked within 2 years after the last date on which the bylaw should have been reviewed. The *Parking Bylaw 2007* will thus be automatically revoked on 4 September 2019.

3.3 The main areas of proposed change are set out in the Statement of Proposal (Attachment ii). These changes are described in detail in Attachment iii.

4. **ISSUES AND OPTIONS**

4.1. Under section 159 of the *Local Government Act 2002* (the Act), the Council is required to review its bylaws at 10 yearly intervals. This bylaw has not been formally reviewed since 2007.

4.2. The purpose of the bylaw is to set out the requirements for parking and control of vehicular traffic on any road of area under the care, control or management of the Council. The proposed new bylaw as a result of this review process provides Council with the ability to continue this function.

4.3. The Bylaw has been reviewed to reflect changes to current codes, standards and legislation as well as to review outdated definitions and language. Some of the provisions of the 2007 Bylaw are overly complex, dated, and wordy or their effectiveness is unclear or limited. The Bylaw also requires more assertive language to aid enforcement.

4.4. The Bylaw is no longer appropriate or effective in addressing all of the circumstances and requirements of managing parking issues in the District. The last decade has seen the emergence of issues and trends including the siting or placement of moveable roadside advertising on trailers.

4.5. The Management Team have reviewed this report and support the recommendations.

5. **COMMUNITY VIEWS**

5.1. **Groups and Organisations**

Groups and organisations have the opportunity to submit through the Special Consultative Procedure.

5.2. **Wider Community**

The wider community will be able to express their views through the submission process, closing on 30 September 2019.

6. **IMPLICATIONS AND RISKS**

6.1. **Financial Implications**
The cost of reviewing the *Parking Bylaw 2007*, is met from existing budgets and staff resources

6.2. **Community Implications**

The wider community will be able to express their views through the submission process, closing on 30 September 2019.

6.3. **Risk Management**

If the bylaw is not amended within the statutory time (4 September 2019), it will automatically be revoked.

6.4. **Health and Safety**

Public safety is maintained by regulating the control of vehicular traffic in town centres.

7. **CONTEXT**

7.1. **Policy**

This matter is not a matter of significance in terms of the Council’s Significance and Engagement Policy.

7.2. **Legislation**

*Local Government Act 2002 Section 145 & Section 159.* Section 145 of the Act empowers the Council to make a bylaw for its District. Section 159 of the Act states that this bylaw must be reviewed every 10 years.

7.3. **Community Outcomes**

The centres of our towns are safe, convenient and attractive places to visit and do business.

7.4. **Delegations**

The Committee has the jurisdiction to administer bylaws within the committee’s fields of activity and to recommend to the Council any amendments. The full council must adopt the final bylaw following consultation.
This review of the Parking Bylaw 2007 was adopted at a Council meeting held on [date] [month] 2019.

______________________________
Chief Executive Officer
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Waimakariri District Council Parking Bylaw 2019

1 General

1.1 This Bylaw may be cited as the Waimakariri District Council Parking Bylaw 2019.

1.2 This Bylaw supersedes the Waimakariri District Council Parking Bylaw 2007 and comes into force on [date] [month] 2019.

1.3 This bylaw is made pursuant to sections 159 and 160A of the Local Government Act 2002 and section 22AB of the Land Transport Act 1998.

2 Purpose

2.1 The purpose of this bylaw is to set out the requirements for parking control of vehicular or other traffic on any road or area under the care, control or management of the Council.

3 Definitions

3.1 In this Bylaw, unless the context otherwise requires:

**Agency** means the New Zealand Transport Agency

**Authorised Officer** means an officer or other person appointed by the Council to perform duties, or give permissions under this bylaw.

**Authorised Period** means that time period commencing when a vehicle is parked within an area, listed in the Schedule, which the Council by resolution has designated as a time-limited area and in which the appropriate signs(s) have been erected.

**Council** means the Waimakariri District Council and includes any person, authorised by the Council to act on its behalf.

**Enforcement Officer** means a person who has been appointed as an Enforcement Officer by the Council under the Local Government Act 2002 or a person who is an Enforcement Officer under the Land Transport Act 1998.

**Grass Berm** is the area of footpath which is laid out in grass.

**Grass Verge** is that area of public road that includes grassed, paved or other landscaped areas

**Immobilised vehicle** means any vehicle that cannot be moved on its own because it is mechanically not able to be moved or has a wheel or wheels missing from the vehicle.

**Motorhome** means any vehicle designed or converted to be used for human habitation, whether self-contained or not, and includes a bus, caravan, campervan, or house truck.
Parking Warden means a person appointed to hold the office of parking warden appointed by the Council under Section 128(d) of the Land Transport Act 1998.

Pedestrian means any person travelling by foot or using pedestrian facilities. This would include those using wheelchairs, prams, mobility scooters and other mobility devices.

3.2 In this Bylaw, unless the context otherwise requires:

3.2.1 Heavy motor vehicle, moped, motor vehicle, motorcycle, owner, parking, road, and vehicle have the same meanings as in section 2(1) of the Land Transport Act 1998; and

3.2.2 Cycle lane, disabled person, driver, emergency vehicle, footpath, mobility device, parking place, power assisted cycle, roadway have the same meanings as in clause 1.6 of the Land Transport (Road User) Rule 2004.

3.2.3 Transport station has the same meaning as in section 591(6) of the Local Government Act 1974.

3.2.4 Any undefined words, phrases or expressions used in this bylaw have the same meaning as in the Land Transport and Local Government Acts unless the context plainly requires a different meaning.

3.2.5 The Interpretation Act 1999 applies to the interpretation of this bylaw.

3.2.6 Explanatory notes are for information purposes only, do not form part of this bylaw, and may be inserted or changed by the Council at any time.

4 Resolutions Made Under This Bylaw

4.1 A resolution may be made under this bylaw that:

4.1.1 Regulates, controls or prohibits any matter or thing generally, or for any specific classes of case, or in a particular case; or

4.1.2 Applies to all vehicles or traffic or to any specified class of vehicles or traffic using a road; or

4.1.3 Applies to any road or part of a road, greenspace adjoining the road, building, or transport station under the care, control, or management of the Council; or

4.1.4 Applies at any specified time or time period.

4.2 The Council may subsequently amend or revoke any resolution made under this bylaw at any time.
PART 1 - PARKING

5 Stopping, Standing and Parking of Vehicles

5.1 The Council may from time to time by resolution impose parking, standing or stopping restrictions on any road or other area controlled by the Council whether by way of time restriction, a restriction to a specified class, classes or description of vehicle, a total prohibition of vehicles, or any combination of these.

5.2 The Council shall by prescribed markings, signs, notices or devices erected or placed in a conspicuous position in or on any road or other area controlled by it, indicate where on the road, other area or portion thereof, the stopping, standing or parking of any vehicle, whether attended or unattended, is prohibited or restricted.

5.3 Any of the signs, markings, notices or devices referred to in clause 5.1 may from time to time be supplemented, altered or removed by Council resolution.

6 No Parking on Certain Parts of the Road

6.1 A person must not stop, stand or park a vehicle, wholly or partially, on that part of any road which is laid out as a cultivated area, being a garden, grass verge or grass berm.

6.2 A person must not stop, stand or park, wholly or partially, a vehicle on that part of any road which has been separated from the roadway by a kerb that is a paved or other surfaced landscaped area, with or without a planted area, and whether or not it is designed for use by pedestrians.

6.3 A person may stop, stand or park a vehicle in contravention of clauses 6.1 and 6.2 if:

6.3.1 That part of the road is designed and constructed to accommodate a parked vehicle; or

6.3.2 An Authorised Officer has given written permission to stop, stand or park a vehicle in that part of the road; or

6.3.3 The Council, by resolution, has allowed vehicles to stop, stand, or park in that part of the road.

7 Temporary Discontinuance of a Parking Space

7.1 If an Authorised Officer is of the opinion that any parking space or spaces should be temporarily discontinued as a parking space, they may direct the placement of a sign or other controls that sufficiently indicates reserved parking, ‘no stopping’, ‘no standing’ provisions for specified vehicles at such parking space or spaces.
8 Removal of Vehicles from Off-Street Parking Areas

8.1 An Enforcement Officer may remove or cause to be removed any vehicle from any part of the road reserve or Council-managed land that contravenes this bylaw, or any resolution made under this bylaw, and the Council may recover from the person committing the breach of this bylaw all expenses incurred in connection with the removal of the offending vehicle.

8.2 No person may cause damage to or remove any signage or barriers associated with parking restrictions or controls applied to land owned or managed by the Council.

8.3 The powers that may be exercised under this clause are in addition to those provided by any other enactment.

9 Immobilised and Immobile Vehicles

9.1 No person shall leave standing on any road or public place for any continuous period exceeding seven days any vehicle which is immobilised, including a motor vehicle without wheels, without the consent of Council or Authorised Officer.

9.2 Any vehicle left standing in breach of this clause may be removed by the Council to such place as is nominated by the Council.

9.3 The Council shall not be liable for any loss or damage resulting from the removal or sale of any such vehicle.

10 Motorhomes, Buses, Caravans and Trailers

10.1 No person shall park a motorhome, bus, certified self-contained vehicle, caravan or trailer on any road or in a public place for any continuous period exceeding seven days without the previous consent of the Council or an Authorised Officer.

