

**SUBMISSION ON PUBLICLY NOTIFIED PROPOSAL FOR POLICY STATEMENT OR  
PLAN, CHANGE OR VARIATION**

*Clause 6 of Schedule 1, Resource Management Act 1991*

**To** Waimakariri District Council

Name of submitter: Clampett Investments Limited (CIL)

- 1 This is a submission on the proposed Waimakariri District Plan (the **Proposed Plan**).
- 2 CIL could not gain an advantage in trade competition through this submission.
- 3 CIL's submission relates to the entire Proposed Plan.
- 4 CIL seeks the following decision from the local authority:
  - 4.1 The relief as set out in **Annexure A**.
  - 4.2 Any other similar relief that would address the relief sought by CIL.
  - 4.3 All necessary consequential amendments.
- 5 CIL **wishes to be heard** in support of the submission.
- 6 If others make a similar submission, CIL will consider presenting a joint case with them at a hearing.

**Signed** for and on behalf of Clampett Investments Limited (CIL) by its authorised agents  
Novo Group Limited



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Jeremy Phillips  
Director  
26 November 2021

Address for service of submitter:

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## ANNEXURE A

The drafting suggested in this annexure reflects the key changes (CIL) seeks. Consequential amendment may also be necessary to other parts of the proposed provisions.

(RIDL) proposes drafting below and seeks that this drafting, or drafting with materially similar effect, be adopted by the Council.

Suggested amendments and alternative drafting is shown in track change – RIDL's requested deletions are shown using ~~red strike through~~ and requested insertions shown using red underline.

### PART 1 – INTRODUCTION AND GENERAL PROVISIONS

General submission points				
No.	Provision	Position	Submission	Relief Sought
1.	General/all	Oppose	<p>The submitter considers that the proposed Plan makes inadequate use of 'non-notification clauses' directing that applications under specific rules shall not be limited or publicly notified, on the basis of effects associated specifically with that rule.</p> <p>The submitter considers that all controlled and restricted discretionary activity rules should be provided with such a direction and clear wording as to the effect of the non-notification clause for applications.</p>	<p>Amend the proposed Plan, such that all controlled and restricted discretionary activity rules include the following wording, or words to like effect:</p> <p><u><i>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.</i></u></p>

Part 1 - Definitions				
No.	Provision	Position	Submission	Relief Sought
2.	Definitions generally	Support	These definitions are considered appropriate and are supported by the submitter.  Definitions utilising the National Planning Standards definitions are supported.	Retain definitions as notified.
3.	Ancillary Activity	Support	This definition is considered appropriate and is supported by the submitter.	Retain this definition as notified.
4.	Community Facility	Support	This definition is considered appropriate and is supported by the submitter.	Retain this definition as notified.
5.	Drive Through	Support	This definition is considered appropriate and is supported by the submitter.	Retain this definition as notified.
6.	Educational Facility	Support	This definition is considered appropriate and is supported by the submitter.	Retain this definition as notified.
7.	Food and Beverage Outlet	Support	This definition is considered appropriate and is supported by the submitter.	Retain this definition as notified.
8.	Functional Need	Support	This definition is considered appropriate and is supported by the submitter.	Retain this definition as notified.
9.	Future Development Strategy	Support	This definition is considered appropriate and is supported by the submitter.	Retain this definition as notified.

Part 1 - Definitions				
No.	Provision	Position	Submission	Relief Sought
10.	Gross Floor Area	Support	This definition is considered appropriate and is supported by the submitter.	Retain this definition as notified.
11.	Key Activity Centres	Support	This definition is considered appropriate and is supported by the submitter.	Retain this definition as notified.
12.	Large Format Retail	Support	This definition is considered appropriate and is supported by the submitter.	Retain this definition as notified.
13.	Net Density	Support	This definition is considered appropriate and is supported by the submitter.	Retain this definition as notified.
14.	Net Floor Area	Support	This definition is considered appropriate and is supported by the submitter.	Retain this definition as notified.
15.	Net Site Area	Support	This definition is considered appropriate and is supported by the submitter.	Retain this definition as notified.
16.	Notional Boundary	Support	This definition is considered appropriate and is supported by the submitter.	Retain this definition as notified.
17.	Operational Need	Support	This definition is considered appropriate and is supported by the submitter.	Retain this definition as notified.
18.	Parking Area	Support	This definition is considered appropriate and is supported by the submitter.	Retain this definition as notified.

