

**BEFORE AN INDEPENDENT HEARINGS PANEL  
APPOINTED BY THE WAIMAKARIRI DISTRICT COUNCIL**

Under the Resource Management Act 1991  
*Sections 88-120, Resource Management Act 1991*

In the matter of Submissions and further submissions in relation to the  
proposed Waimakariri District Plan, Variation 1 and  
Variation 2

And Hearing Stream 12E

And **Fusion Homes**  
Submitter 121

**EVIDENCE OF STEWART FLETCHER**

Date 6 August 2024

My name is **STEWART FLETCHER** of Christchurch and I operate my own planning consultancy (Fletcher Consulting & Planning). I have been requested by Fusion Homes to assist them in support of their submission to zone a property at 261 Giles Road for residential purposes.

## **1 Qualifications**

1.1 I am a Consultant Planner and have been practicing as a Planner for approximately 25 years. I have a Bachelor of Resource Studies from Lincoln University and am a full member of the NZ Planning Institute.

1.2 I have worked in a number of planning roles and have been operating my own consultancy for the past 13 years.

## **2 Expert Witness Practice Note**

2.1 While not a Court hearing I note I have read, and agree to comply with, the Code of Conduct for Expert Witnesses as required by the Environment Court's Practice Note 2023. In providing my evidence, all of the opinions provided are within my expertise and I have considered, and I have not omitted to consider, any material facts known to me which might alter or qualify the opinions I express.

## **3 Scope of Evidence**

3.1 A submission was made with regards to the zoning of 261 Giles Road. It was sought that the zoning was changed from Rural Lifestyle Zone to a Residential zoning (preferably Medium Density or General Residential). It was also sought that all other necessary amendments to the Proposed District Plan are made to reflect the zoning sought.

3.2 The reason for the submission was that the property is zoned Residential 7 in the Operative District Plan and the proposed zoning would be a significant departure from the existing.

3.3 The submitter has also been progressing through a resource consent application to subdivide the property and any determination from the Proposed District Plan process could have implications for the resource consent.

3.4 This evidence provides the background to the property, assesses whether there are any impediments to the zoning sought, assesses the proposal against relevant planning documents and considers whether site specific controls are required as part of any zoning.

#### 4 Location of the Property

4.1 The property subject to this submission is located at 261 Giles Road, Kaiapoi and is located on the corner of Giles and Ohoka Roads. The property is 3.1858 hectares in area, contains a more recently established dwelling and a series of farm buildings. Access to the site is from Giles Road.

4.2 Activities in the local area include a variety of rural lifestyle properties, the Silverstream subdivision to the north and the Kaiapoi River to the west. State Highway 1 is approximately 700 metres to the east of the site.

4.3 It is noted that the application site was created as part of the Silverstream subdivision including the realignment of Ohoka Road. The impacts of this are discussed as part of the assessment of the Operative Waimakariri District Plan below.



## **5 Background**

5.1 There is a detailed and complicated background for the site which has significant implications as to the understanding of the current Residential 7 zoning and the situation for the property. The background is as follows:

5.2 In 2011, Plan Change 15 was processed by Council and a decision was issued to approve a change in zoning which would provide for the development of the Silverstream subdivision area. At that time Ohoka Road was in a different location and would need to be relocated as part of the development. The property subject to this submission (261 Giles Road) was part of that Silverstream area, ie it was not separated by the road as the road did not exist in that location. The Plans for Silverstream included the formation of the road and the identification of 261 Giles Road as a stormwater management area. A copy of the Outline Development Plan for the area is included below:

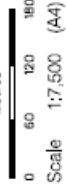


- OUTLINE DEVELOPMENT PLAN AREA
- LOCAL / NEIGHBOURHOOD RESERVE
- RECREATION AND ECOLOGICAL LINKAGES
- STORMWATER MANAGEMENT AREA
- AREA A
- AREA B
- AREA C
- BUSINESS 4
- BUSINESS 4 (PARKING & ACCESS)
- 30m RESIDENTIAL BUILDING LINE
- POSSIBLE FUTURE ROAD
- CHRISTCHURCH AIRPORT SOGBA NOISE CONTOUR

NOTE:  
Disclaimer - refer to map legend sheet.



Metres



5.3 Through the plan change the subject property, being 261 Giles Road, remained rural in zoning. It is also important to note that while the Plan Change was granted there were some matters of contention regarding timing for some areas to be developed. It is understood that the decision issued by Council required adjacent land to be developed before the development of Silverstream could proceed.

5.4 In November 2011 the zoning of the subject property was changed by the Canterbury Earthquake Recovery Minister as part of enabling further residential development of the area. A copy of the notice is attached to this evidence (Appendix 1). It is noted that the Outline Development Plan and rules, as they related to the subject property were not updated.

5.5 The Silverstream subdivision was formed, including the new section of Ohoka Road, and it was determined that 261 Giles Road was not required for stormwater management purposes. The property was titled in February 2016. A dwelling was then subsequently erected, which obtained building consent in 2019. I note that no resource consent was required by Council for the erection of the dwelling.

5.6 In early 2021 investigations commenced regarding the potential residential development of the property. Given the difference between the Outline Development Plan and the proposal, the investigations included meeting with Council to discuss the subdividing the property into residential sized allotments. At that meeting Council confirmed that it would generally be possible to do so. A key issue identified at the meeting was the servicing of the potential allotments, particularly with regards to wastewater. The Council engineers were commissioned by the applicant to provide a report as to reticulated wastewater servicing which confirmed that up to a total of 30 residential allotments could be serviced.

5.7 A resource consent application was lodged to subdivide the property in late 2021. The proposal consisted of a total of 27 residential allotments and a larger balance area to provide for the existing dwelling. Various reports were provided both as part of the application and through further information requests which confirmed matters could be addressed such as services and flood management. A copy of the latest iteration of the subdivision plan is appended to this evidence (Appendix 2).

5.8 In processing the application, in late 2022 Council questioned whether the site was correctly zoned which led to further investigations. This was resolved as per the copy of the email appended to this evidence (Appendix 3). Council then started

to reach the opinion that there were amenity related issues, together with issues regarding the connectivity of the site with the Silverstream area. This led to a determination that the application should be processed on a publicly notified basis. At this point the applicant was concerned with such a determination being made but also whether the underlying currents of the process might lead to a declined consent and as such the applicant elected to place the application on hold.

5.9 The applicant now seeks that the Proposed District Plan hearing process addresses the questions around what the subject property can be developed for through the resolution of any debate as to the zoning of the site and intended purpose of the zoning.

5.10 It is also noted that the Council has also submitted on the Proposed Plan, seeking that the property is zoned residential. The Council has submitted that a mapping error was made and sought that the land be zoned residential.

5.11 The Reporting Planner for the Proposed Plan has had access to all Council files regarding the resource consent process and has concluded that the subject property was zoned in error. Respectfully, the Minister determined those areas to be rezoned in 2011 in consultation with Council. In addition, it is not my opinion that an error was made, but that a property owner has every right to act on the basis of the zoning of their property and Council should be careful in determining that an error was made 13 years later and then suggesting a significant departure from the current zoning was appropriate. This change will have significant impacts on the property owner, particularly in how they can use their property and with regards to property value.

5.12 I also note that the applicant / submitter is in communication with the former Minister for Canterbury Earthquake Recovery, now Speaker of the New Zealand House of Representatives, and should correspondence be received, this will be provided to the Hearings Panel when it becomes available.

## **6 Question of Error**

6.1 The above analysis of the background for the property details how the zoning of the property came to be. It is my opinion that the most important aspect was that when the original plan change for the area occurred (being Plan Change 15), the property remained zoned as rural. The property was part of the Outline Plan but there was no need for a residential zoning.

6.2 At the time that the Minister elected to rezone areas to facilitate residential development, this decision was made after the Plan Change decision and outline Development Plan had been released. The Council and Cera had every opportunity to identify which areas were appropriate to zone.

6.3 I note that the ODP and District Plan rules should have been updated to reflect the change in zoning but this does not change the fact that the property is zoned Residential 7. It also is of concern that the Council reporting planner has suggested that after the zoning being in place for 13 years, the Proposed Plan provides an opportunity to correct a mapping error, particularly when the Council has submitted that the Proposed District Plan included a mapping error in not zoning the site residential.

6.4 It is also recognised that, regardless of the question of an error, the Hearings Panel needs to determine whether or not it is appropriate for the site to be zoned residential. On that basis the following sections provide an analysis of the zoning sought for the property.

## **7 Factors Impacting the Proposed Zoning**

7.1 As previously discussed, significant efforts have been previously made through the resource consent process in investigating and seeking the residential subdivision of the property. On this basis it has been identified that the site can connect to reticulated services and questions such as flooding have been resolved. These factors accordingly do not provide an impediment to the zoning of the property.

7.2 The primary outstanding factor, based on the planning recommendation, is with regards to the connectivity of the site. I would also suggest consideration should be given to the visual characteristics of the site.

7.3 These are assessed as follows:

### Connectivity of the Property

7.4 The planning recommendation includes the following comments:

- *I note this appears to be similar to RC215675*



- *I consider that this property has limited appropriate access for private motor vehicle and no appropriate access by any other modes (e.g., public transport, walking, or cycling) at present.*
- *At present there is no access to Ohoka Road (the existing access is off Giles Road) and I would not support any new access to Ohoka Road, given that it is a high speed Arterial Road*
- *Given the site is disconnected by Ohoka Road from the cycling and walking access in Silverstream, as well as PT service there, I consider it likely that future occupants of any residential use of this site will travel chiefly by private motor vehicle.*

7.5 These questions of connectivity have been previously raised during the resource consent process and it is recognised that that Ohoka Road provides a separation between the property and Silverstream subdivision area. However, when the applicant first met with the Council in 2021, Council provided details of a planned shared pathway in the area. A copy of the plan provided is appended to this evidence (Appendix 4). It is noted that the plan directly adjoins the subject property and includes a crossing point, with pedestrian refuge, across Ohoka Road. It is recognised that Council has more recently advised that funding is not currently allocated for such works and they have expressed an expectation that the applicant is responsible for the formation for a substantial portion of the shared pathway well beyond the frontage of the site.

7.6 In response to those discussions with Council the applicant, in the resource consent process, updated a landscape plan, to better enable an attractive connection between a subdivision and the pathway. Likewise further consideration was given to the connection to the pathway at the point where the access road connects to Giles Road.

7.7 Regarding a proposed shared arrangement for funding for that portion of the pathway adjoining the site, the applicant is cautious in agreeing to such an arrangement, particularly when there is no clear picture at this time as to what those costs may entail and potential timeframes.

7.8 It was recognised that there are benefits in the establishment of the pathway and the applicant does wish to work in with Council to achieve a win win outcome.

Accordingly, it has previously been proposed that the applicant will undertake some works to assist in the formation of the pathway. For context, the applicant will need to undertake some works along the frontage of the site, such as the installation of services, shaping of the road verge for drainage / amenity, the undergrounding of electricity lines and formation of vehicle crossings. For example, the applicant is comfortable to appropriately shape and grade the frontage area which would better facilitate the formation of the pathway. In addition, it is noted that the applicant will be removing some power poles and undergrounding the power supply such that this will also better enable the formation of the pathway.

7.9 Therefore, while funding may not be currently allocated, it is considered that a fair approach could be, when considering the connectivity of the site, to reflect that the Council has at least planned for walking and cycling connections in the area.

7.10 The previous identification of a shared pathway is also consistent with information readily available publicly. I bring to your attention that the Council website includes a page regarding a Walking and Cycling Network Plan and that consultation occurred in 2022 regarding this. This includes a series of maps that identify the location and formation of the shared pathway. The webpage also specifies that funding has been allocated for formation works for various projects. I have appended a section of the mapping available online for the area (Appendix 5).

7.11 On the basis of works planned by Council and publicly being promoted, it is respectfully suggested that connections are likely to become available in time. It could be that the proposed residential development of the property may further encourage these connections.

7.12 Beyond the above it is suggested that there was a conscious decision made by Council / the Government to zone the site for residential development purposes. If such a determination as to zoning was made, questions have to be asked as to whether it is fair and reasonable for the applicant to fund plans already made by Council to address an issue which the Council and Minister created. Finally, it is noted that the comments in the Planners recommendation refer to Ohoka Road as a 'high speed arterial road'. I simply note that it is my understanding that the section of Ohoka Road adjoining the site has a 60km/hr speed limit.

### Amenity / Character

7.13 While not identified by the reporting planner, I consider it appropriate to consider how any residential zoning of the site would align with the amenity and character of the area.

7.14 In a wider sense the property is located within an area of mixed character including the vehicle orientated environment, based on the close proximity to State Highway 1 which Ohoka Road connects to. The more intensive residential development of Silverstream and Island Road areas provides significant built form with lifestyle sized properties of a slightly higher density maintaining built form to the south. The level of built form slowly reduces as one travels along Ohoka Road to the west and passes over the Kaiapoi River with views towards the mountains opening up while balanced by the Silverstream area to the east.

7.15 The dominant character of the area is the Silverstream residential area on the opposite side of the road from the subject property. There is a string of tall paling fences along this area, a low retaining wall and the houses sitting above with rooflines being visually obvious. Ohoka Road is also prominent being a more modern curved recently formed road with wide verges and also a wider sealed area down its centre area to provide for turning lanes into both Giles Road and Silverstream Boulevard as well as others.

7.16 The Kaiapoi River adjoins the western boundary of the site and is a wider waterway of several metres in width. Ohoka Road includes a bridge over the river. The southern boundary of the property adjoins a lifestyle property of approximately 2.39 hectares in area that contains a dwelling but is understood to have historically used for commercial purposes.

7.17 On the opposite side of Giles Road from the site are lifestyle properties including dwellings and amenity plantings. It is understood that one of these properties, on the corner of Giles and Ohoka Roads has sought a commercial zoning through the Proposed District Plan process.

7.18 There are a number of roads which connect to Ohoka Road in the local area (four in total), which reflects the wider formation of Ohoka Road. Giles Road connects Ohoka and Tram Roads and the length of this road is predominantly a combination of the Kaiapoi River and lifestyle properties.

7.19 The application site includes a large modern single storey home, a paddock area some mature plantings and several corrugated iron sheds parallel with Ohoka Road.

7.20 While the site is already zoned residential, consideration has been given to how the subject property and a residential zoning would fit within the above described area. Firstly, the level of built form would change but would not be out of character with the immediate area, particularly with Silverstream on the opposite side of the road. It is also considered that an increase in the built form can be more readily accommodated due to the closer proximity to the State Highway and more urban environment which dissipates as one travels westwards. The Kaiapoi River also provides a visual boundary point for increased built form both along Ohoka Road but also on Giles Road where the gap between road and river steadily reduces and provides a 'point of closure'.

7.21 It is recognised that there is also a character of lifestyle properties in the area and the residential zoning of the site would change the current character of the site. The mix in nature and character of the area means that, while a change would occur, a residential zoning would be more readily absorbed into the area. Particularly when compared to other areas.

7.22 Overall, it is considered that the subject site can be zoned residential without significant impacts on the amenity and character of the area.

## **8 Operative Waimakariri District Plan**

8.1 It is recognised that the matter before the Hearings Panel is the Proposed District Plan and specifically questions of zoning. That said, some context is required, particularly with regards to later discussions in my evidence regarding an existing urban zoning. On this basis I detail the following.

8.2 The subject property is zoned Residential 7 in the Operative Plan and the position has been taken that the Outline Development Plan applies (ODP). We know that the use of the property as a stormwater management area is no longer required. On this basis any residential development of the site will not be in accordance with the ODP. This then leaves the question of what the site can be used for.