11 Displaying and Storage of Vehicles on Street

11.1 No person shall stop stand or park a vehicle on any road or public place for the purpose of offering the vehicle for sale.

11.2 No person shall stop, stand or park a vehicle on any road or public place for the purpose of exhibition, demonstration or storage.

12 Parking for Display or Advertising

12.1 A person must not display any signage on, connected to a vehicle, or parked trailer that is on a road or a public place, if the principal function of the trailer or vehicle is to display advertising material.
12.2 Should any vehicle to which clause 12.2 applies be left stationary and unattended on any road, whether otherwise lawfully stopped or not, and in the opinion of an Authorised Officer, it is causing a safety hazard, the Authorised Officer may have it removed and stored at the cost of the owner.

12.3 Clause 12.1 does not apply to vehicles with sign writing (business logos or the business name) where the vehicle is being used in, and as part of, the normal course of business and not simply for the purpose of displaying advertising material, unless, in the opinion of an Authorised Officer, the motor vehicle is causing a safety hazard.

13 Working on Vehicles

13.1 No person shall stop, stand or park any vehicle on any road to carry out any repairs to that vehicle unless those repairs are of a minor or urgent nature.

PART II - ADMINISTRATIVE

14 Enforcement Officers

14.1 The enforcement of the provisions of this bylaw shall be carried out by either Police Officers or Parking Wardens, or where appropriate, Enforcement Officers appointed by the Council.

15 Defences

15.1 A person is not in breach of this bylaw if that person is able to prove that:

15.1.1 The act complained of was done in an emergency on the road or immediately adjoining the road; or

15.1.2 The act complained of was done in compliance with the directions of a Police Officer, Parking Warden, Authorised Officer, traffic control signal or traffic sign; or

15.1.3 That he/she was experiencing a medically related event and took all reasonable care to avoid causing an accident or any injury.

16 Offences

Every person commits an offence against this bylaw who fails to comply:

16.1 In all respects with any prohibition or restriction or direction or requirement indicated by the lines, zones, markings, signs and notices, laid down, placed, or made, or erected, in or upon any road or public place in the district pursuant to any provision of this bylaw:
17 Penalties

17.1 Every person who commits an offence against this bylaw will be liable for penalties and infringement offences under the Land Transport Act 1998 and Local Government Act 2002.

18 Exempted Vehicles

18.1 This bylaw does not apply to any of the following vehicles being used in the execution of duty:

18.1.1 An emergency services vehicle; or

18.1.2 A vehicle that is used by a Parking Warden; or

18.1.3 A vehicle that is used by an Authorised or Enforcement Officer.

19 Power to Amend Certain Schedules by Resolution

19.1 The Council may from time to time by resolution:

19.1.1 Make changes to any schedule to or explanatory note in this Bylaw.

19.1.2 Include additional schedules to this Bylaw.

20 Revocations and Savings

20.1 The Parking Bylaw 2007 is hereby revoked.

20.2 Any approval, permit or other act of authority which originated under or was continued by the bylaw revoked in clause 20.1 that is continuing at the commencement of this bylaw, continues to have full force and effect for the purposes of this bylaw, but is subject to the application of any relevant clauses in this bylaw.

20.3 The revocation of the bylaws specified in clause 20.1 shall not prevent any legal proceedings being taken to enforce those bylaws and such proceedings shall continue to be dealt with and completed as if the bylaws had not been revoked.

20.4 The resolutions of the Council made or continued under the bylaws revoked under clause 20.1 continue to have full force and effect for the purposes of this bylaw as if they were resolutions made under this bylaw.

21 Review of Bylaw

21.1 A comprehensive review of this Bylaw shall be carried out no later than 2029 as required by the Local Government Act 2002.

21.2 The Council reserves the right to carry out an early review of any aspect of the Bylaw that has not been found to have been effective in addressing identified user conflicts, health and safety concerns and matters of public nuisance.
21.3 The Council may by resolution make changes to any schedule or explanatory note in this Bylaw.

First Schedule – Parking Restrictions
Parking Bylaw 2019

Statement of Proposal
## Contents

1 Introduction  

2 Reasons for the proposal  
   2.1 Option (a) Revoke the Parking Bylaw 2007  
   2.2 Option (b) Retain the Current Vehicle Crossing Bylaw 2007  
   2.3 Option (c) Adopt the draft Vehicle Crossing Bylaw 2019  

3 Summary of proposed changes  

4 Legislative requirements that Council must consider  
   4.1 Is a bylaw the appropriate means to deal with the problem?  
   4.2 Is the bylaw in the appropriate form?  
   4.3 Is the bylaw consistent with the New Zealand Bill of Rights Act 1990?  

5 What happens next?
1 Introduction

The Waimakariri District Council’s Parking Bylaw has been in effect since 1996.

The purpose of the bylaw is to set out the requirements for parking and associated traffic matters on any road or area under the care, control or management of the Council that in turn contributes:

(a) to protecting wider public health and safety  
(b) avoiding or controlling nuisance.

In undertaking this review, the Council has considered what the best options for addressing the perceived problems are. This requires the Council to consider whether or not a bylaw is the most appropriate way of addressing the perceived problems. The options considered are:

(a) Revoke the Parking Bylaw 2007 (this is not a preferred or practicable option)  
   Or

(b) Retain the current Bylaw (this is not preferred as the current bylaw does not address adequately some existing and new problems)  
   Or

(c) Adopt the draft Parking Bylaw 2019 with changes. The proposed changes are outlined below (this is the preferred option given the number and significance of the recommended changes identified in the summary of proposed changes).

Council must follow the special consultative procedure to review or revoke an existing bylaw. This Statement of Proposal has been prepared in accordance with the Local Government Act 2002 (LGA).

A report on the relevant determinations made by Council under section 155 of the LGA is included in this Statement of Proposal, along with a draft of the proposed Bylaw.

2 Reasons for the proposal

Under section 158 of the Local Government Act 2002 (the Act), the Council is required to review its bylaws at 5 and then 10 yearly intervals. This bylaw has not been formally reviewed since 2007 and therefore needs to be reviewed to comply with the legislative requirements and bring it into line with current operating practices.

2.1 Option (a) Revoke the Parking Bylaw 2007

Council has the option of revoking the Bylaw if it is considered the bylaw is not achieving the results outlined above, and is considered an unreasonable restriction on individual rights and freedom. This option will not address identified issues and will not aid parking enforcement action.
2.2 Option (b) Retain the Parking Bylaw 2007

Council has the option of retaining the current bylaw. This is not preferred as the current bylaw does not take account of parking changes and new requirements in the District.

2.3 Option (c) Adopt the draft Parking Bylaw 2019

Adopting the draft Parking Bylaw 2019 for public consultation is the preferred option as the draft takes into account significant changes in the district with regard to parking and traffic related issues since 2007. The threat of a prosecution has also been effective in most instances, even though the Council has limited enforcement powers. A handful of reasonably significant amendments to the Bylaw will make it more robust.

3 Summary of proposed changes

The main areas of proposed change, prior to public consultation, between the current bylaw and the draft bylaw are summarised briefly below:

- Amend date references to reflect that this is a new bylaw
- Definitions (Clause 3) have been greatly simplified
- No Parking in Certain Parts of the Road (Clause 7) - a regrouping of existing provisions under this one heading
- Motorhomes, Caravans and Trailers (Clause 12) – extensive revision of existing clause
- Parking for Display or Advertising (Clause 14) - extensive revision of existing clause
- Left or Right Turns and U-Turns (Clause 17) – new clause to deal with emerging issues, e.g. in subdivisions
- Restricting Vehicles on Unformed Road (Clause 18) – new clause
- Material and Debris on Road (Clause 21) – new clause.

The full changes proposed are listed in the tables (landscape format) following. Note that the current Second Schedule (Parking Restrictions) are not included as changes to parking restrictions are from time to time amended by Council resolution.

