

OFFICER'S REPORT FOR:

Hearing Panel

SUBJECT:

Proposed Waimakariri District Plan:
Whitua Motuhake - Special Purpose Zone -
Pines Beach and Kairaki Regeneration

PREPARED BY:

Bryony Steven

REPORT DATED:

19 January 2024

DATE OF HEARING:

Hearing Stream 10
19 February 2024

Executive Summary

1. This report considers submissions received by the District Council in relation to the relevant objectives, policies, rules, built form standards, matters of discretion, definitions, appendices, and planning maps of the Proposed Plan as they apply to the Special Purpose Zone – Pines Beach and Kairaki Regeneration chapter ('SPZ(PBKR)'). The report outlines recommendations in response to the issues that have emerged from these submissions.
2. There were a number of submissions and further submissions received on the SPZ(PBKR) chapter. The following are considered to be the key issues in contention in the chapter:
 - Concern that The Pines Beach and Kairaki communities be treated fairly in any transition from the coastline in response to sea level rise;
 - Consistency with the Canterbury Regional Policy Statement and recognition of freshwater flood hazards;
 - Submissions to amend non-residential activity provisions to include hours of operation, require a parking plan, and to limit vehicle movements;
 - Amendments sought to the Planning Maps and Appendix APP1; and
 - Concerns around caravans being kept on leased sites, fire risk from unmaintained vegetation and issues from shading arising from landscaping requirements.
3. This report addresses each of these matters, as well as any other issues raised by submissions.
4. The SPZ(PBKR) chapter may also be subject to a number of consequential amendments arising from submissions to the whole of the Proposed Plan and other chapters.
5. I have recommended some changes to the Proposed Plan provisions to address matters raised in submissions and are summarised below:
 - Amend SPZ(PBKR)-R6, SPZ(PBKR)-R7, SPZ(PBKR)-R9 and SPZ(PBKR)-MD1 to include hours of operation;
 - Amend Appendix APP1 to change the alternative zoning for 2 and 3 Chichester Street, The Pines Beach to General Residential Zone; and
 - Amend the Planning Maps to show the zoning for 2 Chichester Street, The Pines Beach as Natural Open Space Zone.
6. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that the Proposed Plan be amended as set out in **Appendix A** of this report.
7. For the reasons set out in the Section 32AA evaluations in this report, I consider that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate means to:
 - achieve the purpose of the RMA where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives; and

- achieve the relevant objectives of the Proposed Plan, in respect to the proposed provisions.

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Interpretation

8. The Officer's reports utilises a number of abbreviations for brevity as set out in Table 1 and Table 2 below:

Table 1: Abbreviations

Abbreviation	Means
CRPS	Canterbury Regional Policy Statement
District Council	Waimakariri District Council / territorial authority
ECan	Environment Canterbury / Canterbury Regional Council
GRZ	General Residential Zone
NOSZ	Natural Open Space Zone
NPS-UD	National Policy Statement on Urban Development 2020
NZCPS	New Zealand Coastal Policy Statement 2010
Operative Plan	Operative Waimakariri District Plan
OSRZ	General Objectives and Policies for all Open Space Zones
Proposed Plan	Proposed Waimakariri District Plan
Recovery Plan	Waimakariri Residential Red Zone Recovery Plan 2016
RLZ	Rural Lifestyle Zone
RMA	Resource Management Act 1991
SPZ(KR)	Special Purpose Zone Kaiapoi Regeneration
SPZ(PBKR)	Special Purpose Zone Pines Beach and Kairaki Regeneration
TKOTT	Te Kōhaka O Tūhaitara Trust

Table 2: Abbreviations of Submitters' Names

Abbreviation	Means
Clampett	Clampett Investments Limited
ECan	Environment Canterbury / Canterbury Regional Council
PKBA	Land Subcommittee - Pines and Kairaki Beaches Association
RIDL	Rolleston Industrial Developments Limited
WDC	Waimakariri District Council (as submitter)

9. In addition, references to submissions includes further submissions, unless otherwise stated.

1 Introduction

1.1 Purpose

10. The purpose of this report is to provide the Hearings Panel with a summary and analysis of the submissions received on the SPZ(PBKR) chapter and to recommend possible amendments to the Proposed Plan in response to those submissions.
11. This report is prepared under section 42A of the RMA. It considers submissions received by the District Council in relation to the relevant strategic direction objectives, objectives, policies, rules, appendices, and planning maps as they apply to the SPZ(PBKR) chapter in the Proposed Plan.
12. This report discusses general issues or topics arising, the original and further submissions received following notification of the Proposed Plan, makes recommendations as to whether or not those submissions should be accepted or rejected, and concludes with a recommendation for changes to the Proposed Plan provisions or maps based on the preceding discussion in the report.
13. The recommendations are informed by the evaluation I have undertaken as the reporting officer. In preparing this report I have had regard to recommendations made in other related s42A reports where necessary.
14. This report is provided to assist the Hearings Panel in their role as Independent Commissioners. The Hearings Panel may choose to accept or reject the conclusions and recommendations of this report and may come to different conclusions and make different recommendations, based on the information and evidence provided to them by submitters.

1.2 Author

15. My name is Bryony Annette Steven. My qualifications and experience are set out in **Appendix C** of this report.
16. My role in preparing this report is that of an expert planner.
17. I was not involved in the preparation of the Proposed Plan, and I did not author the Section 32 Evaluation Report for the SPZ(PBKR) chapter. However, I have reviewed the section 32 Evaluation Report in preparing my evidence.
18. Although this is a District Council Hearing, I have read the Code of Conduct for Expert Witnesses contained in the 2023 Practice Note issued by the Environment Court. I have complied with that Code when preparing my written statement of evidence and I agree to comply with it when I give any oral evidence.
19. The scope of my evidence relates to the SPZ(PBKR) chapter. I confirm that the issues addressed in this statement of evidence are within my area of expertise as an expert policy planner.
20. Any data, information, facts, and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. Where I have set out opinions in my evidence, I have given reasons for those opinions.
21. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

1.3 Background to the Special Purpose Zone - The Pines Beach and Kairaki Regeneration

22. The Pines Beach and Kairaki were badly affected by the 2010 and 2011 Christchurch earthquakes and parts were “red-zoned” as part of the government’s immediate response and offered a voluntary government buyout. Some residents declined the government buyout and chose to remain on their properties. These properties are referred to within this report as “the remaining residential properties” or to like effect.
23. The land purchased by the Crown was later transferred to Council ownership or to Te Kōhaka O Tūhaitara Trust (TKOTT).
24. TKOTT was established in 1998 by the Council and Te Rūnanga o Ngāi Tahu through the Ngāi Tahu (Tūtaepatu Lagoon Vesting) Act 1998 as part of the Ngāi Tahu Treaty Settlement process. TKOTT are responsible for the management of Tūhaitara Coastal Park which stretches from the mouth of the Waimakariri River to the Ashley/ Rakahuri Estuary, encompassing approximately 660ha of land.
25. The land in Kairaki that was transferred to TKOTT ownership was done so with the intention that the land could be leased out as a revenue source to finance TKOTT’s activities in the Tūhaitara Coastal Park. **Figure 1** and **Figure 2** show the previously residential land at The Pines Beach and Kairaki now owned by TKOTT.
26. In Kairaki, all vacant sites are owned by TKOTT and managed in accordance with the Tūhaitara Coastal Reserve Management Plan 2022. TKOTT also own a number of sites in The Pines Beach between Reid Memorial Avenue and Monks Parade. The remaining vacant sites in The Pines Beach are owned by the Council¹ and I understand that there is no intention to lease out this land at this stage.
27. As part of the post-earthquake response, ‘The Waimakariri Residential Red Zone Recovery Plan 2016’ (Recovery Plan) identified recommended long-term uses for recovery and regeneration. The Recovery Plan was developed and gazetted under the Canterbury Earthquake Recovery Act 2011 and the Greater Christchurch Regeneration Act 2016, and the Proposed Plan was written to ‘not be inconsistent with’ the Recovery Plan. The legislation under which the Recovery Plan was developed and gazetted has since been repealed² and as a result, the Recovery Plan is now a plan that the PDP ‘shall have regard to’ under s74(2)(b)(i) of the RMA.
28. The chapter provides for residential activities for the remaining residential properties through the provisions in the Settlement Zone chapter.

¹ TKOTT have a long-term lease of some of this land as set out in the Tūhaitara Coastal Reserve Management Plan 2022.

² The Canterbury Earthquake Recovery Act 2011 was repealed 19 April 2016, and the Greater Christchurch Regeneration Act 2016 was repealed on 30 June 2021 (just prior to the notification of the Proposed Plan in September 2021).

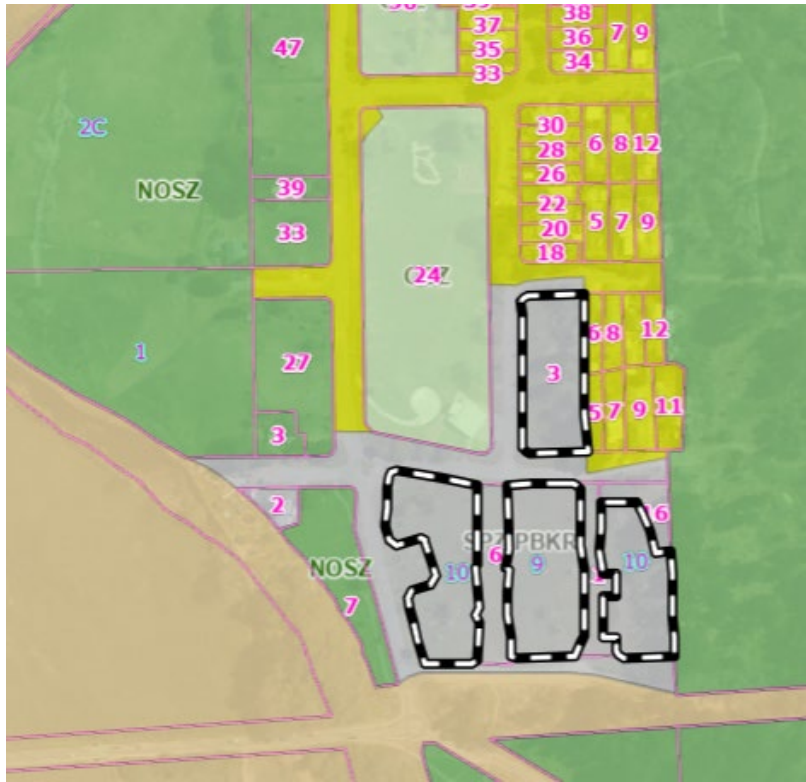


Figure 1: Te Kōhaka o Tūhaitara Trust owned land at The Pines Beach

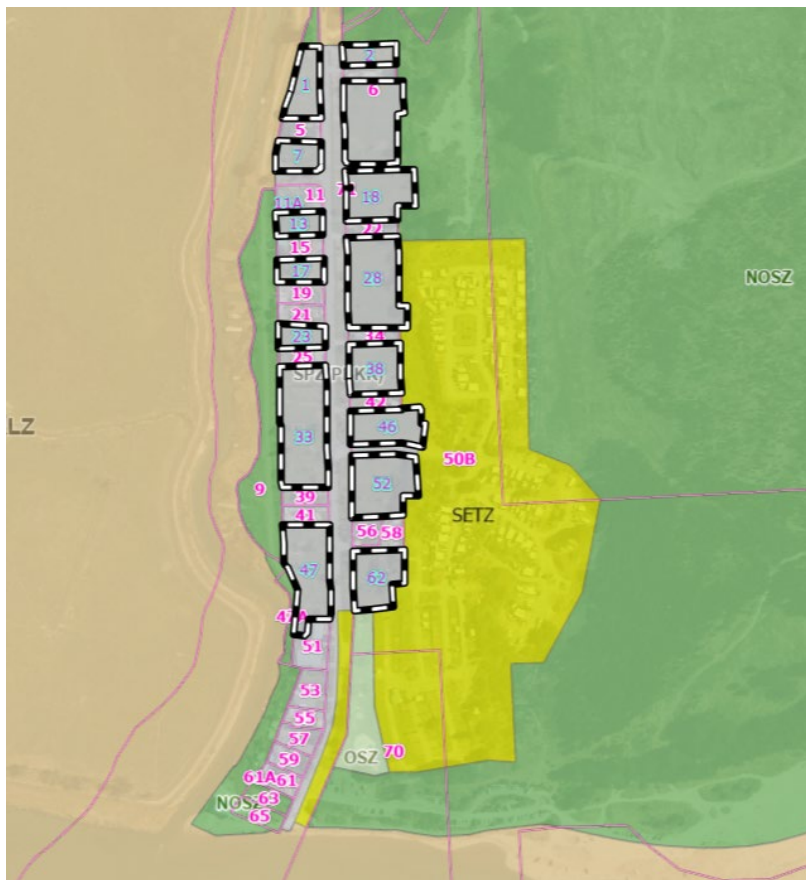


Figure 2: Te Kōhaka o Tūhaitara Trust owned land at Kairaki

1.3.1 Land Subcommittee – Pines and Kairaki Beaches Association submission

29. The main submission on the SPZ(PBKR) chapter was from the 'Land Subcommittee – Pines and Kairaki Beaches Association' ('PKBA') [186]. I understand that the PKBA advocates for the Beach communities as well as running community initiatives. The PKBA submission helpfully raised several issues to the community and sought to provide solutions to these through the District Plan.
30. Some of the issues raised are not resource management issues under the RMA (e.g. unmaintained grass) and in my view, the District Plan is not the most appropriate place to resolve these issues. As a result I have been unable to accept some of the relief sought by the PKBA in the following assessment of submissions.

