

**OFFICER'S REPORT FOR:**

Hearings Panel

**SUBJECT:**

Proposed Waimakariri District Plan: Whitua  
motuhaka Special Purpose Zone – Pegasus  
Resort

**PREPARED BY:**

Jessica Manhire

**REPORT DATED:**

17 January 2024

**DATE OF HEARING:**

19 February 2024



**WAIMAKARIRI**  
DISTRICT COUNCIL

## Executive Summary

1. This report considers submissions received by the District Council in relation to the relevant objectives, policies, rules, definitions, appendices and maps of the Proposed Plan as they apply to the Special Purpose Resort – Pegasus Resort (SPZ(PR)). The report outlines recommendations in response to the issues that have emerged from these submissions.
2. The SPZ(PR) 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).
3. The key issues raised in submissions to the Pegasus Resort Chapter are:
  - The Sports and Education Corporation (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.
  - The Canterbury Regional Council seek amendment to SPZ(PR)-P2 to include a hierarchy of preference in terms of when effects from infrastructure are avoided, or remedied, or mitigated.
4. This report addresses each of these matters, as well as any other issues raised by submissions.
5. I have recommended some changes to the Proposed Plan provisions to address matters raised in submissions. These amendments are summarised below:
  - Add the term '*golf country club*' into SPZ(PR)-O1 and SPZ(PR)-P1;
  - Replace the specific reference to '*spa/wellness and hotpool complex*' in SPZ(PR)-O2 with a broader term to capture the full range of activities anticipated in the SPZ-PR; and
  - Amend SPZ(PR)-P3 regarding landscape character values.
6. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that the Proposed Plan should be amended as set out in **Appendix A** of this report.
7. For the reasons set out in the Section 32AA evaluation and included throughout this report, I consider that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate means to:
  - achieve the purpose of the RMA where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives, and
  - achieve the relevant objectives of the Proposed Plan, in respect to the proposed provisions.

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## Interpretation

8. This Officer's report utilises a number of abbreviations for brevity as set out in Table 1 and Table 2 below:

**Table 1: Abbreviations**

| Abbreviation     | Means  |
|------------------|--|
| RMA              | Resource Management Act 1991                             |
| District Council | Waimakariri District Council / territorial authority     |
| Proposed Plan    | Proposed Waimakariri District Plan                       |
| ECan             | Environment Canterbury/Canterbury Regional Council       |
| NPSFM            | National Policy Statement for Freshwater Management 2020 |
| ODP              | Outline Development Plan                                 |
| RPS              | Operative Canterbury Regional Policy Statement           |
| SPZ(PR)          | Special Purpose Zone – Pegasus Resort                    |
| SD               | Strategic Direction                                      |

**Table 2: Abbreviations of Submitters' Names**

| Abbreviation    | Means  |
|-----------------|--|
| CIL             | Clampett Investments Limited                         |
| DEXIN           | DEXIN Investment Limited                             |
| ECan            | Environment Canterbury / Canterbury Regional Council |
| Forest and Bird | Royal Forest and Bird Protection Society             |
| RIDL            | Rolleston Industrial Developments Ltd                |
| S&E Corp        | Sports and Education Corporation                     |

# 1 Introduction

## 1.1 Purpose

9. The purpose of this report is to provide the Hearings Panel with a summary and analysis of the submissions received on the SPZ(PR) Chapter and to recommend possible amendments to the Proposed Plan in response to those submissions.
10. This report is prepared under section 42A of the RMA. It considers submissions received by the District Council in relation to the relevant objectives, policies, rules, and definitions as they apply to the SPZ(PR) Chapter in the Proposed Plan.
11. This report discusses general issues or topics arising, the submissions and further submissions received following notification of the Proposed Plan, makes recommendations as to whether or not these should be accepted or rejected, and concludes with a recommendation for amendments to the Proposed Plan provisions based on the preceding discussion in the report.
12. The recommendations are informed by both the transport advice provided by Senior Transportation Engineer Shane Binder on SPZ(PR)-BFS12 *Site layout Pegasus Resort ODP*, attached as **Appendix C**, and the evaluation undertaken by the author. In preparing this report the author has had regard to recommendations made in other related s42A reports including the Strategic Directions Chapter and the Transport Chapter.
13. This report is provided to assist the Hearings Panel in their role as Commissioners. The Hearings Panel may choose to accept or reject the conclusions and recommendations of this report and may come to different conclusions and make different recommendations, based on the information and evidence provided to them by submitters.

## 1.2 Author

14. My name is Jessica Anneka Manhire. My qualifications and experience are set out in **Appendix D** of this report.
15. My role in preparing this report is that of an expert planner.
16. I was involved in the preparation of the Proposed Plan and Section 32 Evaluation Reports. I was not the author of the SPZ(PR) Chapter or the Section 32 Evaluation Report. However, I have reviewed the chapter and Section 32 Evaluation Report in preparing my evidence.
17. Although this is a District Council Hearing, I have read the Code of Conduct for Expert Witnesses contained in the 2023 Practice Note issued by the Environment Court. I have complied with that Code when preparing my written statement of evidence and I agree to comply with it when I give any oral evidence.
18. The scope of my evidence relates to the SPZ(PR) Chapter, and related provisions including definitions nesting tables and definitions. I confirm that the issues addressed in this statement of evidence are within my area of expertise as an expert policy planner.
19. Any data, information, facts, and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. Where I have set out opinions in my evidence, I have given reasons for those opinions.

20. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

### 1.3 SPZ(PR) Chapter background

21. 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. The area is zoned Mapleham Rural 4B and Rural Pegasus under the Operative District Plan.
22. Early discussions with Council staff centred around whether the proposed development should be assessed as a private plan change or be incorporated as part of the District Plan Review. Given that the District Plan Review was underway (but not yet notified), it was decided that the option to enable development of the area would be considered as part of the District Plan Review.
23. Council provided feedback on provisions put forward by the developer in late 2019, and discussed integration around definitions, drafting style and activity status for certain activities. Council and the Project Management company for S&E Corp met and corresponded from November 2019 through to May 2021 on the chapter, and a draft section 32 report and supporting information was received by Council in November 2020. Public consultation was undertaken at the initial concept of the proposed development and was followed with local residents and Council in May 2021.
24. 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, which will lapse in 2025.
25. 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.
26. The zone is divided into seven distinct activity areas (references correspond to SPZ(PR)-APP1 and are referred to in the Activity Area Rules Tables as follows):
  - Activity Area 1: Spa.
  - Activity Area 2: Spa Village.
  - Activity Area 3: Golf Square.
  - Activity Area 4: Golf Village.
  - Activity Area 5: Village Fringe.
  - Activity Area 6: Golf Course.

- Activity Area 7: Residential.
27. The key differences between these activity areas are the types of development enabled (as guided by the Outline Development Plan (SPZ(PR)-APP1)) 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, and to allow each of these areas to develop a distinct character guided by the Pegasus Resort Urban Design Guidelines (design guidelines) (SPZ(PR)-APP2).
  28. Activity Area 1 – *Spa* provides for tourism activities, centred around the development of a Spa/Wellness and Hot Pool Complex, aimed at being a regionally significant tourism destination. This complex necessitates and provides for other activities that support the visitor experience, for example, a landmark hotel defining the main entrance to the golf course on the corner of Pegasus Boulevard and Mapleham Drive and an at-grade car park that services the Spa/Wellness and Hot Pool Complex and Hotel.
  29. Activity Area 2 – *Spa Village* provides for a range of supporting commercial and visitor accommodation activities that will allow for visitors to cater for their stay. It will provide for visitor accommodation opportunities as an alternative to a hotel experience as well as commercial golf resort activities set out in accordance with the ODP to create a 'village' look and feel. Activity Area 2 will not provide for residential activities or other commercial activities typically associated with a neighbourhood or local centre – any commercial golf resort activity will need to demonstrate a link to supporting the key tourism activities provided for in the remainder of the zone.
  30. Activity Area 3 – *Golf Square* contains the existing golf club facilities. The architectural design of these buildings is intended to set the tone for the built form of the rest of the zone, as set out in the Pegasus Design Guidelines. Development in this activity area is expected to be limited to a future country club and associated activities directly related to the operation of the golf course, as opposed to visitor accommodation or commercial golf resort activities found elsewhere in the zone.
  31. Activity Area 4 – *Golf Village* is a development area for activities that support the primary golf course activity. Activities enabled by the ODP include an already consented Hotel and a Golf Education Facility, both of which are likely to be used by tourists visiting the zone for either golf instruction or playing the course for leisure or competition.
  32. Activity Area 5 – *Village Fringe* is an active part of the existing golf course, however it has been identified as a separate activity area as it needs to provide for the relocation of two golf holes in order to enable the development of Activity Areas 1 and 2. It also serves as a buffer area between visitor accommodation and commercial golf resort activities found in the Spa Village and the residential sites located to the north.
  33. Activity Area 6 – *Golf Course* contains the balance of the existing golf course not covered by the Village Fringe Activity Area and enables the ongoing operation and development of this course as a major sports facility.
  34. Activity Area 7 - *Residential* contains eight enclaves of residential sites with an average lot size of approximately 2000m<sup>2</sup>. These residential sites were created at the same time as the golf course development and have been designed to have aspects overlooking the golf course open space areas. The intention is for these lots to maintain their semi-rural appearance and outlook over the



golf course with no further intensification anticipated. Activity Area 7 also includes two additional residential sites that were created as balance lots and are now being developed for residential activity.

35. As set out in paragraphs 48 – 50 below, a number of submissions on the Chapter relate to zoning outcomes within the zone, and the surrounding area. This report does not consider the appropriateness of rezoning outcomes, which will be heard within Stream 12.

#### **1.4 Key Issues in Contention**

36. The submissions received on the SPZ(PR) Chapter mostly sought amendments. Most of the provisions did not receive any submissions.

37. I consider the following to be the key issues raised in submissions to the Pegasus Resort Chapter:

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

38. I address each of these key issues in this report, as well as any other issues raised by submissions.

#### **1.5 Procedural Matters**

39. At the time of writing this report there have not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on the Pegasus Resort Chapter. There has been email correspondence with the submitter on the S&E Corp submission to clarify matters discussed in the report. This correspondence has not informed the recommendations made within this report.

## 2 Statutory Considerations

### 2.1 Resource Management Act 1991

40. The Proposed Plan has been prepared in accordance with the Resource Management Act 1991 (RMA) and in particular, the requirements of:

- section 74 Matters to be considered by territorial authority, and
- section 75 Contents of district plans,

41. There are higher order planning documents and strategic plans that provide direction and guidance for the preparation and content of the Proposed Plan. These documents are discussed in detail within the Section 32 Evaluation Report: Pegasus Golf (refer to Section 3.2).

- The NPS-UD 2020 replaced the National Policy Statement on Urban Development Capacity 2016 and was updated in May 2022. The NPS-UD 2022 introduces a requirement for planning decisions to contribute to well-functioning urban environment and a requirement for local authorities to be responsive to unexpected plan change requests where these would contribute to desirable outcomes;
- The National Policy Statement for Freshwater Management 2020 replaces the earlier NPSFM 2014 (amended 2017); and
- The Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 have amended the National Environmental Standard for Plantation Forestry (NESP) 2017. The intention is to provide a complete set of plan amendments across all chapters that are relevant to matters covered by the NESCF as part of Stream 11 (refer to memo from Peter Wilson on the NESCF and required changes dated 22 November 2023).

### 2.2 Section 32AA

42. I have undertaken an evaluation of the recommended amendments to provisions since the initial section 32 evaluation was undertaken in accordance with s32AA . Section 32AA states:

***32AA Requirements for undertaking and publishing further evaluations***

*(1) A further evaluation required under this Act—*

*(a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and*

*(b) must be undertaken in accordance with section 32(1) to (4); and*

*(c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and*

*(d) must—*

*(i) be published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy*

*statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or*

*(ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.*

*(2) To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).*

43. The required section 32AA evaluation for changes proposed as a result of consideration of submissions with respect to the SPZ(PR) Chapter is contained within the assessment of the submissions in section 3 of this report, as required by s32AA(1)(d)(ii).

### **2.3 Trade Competition**

44. There are no known trade competition issues raised within the submissions.

### 3 Consideration of Submissions and Further Submissions

#### 3.1 Overview

45. The SPZ(PR) 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). The majority of submissions sought amendments to provisions.
46. Common themes that have arisen are:
- 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.
  - The Canterbury Regional Council (ECan) seek amendment to SPZ(PR)-P2 to include a hierarchy of preference in terms of when effects from infrastructure are avoided, or remedied, or mitigated.
47. The SPZ(PR) Chapter is not subject to provisions introduced by Variation 1: *Housing Intensification* or Variation 2: *Financial Contributions* and there are no qualifying matters that apply to the SPZ(PR)Chapter provisions.

#### *Pegasus Resort Rezoning Requests*

48. There are two rezoning requests to include land into SPZ(PR). DEXIN [377] seeks rezoning of its site at 1250 Main North Road and amendments to provisions to provide for a range of agricultural tourism activities and medium density residential activities. Howard Stone [191] seeks rezoning of land at 1188 Main North Road to be included in Activity Area 7.
49. Within this report I have assessed the objective and policy framework of the Pegasus Resort Chapter in line with the hearing framework established by the Hearings Panel. I note however that there are submission points that can only be considered at the time of assessment of rezoning outcomes. As rezoning outcomes are subject to a later hearing, the evaluation in this report considers those submission points that I consider are not dependent on rezoning outcomes. The table below provides a summary of provisions addressed in this report. Associated submissions to the rezoning requests that seek amendment to provisions will also be considered as part of Hearing Stream 12. This report only considers other requested amendments (not associated with the rezoning requests) to the provisions set out in the left hand column of the following table. Three of these provisions are also subject to separate requested amendments in Hearing Stream 12 as follows:

| Provisions in this report | Also subject to requested amendment because of a rezoning request in Hearing Stream 12 |
|---------------------------|--|
| SPZ(PR)-O1                | Yes [377.5]  |
| SPZ(PR)-P1                | Yes [377.6]  |
| SPZ(PR)-P2                | No   |

|               |                         |
|---------------|-------------------------|
| SPZ(PR)-P3    | No                      |
| SPZ(PR)-R10   | No                      |
| SPZ(PR)-R11   | No                      |
| SPZ(PR)-BFS12 | No                      |
| SPZ(PR)-APP1  | Yes [191.2] and [377.3] |

50. DEXIN also seeks amendments to the following provisions associated with the rezoning request which will be considered as part of the rezoning request in Hearing Stream 12:

- SPZ(PR)-O2 (further submission only)
- SPZ(PR)-P4 [377.7]
- SPZ(PR)-P5 [377.8]
- SPZ(PR)-P9 [377.9]
- SPZ(PR)-R2 [377.11]
- SPZ(PR)-R3 [377.11]
- SPZ(PR)-BFS3 [377.12]
- SPZ(PR)-BFS4 [377.12]
- SPZ(PR)-BFS6 [377.12]
- SPZ(PR)-BFS7 [377.12]
- SPZ(PR)-BFS9 [377.12]
- SPZ(PR)-BFS10 [377.12]
- SPZ(PR)-APP2 [377.15]
- DEXIN also seeks amendment to the introduction [377.4], a new definition [377.14], new activity rules [377.11], new built form standards [377.12] and an amendment to SUB-S1 [377.18] (refer to further submission for amendment).

### **3.1.1 Report Structure**

51. In accordance with Clause 10(3) of Schedule 1 of the RMA, I have undertaken the following evaluation on both an issues and provisions-based approach, as opposed to a submission-by-submission approach. I have organised the evaluation in accordance with the layout of the SPZ(PR) chapter of the Proposed Plan as notified.
52. I have considered substantive commentary on primary submissions contained in further submissions as part of my consideration of the primary submission(s) to which they relate.
53. The following evaluation should be read in conjunction with the summaries of submissions and the submissions themselves.
54. I have provided a marked-up version of the SPZ(PR) Chapter with recommended amendments in response to submissions as **Appendix A**.

55. This report only addresses definitions that are specific to this topic. Definitions that are more relevant to other topics are addressed in the most relevant s42A report.

