

PROPOSED PRIVATE PLAN CHANGE 6

OCEAN RIDGE DEVELOPMENT AREA

**Recommendation Report of the Independent Hearing Panel
to the Kaikōura District Council**

18 August 2026

Contents

1.0	INTRODUCTION.....	4
2.0	PROPOSED PLAN CHANGE	5
	▪ Purpose and Reasons.....	5
	▪ Existing Provisions	5
	▪ Proposed Provisions	6
3.0	PROCESS MATTERS	8
	▪ Notification and submissions.....	8
	▪ The Hearing Process.....	9
	▪ Post hearing directions and responses	9
	▪ Our findings on procedural matters	11
	▪ Our determination.....	13
4.0	STATUTORY FRAMEWORK	14
5.0	KEY ISSUES IN CONTENTION	15
	▪ Flood hazards.....	15
	▪ Issue identification & evidence	15
	▪ Our Findings	19
	▪ Maximum height limit in the Hub area	19
	▪ Issue identification & evidence	19
	▪ Our Findings	21
	▪ Classification of Wetland 2	22
	▪ Issue identification & evidence	22
	▪ Our Findings	23
	▪ Changes to the new Native Restoration Planting Management Plan.....	24
	▪ Issue identification & evidence	24
	▪ Our Overall Findings.....	26
	▪ Fire-fighting water supply	26
	▪ Issue identification & evidence	26
	▪ Our Findings	27
6.0	OTHER TOPICS	27
	▪ Land Suitability – Geotechnical hazards (NPS-NH).....	27
	▪ Land Contamination (NES-CS)	27
	▪ Highly productive land (NPS-HPL).....	28
	▪ Infrastructure servicing – water, wastewater, stormwater (NPS-I)	28
	▪ Transportation	29

▪ Ecology.....	30
▪ Cultural effects	31
▪ Landscape and Visual effects	31
▪ Urban Form, Character, Housing and Business Capacity (NPS-UD, CRPS)	32
7.0 STATUTORY EVALUATION	32
8.0 CONCLUSION	33
9.0 RECOMMENDATIONS.....	34

APPENDIX 1: Recommended Amendments**APPENDIX 2: Recommendations on Submissions**

**Kaikōura District Council
Private Plan Change Request 6 (PC6)
Ocean Ridge Development Area**

Recommendation Report of the Independent Hearing Panel

Proposal Description:

Proposed Plan Change 6 to the Kaikōura District Plan
Ocean Ridge Development Area Amendments

Requestor:

Cargill Station Limited ('CSL')

Hearing Panel:

G Rae – Independent RMA Hearing Commissioner, Chair
V Gulleford – Independent RMA Hearing Commissioner

Date of Hearing:

5 May 2026

Hearing Officially closed:

6 August 2026

1.0 INTRODUCTION

- 1.1 This report sets out our recommendations on submissions lodged with respect to Proposed Private Plan Change Request 6 ('PC6') to the operative Kaikōura District Plan 2008 ('the District Plan').
- 1.2 The Kaikōura District Council ('the Council') appointed three independent hearing commissioners under delegated authority as per Section 43A of the Resource Management Act 1991 ('RMA'), to hear submissions and to make recommendations on whether PC6 should be declined, approved or approved with amendments. Post-hearing the Panel was reduced to two commissioners, Gary Rae (Chair) and Vicki Gulleford.
- 1.3 The plan change was initiated by a private developer, Cargill Station Limited ('CSL'). It concerns land at Ocean Ridge, located approximately 3km southwest of the Kaikōura town centre, which lies within the Ocean Ridge Development Area ('ORDA') in the District Plan.
- 1.4 The plan change request has been the subject of a section 32 report¹, consultation with stakeholders, public notification and the hearing process, culminating in our recommendations.

¹ Section 32 of the RMA sets out the requirements for preparing and publishing reports that evaluate the appropriateness of a proposed plan change.

