

**To:** Jessica Manhire – section 42A reporting officer for Hearing Stream 12 – Pegasus Resort SPZ rezoning  
**From:** Melissa Pearson – Principal Planner  
**cc:** Audrey Benbrook – Hearings Administrator  
**Date:** 5 March 2024

**RE: Response to Council information gap request for Pegasus Māketē rezoning request**

This memo has been prepared in response to an email from Jessica Manhire dated 14 February 2024 titled “DEXIN submission information gaps”. The purpose of this memo is to respond to planning matters raised in this email that are within the scope of my expertise as a planner to assist with the preparation of the section 42A report.

This memo does not respond to all matters raised in Ms Manhire’s email, but it does indicate how these remaining matters will be addressed in evidence presented in the Stream 12 hearing, including the evidence of others (e.g. economist, urban designer, traffic engineer).

Finally, the memo references a marked-up version of both the Special Purpose Zone (Pegasus Resort) (SPZ(PR)) chapter and the Pegasus Urban Design Guidelines (appended to this memo as Attachments 1 and 2). These mark-ups have been prepared in response to the Cultural Impact Assessment (CIA) that is being submitted to the Hearings Panel today as part of a package of additional information to inform the s42A report drafting.

## 1.0 Response to Council information gap request

- Ms Manhire’s email outlined twelve potential information gaps with respect to the information submitted to date in support of DEXIN’s submission and further submission requesting rezoning of the land at 1250 Main North Road from Rural Lifestyle Zone to SPZ(PR). This section outlines how the experts engaged by DEXIN intend to respond to these potential information gaps, either through the package of information submitted today, or through evidence presented as part of the Stream 12 hearing.

**Table 1: Information gaps in email dated 14 February 2024**

Information gap	Expert(s) Responsible	Response
1. NPS-UD Policy 1(e) and (f) – How does it support a reduction in greenhouse gas emissions and is resilient to climate change effects?	Planner	Refer to Section 2.0 of this memo.
2. Does it contribute significant development capacity, and why?	Economist Planner	This will be addressed through both economic and planning evidence at the hearing.

Information gap	Expert(s) Responsible	Response
3. Noise and vibration mitigation from the Main North Road and internal noise effects of the activities on the site e.g. Māketete tourism on the residential development.	Planner	Refer to Section 3.0 of this memo.
4. Confirm how wide the landscaped setback is and whether activities would be setback 10m from Taranaki Stream to comply with NATC-S1.	Urban designer	A revised Outline Development Plan (ODP) will be prepared and presented at the hearing. ODP amendments are anticipated as a result of further traffic engineering work and ongoing engagement with NZTA. However, the intent is for the revised ODP presented in evidence to confirm that the intent is to have a 10m landscaped setback from the existing bank of the Taranaki Stream, noting that further naturalisation works within the 10m setback may occur as part of ecological restoration of the stream.
5. Confirm the area of the site subject to the Urban Flood Assessment Overlay is shown on the requested ODP as the landscaped setback.	Urban designer	A revised Outline Development Plan (ODP) will be prepared and presented at the hearing. ODP amendments are anticipated as a result of further traffic engineering work and ongoing engagement with NZTA. However, the intent is for the revised ODP presented in evidence to confirm that the area of the site subject to the Urban Flood Assessment Overlay will be contained within the landscaped setback.
6. Are amendments to policy SPZ(PR)-P9 (residential development) still sought?	Planner	No. As per my email dated 20 February 2024 to Ms Manhire: <i>When the original DEXIN submission was drafted, we had not yet drafted amendments to the SPZ(PR) chapter, however we wanted to signal that amendments to policies might be required to provide for new housing on the Māketete site, hence the reference in the original submission to potential changes to SPZ(PR)-P9. However, once we looked at the provisions during the preparation of the further submission we made a call that the notified wording of SPZ(PR)-P9 was sufficiently broad that it did not require amendment. Happy to discuss further whether Council considers that more specific policy direction is needed for the residential component of Māketete.</i>
7. Activity Area 7A is missing off Table SUB-1 in the further submission. Why is this?	Planner	As per my email dated 20 February 2024 to Ms Manhire: <i>When discussing what to do with the existing residential lots in the SPZ(PR) prior to the plan notification, the clear direction we got from Council was that no further subdivision of these lots should be enabled. Rather than try and come up with a specific</i>



