

**Before an Independent Hearings
Panel Appointed by the
Waimakariri District Council**

Under the Resource Management Act
1991

In the matter of submissions and further
submissions in relation to the
proposed Waimakariri District Plan

And

In the matter of Hearing Stream 10: Special
Purpose Zones

And submissions by Sports and
Education Corporation (**S&E Corp**)

**Statement of Evidence of
Melissa Pearson
for S&E CORP (Submitter 416)**

Dated: 31 January 2024

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INTRODUCTION

1. My full name is Melissa Leanne Pearson. I am a Principal Planning and Policy Consultant at SLR Consulting New Zealand (**SLR**). My responsibilities include leading and managing central and local government and private sector policy projects for various clients, ranging from private plan changes to full district plan reviews and plan changes for local government and the development and implementation of central government policy.
2. This evidence is in support of the submissions and further submissions lodged by Sports and Education Corporation (**S&E Corp**), on the Proposed Waimakariri District Plan (**PDP**) regarding the provisions of the Pegasus Resort Special Purpose Zone (**SPZ(PR)**).
3. The **S&E Corp** submissions supported the inclusion of the SPZ(PR) as an enabling zone designed to support development of the existing tourism facilities around the Pegasus Golf Course into a more diverse tourism destination. **S&E Corp** request amendments to several SPZ(PR) provisions, as detailed in its submissions, to ensure that the provisions are fit for purpose, clear to implement, and support the future development of the Pegasus Golf Resort in accordance with the Pegasus Resort Urban Design Guidelines (**PRUDG**).

QUALIFICATIONS AND EXPERIENCE

4. I am a qualified and experienced environmental planner, having completed a Bachelor of Planning (Hons) at the University of Auckland. I am also a Full Member and Supporter of the New Zealand Planning Institute.
5. I have 16 years' experience as a resource management practitioner in New Zealand, which has included working for both the private sector and for central and local government on a range of resource consent and policy projects. My private sector planning experience ranges from obtaining resource consents for small and large scale residential and subdivision developments in the Auckland Region, development of private plan changes in both Auckland and Waikato for residential and commercial developments and consenting and policy development experience for

clients in the telecommunication, intensive farming, and community facility sectors. My public sector planning experience involves a significant amount of central government policy research and development relating to telecommunications, forestry, climate change, highly productive land, and infrastructure. My local government policy experience involves drafting of district plan provisions in the Far North, Kaipara, Waikato, Hamilton, and Queenstown Lakes districts for local authorities.

6. These projects have given me significant experience with all parts of the Schedule 1 process from both the public and private sector perspectives, including provision research and development, provision drafting, the preparation of section 32 and 42A reports, preparation of submissions and further submissions, presentation of evidence at council hearings, preparation and resolution of appeals and Environment Court mediation.

CODE OF CONDUCT STATEMENT

7. While this is not an Environment Court hearing, I confirm that I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023.
8. I am satisfied that the matters which I address in my evidence are within my field of expertise. I am not aware of any material facts that I have omitted which might alter or detract from the opinions I express in my evidence.

STRUCTURE OF EVIDENCE

9. I have been involved in development plans for the Pegasus Golf Resort since 2019. I prepared the initial draft of the SPZ(PR) provisions and engaged with council staff and the wider project team to further develop the provisions based on a range of expert reports¹ supporting the inclusion of the SPZ(PR) in the PDP. I also assisted council staff with the drafting of the section 32 report for the SPZ(PR).
10. I prepared the submission on behalf of **S&E Corp** entitled 'Submission to the Proposed Waimakariri District Plan 2021', dated 25 November 2021. This primary submission was recorded as Submitter Number 416 and

¹ Listed at paragraph [18] of my evidence.

focused on the provisions of the SPZ(PR). The purpose of the submission was to support the provisions and extent of zoning, as well as seek further amendments to zoning provisions to better enable the masterplan for the Pegasus Golf Resort, as set out in the PRUDG, to be achieved.