### **3.1.2 Format for Consideration of Submissions**

56. For each identified topic, I have considered the submissions that are seeking changes to the Proposed Plan in the following format:

- Matters raised by submitters;
- Assessment;
- Summary of recommendations; and
- Section 32AA evaluation

57. I have undertaken a s32AA evaluation in respect to the recommended amendments in my assessment.

## **3.2 General Submissions**

### **3.2.1 Matters raised by submitters**

58. Clampett Investments Ltd (CIL) [284.1] and Rolleston Industrial Developments Ltd (RIDL) [326.2 and 326.3] seek that all controlled and restricted discretionary activities are amended to preclude them from limited or public notification. Royal Forest and Bird Protection Society Inc. (Forest and Bird) [FS78] oppose this relief on the basis that there may be instances where notification is appropriate. Andrea Marsden [FS119] and Christopher Marsden [FS120] both oppose RIDL [326.2] as they consider all applications should be open for community consultation to give communities a voice and removing this could risk the system being exploited. The Ohoka Residents Association [FS84 and FS137] oppose RIDL [326.2] and [326.3] on the basis that it is inconsistent with national policy direction and contrary to the Operative Plan and Proposed Plan. They oppose the “inappropriate satellite town” proposed in Ohoka.

59. RIDL [326.1] seeks that all provisions in the Proposed Plan are amended to delete the use of absolutes such as ‘avoid’, ‘maximise’ and ‘minimise’. There are four further submissions on RIDL [326.1], all opposed, from the Ohoka Residents Association [FS84], Andrea Marsden [FS119], and Christopher Marsden [FS120], and Forest and Bird [FS78]. Andrea Marsden [FS119] and Christopher Marsden [FS120] state that these absolutes have the purpose of ensuring compliance and removing them would open the system up for potential abuse. The Ohoka Residents Association [FS84 and FS137] reiterate their opposition to the “inappropriate satellite town” proposed in Ohoka and state that the RIDL submission is inconsistent with national policy direction. Forest and Bird’s [FS78] reasoning did not relate to this submission point, rather it stated that there may be instances where it is appropriate to notify consents.

### **3.2.2 Assessment**

60. CIL and RIDL seek amendments to the entire Proposed Plan, however I have considered them in the context of the SPZ(PR) Chapter. There are controlled and restricted discretionary rules within the notified version of the SPZ(PR) Chapter. SPZ(PR)-R9 is a controlled rule that already includes a notification clause to preclude it from being publicly or limited notified. SPZ(PR)-R10, SPZ(PR)-R11, SPZ(PR)-R12, SPZ(PR)-R14 and SPZ(PR)-R15 are restricted discretionary rules that are also

precluded from being publicly or limited notified. These rules include a non-notification clause as the activities were specifically envisaged by the ODP and described explicitly in the zone chapter.

61. SPZ(PR)-R2 Residential activity is controlled where the activity occurs within Lot 212 DP 403716 and Lot 230 DP 417391 and there is no notification clause contained in the rule. PZ(PR)-R13 is a restricted discretionary rule that does not include a notification clause. The RMA contains a specific process for determining notification on a case-by-case basis and, in my opinion, that statutory process should only be circumvented where it is clear that potential adverse effects will not affect other parties. My understanding is all other rules may potentially generate effects that are not anticipated; thus, I do not agree with this request for a blanket clause preventing notification for these activities.
62. The terms 'avoid, remedy or mitigate' are used in SPZ(PR)-P2 and I have provided an assessment of this policy in section 3.8.1.

### 3.2.3 Summary of recommendations

63. For the reasons outlined in the assessment above, I recommend that the following submission points in terms of their application to the SPZ(PR) Chapter be **rejected**:
- i. RIDL [326.1, 326.2, and 326.3]; and
  - ii. CIL [284.1].
64. My recommendations in relation to further submissions are outlined in **Appendix B** and reflect my recommendations on submissions.
65. I recommend that no change be made to the SPZ(PR) Chapter of the Proposed District Plan.

## 3.3 Te whakamāramatanga - Interpretation

### 3.3.1 Definitions Nesting Tables

#### 3.3.1.1 Matters raised by submitters

66. S&E Corp. [416.14] consider there could be better use of the Definitions Nesting Tables and consider that this is particularly important where these more generic terms are used in other chapters such as the Transport Chapter, as it is difficult to determine which district wide rules apply to activities in the zone when it is not clear which generic standards apply to the bespoke definitions.
67. They seek the definitions nesting tables be amended so that:
- a. the 'Commercial Golf Resort Activity' and 'Spa/Wellness and Hotpool Complex' definitions are nested as 'Commercial activities',
  - b. the 'Golf Education Facility' is nested as an 'Education Facility', and
  - c. the 'Golf Country Club' is nested as a 'Major Sports Facility'.
68. DEXIN [FS101] supports the submission and seeks the submission be approved to enable the expansion of the SPZ-PR over DEXIN's site at 1250 Main North Road.

### 3.3.1.2 Assessment

#### Commercial activities

69. I have considered the definitions of the terms 'commercial golf resort activity and 'spa/wellness and hot pool complex' and how they would fit into the generic category of commercial activity.
70. 'Commercial Golf Resort Activity'<sup>1</sup>:
- "means activities that support the tourism/resort activities in the zone..."*
71. 'Spa/wellness and hot pool complex':
- "means an integrated complex that operates both indoor and outdoor pools and spas and includes the provision of ancillary spa/wellness and beauty services, cafe and swim/spa related retail activities and ancillary office".*
72. 'Commercial activity':
- "means any activity trading in goods, equipment, or services. It includes any ancillary activity to the commercial activity (for example administrative or head offices*
73. The activities of 'commercial golf resort activity' and 'spa/wellness and hot pool complex' are only relevant to the Special Purpose Zone – Pegasus Resort. Including these terms under 'commercial activity' in the nesting tables could have implications for other chapters where commercial activity is permitted such as LCZ-R5, SPZ(KN)-R11 and TCZ-R14. Also, within the SPZ(PR) Chapter, 'commercial activities' do not have a specific activity status and would fall to be a DISC activity under the catch-all rule SPZ(PR)-R17, thereby creating confusion if the other two activities were nested within the definition.

#### Education activities

74. 'Golf education facility':
- "means land and buildings used by a golf academy for teaching or training athletes or hosting educational seminars and includes ancillary office, temporary accommodation, and golf related retail activity".*

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<sup>1</sup> 'Commercial golf resort activity' means activities that support the tourism/resort activities in the zone, involving:

- a. cafes;
- b. restaurants;
- c. wine bar;
- d. superette;
- e. gift/souvenir shop;
- f. hair and beauty salon;
- g. massage therapists;
- h. golfing supplies; and
- i. swimwear apparel and accessories.



75. 'Golf education facility' is not defined but educational facility is and "means land or buildings used for teaching or training by childcare services, schools or tertiary education services, including any ancillary activities" (National Planning Standard definition).
76. 'Golf education facility' is only relevant to the SPZ(PR) and is provided for as a RDIS activity in Activity Area 4 only and NC in the other activity areas. In my opinion, the requested amendment could have implications for other chapters where 'educational facility' is a permitted activity.

#### Major sports facility

77. 'Golf country club' is a RDIS activity in Activity Area 3. 'Major sports facility' is a permitted activity in Activity Areas 3, 5 and 6.
78. Golf country club:  
*"means private membership clubrooms associated with the golf course designed to host social events for members and guests, including the provision of food and beverages and ancillary office".*
79. The definition of 'major sports facility' includes golf courses and driving ranges and includes ancillary facilities such as club rooms. However, 'Golf country club' is designed to host social events and the purpose of a 'major sports facility' is for "participating in or viewing sports". Therefore, I consider the two terms do not align. Further, as Major Sports Facility is not used in any District-wide rules so clarity is not needed.

#### 3.3.1.3 Summary of recommendations

80. I recommend the submission point from S&E Corp. [416.14] and further submission from DEXIN [FS101] be **rejected**.
81. I recommend that no change be made to the Proposed District Plan.

### 3.3.2 Definition of Commercial Golf Resort Activity

#### 3.3.2.1 Matters raised by submitters

82. S&E Corp [416.15] seek the definition of 'commercial golf resort activity' be expanded to include ancillary workshops into clause (e) of the definition, if the gift/souvenir shops wish to have space to craft goods onsite to read:

*"gift/souvenir shop and any ancillary workshop".*

83. This submission point is supported by DEXIN [FS101].

#### 3.3.2.2 Assessment

84. Commercial golf resort activity is provided for as RDIS within Activity Areas 1 to 4 and subject to gross floor area restrictions (both individual tenancy and maximum) as set out in rule SPZ(PR)-R13. The definition of 'Commercial golf resort activity' is as follows:

means activities that support the tourism/resort activities in the zone, involving:

- a. cafes;
- b. restaurants;

- c. wine bar;
  - d. superette;
  - e. gift/souvenir shop;
  - f. hair and beauty salon;
  - g. massage therapists;
  - h. golfing supplies; and
  - i. swimwear apparel and accessories.
85. SPZ(PR)-P4 sets out that commercial activities are only provided for that meet the definition of 'commercial golf resort activity'. 'Commercial golf resort activities' are "activities that support the tourism/resort activities in the zone...".
86. As well as gift/souvenir shop, the definition of 'Commercial golf resort activity' also includes cafes, restaurants, wine bar, superette, hair and beauty salon, massage therapists, golfing supplies, and swimwear apparel and accessories.
87. SPZ(PR)-O1 includes "limited small-scale commercial activity and ancillary activity". Commercial golf resort activity is limited to a maximum of 200m<sup>2</sup> per tenancy (SPZ(PR)-R13). Development shall also be in accordance with the ODP (SPZ(PR)-BFS12) which sets out the Activity Areas.
88. In my view, any ancillary activity that is within the GFA for the overall activity does not need to be specifically provided for if it supports the tourism/resort activities in the zone and the overall activity also involves a gift/souvenir shop as it would already meet the definition.

### 3.3.2.3 Summary of recommendations

89. I recommend the submission point from S&E Corp [416.15] and further submission from DEXIN [FS101] be **rejected**.
90. I recommend that no change be made to the Proposed District Plan.

## 3.4 Objectives

### 3.4.1 SPZ(PR)-O1 and SPZ(PR)-P1 – Golf country club

#### 3.4.1.1 Matters raised by submitters

91. S&E Corp [416.2 and 416.4] seek the addition of country club into SPZ(PR)-O1 and SPZ(PR)-P1.
92. The submitter anticipates a Country Club being established in Activity Area 3 (as distinct from the golf course clubrooms, which already exist on the site), as signalled in the Section 32 report.
93. Inserting 'Country Club' to the list of anticipated activities would clarify this activity is anticipated in the Special Purpose Zone - Pegasus Resort (SPZ-PR), which they consider will assist plan users and decision makers when processing a future consent application for a Country Club.
94. These submissions are supported by DEXIN [FS101].

### 3.4.2 Assessment

95. Country club was signalled as an intended activity in both the chapter introduction and throughout the SPZ(PR) s32 report.
96. The s32 report, regarding Activity Area 3, states:
- “Development is expected to be limited to a future Country Club and associated activities directly related to the operation of the golf course, as opposed to visitor accommodation or commercial golf resort activities found elsewhere in the zone.”*
97. Golf country club is a RDIS activity in Activity Area 3 and a NC activity elsewhere in the zone.

#### *Country club or golf country club*

98. There is a definition in the Proposed District Plan for golf country club.
- “means private membership clubrooms associated with the golf course designed to host social events for members and guests, including the provision of food and beverages and ancillary office.”*
99. I consider this definition makes it clear that any country club is to be related to the golf course, as opposed to other types of country clubs, and this aligns with the intended purpose of the zone which is to *“provide for a high-quality visitor resort centred around the existing 18-hole international championship golf course”*. Activity Area 3, where the submitter seeks for the activity to occur, is to be limited to activities directly related to the operation of the golf course.
100. I have asked the submitter if they prefer reference to ‘golf country club’, rather than ‘country club’, for consistency with the definition. They have confirmed preference for the term ‘golf country club’.
101. I consider the addition of golf country club into SPZ(PR)-O1 and SPZ(PR)-P1 provides clarity that it is an activity intended in the zone.

### 3.4.3 Summary of recommendations

102. I recommend that the submission points from S&E Corp [416.2 and 416.4] be **accepted in part**.
103. I recommend that the Proposed District Plan is amended by inserting ‘golf country club’ into SPZ(PR)-O1 and SPZ(PR)-P1, and a consequential amendment to the introduction as shown in Appendix A.

#### 3.4.4 Section 32AA evaluation

104. In my opinion, the amendment to SPZ(PR)-O1 is the most appropriate way to achieve the purpose of the proposal and the purpose of the RMA by clarifying the activities that are intended to occur that are directly related to the tourist resort and based around the golf course to guide decision-making and provide a coherent package of desired outcomes for the zone.

105. The amendment to SPZ(PR)-P1 is more efficient and effective in achieving the objectives than the notified provisions, including my recommended amendments to the objective by achieving consistency with SPZ(PR)-O1 to establish a tourist destination with activities based around the golf course and achieve a coherent package of provisions that limit activities directly related to the purpose of the zone and the operation of the golf course.

### **3.4.5 Objective SPZ(PR)-O2 Design components**

#### **3.4.5.1 Matters raised by submitters**

106. S&E Corp. [416.3] seeks SPZ(PR)-O2 be amended to replace the specific reference to spa/wellness and hotpool complex with a broader term, such as 'tourism facilities' to capture the full range of activities anticipated in the Special Purpose Zone - Pegasus Resort (SPZ-PR) and ensure the Pegasus Design Guidelines (PDG) apply to development across the SPZ-PR.
107. They consider the current focus on the spa/wellness and hotpool complex at the beginning of the objective implies that the PDG are only a relevant consideration when the spa/wellness and hotpool complex is being established.
108. This submission is supported by DEXIN [FS101].

#### **3.4.5.2 Assessment**

109. There is a definition for 'spa/wellness and hot pool complex'.<sup>2</sup> The s32 states that: *"These specific definitions limit the types of golf and spa/wellness related activities and restrict the type of commercial activities to those that cater to guests staying at the resort."*<sup>3</sup>
110. It further states that:
- "some activity areas predominantly perform functions relating to the existing golf course, while others enable other major tourism related activities. The distinction between activity areas will also allow each of these areas to develop a distinct character guided by the design guidelines"*<sup>4</sup>...
111. I note that SPZ(PR)-O1 lists spa/wellness and hot pool complex as one of the activities included in the zone and spa/wellness and hot pool activities is only intended in Activity Area 1, not across the whole zone.
112. The s32 report recognises the zone as being "tourism focused". It identifies the "purpose of the Zone is to provide for customised tourism at the existing Pegasus Golf and Sports Course, to enable further development of the resort."
113. I agree with the submitter that the design guidelines apply to the whole zone and not just to the spa/wellness and hot pool activities intended in Activity Area 1 (SPZ(PR)-R12).
114. However, I recommend the term 'tourism resort', as the objective is about the design components of the zone and the development of the tourism resort. SPZ(PR)-O1 is about the

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<sup>2</sup> "means an integrated complex that operates both indoor and outdoor pools and spas and includes the provision of ancillary spa/wellness and beauty services, cafe and swim/spa related retail activities and ancillary office."

<sup>3</sup> Page 19

<sup>4</sup> Page 6

tourist destination purpose of the zone and the activities that occur and does not need to be repeated in SPZ(PR)-O2.

#### 3.4.5.3 Summary of recommendations

115. I recommend that the submission from S&E Corp. [416.3] and DEXIN [FS101] be **accepted in part**.

116. I recommend that SPZ(PR)-O2 be amended as follows:

*"The development of ~~spa/wellness and hot pool complex~~ a tourism resort centred on a spa village within a framework of open space..."*

#### 3.4.6 Section 32AA evaluation

117. In my opinion, the amendment to SPZ(PR)-O2:

- is the most appropriate way to achieve the purpose of the proposal and the purpose of the RMA as it achieves consistency across the zone and is not limited to the spa/wellness and hot pool complex. It ensures development is appropriate for the location and achieves desired outcomes including that the activity areas develop a distinct character, appropriate scale and nature of activities, and integration with the landscape setting.
- It provides guidance for the whole of the zone to ensure the maintenance and enhancement of amenity values and the maintenance of the quality of the environment. I consider the revised objective ensures effects on the environment are appropriately managed while enabling people and communities to provide for their social, economic and cultural well-being and is the most appropriate way of achieving the purpose of the RMA, in particular s7(c) and (f).

