

DISTRICT PLAN REVIEW

Proposed Waimakariri District Plan - Submission

Clause 6 of Schedule 1, Resource Management Act 1991

Submitter details

(Our preferred methods of corresponding with you are by **email** and **phone**).

Full name: _____

Email address: _____

Phone (Mobile): _____ Phone (Landline): _____

Postal Address: _____ Post Code: _____

Physical address: _____ Post Code: _____
(if different from above)

Please select one of the two options below:

I **could not** gain an advantage in trade competition through this submission (go to Submission details, you do not need to complete the rest of this section)

I **could** gain an advantage in trade competition through this submission (please complete the rest of this section before continuing to Submission details)

Please select one of the two options below:

I **am** directly affected by an effect of the subject matter of the submission that:

- A) Adversely affects the environment; and
- B) Does not relate to trade competition or the effect of trade competition.

I **am not** directly affected by an effect of the subject matter of the submission that:

- A) Adversely affects the environment; and
- B) Does not relate to trade competition or the effect of trade competition.

Submission details

The specific provisions of the proposal that my submission relates to are as follows: *(please give details)*

My submission is that: *(state in summary the Proposed Plan chapter subject and provision of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons) (please include additional pages as necessary)*

I/we have included: _____ additional pages

I/we seek the following decision from the Waimakariri District Council: *(give precise details, use additional pages if required)*

Submission at the Hearing

I/we wish to speak in support of my/our submission

I/we do not wish to speak in support of my/our submission

If others make a similar further submission, I/we will consider presenting a joint case with them at the hearing

Signature

Of submitters or person authorised to sign on behalf of submitter(s)

Signature _____

Date _____

(If you are making your submission electronically, a signature is not required)

Important Information

1. The Council must receive this submission before the closing date and time for submissions.
2. Please note that submissions are public. Your name and submission will be included in papers that are available to the media and public. Your submission will only be used for the purpose of the District Plan review process.
3. Only those submitters who indicate they wish to speak at the hearing will be emailed a copy of the planning officers report (please ensure you include an email address on this submission form).

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- It is frivolous or vexatious
- It discloses no reasonable or relevant case
- It would be an abuse of the hearing process to allow the submission (or the part) to be taken further
- It contains offensive language
- It is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

Send your submission to: Proposed District Plan Submission
Waimakariri District Council
Private Bag 1005, Rangiora 7440

Email to: developmentplanning@wmk.govt.nz

Phone: 0800 965 468 (0800WMKGOV)

You can also deliver this submission form to one our service centres:

Rangiora Service Centre: 215 High Street, Rangiora

Kaiapoi Service Centre: Ruataniwha Kaiapoi Civic Centre, 176 Williams Street, Kaiapoi

Oxford Service Centre: 34 Main Street, Oxford

Submissions close 5pm, Friday 26 November 2021

Please refer to the Council website waimakariri.govt.nz for further updates

SUBMISSION OF: Te Kōhaka o Tūhaitara Trust

Context to this submission:

Ngāi Tahu Whānui made claims against the Crown under the Treaty of Waitangi Act 1975 which were the subject of two reports to the Waitangi Tribunal in 1991 and 1995. The 1995 report included Tūtaepatu Lagoon, which was identified as an area of great tribal significance that should be vested in the Tribe. The report described the importance of Tūtaepatu Lagoon as a mahinga kai (food source), noted it is in an area containing urupā (burial sites) and that it could also potentially provide a kāinga nohoanga (temporary settlement for food gathering).

The Tribunal found that the Crown, in its purchase of Ngāi Tahu lands, had failed to set aside specific mahinga kai reserves or to provide adequate land to ensure that Ngāi Tahu had access to traditional food resources. The Tribunal supported the claim for the return of Tūtaepatu Lagoon as a compensatory measure for the loss which the Tribe had sustained with respect to traditional fishing resources.

As part of the settlement process, the Crown agreed, as a sign of good faith and in recognition of the long process of negotiation involved in reaching settlement, to sign a Deed of “On Account Settlement”. This provided for the vesting of Tūtaepatu Lagoon, by way of a gift, in Te Rūnanga o Ngāi and the establishment of a Trust, to be known as Te Kōhaka o Tūhaitara Trust, for management and administration of a new reserve including the Lagoon.

The Te Kōhaka o Tūhaitara Trust was established, by way of deed, on 31 August 1998 with equal representation from the Waimakariri District Council and Te Rūnanga o Ngāi Tahu. The Ngāi Tahu (Tūtaepatu Lagoon Vesting) Act 1998 required the Waimakariri District Council and Te Rūnanga o Ngāi Tahu to establish the boundaries of a new reserve, and empowers the trustees to manage this land as a recreation reserve for the purposes of the Reserves Act 1977.