1.4 Supporting Evidence

31. The expert evidence, literature, legal cases or other material which I have used or relied upon in support of the opinions expressed in this report includes the following:
- *Waimakariri Residential Red Zone Recovery Plan*. He Mahere Whakarauora i te Whenua Rāhui o Waimakariri, December 2016.

1.5 Key Issues in Contention

32. A number of submissions and further submissions were received on the provisions in the SPZ(PBKR) chapter. The submissions received were diverse and sought a range of outcomes; including for example, amendments to rules for non-residential activities to specify hours of operation, require a parking plan and to limit the number of vehicle movements.
33. I consider the following to be the key issues in contention in the chapter:
- Concern that The Pines Beach and Kairaki communities be treated fairly in any transition from the coastline in response to sea level rise;
 - Consistency with the Canterbury Regional Policy Statement and recognition of freshwater flood hazards;
 - Submissions to amend non-residential activity provisions to include hours of operation, require a parking plan, and to limit vehicle movements;
 - Amendments sought to the Planning Maps and Appendix APP1; and
 - Concerns around caravans being kept on leased sites, fire risk from unmaintained vegetation and issues from shading arising from landscaping requirements.

34. I address each of these key issues in this report, as well as any other issues raised by submissions.

1.6 Procedural Matters

35. At the time of writing this report there have not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on this chapter.

2 Statutory Considerations

2.1 Resource Management Act 1991

36. The Proposed Plan has been prepared in accordance with the RMA and in particular, the requirements of:

- section 74 Matters to be considered by territorial authority; and
- section 75 Contents of district plans.

37. There are a number of higher order planning documents and strategic plans that provide direction and guidance for the preparation and content of the Proposed Plan. These documents are discussed in detail within the Section 32 Evaluation Report: Special Purpose Pines Beach and Kairaki Regeneration.

2.2 Section 32AA

38. I have undertaken an evaluation of the recommended amendments to provisions since the initial section 32 evaluation was undertaken in accordance with s32AA. Section 32AA states:

32AA Requirements for undertaking and publishing further evaluations

(1) A further evaluation required under this Act—

(a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and

(b) must be undertaken in accordance with section 32(1) to (4); and

(c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and

(d) must—

(i) be published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or

(ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.

(2) To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).

39. The required section 32AA evaluation for changes proposed as a result of consideration of submissions with respect to the chapter is contained within the assessment of the relief sought in submissions in section 3 of this report, as required by s32AA(1)(d)(ii).

2.3 Trade Competition

40. There are no known trade competition issues raised within the submissions.

3 Consideration of Submissions and Further Submissions

3.1 Overview

41. There is a total of 31 submission points from seven original submitters and twenty further submission points from 8 further submitters addressed within this report. The majority of the submission points on the chapter were received from the PKBA who generally support the chapter but are concerned about the potential effects of the lease land and consider this poses unique planning challenges. The PKBA propose several amendments to address their concerns.
42. Four plan wide submission points from Clampett Investments Limited (Clampett) and Rolleston Industrial Developments Limited (RIDL) are addressed within this report for their application to the SPZ(PBKR) chapter. The plan wide submissions by RIDL received eleven further submission points in opposition.
43. I note that there are further submissions that support / oppose submissions in their entirety. These further submissions do not contain substantive commentary that is relevant to the primary submission points addressed within this report. These further submissions are as follows:
 - The further submissions from Richard and Geoff Spark [FS37] and David Cowley [FS41] oppose the original submission from ECan [316] in its entirety;
 - The further submission from Christchurch International Airport Limited [FS80] supports the original submission from ECan [316] in its entirety; and
 - The Ohoka Residents Association [FS137] further submission opposes the entirety of the RIDL [326] submission.
44. Additionally, I have provided a primacy assessment of the Strategic Directions and Urban Form and Development provisions as they relate to the SPZ(PBKR) chapter in response to the Panel's direction in Minute 11.

3.1.1 Report Structure

45. In accordance with Clause 10(3) of the First Schedule of the RMA, I have undertaken the following evaluation on a provisions-based approach, as opposed to a submission by submission approach. Specific recommendations on each submission / further submission point are contained in **Appendix B**. I have organised the evaluation in accordance with the layout of the chapter in the Proposed Plan as notified.
46. The following evaluation should be read in conjunction with the summaries of submissions and the submissions themselves. Where I agree with the relief sought and the rationale for that relief, I have noted my agreement, and my recommendation is provided in the summary of submissions table in **Appendix B**. Where I have undertaken further evaluation of the relief sought in a submission, the evaluation and recommendations are set out in the body of this report. I have provided a marked-up version of the chapter with recommended amendments in response to submissions as **Appendix A**.
47. There are no definitions specific to the SPZ(PBKR) chapter addressed within this S42A report.

3.1.2 Format for Consideration of Submissions

48. For each identified topic, I have considered the submissions that are seeking changes to the Proposed Plan in the following format:

- Matters raised by submitters;
- Assessment;
- Summary of recommendations; and
- Section 32AA evaluation.

49. The recommended amendments to the SPZ(PBKR) chapter are set out in **Appendix A** of this report where all text changes are shown in a consolidated manner.

50. I have undertaken a s32AA evaluation in respect to the recommended amendments in my assessment.

3.2 Strategic Directions Primacy Assessment

51. As directed by Minute 11, the Panel have requested that report authors provide their own professional opinion of the potential implications on the chapter's objectives if the Strategic Directions objectives (SD and UFD) are given primacy, or not. A number of different responses to primacy have been set out in a memo from Mr Buckley dated 29 September 2023:

(a) SD objectives have no "primacy" and sit on the same level as other objectives in the plan;

(b) SD objectives have "primacy" in one of the following different senses (dependent on how the district plan is crafted):

(i) SD objectives inform objectives and policies contained in other chapters;

(ii) Objectives and policies in other chapters must be expressed and achieved as being consistent with the SD objectives;

(iii) SD objectives are used to resolve conflict with objectives and policies in other chapters; and

(iv) SD objectives override all other objectives and policies in the plan.

Primacy options – (b)(i) and (ii)

52. In my view, primacy approaches (b)(i) and (ii) are essentially already achieved in relation to the chapter as this was the general approach that was taken when drafting the Proposed Plan. The s32 report for the SPZ(PBKR) chapter identified the most relevant strategic directions to the chapter as SD-O1, SD-O2 and SD-O6. The SPZ(PBKR) chapter is not specifically recognised within the SDs, instead the SDs address the chapter objectives at a high level as appropriate to the intended function of the SDs.

53. In my view, the relevant SDs relate to the SPZ(PBKR) objectives in the following ways:

54. SD-O1 Natural environment

- SPZ(PBKR)-O1 *Specific activities and use* achieves SD-O1 by requiring new activities to be complementary to the adjoining Tūhaitara Coastal Park and Natural Open Space Zone, supporting the implementation of the natural environment SD in the SPZ(PBKR) zone.

55. SD-O2 Urban development

- SPZ(PBKR)-O3 *Residential activities* and SPZ(PBKR)-O1 *Specific activities and use* relate to SD-O2 through the recognition of existing character, amenity values and functionality for residents.

56. SD-O6 Natural hazards and resilience

- SPZ(PBKR)-O2 *Natural hazard resilience* relates to SD-O6 by requiring new buildings and activities to be natural hazard resilient.

57. I do not consider the UFD objectives and policies to be relevant to the SPZ(PBKR) chapter as they primarily relate to the provision of residential, commercial, and industrial land to meet demand.

58. I consider that the relevant SDs sufficiently address the SPZ(PBKR) objectives under primacy approach (b)(i) and (ii) and in my view there is unlikely to be adverse implications for the SPZ(PBKR) chapter as a result of this primacy approach as the objectives and policies throughout the Plan provide specific direction.

Primacy options – (b)(iii) and (iv) ‘full primacy’

59. I have considered the objectives of the SPZ(PBKR) chapter and the potential implications for the chapter if the SD objectives were to have full primacy.

60. As outlined above, the SD chapter reflects the SPZ(PBKR) objectives at a high level. Under a full primacy approach I consider that the SPZ(PBKR) objectives are generally recognised within the SDs, however, as the SDs are written at a high level, the specificity of the SPZ(PBKR) objectives are not reflected within the SDs. I therefore consider that the specific objectives and policies in the SPZ(PBKR) chapter and across the Plan are more effective and appropriate for conflict resolution than the SDs.

61. I note that the SDs do not address earthquake recovery which is the context behind the SPZ(PBKR) chapter. I consider that under a full primacy approach, the SDs should address the earthquake recovery context to ensure that SDs with primacy do not override the need for recovery and regeneration within the regeneration zones in The Pines Beach, Kairaki and Kaiapoi and more generally across the District. I have discussed this with the Special Purpose Zone Kaiapoi Regeneration (‘SPZ(KR)’) author, Shelley Milosavljevic and we are in agreement with this approach.

62. The topic of recovery and regeneration technically meets some of the criteria identified in Mr Willis’ memo contained within Mr Buckley’s memo, as follows:

- *Whether the topic covered is significant within a Greater Christchurch context or significant by virtue of direction provided in the Canterbury Regional Policy Statement, Urban Development Strategy or the Land Use Recovery Plan³; and*
- *Whether the strategic direction is required at an overarching level to respond to the District Development Strategy or town centre plans.*

³ The Land Use Recovery Plan (LURP) does not specifically cover the residential red zone as this is covered in the Recovery Plan https://www.redzoneplan.nz/_data/assets/pdf_file/0015/17430/Supplementary-Planning-Assessment-response-to-minute-of-6-April-2016.pdf

63. On this issue, I have discussed with Mr Willis⁴ why there is no SD to provide for regeneration. Mr Willis identified that the issue was ‘just below the line’ when assessed against the stated criteria. The reasons for this are as follows:

- a. Much of the red-zoned area has already been re-developed by the Council and community (e.g. the dog park, the sport and recreation areas and the food forest);
- b. The CRPS recovery period is identified as being through to 2028 and the provisions in this plan will have a longer lifespan than this period;
- c. The majority of the ‘red zoned’ area is owned by the Council and developed through separate community consultation exercises and this ownership and engagement process reduces the need for strong district plan guidance; and
- d. The recovery / regeneration areas are discrete and localised, while the SDs generally cover matters that are more widespread in the district.

64. I concur with Mr Willis that the issue is ‘just below the line’ and I do not consider that regeneration is an issue that necessarily needs to be elevated to a SD. The SPZ(PBKR) zone is a relatively discrete area with bespoke chapter provisions and apart from the remaining residential properties, the land is owned by Council and TKOTT and is generally being used and developed in accordance with the direction in the Recovery Plan.

65. However, should the Panel consider it necessary to include a SD for regeneration under primacy approach b(i) and (ii), I do not consider that this would cause any issues. I note that I have not identified scope through submissions to include a SD for regeneration should primacy approach (b)(i) and (ii) be preferred.

Primacy assessment conclusion

66. Overall, I consider that there is sufficient coverage within the SDs to provide for the SPZ(PBKR) provisions under primacy approach (b)(i) and (ii) and under this approach I do not consider it necessary to elevate regeneration to the SDs. The SPZ(PBKR) chapter is a bespoke chapter for a relatively discrete area that is generally being developed and used in accordance with the Recovery Plan.

67. However, should full primacy apply to the Proposed Plan, then I consider it would be necessary to elevate regeneration to a SD to ensure that the need for regeneration is not overridden by the SDs. I consider there is scope for such amendments through the submissions by MainPower [249.197] and Kāinga Ora [325.1] that seek primacy of the Strategic Directions, including consequential amendments.

3.3 General Submissions

3.3.1 Matters raised by submitters

68. The Kaiapoi-Tuahiwi Community Board [147.23] seek that “*the Pines and Kairaki Beaches communities be treated fairly in any transition from the coastline with sea level rise.*”

⁴ Mr Willis authored the Strategic Directions chapter and the SPZ(PBKR) chapter.

69. The PKBA [186.8] seek a new rule to keep grass to a maximum of 150mm and seek that an annual property inspection be considered. The submitter is concerned that due to land leases there could be a risk that these leased sites are not maintained, and fire risk may increase.