8.3 Guidance is taken from the Operative Plan which includes direction as to the anticipated use of the site based on its' zoning. Specifically, Policy 17.1.1.3 details the following:

**Policy 17.1.1.3**

*Provide for development within the Residential 7 Zone based on the characteristics of that zone by:*

*a. Whole of Zone.*

- *Predominant activity is living;*
- *Mixture of dwelling densities within defined areas ranging from apartment/townhouse style living to the existing Residential 2 standard;*
- *Centrally located convenience retail and community service function area (zoned Business 4);*
- *Full urban services;*
- *High amenity values, associated with reserves and the Kaiapoi River, including fencing adjacent to reserves;*
- *Staged development of key infrastructure;*
- *A integrated transport network including a range of road hierarchies and on and off road pedestrian and cycle facilities;*
- *Individual allotment amenity contributes to the amenity of adjacent public space;*
- *Minimum allotment sizes, averages and household yields; and*
- *Efficient road connections with the State Highway and Kaiapoi.*

*b. Area A.*

- *The characteristics of the whole zone;*
- *Specific requirements for outdoor space, access, parking and building design control;*
- *An opportunity for an outlook towards open space and reserves;*
- *Location on roads in the road hierarchy appropriate to the density and through movements; and*
- *Comprehensive design for the whole of each area.*

*c. Areas B and C.*

- *Predominant activity is living;*
- *Full urban services;*

- *High amenity values, associated with reserves and the Kaiapoi River, including fencing adjacent to reserves;*
- *Staged development of key infrastructure;*
- *A integrated transport network including a range of road hierarchies and on and off road pedestrian and cycle facilities;*
- *Fencing, landscaping and allotment layout along the Arterial Road for Area C;*
- *Streetscapes enhanced by appropriate landscaping;*
- *Public open spaces accessible from the roading network; and*
- *Range of lot sizes and their orientations, together with a varied road network layout and hierarchy.*

**Explanation**

*A range of characteristics apply to the Residential 7 Zone. These characteristics form the basis for development within the zone and represent those fundamental elements to ensure a sustainable living environment. The need for this higher level of density has arisen from the red zoning of properties in Kaiapoi following the Canterbury earthquakes in 2010/2011.*

8.4 The subject site is not classified as areas A, B or C such that the whole of zone section is the most applicable. An analysis of the whole of zone provisions include that the predominant activity is living including a mixture of densities.

8.5 In my opinion, in reflecting on the anticipated use of the property, based on current zoning, the policy is clear that the zoning of the property enables residential activities. This is particularly relevant when considering other policy documents and how to apply relevant provisions. It is recognised that the Outline Development Plan (ODP) for the area may cloud an assessment, but it is important to note that the ODP is out of date as it was created before the site was rezoned and also even if one was to consider the ODP, this does not take away from the purpose of the zone as specified in Policy 17.1.1.3.

**9 Canterbury Regional Policy Statement (RPS)**

9.1 The application site is in an interesting position whereby it is zoned residential in the Operative Waimakariri District Plan yet is located outside of the urban

boundary, as identified on Map A in Chapter 6 of the Canterbury Regional Policy Statement (RPS).

9.2 In understanding the conflict between these two documents it is important to note that the full title of Map A is “Greenfield Priority Areas and Future Development Areas”. Accordingly, while the map does identify existing urban areas, the key function of the map is for the purpose of identifying priority and future development areas. The fact that the map does not include the application site (noting that it is difficult to even discern the site at the plan scale provided) is of little consequence given both the purpose of the map but also it would be illogical to ignore the site and its’ residential zoning for the purpose of the application of relevant provisions.

9.3 On the basis of the zoning of the property as residential in the Operative Waimakariri District Plan it is fair and reasonable to consider the site an existing urban area. This aligns with the provisions of the Operative Plan such as providing for urban development in specific zones and also Chapters 15 and 17 of the Operative Plan which considers urban environments and their relationship with surrounding areas. If one is to assess the proposal against relevant provisions of the Plan it would be illogical to not consider the site based on the zoning of the site.

9.4 On this basis the proposal has been assessed as an existing urban environment.

9.5 In considering the proposal against relevant provisions in the RPS the following provisions are considered relevant:

***Objective 6.2.1 - Recovery Framework***

*Recovery, rebuilding and development are enabled within Greater Christchurch through a land use and infrastructure framework that:*

1. *identifies priority areas for urban development within Greater Christchurch;*
2. *identifies Key Activity Centres which provide a focus for high quality, and, where appropriate, mixed-use development that incorporates the principles of good urban design;*

3. avoids urban development outside of existing urban areas or greenfield priority areas for development, unless expressly provided for in the CRPS;
4. protects outstanding natural features and landscapes including those within the Port Hills from inappropriate subdivision, use and development;
5. protects and enhances indigenous biodiversity and public space;
6. maintains or improves the quantity and quality of water in groundwater aquifers and surface waterbodies, and quality of ambient air;
7. maintains the character and amenity of rural areas and settlements;
8. protects people from unacceptable risk from natural hazards and the effects of sea-level rise;
9. integrates strategic and other infrastructure and services with land use development;
10. achieves development that does not adversely affect the efficient operation, use, development, appropriate upgrade, and future planning of strategic infrastructure and freight hubs;
11. optimises use of existing infrastructure; and
12. provides for development opportunities on Māori Reserves in Greater Christchurch.

#### **Objective 6.2.2 - Urban Form and Settlement Pattern**

The urban form and settlement pattern in Greater Christchurch is managed to provide sufficient land for rebuilding and recovery needs and set a foundation for future growth, with an urban form that achieves consolidation and intensification of urban areas, and avoids unplanned expansion of urban areas, by:

1. aiming to achieve the following targets for intensification as a proportion of overall growth through the period of recovery: a. 35% averaged over the period between 2013 and 2016 b. 45% averaged over the period between 2016 to 2021 c. 55% averaged over the period between 2022 and 2028;
2. providing higher density living environments including mixed use developments and a greater range of housing types, particularly in and around the Central City, in and around Key Activity Centres, and larger neighbourhood centres, and in greenfield priority areas, Future Development Areas and brownfield sites;
3. reinforcing the role of the Christchurch central business district within the Greater Christchurch area as identified in the Christchurch Central Recovery Plan;
4. providing for the development of greenfield priority areas, and of land within Future Development Areas where the circumstances set out in Policy 6.3.12 are met, on the periphery of Christchurch's urban area, and surrounding towns at a rate and in locations that meet anticipated demand and enables the efficient provision and use of network infrastructure;



5. *encouraging sustainable and self-sufficient growth of the towns of Rangiora, Kaiapoi, Woodend, Lincoln, Rolleston and Prebbleton and consolidation of the existing settlement of West Melton;*
6. *Managing rural residential development outside of existing urban and priority areas; and*
7. *Providing for development opportunities on Māori Reserves.*

**Policy 6.3.1 - Development Within the Greater Christchurch Area**

*In relation to recovery and rebuilding for Greater Christchurch:*

1. *give effect to the urban form identified in Map A, which identifies the location and extent of urban development that will support recovery, rebuilding and planning for future growth and infrastructure delivery;*
2. *give effect to the urban form identified in Map A (page 6-27) by identifying the location and extent of the indicated Key Activity Centres;*
3. *enable development of existing urban areas and greenfield priority areas, including intensification in appropriate locations, where it supports the recovery of Greater Christchurch;*
4. *ensure new urban activities only occur within existing urban areas or identified greenfield priority areas as shown on Map A, unless they are otherwise expressly provided for in the CRPS;*
5. *provide for educational facilities in rural areas in limited circumstances where no other practicable options exist within an urban area;*
6. *provide for commercial film or video production activities in appropriate commercial, industrial and rural zones within the Christchurch District;*
7. *provide for a metropolitan recreation facility at 466-482 Yaldhurst Road; and 8. avoid development that adversely affects the function and viability of, or public investment in, the Central City and Key Activity Centres.*

9.6 I have underlined key provisions and generally I consider that there is a differentiation between existing urban areas and priority or future development areas. On this basis the question of infrastructure boundaries becomes more relevant for new urban developments beyond the infrastructure boundary.

9.7 In this instance the property is considered to be an existing urban area based on the zoning of the site. As per the underlined provisions which I consider most relevant to the question at hand and ultimately it is clear that the site is an existing urban area and that the Canterbury Regional Policy Statement both provides for and encourages the development of such areas. On this basis I consider that there is no

conflict between the proposed rezoning and the RPS and the issue of infrastructure boundaries is of little relevance in assessing the proposal.

9.8 Overall, it is my opinion that the zoning of the site for residential purposes results in the site already being part of an existing urban environment and as such the proposal does not give rise to any conflicts with the RPS including being outside of the infrastructure boundary.

9.9 It is also recognised that the reporting planner has referred to policy 6.3.3 which details the following:

***Policy 6.3.3 -Development in Accordance with Outline Development Plans***

*Development in accordance with outline development plans Development in greenfield priority areas or Future Development Areas and rural residential development is to occur in accordance with the provisions set out in an outline development plan or other rules for the area.*

*Subdivision must not proceed ahead of the incorporation of an outline development plan in a district plan. Outline development plans and associated rules will:*

1. *Be prepared as:*
  - a. *a single plan for the whole of the priority area or Future Development Area; or*
  - b. *where an integrated plan adopted by the territorial authority exists for the whole of the priority area or Future Development Area and the outline development plan is consistent with the integrated plan, part of that integrated plan; or*
  - c. *a single plan for the whole of a rural residential area; and*
2. *Be prepared in accordance with the matters set out in Policy 6.3.2;*
3. *To the extent relevant show proposed land uses including:*
  - a. *Principal through roads, connections with surrounding road networks, relevant infrastructure services and areas for possible future development;*
  - b. *Land required for community facilities or schools;*
  - c. *Parks and other land for recreation;*
  - d. *Land to be used for business activities;*
  - e. *The distribution of different residential densities, in accordance with Policy 6.3.7;*
  - f. *Land required for stormwater treatment, retention and drainage paths;*
  - g. *Land reserved or otherwise set aside from development for environmental, historic heritage, or landscape protection or enhancement;*

- h. *Land reserved or otherwise set aside from development for any other reason, and the reasons for its protection from development;*
  - i. *Pedestrian walkways, cycleways and public transport routes both within and adjoining the area to be developed;*
4. *Demonstrate how Policy 6.3.7 will be achieved for residential areas within the area that is the subject of the outline development plan, including any staging;*
  5. *Identify significant cultural, natural or historic heritage features and values, and show how they are to be protected and/or enhanced;*
  6. *Document the infrastructure required, when it will be required and how it will be funded;*
  7. *Set out the staging and co-ordination of subdivision and development between landowners;*
  8. *Demonstrate how effective provision is made for a range of transport options including public transport options and integration between transport modes, including pedestrian, cycling, public transport, freight, and private motor vehicles;*
  9. *Show how other potential adverse effects on and/or from nearby existing or designated strategic infrastructure (including requirements for designations, or planned infrastructure) will be avoided, remedied or appropriately mitigated;*
  10. *Show how other potential adverse effects on the environment, including the protection and enhancement of surface and groundwater quality, are to be avoided, remedied or mitigated;*
  11. *Show how the adverse effects associated with natural hazards are to be avoided, remedied or mitigated as appropriate and in accordance with Chapter 11 and any relevant guidelines; and*
  12. *Include any other information that is relevant to an understanding of the development and its proposed zoning.*

9.10 As per earlier discussions, the site is currently zoned residential. On this basis care is required in applying this policy as it is specifically with regards to developments in greenfield priority areas or Future Development Areas. It is also suggested that care is required due to the sequencing with which the zoning of the property occurred. The property was zoned after the Plan Change and ODP had been issued. It must therefore be questioned whether it was intended that the property be developed in accordance with the ODP.

9.11 It is again considered that the provisions of the RPS must be applied on the basis that the site is an existing residentially zoned area and a review of the above policy suggests it is not applicable to the site.

## **10 National Policy Statement for Urban Development (NPSUD)**

10.1 The application of the NPSUD is again interesting based on the existing residential zoning of the subject property. It is suggested that those provisions in the NPSUD regarding issues like whether the land is required in order to provide sufficient development capacity are less applicable. It is also considered that the purpose of the NPSUD is not to remove or eliminate existing urban zoned land and instead provides mechanisms to ensure adequate land is available and where intensification is appropriate.

10.2 The more relevant sections of the NPS-UD are regarding the question of intensification as this helps guide what the appropriate zoning of the property could be. In this regard I note that the submission suggested either a general or medium density residential zoning.

***Objective 3:*** *Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:*

- (a) *the area is in or near a centre zone or other area with many employment opportunities*
- (b) *the area is well-serviced by existing or planned public transport*
- (c) *there is high demand for housing or for business land in the area, relative to other areas within the urban environment.*

10.3 This objective provides guidance as to those factors that could be considered as part of determining the intensification of the site. On the basis of the location of the property it is suggested that further intensification, such as a medium density zoning is less appropriate and that it would be more appropriate to apply a General Residential zoning which provides for a minimum lot size of 500m<sup>2</sup>, compared to the Medium Density Zoning which provides for a minimum lot size of 200m<sup>2</sup>.

## **11 Appropriate Rules and Whether an ODP or Similar is Required**

11.1 Consideration has been given to the rules which would apply if the property was to be zoned General Residential. This includes whether there would need to be any site-specific rules or an Outline Development Plan.

11.2 In review of the current provisions in the Proposed Plan it is recognised that a series of rules and standards are included which would suitably control the development of the site. This includes site coverage and height requirements but also a greater setback requirement (6m) where a site adjoins a strategic or arterial road.

11.3 In addition Rule TRAN-R8 specifies that for any activity that includes a new vehicle crossing to be formed on a site that has frontage to more than one road, the new vehicle crossing shall be to the road that has the lower classification in the District Plan road hierarchy. This addresses Council's concerns regarding potential direct access on to Ohoka Road.

11.4 Beyond the above it is also recognised that any residential subdivision of the site will require resource consent such that a range of further controls and assessments will be available to ensure the detailed design of any subdivision is appropriate.

11.5 For the above reasons it is not considered that site specific controls are required as part of the zoning of the subject property.

## **12 Summary**

12.1 Submissions have been lodged seeking the rezoning of 261 Giles Road to reflect the current zoning of the site.

12.2 The background to the zoning of the site is complicated but ultimately the site is currently zoned Residential 7 under the Operative District Plan and plan provisions provide for the residential use of the land. Speculations have been voiced that an error was made but this is not apparent and the current zoning of the site should not be ignored.

12.3 It is not considered that there are any impediments to the residential zoning of the site under the proposed District Plan and that the current proposed provisions

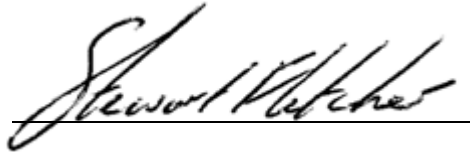
will suitably control any residential development, without the need for site specific provisions.

12.4 It is considered that the continued zoning of the site aligns with the local character and amenity of the area and guidance has been provided which demonstrates that connections between areas are available.

12.5 Overall, it is considered that the subject property is capable of being developed based on a General Residential Zoning and there are no impediments that would prevent this occurring.

**Stewart Fletcher**

Dated 6 August 2024

A handwritten signature in black ink, reading "Stewart Fletcher", is written over a solid horizontal line.