Information gap	Expert(s) Responsible	Response
		<i>minimum lot size for Activity Area 7A, we agreed to leave the minimum lot size at 4ha (the minimum lot size for the balance of the golf course) to send a clear signal that further subdivision was not enabled, as all of these existing lots are well under 4ha (I think most are around 2ha from memory). As such, Activity Area 7A is covered by the 'all other areas' part of Table SUB-1.</i>
8. Has the assessments for traffic, water, wastewater and character for the Makete site considered your request for an uncapped limit for visitor accommodation? This may require additional information as the traffic assessment used the previous assessment which included the caps.	Planner	As part of Hearing Stream 10, I prepared planning evidence on behalf of Sports and Education Corporation (S&E Corp - submitter 416). Through that hearing I confirmed that S&E Corp are no longer seeking removal of the visitor accommodation caps. I can also confirm that DEXIN will not be seeking removal of the visitor accommodation caps through the Hearing Stream 12 process and that the technical servicing and traffic reports took these caps into account. As such, no updates to either the traffic or servicing expert reports to account for removal of the visitor accommodation caps.
9. Consultation with Waka Kotahi is recommended on access management onto SH1, with regards the proposed construction and use of vehicles accesses onto SH1. There may be implications in light of the Woodened bypass scheme and associated roading changes.	Traffic engineer	Further traffic engineering assessment is currently being undertaken, including engagement with NZTA. This will result in traffic engineering evidence being presented as part of Hearing Stream 12, as well as potentially expert conferencing prior to the hearing. Questions 9-12 will be addressed as part of this work.
10. Address the need for non-motorised access, including specific need for a pedestrian/cycle crossing (connecting the Pegasus centre)	Traffic engineer	



Information gap	Expert(s) Responsible	Response
and Ravenswood retail park.		
11. There is a scheme highlighted at the SH1/Pegasus roundabout which may not be accounted for in the ITA.	Traffic engineer	
12. Are new road widths compliant with the Proposed District Plan?	Traffic engineer	

## 2.0 NPS-UD Policy 1(e) and 1(f)

2. Ms Manhire has requested comment regarding the proposed Pegasus Māketē rezoning and how it aligns with the direction of NPS-UD Policy 1(e) and 1(f), namely *“How does it support a reduction in greenhouse gas emissions and is resilient to climate change effects?”*
3. Clauses (e) and (f) of the NPS-UD Policy 1 are as follows:
 

*Policy 1: Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:*

...

*(e) support reductions in greenhouse gas emissions; and*

*(f) are resilient to the likely current and future effects of climate change.*
4. In my opinion, a clear way in which a well-functioning urban environment can reduce greenhouse gas emissions is by enabling people to live near where they work and putting employment and entertainment opportunities in locations that are easily accessible. This action can support reductions in greenhouse gas emissions by:
  - a. Shortening trips between residences and places of employment, which makes alternative transport choices such as walking or cycling more attractive;
  - b. Creating an agglomeration of activities (in this case tourism related activities) so that people can visit multiple attractions in the same trip;
  - c. Providing a destination closer to main centres than other existing alternatives (in this case, a tourism destination that is closer to Christchurch than other alternatives, such as Hamner Springs).
5. I consider that enabling the development of 1250 Main North Road into a tailored tourism destination to supplement the tourism/recreational activities proposed in the wider SPZ(PR) will reduce greenhouse gas emissions from visitors that may otherwise visit multiple attractions over a wider area of Canterbury. Consolidating the SPZ(PR) as a premier tourist destination with the addition of Māketē tourism activities to support the existing golf course and planned spa/wellness facility has the potential to encourage visitors staying overnight and walking between various activities as opposed to driving.