**Part 1 - Definitions**

<b>No.</b>	<b>Provision</b>	<b>Position</b>	<b>Submission</b>	<b>Relief Sought</b>
19.	Primary Building Frontage	Support	This definition is considered appropriate and is supported by the submitter.	Retain this definition as notified.
20.	Primary Building Frontage	Support	This definition is considered appropriate and is supported by the submitter.	Retain this definition as notified.
21.	Public Transport Facility	Support	This definition is considered appropriate and is supported by the submitter.	Retain this definition as notified.
22.	Residential Activity	Support	This definition is considered appropriate and is supported by the submitter.	Retain this definition as notified.
23.	Residential Unit	Support	This definition is considered appropriate and is supported by the submitter.	Retain this definition as notified.
24.	Retail activity	Support	This definition is considered appropriate and is supported by the submitter.	Retain this definition as notified.
25.	Retirement Village	Support	This definition is considered appropriate and is supported by the submitter.	Retain this definition as notified.
26.	Reverse Sensitivity	Support	This definition is considered appropriate and is supported by the submitter.	Retain this definition as notified.

Part 1 - Definitions				
No.	Provision	Position	Submission	Relief Sought
27.	Sensitive Activity	Support	This definition is considered appropriate and is supported by the submitter.	Retain this definition as notified.
28.	Sign	Support	This definition is considered appropriate and is supported by the submitter.	Retain this definition as notified.
29.	Site	Support	This definition is considered appropriate and is supported by the submitter.	Retain this definition as notified.
30.	Supermarket	Support	This definition is considered appropriate and is supported by the submitter.	Retain this definition as notified.
31.	Temporary Activity	Support	This definition is considered appropriate and is supported by the submitter.	Retain this definition as notified.
32.	Trade Suppliers	Support	This definition is considered appropriate and is supported by the submitter.	Retain this definition as notified.

## PART 2 – DISTRICT WIDE MATTERS

Part 2 – Strategic Directions				
No.	Provision	Position	Submission	Relief Sought
33.	SD- Introduction	Support with	The submitter supports the overview of the Strategic Directions and in particular the statement that: <i>'For the purpose of District</i>	Amend this provision as follows:

## Part 2 – Strategic Directions

No.	Provision	Position	Submission	Relief Sought
		amendment	<p><i>Plan development, including plan changes, the strategic objectives in this chapter provide direction for the more detailed provisions contained in the District Plan. For the purpose of District Plan implementation, including the determination of resource consent applications’.</i></p> <p>However, from the submitter’s experience with Strategic Directions in the Christchurch District Plan, there has been a lack of certainty as to whether the Strategic Objectives are a matter to be expressly considered for applications, or whether they are simply provisions given effect to by the objectives and policies in the balance of the District Plan which are not relevant to individual applications.</p> <p>The submitter considers they should be expressly considered (to the extent relevant) for applications and seeks explicit wording to this effect within the overview.</p>	<p><i>‘...For the purpose of District Plan development, including plan changes, the strategic objectives in this chapter provide direction for the more detailed provisions contained in the District Plan. For the purpose of District Plan implementation, including the determination of resource consent applications. <u>For the avoidance of doubt, this means that for resource consent applications, the Strategic Objectives may require specific consideration and application to proposals, as a relevant consideration under section 104(1)(b)(vi). ...’</u></i></p>
34.	SD-O2 to SD-O6	Support	These provisions are considered appropriate and are supported by the submitter.	Retain these provisions as notified.



Part 2 – Strategic Directions				
No.	Provision	Position	Submission	Relief Sought
35.	SD-UFD-O2, UFD-P1 to P10	Support	These provisions are considered appropriate and are supported by the submitter.	Retain these provisions as notified.

Part 2 – Energy, Infrastructure and Transport				
No.	Provision	Position	Submission	Relief Sought
36.	TRAN-All provisions	Support	These provisions are considered appropriate and are supported by the submitter.	Retain these provisions as notified.