# **APPENDIX 1: Notice of Rezoning**

**WAIMAKARIRI DISTRICT COUNCIL**  
**REZONING AT WEST KAIAPOI TO RESIDENTIAL 7 AND BUSINESS 4**

Pursuant to section 27(1)(a) of the Canterbury Earthquake Recovery Act 2011, the Minister for Canterbury Earthquake Recovery gives notice that the Waimakariri District Plan is amended by incorporating the following proposed amendments to the Waimakariri District Plan to rezone 30, 45, 51, 56, 60, 70, and 71 Adderley Terrace; 271, 282, 289, 290, 293, 309, 325, 326, 343 and 355 Island Road; 1 Butchers Road; and 262, 263, 265, 269, 273 and part of 274, 280 and 336 Giles Road, Kaiapoi being Lot 3 DP 5974, Lot 3 DP 8595, Pt RS 472, Lot 1 DP 4730, Lot 1 DP 14856, Pt RS 564, Lot 1 DP 309514, Pt RS 366A, Lot 1 DP 38425, Pt Lot 1 DP 8595 Gaz 83-689 Gaz 72-2286, Pt Lot 4 DP 8595, Pt Lot 1 DP 8595, Lot 1 DP 62400, Pt Lot 1 DP 4115, Lot 2 DP 8595, Pt RS 472, Pt Res 367, Sec 2 SO 18794, Pt RS 14549, Lot 1 DP 67537, Lot 2 DP 67537, Lot 1 DP 18590, Pt RS 381, and part of Lot 3 DP 67537, Pt Lot 1 DP 14099 and Lot 2 DP 44080 to Residential 7 and Business 4.

**DEFINITIONS:**

**Amend Definition Arterial Road as follows:**

Arterial Road means any road identified as an arterial road in the road hierarchy classification (detailed on District Plan Maps ~~135 to 137~~) and generally means a road that is of major importance in the District serving significant populations and functioning as a prime access to other major centers inside and outside the District.

**Amend Definition Collector Road as follows:**

Collector Road means any road identified as a collector road in the road hierarchy classification (detailed on District Plan Maps ~~135 to 137~~) and generally means a road that is the preferred route for travel from within, and between, areas of population and principle activities and includes roads serving



as the prime egress from major production forests in the District and on its borders.

**Amend Definition Local Road as follows:**

Local Road means any road classified as a local road in the road hierarchy classification (detailed on District Plan Maps ~~135 to 137~~) and generally means a road whose primary function is property access.

**Add new Definition Neighbourhood Road as follows:**

- 1.
2. Neighbourhood Road means any road classified as a neighbourhood road in the road hierarchy classification (detailed on District Plan Maps) and generally means a road that has a lesser standard than a local road and whose primary function is property access to a limited amount of properties.

Add new Definition Recreation and Ecological Linkages as follows:

Recreation and Ecological Linkages primary purpose is to provide for open space and linkages and corridors. These typically provide for grass/tree plantings, and paths and tracks with low levels of development and can be lineal in nature. These are set out in the District Council's document Parks Categories and Levels of Service

**Amend Definition Urban Collector Road as follows:**

Urban Collector Road means any road identified as an urban collector road in the road hierarchy classification (detailed on District Plan Maps ~~135 to 137~~) and generally means a road that is the preferred route for travel through and within urban centers, including the collection of local traffic.

## **CHAPTER 11: UTILITIES & TRAFFIC MANAGEMENT:**

### **Amend Explanation to Policy 11.1.1.4, 2<sup>nd</sup> paragraph as follows:**

The hierarchy has ~~five~~ six levels committed to through traffic in descending order: strategic, arterial, collector, urban collector, ~~and~~ local and neighbourhood roads.

CROSS REFERENCE: District Plan Maps, including the Outline Development Plans 135, 136 and 137

### **Add new Method 11.1.1.4.6 as follows:**

#### Information 11.1.1.4.6

3. Information on the arterial road to be constructed in the West Kaiapoi Outline Development Plan area shown on District plan Map 164 shall be supplied for all LIM's applied for on all properties adjoining Butchers Road, Giles Road.

### **Amend Policy 11.1.1.5 as follows:**

#### Policy 11.1.1.5

New developments and activities in relation to their traffic generation

characteristics should:

- a. locate on or establish primary access to an appropriate level of road within the road hierarchy;
- b. not have vehicular access to an inappropriate level of road within the road hierarchy;
- c. provide cycleways along arterial, strategic and collector roads where:
  - necessary to provide an identified transport or recreation function; and
  - alternative opportunities do not exist within the road hierarchy.

### **Add new Clause under Method 11.1.1.5.1 as follows:**

4. Provision of Outline Development Plans outlining road hierarchies, access and cycleways for developments and activities.

5.

6.

7. **Amend Policy 11.1.1.6 as follows:**

8.

9. Policy 11.1.1.6

10. Every site should have access that provides safe entry and exit for vehicles to and from the site to a road without compromising the safety or efficiency of the road or road network. Where a site has two or more road frontages access should be from the lowest road classification within the road hierarchy.

**Add new Clause under Method 11.1.1.6.1 as follows:**

11. Restrictions on direct vehicle and pedestrian/cycle access to certain roads.

## **CHAPTER 12: HEALTH, SAFETY & WELLBEING**

Add new paragraph to Explanation to Policy 12.1.1.1, after the 8th paragraph as follows:

The Residential 7 Zone in West Kaiapoi provides flexibility via three levels of residential densities to develop a range of housing styles, including high density (average 200m<sup>2</sup> allotments) areas designed as a comprehensive development subject to controls to avoid remedy or mitigate adverse effects on a range of amenity values. The need for this higher level of density has arisen from the red zoning of properties in Kaiapoi following the Canterbury earthquakes of 2010/2011.

**Amend cross-reference after new paragraph 9 as follows:**

CROSS REFERENCE: Policies 15.1.1.1, 16.1.1.1, 16.1.1.5, ~~and 17.1.1.2~~ and 17.1.1.3

**Amend Methods 12.1.1.1.1 and 12.1.1.1.2 as follows:**

District Plan Rules 12.1.1.1.1

Standards for structures in terms of setbacks, height, recession plane, site coverage, and landscaping/screening – in relation to site boundaries and, where appropriate, in relation to individual dwellinghouses.

Subdivision standards for allotment areas and dimensions.

Minimum standards for roads (Tables 30.1 and 30.2).

Standards for the relocation of dwellinghouses.

Requirement for comprehensive residential developments for each of the Area A blocks within the Residential 7 Zone.

Asset Management 12.1.1.1.2

Maintenance of the streetscape and reserve areas and input into the design of new areas for residential development.

Parks Categories and Levels of Service.

**Amend Explanation to Policy 12.1.1.2, 3<sup>rd</sup> paragraph and associated Cross Reference as follows:**

This policy should be considered in conjunction with Policy 16.1.1.1 which sets out the characteristics of Business 1 and 2 Zones, Policy 16.1.1.5 (for Business 4 – West Kaiapoi Zone) and Policy 15.1.1.1 which promotes the integration of

development in a way that sustains the form and function of urban areas. Site layout, and designs that complement the scale, colour and materials of buildings and structures on adjoining sites, can assist in maintaining the amenity values. Distinctions between sites through structures and landscape treatment also has a place in creating positive amenity values.

CROSS REFERENCE: Policies 15.1.1.1, ~~and~~ 16.1.1.1 and Policy 16.1.1.5 (for Business 4 – West Kaiapoi Zone)

**Amend Method 12.1.1.2.1 as follows:**

District Plan Rules 12.1.1.2.1

Standards for structures in terms of setbacks, height, recession plane, site coverage, and landscaping/screening.

Subdivision standards for allotment areas and dimensions.

Minimum standards for roads (Tables 30.1 and 30.2).

Requirement for comprehensive development.

**Amend Explanation to Policy 12.1.1.4, 1st paragraph and associated Cross Reference as follows:**

The restrictions on signs differ between zones, recognising the different community expectations about the number and use of signs in different areas and the characteristics of each zone – Rural (Policies 14.1.1.2 and 14.1.1.3), Urban (Policy 15.1.1.1), Business (~~Policy~~Policies 16.1.1.1 and 16.1.1.5) and Residential (~~Policy~~Policies 17.1.1.2 and 17.1.1.3).

CROSS REFERENCE: Policies 12.1.1.5, 12.1.1.6, 14.1.1.2, 14.1.1.3, 15.1.1.1, 16.1.1.1, 16.1.1.5, ~~and~~ 17.1.1.2 and 17.1.1.3

**Amend Explanation to Policy 12.1.1.6, 2nd paragraph and associated Cross Reference as follows:**

Refer to the policies that set out the characteristics of each zone: Rural (Policies 14.1.1.2 and 14.1.1.3), Urban (Policy 15.1.1.1), Business (~~Policy~~Policies 16.1.1.1 and 16.1.1.5) and Residential (~~Policy~~Policies 17.1.1.2 and 17.1.1.3).

CROSS REFERENCE: Policies 14.1.1.2, 14.1.1.3, 15.1.1.1, 16.1.1.1, 16.1.1.5, ~~and 17.1.1.2~~ and 17.1.1.3

**Amend Explanation to Policy 12.1.2.3, 3<sup>rd</sup> paragraph and associated Cross Reference as follows:**

Sensitive land uses are generally those activities where people dominate. Dwellinghouses are associated with high levels of occupation, both the number of people affected, and the length of time that they are present. Residential Zones have similar characteristics. The effect on the quality of the environment can depend on the surrounding land uses, zone qualities and expectations of the community. Refer to the policies that set out the characteristic of each zone: Rural (Policies 14.1.1.2 and 14.1.1.3), Urban (Policy 15.1.1.1), Business (~~Policy~~Policies 16.1.1.1 and 16.1.1.5) and Residential (~~Policy~~Policies 17.1.1.2 and 17.1.1.3).

CROSS REFERENCE: Policies 12.1.3.1, 12.1.3.2, 14.1.1.2, 14.1.1.3, 15.1.1.1, 16.1.1.1, 16.1.1.5, ~~and 17.1.1.2~~ and 17.1.1.3

## **CHAPTER 13: RESOURCE MANAGEMENT FRAMEWORK**

**Amend Explanation to Policy 13.1.1.1, 10<sup>th</sup> paragraph, as follows:**

Within the urban environment 13 zones provide a resource management framework for sustaining different densities, standards, and urban form and function based on different types of subdivision, development and land use.

- Residential 1 is found only in Kaiapoi and Rangiora. It creates the potential for a new form to the towns based on higher density housing in association with the town centres.

- Residential 2 is typical of most Waimakariri urban areas being low density, detached dwelling living environments.
- Residential 3 are areas of special character in the beach settlements and small rural towns.
- Residential 4A and 4B are very low density, detached dwelling living environments in a rural setting.
- Residential 5 is a special amenity, low density living environment based on and around man-made lakes in a rural setting near Pineacres.
- Residential 6 and 6A covers the developing new town of Pegasus and creates the potential for the development of an independent, integrated residential community with a mixture of housing densities and associated commercial, recreational and community services.
- Residential 7 covers an area in West Kaiapoi and provides for a mixed density residential development from high density apartment/townhouse style living to medium density detached dwellings with associated recreation and amenity reserves.
- Business 1 covers the distinctive town centres; Woodend, Oxford, Rangiora and Kaiapoi Town Centres based on a wide range of business activities and public amenities.
- Business 2 are areas of existing commercial and industrial activity in the District.
- Business 3 provides for the Carter Holt Harvey MDF panel plant at Sefton.
- Business 4 provides for a small existing area of retail and business activity that is located at the southwestern corner of Williams and Carew Streets in Kaiapoi, and the Lilybrook shops on the corner of Percival Street and Johns Road in Rangiora. This also provides for a small area of local community business activity within the West Kaiapoi Outline Development Plan.

**Amend Principle Reasons For Adopting Objectives, Policies and Methods 13.1.2, 2<sup>nd</sup> paragraph, 2<sup>nd</sup> sentence, as follows:**

Sections 12, 12A, 14 and 15 address regional matters relating to patterns of development, energy use, efficiencies of use of regional infrastructure including transport networks, natural hazards, and the expansion of rural towns.

## **CHAPTER 15: URBAN ENVIRONMENT**

### **Amend Explanation to Policy 15.1.1.1, 5<sup>th</sup> paragraph, as follows:**

Consultation has indicated that the community values, as part of the form and function of the District's urban areas, the following:

- all settlements, including main towns, are small compared to Christchurch;
- rural setting – all urban areas are separated and surrounded by rural open space;
- dominant central community focal point and concentration of business activity in main towns;
- easy accessibility to locations within the urban area, to other urban areas within the District, and to Christchurch;
- ~~relatively low~~ mixed housing densities, with flexibility in some areas to provide for varied housing needs;
- absence of high-rise buildings;
- generous open space such as parks and reserves;
- no heavy industry;
- urban services such as reticulated or community sewerage and water, kerb and channelling footpaths and street lighting particularly in the main towns;
- a relatively quiet and safe environment when compared with a large metropolitan area; and
- cycleways.

### **Amend Policy 15.1.1.2 as follows:**

Policy 15.1.1.2

Within the urban environment subdivision, land use, development and protection should avoid, or mitigate adverse effects on:

- a. the rural setting of the District's towns and settlements;
- b. efficient and effective functioning of roads;



- c. ease and efficiency of access;
- d. urban water bodies, and downstream effects on rural water bodies;
- e. ~~low scale, low density~~ mixed density housing from low scale, low density to higher density levels in areas designed as a comprehensive development. This provides for with flexibility in some areas ~~to provide~~ allowing for varied housing needs;
- f. quiet and safe environments;
- g. cycleways; and
- h. the individual character of the settlement.

**Amend Policy 15.1.1.3 as follows:**

Policy 15.1.1.3

Promote subdivision design and layout that maintains and enhances the different amenity values and qualities of the different urban environments by:

- a. providing links to public open spaces including walkways, cycleways and roads;
- b. ensuring allotment lay out maximises the amenity and sustainable energy benefits;
- c. enhancing the form and function of the surrounding environment;
- d. providing efficient and effective transport networks including cycleways;
- e. integrating new developments with the rest of the urban area, where they adjoin existing urban areas; and
- f. avoiding or mitigating conflicts between the effects of different land uses, such as between residential and business activities.

**Amend Explanation to Policy 15.1.1.3 as follows:**

Subdivision design plays an important role in the maintenance and enhancement of amenity values and environmental quality of the District.

~~Good subdivision design can:~~

- ~~a. promote links to public open spaces including walkways, cycleways and roads;~~

- ~~b. lay out lots to maximise the benefits from topography, water bodies, and climatic conditions (including sunlight);~~
- ~~c. enhance the form and function of the surrounding environment;~~
- ~~d. promote efficient and effective transport networks including cycleways;~~
- ~~e. integrate new developments with the rest of the urban area, where they adjoin existing urban areas; and~~
- ~~f. avoid or mitigate conflicts between the effects of different land uses, such as between residential and business activities.~~

**Amend Method 15.1.1.3.5 as follows:**

Guidelines 15.1.1.3.5

Urban design, including Planning and Urban Design Forum.

Subdivision design.

Coastal settlement design guidelines.

**Amend Anticipated Environmental Results and Monitoring 15.2 as follows:**

Anticipated Environmental Result	Monitoring Indicator	Information	Monitoring Frequency
Maintenance of the rural setting, character and amenity of urban environments	Nature of land use on urban boundaries	Subdivision and land use consents Aerial photos Community survey	Annually
	Extent and condition of indigenous flora and fauna	Biological surveys	5 yearly

Anticipated Environmental Result	Monitoring Indicator	Information	Monitoring Frequency
Maintenance and enhancement of the form and function of urban environments	Changes in measures of compactness; distances from periphery to town centre	Survey and analysis	5 yearly
Housing is still predominantly low scale, <del>and</del> low density <u>or of mixed density in defined areas</u>	Number of buildings three storeys and more  Percentage of sites in excess of Plan density standards	Subdivision and land use consents  Building consents  Aerial photographs	Annually

## CHAPTER 16: BUSINESS ZONES

**Amend Explanation to Policy 16.1.1.1, 6<sup>th</sup> paragraph, and delete 7<sup>th</sup> paragraph, as follows:**

The Business 4 Zone provides for activities existing at 20 June 1998, and limited future expansion of retail and business activities with similar effects on the southwestern corner of Williams and Carew Streets in Kaiapoi (District Plan Maps 104 and 105), and the Lilybrook Shops on the corner of Percival Street and Johns Road, Rangiora (District Plan Maps 113 and 117). This zoning recognises the commercial zoning that these sites enjoyed under the Transitional District Plan. The Business 4 Zone also provides for a local community business zone at West Kaiapoi (District Plan Map 104).