3.3.2 Assessment

Kaiapoi-Tuahiwi Community Board [147.23]

70. I agree with the Kaiapoi-Tuahiwi Community Board [147.23] that the communities at The Pines Beach and Kairaki Beach should be treated fairly in any transition away from the coast as a result of sea level rise. The Natural Hazards chapter (NH) includes policy NH-P16 *Redevelopment and relocation in coastal hazard and natural hazard overlays* that encourages changes in land use including managed retreat. The SPZ(PBKR) chapter enables relocatable buildings on sites not listed in Appendix APP1. This approach was taken to the chapter to enable continued investment in these communities that is responsive to natural hazard and climate change risks.

71. I recommend the submission by the Kaiapoi-Tuahiwi Community Board [147.23] be **accepted**, noting that the submitter does not seek changes and I have not recommended any amendments to the Proposed Plan as a result of the submission.

Land subcommittee – Pines and Kairaki Beaches Association [186.8]

72. The PKBA [186.8] seek a new rule that grass be kept to a maximum length of 150mm, and they request that an annual property inspection be considered. Whilst I understand the submitter's concern about unmaintained grass, I consider that the issue is not a resource management issue to be addressed through the District Plan.

73. Additionally, the Waimakariri District Council Property Maintenance Bylaw 2020 authorises Council to mow long grass that is 200mm or more in length that is not maintained by the owner of the site. Fire and Emergency New Zealand may also have a response role where the grass is a fire hazard.

74. I therefore recommend that the submission by PKBA [186.8] be **rejected**.

3.3.3 Summary of recommendations

75. I recommend the submission by Kaiapoi-Tuahiwi Community Board [147.23] be **accepted**.

76. I recommend the submission by PKBA [186.8] be **rejected**.

77. I recommend no changes are made to the SPZ(PBKR) chapter as a result of the submissions.

3.4 Objectives

3.4.1 SPZ(PBKR)-O2 Natural hazard resilience

3.4.2 Matters raised by submitters

78. Environment Canterbury Regional Council (ECan) [316.183] support in part SPZ(PBKR)-O2 but suggest the objective is amended to use terminology that is more consistent with the Canterbury Regional Policy Statement (CRPS). In their submission, ECan state that *“the CRPS encourages resilience toward natural hazards. However, there is a hierarchy that makes it clear when to avoid effects and when mitigation may be acceptable.”*

Further submissions

79. Richard and Geoff Spark [FS37] and David Cowley [FS41] oppose the entirety of the ECan submission [316] and seek the ECan submission be rejected to the extent that it is inconsistent with the primary submissions by Richard and Geoff Spark [183] and David Cowley [244].
80. Christchurch International Airport Ltd [FS80] generally supports the submission by ECan [316].

3.4.3 Assessment

81. The CRPS chapter 11 sets out the objectives and policies for natural hazards that the District Plan must “*give effect to*” (s75(3)(c) RMA). Policy SPZ(PBKR)-P4 requires that new natural hazard sensitive buildings or extensions be in accordance with the requirements of the NH chapter in the Proposed Plan. The SPZ(PBKR) chapter therefore relies on the provisions in the NH chapter for activities subject to natural hazards.
82. The CRPS contains direction to avoid subdivision, development and use in high hazard areas with identified exceptions (objective 11.2.1, policies 11.3.1 and 11.3.2). The Pines Beach and Kairaki areas meet these exceptions, and through measures to mitigate the natural hazard risk, subdivision, use, and development may occur. As development will also need to consider the objectives within the NH chapter, a hierarchy within the objective framework of the plan is already established.
83. I therefore consider that SPZ(PBKR)-O2 by its implementation through SPZ(PBKR)-P4 (linking to the Natural Hazards objectives and policies) is consistent with and gives effect to the relevant objectives and policies of the CRPS. Accordingly, I do not consider the objective requires amendment for consistency with the CRPS. ECan support the objective in part, and I therefore recommend the submission be accepted in part, and I do not recommend any amendments to the objective.
84. The further submissions in opposition and in support of the ECan submission apply generally to the entire ECan submission and are not relevant to the ECan submission point [316.183] addressed within this report.

3.4.4 Summary of recommendations

85. I recommend the submission by ECan [316.183] be **accepted in part**.
86. I recommend the further submission by Christchurch International Airport Ltd [FS80] be **accepted in part**.
87. I recommend the further submissions by Richard and Geoff Spark [FS37] and David Cowley [FS41] be **rejected in part**.
88. I recommend no changes be made to SPZ(PBKR)-O2 as a result of these submissions.

3.5 Rules

3.5.1 SPZ(PBKR)-R1-16

3.5.1.1 Matters raised by submitters

89. The PKBA [186.10 and 186.31-186.45] submitted on SPZ(PBKR) rules 1 to 16. They identify that there are several non-residential permitted activities in rules SPZ(PBKR) 1-16, with some of these referencing SPZ-PBKR-MD1 *Development design and scale*, which they support as it “*covers traffic and amenity of adjoining residential sites generally*”. For non-residential activities they think the rules should cover hours of operation, require a parking plan, and limit the number of vehicle

movements. The submitter identifies that the relief sought is similar to provisions in the Settlement Zone.

3.5.1.2 Assessment

90. I have considered the SPZ(PBKR) rules 1 to 16 to determine whether the relief sought would be appropriate for the activities managed by these rules. I consider that rules 6 – 12 are non-residential activity rules where the requested relief could be applied. These rules provide for the following:

- retail activity;
- commercial services;
- community facilities;
- entertainment activity;
- ancillary offices to education activities or conservation activities;
- cultural facilities; and
- educational facilities.

91. In my view, of the above rules, the activities managed by rules SPZ(PBKR)-R6 *Retail activity*, SPZ(PBKR)-R7 *Commercial services* and SPZ(PBKR)-R9 *Entertainment activities* could be reasonably amended as requested. The definitions of ‘retail activity’, ‘commercial services’ and ‘entertainment activity’ in these rules cover a broad range of activities with a variety of effects that may have the potential to adversely affect existing residential activities in the zone as well as the adjoining Natural Open Space Zone (NOSZ) or the Tūhaitara Coastal Park. Consequently, I consider that it would be appropriate to limit the hours of operation to manage the temporal extent of potential adverse effects from these activities.

92. For the remaining activities; community facilities, ancillary offices, cultural facilities and educational facilities, I am minded not to overly limit these activities through restricted hours of operation as these activities generally have the potential to directly support the activities of the Tūhaitara Coastal Park, and the community more broadly.

93. I recommend that SPZ(PBKR)-R6 *Retail activity* and SPZ(PBKR)-R7 *Commercial services* are amended to specify hours of operation from 7am to 7pm Monday to Sunday and for SPZ(PBKR)-R9 *Entertainment activities* from 7am to 9pm Monday to Sunday. As a consequential amendment to this recommendation, I recommend that SPZ(PBKR)-MD1(6) be amended to include the effects of hours of operation, as follows:

“The extent to which the activity generates traffic and other effects (including the hours of operation) that impact on the day to day operation and amenity of the local community.”

94. In regard to requiring parking for the activities, the National Policy Statement on Urban Development 2020 (NPS-UD) directs that the District Plan must not require a minimum number

of car parks to be provided for any activity, land use or development⁵. Furthermore, under rule SPZ(PBKR)-R15, any parking lot that contains fewer than 10 parking spaces is a permitted activity.

3.5.1.3 Summary of recommendations

95. I recommend the submissions by PKBA [186.35, 186.36 and 186.38] be **accepted in part**.

96. I recommend the submissions by PKBA [186.10, 186.31-186.34, 186.37 and 186.39-186.45] be **rejected**.

97. I recommend the SPZ(PBKR) chapter be amended as follows:

SPZ(PBKR)-R6 Retail activity on sites not listed in Appendix APP1	
Activity status: PER Where: <ol style="list-style-type: none"> the maximum cumulative GFA of all retail activity in the zone shall be 250m² in The Pines Beach, and 250m² in Kairaki-, <u>and</u> <u>the hours of operation that the retail activity is open to visitors, clients and deliveries shall be limited to 7:00am – 7:00pm Monday to Sunday.</u> 	Activity status when compliance not achieved: RDIS Matters of discretion are restricted to: SPZ-PBKR-MD1 - Development design and scale

SPZ(PBKR)-R7 Commercial services on sites not listed in Appendix APP1	
Activity status: PER Where: <ol style="list-style-type: none"> the maximum cumulative GFA of all commercial services in the zone shall be 250m² in The Pines Beach, and 250m² in Kairaki-, <u>and</u> <u>the hours of operation that the commercial service is open to visitors, clients and deliveries shall be limited to 7:00am – 7:00pm Monday to Sunday.</u> 	Activity status when compliance not achieved: RDIS Matters of discretion are restricted to: SPZ-PBKR-MD1 - Development design and scale

SPZ(PBKR)-R9 Entertainment activity on sites not listed in Appendix APP1	
Activity status: PER Where:	Activity status when compliance not achieved: RDIS Matters of discretion are restricted to:

⁵ NPS-UD subpart 8 s3.38.

<ol style="list-style-type: none"> 1. the maximum cumulative GFA of all entertainment activity buildings in the zone shall be 250m² in The Pines Beach, and 250m² in Kairaki, <u>and</u> 2. <u>the hours of operation that the entertainment activity is open to visitors, clients and deliveries shall be limited to 7:00am – 9:00pm Monday to Sunday.</u> 	SPZ-PBKR-MD1 - Development design and scale
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SPZ-PBKR-MD1	<p>Development design and scale</p> <ol style="list-style-type: none"> 1. The extent to which the design, scale, density and longevity of the development results in adverse visual and amenity effects on adjoining residential sites or any open space and recreation zones. 2. The extent to which the development contributes positively to the adjacent street and public open spaces being safe and attractive, including the degree to which fencing enables interaction between the habitable building and public space. 3. The extent and design of landscaping and open spaces within the development. 4. The incorporation of CPTED principles to achieve a safe, secure environment, including the extent to which the development: <ol style="list-style-type: none"> a. provides for views over, and passive surveillance of, adjacent public and publicly accessible spaces; b. makes pedestrian entrances and routes readily recognisable; and c. provides for good visibility with clear sightlines. 5. The extent to which the activity does not adversely affect the function or capacity of the nearby Kaiapoi Town Centre to provide for primarily commercial and community activities. 6. The extent to which the activity generates traffic and other effects (<u>including the hours of operation</u>) that impact on the day to day operation and amenity of the local community.
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3.5.1.4 Section 32AA evaluation

98. In my opinion, the amendments to SPZ(PBKR)-R6, SPZ(PBKR)-R7, SPZ(PBKR)-R9 and SPZ(PKBA)-MD1 are more appropriate in achieving the objectives and policies of the Proposed Plan than the notified provisions. In particular, the recommended amendments align with the direction in SPZ(PBKR)-O1 to manage amenity values at boundaries with remaining private residences. I also consider that the recommended amendments more appropriately give effect to SPZ(PBKR)-P2(2) that seeks to provide for small scale retail activities. The recommended amendments will not have any greater environmental, economic, and cultural effects than the notified provisions.

3.5.2 SPZ(PBKR)-R17 Natural hazard sensitive activities on sites not listed in Appendix APP1

3.5.2.1 Matters raised by submitters

99. The PKBA [186.11] support SPZ(PBKR)-R17 and support the relocatable building concept.

3.5.2.2 Assessment

100. I agree with the submitter in their support for the provision. I note that a submission on the definition of 'Relocatable building' by the 'House Movers Section of New Zealand Heavy Haulage Association' [221.1], seeks that the definition be deleted. The definition of 'relocatable building' will be assessed in the Temporary Activities Chapter S42A report. I recommend that the submission by the PKBA [186.11] be **accepted**.

3.5.2.3 Summary of recommendations

101. I recommend the submission by PKBA [186.11] be **accepted**.
102. I recommend that no change be made to the SPZ(PBKR) chapter in the Proposed Plan in response to the submission.

3.5.3 SPZ(PBKR)-R18 Residential activity on sites not listed in Appendix APP1

3.5.3.1 Matters raised by submitters

103. The PKBA [186.9] generally support SPZ(PBKR)-R18 *"as long as the requirement for resource consent for all residential activities including caravans is upheld"*. The submission also supports SPZ(PBKR)-MD8 as it enables consideration of adverse amenity effects on adjoining residential properties. They also seek a limit of one caravan or motorhome per site, and that any proposed caravan or motorhome provides a waste disposal proposal.

3.5.3.2 Assessment

104. The PKBA support the activity status of the rule and identify that discretion is limited to, amongst others, SPZ-PBKR-MD8(3) *"The extent to which the residential activity and visitor accommodation activity results in adverse amenity effects on adjoining residential properties."*
105. From my understanding of the submission, the PKBA is concerned that multiple caravans may be parked on empty sites at Kairaki. I understand that this concern is related to the leases managed by TKOTT, and the submitter is seeking control of this through the District Plan.
106. The definition of 'residential activity' includes 'buildings' and the definition of 'buildings' could apply to caravans when they are located on a site and not connected to a motorised vehicle (a determination on which would likely be specific to individual site contexts i.e. if they are set up in a manner in which they are being used permanently onsite rather than able to be readily and regularly moved offsite). As a result, the number, location, or other matters associated with the use of the caravan/s does not need to be specified in the rule as this can be considered through a resource consent under the applicable matters of discretion.
107. Additionally, SPZ(PBKR)-P2(4) seeks to *"provide for non-permanent residential activity and visitor accommodation where these support recreation, education and conservation activities in the Tuhaitara Coastal Park"*. I therefore consider that limiting the number of caravans or motorhomes allowed per site could be seen to contravene this policy direction and such an amendment would fail to pass the s32AA test. I highlight that the key point here is the quantifier of being a 'non-permanent' residential activity.
108. Furthermore, were a site intended to be occupied by several caravans for rent or hire, then the Camping-Grounds Regulations 1985 would apply under which the Council is responsible for enforcing the regulations.

