

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

Under Schedule 1 of the Resource Management Act 1991

In the matter of the Proposed Waimakariri District Plan

Between **Various**

Submitters

And **Waimakariri District Council**

Respondent

**Council Officer's Speaking Notes on the Whitua motuhaka Special Purpose
Zone – Pegasus Resort Chapter on behalf of Waimakariri District Council**

Date: 19 February 2023

Introduction

- 1 My name is Jessica Manhire. I am a Policy Planner for Waimakariri District Council. I prepared the s42A report on the Special Purpose Zone – Pegasus Resort and can confirm that I have read the submitter evidence, legal submissions and tabled statements relevant to the report.
- 2 First by way of introduction to the Pegasus Resort Chapter, I will provide a background to the Chapter, submissions received and, the s42A report. Then I will highlight the matters covered in evidence by the submitters. Then I will go through the questions from the hearings panel and my preliminary written responses. After which, I will be happy to take questions on the s42A report.

SPZ(PR) Chapter background

- 3 The District Council was approached by Sports and Education Corporation (S&E Corp), and the Pegasus Golf and Sports Club in 2019 to discuss the potential for a spa and village development as part of the existing Pegasus Golf Course. It was decided that the option to enable development of the area would be considered as part of the District Plan Review. The area is zoned Mapleham Rural 4B and Rural Pegasus under the Operative District Plan.
- 4 At the time of notification of the Proposed Plan, the existing golf course included an 18-hole International Golf Course, a number of golf facility buildings, including a golf clubroom, and the residential housing to the south and north of Pegasus Boulevard. There is an existing cluster of houses known as 'Mapleham' (approximately 12ha) that is excluded from the SPZ(PR). The existing buildings form part of the urban design approach for the resort. A resource consent for the hotel associated with the golf education facility was granted via a notified consent in January 2020.
- 5 The purpose of the Special Purpose Zone (Pegasus Resort), as outlined in the Introduction to the chapter, is to provide for a high-quality visitor resort centred around the existing 18-hole international championship golf course. The zone provides for hotel and visitor accommodation, existing large residential lots, a spa

and hot pool complex, golf education and country club facilities and a limited mix of commercial and associated ancillary activities that support tourism activities associated with the Pegasus Resort.

- 6 The zone is divided into seven distinct activity areas that are described in paragraphs 27-34 of the s42A report.
- 7 The key differences between these activity areas are the types of development enabled and the extent to which activities such as commercial golf resort activity and visitor accommodation can occur. This recognises that some activity areas predominantly perform functions relating to the existing golf course, or existing residential areas, while others will enable other major tourism related activities.

S42A Report – Key Points

- 8 The Pegasus Resort Chapter received 14 submission points from three submitters, and two further submissions with 15 submission points. This number does not include the rezoning requests submission points being considered as part of the rezoning requests (Hearing Stream 12).
- 9 As rezoning outcomes are subject to a later hearing, the evaluation in the s42A report considers those submission points that I considered were not dependent on rezoning outcomes. Detail of the submission points that will be considered as part of Hearing Stream 12 has been outlined in paragraphs 48-50 of the s42A report.
- 10 The recommendations in the s42A Report on SPZ(PR)-BFS12 Site layout Pegasus Resort ODP were informed by transport advice provided by Senior Transportation Engineer Shane Binder. Mr Binder provided a Statement of Evidence attached as Appendix C to the s42A report.
- 11 As identified in the s42A report, the key issues raised in submissions were:
 - 11.1 The S&E Corp, who are the owners of the Pegasus Golf and Sports Course, seek for Pegasus Resort to become a major tourist centre within the district and for provisions to enable tourist activities to develop. The submitter seeks amendments to provisions to better achieve this.

- 11.2 The Canterbury Regional Council (ECan) seek amendment to Policy SPZ(PR)-P2 to include a hierarchy of preference in terms of when effects from infrastructure are avoided, or remedied, or mitigated.

S42A Report – recommended amendments

- 12 Upon weighing up all submissions, my recommended changes are contained within Appendix A of my s42A report.