~~This zoning recognises the commercial zoning that those sites enjoyed under the Transitional District Plan. The District Plan does not anticipate the rezoning of other areas of existing retail or business activities to Business 4.~~

**Amend Policy 16.1.1.4 and its Explanation as follows:**

Policy 16.1.1.4

Recognise and provide for ~~the continued use of a~~ specific site and resources in the Business 4 Zone for retail and business activities in a way that:

- a. sustains the nature and scale of activities existing on the site as at 20 June 1998, with limited provision for future expansion;
- b. protects the amenity of the adjoining Residential Zone; and
- c. limits the impact on the Kaiapoi town centre as the primary location for business, administrative and cultural activities in the town.
- d. provides for limited business activities within an identified area at West Kaiapoi to provide for day to day convenience needs of the local community and is designed in accordance with good urban design principles and achieves a high standard of visual character and amenity.

CROSS REFERENCE: Policy 16.1.1.5

Explanation

This policy provides for site-specific areas of existing retail and business activity in the District. The part of the Kaikanui shopping area located on the southwestern corner of Williams and Carew Streets in Kaiapoi, and the Lilybrook Shops in Rangiora, are located outside of their respective town centres. The policy provides more certainty for the continued operation of existing activities with some limited provision for expansion in the future, whilst limiting any impact on the effectiveness of the town centres. Health, Safety and Wellbeing standards are set at such a level that the amenity of the adjoining residential properties is maintained. ~~This policy is not meant to provide the ability for other new or existing areas of retail or business activity to be rezoned Business 4.~~

**Amend Method 16.1.1.4.2 as follows:**

District Plan Rules 16.1.1.4.2

Health, safety and wellbeing standards.

Requirement for comprehensive development.

**Add new Policy 16.1.1.5, Explanation and Methods as follows:**

Policy 16.1.1.5

Provide for retail and business activities in the Business 4 – West Kaiapoi Zone a way that:

- a. fulfils a convenience and service function for the West Kaiapoi community;

- b. achieves a high level of amenity and urban design through comprehensive development, taking into account 'Crime Prevention Through Environmental Design' principles;
- c. enables a range of activities, including community facilities, by limiting floor area of single tenancy occupancies; and
- d. protects the amenity of the Residential 7 Zone from the effects of building scale and location, traffic movements, noise, glare and signage.

CROSS REFERENCE: Policy 17.1.1.3

Explanation

This policy provides for a site-specific comprehensive development associated with the Residential 7 Zone in West Kaiapoi. The location has been designed to act as a buffer between the Transpower substation and the Residential 7 Zone, as well as being centrally located within the Outline Development Plan area. Because of this the development needs to achieve a high level of amenity to mitigate against the substation and the higher density provisions of the Residential 7 Zone. The requirement for community facilities acknowledges that this is a new mixed density area with no existing facilities.

Methods

District Plan Zones 16.1.1.5.1

Distinguish the specific site by scale and characteristics of any development.

District Plan Rules 16.1.1.5.2

Health, safety and wellbeing standards.

Requirement for comprehensive development

Subdivision standards.

Design Review 16.1.1.4.3

Planning and urban design forum

Crime prevention through environmental design

**Amend Principle Reasons For Adopting Objectives, Policies and Methods 16.1.2, 12<sup>th</sup> paragraph, as follows:**

The Business 4 Zone enables site-specific areas of existing retail and business activity located outside of the Kaiapoi and Rangiora town centres. ~~To continue~~

~~at their present scale.~~ The effects of activities are known for those already developed, including those impacting on adjoining residential areas. Activity and development standards constrain the scale and nature of possible future effects. A specific policy and rule framework exists for the Business 4 Zone in West Kaiapoi to ensure a suitable scale and characteristics of any development within the zone.

## **CHAPTER 17: RESIDENTIAL ZONES**

**Add new paragraph 7 to the Explanation to Policy 17.1.1.2 and amend paragraph 8 as follows:**

The Residential 7 Zone provides for mixed residential development at West Kaiapoi. The zone provides three levels of densities ranging from 200m<sup>2</sup> to 540m<sup>2</sup> averages. These higher densities are supported by a network of open space and reserves, including enhancement of existing linkages and construction of new linkages along and across the Kaiapoi River. The need for this higher level of density has arisen from the red zoning of properties in Kaiapoi following the Canterbury earthquakes of 2010/2011.

A consistent message that has come from the Council's consultation exercises with the community is a call for orderly change. There is a desire to retain the fundamental elements that give the Residential Zones their characters. The community's interest lay in managing the rate of change, not stopping nor prescribing acceptable change. It accepted that it was not possible to anticipate and therefore plan for likely futures. Management of Residential Zones should not be directed at retaining any particular known residential landscape. The management should ensure the retention of those Residential Zone characteristics set out in Table 17.1 and in Policy 17.1.1.3 for the Residential 7 Zone.

**Amend Cross Reference at bottom of Table 17.1 as follows:**

CROSS REFERENCE: Policy 13.1.1.2 and Policy 17.1.1.3

**Add new clause to Method 17.1.1.2.1 as follows:**

Requirement for comprehensive residential developments for each of the Area A blocks within the Residential 7 Zone.

**Add new clause to Method 17.1.1.2.3 as follows:**

Parks Categories and Levels of Service.

**Add new Policy 17.1.1.3, Explanation and Methods as follows:**

Policy 17.1.1.3

Provide for development within the Residential 7 Zone based on the characteristics of that zone by:

a Whole of Zone.

- Predominant activity is living;
- Mixture of dwelling densities within defined areas ranging from apartment/townhouse style living to the existing Residential 2 standard;
- Centrally located convenience retail and community service function area (zoned Business 4)
- Full urban services;
- High amenity values, associated with reserves and the Kaiapoi River, including fencing adjacent to reserves;
- Staged development of key infrastructure;
- A integrated transport network including a range of road hierarchies and on and off road pedestrian and cycle facilities;
- Individual allotment amenity contributes to the amenity of adjacent public space;
- Minimum allotment sizes, averages and household yields; and
- Efficient road connections with the State Highway and Kaiapoi.

**b Area A.**

- The characteristics of the whole zone;
- Specific requirements for outdoor space, access, parking and building design control;
- An opportunity for an outlook towards open space and reserves;
- Location on roads in the road hierarchy appropriate to the density and through movements; and
- Comprehensive design for each area, for the whole of each area.

**c Areas B and C.**

- Predominant activity is living;
- Full urban services;
- High amenity values, associated with reserves and the Kaiapoi River, including fencing adjacent to reserves;
- Staged development of key infrastructure;
- A integrated transport network including a range of road hierarchies and on and off road pedestrian and cycle facilities;
- Fencing, landscaping and allotment layout along the Arterial Road for Area C;
- Streetscapes enhanced by appropriate landscaping;
- Public open spaces accessible from the roading network; and
- Range of lot sizes and their orientations, together with a varied road network layout and hierarchy.

CROSS REFERENCE: Policy 16.1.1.5

Explanation

A range of characteristics apply to the Residential 7 Zone. These characteristics form the basis for development within the zone and represent those fundamental elements to ensure a sustainable living environment. The need for this higher level of density has arisen from the red zoning of properties in Kaiapoi following the Canterbury earthquakes in 2010/2011.

Methods

District Plan Rules 17.1.1.2.1

Standards for noise, glare, hazardous substances, signs.



Control of dwellinghouse density, numbers, site development standards in relation to height, setbacks, recession planes.

Control of access.

Standards for parking.

Subdivision standards and classifications of activities reflecting environmental outcomes.

Standards for utility provision.

Standards for relocated dwellinghouses.

Requirement for Outline Development Plans for new areas zoned for residential development.

Requirement for comprehensive residential developments for each of the Area A blocks within the Residential 7 Zone.

Engineering Code of Practise 17.1.1.2.2

A set of engineering standards developed by the Waimakariri District Council for roads, domestic water supply and sewerage.

Asset Management Plans 17.1.1.2.3

Forward plan of services including standards of servicing.

Parks Categories and Levels of Service.

**Amend Principle Reasons For Adopting Objectives, Policies and Methods 17.1.2, 3<sup>rd</sup> paragraph, 1<sup>st</sup> sentence, as follows:**

Policy 17.1.1.2 enables the maintenance of ~~six~~ seven distinct residential environments, and two rural-residential environments.

**Amend Environmental Results and Monitoring 17.2 as follows:**

<b>Anticipated Environmental Results and Monitoring 17.2</b>	<b>Monitoring Indicator</b>	<b>Information</b>	<b>Monitoring Frequency</b>
Distinctive residential environments are a feature of the District's towns	Dominant activity Density of dwellings by site/zone	Survey Subdivision and land use consents	Annually

Anticipated Environmental Results and Monitoring 17.2	Monitoring Indicator	Information	Monitoring Frequency
	Allotment sizes created by subdivision Incidence of tree planting Traffic movements <u>Urban design principles</u>		
Community perceives the Residential Zones as desirable places in which to live	Community safety standards Community values	Survey	5 yearly

## CHAPTER 18: CONSTRAINTS ON DEVELOPMENT AND SUBDIVISION

### Amend Policy 18.1.1.1 e. as follows:

- e. maintain and enhance the environmental characteristics of adjoining zones, and the environment of the zone within which the proposal is located, as set out in Policies 14.1.1.2, 14.1.1.3, 15.1.1.1, 16.1.1.1, 16.1.1.5, and 17.1.1.2 and 17.1.1.3;

### Amend Policy 18.1.1.4 as follows:

Policy 18.1.1.4

Limit Kaiapoi urban area to within its southern, ~~and south western~~ and western boundaries existing at ~~20 June 1998~~ 24 November 2011.

### Amend Explanation to Policy 18.1.1.4, 2<sup>nd</sup> paragraph as follows:

Of most concern was the potential for Kaiapoi to expand south and Christchurch City to expand north to create a continuous urban environment. (See explanation to Policy 15.1.1.1 for an explanation of “urban environments”). If this was to happen there was concern that Kaiapoi would lose its distinctive character and become a suburb of Christchurch. A second

concern was the adverse effects arising if the Kaiapoi urban area was to expand south west of the Motorway. ~~The community sees the motorway as a logical barrier to further growth. As the major road in the area it was appropriate that the rural setting of Kaiapoi be enhanced by retaining a rural outlook and rural setting from the motorway, where it was not already compromised, are seen by the community as appropriate and necessary for Kaiapoi and to ensure a sustainable future for Kaiapoi lies in its rural setting, and in avoiding future adverse effects from future urban development straddling the motorway. Logical barriers to growth in the form of the Motorway to the south west; and the arterial road to the west to be developed and designed as part of the West Kaiapoi Outline Development Plan, provide means to avoid future adverse effects on the rural outlook and setting. Provision has been made, subject to strict requirements as to flooding, traffic, foundations and exclusion of residential uses within the 50 dBA Ldn aircraft noise contour, by way of a Deferred Residential 2 zone for a limited residential subdivision of land in the Island Road area. This would involve a future change to establish a satisfactory Outline Development Plan. The Residential 7 zoning to the west of Kaiapoi has been developed to reflect the need for further development in Kaiapoi. This development and its higher levels of densities has arisen from the red zoning of properties in Kaiapoi following the Canterbury earthquakes of 2010/2011.~~

CROSS REFERENCE: Policy 32.1.1.18 District Plan Maps 104 and 164

**Delete Explanation to Policy 18.1.1.4, 4th paragraph as follows:**

~~The area bounded by the existing town, the Kaiapoi River, the Waimakariri River, and a line to the west based on Island Road up to Ohoka Road should be free of urban development. This area would create an area of rural segregation, and promote growth of the town in a more sustainable direction.~~

CHAPTER 21: GENERAL RULES

Amend Rule 21.2 as follows:

- 21.2 All roads shall be classified as either strategic, arterial, collector, urban collector or local roads as shown on the District Plan Maps ~~135,136 and 137~~.

## **CHAPTER 23: LAND & WATER MARGINS - RULES**

Amend Rule 23.1.1.9 as follows:

- 23.1.1.9 In relation to any overhead high voltage transmission line as shown on the District Plan Maps, no earthworks shall occur:
- a. Within 12m of any electrical transmission tower; or
  - b. Within 5m of any transmission pole; or
  - c. Underneath any overhead high transmission line if those earthworks alter the existing ground level resulting in less than 8m clearance between conductors.

## **CHAPTER 27: NATURAL HAZARDS - RULES**

**Amend Rule 27.1 Permitted Activities as follows:**

### 27.1 Permitted Activities

Any land use is a permitted activity if it:

- i. is not otherwise listed as a discretionary (restricted), discretionary or non-complying activity under this chapter;
- ii. complies with the conditions under Rule 27.1.1; and
- iii. complies with all the conditions and provisions for permitted activities in all chapters.

CROSS REFERENCE: Chapter 32: Subdivision – Rules

**Add new Rule 27.1.1.21 as follows:**

27.1.1.21 Within the Residential 7 Zone, any dwellinghouse shall have a minimum floor level of 4m above mean sea level.

CROSS REFERENCE: Rule 32.1.1.66

**Add new Rule 27.4 Non-complying Activity as follows:**

27.4.1 Any dwellinghouse in the Residential 7 Zone that does not comply with Rule 27.1.1.21 is a non-complying activity.

**CHAPTER 30: UTILITIES AND TRAFFIC MANAGEMENT – RULES**

**Amend Cross Reference at start of Chapter as follows:**

CROSS REFERENCE: Chapter 1; Definitions, Chapter 23: Land and Water Margins – Rules, Chapter 27: Natural Hazards – Rules, and Chapter 31: Health, Safety and Wellbeing – Rules, and Chapter 32: Subdivision – Rules

**Amend Rule 30.1.1.9 as follows:**

30.1.1.9 Roads constructed after 20 June 1998 shall comply with Table 30.1 (except for roads constructed in the Residential 6, 6A and Business 1 Zones at Pegasus, or in the Pegasus Rural Zone, which shall comply with Rule 32.1.1.24d, or in the Residential 7 Zone).

CROSS REFERENCE: Rules 30.1.1.10, 32.1.1.17, 32.1.1.2422 to 32.1.1.2733 (and related exemption provisions – Rule 32.1.2)

**Add new Rule 30.1.1.10 as follows:-**

30.1.1.10 Roads constructed within the Residential 7 Zone shall comply with Table 30.2.

Table 30.2: Road Design Attributes for Residential 7 Zone

	<u>Arterial</u>	<u>Collector r/ Urban Collector</u>	<u>Local</u>	<u>Cul-de-sac Local Neighbourhood</u>	<u>Neighbourhood</u>
<u>Min. width of road (m)</u>	<u>20</u>	<u>20</u>	<u>16</u>	<u>16</u>	<u>10.5</u> (turning head specific design)
<u>Min. lane width (m)</u>	<u>3.5</u>	<u>3.0</u>	<u>3</u>	<u>3</u>	<u>2.5</u>
<u>No. of lanes</u>	<u>2</u>	<u>2</u>	<u>2</u>	<u>2</u>	<u>2</u>
<u>Parking lanes width (m)</u>		<u>2.0</u>	<u>2</u>	<u>2</u>	<u>2</u>
<u>No. of parking lanes</u>		<u>2</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Min. footpath width (m)</u>		<u>1.8</u>	<u>1.5</u>	<u>1.5</u>	<u>1.5</u>
<u>No. of footpaths</u>		<u>2</u>	<u>2</u>	<u>2</u>	<u>1</u>
<u>Street lighting</u>		<u>AS/NZS 1158 lighting</u>	<u>AS/NZS 1158 lighting</u>	<u>AS/NZS 1158 lighting</u>	<u>AS/NZS 1158 lighting</u>

	<u>Arterial</u>	<u>Collector r/ Urban Collector</u>	<u>Local</u>	<u>Cul-de-sac Local Neighbourhood</u>	<u>Neighbourhood</u>
<u>Min. street trees density provision per 20m</u>		<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Provision for cyclists on or off road</u>		<u>Yes</u>			
<u>Ecological and Recreational Reserve linkages min. width (m)</u>				<u>10</u>	

**Amend Rule 30.3.3 iv. as follows:**

- iv. effect on zone characteristics set out in Objective 14.1.1 and Policies 15.1.1.1, 16.1.1.1, 16.1.1.2, 16.1.1.5, and 17.1.1.2 and 17.1.1.3;

**Amend Rule 30.6 Permitted Activities as follows:**

Any land use is a permitted activity if it:

- i. is not otherwise listed as a controlled, discretionary or non-complying activity under Rules 30.7, 30.8 and 30.89; and
- ii. complies with the conditions under Rule 30.6.1; and
- iii. complies with all the conditions and provisions for permitted activities in this and all other chapters.