Part 2 – Hazards and risks – Hazardous Substances				
No.	Provision	Position	Submission	Relief Sought
37.	Hazardous Substances – all provisions	Support	These provisions are considered appropriate and are supported by the submitter.	Retain these provisions as notified.

Part 2 – Hazards and risks – Contaminated Land				
No.	Provision	Position	Submission	Relief Sought
38.	Contaminated land– all provisions	Support	These provisions are considered appropriate and are supported by the submitter.	Retain these provisions as notified.

Part 2 – Hazards and risks – Natural Hazards				
No.	Provision	Position	Submission	Relief Sought
39.	NH-PO1 to PH19	Support	These provisions are considered appropriate and are supported by the submitter.	Retain these provisions as notified.
40.	NH-Rules Generally	Support with amendment	<p>The submitter considers that there is insufficient use of non-notification clauses within the natural hazards rules, where the corresponding issues and effects are matters that can be adequately determined by Council without any benefit from limited notification.</p> <p>Accordingly, the submitter seeks that all rules in the natural hazards chapter be provided with 'non-notification clauses' directing that applications under specific rules shall not be limited notified, on the basis of effects associated specifically with that rule.</p>	<p>Amend all rules in the natural hazards chapter, such that they include the following wording, or words to like effect:</p> <p>An application for a restricted discretionary activity under this rule is precluded from being <u>limited notified or</u> publicly notified. <del>, but may be limited notified.</del></p>
41.	NH-R1 to R20	Support	These provisions are considered appropriate and are supported by the submitter.	Retain these provisions as notified

Part 2 - Subdivision				
No.	Provision	Position	Submission	Relief Sought
42.	SUB-Overview	Support	The SUB-Overview section is generally supported by the submitter.	Retain this provision as notified.
43.	SUB-O1 and SUB-O3	Support	These provisions are considered appropriate and are supported by the submitter.	Retain these provisions as notified.
44.	SUB-P1 to P10	Support	These provisions are considered appropriate and are supported by the submitter.	Retain these provisions as notified.
45.	SUB-R1 to R3	Support	These provisions are considered appropriate and are supported by the submitter.	Retain these provisions as notified.
46.	SUB-R3 to R11	Support	These provisions are considered appropriate and are supported by the submitter.	Retain these provisions as notified.
47.	SUB-S1 to S17	Support	These provisions are considered appropriate and are supported by the submitter.	Retain these provisions as notified.
48.	SUB-MCD	Support	These provisions are considered appropriate and are supported by the submitter.	Retain these provisions as notified.

## Part 2 – General District Wide Matters - Earthworks

No.	Provision	Position	Submission	Relief Sought
49.	EW-Overview	Support	The EW-Overview section is generally supported by the submitter.	Retain this section as notified.
50.	EW-O1	Support with amendment	This provision is generally supported by the submitter, albeit a minor amendment is proposed.	Amend this provision as follows: <i>Earthworks are undertaken in a manner that <b>avoids significant and manages other minimises</b> adverse effects on the surrounding environment.</i>
51.	EW-P1-P6	Support	These provisions are considered appropriate and are supported by the submitter.	Retain these provisions as notified.
52.	EW-R1-R11	Support	These provisions are considered appropriate and are supported by the submitter.	Retain these provisions as notified.
53.	EW-S1 to S7	Support	These provisions are considered appropriate and are supported by the submitter.	Retain these provisions as notified.

## Part 2 – General District Wide Matters - Light

No.	Provision	Position	Submission	Relief Sought
54.	LIGHT	Support	The provisions in the chapter 'Light' are considered appropriate and are supported by the submitter.	Retain these provisions as notified.

Part 2 – General District Wide Matters - Noise				
No.	Provision	Position	Submission	Relief Sought
55.	NOISE-Overview	Support	The NOISE-Overview section is generally supported by the submitter.	Retain the NOISE-Overview section as notified.
56.	NOISE-O1 and O3	Support	These provisions are considered appropriate and are supported by the submitter.	Retain these provisions as notified.
57.	NOISE-P1 to P5	Support	These provisions are considered appropriate and are supported by the submitter.	Retain these provisions as notified.
58.	NOISE-R1-R23	Support	These provisions are considered appropriate and are supported by the submitter.	Retain these provisions as notified.
59.	NOISE-MD1 – MD4	Support	These provisions are considered appropriate and are supported by the submitter.	Retain these provisions as notified.