As the proposed Bylaw is intended to replace the existing Bylaw it is proposed the existing Bylaw be revoked at the same time as the proposed Bylaw comes into force.
<table>
<thead>
<tr>
<th>Proposed 2019 Bylaw clause</th>
<th>2007 Bylaw equivalent(s)</th>
<th>Summary of proposed clause and discussion of issues</th>
<th>Recommendation and enabling legislation - bylaw making power</th>
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<tbody>
<tr>
<td>Title Parking Bylaw 2019</td>
<td>Title Parking Bylaw 2007</td>
<td>The bylaw title is updated to Parking Bylaw 2019. The current title is assessed as still fit for purpose as it addresses mostly parking issues in comparison to traffic issues. Only the year of adoption needs to be changed.</td>
<td>Retain current bylaw title with updated year of adoption Parking Bylaw 2019 [LGA¹ 2002 sections 145 and 146].</td>
</tr>
<tr>
<td>Clause 1 General</td>
<td>Clause 1 Short Title, Commencement and Application; FIRST SCHEDULE Bylaws Revoked</td>
<td>General, more simplified heading. The proposed clause retains the necessary administrative 2007 clauses with a simpler title. The ‘commencement’ element from the existing Bylaw’s First Schedule has been formally incorporated into this clause.</td>
<td>Adopt new Clause 1 General [LGA 2002 sections 145 and 146]</td>
</tr>
<tr>
<td>Clause 2 Purpose</td>
<td>No equivalent</td>
<td>The Parking Bylaw 2007 does not have a purpose clause. Introducing a purpose clause is in keeping with recent WDC bylaws and best practice with other councils. New provision 2.1 The purpose of this bylaw is to set out the requirements for parking and control of vehicular or other traffic on any road or area under the care, control or management of the Council.</td>
<td>Adopt new Clause 2 Purpose [LGA 2002 sections 145 and 146]</td>
</tr>
</tbody>
</table>

¹ LGA = Local Government Act 2002; LTA = Land Transport Act 1998
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<tr>
<td>Clause 3 Definition</td>
<td>Clause 3 Interpretation</td>
<td>‘Definition’ rather than ‘Interpretation’ is the naming convention adopted for recent Bylaws adopted by Council. The revised definitions are considered necessary as they make the new bylaw easier to understand and assist bylaw enforcement and implementation. This clause also makes it clearer around enforcement powers for Council officers. <strong>New provisions</strong> [new subsection (2) to the Definition clause] Some new definitions have been added including grass berm and motorhome. In this Bylaw, unless the context otherwise requires – (a) heavy motor vehicle, moped, motor vehicle, motor cycle, owner, parking, road, and vehicle have the same meanings as in section 2(1) of the Land Transport Act 1998; and (b) cycle lane, disabled person, driver, emergency vehicle, footpath, mobility device, parking place, power assisted cycle, roadway have the same meanings as in clause 1.6 of the Land Transport (Road User) Rule 2004. (c) transport station has the same meaning as in section 591(6) of the Local Government Act 1974 (d) Any undefined words, phrases or expressions used in this bylaw have the same meaning as in the Act unless the context plainly requires a different meaning (e) The Interpretation Act 1999 applies to the interpretation of this bylaw. (f) Explanatory notes are for information purposes only, do not form part of this bylaw, and may be inserted or changed by the Council at any time.</td>
<td>Adopt new Clause 3 Definition [LGA 2002 sections 145 and 146, LTA 1998 Sections 2 and 2AB(1) and Land Transport (Road User) Rule 2004 Clause 1.6].</td>
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</tr>
<tr>
<td>Clause 4 Resolutions Made Under This Bylaw</td>
<td>No equivalent</td>
<td>This is a new clause which follows best practice and highlights resolutions that can be made by Council. An explanatory note is also included.</td>
<td></td>
</tr>
</tbody>
</table>
| Provisions | 4.1 A resolution may be made under this bylaw that: (a) regulates, controls or prohibits any matter or thing generally, or for any specific classes of case, or in a particular case; or (b) applies to all vehicles or traffic or to any specified class of vehicles or traffic using a road; or (c) applies to any road or part of a road, greenspace adjoining the road, building, or transport station under the care, control, or management of the Council; or (d) applies at any specified time or period of time. 4.2 The Council may subsequently amend or revoke any resolution made under this bylaw at any time. | Adopt new Clause 4 Resolutions Made Under This Bylaw  
[LGA 2002 Section 151 and LTA 1998 Section 22AB(3)] |
| PART I PARKING | | | |
| Clause 5 Stopping, Standing and Parking of Vehicles | Clause 4 Stopping, Standing and Parking of Vehicles | This clause is unchanged. An explanatory note has been added. | Retain existing clause as Clause 5 Stopping, Standing and Parking of Vehicles  
[LTA 1998 Section 22AB(1)(m), (n)] |
[LTA 1998 Section 22AB(1)(m), (n), (o)] |
<p>| No replacement clause | Clause 5 Method of Parking | Clause has been removed. The intent of this clause is outlined in the Land Transport Rule 2004 and is therefore redundant. | Remove existing clause from 2007 Bylaw. |</p>
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<td>Clause 7 No Parking in Certain Parts of the Road</td>
<td>Clause 7 Vehicle on Grass Berms; Clause 8 Vehicle on Grass Verges; Clause 20 Flower Beds, Grass Plots and Landscaped Areas</td>
<td>This proposed clause replaces, and condenses for brevity, the 2007 clauses that referred in commonality to restrictions on parking on grass berms, verges and landscaped areas. The new clause amends the wording within current clauses 7, 8 and 20 to make it more accessible and easier to interpret for Council’s officers, customers and the public. Two explanatory notes are also added.</td>
<td>Adopt new Clause 7 No Parking in Certain Parts of Road [LTA 1998 Section 22AB(1)(m) and Land Transport (Road User) Rule 2004 rule 6.2]</td>
</tr>
</tbody>
</table>

Revised and new provisions
7.1 a person must not stop, stand or park a motor vehicle, wholly or partially, on that part of any road which is laid out as a cultivated area, being a garden or grass berm.
7.2 a person must not stop, stand or park, wholly or partially, a motor vehicle on that part of any road which has been separated from the roadway by a kerb that is a paved or other surfaced landscaped area, with or without a planted area, and whether or not it is designed for use by pedestrians.
7.3 a person may stop, stand or park a motor vehicle in contravention of clauses 7.1 and 7.2 if: (a) that part of the road is designed and constructed to accommodate a parked vehicle; or (b) an Authorised Officer has given written permission to stop, stand or park a vehicle in that part of the road; or (c) the Council, by resolution, has allowed motor vehicles to stop, stand, or park in that part of the road.
7.4 Clause 6.2(2) of the Land Transport (Road User) Rule 2004 applies to this clause, and clause 6.2(1) of that Rule does not apply.
7.5 No person shall stop, stand or park any vehicle on any grass berm or verge laid out in any road unless it is in the interests of traffic safety and does not endanger pedestrians.
7.6 Mobility devices are exempt from provisions in clause 7.5 where this is a safe and practical path.

Clause 8 Temporary Discontinuance of a Parking Space | Clause 9 Temporary Discontinuance of a Parking Space | The existing is essentially unchanged. It has been simplified to be easier to read with an added explanatory note. | Retain existing clause as Clause 8 Temporary Discontinuance of a Parking Space [LTA 1998 Section 22AB(1)(m)] |
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<tr>
<td>Clause 9 Inappropriate and Unlawful Use of Parking Spaces</td>
<td>Clause 10 Misuse of Parking Spaces; Clause 11 Unlawful Parking</td>
<td>Essentially unchanged but has been retitled, incorporating two existing clauses which describe undesirable parking practice. This clause places controls over activities such as mobile vending (e.g. coffee carts). An explanatory note has also been added.</td>
<td>Retain existing Clauses 10 and 11, retitled to read Clause 9 Inappropriate and Unlawful Use of Parking Spaces [LTA 1998 Section 22AB(1)(m), (n)]</td>
</tr>
<tr>
<td>No replacement clause</td>
<td>Clause 12 The Parking of Vehicles by Disabled Persons</td>
<td>This clause is unnecessary and has been removed. Deleted clauses are enforceable under Section 6 of the Land Transport (Road User) Rule 2004.</td>
<td>Remove the existing clause</td>
</tr>
<tr>
<td>Clause 10 Removal of Vehicles From Off-Street Parking Area</td>
<td>Clause 13 Removal of Vehicles From Off-Street Parking Area</td>
<td>The existing clause, with explanatory note, has been re-written to better reflect the current issues surrounding parking in public off-street areas. An explanatory note has also been added. <strong>Revised provisions</strong> 10.1 An Enforcement Officer may remove or cause to be removed any vehicle from any part of the road reserve or Council-managed land that contravenes this bylaw, or any resolution made under this bylaw, and the Council may recover from the person committing the breach of this bylaw all expenses incurred in connection with the removal of the offending vehicle. 10.2 No person may cause damage to or remove any signage or barriers associated with parking restrictions or controls applied to land owned or managed by the Council. 10.3 The powers that may be exercised under this clause are in addition to those provided by any other enactment.</td>
<td>Adopt modified Clause 10 Removal of Vehicles from Off-Street Parking Areas [LTA 1998 Section 22AB(1)(zk) and LGA 2002 Sections 163-168]</td>
</tr>
<tr>
<td>Clause 11 Immobilised/Immobile Vehicles</td>
<td>Clause 14 Immobilised/Immobile Vehicles</td>
<td>Existing clause is essentially unchanged other than addition of an explanatory note.</td>
<td>Retain existing clause as Clause 11 Immobilised/Immobile Vehicles [LTA 1998 Section 22AB(1)(m)]</td>
</tr>
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</table>
| Clause 12 Motorhomes, Caravans and Trailers | Clause 15 Caravans | ‘Caravan’ by itself does not adequately capture or describe the range of vehicles designed to accommodate persons. The existing clause has been updated with new provisions added. The clause has also been re-titled with an explanatory note added. **Revised provisions**  
12.1 No person shall park a motorhome, bus or certified self-contained vehicle, immobilised vehicle, caravan or trailer any road or public place for any continuous period exceeding seven days without the previous consent of the Council or an Authorised Officer.  
12.2 No person shall park on any road or public place for any continuous period of seven days any vehicle fitted out for accommodation purposes that is not a certified self-self-contained vehicle.  
12.3 Parking on any road for a continuous period exceeding seven days in clause 12.1 includes parking on any road within 500 metres of the original parking place, at any time during the seven days. | Adopt new **Clause 12 Motorhomes, Caravans and Trailers** [LTA 1998 Section 22AB(1)(m)] |
| Clause 13 Displaying and Storage of Vehicles on Street | Clause 16 Displaying Vehicles on Street | The existing clause has been reworded and there has been a re-titling of the clause. An explanatory note has also been added. **Revised provisions**  
13.1 No person (Person A) may place or park, or allow another person (Person B) to place or park a vehicle on any road for storage in connection with Person A’s trade or business, whether or not the vehicle is owned by Person A.  
13.2 Clause 13.2 does not apply if Person A has the prior written permission of an Authorised Officer. | Adopt new **Clause 13 Displaying and Storage of Vehicles on Street** [LTA 1998 Section 22AB(1)(m)] |
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</table>
| Clause 14 Parking for Display or Advertising | Clause 17 Advertising on Road | Existing section has been extensively updated with new clauses added and there has been a re-titling of the clause. An explanatory note has also been added. **New provisions**
14.1 A person must not display in the Council road reserve any signage on or connected to an immobilised vehicle, mobile or parked trailer or vehicle that is on or visible from a road or a public place, if the principal function of the trailer or vehicle is to display advertising material.
14.2 Clause 14.1 does not apply to motor vehicles with signwriting, and where the motor vehicle is being used in and as part of the normal course of business and not simply for the purpose of displaying advertising material, unless, in the opinion of an Authorised Officer, the motor vehicle with the signwriting is causing a safety hazard.
14.3 Should any motor vehicle to which clause 14.2 applies be left stationary and unattended on any road, whether otherwise lawfully stopped or not, and in the opinion of an Authorised Officer, it is causing a safety hazard, the Authorised Officer may have it removed and stored at the cost of the owner. | Adopt new Clause 14 Advertising on Road  
[LTA 1998 Section 22AB(1)(m)] |
| Clause 15 Use of Service and Utility Vehicles | Clause 18 Use of Cranes, Etc | This clause has been slightly modified with an explanatory note. The title has also been amended to describe the wider range of vehicles that may undertake or perform services in the road reserve. | Retain existing clause as Clause 15 Use of Service and Utility Vehicles  
[LTA 1998 Section 22AB(1)(m)] |
| Clause 16 Working on Vehicles | Clause 19 Working on Vehicles | This clause has been simplified to make it briefer and less wordy. | Adopt the modified clause as Clause 16 Working on Vehicles  
[LTA 1998 Section 22AB(1)(m)] |