### 3.5 Strategic Directions

118. Minute 11 from the Panel directed that when preparing s42A reports the Council s42A report authors are to include their own professional assessment of any potential implications that may arise on the particular chapter's objectives should the objectives in the Strategic Directions Chapters (SD and UFD) be given primacy, or not. This is to be carried out in accordance with the different primacy approaches set out in paragraph 9 of Mr Buckley's memorandum dated 29 September 2023. These are:

(a) SD objectives have no "primacy" and sit on the same level as other objectives in the plan;

(b) SD objectives have "primacy" in one of the following different senses (dependent on how the district plan is crafted):

(i) SD objectives inform objectives and policies contained in other chapters;

(ii) Objectives and policies in other chapters must be expressed and achieved as being consistent with the SD objectives;

(iii) SD objectives are used to resolve conflict with objectives and policies in other chapters;  
and

(iv) SD objectives override all other objectives and policies in the plan.

Primacy approaches (a), and (b) (i) and (ii)

119. If approach (a) was undertaken then there is the risk that the Strategic Directions Chapter is inconsistent with other chapters in the plan, which would not be good plan making. I consider that approach (b) (i) and (ii) was the approach adopted when drafting the Proposed Plan. The s32 reports considered the relationship of the proposed objectives, policies and methods and how the strategic directions are delivered by the topic and any other chapters, if relevant. The introduction to the chapter notes that the provisions in the chapter are consistent with the Strategic Directions.

120. The SPZ(PR) s32 report specifically considered SD-O2 *Urban Development*, as this objective includes relevant content for the chapter. It was considered that development provided for through the proposed zone provisions will support achievement of a good quality urban environment and will use Council infrastructure to service development.

121. An amendment has been recommended by the Strategic Directions s42A reporting officer to SD-O2 including the addition of “planned urban form” while retaining “existing character” (Strategic Directions Right of Reply) due to its linkages across most of the zone chapters of the Proposed Plan. I consider that the SPZ(PR) Chapter continues to be consistent with the recommended amended Strategic Directions objectives and achieves approach (b) (i) and (ii).

(iii) SD objectives are used to resolve conflict with objectives and policies in other chapters; and

122. My view is that the plan does not need to specify that the SD objectives are to be used to resolve conflict with objectives and policies in other chapters. I was involved in the drafting of the Proposed Plan and each chapter of the Proposed Plan went through an integration and review phase. This included testing the chapter against resource consent scenarios. This occurred for the SPZ(PR) Chapter. I am not aware of any conflicts between provisions in the Pegasus Resort Chapter and other chapters in the plan.

123. However, I concur with the legal advice from Buddle Findlay attached to the response to Minute 10, that not all tensions are apparent and foreseen. There may be some inconsistencies that are still to be resolved or that will not be foreseen until the resource consent stage. I recognise the SD objectives may be used by plan users to resolve conflicts where there is ambiguity and uncertainty in how different objectives and policies should be applied. However, I consider higher order policy can also be used to provide further direction where this is required.

(iv) SD objectives override all other objectives and policies in the plan.

124. There are two objectives contained in the Pegasus Resort Chapter, and contained in Appendix A, as follows:

|            |   |
|------------|---|
| SPZ(PR)-O1 | <p><b>Tourist destination</b></p> <p>The establishment of regionally significant tourist destination based around an 18-hole international championship golf course, with existing large residential sites, incorporating hotel and visitor accommodation, spa/wellness and hot pool complex,</p> |
|------------|---|

|                   |   |
|-------------------|---|
|                   | golf education facility, <u>golf country club</u> <sup>5</sup> and limited small-scale commercial activity and ancillary activity.  |
| <b>SPZ(PR)-O2</b> | <b>Design components</b><br>The development of <del>spa/wellness and hot pool complex</del> a <u>tourism resort</u> <sup>6</sup> centred on a spa village within a framework of open space and recreation facilities, that reflect the local open space, recreational, landscape and visual amenity values and achieve urban design excellence consistent with the Pegasus design guidelines. |

125. I have analysed each of the Strategic Directions objectives and the implications for the Pegasus Resort Chapter objectives if Strategic Directions had full primacy. I have undertaken this assessment against Mr Buckley's Right of Reply versions of the Strategic Directions.<sup>7</sup>

| <b>Strategic Direction</b> | <b>Assessment against Pegasus Resort Chapter</b>  |
|----------------------------|---|
| SD-O1 Natural environment  | If this SD has full primacy then the natural environment would be prioritised over development. However, as there are no Significant Natural Areas, Scheduled Natural Character Freshwater Bodies or Natural features and Landscapes that apply to the zone, in my view there are no implications for the Pegasus Resort Chapter.   |
| SD-O2                      | The reporting officer for Urban Form and Development has recommended urban centres be defined as "The area encompassing the townships of Rangiora, Kaiapoi, Woodend, Ravenswood and Pegasus." As Pegasus Resort is not part of the township of Pegasus, it is not an urban centre and clause 1 does not apply.<br><br>The resort is not an existing town so clause 4 does not apply. It is separated by the township of Rangiora by the Natural Open Space Zone.<br><br>I also note that SD-O2 provides criteria for urban development e.g. recognises existing character (which in my view includes the golf course), and utilises the District Council's reticulated wastewater system. |
| SD-O3                      | No implications as aligns with the Pegasus Resort Chapter, in particular SPZ(PR)-P2 to ensure provision of infrastructure while managing adverse effects.   |
| SD-O4                      | N/A but may be a relevant consideration for rezoning requests.  |
| SD-O5                      | No implications if SDs are given full primacy as cultural and spiritual values are already to be recognised under Sites and Areas of Significance Chapter.  |

<sup>5</sup> S&E Corp [416.2]

<sup>6</sup> S&E Corp [416.3]

<sup>7</sup> <https://www.waimakariri.govt.nz/council/district-development/proposed-district-plan-hearings/hearing-streams/hearing-stream-1-and-2>

|        |  |
|--------|--|
| SD-O6  | This is already to be achieved by Natural Hazards Chapter provisions                                       |
| UFD-O1 | Sufficient feasible development capacity is provided in areas that are specified by SD-O2(4).              |
| UFD-O2 | Sufficient feasible development capacity is provided in areas that are specified by SD-O2(5) and SD-O2(6). |

126. Both the chapter and strategic directions objectives and policies respond to or give effect to higher order documents. For instance, in my opinion, SD-O1(5) and the SPZ(PR) Chapter are both consistent with the NPSFM. I also note that SD-O2 provides criteria for urban development e.g. recognises existing character (which in my view includes the golf course) and utilises the District Council's reticulated wastewater system. There is further discussion of the Strategic Directions regarding SPZ(PR)-P2 *Infrastructure services* in section 3.6.1 of this report.
127. 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. For instance, the chapter seeks to achieve the same outcomes as SD-O2 such as a good quality urban environment and using the District Council's infrastructure to service development, and Pegasus Resort is not a main centre under SD-O2(5). This is consistent with the Pegasus Resort Chapter as the focus is on the golf course and the integration of development around it. UFD-P1 *Density of residential development* is to provide for residential intensification in centres where it is consistent with the anticipated built form and purpose of the zone and I consider this provides a link to the residential density and location specified in the SPZ(PR) Chapter.

## 3.6 Policies

### 3.6.1 Policy SPZ(PR)-P2

#### 3.6.1.1 Matters raised by submitters

128. ECan [316.186] state that water quality at Pegasus Lake has been of ongoing concern. As SPZ(PR)-P2 is currently worded, it considers, there does not seem to be a preference as to whether effects on water quality from infrastructure are avoided, or remedied, or mitigated. They request considering introducing a hierarchy of preference as to whether effects are first remedied, or mitigated, or avoided in order to prevent water quality from degrading further.
129. S&E Corp [FS100] and DEXIN [FS101] are not opposed in principle to changes to this policy but seek scope to be involved in any future discussions on potential wording changes. They consider changes to the policy should be consistent with other plan provisions that aim to manage the water quality of receiving waterbodies in other zones, and not introduce a hierarchy of preference which creates more onerous or strict requirements for the SPZ(PR) zone compared to what is imposed in other parts of the Proposed Plan relating to water quality.

#### 3.6.1.2 Assessment

130. SPZ(PR)-P2 was notified as follows:



*“Ensure the efficient and effective provision of infrastructure that avoid, remedy or mitigate any adverse effects on water quality and landscape, visual and amenity values and are consistent with the design approach taken for Pegasus township.”*

131. The Ecological Assessment, undertaken as part of the s32 report concluded that *“due to the highly modified nature as a golf course, the site has retained few notable ecological features of value.”*
132. The report concluded the most notable features of the site to be the adjacent Western Ridge Conservation Area (WRCA) and the Taerutu Gully. The Taerutu Gully east of the site drains north to discharge to the Taranaki Stream.

*“Provided care is taken to ensure earthworks and construction avoids encroachment into the WRCA and wider gully system, and stormwater discharge is managed to avoid adverse effects on the receiving gully stream system (water quality, sediment discharge and erosion), no notable adverse ecological impacts on downstream receiving environments are anticipated...”*<sup>8</sup>

133. New stormwater is a controlled activity (refer to rule SPZ(PR)-R9) where it occurs in Activity Areas 5 (Village Fringe) and 6 (Golf Course) and meets other standards, otherwise it is non-complying.

#### RPS

134. Objective 6.2.1 of the Canterbury Regional Policy Statement (RPS) includes that *“development are enabled within Greater Christchurch through a land use and infrastructure framework that...maintains or improves the quantity and quality of water in groundwater aquifers and surface waterbodies...”* and 7.2.3 is that the *“overall quality of freshwater in the region is maintained or improved...”*.
135. Policy 7.3.7(2) to *“avoid, remedy or mitigate adverse effects of changes in land uses on the quality of fresh water (surface or ground) by...controlling changes in land uses to ensure water quality standards are maintained or where water quality is already below the minimum standard for the water body, it is improved to the minimum standard within an appropriate timeframe” [emphasis added]*.
136. While water quality is primarily managed by the regional council, I consider the District Council has a role to give effect to the NPSFM and RPS regarding impacts of land use on water quality.

#### NPSFM

137. The NPSFM came into force on 3 September 2020 and have not been given effect to by the RPS. Therefore, I have considered the NPSFM. The s32 report considered the chapter was consistent with the National Policy Statement for Freshwater Management (NPSFM) 2020.

| NPSFM   | Assessment  |
|---|---|
| Objective 2.1(1)(a):<br>The objective of this National Policy Statement is to ensure that natural and | An integrated management approach, under part 3.5 of the NPSFM, required by |

<sup>8</sup> Page 17

|   |   |
|---|---|
| physical resources are managed in a way that prioritises: (a) first, the health and well-being of water bodies and freshwater ecosystems  | Te Mana o te Wai, requires that local authorities must:<br>...  |
| Policy 1:<br>Freshwater is managed in a way that gives effect to Te Mana o te Wai.  | <i>(c) manage freshwater, and land use and development, in catchments in an integrated and sustainable way to avoid, remedy, or mitigate adverse effects,</i>   |
| Policy 3:<br>Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments. | <i>including cumulative effects, on the health and well-being of water bodies, freshwater ecosystems, and receiving environments; and</i><br>... (4) Every territorial authority must include objectives, policies, and methods in its district plan to promote positive effects, and <u>avoid, remedy, or mitigate</u> adverse effects (including cumulative effects), of urban development on the health and well-being of water bodies, freshwater ecosystems, and receiving environments” [emphasis added].<br><br>I consider the terms avoid, remedy and mitigate to be consistent with the integrated management approach under the NPSFM. <sup>9</sup> |

138. SPZ(PR)-P2 gives effect to SD-O1 . The reporting officer for the Strategic Directions Chapter Mr Buckley has recommended the inclusion of clause 6 into SD-O1 that freshwater is managed in a way that gives effect to Te Mana o te Wai to give effect the NPSFM.
139. SPZ(PR)-P2 includes landscape, visual and amenity values. The wording of the policy is consistent with RMA section 5(c) and is applicable for the broader values identified in the policy. Effects on these values can be avoided by, for example, undertaking earthworks and construction away from waterbodies, remedied by replanting and mitigated by using sediment and erosion controls.

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<sup>9</sup> 3.5 Integrated management

“(1) Adopting an integrated approach, ki uta ki tai, as required by Te Mana o te Wai, requires that local authorities must:

...

*(c) manage freshwater, and land use and development, in catchments in an integrated and sustainable way to avoid, remedy, or mitigate adverse effects, including cumulative effects, on the health and well-being of water bodies, freshwater ecosystems, and receiving environments; and*

... (4) Every territorial authority must include objectives, policies, and methods in its district plan to promote positive effects, and avoid, remedy, or mitigate adverse effects (including cumulative effects), of urban development on the health and well-being of water bodies, freshwater ecosystems, and receiving environments” [emphasis added].

### 3.6.1.3 Summary of recommendations

140. I recommend the submission points from ECan [316.186] and further submissions from S&E Corp [FS100] and DEXIN [FS101] be **rejected**.
141. I recommend that no change be made to the Proposed District Plan.

### 3.6.1 Policy SPZ(PR)-P3 Landscape and character

#### 3.6.1.1 Matters raised by submitters

142. S&E Corp. [416.5] seek SPZ(PR)-P3 assumes the reference to country club activity in SPZ-PR-P3 refers to the existing golf course club rooms which have a distinctive architectural style that is referenced in the Pegasus Design Guidelines (PDG), and not the intended country club activity which does not yet exist.
143. They consider limiting the consideration of landscape character to the buildings that exist at the date of plan notification is a more limited baseline for assessment than anticipated by the PDG which anticipates the landscape character of the Pegasus Resort evolving over time as the resort develops. They suggest replacing “the golf course and country club facilities” with a term such as “Pegasus Resort Landscape”, to capture both current and future buildings.
144. This submission point is supported by DEXIN [FS101].

#### 3.6.1.2 Assessment

145. *The Pegasus Golf Resort Special Purpose Zone Landscape and Visual Effects Assessment*, a s32 supporting document, states the “character of the area is defined mainly by the golf course”. It is noted that the existing environment includes elements provided for in the District Plan and as yet unimplemented approved resource consents, including a hotel and golf lodge.<sup>10</sup>
146. There are other elements of the landscape. The assessment states the landscape has important cultural and historic associative values because of “its significance to Te Runanga o NgaiTūāhuriri.
147. The report concludes that the area has moderately high amenity values based on parkland character. These are “reinforced by the presence of water in ponds and waterways, the open space associated with the fairways, the significant presence of trees and native vegetation, and the moderate visual impact of built elements. Views toward the mountains from the area are also a valued feature but these are already considerably reduced by existing trees.”<sup>11</sup>
148. I note that when the report above was written, SPZ(PR)-P3 was proposed to refer to the Pegasus Resort Landscape and that this was later amended to ensure the focus of the zone remained as the golf course. The objectives and policies refer to the golf course, and the ODP shows a golf course (Activity Area 6) so if the amendment was accepted then I consider golf course would continue to be retained as a central theme of the landscape. SPZ(PR)-O1

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<sup>10</sup> Moore, M. (2020). Pegasus Golf Resort Special Purpose Zone: Visual and Landscape Effects Assessment. Retrieved from [https://www.waimakariri.govt.nz/\\_data/assets/pdf\\_file/0019/136153/34.-Final-Landscape-Pegasus-SPPRZ-7-07-21.PDF](https://www.waimakariri.govt.nz/_data/assets/pdf_file/0019/136153/34.-Final-Landscape-Pegasus-SPPRZ-7-07-21.PDF), page 3-4.

<sup>11</sup> Page 4

particularly makes it clear: “The establishment of regionally significant tourist destination based around an 18-hole international championship golf course...” However, if the amendment was accepted, the existing parkland character could be lost if the baseline was to evolve and become dominated by built-form.

149. The Pegasus Resort Design Guidelines Section 1.2 Vision and Objectives identifies the resort as “a high-quality tourist destination which provides a parklands-style 18-hole championship Golf Course; Spa/Wellness and Hot Pool facility alongside visitor accommodation”.<sup>12</sup>
150. SPZ(PR)-O2 seeks “...a spa village within a framework of open space and recreation facilities, that reflect the local open space, recreational, landscape and visual amenity values...” I consider the golf course should be retained in the policy to ensure that the open space character is preserved. The country club facilities are not an existing part of the landscape and as a result I recommend this element of the policy be deleted.

### 3.6.1.3 Summary of recommendations

151. I recommend the submission point from S&E Corp. [416.5] and further submission from DEXIN [FS1010] be **accepted in part**.
152. I recommend 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."

