

DISTRICT PLAN REVIEW

Proposed Waimakariri District Plan - Submission

Clause 6 of Schedule 1, Resource Management Act 1991

Submitter details

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

Full name: _____

Email address: _____

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

Postal Address: _____ Post Code: _____

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

Please select one of the two options below:

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

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

Please select one of the two options below:

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

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

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

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

Submission details

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

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

I/we have included: _____ additional pages

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

Submission at the Hearing

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

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

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

Signature

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

Signature _____

Date _____

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

Important Information

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

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

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

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

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

Email to: developmentplanning@wmk.govt.nz

Phone: 0800 965 468 (0800WMKGOV)

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

Rangiora Service Centre: 215 High Street, Rangiora

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

Oxford Service Centre: 34 Main Street, Oxford

Submissions close 5pm, Friday 26 November 2021

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

RMA Form 5

Submission on Publicly Notified Proposed Waimakariri District Plan

Clause 6 of the First Schedule, Resource Management Act 1991 (RMA)

Submitter Details

Submitter Name: Concept Services Limited
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Contact Name: Jane West
Contact Organisation: JWest Limited
Contact Address: 50 Selwyn Lake Road, Irwell, RD3
City/Town: Leeston
Contact Email: jane@jwest.co.nz
Contact Phone Number: 021 323 040

Submission Details

This submission has been prepared on behalf of Concept Services Limited, who is the current owner of the Kaiapoi Mill site at 35 Ranfurly Street, Kaiapoi. The provisions of the Proposed Waimakariri District Plan (PWDP), the position on those provisions, the reasons for the submission, and the requested decisions are set out below.

The specific provisions to which our submission relates:

Concept Services Limited generally supports the PWDP and provides some suggested amendments as set out below.

Strategic Directions

SD-06	oppose in part
UFD-P2	oppose in part
UFD-P10	oppose in part

Historic and Cultural Values

HH-O1	oppose in part
HH-P5	oppose in part

HH-P8 oppose in part

Subdivision

SUB-P1 oppose in part

General District Wide Matters

EW-S3 oppose in part

Area Specific Matters

INZ-O2 oppose in part

INZ-P2 oppose in part

INZ-P5 oppose in part

GIZ-P1 oppose in part

Our position on these provisions is:

Strategic Directions

SD-O6 Natural hazards and resilience

Amend Objective SD-O6(1) to read (deletions are shown with a ~~strike through~~ and additions are shown in **bold underline**):

~~“avoiding~~ **managing** subdivision, use and development where the risk is unacceptable;...”

It is noted that the RMA s32 report identifies the higher level objective and policy framework that this objective gives effect to, including Canterbury Regional Policy Statement (CRPS) Policy 11.3.1 (avoid inappropriate development in high hazard areas). However, the objective as proposed is not specific to high hazard areas, instead it only refers to a risk being unacceptable.

The suggested amendment, and any consequential amendments, is suggested because there is no definition or indication of what constitutes risk that is ‘unacceptable’. There may be various ways to subdivide, use and develop land where the risk can be appropriately managed, and using the term ‘avoid’ does not provide enough ability to explore appropriate uses. Using the term ‘manage’ instead of ‘avoid’ provides that ability whilst also requiring that the level of risk, and acceptability of that risk be determined.

It is also noted that the objectives and policies in the PWDP regarding Hazardous Substances do include a definition of what is an 'unacceptable risk' which provides a level of understanding and the ability to objectively determine a potential affect.

UFD-P2 Urban Form and Development

Amend Policy UFD-P2(2) to read (deletions are shown with a ~~strike through~~ and additions are shown in **bold underline**):

“for new Residential Development Areas, other than those identified by (1) above, ~~avoid~~ **manage** residential development ~~unless~~ **to be** located so that they: ...”

Using the term 'avoid' is very limiting when there may be instances where new residential development areas can be developed that may be appropriate without ticking all the items (a – h) of Policy UFD-P2. It is noted that PWDP Policy UFD-P3 does not use 'avoid' regarding Large Lot Residential Zone areas, therefore the requested amendment also provides a more consistent approach.