Accordingly, Te Kōhaka o Tūhaitara Trust represents a bicultural, co-management model established by statute and with authority to administer, manage and expend money in relation to the reserve. The work of Te Kōhaka o Tūhaitara Trust is directed and informed by a Management Plan and the provisions of the Reserves Act. In this context the Trust has a status that is equivalent to a Council but can be differentiated by its bi-cultural foundation. The Trust has executed its responsibilities taking a Tririti-led approach and its work has been commended and recognised through environmental awards including the NZ Coastal Restoration Trust – *best coastal restoration project*.

The following submission points seek to clarify and amend provisions in the Proposed District Plan which do not appropriately reflect the historical context that led to the formation of the Reserve, the legal status of the Trust and its demonstrated commitment to, and achievement of, enhanced environmental outcomes.

Provision to which my/our submission relates:	My position on this provision is:	The reasons for my/our submission are:	The decision I/we want Council to make:
Part 2 District Wide Matters			
Transport			
Activity Rules			
TRAN-R12	Oppose	<p>TRAN-R12 requires any on site parking area, loading area or manoeuvring area to be formed, sealed and drained.</p> <p>Te Kōhaka o Tūhaitara Trust considers that this requirement is both unnecessary and inappropriate for parking areas within the Tūhaitara Coastal Reserve.</p> <p>The Trust considers that parking and manoeuvring areas should be able to be formed to an all-weather standard and maintained to avoid stormwater ponding and run-off and dust nuisance.</p>	Amend TRAN-R12.2 by adding the Natural Open Space Zone to the list of zones where an all-weather standard for parking and manoeuvring areas is provided as an alternative.
Ecosystems and Indigenous Biodiversity			
Activity Rules			
ECO-R1.1.g.a	Oppose	<p>The Tūhaitara Coastal Reserve is located within the Lower Plains Ecological District and parts of the Reserve are potentially categorised as an unmapped SNA as a consequence of occupying at least the specified minimum contiguous area for particular vegetation/habitat types.</p> <p>Indigenous vegetation clearance within an unmapped SNA is permitted for the purpose of</p>	Delete the limitation that indigenous vegetation clearance for a walking or cycling track is limited to tracks with a maximum width of 2m.

		<p>forming a walking or cycling access track but only where the track has a maximum width of 2m.</p> <p>Te Kōhaka o Tūhaitara Trust considers that restriction on the width of the track is both unnecessary and inappropriate. The Trust considers that the appropriate width of a track is best determined 'on the ground' having regard to the nature of surrounding vegetation, presence of waterways and needs of users of the tracks. The Trust also notes that the Coastal Park is predominantly flat and therefore any tracks being developed do not involve any extensive earthworks which may create adverse erosion, run-off or scarring effects.</p>	
Activities on the Surface of Water			
Activity Rules			
ASW-R1	Oppose	<p>ASW-R1 concerns the Use of Watercraft on identified waterbodies including Tūtaepatu Lagoon and Te Kōhanga Wetlands, limiting this activity to the District Council, Regional Council, a government agency or Fish and Game.</p> <p>The rule fails to list the Te Kōhaka o Tūhaitara Trust which is the agency with statutory responsibility for management of both of these waterbodies.</p>	Amend ASW-R1.1 to include Te Kōhaka o Tūhaitara Trust

Signs			
Definitions			
<p>Definition of Community Sign</p> <p>Definition of On-Site Sign</p>	Oppose	<p>In its management of the Tūhaitara Coastal Reserve, Te Kōhaka o Tūhaitara Trust requires signage for a number of purposes. These include:</p> <ul style="list-style-type: none"> - Wayfinding - Public health and safety - Regulatory compliance - Interpretation <p>Having regard to the definitions of different signage in the proposed district plan these types of signs would be covered by:</p> <p>Official Signs Community Signs On-site Signs</p> <p>The definition of a community sign includes signage for naming or interpretation of important heritage settings, historic occupation or use of a site or site of significance to Māori, international symbols of access, public parking and amenities and recreational access, but only where managed by Fish and Game, Environment Canterbury, DoC and the District Council.</p> <p>An on-site sign is defined to mean ‘any sign that relates to any activity occurring at the site on which the sign is located’.</p> <p>The definition for a community sign appears to be more appropriate to the needs and activities of the Te Kōhaka o Tūhaitara Trust which provides for</p>	Amend the definition of Community Sign to include Te Kōhaka o Tūhaitara Trust.