### 3.6.2 Section 32AA evaluation

153. In my opinion, for the reasons outlined in my assessment above, the amendment to SPZ(PR)-P3 is more appropriate in achieving the objectives of the Proposed Plan than the notified provisions. In particular, I consider that:
- The amendment will better achieve SPZ(PR)-O2 as the policy seeks to maintain the local open space, recreational, landscape and visual amenity values.
  - The amendment would continue to be consistent with SD-O2(2) as it recognises the existing character and amenity values.
  - The amendment gives effect to the RMA, in particular the maintenance and enhancement of amenity values s7(c) and the maintenance and enhancement of the quality of the environment s7(f).

## 3.7 Rules

### 3.7.1 Rule SPZ(PR)-R10 Visitor Accommodation and SPZ(PR)-R11 Hotel

#### 3.7.1.1 Matters raised by submitters

154. S&E Corp. [416.6, 416.7] support in part SPZ(PR)-R10 and SPZ(PR)-R11. It opposes the restriction on visitor accommodation activities to Activity Area 2 the restriction of hotel activities to Activity Areas 1 and 4. It also opposes the cap of 320 visitor accommodation units

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<sup>12</sup> Page 16

and 180 hotel units. It considers it restricts flexibility to choose the most suitable locations for accommodation options and deliver accommodation options to suit market demand.

155. Further, S&E Corp considers there is no justification in the section 32 report or supporting economic analysis for limiting them to those areas and considers Areas 1, 2 and 4 are all suitable for visitor accommodation and hotel units. They consider that the effects of a visitor staying in a hotel room compared to staying in a visitor accommodation unit are the same and the size of any future development will be naturally limited by market demand/opportunity. It seeks the rules be merged into one rule as follows:

*"Visitor accommodation and hotels*

*Activity status: RDIS*

*Where:*

*1. the activities occur within Activity Areas 1, 2 or 4 and*

*2. design of development shall be in accordance with the Pegasus design guidelines SPZ(PR)-APP2."*

156. This submission is supported by DEXIN [FS101].

### 3.7.1.2 Assessment

#### Activity Areas

157. Under the notified rule, hotels are provided for within Activity Areas 1 and 4 as RDIS activity, subject to three standards including that there shall be a maximum of 180 hotel units.
158. Visitor accommodation is provided for within Activity Area 2 as RDIS activity, subject to three standards, including that there is a maximum of 320 accommodation units.
159. The resource consent activity status where the RDIS standards are not met for both activities is NC.
160. S&E Corp consider the impact of a visitor staying in a hotel room compared to visitor accommodation unit is the same, and that the size of any future development will be limited by market demand. The cap on the number of visitor accommodation units was to ensure the provision of accommodation units per capita does not exceed the national average provision per capita. This was determined as part of the economic analysis as a supporting document to the s32 report(see Section 6 – Commercial Viability of Visitor Accommodation in the economic report by Insight Economics).
161. The submitter has not provided an assessment of the effects of allowing an unlimited number of hotels and visitor accommodation such as impacts on water supply, stormwater generation, wastewater loads and traffic generation, even if limited by market demand, to justify the removal of the limits. Amending as requested may be inconsistent with the RPS for example Policy 5.3.7 (adverse effects on the safe, efficient and effective functioning of the land transport network). Given these matters sought to be addressed by the objectives and policies of the plan I consider it would not be effective/efficient to not limit these.
162. I note that visitor accommodation rules in other zone chapters do not have a cap on the number of units, except for the Special Purpose Zone – Museum and Conference Centre where

they are limited to a maximum of 40. My understanding is that the cap in this proposed zone acknowledged the environment context of that site located adjacent to an industrial and rural area. In the residential and rural zones, there is a control on scale of the activity with a limit of eight visitors per site.

163. I consider that if hotel and visitor accommodation were enabled in the same Activity Areas, without a cap on the number, then it would not meet the chapter objectives to ensure a tourist destination based around the golf course and development centred on a spa village within a framework of open space, recreational, landscape and visual amenity values, as set out in the above analysis. The notified provisions, including a cap on numbers, in my view, ensures that visitor accommodation can be assessed as to the degree that these may become the dominant activity within the zone. Therefore, the change proposed by the submitter would not achieve the purpose of the RMA to avoid, remedy or mitigate adverse effects on the environment, maintain and enhance amenity values and the quality of the environment.
164. Furthermore, additional hotel and visitor accommodation may not give effect to SPZ(PR)-P1(2)(a)<sup>13</sup>, and be consistent with the ODP.

### 3.7.1.3 Summary of recommendations

165. I recommend that the submission points from S&E Corp. [416.6] and [416.7] and further submission from DEXIN [FS101] be **rejected**.
166. I recommend that no change be made to the Proposed District Plan.

## 3.8 Standards

### 3.8.1 Standard SPZ(PR)-BFS12 Site layout Pegasus Resort ODP

#### 3.8.1.1 Matters raised by submitters

167. S&E Corp. [416.10] consider the Transport Chapter contains two rules that have the potential to conflict with the development anticipated and provided for by the Pegasus Resort ODP.
168. They seek an amendment to SPZ(PR)-BFS12 to clarify that in the event of conflict between SPZ(PR)-BFS12 and any other rule in the Transport Chapter, that SPZ(PR)-BFS12 prevails.
169. This submission is supported by DEXIN [FS101].

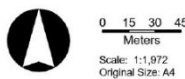
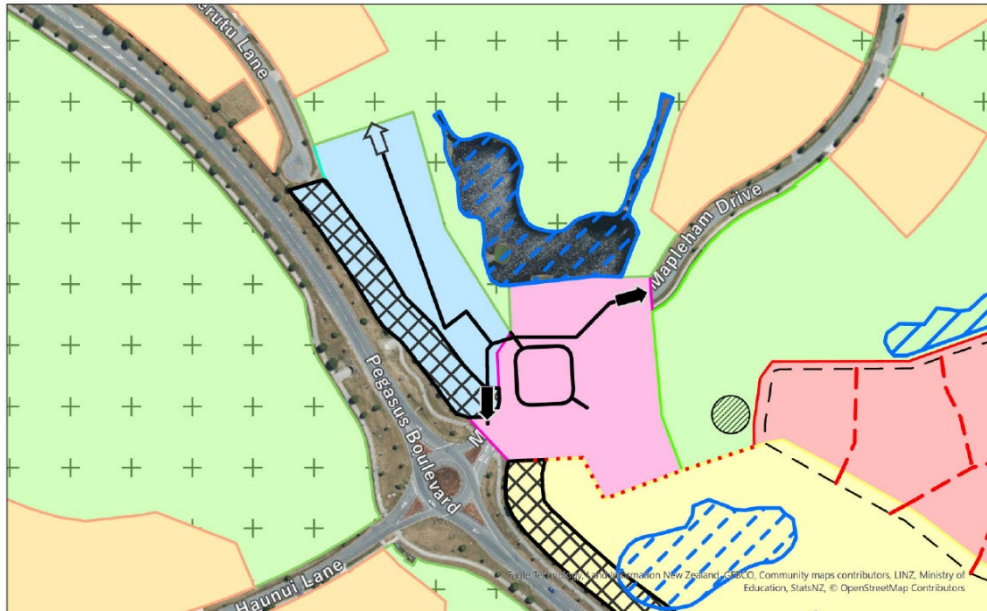
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<sup>13</sup> ensure that development:

- a. results in a vibrant, mixed-use area that achieves a complementary mix of hotel and visitor accommodation, spa/wellness and hot pool complex, golf education facility, small-scale commercial activities and ancillary activities;

3.8.1.2 Assessment

- 170. I note that the s42A officer for the Transport Chapter has not recommended any amendments to TRAN-R4 (Formation of a new road intersection), TRAN-S2 (Minimum road intersection separation distances), Table TRAN-5 (Minimum road intersection separation distances) or TRAN-R13 (Landscaping of a new car parking area) which the submitter considers there is potential conflict with.
- 171. The road access points shown on the ODP between Pegasus Boulevard and Maplehem Drive, shown below, are formed.

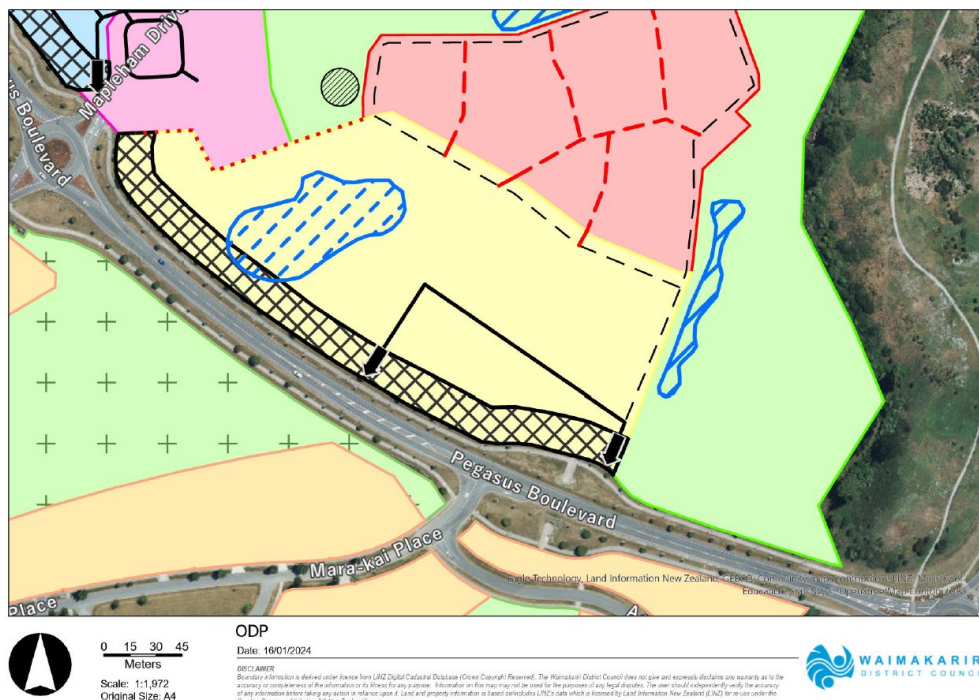


ODP  
Date: 16/01/2024

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- 172. The access points onto Pegasus Boulevard, shown below, are not yet formed.



173. I have sought the view of Senior Transportation Engineer Shane Binder on this matter, and have attached his full advice as Appendix D.

174. Mr Binder considers the proposed statement far too broad as it would be dangerous to subjugate all Transport Chapter rules to the SPZ(PR) Chapter rules. Mr Binder states that he is not in a position to make a well-informed prediction of future conflicts and is concerned that:

*“Outline Development Plans, while being appropriate for high-level definition of a proposed transport network, are not appropriate to evaluate the finer details of road safety impacts. In this instance, I am referring to the road safety effects of closely spaced intersections on high-speed roads. I do not consider it appropriate to formalise road safety compromises for the sake of a high-level transport network and property access.”*

175. I accept Mr Bider’s advice and consider the ODP provides the overall location of the features such as road access points but the Transport Chapter rules and standards provide the opportunity to consider the finer detail of the potential road safety impacts and the specific intersection formation, signage, landscaping etc. that is required.

### 3.8.1.3 Summary of recommendations

176. I recommend the submission point from S&E Corp. [416.10] and further submission from DEXIN [FS101] be **rejected**.

177. I recommend that no change be made to the Proposed District Plan.

## 3.9 Minor Errors

178. I recommend that an amendment be made to the definition of commercial golf resort activity to fix a spelling mistake. This amendment could have been made after Proposed Plan was



notified through the RMA process to correct minor errors<sup>14</sup>, but as it has been noticed during the drafting of this s42A report, I recommend the amendment is made as part of the Hearing Panel's recommendations for completeness and clarity. The amendment is set out below.

a. massage th~~r~~erapists;

1. I have shown this as a correction in Appendix A.

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<sup>14</sup> Clause 16 of RMA Schedule 1

## 4 Conclusions


179. Submissions have been received in support of and seeking amendments to the Proposed Plan.
180. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that the Pegasus Resort Chapter of the Proposed Plan be amended as set out in **Appendix A** of this report.
181. For the reasons set out throughout this report, I consider that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate means to:
- achieve the purpose of the RMA where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives, and
  - achieve the relevant objectives of the Proposed Plan, in respect to the proposed provisions.

### Recommendations:

I recommend that:

1. The Hearing Commissioners accept, accept in part, or reject submissions (and associated further submissions) as outlined in **Appendix B** of this report; and
2. The Proposed Plan is amended in accordance with the changes recommended in **Appendix A** of this report.

### Signed:

| Name and Title |   | Signature   |
|----------------|---|---|
| Report Author  | Jessica Manhire<br><br>Policy Planner, Waimakariri District Council |  |

## Appendix A. Recommended Amendments to Pegasus Resort Chapter and definitions

Where I recommend changes in response to submissions, these are shown as follows:

- Text recommended to be added to the Proposed Plan is underlined.

Text recommended to be deleted from the Proposed Plan is ~~struck through~~.

### Special Purpose Zone - Pegasus Resort

#### Introduction

The purpose of the Special Purpose Zone (Pegasus Resort) 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 golf<sup>15</sup> country club facilities and a limited mix of commercial and associated ancillary activities, that support tourism activities associated with the Pegasus Resort.

The zone is divided into seven distinct activity areas (references correspond to SPZ(PR)-APP1 and are referred to in the Activity Area Rules Tables as follows):

- Activity Area 1: Spa.
- Activity Area 2: Spa Village.
- Activity Area 3: Golf Square.
- Activity Area 4: Golf Village.
- Activity Area 5: Village Fringe.
- Activity Area 6: Golf Course.
- Activity Area 7: Residential.

The key differences between these activity areas are the types of development enabled (as guided by SPZ(PR)-APP1) 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, and to allow each of these areas to develop a distinct character guided by the Pegasus Resort Urban Design Guidelines (design guidelines) (Appendix 2).

**Activity Area 1 — Spa** provides for tourism activities, centred around the development of a Spa/Wellness and Hot Pool Complex, aimed at being a regionally significant tourism destination. This complex necessitates and provides for other activities that support the visitor experience, for example, a landmark hotel defining the main entrance to the golf course on the corner of Pegasus Boulevard and Mapleham Drive and an at-grade car park that services the Spa/Wellness and Hot Pool Complex and Hotel.

**Activity Area 2 — Spa Village** provides for a range of supporting commercial and visitor accommodation activities that will allow for visitors to cater for their stay. It will provide for visitor accommodation opportunities as an alternative to a hotel experience as well as

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<sup>15</sup> Consequential amendment

commercial golf resort activities set out in accordance with the ODP to create a ‘village’ look and feel. Activity Area 2 will not provide for residential activities or other commercial activities typically associated with a neighbourhood or local centre — any commercial golf resort activity will need to demonstrate a link to supporting the key tourism activities provided for in the remainder of the zone.

**Activity Area 3 — Golf Square** contains the existing golf club facilities. The architectural design of these buildings is intended to set the tone for the built form of the rest of the zone, as set out in the Pegasus Design Guidelines. Development in this activity area is expected to be limited to a future country club and associated activities directly related to the operation of the golf course, as opposed to visitor accommodation or commercial golf resort activities found elsewhere in the zone.

**Activity Area 4 — Golf Village** is a development area for activities that support the primary golf course activity. Activities enabled by the ODP include an already consented Hotel and a Golf Education Facility, both of which are likely to be used by tourists visiting the zone for either golf instruction or playing the course for leisure or competition.

**Activity Area 5 — Village Fringe** is an active part of the existing golf course, however it has been identified as a separate activity area as it needs to provide for the relocation of two golf holes in order to enable the development of Activity Areas 1 and 2. It also serves as a buffer area between visitor accommodation and commercial golf resort activities found in the Spa Village and the residential sites located to the north.

**Activity Area 6 — Golf Course** contains the balance of the existing golf course not covered by the Village Fringe Activity Area and enables the ongoing operation and development of this course as a major sports facility.

**Activity Area 7 – Residential** contains eight enclaves of residential sites with an average lot size of approximately 2000m<sup>2</sup>. These residential sites were created at the same time as the golf course development and have been designed to have aspects overlooking the golf course open space areas. The intention is for these lots to maintain their semi-rural appearance and outlook over the golf course with no further intensification anticipated. Activity Area 7 also include two additional residential sites that were created as balance lots and are now being developed for residential activity.