Submitter evidence - key outstanding matters

- 13 I have read all the submitter evidence received on this topic.
- 14 Based on the evidence presented, I consider that the key outstanding matters remaining, as outlined in the evidence of S&E Corp, are:
- 14.1 The submitter seeks the definition of ‘commercial golf resort’ be amended to include ‘any ancillary workshop’ associated with a gift or souvenir shop.
- 14.2 The wording of Policy SPZ(PR)-P3 regarding the landscape character of the zone.

Hearing panel questions

- 15 I will now address the hearing panel’s preliminary questions, and I anticipate that there may be questions of clarification on my answers to your pre-circulated questions, so will take a pause between my responses for this purpose.
- 16 **[Refer to Attachment 1 – Pegasus Resort council preliminary response to written questions].**

Date: 19/02/2023



Attachment 1 – Pegasus Resort council preliminary response to written questions

Paragraph or Plan reference	Question	Officer's preliminary reply pre hearing
<p>Paras 73, 74 and 75</p>	<p>Please explain what you mean when you provide a definition of golf education facility in para 64 and then state in para 65 that it is not defined.</p> <p>What are the implications for other chapters if golf education facilities are nested under education facilities? In answering this question, please set out the legal status of the Definition Nesting Tables compared to the Definitions themselves.</p>	<p>Paragraph 75 was meant to read 'education facility' is not defined.</p> <p>If 'golf education facilities' is nested under 'education facility', or 'educational facility' which is the term used in the plan, then in zones where 'education facility' is permitted, 'golf education facility' would then also be interpreted by plan users as being permitted. I note that 'golf education facility' also includes ancillary activity such as golf related retail activity and does not have to be associated with a childcare service, school or tertiary education service. Therefore, in my view, it does not nest well into 'educational facility'. If nested under 'educational facility' then 'golf education facility' would then be interpreted by plan users as being permitted in other zones such as LLRZ and GRZ.</p> <p>The Definition Nesting Tables set-out the relationship between listed defined terms, and how to interpret the activity rules where a more generic, rather than specific term is used. It simplifies the activity rules because the general activity can be used without needing to reference the specific activity.</p> <p>Under the National Planning Standards (section 14), local authorities must consider whether to include instructions on how definitions relate to one another (e.g. nesting tables or Venn diagrams).</p> <p>Therefore, my understanding is that they act as instructions to interpreting the definitions and do not have any legal status on their own. The purpose of them is to provide clarity for plan interpretation where there may be uncertainty. In my view, it would need careful</p>

Paragraph or Plan reference	Question	Officer's preliminary reply pre hearing
		consideration whether a 'golf education facility' falls under the definition of 'educational facility' and, in my view, it may not, and including in the Definition Nesting Tables would be a too broad brush approach.
Para 89	Is this an accept in part, given your conclusion that what the submitter is seeking is already encapsulated by the definition?	I consider it is 'rejected' as I was not recommending any changes as a result of the relief sought. I consider ancillary workshop is encapsulated by the definition (where it supports the tourism/resort activities in the zone and involves a gift/souvenir shop). However, in my view, ancillary workshops could be broad and include activities such as a golf ball factory or wine bottling facility that may support but not be integral to the gift/souvenir shop. Therefore, I disagree with both the submission point as a whole and the relief sought. However, the submitter's evidence has provided clarity on the type of activity envisaged and I consider alternative wording, such as the addition of the word " <u>artisan</u> " ¹ before workshop may relieve my concerns which I will consider for my right of reply.
Para 127	Please clarify the statement " <i>In summary, I do not consider there to be any implications to the SPZ(PR) Chapter if the Strategic Directions Chapter were to be given primacy</i> ". Do you mean, specifically,	That sentence was specifically in relation to Mr Buckley's memorandum (b)(iv) but applies to all primacy approaches.

¹ Artisan - a skilled worker who makes things by hand. Oxford Paperback Dictionary & Thesaurus, 2009.