2.0 PROPOSED PLAN CHANGE

Purpose and Reasons

- 2.1 The stated purpose of PC6 is: *"to enable greater housing supply and choice in the ORDA Area, supported by a corresponding increase in community, commercial and other non-residential activities"*².
- 2.2 The stated reasons are that:
- (a) the existing ORDA provisions are inadequate to meet housing and business needs of current and future generations;
 - (b) changes are needed to make the Plan more enabling of a range of housing types and densities; and
 - (c) changes are also required to overcome inefficiencies in the Plan's current regulatory settings that are a barrier to more sustainable subdivision, use and development of the ORDA.
- 2.3 By way of background, CSL had commissioned several investigations to inform PC6³, including an assessment of the Kaikōura Spatial Plan 2024. The Request states that PC6 is a direct response to the Spatial Plan, which anticipates that a plan change will be the primary vehicle to determine the appropriate distribution of residential densities and a new neighbourhood centre at Ocean Ridge in the ORDA. It is also noted that an independent assessment recently commissioned by the Council⁴ similarly found the District Plan to be contributing to the lack of choice and affordability in Kaikōura.
- 2.4 The Requestor's Section 32 report evaluated options to achieve the objective of PC6, (i.e. proposed Objective DEV2-O1). The options assessed were:
- 1. the status quo;
 - 2. the proposed provisions; and
 - 3. a reasonable alternative with a lower regulatory stringency.
- 2.5 The Section 32 report concluded that option 2 (the proposed provisions) was the most appropriate option, as: *"It is anticipated to have a high net benefit and is the only option that will effectively and efficiently achieve the proposed objective in full, as well as all other relevant objectives in the operative Plan"*.

Existing Provisions

- 2.6 The ORDA forms what is a stand-alone zone and chapter in the District Plan in terms of zone provisions. Development in the area remains subject to the District Plan chapters that address matters such as natural hazards, subdivision, earthworks, and transport. The ORDA was put in place via a private plan change process in 2005, with the provisions updated via a subsequent Council-led plan change in 2010.
- 2.7 The ORDA provisions currently enable up to 336 residential units and a small commercial centre to be developed on the site. The ORDA is also subject to an

² Section 1.4 of the Request

³ Summarised in Table 9 of the Request

⁴ Kaikōura District Plan Monitoring: Kaikōura District Council Commercial and Residential Chapters (10 February 2026). Perspective Consulting Ltd.

Outline Development Plan ('ODP') that guides the location of key features such as road links, various housing sub-areas, and extensive areas of ecological restoration. Housing is capped at 168 units until such time as a road link is formed through the site from State Highway 1 to Green Lane to enable an alternative access to the Development Area. Funding has been secured, through the Government's Infrastructure Acceleration Fund, to provide this roading connection. A resource consent for early-stage bulk earthworks to support the carriageway formation has also recently been granted.

2.8 As stated in the section 42A report⁵:

"Confirmation of the delivery of this road link is integral to the build-out of the latter stages of Ocean Ridge. The ability to now open up the western parts of the site has been the catalyst for the Applicant to revisit the ORDA provisions to ensure that they reflect changes in housing demand and growth in the wider township since the ORDA was originally incorporated into the Operative Plan".

Proposed Provisions

2.9 PC6 does not seek any expansion or amendment to the ORDA. However, the ORD Area chapter is proposed to be substantively revised, with the operative ODP to be replaced by a new ODP (see **Figure 1** below).