The provisions in this chapter are consistent with the matters in Part 2 - District Wide Matters - Strategic Directions and give effect to matters in Part 2 - District Wide Matters - Urban Form and Development.

As well as the provisions in this chapter, district wide chapter provisions will also apply where relevant.

| <b>Objectives</b> |   |
|-------------------|---|
| <b>SPZ(PR)-O1</b> | <b>Tourist destination</b><br>The establishment of regionally significant tourist destination based around an 18-hole international championship golf course, with existing large residential sites, incorporating hotel and visitor accommodation, spa/wellness and hot pool complex, golf education facility, <a href="#">golf country club</a> <sup>16</sup> and limited small-scale commercial activity and ancillary activity. |

<sup>16</sup> S&E Corp [416.2]

|                   |   |
|-------------------|---|
| <b>SPZ(PR)-O2</b> | <p><b>Design components</b></p> <p>The development of <del>spa/wellness and hot pool complex-a tourism resort</del><sup>17</sup> centred on a spa village within a framework of open space and recreation facilities, that reflect the local open space, recreational, landscape and visual amenity values and achieve urban design excellence consistent with the Pegasus design guidelines.</p>   |
| <b>Policies</b>   |   |
| <b>SPZ(PR)-P1</b> | <p><b>Outline development plan</b></p> <p>Use and development of land shall:</p> <ol style="list-style-type: none"> <li>1. be in accordance with the development requirements and fixed and flexible elements in SPZ(PR)-APP1, or otherwise achieve similar or better outcomes, except in relation to any interim use and development addressed by (3) below;</li> <li>2. ensure that development: <ol style="list-style-type: none"> <li>a. results in a vibrant, mixed-use area that achieves a complementary mix of hotel and visitor accommodation, spa/wellness and hot pool complex, golf education facility, <u>golf country club</u>,<sup>18</sup> small-scale commercial activities and ancillary activities;</li> <li>b. contributes to a strong sense of place, and a coherent, functional and safe neighbourhood;</li> <li>c. retains and supports the relationship to, and where possible enhances recreational features;</li> <li>d. is in accordance with the Pegasus design guidelines;</li> <li>e. achieves a high level of landscape, visual and amenity values; and</li> <li>f. encourages mixed use developments that are in accordance with SPZ(PR)-APP1 as a means of achieving coordinated, sustainable and efficient development outcomes; and</li> </ol> </li> <li>3. where the land is in interim use, the interim use shall not compromise the timely implementation of, or outcomes sought by, SPZ(PR)-APP1.</li> </ol> |
| <b>SPZ(PR)-P2</b> | <p><b>Infrastructure services</b></p> <p>Ensure the efficient and effective provision of infrastructure that avoid, remedy or mitigate any adverse effects on water quality and landscape, visual and amenity values and are consistent with the design approach taken for Pegasus township.</p>  |
| <b>SPZ(PR)-P3</b> | <p><b>Landscape and character</b></p> <p>Provide for the landscape character values of the golf course, <del>country club facilities</del><sup>19</sup> and the background mountain range, particularly as viewed from public places, through master-planning, landscape design and massing of buildings.</p>   |
| <b>SPZ(PR)-P4</b> | <p><b>Provision of commercial activities</b></p> <p>Ensure that the amenity values for visitors to the resort and the residents living in Activity Area 7 is maintained or enhanced through:</p> <ol style="list-style-type: none"> <li>1. only providing for commercial activities that meet the definition of commercial golf resort activity;</li> </ol>   |

<sup>17</sup> S&E Corp [416.3]

<sup>18</sup> S&E Corp [416.4]

<sup>19</sup> S&e Corp [416.5]

|                   |  |
|-------------------|--|
|                   | <ol style="list-style-type: none"> <li>2. having individual and maximum caps on the floor area of commercial golf resort activity; and</li> <li>3. managing the compatibility of activities within and between developments, especially for activities adjacent residential areas, through: <ol style="list-style-type: none"> <li>a. controlling site layout, landscaping and design measures, including outside areas and storage; and</li> <li>b. controls on emissions including noise, light and glare.</li> </ol> </li> </ol>  |
| <b>SPZ(PR)-P5</b> | <p><b>Urban design elements</b></p> <p>Encourage high quality urban design by:</p> <ol style="list-style-type: none"> <li>1. requiring all development to be in accordance with SPZ(PR)-APP1, which establishes an integrated and coordinated layout of open space; buffers and building setbacks; building height modulation and limits; roading purpose; built form; and streetscape design;</li> <li>2. requiring all subdivision and development to be in accordance with the Pegasus design guidelines;</li> <li>3. encouraging design responses that respond to the cultural values and visual character of the area;</li> <li>4. encouraging development to be consistent with the existing distinctive architectural style of the golf resort buildings to ensure the character is retained;</li> <li>5. efficient design of vehicle access ways and car parking, which is adequately screened from Pegasus Boulevard with appropriately designed landscaping; and</li> <li>6. provision of secure, visible and convenient cycle parking.</li> </ol> |
| <b>SPZ(PR)-P6</b> | <p><b>Open areas</b></p> <p>Recognise the important contribution that the open areas provided by the Village Fringe Activity Area and the Golf Course Activity Area that adjoin the visitor accommodation and village areas make to the identity, character, amenity values, and outlook of the zone for residents and visitors.</p>   |
| <b>SPZ(PR)-P7</b> | <p><b>Golf activity</b></p> <p>Enable golf course activities and ancillary facilities that:</p> <ol style="list-style-type: none"> <li>1. support the golf course within the Golf course activity area; and</li> <li>2. provide for development of the resort while ensuring that Pegasus Golf Course remains an 18 hole championship golf course.</li> </ol>  |
| <b>SPZ(PR)-P8</b> | <p><b>Village fringe</b></p> <p>Provide for the relocation of two golf holes within the village fringe.</p>  |
| <b>SPZ(PR)-P9</b> | <p><b>Residential development</b></p> <p>Provide for residential development located within Residential activity area, while ensuring amenity values resulting from views over the golf course are maintained with no intensification of residential activity beyond what is provided for in the Activity Rules and Built Form Standards.</p>  |

## Activity Rules

|  |  |
|--|--|
| <b>SPZ(PR)-R1 Construction or alteration of or addition to any building or other structure</b> |  |
| <b>Activity status: PER</b><br>Where:  | <b>Activity status when compliance not achieved: as set out in the relevant built form standards</b> |

|   |   |
|---|---|
| 1. the activity complies with all built form standards (as applicable).   |   |
| <b>SPZ(PR)-R2 Residential activity</b>  |   |
| <b>Activity status: PER</b><br>Where:<br>1. the activity occurs within Activity Area 7 excluding Lot 212 DP 403716 and Lot 230 DP 417391).  | <b>Activity status when compliance is not achieved: DIS</b> |
| <b>Activity Status: CON</b><br>Where:<br>2. the activity occurs within Lot 212 DP 403716 and Lot 230 DP 417391; and<br>3. only one residential unit per site.<br><b>Matters of control are restricted to:</b><br>SPZ-PR-MCD2 - Residential design controls<br>SPZ-PR-MCD8 - Flooding hazard   | <b>Activity status when compliance is not achieved: DIS</b> |
| <b>Activity status: NC</b><br>Where:<br>4. the activity occurs within Activity Areas 1 to 6.  | <b>Activity status when compliance is not achieved: N/A</b> |
| <b>SPZ(PR)-R3 Residential unit</b>  |   |
| <b>Activity status: PER</b><br>Where:<br>1. the activity occurs within Activity Area 7 including Lot 212 DP 403716 and Lot 230 DP 417391).  | <b>Activity status when compliance is not achieved: NC</b>  |
| <b>SPZ(PR)-R4 Minor residential unit</b>  |   |
| <b>Activity status: PER</b><br>Where:<br>1. the activity occurs within Activity Area 7 including Lot 212 DP 403716 and Lot 230 DP 417391);<br>2. the maximum GFA of the minor residential unit shall be 80m <sup>2</sup> (excluding any area required for a single car vehicle garage or carport);<br>3. there shall be only one minor residential unit per site; and<br>4. parking and access shall be from the same vehicle crossing as the principal residential unit on the site. | <b>Activity status when compliance is not achieved: NC</b>  |
| <b>SPZ(PR)-R5 Accessory building or structure</b>   |   |
| <b>Activity status: PER</b>   | <b>Activity status when compliance is not achieved: N/A</b> |
| <b>SPZ(PR)-R6 Major sports facility</b>   |   |

|  |   |
|--|---|
| <p><b>Activity status: PER</b><br/>Where:</p> <ol style="list-style-type: none"> <li>1. the activity occurs within Activity Areas 3, 5 and 6;</li> <li>2. the outdoor lighting of the major sports facility must not operate within the hours of 10:00pm to 7:00am;</li> <li>3. any tennis court surfaces are either dark green or grey in colour;</li> <li>4. any tennis court fencing is chain mesh or similar, and grey or black in colour;</li> <li>5. the GFA of any single building is less than 2,000m<sup>2</sup>; and</li> <li>6. landscape components are designed in accordance with Pegasus design guidelines SPZ(PR)-APP2.</li> </ol> | <p><b>Activity status when compliance is not achieved: NC</b></p> |
| <p><b>SPZ(PR)-R7 Recreation activities</b></p>   |   |
| <p><b>Activity status: PER</b><br/>Where:</p> <ol style="list-style-type: none"> <li>1. the activity occurs within Activity Areas 3, 5 and 6.</li> </ol>   | <p><b>Activity status when compliance is not achieved: NC</b></p> |
| <p><b>SPZ(PR)-R8 Helipad</b></p>   |   |
| <p><b>Activity status: PER</b><br/>Where:</p> <ol style="list-style-type: none"> <li>1. the helipad is relocated within 10m of the location shown on SPZ(PR)-APP1; and</li> <li>2. the helipad is not constructed over existing underground infrastructure.</li> </ol>   | <p><b>Activity status when compliance is not achieved: NC</b></p> |
| <p><b>Advisory Note</b></p> <ul style="list-style-type: none"> <li>• The location and design of any helipad must comply with Civil Aviation Rules, the Civil Aviation Act 1990 and other relevant legislation.</li> </ul>  |   |
| <p><b>SPZ(PR)-R9 New stormwater or recreation water bodies</b></p>   |   |
| <p><b>Activity status: CON</b><br/>Where:</p> <ol style="list-style-type: none"> <li>1. the activity occurs within Activity Areas 5 and 6;</li> <li>2. resizing, resitting and the provision of additional proposed stormwater ponds are consistent with SPZ(PR)-APP1 and engineering requirements; and</li> <li>3. the stormwater pond is lined with a liner of sufficient impermeability so that seepage from the pond does not increase the likelihood of liquefaction.</li> </ol> <p><b>Matters of control and discretion are restricted to:</b></p>   | <p><b>Activity status when compliance is not achieved: NC</b></p> |



|   |   |
|---|---|
| <p>SPZ-PR-MCD1 - Stormwater or recreational water bodies</p> <p><b>Notification</b><br/>An application for a controlled activity under this rule is precluded from being publicly or limited notified.</p>  |   |
| <p><b>SPZ(PR)-R10 Visitor accommodation</b><br/><i>This rule does not apply to any hotel provided for under SPZ(PR)-R11.</i></p>  |   |
| <p><b>Activity status: RDIS</b><br/>Where:</p> <ol style="list-style-type: none"> <li>1. the activity occurs within Activity Area 2;</li> <li>2. the maximum number of visitor accommodation units within Activity Areas 2 shall be 320; and</li> <li>3. design of development shall be in accordance with the Pegasus design guidelines SPZ(PR)-APP2.</li> </ol> <p><b>Matters of control and discretion are restricted to:</b><br/> SPZ-PR-MCD2 - Design considerations<br/> SPZ-PR-MCD3 - Transportation<br/> SPZ-PR-MCD4 - Amenity values<br/> SPZ-PR-MCD7 - Visitor accommodation<br/> SPZ-PR-MCD8 - Flooding hazard</p> <p><b>Notification</b><br/>An application for a restricted discretionary activity under this rule is precluded from being publicly or limited notified.</p> | <p><b>Activity status when compliance is not achieved: NC</b></p> |
| <p><b>SPZ(PR)-R11 Hotel</b></p>   |   |
| <p><b>Activity status: RDIS</b><br/>Where:</p> <ol style="list-style-type: none"> <li>1. the activity occurs within Activity Areas 1 and 4;</li> <li>2. the maximum number of hotel accommodation units within Activity Areas 1 and 4 shall be 180; and</li> <li>3. design of development shall be in accordance with the Pegasus design guidelines SPZ(PR)-APP2.</li> </ol> <p><b>Matters of control and discretion are restricted to:</b><br/> SPZ-PR-MCD2 - Design considerations<br/> SPZ-PR-MCD3 - Transportation<br/> SPZ-PR-MCD4 - Amenity values<br/> SPZ-PR-MCD8 - Flooding hazard</p> <p><b>Notification</b><br/>An application for a restricted discretionary activity under this rule is precluded from being publicly or limited notified.</p>                               | <p><b>Activity status when compliance is not achieved: NC</b></p> |

**SPZ(PR)-R12 Spa/wellness and hot pool complex****Activity status: RDIS**

Where:

1. the activity occurs within Activity Area 1; and
2. design of development shall be in accordance with the Pegasus design guidelines SPZ(PR)-APP2.

**Matters of control and discretion are restricted to:**

- SPZ-PR-MCD2 - Design considerations
- SPZ-PR-MCD3 - Transportation
- SPZ-PR-MCD4 - Amenity values
- SPZ-PR-MCD8 - Flooding hazard

**Notification**

An application for a restricted discretionary activity under this rule is precluded from being publicly or limited notified.

**Activity status when compliance is not achieved: NC****SPZ(PR)-R13 Commercial golf resort activity****Activity status: RDIS**

Where:

1. the activity occurs within Activity Areas 1 to 4;
2. there is a maximum of 2,500m<sup>2</sup> GFA within Activity Areas 1, 2, 3 and 4 combined, as shown on SPZ(PR)-APP1;
3. commercial golf resort activity in Activity Areas 1 to 4 shall be a maximum of 200m<sup>2</sup> GFA per tenancy; and
4. design of development shall be in accordance with the Pegasus design guidelines SPZ(PR)-APP2.

**Matters of control and discretion are restricted to:**

- SPZ-PR-MCD2 - Design considerations
- SPZ-PR-MCD3 - Transportation
- SPZ-PR-MCD4 - Amenity values
- SPZ-PR-MCD8 - Flooding hazard

**Activity status when compliance is not achieved: NC****SPZ(PR)-R14 Golf country club****Activity status: RDIS**

Where:

1. the activity occurs within Activity Area 3; and
2. design of development shall be in accordance with the Pegasus design guidelines SPZ(PR)-APP2.