Paragraph or Plan reference	Question	Officer's preliminary reply pre hearing
	primacy in terms of Mr Buckley's memorandum set out in (b) (i) and (ii)?	
Para 136	Is your conclusion about water quality consistent with the evaluations of the reporting officers for the TRAN and EW Chapters? If not, why not?	<p>The District Council is directed by the NPS-FM to include objectives, policies, and methods to avoid, remedy, or mitigate adverse effects of urban development on the health and well-being of water bodies. District Councils are to achieve integrated management under s31 of the RMA and part 3.5 of the NPS-FM.</p> <p>I have viewed the Transport s42A and Right of Reply. The reporting officer's recommendation ensures integrated management of water quality regarding the formation of accessways, parking areas, loading areas and manoeuvring areas and stormwater runoff.</p> <p>I note that the reporting officer for Earthworks, Mr Wilson recommends the deletion of policy EW-P6 as it is inconsistent with the functions of District Councils, and I agree water quality is primarily a function of the regional council under s30 of the RMA. Mr Wilson also recommends retaining some elements of EW-P1 regarding adverse effects on surface freshwater bodies and sedimentation.</p> <p>Therefore, I consider my statement to be consistent with the reporting officers' evaluations for the Transport and Earthworks Chapters.</p>
Para 160	Please be prepared to expand on this point at the hearing, i.e. why is	My understanding is the scale of activity proposed by the developer was tested by the economic analysis report to ensure there would not be an oversupply. This number then

Paragraph or Plan reference	Question	Officer's preliminary reply pre hearing
	<p>the number of visitor accommodation units restricted to ensure this "<i>does not exceed the national average provision per capita</i>" and how that outcome which came from an economic analysis report might be relevant to the potential effects that you have identified in para 161 (water supply, stormwater generation, wastewater loads and traffic generation). Were the water supply, stormwater generation, wastewaters loads and traffic generation also determinative on setting the visitor accommodation unit limits?</p>	<p>formed the basis for the transport and servicing assessments.</p> <p>My understanding is that those effects (water supply, stormwater generation, wastewater loads and traffic generation) did not provide the limits but the number was used as a basis for testing the capacity of the servicing and without the limit then there would be no guarantee the activity would not impact on servicing capacity and the assessment reports will no longer be accurate.</p>
Para 163	<p>Can you comment on what the realistic number of visitor accommodation units might be in Activity Areas 1, 2 or 4 were the cap to be lifted as</p>	<p>Visitor accommodation is a permitted activity in Activity Area 2-Spa Village at a maximum of 320 units. The activity area is approximately 21,300m². The traffic assessment was based</p>

Paragraph or Plan reference	Question	Officer's preliminary reply pre hearing
	<p>requested by the submitter, so the Panel can gauge the impacts of removing the cap (NB: we may ask the submitter the same question).</p>	<p>on a spa village with 250 units. The servicing report was based on an estimated floor area.²</p> <p>Hotels are permitted in Activity Area 1-Spa and Activity Area 4-Golf village at a maximum of 180 units. Activity Area 1 is 36,500m² and Activity Area 4 is 10,000m². The Pegasus Resort Transport Assessment based the trip generation on 175 rooms in Activity Area 1 and 60 rooms in Activity Area 4.³ The servicing report was based on an estimated floor area.⁴</p> <p>In my view, the limits are generous considering the size of the activity areas⁵ and increasing, or removing, this limit may not achieve a complementary mix of activities in accordance with Policy SPZ(PR)-P1(2)(a).</p> <p>Should the caps on accommodation be removed there is likely to be offsite adverse effects associated with traffic, water and wastewater if the proposal was increased in scope. No information has been supplied to quantify what these effects are likely to be. Without an understanding of capacity constraints, it is not possible to come up with a quantifiable cap on accommodation unit numbers.</p>

² Pegasus Hot Springs Development Servicing Report, page 57-58. Retrieved from https://www.waimakariri.govt.nz/__data/assets/pdf_file/0021/136155/36A-500718-Pegasus-Hot-Springs-Development-Servicing-Report-20201029_Optimized-Part-1.pdf

⁴ Pegasus Hot Springs Development Servicing Report, page 57-58. Retrieved from https://www.waimakariri.govt.nz/__data/assets/pdf_file/0021/136155/36A-500718-Pegasus-Hot-Springs-Development-Servicing-Report-20201029_Optimized-Part-1.pdf

⁵ Based on Activity Area 2 to comprise of units of between 25 to 80m² in size. Section 32 Report: Special Purpose Zone – Pegasus Resort, page 5.