**Amend Cross Reference under Rule 30.6.1 Conditions as follows:**

CROSS REFERENCE: Rules 32.1.1.21 to 32.1.1.2433

**Amend Rule 30.6.1.1 as follows:**

30.6.1.1 All land uses in any Residential Zone or Business Zone, and any dwellinghouse in any Rural Zone, shall be located on a site that has access to a road which complies with the design attributes of Table 30.1, Table 30.2 for the Residential 7 Zone, other than land uses in the Residential 6, 6A and Business 1 Zones at Pegasus which shall be located on a site that has access to a road which complies with the design attributes of Table 32.2.

CROSS REFERENCE: Rules 30.6.1.9, ~~and~~ 30.6.1.10 and 30.6.1.4

**Amend Rule 30.6.1.2 as follows:**

30.6.1.2 Access to seven or more sites shall only be provided by way of a road which complies with the design attributes of Table 30.1 or Table 30.2 for the Residential 7 Zone.

**Add new Rule 30.6.1.8 as follows:**

30.6.1.8 Within the Residential 7 Zone no access from the new Urban Collector Roads west of Island Road shall be provided to Butchers Road or Giles Road until the Arterial Road shown on District Plan Map 164 is constructed and completed. This road access shall be limited to the two locations shown.

**Add new Rule 30.6.1.12 as follows:**

30.6.1.12 All accessways within the Residential 7 Zone (Area A) shall:

- a. be formed and sealed for their full length;
- b. be held in the same ownership or by tenancy-in-common in the same ownership as the lots or sites to which the accessway provides access; and.
- c. all sites shall be provided with access by way of an accessway.

**Amend Rule 30.6.1.21 as follows:**



30.6.1.4921 For any retail activity on a site, acceleration and deceleration tapers shall be constructed as part of the road carriageway and in accordance with Figure 30.3 where any vehicle crossing from the site connects to any road, other than a State Highway, and that road is shown in the District Plan Maps ~~135, 136 or 137~~ as a strategic, arterial or collector road with a posted speed limit of more than 70km/hr in the Rural Zone and Residential 4A and 4B Zones.

**Add new Rule 30.6.2.5 as follows:**

30.6.2.5 Subdivision or development with the Residential 7 Zone (Area A) is exempt from complying with Rules 30.6.1.2, 30.6.1.8, 30.6.1.9, 30.6.1.22.

**Add new Rule 30.7 Controlled Activity as follows:**

30.7 Controlled Activity

30.7.1 Within the Residential 7 Zone, for any properties served by a right of way there shall be a provision for refuse collection facilities at the road frontage. The design and location of this collection area, is a controlled activity.

In considering any application for a resource consent under Rule 30.7.1 the Council shall, in granting consent, and in deciding whether to impose conditions, exercise its control over the following matters:

- i. any effect on the road network;
- ii. any effect on adjoining residential properties; and
- iii. suitability of design and location for refuse collection.

**Amend Rule 30.10.4 as follows:**

30.9 10.4 Any land use other than a dwellinghouse which requires access to a road which is at a standard less than that set by Rules 30.1.1.9

and 30.1.1.10, is a controlled activity in respect of financial contributions.

**Amend Rule 30.8.1 as follows:**

30.8.1 Any activity that does not comply with Rules 30.6.1.8 or 30.6.1.33 (traffic sight lines at road/rail crossings) is a non-complying activity.

**CHAPTER 31: HEALTH, SAFETY AND WELLBEING – RULES**

**Amend Rule 31.1.1.4 as follows:**

31.1.1.4 In Residential 1, 2, 3, 6, ~~and 6A~~ and 7 Zones and Business 2 Zones any dwellinghouse shall be on a site that complies with the area and dimensions set out in Table 32.1 (Subdivision – Rules) as though the site was an allotment, except as provided for by Rule 32.1.1.8.

CROSS REFERENCE: See Rule 31.1.1.~~34~~37 for the Residential 5 Zone

**Amend Rule 31.1.1.6 as follows:**

31.1.1.6 In any Residential 2, 3, 4A, ~~or 4B~~ or 7 (Areas B and C) Zone, where there is more than one dwellinghouse on a site, it shall be able to be shown that:

- a. each dwelling can be contained within its own delineated area and there is no overlap between delineated areas;
- b. for Residential 2 and 3 Zones, that the areas and dimensions of any delineated area can comply with the standards and terms of Rule 32.1.1.1 as though the delineated area was an allotment;
- c. for the Residential 7 Zone any delineated area can comply with the standards and terms of Rules 32.1.1.1 to 32.5 as appropriate, as though the delineated area was an allotment created by subdivision;

- c. for Residential 4A and 4B Zones, that the areas and dimensions of any delineated area can comply with the standards and terms of Rules 32.1.1.9 to 32.1.1.17 as appropriate, as though the delineated area was an allotment created by subdivision;
- d. Rules 32.1.1.28 and 32.1.1.29 (reticulated water supply); 32.1.1.32 (reticulated sewerage); 32.1.1.34 and 32.1.1.35 (energy supply to the allotment); 32.1.1.37 and 32.1.1.38 (stormwater connection); can be complied with as though any delineated area was an allotment; and Rules 30.6.1.2 (access to seven or more sites); 30.6.1.9 (formation of accessways for one or more sites); 31.1.1.9 and 31.1.1.10 (structure coverage); 31.1.1.16 (recession plane), 31.1.1.20 and 31.1.1.21 (structure heights); can be complied with as though any delineated area was a site; and
- e. no esplanade reserve or esplanade strip would be required to be created or set aside in accordance with Chapter 33: Esplanades: Locations and Circumstances – Rules if any delineated area was created by subdivision.

**Amend Rule 31.1.1.9 as follows:**

- 31.1.1.9 The structure coverage of the net area of any site shall not exceed:
- a. 50% in Residential 1 Zones;
  - b. 35% in Residential 2, 3, 5 and 6 Zones;
  - c. 20% in the Rural Zone, the Mapleham Rural 4B, Residential 4A and 4B Zones;
  - d. in the Residential 6A Zone:
    - i. 24% where any road frontage of the site is 15m or greater,  
or
    - ii. 38% where any road frontage of the site is less than 15m;
  - e. in the Residential 7 Zone:
    - i. Area A 60%;
    - ii. Area B 50%; and

iii Area C 40%;

- ef. 55% in the Business 1 Zone Pegasus “Town Centre – General Business Area” as identified on District Plan Map 142;
- fg. 35% in the Business 4 – Williams/Carew Zone as identified on District Plan Maps 104 and 105; or
- gh. 40% in Business 4 – Lilybrook Zone as shown on District Plan Maps 113 and 117;
- hj. 55% in Business 4 Zone - West Kaiapoi Zone as shown on District Plan Map 104.

CROSS REFERENCE: Rule 31.1.2.3

**Amend Table 31.1 as follows:**

Table 31.1: Minimum Structure Setback Requirements

Location	A setback is required from	Setback depth (minimum)
Rural Zone	Any road boundary	20m for any dwellinghouse
		10m for any structure other than a dwellinghouse
	Any internal site boundary	20m for any dwellinghouse
		3m for any structure other than a dwellinghouse
	Any existing dwellinghouse on an adjoining site	10m for any structure (excluding a dwellinghouse)
All Residential Zones other than the Residential 4A Zone (Wards Road, Mandeville North), <del>and</del> Residential 6A <u>and 7</u> NOTE: See Rule 31.1.1.14	Any road boundary (other than a boundary to a strategic road or arterial road) or any accessway	2m

Location	A setback is required from	Setback depth (minimum)
Residential 4A Zone (Wards Road, Mandeville North) shown on District Plan Map 162	Any boundary from a local road	10m
All Residential Zones, other than Residential 6, <del>and 6A</del> and 7, where the site fronts onto a strategic or arterial road	The road boundary of any strategic or arterial road	6m or 4m for any garage where the vehicle entrance is generally at right angles to the road
Residential 5 Zone	Any site boundary adjoining an accessway for allotments 15, 16, 17, 27, 28 and 29 shown on District Plan Map 140	4m
Residential 6A Zone (other than areas identified on District Plan Map 142 as excluded from the setback requirement)	Any internal site boundary, other than boundaries with accessways	2m for any structure other than garages and structures above garages
Residential 6A	Boundaries with accessways	10m for any structure other than a garage and structures above garages NOTE: Refer to Figure 31.1 and Rule 31.1.1.15

Location	A setback is required from	Setback depth (minimum)
<u>Residential 7</u>	<u>Any road boundary) other than to a Arterial Road) or any accessway</u>	<u>2m for any dwellinghouse within Area A</u>  <u>3m fro any dwellinghouse within Areas B and C</u>  <u>5.5m for any structure other than a dwellinghouse within Areas A, B and C</u>
	<u>The road boundary of any arterial road</u>	<u>6m</u>
	<u>Any internal site boundary</u>	<u>2m</u>
	<u>Any site boundary of 309 Island Road being Lot 1 DP 62400</u>	<u>20m</u>
Business 2 and 3 Zones, where the site fronts onto a strategic or arterial road	The road boundary of any strategic or arterial road	10m
All Business Zones, other than the Business 1 Zone at Pegasus, and any Business 4 Zone, where the site is adjacent to a Residential Zone or a Rural Zone boundary	The zone boundary, or where the zone boundary is a road, the road boundary	10m
Business 4: Williams/Carew Zone	Any road boundary	6m
	Any site boundary	5m

Location	A setback is required from	Setback depth (minimum)
All Zones	All <u>overhead</u> high voltage electrical lines as shown on District Plan Maps where the adjacent span length is less than 375 metres	32 metres to the side of the centreline of the conductors
	All <u>overhead</u> high voltage electrical lines as shown on District Plan Maps where the adjacent span length is between 375 and 600 metres	55 metres to the side of the centreline of the conductors
	All <u>overhead</u> high voltage electrical lines as shown on District Plan Maps where the adjacent span length is greater than 600 metres	100 metres to the side of the centreline of the conductors

CROSS REFERENCE: Rule 31.19.1.1 for Business 1 Zones and Rule 31.1.1.26 for the Business 4 – Lilybrook and West Kaiapoi Zones, Pegasus Business 1 Intensive and General see Rules 31.19.1.2 and 31.19.1.3

**Amend Rule 31.1.1.16 as follows:**

31.1.1.16 Within any Residential Zone, other than the Residential 6A Zone or Residential 7 Zone (Area A), or within a site which adjoins any Residential Zone, other than the Residential 6A Zone, no structure shall project beyond the building envelope defined by recession planes constructed 2.5m above any site boundary or any boundary adjoining the Residential Zone, as shown in Appendix 31.1. Except that for the purpose of this rule, the following structures are exempt:

- a. lines and wires;
- b. support structures for utilities;
- c. flagpoles, antennas other than dish antennas;
- d. lightning rods, chimneys, ventilation shafts, solar heating devices, roof water tanks, lift and stair shafts;
- e. decorative features such as steeples, towers and finials;

- f. within the Residential 6 Zone:
  - i. dormer windows, and
  - ii. parapets which do not exceed a maximum height of 6.5m and a maximum depth of 400mm,

provided that none of the structures listed in items c to e has a horizontal dimension of over 3m along the line formed where the structure meets the recession plane as measured parallel to the relevant boundary;

- g. in the case of dormer windows in the Residential 6 Zone:
  - i. no dormer window has an overall width exceeding 1.5m,
  - ii. the apex of the dormer window is below the ridge line of the dwellinghouse,
  - iii. there is no more than one dormer window per continuous 5m length of roof, and
  - iv. there is a minimum separation of 1m between each dormer window.

CROSS REFERENCE: Rule 30.1.1

**Amend Rule 31.1.1.17 as follows:**

31.1.1.17 Within the Residential 6A Zone or Residential 7 Zone (Area A), or within any site which adjoins the Residential 6A Zone, no structure shall project beyond the building envelope defined by recession planes constructed from points 5.7m above any internal site boundary (other than boundaries with accessways) and inclined inwards to the site at an angle of 45° from the horizontal; except that recession planes for garages, including structures above garages, shall be constructed from points 4.6m above any internal site boundary (other than boundaries with accessways), as shown in Appendix 31.1 – Figure 31.5.

Except for the purpose of this rule, the following structures are exempt:

- a. lines and wires;
- b. support structures for utilities;



- c. flagpoles, antennas other than dish antennas;
  - d. lightning rods, chimneys, ventilation shafts, solar heating devices, roof water tanks, lift and stair shafts;
  - e. decorative features such as steeples, towers and finials;
- provided that none of the structures listed in items c to e has a horizontal dimension of over 3m along the line formed where the structure meets the recession plane as measured parallel to the relevant boundary;
- f. dormer windows provided that:
    - i. no dormer window has an overall width exceeding 1.5m,
    - ii. the apex of the dormer window is below the ridge line of the dwellinghouse,
    - iii. there is no more than one dormer window per continuous 5m length of roof, and
    - iv. there is a minimum separation of 1m between each dormer window;
  - g. parapets provided they do not exceed a maximum height of 6.5m and a maximum depth of 400mm; and
  - h. buildings on adjoining sites which share a common wall, where the recession plane requirement shall not apply along that part of the internal site boundary covered by such a wall.

CROSS REFERENCE: Rule 30.1.1

**Amend Rule 31.1.1.20 as follows:**

31.1.1.20 Any structure in a Residential 1, 2, 3, 6 or 7 Zone (Areas B and C) shall not exceed a height of 8m.

**Add new Rule 31.1.1.21 as follows:**

31.1.1.21 Any structure in the Residential 7 Zone (Area A) shall not exceed a height of 9m.

**Amend Rule 31.1.1.27 as follows:**

31.1.1.~~26~~27 Any structure in the Business 4 – Lilybrook ~~Zone~~ and West Kaiapoi Zones shall not exceed a height of 9m.

**Amend Rule 31.1.1.28 as follows:**

31.1.1.~~27~~28 Each dwellinghouse in the:

- a. Residential 6A Zone or Residential 7 Zone (Area A) shall be provided with a continuous area of outdoor living space of no less than 30m<sup>2</sup> and with a minimum dimension of no less than 4m, and contained within the site of the dwellinghouse. At least half of the required area shall be located so as to be able to receive sunlight at midday on the shortest day of the year. The required minimum area of outdoor living space shall not be occupied by any building, driveway, or parking space, other than an outdoor swimming pool.
- b. Business 1 Zone in Pegasus shall be provided with 16m<sup>2</sup> of outdoor living space contained within the site of the dwellinghouse. This may be provided by way of decks, balconies, courtyards, or other outdoor area, provided that the required minimum area is not occupied by any building, driveway, or parking space, other than an outdoor swimming pool.

**Add new Rule 31.1.1.29 Outdoor Community Space as follows:**

Outdoor Community Space

31.1.1.29 For each Area A density block within the West Kaiapoi Outline Development Plan shown on District Plan Map 164, where any block exceeds 1ha, a minimum of 200m<sup>2</sup> of outdoor community space shall be provided. These areas shall be held in the same ownership or by tenancy-in-common in the same ownership as the lots or sites to which the community space is provided.