11. Subsequent to this, I prepared further submissions on behalf of **S&E Corp** entitled 'Further Submission to the Proposed Waimakariri District Plan 2021', dated 21 November 2022.
12. My evidence will address the remaining submission points made on the PDP that are of concern to **S&E Corp** and are addressed by the Council's Section 42A report dated 17 January 2024 (**Officer's Report**)².
13. The issues addressed in this statement have been grouped into the following topics:
 - (a) Nesting of definitions (covered under primary submission point 416.14)
 - (b) Definition of 'Commercial Golf Resort Activity' (covered under primary submission point 416.15)
 - (c) SPZ(PR)-P3: Landscape and Character (covered under primary submission point 416.5)
14. I consider the amendments sought by **S&E Corp** at this hearing, combined with the Officer's recommended relief, will result in the effective and efficient development of the Pegasus Golf Resort into a tourism resort, in line with the purpose of the SPZ(PR) as notified in the PDP.
15. When preparing this evidence, I have reviewed the following statutory planning instruments, reports, submissions, and memos:
 - (a) The relevant supporting information to the PDP³ and the PDP itself;
 - (b) Canterbury Regional Policy Statement (as at July 2021);
 - (c) Greater Christchurch Spatial Plan: Draft Plan for Consultation;

² For the record, S&E Corp are either satisfied with, or are not pursuing further amendments to, the s42A recommendations in response to submission points 416.1, 416.2, 416.3, 416.4, 416.6, 416.7, 416.10 and 416.11.

³ These include the reports prepared on behalf of S&E Corp in support of the SPZ(PR) listed on Council's website as 'Background Documents and Reports'.

- (d) Pegasus Resort Urban Design Guidelines (**PRUDG**);
- (e) Waimakariri District Council Section 42A Hearing Officer's Report for Special Purpose Zone – Pegasus Resort;
- (f) Waimakariri District Council Section 42A Hearing Officer's Report for Transport dated 21 July 2023 (updated 18 August 2023);
- (g) The Resource Management Act 1991 ('**RMA**');
- (h) Submissions and further submissions of **S&E Corp** as described in paragraphs [10] and [11] of this evidence;
- (i) Further submission of Canterbury Regional Council (**ECAN**) on SPZ(PR)-P2;
- (j) Position Statement of Mahaanui Kurataiao Limited on the Impact of Pegasus Expansion on Rangatiratanga and Treaty Principles; and
- (k) Memorandum from Mr James Lunday with respect to the wording of SPZ(PR)-P3, dated 26 January 2024.

THE OFFICER'S REPORT

16. I have reviewed the Officer's Report for the SPZ(PR) and acknowledge that the Officer's assessment is, for the most part, sound and constitutes good planning and resource management practice. Accordingly, I support the majority of recommendations made by the Officer.
17. There are, however, a few matters raised in **S&E Corp's** submissions on the SPZ(PR) that I believe require further analysis and consideration by the Hearing Panel.

FURTHER SUBMISSION OF ECAN

18. I wish to briefly address ECAN's further submission⁴ on the wording of SPZ(PR)-P2. ECAN requested that a hierarchy of preferred approaches be made clear within the Policy with respect to whether effects on water quality from infrastructure are avoided, remedied, or mitigated. In its further submission, **S&E Corp** (FS100) was neutral on potential changes to SPZ(PR)-P2 but sought scope to be involved in discussions on the wording of this policy, if required. In light of the Officer's recommendation to reject

⁴ Submitter Reference 316.186.

ECAN's relief, I have no further comments to make in this evidence. However, I may prepare rebuttal evidence on behalf of **S&E Corp** should ECAN pursue this relief further.