109. I support the RDIS activity status, and I therefore recommend the submission by PKBA [186.9] be **accepted in part**.

3.5.3.3 Summary of recommendations

110. I recommend that the submission by PKBA [186.9] be **accepted in part**.

111. I recommend that no change be made to the SPZ(PBKR) chapter in the Proposed Plan in response to the submission.

3.6 Built Form Standards

3.6.1 SPZ(PBKR)-BFS5 Internal boundary landscaping for non-residential activity

3.6.1.1 Matters raised by submitters

112. The PKBA [186.13] seek SPZ(PBKR)-BFS5 is amended to delete the requirement for trees to be a minimum height of 1.5m at the time of planting as this would shade properties to the south. The submitter identifies that trees can be a major cause of neighbourly disputes.

3.6.1.2 Assessment

113. The built form standards only apply to SPZ(PBKR)-R1 *Construction or alteration of or addition to any building or structure* and only apply to sites **not** listed on Appendix APP1.

114. SPZ(PBKR)-BFS5 applies to non-residential activities and is intended to enhance the landscaping on the boundary with other properties that are either zoned Residential, Open Space and Recreation or that are listed in Appendix APP1.

115. The requirement in SPZ(PBKR)-BFS5(2) that trees planted in accordance with clause (1) are to be 1.5m in height at the time of planting is to support the viability of the trees at the time of planting and to also provide some immediate landscape enhancement and visual remediation of the non-residential activity. As SPZ(PBKR)-BFS5 only applies to non-residential activities, I consider that an expectation for landscape remediation is important in order to reduce the visual impact of the non-residential activity on the surrounding environment.

116. In my opinion, the deletion of the minimum height requirement at planting will not have the outcome sought by the submitter. Additionally, in my view alternative amendments to the rule requirement (e.g. increasing the minimum distance between trees) will not significantly reduce shading to address the submitters concern. I consider that some landscape remediation is important, and I therefore recommend the submission by the PKBA [186.13] be rejected.

3.6.1.3 Summary of recommendations

117. I recommend the submission by the PKBA [186.13] be **rejected**.

118. I recommend that no change be made to the SPZ(PBKR) chapter in the Proposed Plan in response to the submission.

3.7 Matters of Discretion

3.7.1 SPZ-PBKR-MD9 Natural hazards

3.7.1.1 Matters raised by submitters

119. The PKBA [186.12] support SPZ-PBKR-MD9 as notified and support the relocatable homes concept.
120. ECan [316.185] is concerned that SPZ-PBKR-MD9 is too focused on coastal inundation and sea level rise and that freshwater flooding and associated risks also need to be mitigated. ECan seek that Council ensures *“that there is scope to consider the natural hazard effects from present day flooding, including fresh water flooding.”*

Further submissions

121. Richard and Geoff Spark [FS37] and David Cowley [FS41] oppose the entirety of the ECan submission [316] and seek the ECan submission be rejected to the extent it is inconsistent with the primary submissions by Richard and Geoff Spark [183] and David Cowley [244].
122. Christchurch International Airport Ltd [FS80] generally support the ECan submission.

3.7.1.2 Assessment

PKBA [186.12]

123. I note that the PKBA submission [186.12] relates to the PKBA [186.11] submission on SPZ(PBKR)-R17. On both provisions, the PKBA support the relocatable building concept. As noted previously, a submission seeks that the definition of ‘relocatable building’ be deleted and this submission point will be assessed in the Temporary Activities Chapter S42A report. I agree with PKBA [186.12] in their support for SPZ-PBKR-MD9 and I recommend that the submission be **accepted**.

ECan [316.185]

124. ECan [316.185] seek that SPZ(PBKR)-MD9 be amended to include freshwater flooding risk. SPZ(PBKR)-MD9(1) makes specific reference to *“the risk of flooding from localised rainfall events, an Ashley River/Rakahuri breakout event...”*. As such, I consider that SPZ(PBKR)-MD9 already appropriately identifies freshwater flooding risk. I recommend that the ECan submission point [316.185] be **rejected** as their relief sought is already provided for.
125. The further submissions in opposition and in support of the ECan submission apply generally to the entire ECan submission and are not specific to the ECan [316.185] submission point addressed within this report.

3.7.1.3 Summary of recommendations

126. I recommend that the submission by the PKBA [186.12] be **accepted**.
127. I recommend that the submission by ECan [316.185] be **rejected**.
128. I recommend that the further submissions by Richard and Geoff Spark [FS37] and David Cowley [FS41] as they relate to the ECan [316.185] submission be **accepted**.
129. I recommend that the further submission by CIAL [FS80] as it relates to the ECan [316.185] submission be **rejected**.

130. I recommend that no change be made to the SPZ(PBKR) chapter in the Proposed Plan in response to the submissions.

3.8 Planning Maps

3.8.1 Matters raised by submitters

131. The Waimakariri District Council [367.23] seeks that Appendix APP1 is amended to change the alternative zoning for 2 and 3 Chichester Street, The Pines Beach from 'Settlement' zone to 'General Residential' zone.

132. WDC also seek that the planning maps be amended for 2 Chichester Street, The Pines Beach, to change the map layer from SPZ(PBKR) to Natural Open Space Zone (NOSZ).

3.8.2 Assessment

Amend Appendix APP1

133. The WDC submission seeks that Appendix APP1 is amended to change the alternative zoning for 2 and 3 Chichester Street, The Pines Beach from Settlement Zone to General Residential Zone. The alternative/ underlying zoning in Appendix APP1 is to provide a rule framework for residential activities to continue to occur on these sites. As I understand, all remaining residential properties zoned as an Open Space and Recreation Zone, were alternatively zoned General Residential. NOSZ-R1 provides the link to the GRZ activity rules, ensuring residential activities are able to occur on site.

134. This is supported by the s32 report on the Open Space and Recreation Zones which states that *"within the Open Space and Recreation Zones are 7 privately owned sites containing pre-earthquake residential activity, as identified in Appendix 'App1 Regeneration Area Remaining Private Residences and Alternate Zone' of the proposed District Plan. While these sites lie within the Open Space and Recreation Zones, they are instead subject to the provisions of the General Residential zone"*⁶.

135. I therefore concur with the WDC submission [367.23] and recommend that the submission be accepted, and the alternative zone changed to General Residential Zone for the two properties.

Amend mapping for 2 Chichester Street, The Pines Beach

136. The WDC submission also seeks that the planning maps be amended to show the zoning for 2 Chichester Street, The Pines Beach as NOSZ rather than SPZ(PBKR). **Figure 3** below shows the planning maps for the property in the Proposed Plan showing the zoning as SPZ(PBKR) and the surrounding land as NOSZ, Rural Lifestyle Zone (RLZ) and SPZ(PBKR).

⁶ Section 32 Report Open Space and Recreation Zones. Pg 4



Figure 3: 2 Chichester Street, The Pines Beach showing the SPZ(PBKR) zone mapping in the Proposed District Plan.

137. Appendix APP1 in the Proposed Plan identifies the new zone for this property as NOSZ which I understand to be correct, and therefore the issue is a mapping issue only. The NOSZ zoning for this property is consistent with the zoning of neighbouring land (7 and 27 Dunns Avenue, 3 Chichester Street, and 71 Batten Grove, The Pines Beach). I therefore agree with the WDC submission [367.23] and I recommend that the planning maps be amended to show the zoning for 2 Chichester Street, The Pines Beach as NOSZ.

138. I therefore recommend the submission by WDC [367.23] be **accepted**. I recommend Appendix APP1 be amended to show the alternative zoning as General Residential Zone for 2 and 3 Chichester Street, The Pines Beach. I recommend that the planning maps be amended to show the zoning for 2 Chichester Street, The Pines Beach as NOSZ.

3.8.3 Summary of recommendations

139. I recommend the submission by WDC [367.23] be **accepted**.

140. I recommend Appendix APP1 be amended to change the alternative zoning to General Residential Zone for 2 and 3 Chichester Street, The Pines Beach. I recommend that the planning maps be amended to show the zoning for 2 Chichester Street, The Pines Beach as NOSZ as shown on the map in **Appendix A**.

3.8.4 Section 32AA evaluation

141. In my opinion, the amendments to Appendix APP1 and the Planning Maps are more appropriate for achieving the objectives of the Proposed Plan than the notified provisions. The amendment to Appendix APP1 aligns the relationship with the NOSZ and the alternative zone for the two properties as indicated within the s32 report for the Open Space and Recreation Zones.

As a result, the objectives of the NOSZ and OSRZ are better provided for, in particular OSRZ-P2(9). The amendment to the planning maps resolves an error in the notified Proposed Plan and aligns with Appendix APP1, therefore supporting the implementation of the NOSZ and OSRZ objectives and policies. As a consequence, the recommended amendments will result in greater plan efficiency and improved plan implementation. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.

3.9 Notification and Removal of Terms

3.9.1 Matters raised by submitters

142. Clampett [284.1] and RIDL [326.2 and 326.3] submitted to remove public and limited notification on all controlled and restricted discretionary activity rules. RIDL [326.1] submitted to remove the terms avoid, remedy, and mitigate from the Proposed Plan provisions.

Further submissions

143. Forest and Bird [FS78], Ohoka Residents Association [FS84], Ohoka Residents Association [FS137], Andrea Marsden [FS119] and Christopher Marsden [FS120] oppose the RIDL [326.1] submission point.

144. Forest and Bird [FS78], Andrea Marsden [FS119], Christopher Marsden [FS120], and Ohoka Residents Association [FS137] oppose the RIDL [326.2] submission point.

145. Forest and Bird [FS78] and Ohoka Residents Association [FS137] oppose the RIDL [326.3] submission point.

3.9.2 Assessment

146. The rules SPZ(PBKR)-R17 *Natural hazard sensitive activities on sites not listed in Appendix APP1*, SPZ(PBKR)-R18 *Residential activity on sites not listed in Appendix APP1*, and SPZ(PBKR)-R19 *Visitor accommodation* are restricted discretionary activities, and all three rules can be publicly notified. There are no controlled activity rules in the chapter. These three rules concern activities that have the potential to create adverse effects on neighbouring residential activities and within the zone more generally. Due to the unique circumstance of the zone and the dominant residential activity, I consider it is appropriate to retain the ability for notification of applications for resource consents for these provisions. I therefore recommend the submissions by Clampett [284.1] and RIDL [326.2 and 326.3] to remove public and limited notification on all controlled and restricted discretionary activity rules be rejected as the submissions relate to the SPZ(PBKR) chapter.

147. The terms 'avoid', and 'remedy' are used minimally within the chapter but are used within the context of natural hazards which I consider to be appropriate as this reflects the direction in the CRPS and the Natural Hazards objectives and policies. 'Mitigate' is used five times in the matters of discretion and within this context, I consider the use of the term to be appropriate in each instance. I recommend the submission by RIDL [326.1] as it relates to the SPZ(PBKR) chapter, be rejected.

148. A total of 11 further submission points were received in opposition to the original submission points by RIDL [326.1, 326.2, and 326.3] and I concur with these further submissions.

3.9.3 Summary of recommendations

149. I recommend the submissions by Clampett [284.1] and RIDL [326.1, 326.2, 326.3] be **rejected** as they relate to the SPZ(PBKR) chapter.

150. I recommend that the further submissions by Forest and Bird [FS78], Ohoka Residents Association [FS84], Ohoka Residents Association [FS137], Andrea Marsden [FS119] and Christopher Marsden [FS120] be **accepted**.

151. I recommend that no change be made to the SPZ(PBKR) chapter in the Proposed Plan in response to the submissions.

3.10 Minor Errors

152. I recommend that an amendment be made to SPZ(PBKR)-P3(1) to fix a spelling error. The amendment could have been made after the Proposed Plan was notified through the RMA process to correct minor errors⁷, but I recommend the amendment is made as part of the Hearing Panel's recommendations for completeness and clarity. The amendment is set out below.

"SPZ(PBKR)-P3 Building design

On sites other than those identified in Appendix APP1, provide for buildings where they:

1. complement the surrounding natural environment and achieve a high level of onsite amenity, through for example, the use of natural materials, low scale design, and locally-sourced indigenous ecological enhancement planting;
2. ..."

⁷ Clause 16 of RMA Schedule 1

4 Conclusions

153. Submissions have been received in support, in opposition and seeking amendments to the Proposed Plan. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that the Proposed Plan should be amended as set out in **Appendix A** of this report.

