

## DISTRICT PLAN REVIEW

# Proposed Waimakariri District Plan - Submission

Clause 6 of Schedule 1, Resource Management Act 1991

### Submitter details

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

Full name: \_\_\_\_\_

Email address: \_\_\_\_\_

Phone (Mobile): \_\_\_\_\_ Phone (Landline): \_\_\_\_\_

Postal Address: \_\_\_\_\_ Post Code: \_\_\_\_\_

Physical address: \_\_\_\_\_ Post Code: \_\_\_\_\_  
(if different from above)

Please select one of the two options below:

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

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

Please select one of the two options below:

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

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

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

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

## Submission details

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

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

I/we have included: \_\_\_\_\_ additional pages

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

## Submission at the Hearing

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

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

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

## Signature

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

Signature \_\_\_\_\_

Date \_\_\_\_\_

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

## Important Information

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

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

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

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

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

**Email to:** developmentplanning@wmk.govt.nz

**Phone:** 0800 965 468 (0800WMKGOV)

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

**Rangiora Service Centre:** 215 High Street, Rangiora

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

**Oxford Service Centre:** 34 Main Street, Oxford

**Submissions close 5pm, Friday 26 November 2021**

**Please refer to the Council website [waimakariri.govt.nz](http://waimakariri.govt.nz) for further updates**

**CLAUSE 6 OF THE FIRST SCHEDULE, RESOURCE MANAGEMENT ACT  
1991**

**SUBMISSIONS ON THE  
PROPOSED WAIMAKARIRI DISTRICT PLAN**

**TO:** Waimakariri District Council (**Council**)  
**Via email:** developmentplanning@wmk.govt.nz

**SUBMITTER:** **Lamb & Hayward Limited**  
**Contact:** Stephen Parkyn  
**DDI:** (03) 359 9018  
**Email:** stephen@lambandhayward.co.nz

**ADDRESS FOR SERVICE:** **Contact:** Andrew Ross, Consultant Planner  
Planz Consultants Ltd  
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**Trade competition declaration**

Lamb and Hayward Limited (Lamb and Hayward) could not gain an advantage in trade competition through this submission.

**Hearing options**

Lamb and Hayward wishes to be heard in support of the submission.

**Submission Summary**

Lamb and Hayward welcomes the opportunity to submit on the Waimakariri District Council (WDC) Proposed District Plan (Proposed Plan).

Lamb and Hayward has operated funeral services from 92 Kippenberger Avenue since 1999. The existing funeral service activities were legally established under R990222.

Lamb and Hayward's submission seeks to ensure the District Plan recognises and provides for their existing facility. They also seek to ensure an appropriate consenting pathway is available through the District Plan for the potential future expansion of funeral related services and facilities on the site.

## Overview

The following submission outlines a brief overview of the subject site, the outcome sought by the submission, including rationale as to why.

### 1.0 Subject Site

The subject site is comprised in one title and encompasses a funeral facility that has been established by Lamb and Hayward in 1999. The site has a large car parking area, funeral facility and landscaped areas.

The subject site is outlined in Figure 1 below:



**Figure 1:** The subject site is outlined with an orange line (source: Canterbury Maps).

### 2.0 Proposed District Plan

The Proposed District Plan seeks to zone the site Rural Lifestyle. However, the Development Area Plan introduces a Medium Density Residential overlay on the site, along with the surrounding environment. In the Rural Lifestyle Zone, the activity is a Discretionary Activity. However, in the Medium Density Residential Zone, funeral homes are a Non-Complying Activity.



**Figure 2:** North East Development Area 'B', the site is identified with a Red Star (source: Proposed Waimakariri District Plan Online).

### 3.0 Outcome Sought

Whilst funeral related services are found in the industrial zone under the Proposed Waimakariri District Plan, Lamb and Hayward currently operate within the Rural Zone, albeit with the residential zone in close proximity to the west and adjacent to the site along Kippenberger Avenue. Lamb and Hayward operate numerous facilities close to residential properties throughout Canterbury and seek to ensure the District Plan recognises and provides for the continued operation and expansion of their existing facility and the potential establishment of future funeral homes in the District. This could be achieved through a variety of means, including scheduling; the inclusion of funeral homes in the definition of spiritual or community facilities; or the provision of specific rules and objectives and policies that reflect the fact that funeral homes provide an important community function and need to establish in areas of high amenity. Lamb and Hayward are happy to work with Council staff to ensure the most appropriate mechanism to achieve this is included in the District Plan.