NESTING OF DEFINITIONS AND THE TRANSPORT CHAPTER

19. In its submission point 416.14, **S&E Corp** requested that, by definition; 'Commercial Golf Resort Activity' and 'Spa/Wellness and Hot Pool Complex' are nested as 'Commercial Activities'; 'Golf Education Facility' is nested as an 'Education Facility'; and 'Golf Country Club' is nested as a 'Major Sports Facility'. The Officer rejected the nesting of each specified definition on the basis that each definition is only relevant to activities in the SPZ(PR) and, as such, would have implications for the range of permitted activities provided for in other zones if nested.
20. I wish to clarify that the reason for requesting that the bespoke Pegasus Resort definitions be nested under broader definitions that apply throughout the PDP was primarily in relation to the inclusion of Appendix 6 (TRAN-APP6) in the Transport chapter of the PDP. When the PDP was notified, the status of TRAN-APP6 in relation to the high traffic generation rule TRAN-R20 was unclear. The advisory notes for TRAN-R20 indicated that the traffic generation rates in TRAN-APP6 provide '*a guide to the level of traffic generation that could be expected for a range of activities.*'⁵
21. The **S&E Corp** submission stated that the inclusion of TRAN-APP6 as a 'guide' rather than a rule or standard makes it unclear as to whether council consent staff will rely on the rates specified in TRAN-APP6 when determining compliance with TRAN-R20 and what the implications are for activities that are not included within the TRAN-APP6 table⁶. The subsequent submission point requesting the nesting of bespoke SPZ(PR) definitions under broader PDP definitions was primarily to provide clarity as to how TRAN-APP6 would be applied to activities within the SPZ(PR) if it was to be retained in the Transport chapter.⁷
22. In the s42A Officer's Report for Transport dated 21 July 2023 (updated 18 August 2023), it was recommended that TRAN-APP6 be deleted from the

⁵ Notified wording of the Advisory Notes for TRAN-R20 in the PDP.

⁶ Section 2.4 of the S&E Corp submission (Submitter Reference 416).

⁷ Paragraph 2.7.1 of the S&E Corp submission (Submitter Reference 416).

Transport Chapter. I support this recommendation as it allows TRAN-R20 and associated table TRAN-1: High Traffic Generation Thresholds to determine whether resource consent is required for high traffic generation without the potential confusion about the role TRAN-APP6 plays in determining average daily traffic volumes.

23. If the Hearing Panel agree to the deletion of TRAN-APP6 from the Transport chapter, then the nesting of the bespoke definitions for the SPZ(PR) is unnecessary as there will be no need to decide which category of activity the SPZ(PR) specific activities fall into under TRAN-APP6. However, if TRAN-APP6 is retained then I consider it important to include the SPZ(PR) activities in TRAN-APP6 to give plan users certainty as to what traffic generation rates apply to these activities. I accept the Officer's comments in relation to the consequential impacts on other zones of nesting the SPZ(PR) definitions. My preference to resolve these issues is for TRAN-APP6 to be deleted, as recommended in the s42A Officer's Report for Transport. Alternatively, I consider that the nesting tables could be drafted in a way that indicates that the bespoke SPZ(PR) definitions only apply within the SPZ(PR) zone, to address the Officer's concern about the nesting resulting in implications for permitted activities in other zones.

DEFINITION OF 'COMMERCIAL GOLF RESORT'

24. The Officer's report recommends rejecting S&E Corp's submission point 416.15 that the definition of 'commercial golf resort' be amended to explicitly include 'any ancillary workshop' associated with a gift/souvenir shop. The reasons given for rejecting this relief were that an ancillary workshop is already provided for as an ancillary activity to a gift/souvenir shop as:
- (a) SPZ(PR)-O1 provides for '*limited small-scale commercial activity and ancillary activity*' so it is clear, at an objective level, that ancillary activities are anticipated in the zone;
 - (b) A commercial golf resort activity is limited to a maximum of 200m² gross floor area (GFA) per tenancy (under rule SPZ(PR)-R13), so any ancillary workshop would be provided for if it was within this GFA limit for the overall activity; and