**Amend Rule 31.1.1.30 as follows:**

~~31.1.1.28~~30 Where a site within any Business Zone, other than the Business 4 – West Kaiapoi Zone, shares a boundary with any Residential Zone, the site shall be screened from the adjoining Residential Zone site(s) to a minimum height of 1.8m except where a lesser height is required in order to comply with Rule 30.6.1.4~~5~~17, for unobstructed sight distances.

**Add new Rule 31.1.1.36 as follows:**

31.1.1.36 Within the Residential 7 Zone, all fencing between residential properties and reserve land and also residential properties fronting neighbourhood roads shall have a minimum visual permeability/openness of 45%.

**Amend Rule 31.1.2.4 as follows:**

- 31.1.2.4 The following structures are exempt from complying with Rules 31.1.1.13 to 31.1.1.15 (setback for structures):
- a. any fence 1.8m or less in height in any zone other than a Residential 1, 2, 3 or ~~3~~7 Zone;
  - b. any fence 1.5m or less in height in a Residential 1, 2 or 3 Zone;
  - c. any fence 1.5m or less in height in the Residential 7 Zone not adjoining a neighbourhood road, or any fence 1.3m or less where the fence adjoins a neighbourhood road;
  - d. wire fencing in the Residential 5 Zone;
  - e. poles and masts up to 6.5m in height;
  - f. service station canopies which are non-enclosed;
  - g. structures less than 10m<sup>2</sup> floor area and less than 3m in height;
  - h. the replacement, maintenance and minor upgrading of any utility structure;
  - i. any structure in any Business 4 Zone that existed at 20 June 1998;

j any structure in the Business 4 – West Kaiapoi Zone;

ik. any structure adjoining an accessway, other than those listed in points a to h of this rule or a dwellinghouse in any Residential or Business Zone, which does not have any doors or windows that open into that accessway;

jl. in the Residential 6A Zone, verandahs and bay windows on corner sites may project into the setback from a road boundary by up to 1m, provided that they are located within 4m of both road frontages; and

CROSS REFERENCE: See Rule 31.1.1.14

km. in the Residential 6A Zone and Residential 7 Zone (Area A), buildings on adjoining sites sharing a common wall do not require a setback along that part of the internal site boundary covered by such a wall.

**Amend Rule 31.1.2.7 as follows:**

31.1.2.7 Within the Mapleham Rural 4B Zone, and the Residential 1, 2, 3, 4A, 4B, 6, 6A or 6A 7 Zones, the following structures are exempt from complying with the structure height controls (Rules 31.1.1.20 ~~and to~~ 31.1.1.22):

- a. any decorative feature, steeple, finial, chimney, spire, lightning rod or ventilation shaft that does not have a horizontal dimension exceeding 3m at any point above 8m in height;
- b. lines, wires and utility support structures carrying up to 66kV lines up to 15.5m in height;
- c. lift and stair shafts, roof water tanks, solar heating devices;
- d. Fire Service hose drying or training towers up to 13m in height;
- e. antennas which do not project more than 2m above the highest point of the rest of the structure;
- f. non-lattice support structures for radio communication facilities up to 15.5m in height, where the support structure does not exceed a diameter of 0.5m at a point 4m above ground level; and

- g. in the Residential 6A Zone, structures on corner sites may have a maximum height of 10m where the structure is located within 4m of both road frontages.

CROSS REFERENCE: Rule 31.1.1.16

**Amend Rule 31.1.2.10 as follows:**

31.1.2.10 Buildings and structures within 32 and 55 metres to the side of the centreline of the conductors of any overhead high voltage transmission line where the adjacent span length between the conductors is between 375 and 600 metres, and buildings and structures within 32 and 100 metres to the side of the centreline of the conductors of any overhead high voltage transmission line where the adjacent span length between the conductors is greater than 600 metres, are exempt from compliance with Rule 31.1.1.13 in relation to the set back from overhead high voltage electrical lines as shown on District Plan Maps where written engineering approval has been obtained from Transpower New Zealand Limited.

**Add new Rule 31.3.3 as follows:**

31.3.3 Within the West Kaiapoi Outline Development Plan area as shown on District Plan Map 164, a fence shall be erected along the arterial road frontage boundary as a discretionary activity (restricted).

In considering any application for a resource consent under Rule 31.3.3, the Council shall, in deciding whether to grant or refuse consent, and in deciding whether to impose conditions, exercise its control over the following matters:

- i. visual appearance, safety, height, detailing, colours and materials;
- ii. design, including construction changes and steps in length;
- iii. landscaping and tree planting as it applies to steps in length; and
- iv. opportunity for a rural outlook from within the Residential 7 Zone.

CROSS REFERENCE: Rules 32.1.1.67 and 32.2.12

**Amend the 1<sup>st</sup> sentence of Rule 31.4.1 as follows:**

31.4.1 Except as provided for by Rules 31.1.2, 31.2, 31.3.3, 31.4.3, 31.4.4 or 31.5 aAny land use which does not comply with one or more of Rules ~~31.1.1.4, 31.1.1.5 or 31.1.1.19 to 31.1.1.38~~ 31.1.1.7, 31.1.1.9 to 31.1.1.41, is a discretionary activity. ~~(except where exempted under Rule 31.1.2).~~

**Amend 31.4.2 xi. as follows:**

- xi. effects on the characteristics of the zone set out in Policies 15.1.1.1, ~~and 17.1.1.2~~ and 17.1.1.3; and

**Add new Rule 31.4.3 Residential 7 Zone Area A as follows:**

Residential 7 Zone Area A

31.4.3 For each Area A density block within the West Kaiapoi Outline Development Plan shown on District Plan Map 164, any development shall occur as a comprehensive residential development, including:

- a. able to be shown that the development can comply with the standards and terms of Rules 32.1.1.1 to 32.5 as appropriate; and
- b. no esplanade reserve or esplanade strip would be required to be created or set aside in accordance with Chapter 33: Esplanades: Locations and Circumstances – Rules if any delineated area was created by subdivision.

is a discretionary activity.

In considering any application for a resource consent under Rule 31.4.3 the Council shall, in deciding whether to grant or refuse consent, and in deciding whether to impose conditions, have regard to (but not be limited to) the following matters:

- i. visual appearance, including building design, detailing, colours and materials, and the provision of an integrated design theme;
- ii. collective pattern and form of the development and the character and amenity of the area;
- iii. access to sunlight, including at midwinter;
- iv. maintenance of privacy between residential units;
- v. the design of the vehicle access and manoeuvring areas;

- vii. vi. the average and maximum number of allotments set out by Rules 32.1.1.18 and 32.1.1.19; provision of private and community outdoor space;
- viii. access for emergency and sanitary services;
- ix. pedestrian connectivity within the comprehensive development and public open space; and
- x. effects on the characteristics of the zone set out in Policy 17.1.1.3 and the adjoining Rural Zone (Objective 14.1.1), Residential 2 Zone (Policy 17.1.1.2) and the Business 4 – West Kaiapoi Zone (Policy 16.1.1.5).

CROSS REFERENCE: Rule 32.2.12

**Add new Rule 31.4.4 Business 4 – West Kaiapoi Zone as follows:**

Business 4 – West Kaiapoi Zone

31.4.4 For the Business 4 Zone within the West Kaiapoi Outline Development Plan shown on District Plan Map 164, development of buildings or structures shall occur as a comprehensive business development, including;

- a. a minimum of 1000m2 gross floor area of community facilities. For the purpose of this clause, community facilities includes medical facilities, daycare facilities for children and the elderly and community infrastructure;
- b. a maximum of 450m2 gross floor area for any single occupany building; and
- c. able to be shown that the development can comply with the standards and terms of Rules 32.1.1.1 to 32.5 as appropriate.

\_\_\_\_\_ is a discretionary activity.

In considering any resource consent application under Rule 31.4.4 the Council shall, in deciding whether to grant consent, and in deciding whether to impose conditions, have regard to (but not be limited by) the following matters:

- i. The quality of building design, architectural features and details, use of colour and building materials;

- ii. The extent to which tree planting and landscaping, achieves a high quality outcome and mitigates adverse visual effects and scale of commercial buildings and business activities;
- iii. The location of buildings, outdoor storage and loading areas, and car parking within the Zone or sites within the Zone, in relation to adjoining reserves and roads;
- iv. The extent to which any signage on buildings is integrated with buildings' architectural detail;
- v. access for emergency and sanitary services; and
- vi. effects on the characteristics of the zone set out in Policy 16.1.1.5 and the adjoining Residential 7 Zone set out in Policy 17.1.1.3.

CROSS REFERENCE: Rule 32.2.13

**Amend Rule 31.5.1 and Heading above as follows:**

~~Dwellinghouse~~

- 31.5.1 Any land use which does not comply with Rules 31.1.1.1 to 31.1.1.6 (standards for a site, or delineated area, containing a dwellinghouse), Rule 31.1.1.8 or Rules 31.3.3, 31.4.3 and 31.4.4 is a non-complying activity except where exempted under Rule 31.1.2.

**Add new Rule 31.5.3 as follows:**

- 31.5.3 The erection of any dwellinghouse or change of use of any building for use as a dwellinghouse within the Business 4 Zone - West Kaiapoi is a non-complying activity.

**Amend Rule 31.8.1 v. as follows:**

- v. effects on the characteristics of the zone as set out in Objective 14.1.1 and Policies 16.1.1.1, 16.1.1.2, 16.1.1.5, and 17.1.1.2 and 17.1.1.3.

**Amend Rule 31.10.1 iv. as follows:**



- iv. effects on the characteristics of the zone as set out in Objective 14.1.1 and Policies 15.1.1.1, 16.1.1.1, 16.1.1.2, 16.1.1.5, ~~and~~ 17.1.1.2 and 17.1.1.3;

**Amend Rule 31.12.1 v. as follows:**

- v. effects on the zone within which the noise is generated as set out in Policies 14.1.1.1, 16.1.1.1, 16.1.1.5, ~~and~~ 17.1.1.2 and 17.1.1.3;

**Amend Rule 31.15.2 vi. as follows:**

- vi. effects on the environmental qualities and characteristics of the zone, and adjoining zones set out in Objective 14.1.1 and Policies 15.1.1.1, 16.1.1.1, 16.1.1.2, 16.1.1.5, ~~and~~ 17.1.1.2 and 17.1.1.3;

**Amend Rule 31.18.1 iii. and iv. as follows:**

- iii. effects on the characteristics of adjoining zones as set out in Objective 14.1.1 and Policies 12.1.1.3, 12.1.2.1 to 12.1.2.3, 16.1.1.1, 16.1.1.5, ~~and~~ 17.1.1.2 and 17.1.1.3;
- iv. effect on the characteristics of the zone within which the activity occurs as set out in Objective 14.1.1 and Policies 12.1.1.3, 12.1.2.1 to 12.1.2.3, 16.1.1.1, 16.1.1.5, ~~and~~ 17.1.1.2 and 17.1.1.3;

**Amend Rule 31.18.2 ii. and iii. as follows:**

- ii. effects on the characteristics of adjoining zones as set out in Objective 14.1.1 and Policies 12.1.1.3, 12.1.2.1 to 12.1.2.3, 16.1.1.1, 16.1.1.5, ~~and~~ 17.1.1.2 and 17.1.1.3;
- iii. effect on the characteristics of the zone within which the activity occurs as set out in Objective 14.1.1 and Policies 12.1.1.3, 12.1.2.1 to 12.1.2.3, 16.1.1.1, 16.1.1.5, ~~and~~ 17.1.1.2 and 17.1.1.3;

**Amend Rule 31.19.1.4 as follows:**

- 31.19.1.4 Any retail activity in any Residential 1, 2, 3, 4A, 4B, 5, 6, ~~or~~ 6A or 7 Zone, Rural Zone or Business 2 or 3 Zone shall not exceed 20% of the net floor area of the sum of all buildings on any site.

**Amend Rule 31.19.1.5 as follows:**

31.19.1.5 Goods retailed from any site in any Residential 1, 2, 3, 4A, 4B, 5, 6, ~~or 6A~~ or 7 Zone, Rural Zone, or Business 2 or 3 Zone shall be produced and/or processed, on the site including ancillary products and goods.

**Amend Rule 31.21.1 as follows:**

31.21.1 Except as provided for by Rule 31.22, any land use on any site in the Mapleham Rural 4B Zone, any Residential 1, 2, 3, 4A, 4B, 5, ~~or 6~~ or 7 Zone that has a parking requirement of two or more on-site parking spaces, or three or more on-site parking spaces in the Residential 6A Zone, under Rule 30.6.1.24 , excluding:

- a. requirements associated with any dwellinghouse; or
- b. a primary school and activities accessory to a primary school in the Residential 6 Zone, provided that these are located within the area shown as "Primary School" on District Plan Map 142;

is a discretionary activity (restricted).

**Amend Rule 31.21.3 vii. as follows:**

vii. effects on the characteristics of the Residential Zones (~~Policy~~ Policies 17.1.1.2 and 17.1.1.3) and the Rural Zone (Objective 14.1.1);

**Amend Rule 31.22.1 x. as follows:**

- x. the effects of the proposal on the characteristics of the zone as set out in:
  - d. Objective 14.1.1 for the Rural Zone,
  - e. Policies 16.1.1.1, ~~and 16.1.1.2~~ and 16.1.1.5 for Business Zones, or
  - f. ~~Policy~~ Policies 17.1.1.2 and 17.1.1.3 for Residential Zones;

## CHAPTER 32: SUBDIVISION – RULES

### Amend Rule 32.1 as follows:

#### 32.1 Controlled Activities

Any subdivision is a controlled activity if it:

- i. is not otherwise listed as a discretionary (restricted), discretionary or non-complying activity under this chapter;
- ii. is not listed as a discretionary or non-complying activity under Rule 24.4.1 (Outstanding Landscapes), Rule 25.2.3 (Indigenous Vegetation), Rule 27.2.1 (Natural Hazards) or Rule 28.2.2 (Heritage);
- iii. complies with Standards and Terms under Rule 32.1.1; and
- iv. complies with all the conditions and provisions for permitted activities in all chapters.

### Amend Table 32.1 as follows:

Table 32.1: Minimum Allotment Areas and Dimensions

Zone	Minimum Allotment Area	Minimum Dimensions of Allotment (m)	
		Internal Square	Frontage
Business 2	700m <sup>2</sup>		
Residential 1	300m <sup>2</sup>	15 x 15	15
Residential 2	600m <sup>2</sup> NOTE: See Rules 32.1.1.4, 32.1.1.8	18 x 18	15

Zone	Minimum Allotment Area	Minimum Dimensions of Allotment (m)	
		Internal Square	Frontage
Residential 3	600m <sup>2</sup> NOTE: See Rules 32.1.1.6, 32.1.1.7	15 x 15	15
Residential 6	400m <sup>2</sup>	13 x 18	13
Residential 6A	137.5m <sup>2</sup> Maximum lot area on subdivision is 412.5m <sup>2</sup> , other than where a balance area is created on subdivision which exceeds 4ha	Except for corner sites, the length of a road boundary of the lot shall be less than the depth of the lot, measured at right angles to that road boundary	
Residential 4A/4B	NOTE: See Rules 32.1.1.9 to 32.1.1.4617		
Residential 5	Shall generally comply with the Concept Plan shown in District Plan Map 140		
<u>Residential 7</u>	<u>Area A 150m<sup>2</sup></u> <u>Area B 300m<sup>2</sup></u> <u>Area C 500m<sup>2</sup></u> NOTE: See Rules <u>32.1.1.18 and 32.1.1.19</u>	<u>6 x 8m</u> <u>15 x 15 m<sup>2</sup></u> <u>15m x 15m</u>	<u>15m</u> <u>15m</u>

Zone	Minimum Allotment Area	Minimum Dimensions of Allotment (m)	
		Internal Square	Frontage
Rural	4ha  NOTE: See Rule 32.1.1.5	120 x 120m	Allotments adjoining State Highways: minimum of 200m or no greater than 10m frontage to a formed road, provided that no more than two frontages of 10m shall be provided without a separation of 200m  NOTE: See Rule 30.6.1.4413
Mapleham Rural 4B Zone	Shall generally comply with the Concept Plan shown on District Plan Map 147		

CROSS REFERENCE: ~~Rule 32.1.1.19~~ Rules 30.6.1.11, 32.1.1.4, 32.1.1.5, 32.1.1.8 to 32.1.1.19

**Delete existing Rule 32.1.1.18 in its entirety.**

**Add new Rules Residential 7 Zone 32.1.1.18 as follows:**

Residential 7 Zone

32.1.1.18 In the Residential 7 Zone, subdivision shall

- a. achieve an average allotment size of 200m<sup>2</sup> for each Area A, 365m<sup>2</sup> for each Area B, and 540m<sup>2</sup> for each Area C. The average allotment area shall be met by each subdivision and
- b. have a maximum number of lots being 459 for Area A, 470 for Area B and 186 for Area C.