**PART II TRAFFIC MOVEMENT RESTRICTIONS**
<table>
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<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>Clause 17 Left of Right Turns and U-Turns</td>
<td>No equivalent</td>
<td>This is a new clause in entirety. Staff have noted vehicle turning issues in locations including Pegasus town, particularly for emergency service or delivery vehicles which do not always have sufficient space to safely turn, e.g. in narrow cul-de-sacs. Provisions 17.1 The Council may by resolution prohibit or restrict turning movements, including vehicles or classes of vehicles: (a) on any road from turning to the right, or to the left, or from proceeding in any other direction; and (b) turning from facing or travelling in one direction to facing or travelling in the opposite direction (performing a U-turn) on specified roads. 17.2 Any resolution made under this clause may specify the hours or days of the week that a restricted turning movement may be made (if any). 17.3 A person must not turn a vehicle to the left, or to the right, or perform a U-turn, or proceed in any other direction on any road where the Council has prohibited or restricted such movements.</td>
<td>Adopt the new clause as Clause 17 Working on Vehicles [LTA 1998 Section 22AB(1)(q)]</td>
</tr>
<tr>
<td>Clause 18 Restricting Vehicles on Unformed Roads</td>
<td>No equivalent</td>
<td>This is a new clause in entirety. An explanatory note is also added. Provisions 18.1 The Council may by resolution restrict the use of motor vehicles on unformed legal roads for the purposes of protecting the environment, or the road and adjoining land, or the safety of road users. 18.2 A person must not use a motor vehicle on an unformed legal road contrary to a restriction made by the Council under this clause.</td>
<td>Adopt the new clause as Clause 18 Restricting Vehicles on Unformed Roads [LTA 1998 Section 22AB(1)(g)]</td>
</tr>
<tr>
<td>PART III INTERFERENCE WITH THE ROAD, TRAFFIC OR PEDESTRIANS</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clause 19 Vehicle Crossings</td>
<td>Clause 21 Crossing Footpath</td>
<td>Existing clause has been subject some minor revisions with an explanatory note added and a reworded clause heading. This clause also links to the Council’s Vehicle Crossing Bylaw.</td>
<td>Adopt the revised clause as Clause 19 Vehicle Crossings [LGA 2002 Section 146]</td>
</tr>
<tr>
<td>Proposed 2019 Bylaw clause</td>
<td>2007 Bylaw equivalent(s)</td>
<td>Summary of proposed clause and discussion of issues</td>
<td>Recommendation and enabling legislation - bylaw making power</td>
</tr>
<tr>
<td>----------------------------</td>
<td>--------------------------</td>
<td>---------------------------------------------------</td>
<td>-------------------------------------------------------------</td>
</tr>
</tbody>
</table>
| Clause 20 Temporary Use of Legal Road | Clause 22 Placing of Shipping Containers on Road | This clause has been simplified to take account of a wider range of acts, activities or installations (e.g., the placing of a shipping container on the roadside) that may be placed temporarily on the road carriageway. **Provision** No person may carry out a temporary act that affects the normal operating conditions of a road, unless the person has prior written permission of an Authorised Officer. | Adopt the revised clause as **Clause 20 Temporary Use of Legal Road**  
[LTA 1998 Section 22AB(1)(zk) and LGA 2002 Sections 145 and 146] |
| Clause 21 Material and Debris on Road | No equivalent | This is a new clause in entirety to cover unauthorised discarding of solid and liquid materials on District roads. Material and debris discarded on roads has been an issue raised by parking staff. The new provisions are based on best practice noted elsewhere. **Provisions**  
21.1 No person may cause damage to the road or to any associated signage.  
21.2 Any material or debris deposited on the road surface unless specifically authorised by the Council must be removed as soon as practicable’  
21.3 The Council may give notice to any person who has damaged, or deposited material or debris on a road: (a) to remove that material or debris from the road or to repair the damage caused to the road to Council’s satisfaction, within 24 hours; and (b) that if the person does not comply, that person commits a further breach of this bylaw and the Council may undertake the work and recover all costs from that person. | Adopt the new clause as **Clause 21 Material and Debris on Road**  
[LTA 1998 Section 22AB(1)(zk) and LGA 2002 Sections 145 and 146] |

**PART IV ADMINISTRATIVE**

| Clause 22 Enforcement Officers | Clause 23 Enforcement Officers | Clause has minor changes. | Retain existing clause as **Clause 22 Enforcement Officers**  
[LGA 2002 Sections 177 and 178] |
|-------------------------------|-------------------------------|--------------------------|-------------------------------------------------------------|
| Clause 23 Offences | Clause 24 Offences | Clause has minor changes. | Retain existing clause as **Clause 23 Offences**  
[LGA 2002 Sections 239 and 242] |
<table>
<thead>
<tr>
<th>Proposed 2019 Bylaw clause</th>
<th>2007 Bylaw equivalent(s)</th>
<th>Summary of proposed clause and discussion of issues</th>
<th>Recommendation and enabling legislation - bylaw making power</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 24 Penalties</td>
<td>Clause 25 Penalties</td>
<td>Clause has minor changes. An explanatory note has been added.</td>
<td>Adopt amended clause as <strong>Clause 24 Penalties</strong>&lt;br&gt;&lt;br&gt; [LTA 1998 Section 22AB(1)(b) and LGA 2002 Sections 242]</td>
</tr>
<tr>
<td>Clause 25 Defences</td>
<td>Clause 26 Defences</td>
<td>Clause has been simplified and rewritten.</td>
<td>Adopt amended clause as <strong>Clause 25 Defences</strong>&lt;br&gt;&lt;br&gt; [LTA 1998 Section 22AB(1)]</td>
</tr>
<tr>
<td>Clause 26 Exempted Vehicles</td>
<td>Clause 27 Exempted Vehicles</td>
<td>Clause has been simplified and rewritten&lt;br&gt;&lt;br&gt; <strong>Provisions</strong>&lt;br&gt;A person is not in breach of this bylaw if that person is able to prove that: (a) the act complained of was done in an emergency on the road or immediately adjoining the road; or (b) the act complained of was done in compliance with the directions of a Police Officer, Parking Warden, Authorised Officer, traffic control signal or traffic sign or (c) that he/she was experiencing a medically-related event and took all reasonable care to avoid causing an accident or any injury.</td>
<td>Adopt amended clause as <strong>Clause 26 Exempted Vehicles</strong>&lt;br&gt;&lt;br&gt; [LTA 1998 Section 22AB(1)(o)]</td>
</tr>
<tr>
<td>Clause 27 Power to Amend Certain Schedules by Resolution</td>
<td>Clause 28 Power to Amend Certain Schedules by Resolution</td>
<td>Existing administrative clause unchanged</td>
<td>Retain existing clause as <strong>Clause 27 Power to Amend Certain Schedules by Resolution</strong>&lt;br&gt;&lt;br&gt; [LGA 2002 Section 151]</td>
</tr>
<tr>
<td>Clause 28 Revocations and Savings</td>
<td>Clause 2 Revocations and Savings</td>
<td>Existing administrative clause has been moved and undergone minor revisions.</td>
<td>Adopt new clause as Clause 28 Revocations and Savings [LTA 1998 Section 22AB(1) and LGA 2002 Sections 145 and 146]</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>----------------------------------</td>
<td>-------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Clause 29 Review of Bylaw</td>
<td>FIRST SCHEDULE Bylaws Revoked</td>
<td>The existing Bylaw does not have a review clause. The bylaw review provisions were situated within the First Schedule but have now been formally incorporated into this clause.</td>
<td>Adopt new clause as Clause 29 Review of Bylaw</td>
</tr>
<tr>
<td></td>
<td>No replacement schedule</td>
<td>Elements of this schedule are either no longer relevant in the new bylaw. The ‘commencement’ element has been formally incorporated into the Bylaw (new Clause 1 General). The ‘review’ element has been formally incorporated into the Bylaw (new Clause 29 Review of Bylaw).</td>
<td>Adopt new clause as Clause 29 Review of Bylaw</td>
</tr>
<tr>
<td></td>
<td>FIRST SCHEDULE</td>
<td>Updated listing (gazette) of streets and locations where parking restrictions and enforcement applies. Council can by resolution periodically add or remove streets and roads within the District to this Schedule.</td>
<td>Retain existing SECOND SCHEDULE</td>
</tr>
<tr>
<td></td>
<td>SECOND SCHEDULE Parking Schedules</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
As the proposed Bylaw is intended to replace the existing Bylaw it is proposed the existing Bylaw be revoked at the same time as the proposed Bylaw comes into force.