UFD-P10 Managing reverse sensitivity effects from new development

Amend Policy UFD-P10(1) to read (deletions are shown with a ~~strike through~~ and additions are shown in **bold underline**):

“~~avoid~~ **manage** residential activity that has the potential to limit the efficient and effective operation and upgrade of critical infrastructure ...”

The term 'avoid' is unnecessarily limiting given that such applications will require consultation with the relevant infrastructure operators, and with collaboration there is potential for workable solutions to be found to avoid adverse effects.

Historic and Cultural Values

HH-O1 Contribution to the District

Amend Objective HH-O1 to read (deletions are shown with a ~~strike through~~ and additions are shown in **bold underline**):

“Historic heritage and its overall contribution to the identity of the District is recognised, **and it is** protected and maintained **where practicable**.”

The HH rules in the PWDP provide for the maintenance and repair, relocation and demolition of historic heritage depending on its classification in HH-SCHED2. The rules pertaining to relocation are consistent with Policy HH-P6. The requested amendments to Objective HH-O1 ensure that the HH rules and Policy HH-P6 are consistent with Objective HH-O1.

HH-P5 Adverse effects

Amend Policy HH-P5(3) to read (deletions are shown with a ~~strike through~~ and additions are shown in **bold underline**):

“protects, **where practicable**, identified heritage values from inappropriate...”

The requested amendment will ensure that Policy HH-P5 is consistent with Policy HH-P6 where it is acknowledged that in certain circumstances there may be appropriate alternatives to historic heritage remaining on site. It will also ensure that the Rules are consistent with the policies including Policy HH-P5.

HH-P8 Demolition of listed historic heritage

Amend Policy HH-P8 to read (deletions are shown with a ~~strike through~~ and additions are shown in **bold underline**):

“Avoid demolition of **‘Highly Significant’** historic heritage listed in HH-SCHED2 unless; **and manage demolition of ‘Significant’ historic heritage, where:**”

The requested amendments are more consistent with Policy HH-P6 and provide for Rules HH-R4 – R9 to be more consistent with (and give better effect to) the objectives and policies around historic heritage, which do provide for relocation or demolition in appropriate circumstances.

For clarity, another alternative to the requested amendment may be to have two policies: one for Highly Significant historic heritage, and one for Significant historic heritage.

Subdivision

SUB-P1 Design and amenity

Amend Policy SUB-P1 (3) to read (deletions are shown with a ~~strike through~~ and additions are shown in **bold underline**):

“~~Avoids~~ **Manages** subdivision that **has the potential to** restrict the operation ... of the National Grid.”

The term ‘avoid’ is very restrictive, which is unnecessary when a proposed subdivision would most likely require consultation with Transpower as the owner of the National Grid regardless. It is likely that a workable solution could be found without precluding subdivision that may be appropriate.

It is noted that Rule SUB-R6 provides for subdivision with the National Grid Yard as a restricted discretionary activity, whereas the term ‘avoid’ often implies a stricter standard, such as non-complying or prohibited. The requested amendment means that Rule SUB-R6 is more consistent with Policy SUB-P1.

General District-wide Matters

EW-S3 Setback from water bodies

There is an inconsistency with Earthwork Standard EW-S3 and Table NATC-1 under Activity Standard NATC-S1.

Rule EW-S3 requires that earthworks shall not be undertaken within 20m from the bank of any stream or river. NATC-S1 refers to setbacks being outside of the setback distance specified in Table NATC-1. The Cam River is classified as a NATC-SCHED2 freshwater body, and therefore Table NATC-1 provides that development must be setback 10m from the Cam River within industrial zones.

Given that in many circumstances development generally involves some earthworks, and resource consent once the threshold volume will be reached (for industrial zones this is 1,000m³), some clarity around which setback would apply (10m or 20m) is necessary.