154. For the reasons set out in the Section 32AA evaluations included in this report, I consider that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate means to:


- achieve the purpose of the Resource Management Act 1991 (RMA) where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives; and
- achieve the relevant objectives of the Proposed Plan, in respect to the proposed provisions.

Recommendations:

I recommend that:

1. The Hearing Commissioners accept, accept in part, or reject submissions (and associated further submissions) as outlined in **Appendix B** of this report; and
2. The Proposed Plan is amended in accordance with the changes recommended in **Appendix A** of this report.

Signed:

Name and Title		Signature
Report Author	Bryony Steven Policy Planner	

Appendix A. Recommended Amendments to Whitua Motuhake - Special Purpose Zone - Pines Beach and Kairaki Regeneration

Where I recommend changes in response to submissions, these are shown as follows:

- Text recommended to be added to the Proposed Plan is underlined.
- Text recommended to be deleted from the Proposed Plan is ~~struck through~~.

SPZ(PBKR) - Special Purpose Zone - Pines Beach and Kairaki Regeneration

Introduction

The purpose of the Special Purpose Zone (Pines Beach and Kairaki Regeneration) is to provide for activities within parts of Kairaki and The Pines Beach that were badly affected by the Canterbury Earthquakes of 2010/2011. Some areas remain susceptible to liquefaction in future earthquake events and are susceptible to sea water inundation as a result of climate change.

The WRRZRP was developed in 2016 to identify long term uses for these regeneration areas. The WRRZRP identifies suitable activities depending on location, including recreation and ecological linkages, private lease, part of Tuhaitara Coastal Park, and residential activity for the remaining private residences. The majority of Tuhaitara Coastal Park, outside of land that is the subject of this chapter, is zoned Natural Open Space. The District Plan must not be inconsistent with the WRRZRP.

This chapter sets out the provisions for:

- those parts of the regeneration areas identified in the WRRZRP as part of the Tuhaitara Coastal Park, but outside the Natural Open Space Zone;
- the remaining residential activities within these areas (identified in Appendix APP1 - Regeneration Area Remaining Private Residences and Alternate Zone). For these sites, the chapter also refers to the rules and built form standards of the Settlement Zone.

The remaining parts of The Pines Beach and Kairaki regeneration areas of the WRRZRP are subject to the provisions of the Open Space and Recreation Zones.

The provisions in this chapter are consistent with the matters in Part 2 - District Wide Matters - Strategic Directions and give effect to matters in Part 2 - District Wide Matters - Urban Form and Development.

As well as the provisions in this chapter, district wide chapter provisions will also apply where relevant.

Objectives	
SPZ(PBKR)-O1	Specific activities and use New activities are complementary to and support the ongoing use, and management of the Tuhaitara Coastal Park and adjoining Natural Open Space Zone, and manage amenity values at the boundary with remaining private residences.
SPZ(PBKR)-O2	Natural hazard resilience New buildings and activities are natural hazard resilient.
SPZ(PBKR)-O3	Residential activities Pre-earthquake residential activities on privately-owned sites are able to continue.
Policies	

SPZ(PBKR)-P1	Remaining properties in private ownership On remaining sites in private ownership identified in Appendix APP1, enable residential activity to continue and ensure adverse effects on these sites are generally consistent with those anticipated in the Alternative Zone specified in Appendix APP1.
SPZ(PBKR)-P2	Activities on sites not identified in Appendix APP1 On sites not identified in Appendix APP1: <ol style="list-style-type: none"> 1. enable recreation activities, conservation activities, education activities, cultural activities and public amenities; 2. provide for small scale retail, including food and beverage, activities that support recreation, education and conservation activities; 3. provide for ancillary offices associated with permitted activities; 4. provide for non-permanent residential activity and visitor accommodation where these support recreation, education and conservation activities in the Tuhaitara Coastal Park.
SPZ(PBKR)-P3	Building design On sites other than those identified in Appendix APP1, provide for buildings where they: <ol style="list-style-type: none"> 1. complement the surrounding natural environment and achieve a high level of onsite amenity, through⁸ for example, the use of natural materials, low scale design, and locally-sourced indigenous ecological enhancement planting; 2. integrate with and achieve a high quality, visually attractive development when viewed from the adjoining Natural Open Space Zone; 3. are designed to deter crime and encourage a sense of safety, reflecting the principles of CPTED; and 4. incorporate onsite treatment of stormwater and/or integrate with wider stormwater management systems where practicable.
SPZ(PBKR)-P4	Natural hazard resilience of buildings New natural hazard sensitive buildings and building extensions shall be: <ol style="list-style-type: none"> 1. in accordance with the requirements of the Natural Hazards Chapter; and 2. relocatable, when habitable and located on sites other than those identified in Appendix APP1, in order to avoid longer term natural hazards associated with sea level rise and land deformation in future earthquakes.

Activity Rules

SPZ(PBKR)-R1 Construction or alteration of or addition to any building or structure	
Activity status: PER Where: <ol style="list-style-type: none"> 1. the activity complies with all built form standards (as applicable). 	Activity status when compliance not achieved: as set out in the applicable built form standards
SPZ(PBKR)-R2 Any activity on a site listed in Appendix APP1	
<i>That is permitted under the Settlement Zone in SETZ-R2 to SETZ-R10, SETZ-R14 and SETZ-R15.</i>	

⁸ Minor error recommended to be amended through the Hearing Panel's recommendations.

<p>Activity status: PER Where:</p> <ol style="list-style-type: none"> 1. the activity shall meet the applicable activity specific standards of the Settlement Zone; and 2. the activity shall meet the applicable built form and district wide standards applying to the Settlement Zone. 	<p>Activity status when compliance not achieved: as set out in the applicable rules of the Settlement Zone Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. As set out in the applicable matters of discretion of the Settlement Zone.
SPZ(PBKR)-R3 Conservation activities	
<p>Activity status: PER</p>	<p>Activity status when compliance not achieved: N/A</p>
SPZ(PBKR)-R4 Customary practices	
<p>Activity status: PER</p>	<p>Activity status when compliance not achieved: N/A</p>
SPZ(PBKR)-R5 Community garden	
<p>Activity status: PER</p>	<p>Activity status when compliance not achieved: N/A</p>
SPZ(PBKR)-R6 Retail activity on sites not listed in Appendix APP1	
<p>Activity status: PER Where:</p> <ol style="list-style-type: none"> 1. the maximum cumulative GFA of all retail activity in the zone shall be 250m² in The Pines Beach, and 250m² in Kairaki⁹ <u>and</u> 2. <u>the hours of operation that the retail activity is open to visitors, clients and deliveries shall be limited to 7:00am – 7:00pm Monday to Sunday.</u>⁹ 	<p>Activity status when compliance not achieved: RDIS Matters of discretion are restricted to: SPZ-PBKR-MD1 - Development design and scale</p>
SPZ(PBKR)-R7 Commercial services on sites not listed in Appendix APP1	
<p>Activity status: PER Where:</p> <ol style="list-style-type: none"> 1. the maximum cumulative GFA of all commercial services in the zone shall be 250m² in The Pines Beach, and 250m² in Kairaki⁹, <u>and</u> 2. <u>the hours of operation that the commercial service is open to visitors, clients and deliveries shall be limited to 7:00am – 7:00pm Monday to Sunday.</u>¹⁰ 	<p>Activity status when compliance not achieved: RDIS Matters of discretion are restricted to: SPZ-PBKR-MD1 - Development design and scale</p>

⁹ PKBA [186.35]

¹⁰ PKBA [186.36]

SPZ(PBKR)-R8 Community facility on sites not listed in Appendix APP1	
Activity status: PER Where: <ol style="list-style-type: none"> the maximum cumulative GFA of all community facility buildings in the zone shall be 250m² in The Pines Beach, and 250m² in Kairaki. 	Activity status when compliance not achieved: RDIS Matters of discretion are restricted to: SPZ-PBKR-MD1 - Development design and scale
SPZ(PBKR)-R9 Entertainment activity on sites not listed in Appendix APP1	
Activity status: PER Where: <ol style="list-style-type: none"> the maximum cumulative GFA of all entertainment activity buildings in the zone shall be 250m² in The Pines Beach, and 250m² in Kairaki, <u>and</u> <u>the hours of operation that the entertainment activity is open to visitors, clients and deliveries shall be limited to 7:00am – 9:00pm Monday to Sunday.</u>¹¹ 	Activity status when compliance not achieved: RDIS Matters of discretion are restricted to: SPZ-PBKR-MD1 - Development design and scale
SPZ(PBKR)-R10 Ancillary offices to an education activity or conservation activities on sites not listed in Appendix APP1	
Activity status: PER Where: <ol style="list-style-type: none"> the office activity shall occupy a maximum GFA of 250m². 	Activity status when compliance not achieved: RDIS Matters of discretion are restricted to: SPZ-PBKR-MD1 - Development design and scale
SPZ(PBKR)-R11 Cultural facility on sites not listed in Appendix APP1	
Activity status: PER Where: <ol style="list-style-type: none"> the maximum cumulative GFA of all cultural facility buildings in the zone shall be 250m² in The Pines Beach, and 250m² in Kairaki. 	Activity status when compliance not achieved: RDIS Matters of discretion are restricted to: SPZ-PBKR-MD1 - Development design and scale
SPZ(PBKR)-R12 Educational facility on sites not listed in Appendix APP1	
Activity status: PER Where: <ol style="list-style-type: none"> the maximum cumulative GFA of all buildings associated with the activity in the zone shall be 250m²; or limited to an educational facility that: <ol style="list-style-type: none"> is ancillary to conservation activities; or 	Activity status when compliance not achieved: RDIS Matters of discretion are restricted to: SPZ-PBKR-MD1 - Development design and scale

¹¹ PKBA [186.38]

<p>b. increases awareness of the natural environment, conservation issues, historic heritage, or Ngāi Tahu culture.</p>	
<p>SPZ(PBKR)-R13 Public amenities on sites not listed in Appendix APP1</p>	
<p>Activity status: PER Where:</p> <ol style="list-style-type: none"> 1. the maximum cumulative GFA of all buildings associated with the activity in the zone shall be 250m². 	<p>Activity status when compliance not achieved: RDIS Matters of discretion are restricted to: SPZ-PBKR-MD1 - Development design and scale</p>
<p>SPZ(PBKR)-R14 Park management activities and/or park management facilities</p>	
<p>Activity status: PER Where:</p> <ol style="list-style-type: none"> 1. the maximum cumulative GFA of all buildings associated with the activity in the zone shall be 250m² in The Pines Beach, and 250m² in Kairaki. 	<p>Activity status when compliance not achieved: RDIS Matters of discretion are restricted to: SPZ-PBKR-MD1 - Development design and scale</p>
<p>SPZ(PBKR)-R15 Car parking</p>	
<p>Activity status: PER Where:</p> <ol style="list-style-type: none"> 1. any parking lot contains fewer than 10 parking spaces. 	<p>Activity status when compliance not achieved: RDIS Matters of discretion are restricted to: SPZ-PBKR-MD1 - Development design and scale</p> <p>Notification An application for a restricted discretionary activity under this rule is precluded from being publicly or limited notified.</p>
<p>SPZ(PBKR)-R16 Recreation activities</p>	
<p>Activity status: PER Where:</p> <ol style="list-style-type: none"> 1. the activity is not a motorised recreation activity. 	<p>Activity status when compliance not achieved: NC</p>
<p>SPZ(PBKR)-R17 Natural hazard sensitive activities on sites not listed in Appendix APP1</p>	
<p>Activity status: RDIS Where:</p> <ol style="list-style-type: none"> 1. the building is designed as a relocatable building; and 2. a covenant is registered on the property's certificate of title confirming the relocatable building is not intended to be located on site permanently. <p>Matters of discretion are restricted to: SPZ-PBKR-MD1 - Development design and scale</p>	<p>Activity status when compliance not achieved: NC</p>

SPZ-PBKR-MD9 - Natural hazards	
Advisory Note <ul style="list-style-type: none"> Modelled sea level rise will be actively monitored by the District Council and the information will be made available to property owners who have a limited duration resource consent condition applying. 	
SPZ(PBKR)-R18 Residential activity on sites not listed in Appendix APP1	
Activity status: RDIS Matters of discretion are restricted to: SPZ-PBKR-MD8 - Visitor and residential accommodation	Activity status when compliance not achieved: N/A
SPZ(PBKR)-R19 Visitor accommodation	
Activity status: RDIS Matters of discretion are restricted to: SPZ-PBKR-MD8 - Visitor and residential accommodation	Activity status when compliance not achieved: N/A
SPZ(PBKR)-R20 Any other activity not provided for in this zone as a permitted, controlled, restricted discretionary, discretionary, non-complying, or prohibited activity, except where expressly specified by a district wide provision.	
Activity status: DIS	Activity status when compliance not achieved: N/A
SPZ(PBKR)-R21 Industrial activity	
Activity status: NC	Activity status when compliance not achieved: N/A