4 Legislative requirements that Council must consider

The LGA\(^2\) empowers Council to make bylaws for its district for one or more of the following purposes:

\[(a) \text{ Protect the public from nuisance} \]
\[(b) \text{ Protect, promote and maintain public health and safety} \]
\[(c) \text{ Minimise the potential for offensive behaviour in public places.} \]

However, before it makes such a bylaw, Council must be satisfied that:

- A bylaw is the most appropriate way of addressing a perceived problem or issue; and
- If the Council decides that a bylaw is (still) appropriate, whether the bylaw is the most appropriate form of bylaw; and
-Whether or not the bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990 (NZBORA).

4.1 Is a bylaw the appropriate means to deal with the problem?

The Waimakariri District has had a Parking Bylaw in effect since 1997. The purpose of this bylaw is to set out the requirements for parking and control of vehicular or other traffic on any road or area under the care, control or management of the Council. Authorised and Enforcement Officers apply infringement notices for parking offences under this bylaw, reinforced when required by provisions contained in the Land Transport (Road User) Rule 2004.

The bylaw has been reviewed to reflect changes to current codes, standards and legislation as well as to review outdated definitions and language. The current form of bylaw is also not consistent with the form of the Council’s other recent bylaws, nor is it consistent with bylaws in surrounding districts. Some of the provisions of the 2007 Bylaw are also overly complex, dated or ‘wordy’ and their effectiveness is unclear or limited.

The Bylaw is no longer appropriate or effective in addressing all of the circumstances and requirements of managing parking and traffic issues in the District. The last decade has seen the emergence of issues and trends including freedom camping and the siting or placement of moveable roadside advertising on trailers.

The Bylaw requires more assertive language to aid enforcement. It also currently lacks a fines and penalties schedule.

It is considered that the bylaw provides the most appropriate mechanism to effectively deal with parking issues, after consultation with the Roading, Compliance and Planning Department representatives and is the best approach for the Council to update the Parking Bylaw (2007).

\(^2\) Section 145 of the *Local Government Act 2002*
4.2 Is the bylaw in the appropriate form?

Section 155(2)(a) of the LGA requires an assessment as to whether the bylaw is the most appropriate form of bylaw. The Council can make general bylaws for public health and safety, and specific bylaws for alcohol control in public places. The draft bylaw is consistent with Council document standards and has been written in plain English. In this case, the Parking Bylaw 2007 is being reviewed, so the form of bylaw is appropriate.

4.3 Is the bylaw consistent with the New Zealand Bill of Rights Act 1990?

Section (155(2)(b) requires that any bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990. Section 5 of this Act states: ‘Subject to section 4, the rights and freedoms contained in this Bill of Rights may be subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.’

The LGA provides for Councils to introduce bylaws for the purpose of managing, regulating against, or protecting from, damage, misuse, or loss, or for preventing the use of, the land, structures, or infrastructure associated with (vi) reserves, recreation grounds, or other land under the control of the territorial authority.

The review of this Bylaw is being processed in an autonomous manner as the Council is publicly notifying its intentions, the taking and hearing of submissions and the final consideration being made by an elected Council.

5 What happens next?

The Council is inviting public submissions on the draft Parking Bylaw from X May to Y June 2019. Anonymous submissions will be considered at the Council's discretion.

Submissions may be entered online through the Council’s website waimakariri.govt.nz/your_council/lets-talk or by using the submission form or any other written form and posting this to:

Parking Bylaw Submission
Waimakariri District Council
Private Bag 1005
Rangiora 7440

or, by delivering to:

(a) Rangiora Service Centre, 215 High Street, Rangiora
(b) Ruataniwha Kaiapoi Civic Centre, cnr Raven Quay/Williams Street, Kaiapoi
(c) Oxford Service Centre and Library, 34 Main Street, Oxford

A copy of the full statements of proposal and supporting documents are available for public inspection during ordinary office hours at the Waimakariri District Council Service Centres and Libraries. They may also be viewed on, and downloaded from, the Council’s website, waimakariri.govt.nz/your_council/lets-talk.
If you would like to talk to someone about the draft Parking Bylaw, or the consultation process, please contact: Geoff Meadows, Policy Manager, 03 ddi.

Anyone making a submission has the opportunity to be heard by the Council's Hearing Panel at public hearings to be held during June 2019 and should make that request in their submission.
The main areas of proposed change, prior to public consultation, between the Parking Bylaw 2007 and the draft 2019 Bylaw are summarised below:

<table>
<thead>
<tr>
<th>New Section</th>
<th>Parking Bylaw 2019</th>
<th>Comments</th>
<th>Parking Bylaw 2007 (sections amended)</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Definition</td>
<td>Many of the removed definitions are instead defined under the Land Transport Act 1998 and Land Transport (Road User) Rules 2004. This section also makes it clearer regarding roles of Parking Wardens and Authorised Officers</td>
<td>Interpretation (Section 3)</td>
</tr>
<tr>
<td>4</td>
<td>Resolutions Made Under This Bylaw</td>
<td>This is a best practice addition regarding resolutions that can be made by Council</td>
<td>No previous equivalent</td>
</tr>
<tr>
<td>5</td>
<td>Stopping, Standing and Parking of Vehicles</td>
<td>Existing provisions have been rationalised and simplified</td>
<td>Stopping, Standing and Parking of Vehicles (Section 4)</td>
</tr>
<tr>
<td>6</td>
<td>No Parking in Certain Parts of the Road</td>
<td>Existing provisions are grouped under one heading. The new clause amends the wording within current sections to make it easier to interpret for Council’s officers, customers and the public</td>
<td>Vehicle on Grass Berms (Section 7) Vehicle on Grass Verges (Section 8) Flower Beds, Grass Plots and Landscaped Areas (Section 20)</td>
</tr>
<tr>
<td>7</td>
<td>Temporary Discontinuance of a Parking Space</td>
<td>Existing provisions have been rationalised and simplified</td>
<td>Temporary Discontinuance of a Parking Space (Section 9)</td>
</tr>
<tr>
<td>8</td>
<td>Removal of Vehicles from Off-Street Parking Areas</td>
<td>Provisions have been strengthened to better reflect emerging issues surrounding parking in public off-street areas such as sports grounds and reserves</td>
<td>Removal of Vehicles from Off-Street Parking Areas (Section 13)</td>
</tr>
<tr>
<td>9</td>
<td>Immobilised and Immobile Vehicles</td>
<td>Existing provisions are essentially unchanged, however, the role of Officers is made explicit</td>
<td>Immobilised / Immobile Vehicles (Section 14)</td>
</tr>
<tr>
<td>10</td>
<td>Motorhomes, Buses, Caravans and Trailers</td>
<td>The section definition has been widened to capture other vehicle classes designed to accommodate persons</td>
<td>Caravans (Section 15)</td>
</tr>
<tr>
<td>11</td>
<td>Displaying and Storage of Vehicles on Street</td>
<td>Existing provisions have been strengthened to include vehicle storage (standing)</td>
<td>Displaying Vehicles on Street (Section 16)</td>
</tr>
<tr>
<td></td>
<td>Section</td>
<td>Provisions Changed</td>
<td>Details</td>
</tr>
<tr>
<td>---</td>
<td>---------</td>
<td>--------------------</td>
<td>---------</td>
</tr>
<tr>
<td>12</td>
<td>Parking for Display or Advertising</td>
<td>Existing provisions have been strengthened</td>
<td>Advertising on Road (Section 17)</td>
</tr>
<tr>
<td>13</td>
<td>Working on Vehicles</td>
<td>Existing provisions have been rationalised and simplified</td>
<td>Working on Vehicles (Section 19)</td>
</tr>
<tr>
<td>15</td>
<td>Defences</td>
<td>Existing provisions have been rationalised and simplified</td>
<td>Defences (Section 26)</td>
</tr>
<tr>
<td>18</td>
<td>Exempted Vehicles</td>
<td>Existing provisions have been rationalised and simplified</td>
<td>Exempted Vehicles (Section 27)</td>
</tr>
<tr>
<td>20</td>
<td>Revocations and Savings</td>
<td>Adopting best practice in modern style of Council’s bylaws</td>
<td>Revocations and Savings (Section 2)</td>
</tr>
<tr>
<td>21</td>
<td>Review of Bylaw</td>
<td>Adopting best practice in modern style of Council’s bylaws</td>
<td>First Schedule</td>
</tr>
<tr>
<td>-</td>
<td>First Schedule</td>
<td>Parking restrictions are updated and amended by Council resolution</td>
<td>Second Schedule</td>
</tr>
</tbody>
</table>
1. SUMMARY