Part 2 – General District Wide Matters - Signs				
No.	Provision	Position	Submission	Relief Sought
60.	SIGN-Overview	Support	The SIGN-Overview section is generally supported by the submitter.	Retain the SIGN-Overview section as notified.
61.	SIGN-O1	Support	This provision is considered appropriate and is supported by the submitter.	Retain this provision as notified.

**Part 2 – General District Wide Matters - Signs**

<b>No.</b>	<b>Provision</b>	<b>Position</b>	<b>Submission</b>	<b>Relief Sought</b>
62.	SIGN-P1 to P5	Support	These provisions are considered appropriate and are supported by the submitter.	Retain these provisions as notified.
63.	SIGN-R1 to R9	Support	These provisions are considered appropriate and are supported by the submitter.	Retain these provisions as notified.
64.	SIGN-S1 to S6	Support	These provisions are considered appropriate and are supported by the submitter.	Retain these provisions as notified.

**Part 2 – General District Wide Matters – Urban form and development**

<b>No.</b>	<b>Provision</b>	<b>Position</b>	<b>Submission</b>	<b>Relief Sought</b>
65.	UFD-All provisions	Support	These provisions are considered appropriate and are supported by the submitter.	Retain these provisions as notified

### **PART 3 – AREA SPECIFIC MATTERS**

<b>Part 3 – Zones – Commercial and Mixed Use Zones – Commercial and Mixed Use Zones (CMUZ)</b>				
<b>No.</b>	<b>Provision</b>	<b>Position</b>	<b>Submission</b>	<b>Relief Sought</b>
66.	CMUZ – All provisions	Support	These provisions are considered appropriate and are supported by the submitter.	Retain these provisions as notified.

<b>Part 3 – Zones – Commercial and Mixed Use Zones – Neighbourhood Centre Zone (NCZ)</b>				
<b>No.</b>	<b>Provision</b>	<b>Position</b>	<b>Submission</b>	<b>Relief Sought</b>
67.	NCZ - all provisions	Support	These provisions are generally considered appropriate and are supported by the submitter.	Retain these provisions as notified.

<b>Part 3 – Zones – Commercial and Mixed Use Zones – Local Centre Zone (LCZ)</b>				
<b>No.</b>	<b>Provision</b>	<b>Position</b>	<b>Submission</b>	<b>Relief Sought</b>
68.	LCZ - all provisions	Support	These provisions are generally considered appropriate and are supported by the submitter.	Retain these provisions as notified.



**Part 3 – Zones – Commercial and Mixed Use Zones – LFRZ - Large Format Retail Zone**

No.	Provision	Position	Submission	Relief Sought
69.	LFRZ - all provisions	Support	These provisions are generally considered appropriate and are supported by the submitter.	Retain these provisions as notified.
70.	LFRZ-P1	Support with amendment	While the definition of <i>Large Format Retail</i> <b>includes</b> supermarkets and department stores, this provision <b>excludes</b> supermarkets and department stores. The submitter has resource consent to construct both a department store and supermarket (ref: RC205216 RC215278) at Waimak Junction in Kaiapoi. The submitter considers that provision for both supermarkets and department stores should be included in LFRZ-P1.	<p>Amend this provision as follows:</p> <p>Provide for commercial activities within <u>the Large Format Retail Zone at Smith Street, Kaiapoi</u>, that are difficult to accommodate within commercial centres due to their scale or functional requirements, while;</p> <ol style="list-style-type: none"> <li>1. avoiding small scale retailing, offices, <u>and</u> community facilities; <del>new supermarkets and department stores</del> to ensure activities in the zone do not compromise the role and function of Town Centres and the efficient use and investment in Town and Local Centre public amenities and facilities;</li> <li>2. <u>requiring any and all retail has a minimum GLFA of 450m<sup>2</sup>.</u></li> <li>3. requiring large scale development to be of a design quality that is commensurate with the prominence and visual effects of the development; and</li> <li>4. requiring the potential adverse effects on the transport system to be avoided or mitigated.</li> </ol>