Built Form Standards, excluding sites identified in Appendix APP1

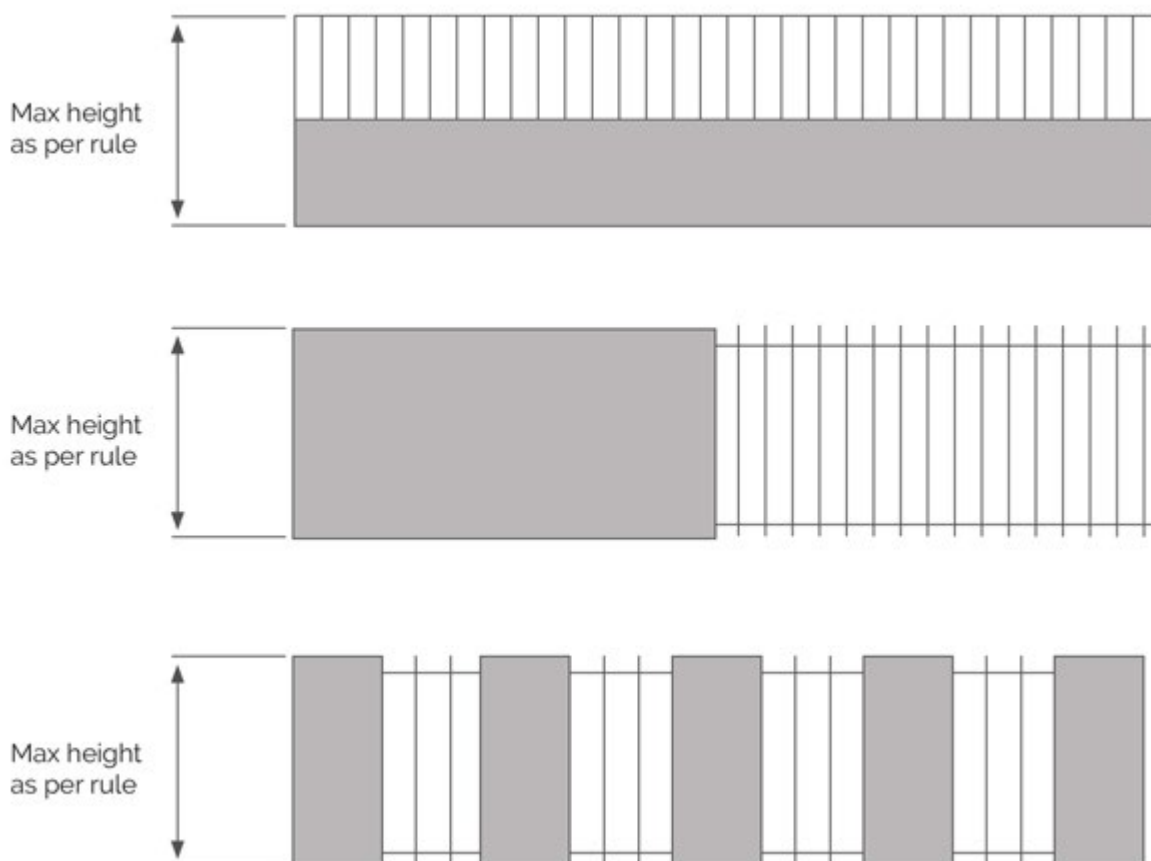
SPZ(PBKR)-BFS1 Building size	
1. The maximum GFA of any building shall be 100m ² .	Activity status when compliance not achieved: RDIS Matters of discretion are restricted to: SPZ-PBKR-MD1 - Development design and scale
SPZ(PBKR)-BFS2 Height	
1. The maximum height of any building shall be 5m.	Activity status when compliance not achieved: RDIS Matters of discretion are restricted to: SPZ-PBKR-MD2 - Height and height in relation to boundary
Calculation method for SPZ(PBKR)-BFS2	
<ul style="list-style-type: none"> The height limit shall be determined as if the ground level was the minimum floor level required for a 0.5% annual exceedance probability flood level event; and 	

<ul style="list-style-type: none"> • Height shall also be calculated as per the definition of height calculations. 	
<p>SPZ(PBKR)-BFS3 Height in relation to boundary</p>	
<p>1. Where an internal boundary adjoins Residential Zones, Open Space and Recreation Zones, or a site listed in Appendix APP1, the height in relation to boundary for the adjoining zone shall apply, and where specified structures shall not project beyond a building envelope defined by recession planes measured 2.5m from ground level above any site boundary in accordance with the diagrams in Appendix APP3, except for the following:</p> <ol style="list-style-type: none"> a. flagpoles; b. lightning rods, chimneys, ventilation shafts, solar heating devices, roof water tanks, lift and stair shafts; c. decorative features such as steeples, towers and finials; d. for buildings on adjoining sites which share a common wall, the height in relation to boundary requirement shall not apply along that part of the internal boundary covered by such a wall; and e. where the land immediately beyond the site boundary forms part of any rail corridor, drainage reserve, or accessway (whether serving the site or not), the boundary of the rail corridor, drainage reserve, or accessway furthest from the site boundary may be deemed to be the site boundary for the purpose of defining the origin of the recession plane, provided this deemed site boundary is no further than 6m from the site boundary; <p>2. Provided that none of the structures listed in (1) (c) to (e) above has a horizontal dimension of over 2m along the line formed where the structure meets the recession plane as measured parallel to the relevant boundary.</p>	<p>Activity status when compliance not achieved: RDIS</p> <p>Matters of discretion are restricted to: SPZ-PBKR-MD2 - Height and height in relation to boundary</p> <p>Notification An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</p>
<p>SPZ(PBKR)-BFS4 Internal boundary setback</p>	
<p>1. The minimum building, caravan or motor home setback from internal boundaries:</p>	<p>Activity status when compliance not achieved: RDIS</p>

<p>a. that adjoins Residential Zones, Rural Zones, or Open Space and Recreation Zones shall be 5m; and</p> <p>b. that are shared with a site listed in Appendix APP1 shall be 2m.</p>	<p>Matters of discretion are restricted to: SPZ-PBKR-MD3 - Internal boundary setbacks</p> <p>Notification An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</p>
SPZ(PBKR)-BFS5 Internal boundary landscaping for non-residential activity	
<p>1. A landscape strip that is a minimum of 2m wide shall be provided along the full length of all internal boundaries that adjoins Residential Zones or Open Space and Recreation Zones or a site listed in Appendix APP1; and</p> <p>2. Any landscape strip required in (1) shall include a minimum of one tree for every 10m of shared boundary or part thereof, spaced at a maximum distance of 5m with the trees to be a minimum of 1.5m in height at time of planting.</p>	<p>Activity status when compliance not achieved: RDIS</p> <p>Matters of discretion are restricted to: SPZ-PBKR-MD4 - Internal boundary landscaping</p> <p>Notification An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</p>
SPZ(PBKR)-BFS6 Road boundary setback	
<p>1. All buildings shall be set back a minimum of 2m from a road boundary.</p>	<p>Activity status when compliance not achieved: RDIS</p> <p>Matters of discretion are restricted to: SPZ-PBKR-MD5 - Road boundary setbacks</p> <p>Notification An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</p>
SPZ(PBKR)-BFS7 Outdoor storage areas	
<p>1. Any outdoor storage or parking areas associated with non-residential activities shall be screened by 1.8m high solid fencing or landscaping at least 1.5m high at time of planting from any adjoining site in Residential Zones, Rural Zones, or Open Space and Recreation Zones, a site listed in Appendix APP1 or the road boundary.</p>	<p>Activity status when compliance not achieved: RDIS</p> <p>Matters of discretion are restricted to: SPZ-PBKR-MD6 - Outdoor storage</p> <p>Notification An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</p>
SPZ(PBKR)-BFS8 Ecological enhancement planting	
<p>1. Ecological enhancement planting shall be provided as follows:</p> <p>a. a minimum of 10% of the net site area shall be planted and maintained with at least 75% being indigenous vegetation that is sourced from</p>	<p>Activity status when compliance not achieved: RDIS</p> <p>Matters of discretion are restricted to: SPZ-PBKR-MD7 - Ecological enhancement planting</p> <p>Notification</p>

<p>within the ecological district, comprising a combination of trees, shrubs and ground cover species. Planting may include some ancillary lawn or other amenity features not exceeding 10% of the planted area, set aside as landscaped or open space areas.</p>	<p>An application for a restricted discretionary activity under this rule is precluded from being publicly or limited notified.</p>
<p>Advisory Note</p> <ul style="list-style-type: none"> This rule does not apply to activities not involving buildings, or to public amenities. 	
<p>SPZ(PBKR)-BFS9 Building coverage</p>	
<p>1. The maximum building coverage shall be 35% of the net site area.</p>	<p>Activity status when compliance not achieved: DIS</p>
<p>SPZ(PBKR)-BFS10 Fencing</p>	
<p>1. All fencing between a road and the façade of a residential activity or visitor accommodation, or within 2m of a boundary with a public reserve, walkway or cycleway shall be:</p> <p>a. shall be a maximum of 1.2m in height provided that any fence greater than 0.9m in height shall be at least 45% visually permeable as shown in Figure SPZ(PBKR)-1.</p>	<p>Activity status when compliance not achieved: RDIS</p> <p>Matters of discretion are restricted to: SPZ-PBKR-MD1 - Development design and scale</p> <p>Notification An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</p>

Figure SPZ(PBKR)-1: Examples of Visually Permeable Fencing



SPZ(PBKR)-BFS11 Waste management requirements for all commercial activities	
<p>1. A waste management area for the storage of rubbish and recycling of 5m² with a minimum dimension of 1.5m shall be provided. Waste management areas shall be located behind buildings when viewed from any road or public open space or screened in accordance with the screening requirements for outdoor storage areas contained in SPZ(PBKR)-BFS7.</p>	<p>Activity status when compliance not achieved: RDIS</p> <p>Matters of discretion are limited to: SPZ-PBKR-MD6 - Outdoor storage</p> <p>Notification An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</p>

Matters of Discretion

<p>SPZ-PBKR-MD1</p>	<p>Development design and scale</p> <ol style="list-style-type: none"> 1. The extent to which the design, scale, density, and longevity of the development results in adverse visual and amenity effects on adjoining residential sites or any open space and recreation zones. 2. The extent to which the development contributes positively to the adjacent street and public open spaces being safe and attractive, including the degree to which fencing enables interaction between the habitable building and public space. 3. The extent and design of landscaping and open spaces within the development.
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	<ol style="list-style-type: none"> 4. The incorporation of CPTED principles to achieve a safe, secure environment, including the extent to which the development: <ol style="list-style-type: none"> a. provides for views over, and passive surveillance of, adjacent public and publicly accessible spaces; b. makes pedestrian entrances and routes readily recognisable; and c. provides for good visibility with clear sightlines. 5. The extent to which the activity does not adversely affect the function or capacity of the nearby Kaiapoi Town Centre to provide for primarily commercial and community activities. 6. The extent to which the activity generates traffic and other effects <u>(including the hours of operation)</u>¹² that impact on the day to day operation and amenity of the local community.
SPZ-PBKR-MD2	<p>Height and height in relation to boundary</p> <ol style="list-style-type: none"> 1. The effect of any reduced sunlight admission on properties in adjoining residential and open space and recreation zones, taking account of the extent of overshadowing, the intended use of spaces, and for residential properties, the position of outdoor living spaces or main living areas in buildings. 2. The effect on privacy of residents and other users in the adjoining zones or on sites listed in Appendix APP1. 3. The scale of building and its effects on the character of any adjoining residential or open space and recreation zones. 4. The effects of any landscaping and trees proposed within the site, or on the boundary of the site in mitigating adverse visual effects. 5. The effect on outlook from adjoining site. 6. The extent to which the recession plane or height breach and associated effects reflect the functional requirements of the activity and the extent to which there are alternative practical options for meeting the functional requirement in a compliant manner.
SPZ-PBKR-MD3	<p>Internal boundary setbacks</p> <ol style="list-style-type: none"> 1. The scale and height of buildings, caravans or motor homes located within the reduced setback and their impact on the visual outlook of residents and users on adjoining Residential Zones or Open Space and Recreation Zones. 2. The extent to which buildings in the setback enable better use of the site and improve the level of amenity along more sensitive boundaries elsewhere on the site. 3. The proposed use of the setback, the visual and other effects of this use and the extent to which a reduced setback and the use of that setback achieves a better amenity outcome for residential neighbours.
SPZ-PBKR-MD4	<p>Internal boundary landscaping</p> <ol style="list-style-type: none"> 1. The extent of visual effects of outdoor storage and car parking areas, or buildings (taking account of their scale and appearance), as a result of reduced landscaping. 2. The extent to which any reduction in landscaping or screening within the setback adequately mitigates the visual dominance of buildings.