**Matters of control and discretion are restricted to:****Activity status when compliance is not achieved: NC**

|   |  |
|---|--|
| <p>SPZ-PR-MCD5 - Golf facility considerations</p> <p><b>Notification</b><br/>An application for a restricted discretionary activity under this rule is precluded from being publicly or limited notified.</p>   |  |
| <p><b>SPZ(PR)-R15 Golf education facility</b></p>   |  |
| <p><b>Activity status: RDIS</b><br/>Where:</p> <ol style="list-style-type: none"> <li>1. the activity occurs within Activity Area 4; and</li> <li>2. design of development shall be in accordance with the Pegasus design guidelines SPZ(PR)-APP2.</li> </ol> <p><b>Matters of control and discretion are restricted to:</b><br/>SPZ-PR-MCD5 - Golf facility considerations</p> <p><b>Notification</b><br/>An application for a restricted discretionary activity under this rule is precluded from being publicly or limited notified.</p> | <p><b>Activity status when compliance is not achieved: NC</b></p>  |
| <p><b>SPZ(PR)-R16 Primary production</b></p>  |  |
| <p><i>This rule does not apply to plantation forestry and woodlots provided for under SPZ(PR)-R20; or mining and quarrying activities provided for under SPZ(PR)-R23.</i></p>   |  |
| <p><b>Activity status: DIS</b></p>  | <p><b>Activity status when compliance is not achieved: N/A</b></p> |
| <p><b>SPZ(PR)-R17 Any other activity not provided for in this zone as a permitted, controlled, restricted discretionary, discretionary, non-complying, or prohibited activity, except where expressly specified by a district wide provision</b></p>  |  |
| <p><b>Activity status: DIS</b></p>  | <p><b>Activity status when compliance is not achieved: N/A</b></p> |
| <p><b>SPZ(PR)-R18 Large format retail</b></p>   |  |
| <p><b>Activity status: NC</b></p>   | <p><b>Activity status when compliance is not achieved: N/A</b></p> |
| <p><b>SPZ(PR)-R19 Supermarket</b></p>   |  |
| <p><b>Activity status: NC</b></p>   | <p><b>Activity status when compliance is not achieved: N/A</b></p> |
| <p><b>SPZ(PR)-R20 Plantation forestry and woodlots</b></p>  |  |
| <p><b>Activity status: NC</b></p>   | <p><b>Activity status when compliance is not achieved: N/A</b></p> |
| <p><b>SPZ(PR)-R21 Intensive indoor primary production</b></p>   |  |
| <p><b>Activity status: NC</b></p>   | <p><b>Activity status when compliance is not achieved: N/A</b></p> |

|   |   |
|---|---|
| <b>SPZ(PR)-R22 Commercial services</b>  |   |
| <i>This rule does not apply to any hairdressing, beauty salons, barbers, and massage therapists except where provided for under SPZ(PR)-R11 to SPZ(PR)-R14.</i> |   |
| <b>Activity status: NC</b>  | <b>Activity status when compliance is not achieved: N/A</b> |
| <b>SPZ(PR)-R23 Mining and quarrying activities</b>  |   |
| <b>Activity status: NC</b>  | <b>Activity status when compliance is not achieved: N/A</b> |
| <b>SPZ(PR)-R24 Office</b>   |   |
| <b>Activity status: NC</b>  | <b>Activity status when compliance is not achieved: N/A</b> |
| <b>SPZ(PR)-R25 Funeral related services and facility</b>  |   |
| <b>Activity status: NC</b>  | <b>Activity status when compliance is not achieved: N/A</b> |
| <b>SPZ(PR)-R26 Waste management facility</b>  |   |
| <b>Activity status: NC</b>  | <b>Activity status when compliance is not achieved: N/A</b> |
| <b>SPZ(PR)-R27 Trade supplier</b>   |   |
| <b>Activity status: NC</b>  | <b>Activity status when compliance is not achieved: N/A</b> |
| <b>SPZ(PR)-R28 Service station</b>  |   |
| <b>Activity status: NC</b>  | <b>Activity status when compliance is not achieved: N/A</b> |
| <b>SPZ(PR)-R29 Motorised sports facility</b>  |   |
| <b>Activity status: NC</b>  | <b>Activity status when compliance is not achieved: N/A</b> |
| <b>SPZ(PR)-R30 Industrial activity</b>  |   |
| <b>Activity status: NC</b>  | <b>Activity status when compliance is not achieved: N/A</b> |
| <b>SPZ(PR)-R31 Boarding kennels</b>   |   |
| <b>Activity status: NC</b>  | <b>Activity status when compliance is not achieved: N/A</b> |
| <b>SPZ(PR)-R32 Cattery</b>  |   |
| <b>Activity status: NC</b>  | <b>Activity status when compliance is not achieved: N/A</b> |
| <b>SPZ(PR)-R33 Composting facility</b>  |   |
| <b>Activity status: NC</b>  | <b>Activity status when compliance is not achieved: N/A</b> |

## Built Form Standards

| SPZ(PR)-BFS1 Visitor accommodation unit standards  |  |
|--|--|
| <ol style="list-style-type: none"> <li>1. The minimum NFA (excluding garages, balconies, and any communal lobbies stairwells and plant rooms) per visitor accommodation unit shall be:               <ol style="list-style-type: none"> <li>a. Studio 25m<sup>2</sup>;</li> <li>b. One bedroom 35m<sup>2</sup>;</li> <li>c. Two bedroom 50m<sup>2</sup>; and</li> <li>d. Three or more bedrooms 80m<sup>2</sup>;</li> </ol> </li> <li>2. Each visitor accommodation unit shall be provided with a private outdoor living space with a minimum area of 6m<sup>2</sup> and a minimum dimension of 1.5m;</li> <li>3. Where a garage is not provided with the unit, each visitor accommodation unit shall have an internal storage space that is a minimum of 4m<sup>3</sup> and a minimum dimension of 1m; and</li> <li>4. External lighting shall be limited to down lighting only, at a maximum of 1.5m above the finished floor level of the building, with the light source shielded from horizontal view.</li> </ol> | <p><b>Activity status when compliance is not achieved: RDIS</b><br/> <b>Matters of control and discretion are restricted to:</b><br/>           SPZ-PR-MCD7 - Visitor accommodation units</p> <p><b>Notification</b><br/>           An application for a restricted discretionary activity under this rule is precluded from being publicly or limited notified.</p> |
| SPZ(PR)-BFS2 Visitor accommodation waste management  |  |
| <ol style="list-style-type: none"> <li>1. All visitor accommodation shall provide:               <ol style="list-style-type: none"> <li>a. a waste management area for the storage of rubbish and recycling of 5m<sup>2</sup> with a minimum dimension of 1.5m; and</li> <li>b. waste management areas shall be screened or located behind buildings when viewed from any road or public open space.</li> </ol> </li> </ol>  | <p><b>Activity status when compliance is not achieved: RDIS</b><br/> <b>Matters of control and discretion are restricted to:</b><br/>           SPZ-PR-MCD7 - Visitor accommodation units</p> <p><b>Notification</b><br/>           An application for a restricted discretionary activity under this rule is precluded from being publicly or limited notified.</p> |
| SPZ(PR)-BFS3 Building height   |  |
| <ol style="list-style-type: none"> <li>1. The maximum height of buildings above ground level shall be:               <ol style="list-style-type: none"> <li>a. Activity Area 1 - 16m at 3 storeys;</li> <li>b. Activity Area 2 - 12m at 3 storeys;</li> <li>c. Activity Area 3 - 9m at 2 storeys;</li> <li>d. Activity Area 4 - 14m at 3 storeys;</li> <li>e. Activity Area 5 - 8m at 2 storeys;</li> <li>f. Activity Area 6 - 6m at 1 story; and</li> <li>g. Activity Area 7 - 10m at 2 storeys (with the exception of Lot 212 DP 403716 and Lot 230 DP417391,</li> </ol> </li> </ol>   | <p><b>Activity status when compliance is not achieved: NC</b></p>  |

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| <p>which shall comprise a single storey residential unit no higher than 7m).</p> <p>2. The minimum height of buildings shall be:</p> <p>a. Activity Area 2 - 6m at 1 storey.</p>   |  |
| <p><b>Calculation method for SPZ(PR)-BFS5</b></p> <p>1. For the purpose of calculating the height, the following shall be excluded:</p> <p>a. items listed in the definition of height calculation; and</p> <p>b. in Activity Areas 1 and 4 only, a pavilion building to a maximum of 30% of the building footprint to enable the activation of a living roof, provided that the maximum height as measured from the finished floor level of the living roof is not exceeded by more than 4m.</p>  |  |
| <p><b>SPZ(PR)-BFS4 Building coverage</b></p>   |  |
| <p>1. The building coverage shall not exceed the maximum percentage of net site area:</p> <p>a. Activity Area 1 - 35%;</p> <p>b. Activity Area 2 - 35%;</p> <p>c. Activity Area 3 - 20%;</p> <p>d. Activity Area 4 - 35%;</p> <p>e. Activity Area 5 - 3%;</p> <p>f. Activity Area 6 - 3%; and</p> <p>g. Activity Area 7 - 20%</p>  | <p><b>Activity status when compliance is not achieved: RDIS</b></p> <p><b>Matters of control and discretion are restricted to:</b></p> <p>SPZ-PR-MCD2 - Design considerations</p> <p>SPZ-PR-MCD4 - Amenity values</p>  |
| <p><b>SPZ(PR)-BFS5 Living roof</b></p>   |  |
| <p>1. In Activity Areas 1 and 4, buildings with a footprint over 2,000m<sup>2</sup> shall include a living roof.</p>   | <p><b>Activity status when compliance is not achieved: RDIS</b></p> <p><b>Matters of control and discretion are restricted to:</b></p> <p>SPZ-PR-MCD2 - Design considerations</p> <p>SPZ-PR-MCD4 - Amenity values</p>  |
| <p><b>SPZ(PR)-BFS6 Building and structure setbacks</b></p>   |  |
| <p>1. Setbacks to be provided as per SPZ(PR)-APP1 as follows:</p> <p>a. Pegasus Boulevard (Activity Areas 1 and 4) - 20m;</p> <p>b. Pegasus Boulevard (Activity Area 3) - 5m;</p> <p>2. Setbacks to be provided in Activity Area 7 (excluding Lot 212 DP 403716 and Lot 230 DP 417391) as follows:</p> <p>a. Any building or structure shall be no less than 10m from any internal boundary or road boundary; and</p> <p>3. Setbacks to be provided in Activity Area 7 on Lot 230 DP 417391 as follows:</p> <p>a. Any building or structure shall be no less than 3m from the road boundary with Taerutu Lane; and</p> | <p><b>Activity status when compliance is not achieved: RDIS</b></p> <p><b>Matters of control and discretion are restricted to:</b></p> <p>SPZ-PR-MCD2 - Design considerations</p> <p>SPZ-PR-MCD4 - Amenity values</p> <p>SPZ-PR-MCD6 - Boundary setback</p> <p><b>Notification</b></p> <p>An application for a restricted discretionary activity under this rule is precluded from being publicly or limited notified.</p> |

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| <p>b. Any building or structure shall be no less than 10m from any internal boundary or other road boundary;</p> <p>4. Setbacks to be provided on Lot 212 DP 403716 as follows:</p> <p>a. Any building or structure shall be no less than 3m from the road boundary with Atkinsons Lane; and</p> <p>b. Any building or structure shall be no less than 10m from any internal boundary or other road boundary.</p> |  |
| <p><b>Exemption</b></p> <ul style="list-style-type: none"> <li>The setback provisions do not apply to the temporary storage of non-motorised caravans.</li> </ul>   |  |
| <p><b>SPZ(PR)-BFS7 Landscaping</b></p>  |  |
| <p>1. The minimum amount of landscaped area in each activity area shall be:</p> <p>a. Activity Area 1 - 40%;</p> <p>b. Activity Area 2 - 30%;</p> <p>c. Activity Area 3 - 30%;</p> <p>d. Activity Area 4 - 40%;</p> <p>e. Activity Area 5 - 90%; and</p> <p>f. Activity Area 6 - 90%.</p>   | <p><b>Activity status when compliance is not achieved: NC</b></p>  |
| <p><b>SPZ(PR)-BFS8 Outdoor storage</b></p>  |  |
| <p>1. All goods, materials or equipment shall be stored inside a building, except for vehicles associated with the activity parked on the site overnight.</p>   | <p><b>Activity status when compliance is not achieved: NC</b></p>  |
| <p><b>SPZ(PR)-BFS9 Commercial waste management</b></p>  |  |
| <p>1. All commercial activities shall provide:</p> <p>a. a waste management area for the storage of rubbish and recycling of no less than 5m<sup>2</sup> with a minimum dimension of 1.5m; and</p> <p>b. waste management areas shall be screened or located behind buildings when viewed from any road or public space.</p>  | <p><b>Activity status when compliance is not achieved: DIS</b></p> |
| <p><b>SPZ(PR)-BFS10 Building and structures colours and reflectivity</b></p>  |  |
| <p>1. Any buildings and structures within the Activity Areas 1 to 6 shall meet the following requirements:</p> <p>a. exterior wall cladding including gable ends, dormers and trim of all structures shall be finished in their natural colours or coloured earthly mid tones and achieve</p>   | <p><b>Activity status when compliance is not achieved: DIS</b></p> |

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| <p>reflectivity between 5% and 22%; and</p> <p>b. roofs of all structures including trim shall be finished in their natural colours or coloured dark tones and achieve reflectivity between 5% and 12%.</p>   |  |
| <p><b>SPZ(PR)-BFS11 Residential buildings on Lot 212 DP 403716 and Lot 230 DP 417391</b></p>  |  |
| <ol style="list-style-type: none"> <li>1. All buildings must be constructed on-site from new or high quality recycled materials;</li> <li>2. Exterior cladding for all buildings (except for the cladding of soffits or gable ends) shall be of the following materials: <ol style="list-style-type: none"> <li>a. brick; or</li> <li>b. natural stone; or</li> <li>c. river rock; or</li> <li>d. texture plaster over brick, or polystyrene or other suitable sub base for plaster; or</li> <li>e. stained or painted timber weather-board, wooden shingles, timber board batten; or</li> <li>f. surface coated concrete block; or</li> <li>g. solid plaster or glazing.</li> </ol> </li> <li>3. All roofing material on any building shall be either: <ol style="list-style-type: none"> <li>a. tiles (including clay, ceramic, concrete, decramastic, pre-coated or pressed steel); or</li> <li>b. steel (comprising pre-painted, long run pressed or rolled steel); or</li> <li>c. shingles; or</li> <li>d. slate; or</li> <li>e. membrane roofing.</li> </ol> </li> <li>4. No reflective or visually obtrusive roof, wall or joinery materials, colours or mirror glass may be used for any building;</li> <li>5. No exterior cladding, no roofing material, no guttering or down pipe material comprising unpainted and/or exposed zinc coated products may be used on any building;</li> <li>6. No buildings shall be erected using concrete or treated wooden piles without providing a solid and durable skirting board or other enclosure around the exterior of the building(s) from ground height to the underside of the wall cladding;</li> </ol> | <p><b>Activity status when compliance is not achieved: DIS</b></p> |



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| <ol style="list-style-type: none"> <li>7. No accessory building shall be erected except in conjunction with or following construction of the residential unit and all such buildings shall be constructed with permanent materials comprising timber, stone or other permanent materials in character with the residential unit;</li> <li>8. Air conditioning units must not be set into or protrude from the building(s). Any external air conditioning units must be properly screened;</li> <li>9. No building shall be erected, altered, placed or permitted to remain other than buildings designed for residential activity and any accessory building;</li> <li>10. Clotheslines and letterboxes must be unobtrusive and of good quality in terms of design and location. The positioning of any letterbox shall be adjacent to but not on the road reserve; and</li> <li>11. Only post and rail fences may be erected on side boundaries. No fencing is permitted on road frontage or any internal boundary.</li> </ol> |  |
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**SPZ(PR)-BFS12 Site layout Pegasus Resort ODP**

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| <ol style="list-style-type: none"> <li>1. Development shall be in accordance with SPZ(PR)-APP1.</li> <li>2. For the purpose of this built form standard the following amendments do not constitute a breach of SPZ(PR)-APP1: <ol style="list-style-type: none"> <li>a. development shall facilitate a road connection at fixed road access point shown on SPZ(PR)-APP1 to enable vehicular access to roads which connect with Pegasus Boulevard and Mapleham Drive, provided that a variance of up to 20m from the location of the connection shown on SPZ(PR)-APP1 shall be acceptable;</li> <li>b. the provisions for breaks in the landscape buffer identified along the Pegasus Boulevard to accommodate entry and egress into and out of the site or where landscaping is required to be reduced in order to achieve the safe and efficient operation of existing road networks; and</li> </ol> </li> </ol> | <p><b>Activity status when compliance not achieved: DIS</b></p> |
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| c. resizing, resitting and the provision of additional proposed stormwater ponds. |  |
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## Matters of Control or Discretion