1.1 This report is to initiate the statutory process to make a Property Maintenance and Nuisance Control Bylaw. The Local Government Act 2002 (s145) provides the District Council with the power to make bylaws.

1.2 Consultation with Council staff and all Community Boards has identified a number of property maintenance and nuisance matters such as long grass on undeveloped residential sections which are appropriately managed under the proposed bylaw.

1.3 The proposed bylaw provides a control mechanism for managing activities resulting in nuisance effects which are not controlled or managed under other legislation or documents, but which can nevertheless result in a significant reduction in people’s enjoyment of their surroundings.

1.4 The Act requires the making of the bylaw to follow the special consultative procedure (SCP) of the Local Government Act 2002.

Attachments:

i. Statement of Proposal (Trim No 190807110088)
ii. Draft Property Maintenance and Nuisance Control Bylaw (Trim No 190807110071)

2. RECOMMENDATION

THAT the District Planning and Regulation Committee:

(a) Receives report No190807110080.

(b) Initiates the Special Consultative Procedure in terms of the Local Government Act 2002 (LGA 2002) sections 159 and 83A.

(c) Approves the attached Statement of Proposal and draft Property Maintenance and Nuisance Control Bylaw 2019 for notification and consultation.

(d) Delegates the consideration of submissions to the Hearing Panel comprised of: Councillor ………………., Councillor ………………. and Councillor ……………………… for the hearing and deliberations meeting to be held in December 2019.
3. **BACKGROUND**

3.1 The Council has received a number of complaints from residents relating to property maintenance and nuisance activities, particularly in the residential areas of the District. The Council has limited ability to control some of these activities under the Public Health Act 1956, however the definition of nuisance in this Act results in thresholds for action that are relatively high, as it must be shown that the nuisance is offensive or likely to be injurious to health.

3.2 The introduction of the Fire and Emergency New Zealand Act 2017 has significantly reduced measures available to Councils to manage overgrown residential sections, with Councils only retaining the power to persuade. With the simultaneous revocation of Forest and Rural Fires Act 1977 provisions Councils can no longer send out a warning notice, take action to cut/mow the overgrown section or recover costs from the landowner. As of July 2018, FENZ (Fire and Emergency New Zealand) can ask an occupier or owner to remove or destroy a potential fire hazard when there is enough flammable material on the land. Therefore, the visual effects of overgrown sections are not able to be addressed under the Health Act 1956 or the Fire and Emergency New Zealand Act 2017.

3.3 Given the limited powers available to Councils to control nuisance activities under other legislation, it is considered the most feasible and practical option to control nuisance activities is a bylaw.

4. **ISSUES AND OPTIONS**

4.1 Option (a) Retain the status quo

Council has the option of retaining the status quo and continuing with the current situation of not having a bylaw specifically focusing on property maintenance or control of nuisance activities. This position is not favoured as it does not allow the Council to adequately protect the public from the effects of poor property maintenance and nuisance activities and therefore to protect, promote and maintain public health and safety.

4.2 Option (b) Adopt the draft Nuisance Bylaw 2019

Adopting the draft Nuisance Bylaw 2019 for public consultation is the preferred option as the draft bylaw provides a mechanism to ensure properties are maintained in a condition appropriate for the location and circumstances, and to control nuisance activities more directly. The threat of a prosecution is likely to be an effective method to promote compliance with bylaw requirements and thereby minimise the effects from nuisance behaviours and activities.

5. **Process**

5.1 If the Committee approves this report the process and proposed key dates are as follows:

- Public notification early September 2019
- Submission period – closes 30 September
- Hearings and deliberations – December 2019
- Council to consider Hearing Panel recommendations – February 2020

5.2 The Management Team have reviewed this report and support the recommendations.

6. **COMMUNITY VIEWS**

6.1 **Groups and Organisations**

Consultation has been undertaken with Council staff and all Community Boards.

6.2 **Wider Community**
Community views have not yet been sought. The community will have the opportunity to express views through the statutory submission process.

7. **IMPLICATIONS AND RISKS**

7.1. **Financial Implications**

Staff time is the major financial cost of this project and will be managed through current budgets.

7.2. **Community Implications**

The bylaw is likely to require some land-owners to change the management of sites they own to ensure property is maintained in an manner appropriate for the area in which it is located. It will also restrict the carrying out of activities resulting in a nuisance effect impacting on others. However, the overall effect is considered to be a benefit to public wellbeing and community expectations of a pleasant living environment.

7.3. **Risk Management**

The bylaw objectives encourage responsible management of property and considerate behaviour and are intended to minimise adverse visual and nuisance effects resulting from unkempt properties and nuisance activities.

8. **CONTEXT**

8.1. **Policy**

This is not a matter of significance in terms of the Council’s Significance and Engagement Policy.

8.2. **Legislation**

*Local Government Act 2002, s159*

*Public Health Act 1956*

*Fire and Emergency New Zealand Act 2017*

8.3. **Community Outcomes**

- There is a safe environment for all
- Public spaces and facilities are plentiful, accessible and high quality
- The distinctive character of our takiwa – towns, villages and rural areas is maintained
- People have wide-ranging opportunities for learning and being informed

8.4. **Delegations**

The Local Government Act 2002 section 145 provides the Council with the authority to make bylaws to protect the public from nuisance, and protect, promote and maintain public health and safety.

The Committee has the jurisdiction to administer bylaws within the committee’s fields of activity and to recommend to the Council any amendments. The full council must adopt the final bylaw following consultation.
Property Maintenance and Nuisance Control Bylaw 2019

Statement of Proposal
## Contents

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3 Summary of proposed Bylaw 2

4 Legislative requirements that Council must consider 3
   4.1 Is a bylaw the appropriate means to deal with the problem? 3
   4.2 Is the bylaw in the appropriate form? 3
   4.3 Is the bylaw consistent with the New Zealand Bill of Rights Act 1990? 4

5 What happens next? 4
1 Introduction

The purpose of the proposed Property Maintenance and Nuisance bylaw is to:

(a) Protect the public from the effects of nuisance activities;
(b) Protect, promote and maintain public health and safety;

In undertaking this proposal, the Council has considered what the best options for addressing the perceived problems are. This requires the Council to consider whether or not a bylaw is the most appropriate way of addressing the perceived problems. The options considered are:

(a) Retain the status quo (this is not preferred as the current lack of a bylaw focused on nuisance issues does not adequately address the issue of nuisance activities)

Or

(b) Adopt the draft Property Maintenance and Nuisance Bylaw 2019. The proposed bylaw is outlined below (this is the preferred option).

Council must follow the special consultative procedure to introduce a new bylaw. This Statement of Proposal has been prepared in accordance with the Local Government Act 2002 (LGA).

A report on the relevant determinations made by Council under section 155 of the LGA is included in this Statement of Proposal, along with a draft of the proposed Bylaw.

2 Reasons for the proposal

Under section 145 of the Local Government Act 2002 (the Act), the Council may make bylaws for its District for one or more of the following purposes:

(a) protecting the public from nuisance:
(b) protecting, promoting, and maintaining public health and safety:
(c) minimising the potential for offensive behaviour in public places.

The Council has received a number of complaints from residents relating to property maintenance and nuisance activities, particularly in the residential areas of the District. The Council has limited ability to control some of these activities under the Public Health Act 1956, however the definition of nuisance in this Act results in thresholds for action that are relatively high, as it must be shown that the nuisance is offensive or likely to be injurious to health.

The introduction of the Fire and Emergency New Zealand Act 2017 has significantly reduced measures available to Councils to manage overgrown residential sections, with Councils only retaining the power to persuade. With the simultaneous revocation of Forest and Rural Fires Act 1977 provisions Councils can no longer send out a warning notice, take action to cut/mow the overgrown section or recover costs from the landowner. As of July 2018, FENZ (Fire and Emergency New Zealand) can ask an occupier or owner to remove or destroy a potential fire hazard when there is enough flammable material on the land. Therefore, the visual effects of overgrown sections are not able to be addressed under the Public Health Act 1956 or the Fire and Emergency New Zealand Act 2017.
Given the limited powers available to Councils to control nuisance activities under other legislation, it is considered the most feasible and practical option to control nuisance activities is a bylaw.