**Part 3 – Zones – Commercial and Mixed Use Zones – LFRZ - Large Format Retail Zone**

No.	Provision	Position	Submission	Relief Sought
71.	LFRZ-R2	Support with amendment	While the definition of Large Format Retail <b>includes</b> supermarkets and department stores, this provision <b>excludes</b> supermarkets and department stores. The submitter has resource consent to construct both a department store and supermarket (ref: RC205216 RC215278) at Waimak Junction in Kaiapoi. Accordingly, the submitter seeks that any large format retail (including supermarkets and department stores) be a permitted activity within the underlying zone.	Amend this provision as follows:  FRZ-R2 Large format retail  <del>This rule does not apply to department store provided for under LFRZ-R16; or any supermarket provided for under LFRZ-R19.</del>  <u>1. requiring any and all retail has a minimum GLFA of 450m<sup>2</sup>.</u>
72.	LFRZ – R3 to R8	Support	These provisions are considered appropriate and are supported by the submitter.	Retain these provisions as notified.
73.	LFRZ – R9	Support with amendment	The provision states that food and beverage outlets should not be within 50m of another food and beverage outlet. The submitter considers that this provision is impractical as food tenancies are best located together, to enable a range of choices within close proximity of one another rather than separated by a minimum distance of 50m.	Amend this provision as follows:  LFRZ-R9: Food and beverage outlet  Activity status: PER  Where:  1. the activity shall occupy a maximum of 150m <sup>2</sup> GFA.†  <del>2. the activity shall not be located within 50m of another food and beverage outlet.</del>

**Part 3 – Zones – Commercial and Mixed Use Zones – LFRZ - Large Format Retail Zone**

No.	Provision	Position	Submission	Relief Sought
74.	LFRZ-BFS1 to BFS2	Support	These provisions are generally considered appropriate and are supported by the submitter.	Retain these provisions as notified.
75.	LFRZ- BFS3	Support with amendment	The submitter considers the use of the 10m setback for outdoor storage as acceptable providing it is suitably screened with fencing or vegetation to enable better use of the site while improving amenity values along more sensitive boundaries elsewhere on the site.	Amend this provision as follows: <ol style="list-style-type: none"> <li>1. The minimum building setback from internal boundaries of sites that adjoin Residential Zones, Rural Zones, or Open Space and Recreation Zones shall be 10m.</li> <li>2. In the Large Format Retail Zone at Smith Street, Kaiapoi, <u>1.8m high screened</u> outdoor storage area shall <del>not</del> be located within the 10m building setback.</li> </ol>
76.	LFRZ- BFS4 to BFS5	Support	These provisions are generally considered appropriate and are supported by the submitter.	Retain these provisions as notified.
77.	LFRZ- BFS6	Support with amendment	The submitter considers the use of the 10m setback for outdoor storage as acceptable providing it is suitably screened with fencing or vegetation to enable better use of the site while improving amenity values along more sensitive boundaries elsewhere on the site.	Amend this provision as follows: <ol style="list-style-type: none"> <li>1. All buildings shall be set back a minimum of: <ol style="list-style-type: none"> <li>a. 10m from the road boundary with any arterial road or collector road;</li> <li>b. 10m from the road boundary where the road is separating the site from Residential Zones, Rural Zones or Open Space and Recreation Zones;</li> </ol> </li> </ol>

**Part 3 – Zones – Commercial and Mixed Use Zones – LFRZ - Large Format Retail Zone**

No.	Provision	Position	Submission	Relief Sought
				<p>c. 3m from the road boundary of all other roads;</p> <p>d. no building setback is required under (a), (b) or (c) above where the road-facing façade is at least 40% glazed.</p> <p>2. In the Large Format Retail Zone at Smith Street, Kaiapoi, <del>any</del> <u>1.8m high screened</u> outdoor storage area shall <del>not</del> be located within the building setback.</p>
78.	LFRZ-BFS8 - BFS8	Support	These provisions are generally considered appropriate and are supported by the submitter.	Retain these provisions as notified.

**Part 3 – Zones – Commercial Zones – Town Centre Zone**

No.	Provision	Position	Submission	Relief Sought
79.	TCZ – all provisions	Support	These provisions are generally considered appropriate and are supported by the submitter.	Retain these provisions as notified.