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| <b>SPZ-PR-MCD1</b> | <p><b>Stormwater or recreational water bodies</b></p> <ol style="list-style-type: none"> <li>1. Landscaping, planting and screening;</li> <li>2. Accessibility for maintenance purposes;</li> <li>3. Design capacity; and</li> <li>4. Integration into the stormwater network.</li> </ol>  |
| <b>SPZ-PR-MCD2</b> | <p><b>Design considerations</b></p> <ol style="list-style-type: none"> <li>1. The layout of non-fixed elements of the development in accordance with SPZ(PR)-APP1.</li> <li>2. Design of development in accordance with the Pegasus design guidelines including: <ol style="list-style-type: none"> <li>a. the bulk, scale, location and external appearance of buildings;</li> <li>b. the creation of active frontages adjacent to roads and public spaces;</li> <li>c. setbacks from roads;</li> <li>d. landscaping;</li> <li>e. streetscaping design;</li> <li>f. application of CPTED principles;</li> <li>g. focus on sustainable design to reduce carbon footprint;</li> <li>h. provision for internal walkways, paths, and cycleways; and</li> <li>i. appropriate legal mechanism to ensure implementation of design responses as relevant;</li> </ol> </li> <li>3. Lighting design that meets the character and amenity values for the activity area.</li> <li>4. Adequate provision of storage and loading/servicing areas and access to all service areas that require ongoing maintenance.</li> <li>5. Enhancement of ecological and natural values.</li> </ol> |
| <b>SPZ-PR-MCD3</b> | <p><b>Transportation</b></p> <ol style="list-style-type: none"> <li>1. Safe, resilient, efficient functioning and sustainable for all transport modes.</li> <li>2. Adverse effects on the character and amenity values of the surrounding area in terms of noise, vibration, dust, nuisance, glare or fumes.</li> <li>3. Provision of safe vehicle access and adequate on-site car parking and circulation and on-site manoeuvring.</li> <li>4. Road and intersection design in accordance with SPZ(PR)-APP1.</li> <li>5. Compliance with the relevant standards contained within the Transport Chapter.</li> </ol>  |
| <b>SPZ-PR-MCD4</b> | <p><b>Amenity values</b></p> <ol style="list-style-type: none"> <li>1. Effects of the development on: <ol style="list-style-type: none"> <li>a. character and quality of the environment, including natural character, water bodies, ecological habitat and indigenous biodiversity, and sites of significance to Māori;</li> <li>b. existing landscape character values and amenity values of the zone in which it occurs, and the zone of the receiving environment; and</li> <li>c. the surrounding environment such as visual effects, loss of daylight, noise, dust, odour, signs, light spill and glare, including cumulative effects.</li> </ol> </li> </ol>  |

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|                    | <ol style="list-style-type: none"> <li>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.</li> <li>3. Incorporation of effective mitigation such as landscaping or screening.</li> </ol>  |
| <b>SPZ-PR-MCD5</b> | <p><b>Golf facility considerations</b></p> <ol style="list-style-type: none"> <li>1. Maintaining the spatial extent of the 18 hole champion golf course.</li> <li>2. Interface with public roads and open spaces.</li> <li>3. Traffic generation, access and parking.</li> <li>4. Noise duration, timing, noise level and characteristics, and potential adverse effects in the receiving environment.</li> </ol>   |
| <b>SPZ-PR-MCD6</b> | <p><b>Boundary setback</b></p> <ol style="list-style-type: none"> <li>1. The extent to which any reduced road boundary setback will detract from the pleasantness, coherence, openness and attractiveness of the site as viewed from the street and adjoining sites, including consideration of: <ol style="list-style-type: none"> <li>a. compatibility with the appearance, layout and scale of other buildings and sites in the surrounding area; and</li> <li>b. the classification and formation of the road, and the volume of traffic using it within the vicinity of the site.</li> </ol> </li> <li>2. The extent to which the scale and height of the building is compatible with the layout, scale and appearance of other buildings on the site or on adjoining sites.</li> <li>3. The extent to which the reduced setback will result in a more efficient, practical and better use of the balance of the site.</li> <li>4. The extent to which any reduced setback from a transport corridor will enable buildings, balconies or decks to be constructed or maintained without requiring access above, on, or over the transport corridor.</li> </ol>  |
| <b>SPZ-PR-MCD7</b> | <p><b>Visitor accommodation units</b></p> <ol style="list-style-type: none"> <li>1. In relation to minimum unit size, where: <ol style="list-style-type: none"> <li>a. the floor space available and the internal layout represents a viable visitor accommodation unit that would support the amenity values of current and future guests and the surrounding activity area;</li> <li>b. other onsite factors compensate for a reduction in unit sizes e.g. communal facilities; and</li> <li>c. the balance of unit mix and unit sizes within the overall development is such that a minor reduction in the area of a small percentage of the overall units may be warranted.</li> </ol> </li> <li>2. In relation to storage space, where: <ol style="list-style-type: none"> <li>a. the extent to which the reduction in storage space will adversely affect the functional use of the visitor accommodation unit and the amenity values of neighbouring sites, including public spaces; and</li> <li>b. the extent to which adequate space is provided on the site for the storage of bicycles, waste and recycling facilities and clothes drying facilities.</li> </ol> </li> <li>3. In relation to outdoor living space, where: <ol style="list-style-type: none"> <li>a. the extent to which the reduction in outdoor living space will adversely affect the ability of the site to provide for amenity values and meet outdoor living needs of likely future guests.</li> </ol> </li> </ol> |
| <b>SPZ-PR-MCD8</b> | <p><b>Flooding hazard</b></p> <ol style="list-style-type: none"> <li>1. The extent to which natural hazards have been addressed, including any actual or potential impacts on the use of the site for its intended purpose, including:</li> </ol>   |

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|  | <ol style="list-style-type: none"><li>a. the location and type of infrastructure; and</li><li>b. any restriction on floor levels as a result of flood hazard risk.</li></ol> <ol style="list-style-type: none"><li>2. The extent to which overland flow paths are maintained.</li><li>3. Any effects from fill on stormwater management on the site and adjoining properties and the appropriateness of the fill material.</li><li>4. Increased ponding or loss of overland flow paths.</li></ol> |
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## Appendices

### SPZ(PR)-APP1 - ODP



### SPZ(PR)-APP2 - Pegasus Design Guidelines

Pegasus Design Guidelines



## **Appendix B. Recommended Responses to Submissions and Further Submissions**

The recommended responses to the submissions made on this topic are presented in Table B 1 below.

Table B 1: Recommended responses to submissions and further submissions

| Sub. Ref.                 | Submitter / Further Submitter | Provision | Decision Requested (Summary)  | Section of this Report where Addressed | Officer's Recommendation | Officers' Reasons/Comments                          | Recommended Amendments to Proposed Plan? |
|---------------------------|-------------------------------|-----------|---|--|--------------------------|---|--|
| <b>General provisions</b> |                               |           |   |  |                          |   |  |
| 284.1                     | CIL                           | General   | Amend all controlled and restricted discretionary activity rules: " <u>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.</u> "  | 3.2                                    | Reject                   | See the relevant section of the s42a report.        | No                                       |
| 326.116                   | RIDL                          | General   | Amend the Proposed District Plan to delete the use of absolutes such as 'avoid', 'maximise' and 'minimise'.   | 3.2                                    | Reject                   | See the relevant section of the s42A report.        | No                                       |
| FS78                      | Forest and Bird               |           | <i>Oppose - there may be instances where it is appropriate to notify consents</i>   | 3.2                                    | Accept                   | <i>See the relevant section of the s42A report.</i> | No                                       |
| FS84                      | Ohoka Residents Association   |           | <i>Oppose – "Refer to ORA submission on RCP031 for further detail. It is inconsistent with the policy direction set out in the National Policy Statement for Highly Productive Land. It is also inconsistent with the objectives of the National Policy Statement on Urban"</i><br><br><i>"ORA oppose any and every amendment requested to the Proposed District Plan that supports RIDL's hugely unpopular, unwanted and inappropriate satellite town to be developed in Ohoka . We want the Council to disregard all submissions from RIDL, The Carter Group Limited and Chapmann Tripp that are designed to facilitate RCP031"</i><br><br><i>Disallow the submission</i> | 3.2                                    | Accept                   | <i>See the relevant section of the s42A report.</i> | No                                       |
| FS119                     | Andrea Marsden                |           | <i>Oppose – RIDL suggest limited the use of absolutes i.e. maximum, within the Waimakariri District Plan. The these attributes exist is surely to ensure compliance with the District Plan so should be included as they stand to prevent private developers doing exactly as they please"</i><br><br><i>Limiting the use of absolutes as suggested by RIDL opens the system up to potential abuse. As RIDL are proposing a Plan Change 31 which directly affects my property, this change to wording must not be allowed.</i><br><br><i>Disallow</i>   | 3.2                                    | Accept                   | <i>See the relevant section of the s42A report.</i> | No                                       |
| FS120                     | Christopher Marsden           |           | <i>Oppose – RIDL are seeking to limit the use of absolutes, i.e. 'maximum', 'avoid' in the Waimakariri District Plan – this plan covers Ohoka where I live. However these absolutes exist to ensure compliance with the District Plan so should be included as they stand.</i><br><br><i>Disallow</i>   | 3.2                                    | Accept                   | <i>See the relevant section of the s42A report.</i> | No                                       |

| Sub. Ref.                       | Submitter / Further Submitter  | Provision | Decision Requested (Summary)  | Section of this Report where Addressed | Officer's Recommendation | Officers' Reasons/Comments   | Recommended Amendments to Proposed Plan? |
|---------------------------------|--------------------------------|-----------|---|--|--------------------------|--|--|
| 326.2                           | RIDL                           | General   | Amend so that all controlled and restricted discretionary activity rules include the following wording, or words to like effect:<br><br>"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."   | 3.2                                    | Reject                   | See the relevant section of the s42A report.   | No                                       |
| FS78                            | Forest and Bird                |           | Oppose - there may be instances where it is appropriate to notify consents  | 3.2                                    | Accept                   | See the relevant section of the s42A report.   | No                                       |
| FS119                           | Andrea Marsden                 |           | Oppose – RIDL are proposing that the wording be altered to include unlimited applications which do not need to be publicly notified. However all applications should be notified and open for consultation to give local communities a voice.<br><br>The District Plan covers Ohoka. RIDL have proposed a Plan Change 31 for this area and adopting unlimited applications and non-notifications will open the system up to exploitation so the change of wording must be declined.<br><br>Disallow | 3.2                                    | Accept                   | See the relevant section of the s42A report.   | No                                       |
| FS120                           | Christopher Marsden            |           | Oppose – RIDL are proposing that the wording be altered to include unlimited applications which do not need to be publicly notified. However all applications should be notified and open for consultation to give local communities a voice.<br><br>The District Plan covers the area where we live, Ohoka. RIDL have proposed a Plan Change 31 for this area and adopting unlimited applications and non-notifications will open the system up to exploitation.<br><br>Disallow                   | 3.2                                    | Accept                   | See the relevant section of the s42A report.   | No                                       |
| 326.3                           | RIDL                           | General   | Amend controlled and restricted discretionary activity rules to provide direction regarding non-notification.   | 3.2                                    | Reject                   | See the relevant section of the s42A report.   | No                                       |
| FS78                            | Forest and Bird                |           | Oppose - There may be instances where it is appropriate to notify consents  | 3.2                                    | Accept                   | See the relevant section of the s42A report.   | No                                       |
| 155.15                          | Woodend-Sefton Community Board | General   | Planning for active transport modes as part of any development.   | N/A                                    | N/A                      | The submitter is seeking Council advocate to Waka Kotahi for an underpass to be installed at the Pegasus/Ravenswood roundabout, which is not a District Plan Review matter.<br><br>However, provision for active transport may be a consideration for the rezoning of 1250 Main North Road, which will be considered as part of the rezoning requests hearing. | N/A                                      |
| <b>Pegasus Resort - General</b> |                                |           |   |  |                          |  |  |



| Sub. Ref.                         | Submitter / Further Submitter  | Provision                            | Decision Requested (Summary)  | Section of this Report where Addressed | Officer's Recommendation | Officers' Reasons/Comments  | Recommended Amendments to Proposed Plan? |
|-----------------------------------|--------------------------------|--------------------------------------|---|--|--------------------------|---|--|
| 155.13                            | Woodend-Sefton Community Board | General                              | Protect existing residential lots and housing in the Special Purpose Zone-Pegasus Resort.   |  | N/A                      | The submitter has not stated how they wish the existing lots to be protected.<br><br>I note that the ODP gives certainty as to the location of residential areas. | No                                       |
| FS100                             | S&E Corp                       |                                      | <i>Support - The SPZ(PR) will not impact upon the existing residential lots and housing in the SPZ(PR). S&amp;E Corp seeks that the SPZ(PR) provisions which relate to Activity Area 7 are retained as notified.</i>  |  | N/A                      | <i>Agree with submitter.</i>  | No                                       |
| FS101                             | DEXIN                          |                                      | <i>Support - DEXIN seeks that the SPZ-PR provisions which relate to Activity Area 7 are retained as notified, with the exception of the minor change to the name of the Activity Area to 'Activity Area 7A – Low Density Residential'.<br/>The proposed SPZ-PR and expansion of the zone to cover the 1250 Main North Road site will not impact upon the existing residential lots and housing in the SPZ-PR.</i> |  | N/A                      | <i>The name change will depend on outcome of rezoning request.</i>  | No                                       |
| 416.1                             | S&E Corp                       | General                              | Retain the SPZ(PR) and associated Pegasus Resort Outline Development Plan and Pegasus Design Guidelines, subject to the relief sought in the subsequent submission points on SPZ(PR)-O1, SPZ(PR)-O2, SPZ(PR)-P1, SPZ(PR)-P3, SPZ(PR) R10, and SPZ(PR)-R10.  |  | N/A                      | See the relevant section of the s42A report.  | N/A                                      |
| FS101                             | DEXIN                          |                                      | <i>Support - DEXIN seeks that Council approve the submission of Sports and Education Corporation in full, together with the additional changes to the SPZ-PR, ODP and PGD to enable the expansion of the SPZ-PR over DEXIN's site at 1250 Main North Road.</i>  |  | N/A                      | <i>See the relevant section of the s42A report.</i>   | N/A                                      |
| <b>Definitions nesting tables</b> |                                |                                      |   |  |                          |   |  |
| 416.14                            | S&E Corp                       | Definitions Nesting Tables           | Amend definitions nesting tables so that the Commercial Golf Resort Activity and Spa/Wellness and Hotpool Complex are nested as Commercial Activities, the Golf Education Facility is nested as an Education Facility, and the Golf Country Club is nested as a Major Sports Facility.  | 3.3.1                                  | Reject                   | See the relevant section of the s42A report.  | No                                       |
| FS101                             | DEXIN                          |                                      | <i>Support - DEXIN seeks that Council approve the submission of Sports and Education Corporation in full, together with the additional changes to the SPZ-PR, ODP and PGD to enable the expansion of the SPZ-PR over DEXIN's site at 1250 Main North Road.</i>  | 3.3.1                                  | Reject                   | <i>See the relevant section of the s42A report.</i>   | N/A                                      |
| <b>Definitions</b>                |                                |                                      |   |  |                          |   |  |
| 416.15                            | S&E Corp                       | Definition of commercial golf resort | Amend the definition of 'commercial golf resort activity':<br>"...<br>(e) gift/souvenir shop and any ancillary workshop".   | 3.3.2                                  | Reject                   | See the relevant section of the s42A report.  | No                                       |
| FS101                             | DEXIN                          |                                      | <i>Support - DEXIN seeks that Council approve the submission of Sports and Education Corporation in full, together with the additional changes to the SPZ-PR, ODP and PGD to enable the expansion of the SPZ-PR over DEXIN's site at 1250 Main North Road.</i>  | 3.3.2                                  | Reject                   | <i>See the relevant section of the s42A report.</i>   | N/A                                      |