Zones

INZ-O2 Role and function of Industrial Zones

Amend INZ-O2(1) to read (deletions are shown with a ~~strike through~~ and additions are shown in **bold underline**):

“~~avoid~~ **manage any actual and** potential adverse effects on the role and function of Town Centres;...”

It is unnecessary to use the term 'avoid' when workable solutions may be able to be found for a proposed land use outside of a Town Centre. Not all proposed land uses in an industrial zone would necessarily have adverse effects on a Town Centre, and therefore each proposal to develop land should be assessed on its merits to determine when adverse effects are able to be appropriately remedied or mitigated.

The requested amendment provides the ability to look for solutions where an actual or potential adverse effect on a Town Centre is identified. Please also refer to the discussion below on Policy INZ-P2, INZ-P5 and Rule GIZ-P1.

INZ-P2 Adverse effects on Town and Local Centres

Amend INZ-P2 to read (deletions are shown with a ~~strike through~~ and additions are shown in **bold underline**):

“~~Avoid~~ **Manage** retail activity, office, commercial services and other non-industrial activities that could individually or cumulatively adversely affect the role and function of town centres, and undermine investment in public amenities and facilities in the Town and Local Centre Zones.”

For the same reason as discussed above regarding INZ-O2 it is unnecessary to use the term 'avoid' when workable solutions may be able to be found for a proposed land use in an industrial zone.

It is noted that within the GIZ a variety of activities are listed (Rules GIZ-R15 – R23) as restricted discretionary, discretionary, or non-complying activities, including retail, office, commercial and other non-industrial activities. This is the appropriate way to control such activities in an industrial zone, with each application assessed on its merits. The requested amendment provides for the rules as proposed to be more consistent with (and give effect better to) the INZ objectives and policies.

INZ-P5 Avoid sensitive activities within Industrial Zones

Amend INZ-P5 to read (deletions are shown with a ~~strike through~~ and additions are shown in **bold underline**):

“Maintain and support the function of industrial zones through ~~avoiding~~ **managing** any sensitive activities, such as residential and visitor accommodation, in industrial zones with the potential to hinder or constrain the establishment or ongoing operation or development of industrial activities.

There may be instances where sensitive activities such as a residential use within an INZ is appropriate, for example, for security. There may also be instances where appropriate separation from incompatible uses in proximity to the sensitive activity can be properly managed, for example, on a large industrial site with various uses, appropriate buffer areas between sensitive and non-sensitive uses could be established.

The term 'avoid' sets too high a standard, which may not always be necessary. As discussed above, the industrial rules list restricted discretionary, discretionary, and non-complying activities, which is an appropriate way to manage and control the effects of 'non-industrial' activities proposed for an industrial zone. The requested amendment provides for the rules as proposed to be more consistent with (and give effect better to) the INZ objectives and policies.

GIZ-P1 Activities

Amend GIZ-P1 to read (deletions are shown with a ~~strike through~~ and additions are shown in **bold underline**):

“Recognise and provide for a range of general industrial and other compatible activities and ~~avoid~~ **manage** activities which do not support the primary function of the zone.

As discussed above, the term 'avoid' is unnecessary in the context of a GIZ where there may be many different activities that could be undertaken on the site, and where the management of the effects of 'non-industrial' uses is already provided for through the activity status of those activities under Rules GIZ-R15 – R23.

As a comparison, within the Heavy Industrial Zone (HIZ) the rules also provide for discretionary and non-complying activities for 'non-industrial' uses, and in the HIZ non-compatible activities would generally be regarded as having the potential to create more adverse effects than in the

GIZ. Further, it is noted that HIZ-P1 does not use the term 'avoid' when describing sensitive activities; rather it simply acknowledges the necessity of separating heavy industrial activities from more sensitive activities.

Therefore, the requested amendments provide for the GIZ rules as proposed to be more consistent with (and give effect better to) the objectives and policies, while also better aligning with the objectives, policies, and rules proposed for the HIZ.

A handwritten signature in black ink, appearing to read 'Jane West', with a stylized, cursive script.

Jane West

on behalf of Concept Services Limited