¹² Consequential amendment from PBKR submission points [186.35, 186.36 and 186.38]

	<p>3. The extent to which the site is visible from adjoining sites in Residential Zones or Open Space and Recreation Zones and the likely consequences of any reduction in landscaping or screening on the amenity and privacy of those sites.</p>
SPZ-PBKR-MD5	<p>Road boundary setbacks</p> <ol style="list-style-type: none"> 1. The effect of a building's reduced setback on amenity and visual streetscape values, especially where the frontage is to an arterial road or collector road. 2. Whether the reduced setback of the building is opposite Residential Zones, Rural Zones, or Open Space and Recreation Zones and the effects of a reduced setback on the amenity and outlook of those zones. 3. The extent to which the building presents a visually attractive frontage to the street through the inclusion of glazing, ancillary offices, and retail showrooms in the front façade. 4. The extent to which the visual effects of a reduced setback are mitigated through site frontage landscaping and the character of existing building setbacks in the wider streetscape.
SPZ-PBKR-MD6	<p>Outdoor storage</p> <ol style="list-style-type: none"> 1. The extent of visual effects on the adjoining site. 2. The extent to which site constraints and/or the functional requirements of the activity necessitate the location of storage within the setback. 3. The extent of the amenity effects on pedestrians or residential activities generated by the type and volume of materials to be stored. 4. The extent to which any proposed landscaping or screening mitigates amenity effects of the outdoor storage.
SPZ-PBKR-MD7	<p>Ecological enhancement planting</p> <ol style="list-style-type: none"> 1. The extent to which the proposed ecological enhancement planting: <ol style="list-style-type: none"> a. achieves a high level of onsite amenity while minimising the visual effects of activities and buildings on the surroundings; b. supports the growth of other vegetation and the restoration of habitat for indigenous species; c. is protected through the provision of space, or other methods, including plant protection barriers; and d. recognises and provides for Ngāi Tahu/mana whenua values through the inclusion of indigenous species that support the establishment of ecological corridors, mahinga kai and general ecological restoration. 2. The extent to which the non-compliance is mitigated through the design, scale and type of landscaping proposed, including the species used. 3. The appropriateness and design of landscaping having regard to the potential adverse effects on safety for pedestrians and vehicles.
SPZ-PBKR-MD8	<p>Visitor and residential accommodation</p> <ol style="list-style-type: none"> 1. The extent to which the residential activity or visitor accommodation supports recreation, education and conservation activities in the Tuhaitara Coastal Park. 2. The extent to which the residential activity and visitor accommodation activity compliments and supports the amenity and enjoyment of the adjoining Natural Open Space Zone. 3. The extent to which the residential activity and visitor accommodation activity results in adverse amenity effects on adjoining residential properties.

SPZ-PBKR-MD9	<p>Natural hazards</p> <ol style="list-style-type: none"> 1. The period of time the proposed building is proposed to remain on site and the risk of flooding from localised rainfall events, an Ashley River/Rakahuri breakout event and sea water inundation over that period, with reference to as built stop-bank heights and modelled storm surge, taking into account central government direction or guidance in relation to projected sea level rise. 2. The extent to which the building is readily relocatable. 3. The extent to which the proposal avoids, remedies or mitigates the identified natural hazards risks, and includes the following: <ol style="list-style-type: none"> a. the use of 'trigger' decision-points that take into account actual sea level rise and how such triggers will provide advance warning of the need to relocate the building; and b. proposals to manage residual risk. 4. The extent to which the proposal relies on Council infrastructure and the risks to that infrastructure from natural hazards, including taking into account maintenance and repair costs that might fall on the wider community. 5. The extent of positive effects resulting from the proposal on the local community and the Tuhaitara Coastal Park.
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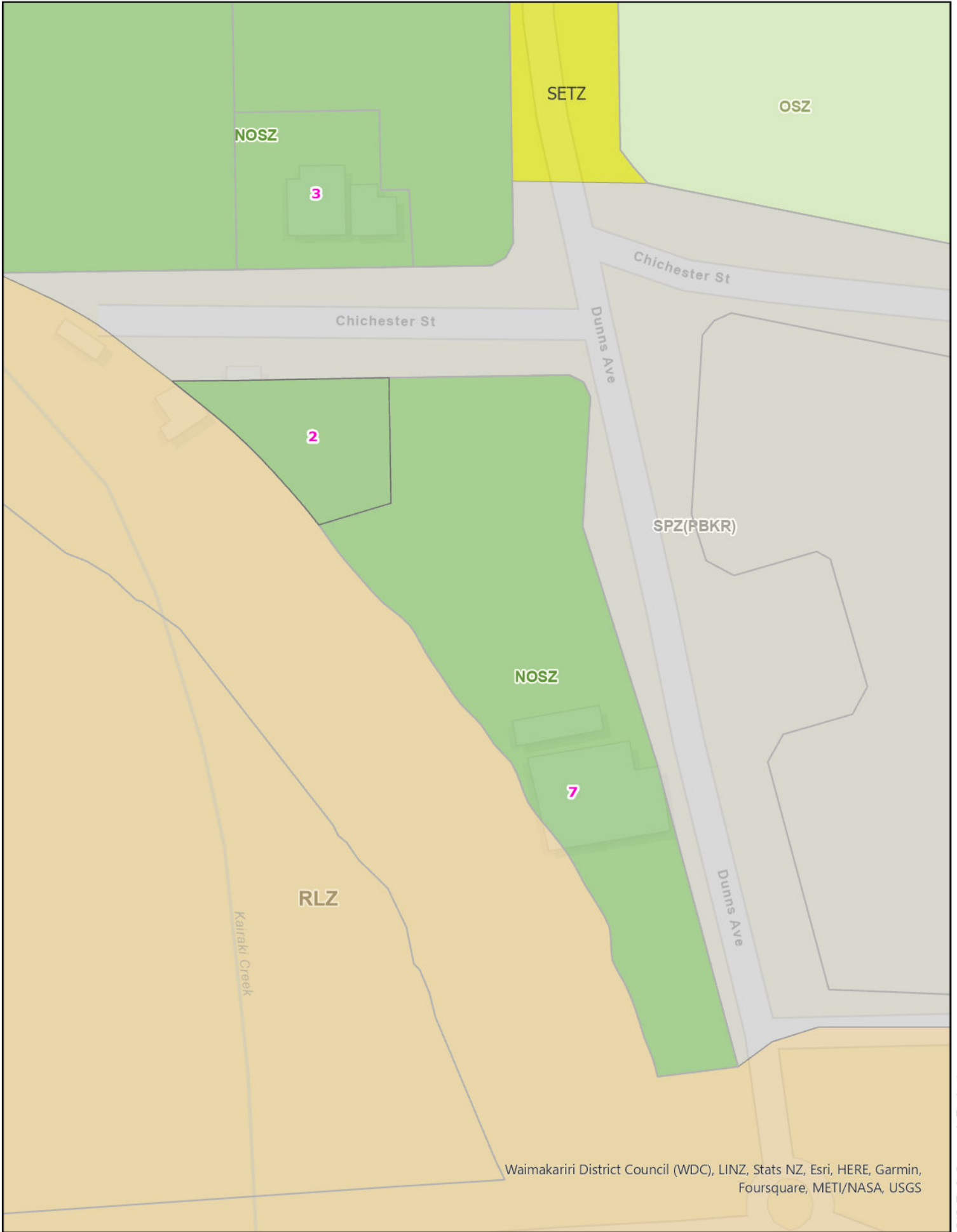
APP1 - Regeneration Area Remaining Private Residences and Alternate Zone

Legal Description	Street Address	New Zone	Alternate Zone
LOT 2 DP 82245	14 A Bowler Street, KAIAPOI	Natural Open Space Zone	General Residential Zone
LOT 3 DP 46410	65 A Cass Street, KAIAPOI	Sport and Active Recreation Zone	General Residential Zone
LOT 123 DP 7292	2 Chichester Street, THE PINES BEACH	Natural Open Space Zone	Settlement Zone <u>General Residential Zone¹³</u>
LOT 2 DP 317695	3 Chichester Street, THE PINES BEACH	Natural Open Space Zone	Settlement Zone <u>General Residential Zone</u>
LOT 2 DP 9128	4 Featherstone Avenue, KAIRAKI	Special Purpose (Pines Beach and Kairaki Regeneration) Zone	Settlement Zone
LOT 3 DP 52854	5 Featherstone Avenue, KAIRAKI	Special Purpose (Pines Beach and Kairaki Regeneration) Zone	Settlement Zone

¹³ Waimakariri District Council [367.23]

LOT 2 DP 52645	11 Featherstone Avenue, KAIRAKI	Special Purpose (Pines Beach and Kairaki Regeneration) Zone	Settlement Zone
LOT 7 DP 7293	15 Featherstone Avenue, KAIRAKI	Special Purpose (Pines Beach and Kairaki Regeneration) Zone	Settlement Zone
LOT 1 DP 54440	19 Featherstone Avenue, KAIRAKI	Special Purpose (Pines Beach and Kairaki Regeneration) Zone	Settlement Zone
LOT 2 DP 54440	21 Featherstone Avenue, KAIRAKI	Special Purpose (Pines Beach and Kairaki Regeneration) Zone	Settlement Zone
LOT 10 DP 9128	22 Featherstone Avenue, KAIRAKI	Special Purpose (Pines Beach and Kairaki Regeneration) Zone	Settlement Zone
LOT 11 DP 7293	25 Featherstone Avenue, KAIRAKI	Special Purpose (Pines Beach and Kairaki Regeneration) Zone	Settlement Zone
LOT 3 DP 52851	34 Featherstone Avenue, KAIRAKI	Special Purpose (Pines Beach and Kairaki Regeneration) Zone	Settlement Zone
LOT 17 DP 7293	39 Featherstone Avenue, KAIRAKI	Special Purpose (Pines Beach and Kairaki Regeneration) Zone	Settlement Zone
LOT 18 DP 7293	41 Featherstone Avenue, KAIRAKI	Special Purpose (Pines Beach and Kairaki Regeneration) Zone	Settlement Zone
LOT 19 DP 9128	42 Featherstone Avenue, KAIRAKI	Special Purpose (Pines Beach and Kairaki Regeneration) Zone	Settlement Zone
LOT 5 DP 306793	51 Featherstone Avenue, KAIRAKI	Special Purpose (Pines Beach and Kairaki Regeneration) Zone	Settlement Zone
LOT 1 DP 52856	53 Featherstone Avenue, KAIRAKI	Special Purpose (Pines Beach and Kairaki Regeneration) Zone	Settlement Zone
LOT 2 DP 52856	55 Featherstone Avenue, KAIRAKI	Special Purpose (Pines Beach and Kairaki Regeneration) Zone	Settlement Zone
LOT 6 DP 52855	56 Featherstone Avenue, KAIRAKI	Special Purpose (Pines Beach and Kairaki Regeneration) Zone	Settlement Zone

LOT 3 DP 52856	57 Featherstone Avenue, KAIRAKI	Special Purpose (Pines Beach and Kairaki Regeneration) Zone	Settlement Zone
LOT 7 DP 52855	58 Featherstone Avenue, KAIRAKI	Special Purpose (Pines Beach and Kairaki Regeneration) Zone	Settlement Zone
LOT 25 DP 7293	59 Featherstone Avenue, KAIRAKI	Special Purpose (Pines Beach and Kairaki Regeneration) Zone	Settlement Zone
FLAT 2 DP 52689 ON Lot 26 DP 7293	61 Featherstone Avenue, KAIRAKI	Special Purpose (Pines Beach and Kairaki Regeneration) Zone	Settlement Zone
FLAT 1 DP 52689 ON Lot 26 DP 7293	61 A Featherstone Avenue, KAIRAKI	Special Purpose (Pines Beach and Kairaki Regeneration) Zone	Settlement Zone
LOT 38 DP 29042	10 Kirk Place, KAIAPOI	Special Purpose Zone (Kaiapoi Regeneration)	General Residential Zone
LOT 120 DP 30505	45 Feldwick Drive, KAIAPOI	Open Space Zone	General Residential Zone
LOT 218 DP 33737	32 Gray Crescent, KAIAPOI	Open Space Zone	General Residential Zone
LOT 3 DP 24841	14 Jones Street, KAIAPOI	Mixed Use Zone	General Residential Zone
LOT 40 DP 72744	21 Courtenay Drive, KAIAPOI	Natural Open Space Zone	General Residential Zone



GIS Ref: General_Project



Proposed Zone Change

Date: 14/11/2023

23-063

Scale:
Original Size: A4



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Appendix B. Recommended Responses to Submissions and Further Submissions

The recommended responses to the submissions made on this topic are presented in Table B 1 below.