- (c) The chapeau of the commercial golf resort activity definition is “*activities that support the tourism/resort activities in the zone*” and an ancillary workshop associated with a gift/souvenir shop is considered to meet this definition already.
25. I disagree with the Officer that the combination of referring to ‘ancillary activity’ in SPZ(PR)-O1 and the chapeau of the commercial golf resort activity provides sufficient certainty that an ancillary workshop would be provided for as part of the commercial golf resort activity definition. My reason for this relates to the full wording of the commercial golf resort definition chapeau, being ‘*activities that support the tourism/resort activities in the zone, involving:*’ (emphasis added).
26. I consider that the use of the word ‘involving’ indicates more of a finite list of anticipated activities, rather than the more usual and broad wording such as ‘including’, which would provide more flexibility for an argument that an activity meets the definition because it supports the tourism/resort activities in the zone, despite not being explicitly included in the list. My understanding, based on discussions with council staff on this definition prior to notification, is that the use of the word ‘involving’ was deliberate to keep the definition narrow and focused on a smaller group of anticipated, tourism related commercial activities. This was to ensure that the Pegasus Resort did not expand into providing a broader range of commercial activities and subsequently undermine the role of neighbouring town centres.
27. I consider that future users of this definition could interpret the list as excluding ancillary workshops because they are not explicitly mentioned, or at least result in a disagreement between the council and an applicant as to whether a workshop is ancillary to a gift/souvenir shop activity or a separate activity in its own right. For context, the type of activity envisaged by **S&E Corp** is a greenstone gift shop that had a small ancillary workshop attached where visitors can watch the greenstone being carved onsite. I consider that the potential for this definition to be misinterpreted means there are benefits to clarifying the definition for plan users.
28. I also disagree with the Officer that mention of ‘ancillary activity’ at an objective/policy level provides sufficient certainty about ancillary workshops

being provided for in the SPZ(PR) when the objective will be read in conjunction with a more specific and narrowly worded definition.

29. For the avoidance of doubt, I consider it beneficial to amend clause (e) of the commercial golf activity definition to include a reference to ‘any ancillary workshop’ to reduce the likelihood of a debate as to whether ancillary workshops were anticipated in the zone, particularly because of the wording of the definition chapeau and the use of the narrow term ‘involving’. This amendment would provide a more effective planning response and certainty for plan users.

LANDSCAPE AND CHARACTER

30. **S&E Corp’s** submission point 416.5 requested that the words ‘golf course and country club facilities be deleted from SPZ(PR)-P3 and replaced with the words ‘Pegasus Resort Landscape’. The reason for the deletion of the words ‘country club facilities’ was that *‘the country club activity does not currently exist so it cannot form part of the established landscape character⁸’*.
31. The Officer’s report recommends that SPZ(PR)-P3 be amended to delete the words ‘country club facilities’ as follows:
- ‘Provide for the landscape character values of the golf course, ~~country club facilities~~ and the background mountain range, particularly as viewed from public places, through master-planning, landscape design and massing of buildings.*
32. I agree that deletion of the words ‘country club facilities’ is a positive change to the policy and avoids confusion about which buildings are intended to form part of the baseline landscape character. I also support the retention of the words ‘golf course’ as this is a central component of the existing landscape character and the core existing activity around which the balance of the Pegasus Resort has been designed.
33. However, the Officer does not propose any replacement wording for the words ‘country club facilities’ (such as “Pegasus Resort Landscape as suggested in the submission), which means that SPZ(PR)-P3 policy would

⁸ Paragraph 2.2.4 of the S&E Corp submission (Submitter Reference 416).

only refer to elements of the landscape that could be interpreted as natural, open and park-like, being the golf course and the background mountain range. There would be no indication in the policy that the existing landscape character contains a baseline of existing buildings. I consider that the policy as recommended by the Officer could be interpreted as any future buildings needing to be totally subservient within the landscape to these natural elements, which takes the focus away from the intention of the zone as being enabling of a tourism resort that includes a number of buildings.