Provision	Support/ Oppose	Comments	Relief Sought
<b>Part 3 – Wahanga Waihanga Development Areas</b>			
North East Development Area 'A'	Oppose in part	Development Area 'A' increases the area of residential activity abutting the Lamb and Hayward site, notably along the western boundary. For reasonings relating to reverse sensitivity and residential amenity, the impact of NPS-UD and a higher level of density sought in the Medium Density Residential Zone, could restrict funeral related services and future expansion opportunities within the site unless these activities are specifically recognised within the District Plan as being appropriate within residential areas.	Omit or provide for recognition via an inclusion of funeral homes in the definition of spiritual or community facilities and include an appropriate rule and objective and policy framework to support this recognition.
North East Development Area 'B'	Support in part	<p>Development Area 'B' proposes Education/Community zoning along the western boundary whilst the eastern boundary is designated for roading purposes. By establishing an education/community facility on the western boundary, the possibility of adverse effects and reverse sensitivity occurring decreases as these facilities are more accommodating of noise, built form and reduction in residential amenity.</p> <p>As attached in Appendix A, the general support for North East Development Area 'B' is provided. However the intersection control along Kippenberger Avenue and the new Road is assumed to be a stop sign, much like that which controls the MacPhail Avenue intersection. We request that Council consider an intersection control that does not restrict the access to the site from right turning traffic which a traffic light system or roundabout may have.</p>	<p>Amend to include buffer along northern boundary of the site such as a green link and/or cycleway to the community/education zone.</p> <p>Amend to ensure the intersection of the future road and Kippenberger Street will not restrict right turning traffic into the Lamb and Hayward site.</p> <p>Include recognition of funeral home facilities via an inclusion of funeral homes in the definition of spiritual or community facilities and include an appropriate rule</p>

			and objective and policy framework to support this recognition.
<b>Medium Density Zone</b>			
MRZ - P1	Oppose in part	<p>The crux of the MRZ - P1 seeks to achieve medium density residential development including detached, semi-detached and multi-unit living, whilst maintaining character and amenity values. P7 is considered to allow possible expansion in the zone, however somewhat restricting of expansion would be P4 which relates to peacefulness, and adverse effects of such activities. We have concern over the rather restrictive objectives and policies that do not enable funeral related services and facilities to further develop. Funeral services are an important and anticipated element in residential areas, rather than being potentially subject to the restrictive non-residential objective and policy framework outlined above.</p> <p>An insight into how funeral services fit into the community facility are outlined in the following caselaw:</p> <p><b><i>Living in Hope Inc v Tasman DC 8:</i></b></p> <p><i>[124] We accept that some people are uncomfortable with death and dying and do not wish to live in close proximity to a funeral home or crematorium or cemetery. Ms Zimmerman expressed precisely that opinion. Some may even find a hospice difficult. However such facilities are an essential part of every community. We do not consider that discomfort on the part of some individuals to the mere presence alone of a particular facility amounts to an adverse effect on amenity values. If that was the case, any proposal would be vulnerable to the discomforts of its opponents no matter how irrational or ill founded those discomforts might be.</i></p>	<p>Amend to include a policy that relates to expansion of existing activities to accommodate the strategic direction and operational need. For example, integration and connectivity is addressed in the Christchurch District Plan through the following Policy:</p> <ul style="list-style-type: none"> <li>• <i>Ensure effective integration within and between developments and existing areas, including in relation to public open space networks, infrastructure and movement networks.</i></li> <li>• <i>Ensure that the boundaries between new and existing developments are, where appropriate, managed to avoid or mitigate adverse effects.</i></li> <li>• <i>Avoid significant adverse effects and remedy or mitigate other adverse effects on existing businesses, rural activities or infrastructure.</i></li> </ul>
MRZ-R29 - Funeral related services and facility	Oppose in part	Lamb and Hayward have operated on the site since 1999. If they wish to expand their facility, it would be a non-complying activity.	Amend MRZ-R29 to state ' <u>new</u> funeral related services and facility'.



Activity Status: Non-Complying		When considering a non-complying activity, the objectives and policies of the District Plan are required to be assessed. As found under MRZ – P1, the wording of the policy does not allow a pathway for expansion and considers any activity of the like, be it established or not, to be a non-complying activity.	Seek the addition of a MRZ Restricted Discretionary Activity status for funeral homes or the inclusion of funeral homes in the definitions of either spiritual facilities or community facilities to enable the expansion of funeral related services and facilities with the following matters of discretion: <ul style="list-style-type: none"> <li>• Urban design;</li> <li>• Scale and intensity;</li> <li>• Traffic generation;</li> <li>• Noise</li> <li>• Reverse sensitivity.</li> </ul>
<b>Rural Lifestyle Zone</b>			
RLZ- R30	Support if RMD and Development Areas don't proceed.	Funeral services are recognised within the zone as a Discretionary Activity.	Retain if RMD and Development Areas don't proceed.

#### **4.0 Conclusion**

Moving forward, Lamb and Hayward Limited seeks to support the North East Development Area 'B' and amend the broader provisions of MRZ – P1 and MRZ – R29 to enable the expansion of existing funeral services activities through a Restricted Discretionary Activity. Accordingly, Lamb and Hayward Limited would welcome the opportunity to further discuss the amendments sought with the Council and wishes to be heard at a hearing where detailed evidence will be presented.

If others make a similar submission, the submitter will consider presenting a joint case with them at the hearing.