		<p>public access, recreation, interpretation and public safety within the Tūhaitara Coastal Park. The definition does not however identify the Trust as an agency providing community signage.</p> <p>The Tūhaitara Coastal Park is a significant and extensive park of district-wide importance and within the Greater Christchurch area. The Trust seeks clarification as to the applicable definition and set of rules for signs.</p>	
Sign Standards			
SIGN-S2 Table SIGN-S2	Oppose in part	<p>Should Te Kōhaka o Tūhaitara Trust be added to the definition of community sign, as sought above, Table 2 requires amendment to recognise the scale and extent of its 'site' is some 550ha. A maximum of two community signs per site would not provide sufficient signage to meet requirements for way-finding and public safety within such a large geographic area. It is also unreasonable to require resource consents for more than 2 signs within 550ha acknowledging that the signage is for the benefit of public health, safety, education and recreational enjoyment. The Trust prefers an allowance for signage which relates number of signs to geographic scale.</p>	<p>Amend Table SIGN-S2 so that any community sign shall be provided at a ratio of a maximum of two freestanding signs per 1ha of site.</p>

Part 3 -Area Specific Matters			
Natural Open Space Zone			
Activity Rules			
NOSZ-R20 Removal of a building or other structure	Oppose	<p>NOSZ-R20 requires a resource consent for removal of a building or structure. A structure can include 'any building, equipment, device or other facility, made by people, and which is fixed to land; and includes any raft'.</p> <p>Te Kōhaka o Tūhaitara Trust considers this requirement for a resource consent to be onerous and unreasonable. It could result in resource consents for removal of a fence, seat, boardwalk or foot-bridge regardless of the scale or size of the structure.</p> <p>The Trust is a responsible entity which operates in accordance with a Management Plan and the requirements of the Reserves Act. The Trust has demonstrated effective and environmentally responsible management over the past twenty years. It is unclear on what evidential basis the Council has determined that a resource consent for removal of buildings and structures within the Tūhaitara Coastal Park is required and what additional environmental benefits would be obtained from a resource consent process over and above the processes already implemented by the Trust, particularly, acknowledging the Trust's knowledge and expertise of rehabilitation and restoration of the environment within the Park to date.</p>	Delete NOSZ-R20

Activity Rules			
<p>NOSZ-R11 Office ancillary to park management activities or conservation activities</p>	<p>Oppose</p>	<p>NOSZ-R11 prescribes the floor limitations on offices ancillary to park management activities.</p> <p>Te Kōhaka o Tūhaitara Trust considers the rule confusing when considered in conjunction with NOSZ-BFS1 which imposes a limit on the GFA of any building.</p> <p>In particular, the Trust is concerned with the requirement that NOSZ-R11.2 requires the GFA of office activities to be cumulatively assessed relative to the GFA of all other buildings on the site. This seems unnecessarily complicated and it is unclear what environmental effect the provision is attempting to manage, other than to limit floor area for administration activities as a percentage of all buildings within the Coastal Park.</p> <p>The Trust prefers a simple rule for limiting the building footprint (NOSZ-BFS1) and considers that it, as the entity responsible for management of the Coastal Park, is more appropriately positioned to determine the relative floor area requirements of different activities within the Park. A rule in the district plan imposes a blanket standard that is not informed by the management needs of the Coastal Park.</p> <p>The Trust also notes it is a responsible entity which operates in accordance with a Management Plan</p>	<p>Delete NOSZ-R11.2 which refers to combined GFA.</p>

		and the requirements of the Reserves Act. The Trust has demonstrated effective and environmentally responsible management over the past twenty years. The Council should therefore have confidence that the Trust will be responsible in managing its building requirements in a way that will prioritise the environmental objectives of the Park.	
NOSZ-R13 Planting of vegetation	Oppose in part	<p>NOSZ-R13.1 does not allow planting for plantation forestry, which would default to a discretionary activity.</p> <p>Te Kōhaka o Tūhaitara Trust notes that plantation forestry is an existing activity within the Tūhaitara Coastal Park. As such, it forms an integral component of management of the Park and achievement of future objectives. This forestry provides:</p> <ul style="list-style-type: none"> - Recreational opportunities - Ground stabilisation and protection from coastal hazards - Assists with maintenance of groundwater levels - Future income - Potential for carbon sequestration <p>Whilst the Trust acknowledges that plantation forestry is generally not a preferred use in recreational reserves, in the context of the Tūhaitara Coastal Park it is an important existing and future land use activity. Accordingly, the Trust seeks that a more permissive land use activity</p>	<p>Amend NOSZ-R13 by deleting item 1.</p> <p>Create a new rule as follows:</p> <p>NOSZ-RXX: The planting and harvesting of forestry in the Tūhaitara Coastal Park for commercial, sequestration or environmental benefits.</p> <p>Activity status: CON</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The area of land dedicated to planting does not exceed that existing at (insert date proposed district plan was notified); <p>Matters of control are restricted to:</p> <ul style="list-style-type: none"> - measures for protection of waterbodies and important ecological areas - measures for safe access to and from public roads