**Add new clause s to Rule 32.1.1.19 as follows:**

s. The Residential 7 Zone West Kaiapoi, identified on District Plan Map 164.

**Add new Rules 32.1.1.25 to 32.1.1.33 as follows:**

32.1.1.25 Conditions shall be imposed on the subdivision consent for the first allotment within the West Kaiapoi Outline Development Plan area shown on District Plan Map 164 requiring improvements to the Island Road / Giles Road / Cosgrove Road intersection, and improvements to the Island Road / Ohoka Road intersection. The investigations and design of the intersection improvements are to be carried out in consultation with the New Zealand Transport Agency.

32.1.1.26 Prior to the issuing of any subdivision consent within the West Kaiapoi Outline Development Plan area shown on District Plan Map 164 a traffic assessment shall be undertaken in consultation with the District Council and the New Zealand Transport Agency to determine what intersection upgrades are required to occur prior to any further development occurring and to determine whether or not it will be necessary to construct the Arterial shown on District Plan Map 164. The transport assessment shall address, but not be limited to, the efficiency and safety of the intersections of Island Road / Giles Road / Cosgrove Road intersection, Island Road / Ohoka Road intersection, and Island Road intersection with the new Urban Collector Road. For the purposes of this rule any traffic assessment shall include and address network efficiency and safety arising from queuing on Ohoka Road and associated impacts on the State Highway.

32.1.1.27 Subdivision consent shall not be granted within the West Kaiapoi Outline Development Plan area shown on District Plan Map 164, where an allotment is to have direct access to Island Road, prior to the construction and completion of the Arterial Road shown on District Plan Map 164, and downgrading of Island Road to an urban local road formation between Cosgrove Road and Adderley Terrace.

32.1.1.28 Subdivision consent shall not be granted within the West Kaiapoi Outline Development Plan area shown on District Plan Map 164

unless lots adjacent to Island Road have direct access to Island Road.

- 32.1.1.29 Conditions shall be imposed on the resource consent for the subdivision creating all new allotments within the West Kaiapoi Outline Development Plan area shown on District Plan Map 164 requiring financial contributions or development contributions to be collected upon the creation of each allotment to fund the construction of the Arterial Road and the downgrading of Island Road to an urban local road formation between Cosgrove Road and Adderley Terrace and the construction of the of the Urban Collector Road between Adderley Terrace and Island Road.
- 32.1.1.30 Subdivision consent in the Residential 7 Zone to the east of Island Road shall not be granted until the Urban Collector Road between Adderley Terrace and Island Road is constructed and completed.
- 32.1.1.31 Prior to the approval of the 551st allotment within the West Kaiapoi Outline Development Plan area shown on District Plan Map 164, the Arterial Road shown on District Plan Map 164 shall be constructed and completed and Island Road has been downgraded to an urban local road formation between Cosgrove Road and Adderley Terrace.
- 32.1.1.32 Subdivision consent within the West Kaiapoi Outline Development Plan area shown on District Plan Map 164 shall not be granted where allotments have direct vehicle or pedestrian/cycle access to Butchers Road, Giles Road or the Arterial Road shown on District Plan Map 164.
- 32.1.1.33 Within the West Kaiapoi Outline Development Plan area shown on District Plan Map 164 there shall be no direct vehicle or pedestrian/cycle access to Butchers Road, Giles Road or the Arterial Road from any allotment created with a legal boundary abutting those roads. This requirement shall be secured by way of a Consent Notice for the title for all allotments created with a legal boundary abutting Butchers Road, Giles Road or the Arterial Road.

**Add new Rule 32.1.1.45 as follows:**

32.1.1.45 Within the West Kaiapoi Outline Development Plan area shown on District Plan Map 164, the Transpower Electricity Transmission lines shall be placed underground within each subdivision stage in which they occur.

**Amend Rule 32.1.1.64 as follow:**

~~32.1.1.5464~~ Accidental discovery protocol within the East Woodend ~~Outline Development Plan Area~~, Waikuku Beach ~~Outline Development Plan 164~~, and West Kaiapoi Outline Development Plan Areas as shown on District Plan Maps 153, 161 and 164: Where suspected urupa, wahi tapu, wahi taonga or any place associated with Human activity that occurred before 1900 and is, or may be able, through investigation by archeological methods to provide evidence relating to the Maori history of the area is discovered:

- earthworks shall stop immediately;
- all machinery shall be shut down immediately;
- all persons shall leave the area;
- the land owner shall be advised of the discovery;
- the NZ Historic Places Trust shall be advised of the discovery and either the Regional Archaeologist of the NZ Historic Places Trust has confirmed in writing that the archaeologist provisions of the Historic Places Act do not apply; or the requirements of the Historic Places Act have been met and, if required, an archaeological authority (consent) has been granted by the NZ Historic Places Trust;
- Where the place is associated with Maori activity that occurred before 1900 the land owner shall consult Te Ngai Tuahuriri Runanga to determine in consultation with the NZ Historic Places Trust, what further actions are appropriate to safeguard the site or its contents, and to avoid, reduce, remedy or mitigate any damage to the site; and
- the Waimakariri District Council shall be notified.



- b. Where koiwi tangata (human remains) are suspected:
- steps shall be taken immediately to secure the area in a way that ensures the koiwi tangata are untouched;
  - Te Ngai Tuahuriri Runanga, the Police, the Waimakariri District Council and the New Zealand Historic Places Trust shall be notified;
  - the land owner shall arrange for his/her representatives to be available to meet and guide kaumatua, Police, Waimakariri District Council and New Zealand Historic Places Trust staff to the site, assisting with any requests that they may make;
  - earthworks in the affected area shall remain halted until the kaumatua, the Police and Historic Places Trust staff have marked off the area around the site and have given approval for earthworks to recommence, including notification that the archeological provisions of the Historic Places Act have been met and, if required, an archaeological authority (consent) has been granted by the NZ Historic Places Trust; and
  - where the kaumatua are satisfied that the koiwi tangata are of Maori origin the kaumatua will decide in consultation with the NZ Historic Places Trust, what happens to the koiwi tangata and will give their decision to the Police, the New Zealand Historic Places Trust and the land owner.

**Add new Rules 32.1.1.66 and 32.1.1.67 as follows:**

**32.1.1.66 Finished Section Levels Residential 7 Zone**

Within the West Kaiapoi Outline Development Plan area as shown on District Plan Map 164 any section shall have a finished level of 3.6m above mean sea level.

CROSS REFERENCE: Rule 27.1.1.21

**32.1.1.67 Screening and Landscaping**

Within the West Kaiapoi Outline Development Plan area as shown on District Plan Map 164 any application for subdivision consent

adjoining the Arterial Road shall include the fencing requirements of Rule 31.3.3. These works shall be carried out and maintained on an on-going basis secured by way of a Consent Notice on the title for the adjoining allotments.

CROSS REFERENCE: Rule 31.3.3

**Add new Rule 32.1.2.13 as follows:**

32.1.2.13 In the Residential 7 Zone (Area A), any accessway is exempt from complying with Rule 32.1.1.21.

**Amend Rule 32.1.3 Matters Over Which Control is Exercised, first 2 points under iii. Subdivision Design as follows:**

iii. Subdivision Design:

- the effects on the characteristics of the zone set out in Objective 14.1.1 and Policies 12.1.1.3, 12.1.2.1, 12.1.2.2, 12.1.2.3, 15.1.1.1, 16.1.1.1, 16.1.1.2, 16.1.1.5, 17.1.1.1, and 17.1.1.2 and 17.1.1.3;
- standard of construction of roads, service lanes, and accessways in terms of Tables ~~30.1, 30.2 and 32.2~~ 30.4 and 32.2;

**Add new Rule 32.1.3 Matters Over Which Control is Exercised, xx. Fill as follows:**

xx. Fill

- the need to ensure overland flow paths are maintained;
- the effects of the fill on stormwater management on the site and adjoining properties;
- the appropriateness of the fill material;
- the effects of fill and difference in finished ground levels between adjoining properties; and
- timing and methodology.

**Add new Rule 32.2.11 as follows:**

32.2.11 Except as provided for by Rules 32.3 and 32.4 any subdivision of land within the West Kaiapoi Outline Development Plan area shown on District Plan Map 164 that results in any geotechnical investigation revealing ground deformation in an SLS seismic event to be less than 15mm and in a ULS event to be less than 25mm (Technical Category TC1) shall be a discretionary activity (restricted).

In considering any application for a resource consent under rules 32.2.11 the Council shall in deciding whether to grant or refuse consent, and in deciding whether to impose conditions restrict the exercise of discretion to the following matters.

- (i) Those matters over which control is exercised in this chapter and
- (ii) The outcome of a comprehensive geotechnical investigation and assessment undertaken by a suitably qualified Geotechnical Engineer (CPEng) to include assessment of all aspects of the risk of liquefaction and lateral spread undertaken in accordance with the most recent NZ Geotechnical Society Guidelines or an equivalent guideline/standard adopted by the District Council or the Canterbury Earthquake Recovery Authority, The geotechnical investigations shall be carried out to a minimum depth of 15m and at a minimum density of 0.25 per lot This shall take into consideration potential impacts on land, properties, utility services, roading, buildings and houses.

**Add new Rule 32.2.12 as follows:**

32.2.12 Any subdivision of land within the West Kaiapoi Outline Development Plan area shown on District Plan Map 164 that shows allotments adjoining the Arterial Road is a discretionary (restricted) activity.

In considering any application for a resource consent under Rule 32.2.12, the Council shall, in deciding whether to grant or refuse consent, and in deciding whether to impose conditions, restrict the exercise of its discretion to the following matters:

- i. orientation and layout of each allotment to maximize amenity and sustainable energy benefits.

CROSS REFERENCE: Rule 31.3.3

**Add new Rules 32.3.2, 32.3.3 and 32.3.4 as follows:**

32.3.2 Except as provided for by Rules 32.2.11 or 32.4 any subdivision of land within the West Kaiapoi Outline Development Plan area shown on District Plan Map 164 that results in any geotechnical investigation revealing ground deformation in an SLS seismic event to be less than 50mm and in a ULS event to be less than 100mm (Technical Category TC2) shall be a discretionary activity.

32.3.3 Any subdivision within any of the Residential 7 Zone Area A blocks shown on District Plan Map 164 shall be accompanied by a land use consent in accordance with Rule 31.4.3.

CROSS REFERENCE: RULE 31.4.3

32.3.4 Any subdivision within the Business 4 Zone shown on District Plan Map 164 shall be accompanied by a land use consent in accordance with Rule 31.4.4.

CROSS REFERENCE: Rule 31.4.4

**Add new Rule 32.3.2 as follows:**

32.3.2 Any subdivision of land within the West Kaiapoi Outline Development Plan area shown on District Plan Map 164 that does not comply with Rules 32.1.1.45 or 32.1.1.66 is a discretionary activity.

**Add new Rule 32.4.3 as follows:**

32.4.3 Any subdivision of land within the West Kaiapoi Outline Development Plan area shown on District Plan Map 164 that does not comply with Rules 32.1.1.25 to 32.1.1.33, 33.1.1.65, 32.2.11 or 32.3.2 to 32.3.4 is a non-complying activity.

Amend Appendix 35.1 in relation to sites D053 and D084 as follows:

Ref	Requiring Authority Responsible Person	Site Name and Location	Legal Description	Designation	Underlying Zone	District Map Plan no.
D053	MainPower New Zealand Ltd Zone substation	Kaiapoi Zone Substation 289A Island Road Kaiapoi	Pt Lot 1 DP 58168 (302m2)	Has been given effect to	<del>Rural</del> <u>Residential</u> <u>L7</u>	104
D084	Transpower New Zealand Ltd Electricity substation	Kaiapoi Substation Island Road	Pt Lot 1 DP 58168 (2.33 ha) Gaz 72-2283	Has been given effect to	<del>Rural</del> <u>Residential</u> <u>L7</u>	104

## CHAPTER 36: RESOURCE CONSENTS – RULES

Amend Rule 36.2.1 ae. as follows:

- ae. On lots traversed by overhead high voltage transmission lines, the location of those lines and a building platform that demonstrates Rule 31.1.1.13 can be compiled with.

## DISTRICT PLAN MAPS

Amend District Plan Maps 58, 102, 104 to rezone 30, 45, 51, 56, 60, 70, and 71 Adderley Terrace; 271, 282, 289, 290, 293, 309, 325, 326, 343 and 355 Island Road; 1 Butchers Road; and 262, 263, 265, 269, 273 and part of 274, 280 and 336 Giles Road, Kaiapoi being Lot 3 DP 5974, Lot 3 DP 8595, Pt RS 472, Lot 1 DP 4730, Lot 1 DP 14856, Pt RS 564, Lot 1 DP 309514, Pt RS 366A, Lot 1 DP 38425, Pt Lot 1 DP 8595 Gaz 83-689 Gaz 72-2286, Pt Lot 4

**DP 8595, Pt Lot 1 DP 8595, Lot 1 DP 62400, Pt Lot 1 DP 4115, Lot 2 DP 8595, Pt RS 472, Pt Res 367, Sec 2 SO 18794, Pt RS 14549, Lot 1 DP 67537, Lot 2 DP 67537, Lot 1 DP 18590, Pt RS 381, and part of Lot 3 DP 67537, Pt Lot 1 DP 14099 and Lot 2 DP 44080 to Residential 7 and Business 4. Residential 7 and Business 4.**

**Amend District Plan Map 164A, 164B and 164C to include the Outline Development Plan layout for the development of 30, 45, 51, 56, 60, 70, and 71 Adderley Terrace; 271, 282, 289, 290, 293, 309, 325, 326, 343 and 355 Island Road; 1 Butchers Road; and 262, 263, 265, 269, 273 and part of 274, 280 and 336 Giles Road, Kaiapoi being Lot 3 DP 5974, Lot 3 DP 8595, Pt RS 472, Lot 1 DP 4730, Lot 1 DP 14856, Pt RS 564, Lot 1 DP 309514, Pt RS 366A, Lot 1 DP 38425, Pt Lot 1 DP 8595 Gaz 83-689 Gaz 72-2286, Pt Lot 4 DP 8595, Pt Lot 1 DP 8595, Lot 1 DP 62400, Pt Lot 1 DP 4115, Lot 2 DP 8595, Pt RS 472, Pt Res 367, Sec 2 SO 18794, Pt RS 14549, Lot 1 DP 67537, Lot 2 DP 67537, Lot 1 DP 18590, Pt RS 381, and part of Lot 3 DP 67537, Pt Lot 1 DP 14099 and Lot 2 DP 44080.**