2.1 Option (a) Retain the status quo

Council has the option of retaining the status quo and continuing with the current situation of not having a bylaw specifically focusing on control of nuisance activities. This position is not favoured as it does not allow the Council to adequately protect the public from nuisance activities and therefore to protect, promote and maintain public health and safety.

2.2 Option (b) Adopt the draft Nuisance Bylaw 2019

Adopting the draft Nuisance Bylaw 2019 for public consultation is the preferred option as the draft provides a mechanism to control nuisance activities more directly. The threat of a prosecution is likely to be an effective method to promote compliance with bylaw requirements and thereby minimise the effects from nuisance behaviours and activities.

3 Summary of proposed Bylaw

In addition to general nuisances, specific property maintenance and nuisance activities to be subject to the bylaw are:

- Unkempt vacant residential sections, particularly long grass;
- Car bodies
- Rubbish/compost piles
- Tyre dumps
- Containers
- Hoarding
- Livestock in residential areas (eg roosters)

A summary of these activities and their nuisance effect is contained in the following table:

<table>
<thead>
<tr>
<th>Property maintenance/nuisance activity</th>
<th>Nuisance Effect</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unkempt vacant residential sections, particularly long grass</td>
<td>Visual amenity, vermin, fire hazard</td>
</tr>
<tr>
<td>Car bodies</td>
<td>Visual amenity, vermin</td>
</tr>
<tr>
<td>Rubbish/compost piles</td>
<td>Visual amenity, vermin, odour</td>
</tr>
<tr>
<td>Tyre dumps</td>
<td>Visual amenity, vermin, insects, fire hazard</td>
</tr>
<tr>
<td>Containers</td>
<td>Visual amenity</td>
</tr>
<tr>
<td>Hoarding</td>
<td>Visual amenity, vermin, fire hazard</td>
</tr>
<tr>
<td>Livestock</td>
<td>Residential amenity, odour, noise</td>
</tr>
</tbody>
</table>
4 Legislative requirements that Council must consider

The LGA\(^1\) empowers Council to make bylaws for its district for one or more of the following purposes:

- (a) Protect the public from nuisance
- (b) Protect, promote and maintain public health and safety
- (c) Minimise the potential for offensive behaviour in public places.

However, before it makes such a bylaw, Council must be satisfied that:

- A bylaw is the most appropriate way of addressing a perceived problem or issue (s155(1) LGA); and
- If the Council decides that a bylaw is (still) appropriate, whether the bylaw is the most appropriate form of bylaw (s155(2)(a) LGA); and
- Whether or not the bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990 (NZBORA) (s155(2)(b) LGA).

4.1 Is a bylaw the appropriate means to deal with the problem?

The Waimakariri District currently has no direct means of controlling nuisance activities. However, residents periodically express concern about nuisance activities, such as overgrown sections and placement of containers on residential sections. Having no direct means of dealing with such issues means the Council has a very limited ability to deal with instances of nuisance.

Recent introduction of other legislation has also eroded Council’s ability to manage some nuisances which can lead to more severe consequences, for example the introduction of the Fire and Emergency Act 2017 has significantly reduced measures available to Councils to manage overgrown residential sections, with Council now only having the power to persuade. The simultaneous revocation of the Forest and Rural Fires Act 1977 means that Council’s can no longer send out a warning notice, take action to mow/cut the overgrown section or recover costs from the landowner.

Provisions under the Health Act 1956 also provide the Council with very little scope to manage nuisances as it requires any effect to be offensive or injurious to health – both of which are relatively high thresholds.

It is considered the bylaw approach provides the most appropriate mechanism to effectively deal with nuisance issues by leaving determination of a nuisance in relation to the listed activities to the discretion of Council Officers based on whether the nuisance activity is causing an adverse effect given the context in which it is occurring.

4.2 Is the bylaw in the appropriate form?

Section 155(2)(a) of the LGA requires an assessment as to whether the bylaw is the most appropriate form of bylaw. The Council can make general bylaws for public health and safety, and specific bylaws to manage, for instance, alcohol control in public places. The

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\(^1\) Section 145 of the *Local Government Act 2002*
The draft bylaw is consistent with Council document standards and has been written in plain English. It is therefore considered that the draft Bylaw is the most appropriate form of Bylaw.

4.3 Is the bylaw consistent with the *New Zealand Bill of Rights Act 1990*?

Section (155(2)(b) requires that any bylaw is not inconsistent with the *New Zealand Bill of Rights Act 1990*. Section 5 of this Act states: ‘Subject to section 4, the rights and freedoms contained in this Bill of Rights may be subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.’

The LGA provides for Councils to introduce bylaws for the purpose of (s145 LGA):

(a) protecting the public from nuisance:
(b) protecting, promoting, and maintaining public health and safety:
(c) minimising the potential for offensive behaviour in public places.

The review of this Bylaw is being processed in an autonomous manner as the Council is publicly notifying its intentions, the taking and hearing of submissions and the final consideration being made by an elected Council. It is therefore considered that the proposed bylaw is consistent with the New Zealand Bill of Rights Act 1990.

5 What happens next?

The Council is inviting public submissions on the draft Property Maintenance and Nuisance Bylaw from *(date) September to (date) September 2019*. Anonymous submissions will be considered at the Council’s discretion.

Submissions may be entered online through the Council’s website waimakariri.govt.nz/your_council/lets-talk or by using the submission form or any other written form and posting this to:

Property Maintenance and Nuisance Bylaw Submission
Waimakariri District Council
Private Bag 1005
Rangiora 7440

or, by delivering to:

(a) Rangiora Service Centre, 215 High Street, Rangiora
(b) Ruataniwha Kaiapoi Civic Centre, cnr Raven Quay/Williams Street, Kaiapoi
(c) Oxford Service Centre and Library, 34 Main Street, Oxford

A copy of the full statements of proposal and supporting documents are available for public inspection during ordinary office hours at the Waimakariri District Council Service Centres and Libraries. They may also be viewed on, and downloaded from, the Council’s website, waimakariri.govt.nz/your_council/lets-talk.

If you would like to talk to someone about the draft Nuisance Bylaw, or the consultation process, please contact: Nick Harrison, Manager Regulation, 03 0800 965 468.
Anyone making a submission has the opportunity to be heard by the Council's Hearing Panel at public hearings to be held during June 2019 and should make that request in their submission.
WAIMAKARIRI DISTRICT COUNCIL
PROPERTY MAINTENANCE AND
NUISANCE CONTROL BYLAW 2019

This Draft of the Property Maintenance and Nuisance Control Bylaw 2019 was adopted at a Council meeting held on [day, month] 2019

______________________________
Chief Executive Officer

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Governance Manager
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WAIMAKARIRI DISTRICT COUNCIL PROPERTY MAINTENANCE AND NUISANCE CONTROL BYLAW 2019

In pursuance of the powers vested in it by the Local Government Act 2002, the Waimakariri District Council makes this Bylaw.

1. TITLE AUTHORITY AND COMMENCEMENT

1.1 This bylaw may be cited as the Waimakariri District Property Maintenance and Nuisance Control Bylaw 2019.

1.2 This bylaw shall come into force on [DAY, MONTH, YEAR].

2. INTRODUCTION

This bylaw is made by the Waimakariri District Council in exercise of the powers and authority vested in the Council by Section 145 of the Local Government Act 2002.

This bylaw applies to all the Waimakariri District.

3. OBJECTIVES

• To encourage appropriate maintenance of undeveloped residential sections.
• To generally protect the public from nuisance and dangers to public health and safety.

4. INTERPRETATION

4.1 Approved means permitted by the Waimakariri District Council.

4.2 Authorised person means any person warranted or permitted by the Waimakariri District Council to carry out any functions under this Bylaw or the Resource Management Act 1991.

4.3 Nuisance means, a person, animal, thing, or circumstance causing unreasonable interference with the peace, comfort, or convenience of another person. This includes but is not limited to:
   (a) where any accumulation or deposit of material or thing is in such a state or is so situated as to be offensive or likely to be injurious to health;
   (b) where there exists on any land or premises any condition giving rise or likely to give rise to the breeding of pests or vermin or is suitable for the breeding of pests or vermin,
   (c) where there exists on any land or premises any condition or activity that creates or is likely to create an odour that is objectionable or offensive at or beyond the boundary of the land;
   (d) where any premises, including any accumulation or deposit of any material or thing thereon, are in such a state as to harbour or to be likely to harbour pests or vermin;
   (e) where any premises are so situated, or are in such a state, as to be offensive or likely to be injurious to health;
   (f) where any buildings or premises used for the keeping of animals are so constructed, situated, used, or kept, or are in such a condition, as to be offensive or likely to be injurious to health;
   (g) where any animal, or any carcass or part of a carcass, is so kept or allowed to remain as to be offensive or likely to be injurious to health;
4.4 **Residential Zone** means the areas of the District that are zoned Residential 1, Residential 2, Residential 3, Residential 4A and 4B, Residential 5, Residential 6 or Residential 6A in the Council’s District Plan.