6. From the perspective of employment, the inclusion of 1250 Main North Rd within the SPZ(PR) increases the range of businesses that may establish within the zone and subsequently the employment opportunities for locals that live in neighbouring Pegasus Town, Ravenswood and Woodend.
7. The addition of a small amount of residential development opportunities also creates opportunities for people to live near where they work beyond that which already exists. Allowing for this combination of residential activity near employment opportunities (and employment opportunities nearby to existing residential areas) has the potential to reduce the distances that people commute to work (particularly from Pegasus town as there is no need to cross the state highway), and subsequently reduce greenhouse gas emissions.
8. With respect to the likely current and future effects of climate change, I note that 1250 Main North Road is not near the coast and not in a location subject to significant flooding effects. Although there is a small risk of flooding around Taranaki Stream (as indicated by the Urban Flood Assessment Overlay), I understand from the infrastructure servicing report prepared by Eliot Sinclair (attached to the DEXIN further submission) that the risk to buildings can be managed if they are kept out of the localised flood zone and minimum floor levels are applied.
9. Further I note that the site is more than 3km from the coastline, and the Eliot Sinclair report referenced LiDAR (2014) that the lower elevations are 6-8 m RL. It is clear to me that there was no reason to consider coastal erosion or the effects of sea level rise in this context, and the focus was on flooding and servicing as a result.
10. There is no indication from any of the submitted expert reports that I am relying on that 1250 Main North Road is at risk of potential climate change impacts to the extent that it requires a different approach to any other live zoned urban land in the district and/or that the risk is high enough that it is an impediment to the land being rezoned.
11. The Proposed Waimakariri District Plan has not identified a Coastal Flood Assessment overlay for the site, as is the case for land to the east of Pegasus. If further clarification is required about the potential climate change risks to the site, this can be provided through engineering evidence at the hearing.

### **3.0 Noise and vibration**

12. I understand that Ms Manhire has raised a question about how noise and vibration effects from Main North Road will be managed and also how internal noise effects of the activities on the site will be managed e.g. potential conflict between Māketete tourism activities and residential development.

#### **3.1 Noise**

##### **3.1.1 State highway noise**

13. With respect to state highway noise, I understand that a joint witness statement (planning) was prepared in relation to Rule NOISE-R16 (dated 16 November 2023), which covered how to manage state highway noise on adjacent land.
14. I have read that joint witness statement and understand that it is recommending an approach which allows for noise sensitive activities (including residential activities and any potential other activities that meet the definition of 'noise sensitive') to establish adjacent to a state highway, provided an applicant can demonstrate that the building is designed, constructed and maintained to achieve indoor design sound levels of 40 dB LAeq(24hr) within any habitable room. This can be achieved by either a noise report



demonstrating compliance or by constructing the building in accordance with a construction schedule (proposed NOISE-SCHED1). Mechanical ventilation is also required if the windows must be closed to achieve the maximum indoor design sound levels.

15. After reading the joint witness statement and considering the applicability of these proposed provisions to the site at 1250 Main North Road, I consider that:
  - a. The majority of residential dwellings along the south-western side of the site will be located further than 100m from the edge of the state highway. This is outside the maximum distance that proposed the NOISE-R16 will apply to and outside of the maximum area that NZTA and other associated planning witnesses consider may be adversely affected by state highway noise. In my opinion this means that this portion of the site proposed for residential development will not require any additional noise mitigation above or beyond any other equivalent residential zone in the district.
  - b. For residential development within 100m of the state highway (predominantly along the most northern and southern boundaries of the site), proposed Rule NOISE-R16 will apply and ensure that any habitable rooms within these dwellings are required to achieve an indoor design sound level of 40 dB LAeq(24hr). I consider that this is appropriate and will afford these future dwellings the same level of protection from adverse state highway noise effects as any new residential buildings constructed in existing live residential zones adjacent to a state highway.
16. In terms of whether 1250 Main North Road is appropriate for any form of residential development given its close proximity to the state highway, I consider that there is no barrier to allowing residential development adjacent to a state highway from an adverse noise effects perspective, provided Rule NOISE-R16 is applied. The indoor noise level is required to be achieved based on the level of noise from the section of state highway that it is adjacent to – I consider that if this is proven via an acoustic assessment then the location of the site near a roundabout (with associated engine braking noise) can be taken into account.
17. I am also aware from my involvement as part of settling appeals on the Waikato District Plan in 2023 on this exact issue that achieving compliance with the construction schedule as an alternative to a specific acoustic assessment is equally as appropriate as the construction schedule is deliberately conservative to take into account a range of potential state highway noise levels without the need for a site-specific assessment for each development.
18. It should also be noted that the ODP proposes non residential activities in the part of the site directly adjoining the state highway (namely the main car parking area) and also proposes a mounded landscape barrier within the landscape buffer, which may also block some of the state highway noise.
19. I do not consider that state highway noise in of itself is a reason to discourage the rezoning of rural or rural lifestyle land to include some residential activities. I do not consider it a good outcome in terms of achieving a well-functioning urban environment to effectively prevent any further land adjacent to a state highway from being rezoned for residential purposes – there are efficiency benefits to having people living close to main transport routes. The issue should be whether new buildings are constructed in such a manner that adverse noise effects are sufficiently mitigated and, in my view, that is exactly the role that Rule NOISE-R16 would play. As such, I consider that state highway noise effects can be sufficiently mitigated, via the imposition of Rule NOISE-R16.