**Any consequential renumbering throughout the District Plan as necessary.**



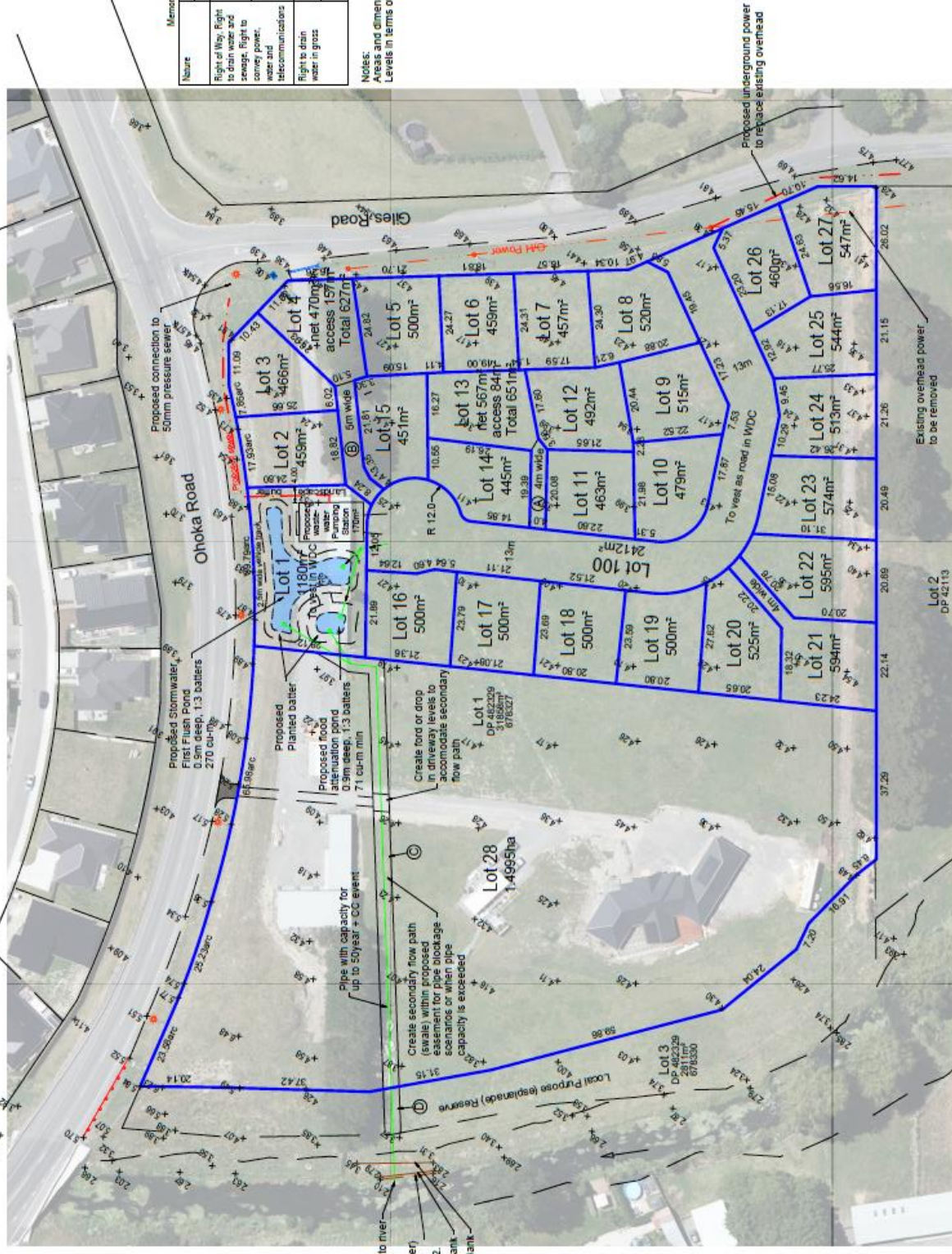
## **APPENDIX 2: Proposed Subdivision Plan**





Memorandum of Easements		
Name	Burdened Land Shown	Benefitted Land/ Easement
Right of Way, Right to drain water and sewage, right to convey power, water and telecommunications	A	Lot 13
Right to drain water in gross	B	Lot 4
	C	Lot 28
	D	Lot 3
		DP 482329

Notes:  
 Areas and dimensions subject to survey.  
 Levels in terms of Lyleston Vertical Datum 1937



Date: 13/07/2022	CT ref: 678327	A3 Sheet
Surveyed:	Total area: 3.1658ha	Revision
Drawn: LS	Client: Fusion Homes Ltd	C
Checked: RV	Scale: 1:1000 @ A3	Sheet:
Local Authority: Waimakariri District		Ref: 3412

Issue Details	
Rev:	Description
A	Issued to client
B	Minor changes
C	add SW design
Date:	28/11/2021
Issue Date:	20/04/2022
Issue Date:	13/07/2022

## Lots 1 - 28 & 100 Being Proposed Subdivision of Lot 1 DP 482329

Notes:

Registered Professionals and Licensed Cadastral Surveyors  
 MNZS Member of Consulting Surveyors NZ  
 ACCESS  
 P: 03 335 0329  
 www.accessnz.co.nz  
 10074 887 240

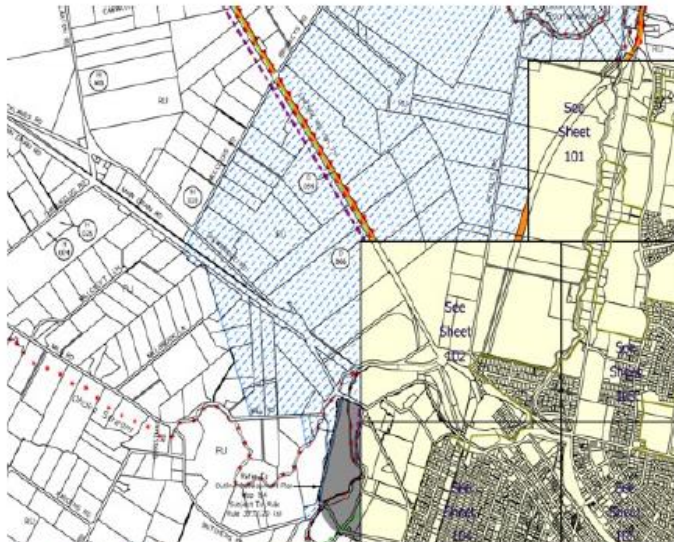
## **APPENDIX 3: Email Detailing Planning History**

**From:** Wendy Harris <wendy.harris@wmk.govt.nz>  
**Sent:** Wednesday, 8 March 2023 10:05 am  
**To:** Stewart Fletcher  
**Cc:** Emma Frazer  
**Subject:** 261 Giles Road - history of zoning  
**Attachments:** AMENDMENTS PLAN CHANGE SILVERSTREAM DEVELOPMENTS LTD WEST KAIAPOI SCHEDULE OF RESIDENTIAL 7 BUSINESS 4 ZONE.DOC

Hi Stewart,

As discussed, attached is the public notice issued by the Waimakariri District Council which states objectives, policies and rules and new zones that are required to be amended in the Operative District Plan as a result of Ministerial approval on 24 November 2011 under the CERA Act. This public notice includes 273 Giles Road and the associated legal description being Pt RS 14549, which was the address and legal description of the property prior to subdivision approval in 2014.

It indicates that 273 Giles Road was to be zoned Residential 7. A new version of Map 58 was issued at the time, but it showed the land within 273 Giles Road which is located on the southern side of Ohoka Road as zoned Rural. See below:



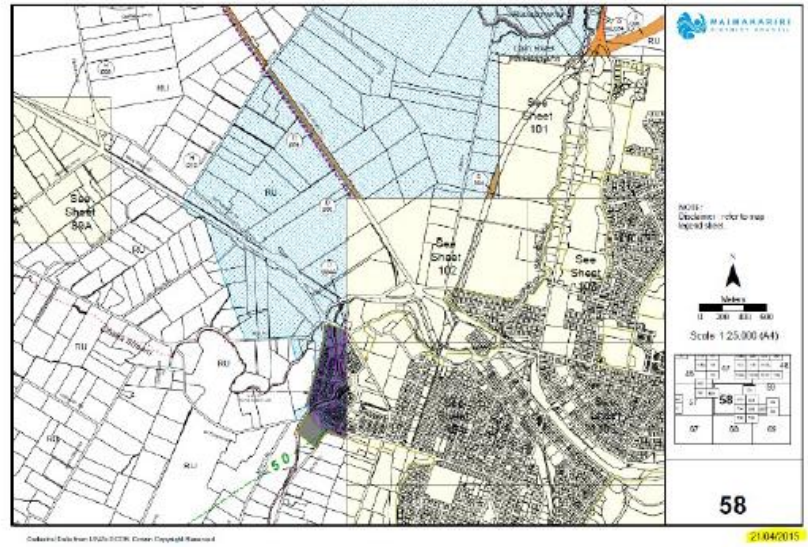
Planning map 58 issued November 2011, the site is shown within the Rural zone (grey colour is Residential 7 zone, white is Rural zone).

There were several revised versions of Map 58 issued between 2012-2014. They all showed the area of 273 Giles Road south of Ohoka Road as being zoned Rural.

Subdivision consent was issued for the property in October 2014, which included vesting that portion of Ohoka Road. The area of the property south of Ohoka Road became 261 Giles Road.

On 21/04/2015, a revised version of Map 58 was issued which showed 261 Giles Road as zoned Residential 7. See below:

In April 2015, planning map 58 was revised to show the site was now within the Residential 7 Zone.



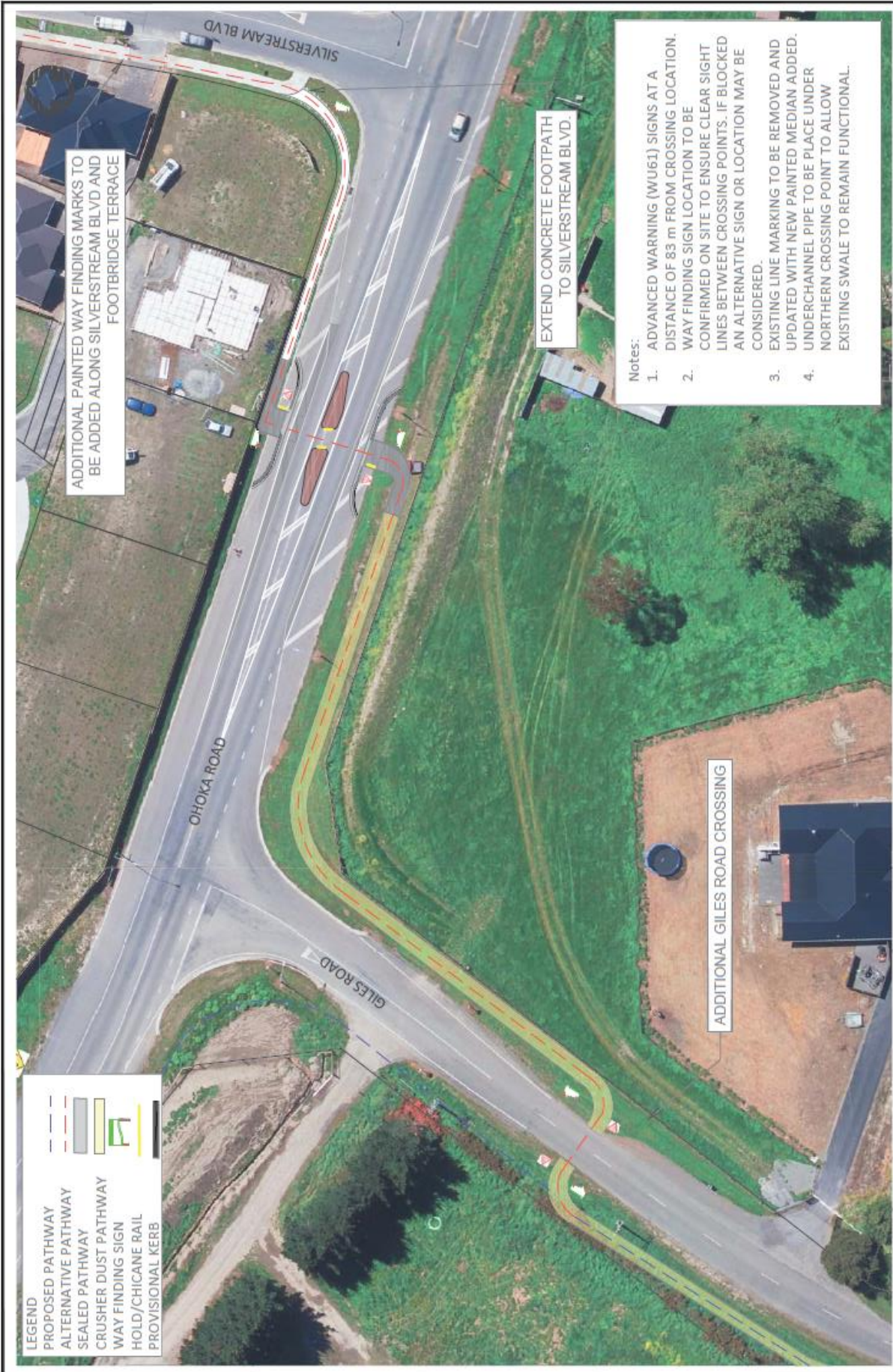
Planning Map 58 – issued 21/04/2015, showing site is within Residential 7 Zone.

We've searched extensively to try and find records or emails etc relating to this amended map to explain why the map was amended at that time, but we've been unable to find anything.

As discussed, I'm going to speak to Emma Frazer about suitable dates / times for a meeting next week. We'll be in touch about that.

Regards,  
Wendy Harris

## **APPENDIX 4: Proposed Shared Pathway**



**LEGEND**

---	PROPOSED PATHWAY
---	ALTERNATIVE PATHWAY
---	SEALED PATHWAY
---	CRUSHER DUST PATHWAY
---	WAY FINDING SIGN
---	HOLD/CHICANE RAIL
---	PROVISIONAL KERB

ADDITIONAL PAINTED WAY FINDING MARKS TO BE ADDED ALONG SILVERSTREAM BLVD AND FOOTBRIDGE TERRACE

EXTEND CONCRETE FOOTPATH TO SILVERSTREAM BLVD.

ADDITIONAL GILES ROAD CROSSING

**Notes:**

1. ADVANCED WARNING (WU61) SIGNS AT A DISTANCE OF 83 m FROM CROSSING LOCATION.
2. WAY FINDING SIGN LOCATION TO BE CONFIRMED ON SITE TO ENSURE CLEAR SIGHT LINES BETWEEN CROSSING POINTS. IF BLOCKED AN ALTERNATIVE SIGN OR LOCATION MAY BE CONSIDERED.
3. EXISTING LINE MARKING TO BE REMOVED AND UPDATED WITH NEW PAINTED MEDIAN ADDED. UNDERCHANNEL PIPE TO BE PLACE UNDER NORTHERN CROSSING POINT TO ALLOW EXISTING SWALE TO REMAIN FUNCTIONAL.
- 4.

REV	REVISION/DETAILS	BY	CHKD	APPD	DATE
A	PRELIMINARY DESIGN	NR	NS	NS	03/06/2019
B	SECONDARY DESIGN	NR	NS	NS	11/06/2019
		NR	NS	NS	
		NR	NS	NS	

PROJECT No.	FOUR 048
DESIGNED	NR
DESIGNED CHD	NS
APPROVED	NS
DATE ISSUED	03/09/2019
SCALE (A3)	1:500

**WAIMAKARIRI DISTRICT COUNCIL**

**PROJECT**  
ECAN, KAIAPOI ISLAND WALKWAY CROSSINGS

**SHEET TITLE**  
OHOKA ROAD / GILES ROAD OPTION THREE

**PRELIMINARY DRAWING**  
3957

**SHEET** 4 **REVISION** 4 **B**

FILE: L:\PROJECTS\2019\048\FOUR 048 OHOKA ROAD GILES ROAD CROSSINGS\DWG\OHOKA ROAD GILES ROAD CROSSINGS 1.DWG

**APPENDIX 5:  
Copy of Website Pathway  
Information**