4.5 **Long grass** means grass that is of a length that is inconsistent with the expected visual amenity of the surrounding area, creates a habitat suitable for vermin to live and breed, or that results in the presence of combustible material of a volume that may result in a fire hazard.

4.6 **Container** means transportable shipping containers.

4.7 **Livestock** means any animal except domestic pets.

4.8 **Waste**

(a) means anything disposed of or discarded; and
(b) includes a type of waste that is defined by its composition or source (for example, organic waste, electronic waste, or construction and demolition waste); and
(c) to avoid doubt, includes any component or element of diverted material, if the component or element is disposed of or discarded

### PART 1 - SPECIFIC CONTROLS

#### 5. GENERAL NUISANCE

5.1 A person must not use any place to:

a) Do anything to cause or permit a nuisance to occur;

b) Willfully obstruct, disturb or interfere with any other person in their use or enjoyment of that place; or

c) Use any material or thing recklessly or in a manner which may intimidate, be dangerous, be injurious to or cause a nuisance to any person.

#### 6. PROPERTY MAINTENANCE

6.1 The owner or occupier of any residential zoned property has an obligation to ensure that the property is maintained in good order to prevent nuisance effects on people occupying or using nearby areas.

6.2 The owner or occupier of any undeveloped residential zoned property under their control should not allow that property to become so overgrown with long grass or other vegetation that it causes or may cause a nuisance.

6.2 If any activity has become or is likely to become a nuisance, the Council may by notice require the owner or occupier of the property to do all or any of the following:

- Cease the activity creating the nuisance.
- Take such other action as the Council deems necessary to eliminate the likelihood of nuisance.

#### 7. DEPOSIT, STORAGE, ACCUMULATION OR BURIAL OF WASTE, COMPOST, MANURE OR OFFAL

7.1 No person may deposit, store, accumulate or bury any waste, compost, manure or offal on any land that causes a nuisance or a danger to public health.
8. **STORAGE OF WASTE IN VEHICLES**

8.1 No person may park any vehicle containing manure, offal or waste on any residential zoned land or in any public place where the manure, offal or waste may cause a nuisance or a danger to public health.

9. **STORAGE OR USE OF CONTAINERS, VEHICLE BODIES OR PARTS INCLUDING TYRES**

9.1 No person may deposit, store or accumulate shipping containers, vehicle bodies or parts, on any residential zoned land in such a way that causes a nuisance or a danger to public health.

10. **HOARDING OF MATERIAL**

10.1 No person may hoard any material or goods on any land or in any building, vehicle or other structure in such a way that causes a nuisance or a danger to public health.

11. **LIVESTOCK**

11.1 No person may keep livestock in any residential area in such a way that causes a nuisance or a danger to public health.

**PART 2 - ADMINISTRATIVE**

12. **BREACH OF BYLAW**

12.1 The Council may use its powers under the Local Government Act 2002, the Health Act 1956 or the Litter Act 1979 to enforce this bylaw.

12.2 In addition to the powers conferred on it by any other enactment, an Authorised Person may remove or cause to be removed from any private property any material or thing found on that private property in breach of the bylaw.

12.3 The Council may recover from the person who committed the breach of this bylaw the appropriate costs in connection with any inspections of the property and the removal of the material or thing.

12.4 A person who commits a breach of this bylaw commits an offence and is liable on summary conviction to the penalty prescribed by Section 242(4) of the Local Government Act 2002.

13. **REVOCATIONS AND SAVINGS**

13.1 There are no revocations or savings relevant to this bylaw.

14. **REVIEW OF BYLAW**

14.1 This Bylaw shall be reviewed by the (date) December 2024.

14.2 This Bylaw can be reviewed at any other time before that date at the discretion of the Council.
1. **SUMMARY**

1.1 This report requests the removal of two existing car parking spaces on Charles Street immediately east of the Williams Street and Charles Street roundabout. It is proposed to replace these with a 12m loading zone with a 5 minute limit upon removal of the two existing carparks.

1.2 Carpark surveys of on-street parking within the area show that carparks in the area rarely reaches full capacity.

1.3 Once completed the proposed development on the corner of Charles Street and Williams Street will contain an industrial/manufacturing activity, a bar/restaurant, a residential unit with double garage, six retail activities and an office space.

1.4 There are currently no existing loading zones in the immediate area to support the commercial properties that are currently being constructed.

1.5 There are two options available to the Community Board:

- Option One – Support the removal of two existing carparks to allow installation of a new loading zone.

- OR

- Option Two – Keep the existing carparks and do not install a dedicated loading zone. As this may lead to delivery vehicles obstructing pedestrians, cyclist or vehicles on Williams Street and/or Charles Street, this is not the recommended option.

2. **RECOMMENDATION**

**THAT** the Kaiapoi-Tuahiwi Community Board recommends:

(a) **Receives** report No. 190805109066;
(b) **Notes** staff are carrying out further work to review car parking demand as development occurs and to be able to adequately cater for future demand. This will be reported to the Board once this work is complete.

**AND**

**RECOMMENDS THAT** the District Planning and Regulation Committee:

(c) **Approves** the removal of two existing carparks and installation of a 12m long loading zone as shown in Figure 1 with a P5 time restriction.

3. **BACKGROUND**

3.1. The lack of loading facilities was noted during the resource consent process and that this would be addressed by Council staff while the development was progressing.

3.2. The south east corner of the Charles Street / Williams Street intersection is currently being developed in two stages. The first stage has been completed which is now the Port and Eagle Brewery and a residential unit. This premises consists of a bar/restaurant with on-site manufacturing facilities. The second stage is currently under construction, and once completed will add an additional six retail outlets and an office space.

3.3. There is no loading zone in the immediate vicinity. The development has an access way at the southern end but this is not practical for larger vehicles and is used to access the double garage of the residential unit.

3.4. The removal of the carparks and installation of the loading zone will be completed in conjunction with footpath upgrades and a short section of kerb and channel replacement which is currently underway. The development is due to be completed on the 1st September 2019 therefore completing all the works at once would be the preferred approach.

![Figure 1 – Proposed Loading Zone Location](image-url)
Figure 2 – Parking survey locations

Figure 3 – Charles Street parking survey summary from May 2019 to August 2019
4. **ISSUES AND OPTIONS**

4.1. The removal of these two carparks may cause some negative reaction however car parking surveys show that the carparks in the immediate area rarely reach capacity. These negative reactions will be greatly offset by the increased safety for pedestrians and road users.

4.2. By not providing a loading zone option on Charles Street this has potential for delivery vehicles to obstruct pedestrians, cyclists or vehicles on Williams Street and/or Charles Street to load and unload goods.

4.3. Further work is being undertaken to review car parking demand as development occurs and to be able to adequately cater for this demand. This will be reported to the Board once this work is complete.

4.4. There are two options available to the Community Board:

   **Option One** – Support the removal of two existing carparks to allow installation of a new loading zone outside the Charles Street shop frontages.

   This is the recommended option as it provides all goods vehicles a dedicated loading zone and eliminates the risk of large trucks double parking, parking on footpaths and cycle ways and providing an overall safer environment.

   **OR**

   **Option Two** – Keep the existing carparks. This is not the recommended option.

5. **COMMUNITY VIEWS**

5.1. **Groups and Organisations**

   The PCG Group has reviewed this request and agrees that the removal of the existing carparks is appropriate and will provide better pedestrian and road user safety.

   The developer has been consulted on the proposed changes and supports the proposal.
5.2. **Wider Community**

The wider community have not been consulted about the proposed loading zone, and it is not considered necessary to do so as this proposal is to support the immediate businesses within the Riverview development.

6. **IMPLICATIONS AND RISKS**

6.1. **Financial Implications**

The cost of the installation of the signs and road marking required for the Loading Zone will be funding from operational budgets. The estimated cost to convert the two car-parking spaces to a Loading Zone is $500.

6.2. **Community Implications**

This project will have positive implications to the community, it will improve the safety of the surrounding areas and provide provisions for safe unloading and loading practices in the vicinity.

6.3. **Risk Management**

The installation of a loading zone greatly decreases the risk of goods vehicles loading and unloading in an unsafe and undesirable manner or location within a town centre. Without a loading zone, large goods vehicles tend to use live traffic lanes and/or footpaths and cycle ways.

6.4. **Health and Safety**

Standard construction Health and Safety risks are associated with the removal of existing road marking and the installation of the new signs and markings.

7. **CONTEXT**

7.1. **Policy**

This matter is not a matter of significance in terms of the Council’s Significance and Engagement Policy.

7.2. **Legislation**

The Health and Safety at Work Act, Land Transport Management Act and Local Government Act are relevant in this matter.

7.3. **Community Outcomes**

The following community outcomes are relevant in this matter:

- There is a safe environment for all;
- Public spaces and facilities are plentiful, accessible and high quality.
- Transport is accessible, convenient, reliable and sustainable
- Businesses in the District are diverse, adaptable and growing.

7.4. **Delegations**

The Board, under delegation S-DM 1041, has specific jurisdiction for:

“Approving traffic control and constraint measures on streets, and recommending to District Planning and Regulations Committee; matters relating to Council parking by-laws.”