### 3.1.2 Internal noise

20. With respect to managing the impacts of noise generated from Māketete Tourism Activities (or similar non-residential activities) on residential dwellings, I understand that there is a mutual interest from both DEXIN and the Council to ensure that residential and non-residential activities are compatible in terms of noise. For the dwellings located within 100m of the state highway, being required to construct dwellings to a higher standard than the building code to manage noise levels in habitable rooms will go some way to managing noise from other activities within the site.
21. Further, there are no non-residential activities that can be established at 1250 Main North Road without a restricted discretionary activity consent at a minimum. In particular, Māketete Tourism Activities require a restricted discretionary activity consent under the new rule requested through the DEXIN further submission. One of the matters over which discretion is restricted is SPZ-PR-MCD4 – Amenity Values, which allows a council officer to consider the following (emphasis added in **bold**):
1. *Effects of the development on:*
    - a. *character and quality of the environment, including natural character, water bodies, ecological habitat and indigenous biodiversity, and sites of significance to Māori;*
    - b. *existing landscape character values and amenity values of the zone in which it occurs, and the zone of the receiving environment; and*
    - c. **the surrounding environment such as visual effects, loss of daylight, noise, dust, odour, signs, light spill and glare, including cumulative effects.**
  2. **Effects of hours of operation on the amenity values of any surrounding residential properties, including noise, glare, nuisance, disturbance, loss of security and privacy.**
  3. *Incorporation of effective mitigation such as landscaping or screening.*
22. I consider that this matter of discretion provides Council with sufficient scope to manage any potential adverse noise effects on the residential parts of the development through the resource consent process.

### 3.2 Vibration

23. I note that NZTA is not pursuing vibration rules or standards for sensitive activities adjacent to state highways anywhere else in the Waimakariri District. Although an alert layer for vibration (with no associated rules or standards) adjacent to rail corridors is being proposed as part of the joint witness statement referred to in Section 3.1.1 of this memo above, an equivalent vibration alert layer is not being pursued for state highways.
24. Although I acknowledge that vibration from state highways occurs, it is not an adverse effect that is being managed by way of rules/standards in the Waimakariri District Plan as notified and is not an effect that any party is seeking to control in the district plan by way of submission (according to the joint witness statement).
25. I also understand from my past work on this issue in the Waikato District that imposing vibration standards are often problematic, both from a practical perspective (few construction techniques truly address vibration within buildings without being cost prohibitive) and from a compliance perspective, which is one of the reasons that



vibration standards for either rail corridors or state highways are not included in many district plans nationally.

26. From a design perspective, the location of the main carparking area on the part of the site closest to the state highway will also assist with keeping the most sensitive activities as far as possible from the source of vibration along the state highway.
27. As such, I consider that it would be inappropriate to impose any particular vibration standard on the site at 1250 Main North Road to manage state highway vibration when:
  - a. This is not an issue being managed for any other site or zone adjacent to a state highway anywhere else in the Waimakariri District; and
  - b. It raises both practical and compliance issues for future applicants and the Council.

#### **4.0 Updates to the SPZ(PR) chapter and Pegasus Urban Design Guidelines**

28. I anticipate that I will submit a complete revised version of the SPZ(PR) chapter and the Pegasus Urban Design Guidelines as part of my planning evidence for Hearing Stream 12. There may be further amendments to these documents resulting from potential amendments to the ODP and/or further traffic engineering work.
29. However, in the interim I have attached a working version of both these documents that I have amended to respond to the feedback received in the Cultural Impact Report (CIA) for the site.
30. The intention behind circulating a current working version of both the SPZ(PR) chapter and the Pegasus Urban Design Guidelines prior to the preparation of the s42A report is to provide Ms Manhire with an understanding of how DEXIN intends to respond to the feedback provided in the CIA. I consider that this is within the scope of the original submission, which clearly signalled that further changes should be anticipated to the SPZ(PR) provisions as a result of iwi engagement and that these changes would be circulated prior to convening Hearing Stream 12. I wish to signal that these documents are unlikely to be the final versions that I supply to the Hearing Panel and I may recommend further amendments as part of my planning evidence in response to the ongoing ODP amendments and traffic engineering assessment and/or the recommendations in the section 42A report.

Attachments Updated SPZ(PR) chapter

Updated Pegasus Urban Design Guidelines text