| Sub. Ref.                          | Submitter / Further Submitter | Provision  | Decision Requested (Summary)   | Section of this Report where Addressed | Officer's Recommendation | Officers' Reasons/Comments                          | Recommended Amendments to Proposed Plan? |
|------------------------------------|-------------------------------|------------|--|--|--------------------------|---|--|
| <b>Pegasus Resort - Objectives</b> |                               |            |  |  |                          |   |  |
| 416.2                              | S&E Corp                      | SPZ(PR)-O1 | Amend SPZ(PR)-O1:<br><br>"The establishment of regionally significant tourist destination based around an 18-hole international championship golf course, with existing large residential sites, incorporating hotel and visitor accommodation, spa/wellness and hot pool complex, golf education facility, <u>country club</u> and limited small-scale commercial activity and ancillary activity." | 3.4.1                                  | Accept in part           | See the relevant section of the s42A report.        | Yes                                      |
| FS101                              | DEXIN                         |            | <i>Support - DEXIN seeks that Council approve the submission of Sports and Education Corporation in full, together with the additional changes to the SPZ-PR, ODP and PGD to enable the expansion of the SPZ-PR over DEXIN's site at 1250 Main North Road.</i>   | 3.6.1                                  | Accept in part           | <i>See the relevant section of the s42A report.</i> | N/A                                      |
| 416.3                              | S&E Corp                      | SPZ(PR)-O2 | Amend SPZ(PR)-O2:<br><br>"The development of <del>spa/wellness and hot pool complex</del> <u>complex tourism facilities</u> centred on a spa village within a framework of open space and recreation facilities, that reflect the local open space, recreational, landscape and visual amenity values and achieve urban design excellence consistent with the Pegasus design guidelines".            | 3.4.5                                  | Accept in part           | See the relevant section of the s42A report.        | Yes                                      |
| FS101                              | DEXIN                         |            | <i>Support - DEXIN seeks that Council approve the submission of Sports and Education Corporation in full, together with the additional changes to the SPZ-PR, ODP and PGD to enable the expansion of the SPZ-PR over DEXIN's site at 1250 Main North Road.</i>   | 3.4.5                                  | Accept in part           | <i>See the relevant section of the s42A report.</i> | N/A                                      |
| <b>Pegasus Resort - Policies</b>   |                               |            |  |  |                          |   |  |
| 416.4                              | S&E Corp                      | SPZ(PR)-P1 | Amend SPZ(PR)-P1:<br><br>"Use and development of land shall:<br>...<br>2. ensure that development:<br>a. results in a vibrant, mixed use area that achieves a complementary mix of hotel and visitor accommodation, spa/wellness and hot pool complex, golf education facility, <u>country club</u> , small-scale commercial activities and ancillary activities"                                    | 3.4.1                                  | Accept in part           | See the relevant section of the s42A report.        | Yes                                      |
| FS101                              | DEXIN                         |            | <i>Support - DEXIN seeks that Council approve the submission of Sports and Education Corporation in full, together with the additional changes to the SPZ-PR, ODP and PGD to enable the expansion of the SPZ-PR over DEXIN's site at 1250 Main North Road.</i>   | 3.4.1                                  | Accept in part           | <i>See the relevant section of the s42A report.</i> | N/A                                      |
| 316.186                            | ECan                          | SPZ(PR)-P2 | Consider whether to include a hierarchy of preference in terms of when effects from infrastructure on water quality are avoided, or remedied, or mitigated.  | 3.6.1                                  | Reject                   | See the relevant section of the s42A report.        | No                                       |

| Sub. Ref.                              | Submitter / Further Submitter | Provision   | Decision Requested (Summary)   | Section of this Report where Addressed | Officer's Recommendation | Officers' Reasons/Comments                   | Recommended Amendments to Proposed Plan? |
|--|-------------------------------|-------------|--|--|--------------------------|--|--|
| FS100                                  | S&E Corp                      |             | <i>Neutral - While S&amp;E Corp are not opposed in principle to changes to this policy, S&amp;E Corp seeks scope to be involved in any future discussions on potential wording changes to this policy. S&amp;E Corp considers changes to the policy should be consistent with other plan provisions that aim to manage the water quality of receiving waterbodies in other zones, and not introduce a hierarchy of preference which creates more onerous or strict requirements for the SPZ(PR) zone compared to what is imposed in other parts of the proposed WDP relating to water quality.</i> | 3.6.1                                  | N/A                      | See the relevant section of the s42A report. | N/A                                      |
| FS101                                  | DEXIN                         |             | <i>Neutral - While DEXIN are not opposed in principle to changes to this policy, DEXIN seeks scope to be involved in any future discussions on potential wording changes to this policy. DEXIN considers changes to the policy should be consistent with other plan provisions that aim to manage the water quality of receiving waterbodies in other zones, and not introduce a hierarchy of preference which creates more onerous or strict requirements for the SPZ-PR zone compared to what is imposed in other parts of the PDP relating to water quality.</i>                                | 3.6.1                                  | N/A                      | See the relevant section of the s42A report. | N/A                                      |
| 416.5                                  | S&E Corp                      | SPZ(PR)-P3  | Amend SPZ(PR)-P3:<br><br>"Provide for the landscape character values of the <del>golf course, country club facilities</del> Pegasus Resort landscape and the background mountain range, particularly as viewed from public places, through master-planning, landscape design and massing of buildings."  | 3.6.1                                  | Accept in part           | See the relevant section of the s42A report. | Yes                                      |
| FS101                                  | DEXIN                         |             | <i>Support - DEXIN seeks that Council approve the submission of Sports and Education Corporation in full, together with the additional changes to the SPZ-PR, ODP and PGD to enable the expansion of the SPZ-PR over DEXIN's site at 1250 Main North Road.</i>   | 3.7.1                                  | Accept in part           | See the relevant section of the s42A report. | N/A                                      |
| <b>Pegasus Resort – Activity Rules</b> |                               |             |  |  |                          |  |  |
| 416.6                                  | S&E Corp                      | SPZ(PR)-R10 | Merge SPZ(PR) R10 and R11 together:<br><br>" <u>Visitor accommodation and hotels</u><br><u>Activity status: RDIS</u><br><u>Where:</u><br><u>1. the activities occur within Activity Areas 1, 2 or 4 and</u><br><u>2. design of development shall be in accordance with the Pegasus design guidelines SPZ(PR)-APP2.</u> "   | 3.7.1                                  | Reject                   | See the relevant section of the s42A report. | No                                       |
| FS101                                  | DEXIN                         |             | <i>Support - DEXIN seeks that Council approve the submission of Sports and Education Corporation in full, together with the additional changes to the SPZ-PR, ODP and PGD to enable the expansion of the SPZ-PR over DEXIN's site at 1250 Main North Road.</i>   | 3.7.1                                  | Reject                   | See the relevant section of the s42A report. | No                                       |
| 416.7                                  | S&E Corp                      | SPZ(PR)-R11 | Merge SPZ(PR)-R10 and R11 together.  | 3.7.1                                  | Reject                   | See the relevant section of the s42A report. | No                                       |

| Sub. Ref.                                    | Submitter / Further Submitter | Provision     | Decision Requested (Summary)   | Section of this Report where Addressed | Officer's Recommendation | Officers' Reasons/Comments   | Recommended Amendments to Proposed Plan? |
|--|-------------------------------|---------------|--|--|--------------------------|--|--|
|  |                               |               | "Visitor accommodation and hotels<br>Activity status: RDIS<br>Where:<br>1. the activities occur within Activity Areas 1, 2 or 4 and<br>2. design of development shall be in accordance with the Pegasus design guidelines SPZ(PR)-APP2."   |  |                          |  |  |
| FS101  | DEXIN                         |               | Support - DEXIN seeks that Council approve the submission of Sports and Education Corporation in full, together with the additional changes to the SPZ-PR, ODP and PGD to enable the expansion of the SPZ-PR over DEXIN's site at 1250 Main North Road.  | 3.7.1                                  | Reject                   | See the relevant section of the s42A report.   | No                                       |
| <b>Pegasus Resort – Built Form Standards</b> |                               |               |  |  |                          |  |  |
| 416.10                                       | S&E Corp                      | SPZ(PR)-BFS12 | BFS12:<br>"...<br>(c) resizing, resitting and the provision of additional proposed stormwater ponds.<br>3. In the event of a conflict between SPZ(PR)-APP1 and a rule in the TRAN - Ranga waka - Transport chapter, the SPZ(PR)-APP1 prevails, and resource consent is not required under any conflicting Transport chapter rule." | 3.8.1                                  | Reject                   | See the relevant section of the s42A report.   | No                                       |
| FS101  | DEXIN                         |               | Support - DEXIN seeks that Council approve the submission of Sports and Education Corporation in full, together with the additional changes to the SPZ-PR, ODP and PGD to enable the expansion of the SPZ-PR over DEXIN's site at 1250 Main North Road.  | 3.8.1                                  | Reject                   | See the relevant section of the s42A report.   | No                                       |
| <b>Pegasus Resort - Appendices</b>           |                               |               |  |  |                          |  |  |
| 416.11                                       | S&E Corp                      | SPZ(PR)-APP1  | The landscaped setback overlay be re-inserted onto the SPZ(PR)-APP1 so that it aligns with the version of the Pegasus Resort ODP referred to in the Pegasus Design Guidelines.   | N/A                                    | Accept                   | The correct ODP has already been inserted under clause 16A and has been confirmed as correct by the submitter. | No                                       |
| FS101  | DEXIN                         |               | Support - DEXIN seeks that Council approve the submission of Sports and Education Corporation in full, together with the additional changes to the SPZ-PR, ODP and PGD to enable the expansion of the SPZ-PR over DEXIN's site at 1250 Main North Road.  | N/A                                    | N/A                      |  | N/A                                      |

**Appendix C. Statement of Evidence of Shane Binder on behalf  
of Waimakariri District Council (Transport)**

**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**

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**Statement of evidence of Shane Binder on behalf of Waimakariri District  
Council (Transport)**

**Date: 17 January 2024**

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## 5 INTRODUCTION

- 1 My full name is Shane Isaac Binder. I am employed as the Senior Transportation Engineer for Waimakariri District Council.
- 2 I have prepared this statement of evidence on behalf of the Waimakariri District Council (**Council**) in respect of technical related matters arising from the submissions and further submissions on the Proposed Waimakariri District Plan (**PDP**).
- 3 Specifically, this statement of evidence relates to transport matters in the SPZ(PR) – Special Purpose Zone (Pegasus Resort) Chapter.
- 4 I am authorised to provide this evidence on behalf of the Council.

## 6 QUALIFICATIONS AND EXPERIENCE

- 5 My qualifications include a Bachelor of Science degree in Civil Engineering from the Pennsylvania State University (USA), and a Master of Science degree in Civil Engineering from the University of Colorado (USA), both with specialisations in transport.
  
- 6 I am a Chartered Professional Engineer (CPEng), a Professional Engineer (Colorado and Washington State, USA), and a Road Safety Professional (Level 1) certified by the Institute of Transportation Engineers. I am a Chartered Member of Engineering New Zealand. I am also a member of the Transportation Group of Engineering New Zealand and am on the steering committee of the Safety Practitioners Sub-group.
  
- 7 I have more than 22 years' experience as a professional traffic engineer and road safety specialist, both in New Zealand and abroad. I have had the position of Waimakariri District Council Senior Transportation Engineer for the last three years. In this role I manage the District's transport planning, strategy, and engineering functions, including road safety, traffic modelling, parking, and public transport elements.



## 7 CODE OF CONDUCT

- 8 Although this is a District Council hearing, I have read the Code of Conduct for Expert Witnesses as contained in the Environment Court Practice Note dated 1 December 2022. I have complied with the Code of Conduct in preparing my evidence and will continue to comply with it while giving oral evidence before the Independent Hearing Panel. My qualifications as an expert are set out above. Except where I state I rely on the evidence of another person, I confirm that the issues addressed in this statement of evidence are within my area of expertise, and I have not omitted to consider material facts known to me that might alter or detract from my expressed opinions.

## 8 SUMMARY

- 9 I have been asked by the Council to provide transport evidence in relation to the appeal on Chapter SPZ(PR), which primarily relates to zoning in the Pegasus Resort outline development plan (ODP).
- 10 My statement of evidence addresses matters related to the transport provisions proposed for the Pegasus Resort ODP.
- 11 I do not support a new clause that subjugates all TRAN chapter provisions that conflict with SPZ(PR) chapter provisions as I am not able to make a well-informed prediction of future rule interpretation or conflicts.
- 12 I have reviewed the technical memo undertaken by Abley Ltd and agree with a portion of their assessment. I disagree with assumptions on existing operating speed and future speed limits. I also disagree with the resulting conclusion that intersection separation distances can be justified as appropriate in the high-level context of an ODP.
- 13 I consider that the proposed roading layout is appropriate to be evaluated against the provisions of the TRAN chapter. This approach would be consistent with other development; I am unaware of unique

circumstances at Pegasus Resort that would support bypassing a consent-driven design.

## 9 INVOLVEMENT WITH THE PROPOSED PLAN

- 14 I have been involved in the PDP since March 2021, providing advice when requested on general transport rules and activity standards.

## 10 SCOPE OF EVIDENCE

15 My evidence only covers matters raised by the submitter and in relation to transport, as follows:

15.1 Relationship between PDP transport provisions in the general TRAN chapter and in the Pegasus Resort SPZ(PR) chapter

15.2 Separation distances between intersections

## 11 RELATIONSHIP TO TRAN CHAPTER

16 The Sports & Education Corporation have made a submission on the proposed District Plan, including comments around the potential for conflicts between provisions in the TRAN chapter and SPZ(PR) chapter. Referring to paragraph 2.5 in the submission, the potential conflicts are chiefly around intersection separation distances. The submission proposes the following clause to remedy this:

16.1 “In the event of a conflict between SPZ(PR)-APP1 and a rule in the TRAN – Ranga waka – Transport chapter, the SPZ(PR)-APP1 prevails, and resource consent is not required under any conflicting Transport chapter rule.”

17 I consider the proposed clause to be too broad as it would subjugate all TRAN chapter rules to SPZ(PR) chapter rules as opposed to the specific intersection separation distances noted in the submission. At this point, I would find it challenging to make a well-informed prediction of how the

impacted rules will be interpreted in the future or of any other conflicts between provisions of the two chapters.

- 18 I am also concerned that Outline Development Plans, while being appropriate for high-level definition of a proposed transport network, are not appropriate to evaluate the finer details of road safety impacts. In this instance, I am referring to the road safety effects of closely spaced intersections on high-speed roads. I do not consider it appropriate to formalise road safety compromises for the sake of a high-level transport network and property access.


## 12 INTERSECTION SEPARATION

- 19 I reference the technical supporting points that the submitter raised as included in the memo “Pegasus Resort Special Purpose Zone – Intersection separation,” from Abley Ltd, dated 25 November 2021.
- 20 I agree with the assessment that there will be less traffic using the proposed intersection on Pegasus Blvd. However, regardless of whether traffic is development-related or not, turning traffic at closely-spaced intersections introduces increased traffic safety effects.
- 21 At present there are three roundabouts on Pegasus Blvd from SH1 to Infinity Drive (noting the memo makes note of a fourth roundabout in this stretch, which may be constructed in the future). I consider it appropriate to look at present operating speeds to understand the degree of speed reductions from the roundabouts as noted in the assessment.
- 22 Council’s annual traffic counts 220m east of the SH1 roundabout show a consistent 85th percentile speed of 71 km/h, while the most recent count 130m west of Infinity Drive (in 2021) had an 85th percentile speed of almost 65 km/h. Thus, the operating speed would appear to match the posted speed.



- 23 I note Council has recently consulted on a speed limit reduction along this roadway to 60 km/h. I have not yet had clear direction from the Council on whether they wish to progress with any proposed speed reductions or received a clear direction from Government on proposed changes to the Setting of Speed Limits Rule. Therefore, it is unknown whether our Council would consider a speed limit changes on Pegasus Blvd at this time.
  
- 24 I agree with the memo's last technical statement around the appropriateness of a 70 km/h speed limit along Pegasus Blvd, and further note that staff have previously recommended the proposed reduction to 60 km/h. However, speed limits are ultimately set independent of the District Plan through the process of the Setting of Speed Limits Rule. I consider it inappropriate to base provisions of this zoning on the assumption of a reduction of the existing speed limit.
  
- 25 The assessment makes predictions of the future intersection forms (roundabout and left-in/left-out) and how these relate to conflict points. I agree with this reasoning, and it would follow supporting the TRAN provisions having precedent as they would likely lead to this same outcome.
  
- 26 I consider that if future intersections are proposed that do not meet rules within the TRAN chapter, a resource consent would be appropriate to work through the site-specific traffic conditions and mitigations to support the non-conformity, instead of a permitted activity. This approach would be consistent with other development; I am unaware of any unique circumstances at Pegasus Resort that would support bypassing a consent-driven design of the non-compliant intersections.

**Date:** 17/01/2024

  
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## **Appendix D. Report Author's Qualifications and Experience**

I hold a Master of Planning (First Class Honours) from Lincoln University, and a Bachelor of Arts from University of Canterbury. I am an Intermediate Member of the New Zealand Planning Institute.

I have more than six years' planning experience and have been employed as a Policy Planner at Waimakariri District Council within the Development Planning Unit since 2016. During this time, I have been involved in all stages of the District Plan Review (District Plan effectiveness analysis, issues and options analysis, chapter drafting, preparation of section 32 evaluation reports, public consultation and engagement, and summarising submissions). I was specifically involved in the development of the Light, Noise, Hazardous Substances, Contaminated Land, Earthworks, and Temporary Activities chapters.

I also processed resource consents while working at the Christchurch City Council on a casual contractual basis for 18 months.