		status is accorded to plantation forestry within the Tūhaitara Coastal Park.	<ul style="list-style-type: none"> - any requirements specified by Te Ngāi Tūāhuriri Rūnanga for the protection of wāhi tapu or wāhi taonga. <p>Activity status when compliance not achieved:</p> <p>RDIS</p> <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> - the extent of additional land proposed to be planted; - the purpose of the planting; - any effects on recreational use of the Coastal Park. - measures for protection of waterbodies and important ecological areas - measures for safe access to and from public roads - any requirements specified by Te Ngāi Tūāhuriri Rūnanga for the protection of wāhi tapu or wāhi taonga. <p>-</p>
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Built Form Standards			
NOSZ-BFS1 Coverage	Oppose	<p>NOSZ-BFS1 limits the GFA of any building to 75m².</p> <p>Te Kōhaka o Tūhaitara Trust considers this limit on the size of a building to be unreasonable having regard to:</p> <ul style="list-style-type: none"> - The significant scale of the Tūhaitara Coastal Park at some 550ha; - The requirements of a large Coastal Park for buildings for administration and operational purposes; - The future plans of the Trust to enhance its educational facilities; - The potential for research facilities. <p>The Trust notes that in the OSZ, for reserves over 10,000m², buildings up to 500m² are permitted. A footprint of 75m² for a 550ha therefore reserve appears comparatively unreasonable and restrictive.</p> <p>Having regard to these factors, the Trust considers that NOSZ-BFS1 should be amended to provide for a larger building footprint that is reasonable for the scale of the Coastal Park and the nature of activities and facilities that are proposed.</p> <p>The Trust also notes it is a responsible entity which operates in accordance with a Management Plan and the requirements of the Reserves Act. The Trust has demonstrated effective and environmentally responsible management over the past twenty years. The Council should therefore</p>	Amend NOSZ-BFS1 by replacing 75m ² with 350m ² .

		<p>have confidence that the Trust will be environmentally responsible in the design and construction of any buildings within the Coastal Park and it is unclear what additional environmental benefits would be obtained from a resource consent process over and above the processes already implemented by the Trust</p>	
<p>NOSZ-BFS1 Coverage Activity status when compliance not achieved</p>	<p>Oppose</p>	<p>Non-compliance with NOSZ-BFS1 requires a resource consent for a discretionary activity enabling the Council to consider any effect related to the proposal.</p> <p>Te Kōhaka o Tūhaitara Trust considers this activity status to be onerous and unnecessary.</p> <p>The Trust accepts that it may be appropriate for the Council to assess the environmental effects of an over-sized building on the amenity, landscape and ecological values of the Park. It is, however, unnecessary of the Council to expand its considerations to all aspects of a proposed activity, for which the Trust will have already made an assessment in relation to its Management Plan and the Reserves Act.</p> <p>The Trust is a responsible entity and has demonstrated effective and environmentally responsible management over the past twenty years. The Council should therefore have confidence that the Trust will be responsible in the activities it is providing for within the reserve and it is unclear what additional environmental benefits</p>	<p>Amend the activity status when compliance not achieved to RDIS.</p> <p>Matters of discretion limited to:</p> <ul style="list-style-type: none"> - Effects on the ecological, landscape and amenity values of the Coastal Park.

		would be obtained, over and above those processes already followed by the Trust, in a discretionary activity process.	
Coastal Environment			
Activity Rules and Definitions			
Definition of Public Amenities and CE-R2	Oppose	<p>CE-R2 provides for public amenities in the Coastal Environment Overlay, restricting any individual building used for a public amenity purpose to 75m².</p> <p>Whilst public amenity buildings are limited by definition to generally smaller structures, it is noted that the definition includes visitor information centres.</p> <p>Te Kōhaka o Tūhaitara Trust notes that a visitor information centre could be established within the Park in the future, either as part of an educational or research facility or as a stand-alone facility. The Trust considers that 75m² is unduly restrictive and seeks that visitor information centres be permitted under NOSZ-BFS1 as set out above.</p>	Remove visitor information centres from the definition of public amenities to allow a visitor information centre within the Tūhaitara Coastal Park under NOSZ-BFS1.