34. The intention behind requesting a term such as 'Pegasus Resort Landscape' as a replacement for 'golf course and country club facilities' in the **S&E Corp** submission point 416.5 was to reflect that the landscape character of the Pegasus Resort will evolve over time and will be a combination of open, landscaped elements as well as tourism resort buildings. I do accept the point made by the Officer that retention of the existing parkland character resulting from the golf course is a key element of the policy, however I also consider that the secondary role of the policy is give direction to plan users as to the type of built form that is anticipated within that landscape.
35. I consider that a reference within SPZ(PR)-P3 to the PRUDG would 'close the loop' on this policy by directing plan users to the document that has already considered the master-planning, landscape design and massing of buildings that would provide for the landscape character of both the golf course and the mountain backdrop. This recommendation is supported by the technical reviewer of the Design Guidelines, Mr James Lunday, who confirms that they were *'designed specifically to respond to the receiving environment paying respect to the golf course landscape, the distant hills, the cultural landscape and the existing built form'*⁹.
36. In my opinion, including a reference to the PRUDG would reduce the potential for SPZ(PR)-P3 to be interpreted in an overly conservative manner with respect to the scale and form of buildings anticipated within the landscape and would direct plan users to designing future buildings in accordance with the PRUDG, which have already considered the landscape character of the SPZ(PR). Alternatively, I would recommend the

⁹ Refer to Mr Lunday's memorandum in Annexure A.

wording suggested in the S&E Corp submission as set out in paragraph 30 above.

SUMMARY

37. In summary, I recommend that the following provisions be amended:
- (a) That clause (e) of the definition of 'commercial golf activity' is amended to read '*gift/souvenir shop and any ancillary workshop*'; and
 - (b) That Policy SPZ(PR)-P3 be amended as follows:

'Provide for the landscape character values of the golf course, ~~country club facilities~~ and the background mountain range, particularly as viewed from public places, through master-planning, landscape design and massing of buildings in accordance with the Pegasus Resort Urban Design Guidelines'; or
 - (c) If the relief in paragraph 37(b) of this evidence is not granted, that Policy SPZ(PR)-P3 be amended as per the original relief requested in the **S&E Corp** submission point 416.5.
38. I consider that my recommended changes promote both good resource management and planning practice and provide clearer direction to plan users as to how the Pegasus Golf Resort should be developed and the range of activities anticipated in the SPZ(PR).
39. In terms of the tests of section 32AA, I consider that the analysis provided in my statement of evidence demonstrates that the suggested amendments are the most appropriate way to achieve the objectives of the SPZ(PR) and will be both efficient and effective in terms of removing plan user uncertainty and ensuring appropriate assessment of landscape effects when processing applications for future built development.



Melissa Leanne Pearson, BPlan (Hons), Full Member of NZPI

Dated: 31 January 2024

ANNEXURE A

MEMORANDUM ON SPZ(PR)-P3 FROM MR JAMES LUNDAY

Te Matatiki Toi Ora
The Arts Centre
Boys' High Building
28 Worcester Boulevard,
Christchurch, 8013



26 January 2024

Pegasus Resort : s42A Report and Actions

Kia Ora Melissa,

I have looked at the proposed change to SPZ(PR)-P3 Landscape and Character and agree with the deletion of reference to the *country club facilities* and that being replaced by *in accordance with the Pegasus Resort Urban Design Guidelines* at the end of the policy.

The rationale for tying this policy to the Design Guidelines is to recognise that the Resort will evolve over time and that the county club will become part of this larger built environment outcome. The Design Guidelines are detailed and designed specifically to respond to the receiving environment paying respect to the golf course landscape, the distant hills, the cultural landscape and the existing built form.

The Design Guidelines, and in particular the masterplan and ODP, show how the development nestles within an arcadian environment that reflects the golf course environment. Materiality is covered, including the anticipated scale, style and planting palette. This direction gives the council planners a strong guide when assessing design outcomes and intent as applications proceed.

Ngā mihi nui,

James Lunday DINZ

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