Table B 1: Recommended responses to submissions and further submissions

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
General							
147.23	Kaiapoi-Tuahiwi Community Board	General	Seek that the Pines and Kairaki Beaches communities be treated fairly in any transition from the coastline with sea level rise.	3.3	Accept	I agree with the submitter. See body of the report for the assessment of this submission point.	No
186.8	Land Subcommittee - Pines and Kairaki Beaches Association	General	Include a rule in Special Purpose Zone - Pines Beach and Kairaki Regeneration Chapter that grass to be kept to a max of 150 mm. An annual property inspection is considered.	3.3	Reject	See body of the report for the assessment of this submission point.	No
SPZ(PBKR)-O2 Natural hazard resilience							
316.183	Canterbury Regional Council	SPZ(PBKR)-O2	Consider whether to use terminology that is more consistent with the Canterbury Regional Policy Statement.	3.4.1	Accept in part	See body of the report for the assessment of this submission point.	No
FS37	Richard and Geoff Spark		Reject the submission		Reject in part		
FS41	David Cowley		Reject the submission		Reject in part		
FS80	Christchurch International Airport Ltd		Allow the submission		Accept in part		
SPZ(PBKR)-P2 Activities on sites not identified in Appendix APP1							
277.64	Ministry of Education Te Tāhuhu o Te Mātauranga	SPZ(PBKR)-P2	Retain SPZ(PBKR)-P2 as notified.	N/A	Accept	I agree with the submitter.	No
SPZ(PBKR)-P4 Natural hazard resilience of buildings							
316.184	Canterbury Regional Council	SPZ(PBKR)-P4	Retain SPZ(PBKR)-P4 as notified or retain the original intent.	N/A	Accept	I agree with the submitter.	No
FS37	Richard and Geoff Spark		Reject the submission		Reject		No
FS41	David Cowley		Reject the submission		Reject		No
FS80	Christchurch International Airport Ltd		Allow the submission		Accept		No
SPZ(PBKR)-R1 Construction or alteration of or addition to any building or structure							
186.10	Land Subcommittee - Pines and Kairaki Beaches Association	SPZ(PBKR)-R1	For all non-residential activities, including SPZ(PBKR)-R1, hours of operation are included similar to the Settlement Zone (SETZ), a parking plan is required, and the number of vehicle movements is limited similar to the SETZ.	3.5	Reject	See body of the report for the assessment of this submission point.	No
SPZ(PBKR)-R2 Any activity on a site listed in Appendix APP1							
186.31	Land Subcommittee - Pines and Kairaki Beaches Association	SPZ(PBKR)-R2	For all non-residential activities, including SPZ(PBKR)-R2, hours of operation are included similar to the Settlement Zone (SETZ), a parking plan is required, and the number of vehicle movements is limited similar to the SETZ.	3.5	Reject	See body of the report for the assessment of this submission point.	No
SPZ(PBKR)-R3 Conservation activities							
186.32	Land Subcommittee - Pines and Kairaki Beaches Association	SPZ(PBKR)-R3	For all non-residential activities, including SPZ(PBKR)-R3, hours of operation are included similar to the Settlement Zone (SETZ), a parking plan is required, and the number of vehicle movements is limited similar to the SETZ.	3.5	Reject	See body of the report for the assessment of this submission point.	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
SPZ(PBKR)-R4 Customary practices							
186.33	Land Subcommittee - Pines and Kairaki Beaches Association	SPZ(PBKR)-R4	For all non-residential activities, including SPZ(PBKR)-R4, hours of operation are included similar to the Settlement Zone (SETZ), a parking plan is required, and the number of vehicle movements is limited similar to the SETZ.	3.5	Reject	See body of the report for the assessment of this submission point.	No
SPZ(PBKR)-R5 Community garden							
186.34	Land Subcommittee - Pines and Kairaki Beaches Association	SPZ(PBKR)-R5	For all non-residential activities, including SPZ(PBKR)-R5, hours of operation are included similar to the Settlement Zone (SETZ), a parking plan is required, and the number of vehicle movements is limited similar to the SETZ.	3.5	Reject	See body of the report for the assessment of this submission point.	No
SPZ(PBKR)-R6 Retail activity on sites not listed in Appendix APP1							
186.35	Land Subcommittee - Pines and Kairaki Beaches Association	SPZ(PBKR)-R6	For all non-residential activities, including SPZ(PBKR)-R6, hours of operation are included similar to the Settlement Zone (SETZ), a parking plan is required, and the number of vehicle movements is limited similar to the SETZ.	3.5	Accept in part	See body of the report for the assessment of this submission point.	Yes
SPZ(PBKR)-R7 Commercial services on sites not listed in Appendix APP1							
186.36	Land Subcommittee - Pines and Kairaki Beaches Association	SPZ(PBKR)-R7	For all non-residential activities, including SPZ(PBKR)-R7, hours of operation are included similar to the Settlement Zone (SETZ), a parking plan is required, and the number of vehicle movements is limited similar to the SETZ.	3.5	Accept in part	See body of the report for the assessment of this submission point.	Yes
SPZ(PBKR)-R8 Community facility on sites not listed in Appendix APP1							
186.37	Land Subcommittee - Pines and Kairaki Beaches Association	SPZ(PBKR)-R8	For all non-residential activities, including SPZ(PBKR)-R8, hours of operation are included similar to the Settlement Zone (SETZ), a parking plan is required, and the number of vehicle movements is limited similar to the SETZ.	3.5	Reject	See body of the report for the assessment of this submission point.	No
SPZ(PBKR)-R9 Entertainment activity on sites not listed in Appendix APP1							
186.38	Land Subcommittee - Pines and Kairaki Beaches Association	SPZ(PBKR)-R9	For all non-residential activities, including SPZ(PBKR)-R9, hours of operation are included similar to the Settlement Zone (SETZ), a parking plan is required, and the number of vehicle movements is limited similar to the SETZ.	3.5	Accept in part	See body of the report for the assessment of this submission point.	Yes
SPZ(PBKR)-R10 Ancillary offices to an education activity or conservation activities on sites not listed in Appendix APP1							
186.39	Land Subcommittee - Pines and Kairaki Beaches Association	SPZ(PBKR)-R10	For all non-residential activities, including SPZ(PBKR)-R10, hours of operation are included similar to the Settlement Zone (SETZ), a parking plan is required, and the number of vehicle movements is limited similar to the SETZ.	3.5	Reject	See body of the report for the assessment of this submission point.	No
SPZ(PBKR)-R11 Cultural facility on sites not listed in Appendix APP1							
186.40	Land Subcommittee - Pines and Kairaki Beaches Association	SPZ(PBKR)-R11	For all non-residential activities, including SPZ(PBKR)-R11, hours of operation are included similar to the Settlement Zone (SETZ), a parking plan is required, and the number of vehicle movements is limited similar to the SETZ.	3.5	Reject	See body of the report for the assessment of this submission point.	No
SPZ(PBKR)-R12 Educational facility on sites not listed in Appendix APP1							
186.41	Land Subcommittee - Pines and Kairaki Beaches Association	SPZ(PBKR)-R12	For all non-residential activities, including SPZ(PBKR)-R12, hours of operation are included similar to the Settlement Zone (SETZ), a parking plan is required, and the number of vehicle movements is limited similar to the SETZ.	3.5	Reject	See body of the report for the assessment of this submission point.	No
SPZ(PBKR)-R13 Public amenities on sites not listed in Appendix APP1							

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
186.42	Land Subcommittee - Pines and Kairaki Beaches Association	SPZ(PBKR)-R13	For all non-residential activities, including SPZ(PBKR)-R13, hours of operation are included similar to the Settlement Zone (SETZ), a parking plan is required, and the number of vehicle movements is limited similar to the SETZ.	3.5	Reject	See body of the report for the assessment of this submission point.	No
SPZ(PBKR)-R14 Park management activities and/or park management facilities							
186.43	Land Subcommittee - Pines and Kairaki Beaches Association	SPZ(PBKR)-R14	For all non-residential activities, including SPZ(PBKR)-R14, hours of operation are included similar to the Settlement Zone (SETZ), a parking plan is required, and the number of vehicle movements is limited similar to the SETZ.	3.5	Reject	See body of the report for the assessment of this submission point.	No
SPZ(PBKR)-R15 Car parking							
186.44	Land Subcommittee - Pines and Kairaki Beaches Association	SPZ(PBKR)-R15	For all non-residential activities, including SPZ(PBKR)-R15, hours of operation are included similar to the Settlement Zone (SETZ), a parking plan is required, and the number of vehicle movements is limited similar to the SETZ.	3.5	Reject	See body of the report for the assessment of this submission point.	No
SPZ(PBKR)-R16 Recreation activities							
186.45	Land Subcommittee - Pines and Kairaki Beaches Association	SPZ(PBKR)-R16	For all non-residential activities, including SPZ(PBKR)-R16, hours of operation are included similar to the Settlement Zone (SETZ), a parking plan is required, and the number of vehicle movements is limited similar to the SETZ.	3.5	Reject	See body of the report for the assessment of this submission point.	No
SPZ(PBKR)-R17 Natural hazard sensitive activities on sites not listed in Appendix APP1							
186.11	Land Subcommittee - Pines and Kairaki Beaches Association	SPZ(PBKR)-R17	Retain SPZ(PBKR)-R17 as notified.	3.5.2	Accept	See body of the report for the assessment of this submission point.	No
SPZ(PBKR)-R18 Residential activity on sites not listed in Appendix APP1							
186.9	Land Subcommittee - Pines and Kairaki Beaches Association	SPZ(PBKR)-R18	A requirement for resource consent for all residential activities including caravans should be upheld, with a limit of one caravan or motorhome per site, and that any proposed caravan or motorhome provides for waste disposal.	3.5.3	Accept in part	See body of the report for the assessment of this submission point.	No
SPZ(PBKR)-BFS5 Internal boundary landscaping for non-residential activity							
186.13	Land Subcommittee - Pines and Kairaki Beaches Association	SPZ(PBKR)-BFS5	Amend SPZ(PBKR)-BFS5 by deleting the requirement for trees to be a minimum height of 1.5m at the time of planting.	3.6	Reject	See body of the report for the assessment of this submission point.	No
SPZ-PBKR-MD9 Natural hazards							
186.12	Land Subcommittee - Pines and Kairaki Beaches Association	SPZ-PBKR-MD9	Retain SPZ(PBKR)-R17 as notified.	3.7	Accept	See body of the report for the assessment of this submission point.	No
316.185	Canterbury Regional Council	SPZ-PBKR-MD9	Ensure that there is scope to consider the natural hazard effects from present day flooding, including fresh water flooding.	3.7	Reject	See body of the report for the assessment of this submission point.	No
FS37	Richard and Geoff Spark		Reject the submission		Reject		No
FS41	David Cowley		Reject the submission		Reject		No
FS80	Christchurch International Airport Ltd		Allow the submission		Accept		No
Planning Maps							

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
367.23	Waimakariri District Council	Planning Maps	APP1 – change alternative zone for Numbers 2 and 3 Chichester Street from Settlement Zone to General Residential Zone Change planning map for No 2 Chichester Street from SPZ(PBKR) to NOSZ.	3.8	Accept	See body of the report for the assessment of this submission point.	Yes
General / Plan wide submissions							
284.1	Clampett Investments Limited	General	Amend all controlled and restricted discretionary activity rules: <u>"Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion."</u>	3.9	Reject	See body of the report for the assessment of this submission point.	No
326.1	Rolleston Industrial Developments Limited	General	Amend the Proposed District Plan to delete the use of absolutes such as 'avoid', 'maximise' and 'minimise'.	3.9	Reject	See body of the report for the assessment of this submission point.	No
FS78	Royal Forest and Bird protection Society of New Zealand Inc		Reject the submission		Accept		No
FS84	Ohoka Residents Association		Reject the submission		Accept		No
FS119	Andrea Marsden		Reject the submission		Accept		No
FS120	Christopher Marsden		Reject the submission		Accept		No
FS137	Ohoka Residents Association		Reject the submission		Accept		No
326.2	Rolleston Industrial Developments Limited	General	Amend so that all controlled and restricted discretionary activity rules include the following wording, or words to like effect: <u>"Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion."</u>	3.9	Reject	See body of the report for the assessment of this submission point.	No
FS78	Royal Forest and Bird protection Society of New Zealand Inc		Reject the submission		Accept		No
FS119	Andrea Marsden		Reject the submission		Accept		No
FS120	Christopher Marsden		Reject the submission		Accept		No
FS137	Ohoka Residents Association		Reject the submission		Accept		No
326.3	Rolleston Industrial Developments Limited	General	Amend controlled and restricted discretionary activity rules to provide direction regarding non-notification.	3.9	Reject	See body of the report for the assessment of this submission point.	No
FS137	Ohoka Residents Association		Reject the submission		Accept		No
FS78	Royal Forest and Bird protection Society of New Zealand Inc		Reject the submission		Accept		No

Appendix C. Report Author's Qualifications and Experience

I hold the following qualifications:

Master of Environmental Policy and Management from Lincoln University and a Bachelor of Arts from Victoria University of Wellington. I have two years' experience working as a Policy Planner. My work experience includes:

- Duty Planner providing planning advice to the public;
- Public engagement – providing planning advice at community 'drop-in sessions';
- Summarising submissions to the Proposed District Plan, Variation 1 and 2, and Private Plan Change RCP031;
- Preparation of policy research paper – qualifying matters proposed across New Zealand;
- Preparation of public notices, letters, website content and summary documents;
- Preparation of reports to Council;
- Preparation of s42A reports for the District Plan review; and
- S42A officer at District Plan review hearings.

I have been employed by the Waimakariri District Council since March 2022 as a Policy Planner within the Development Planning Unit Team.