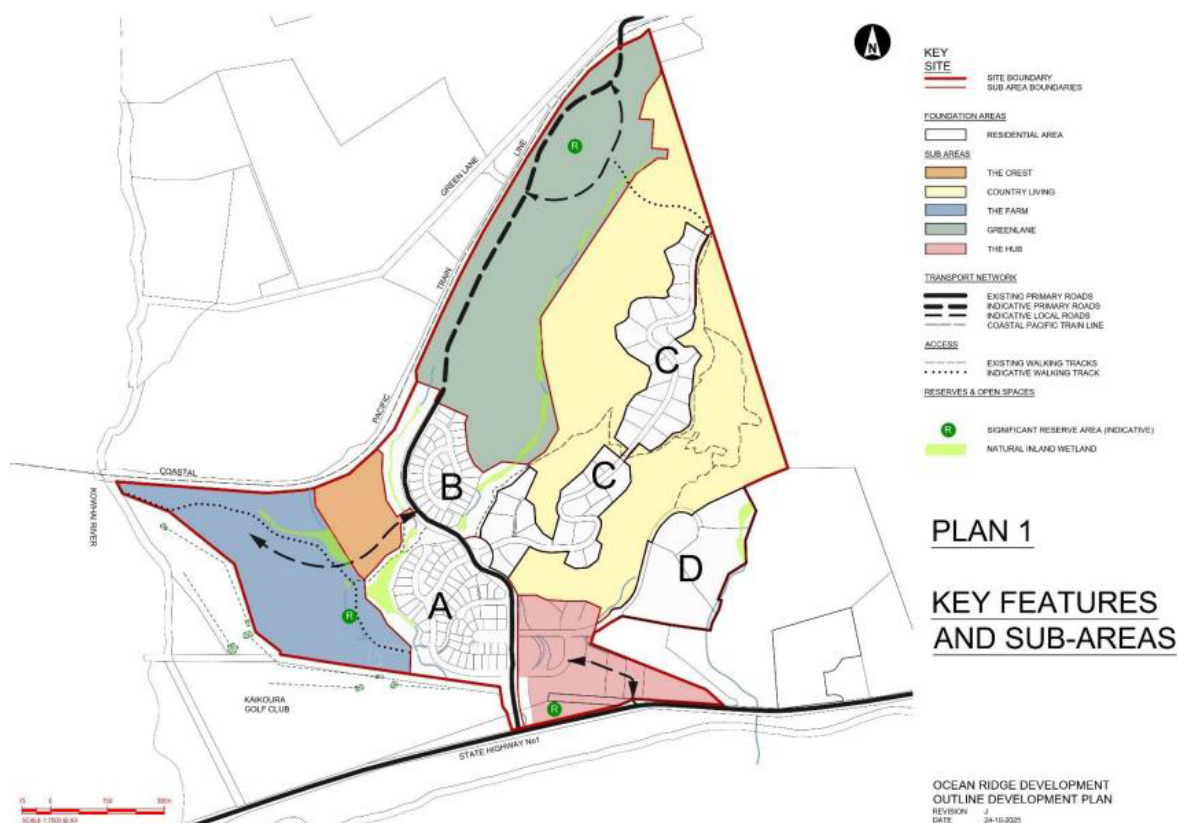


Figure 1: Proposed ODP with sub-areas

2.10 The key amendments proposed are:

⁵ S42A report, para 6.12

(a) Residential yields, densities, locations:

- The provisions are linked to various sub-areas within the overall Development Area as shown in Figure 1, namely the existing residential areas (white), the Crest (orange), Countryside Living (yellow), the Farm (blue), Greenlane (green), and the Hub (pink).
- The Green Lane road link and improvements to reticulated services enables total housing yield to increase by a further 150 residential units (from 336 currently to 486 in total). The additional housing is focused on the undeveloped parts of the site, with the number of new residential units in each of the sub-areas to be capped.
- Some flexibility in terms of housing typologies to enable pockets of medium density housing in the Greenlane, Farm and Hub sub-areas to better meet the diverse housing needs of the community.
- Provision for up to 60 houses in the Farm sub-area to the northwest of the golf course. Whilst this new housing area is within the operative ORD Area zone, it is on a part of the site that is potentially exposed to flood risk generated by a breakout of the Kowhai River.
- Large Country Living lots across the elevated slopes above Ingles Drive that were previously to be retained as open grassland and restoration areas. Large lot development is however anticipated to deliver similar levels of open space and restoration planting but with ownership privately held. Public walking track access through this area is to be maintained.

(b) The Hub commercial centre:

- The proposed commercial centre ('the Hub') on Kersage Drive to be expanded from 1.54ha to 5.64ha, with consequential increases to the District Plan's limits on non-residential gross floor area.
- A portion of the Hub adjacent to Ludley Drive is proposed to enable buildings up to 15m in height.
- A new left-out only exit access onto SH1 to improve traffic management associated with the expanded Hub.
- Expansion of the Hub over a portion of Kekeno Park currently vested as recreation reserve. Any such expansion is dependent on the outcome of a separate reserve exchange process and associated public consultation to be undertaken under the Reserves Act.

(c) Ecological restoration:

- All existing native restoration areas are to be retained. The future, yet to be established, restoration open grassland areas shown on the Operative ODP are proposed to be replaced with smaller, ecologically higher value, areas of wetland and bush.

2.11 Changes are also proposed to the policy provisions, with the sole Issue and Objective in the DEV2 chapter to be broadened to include a wider list of relevant issues for the

ORD Area. These include the need to increase housing supply and choice; commercial and community services; stewardship arrangements for restoration planting areas; and to recognise the importance of natural inland wetlands and riparian areas.

- 2.12 These, and other specific changes to the rules are outlined in the plan change request⁶ and are further summarised in the planning evidence of Mr Jason Jones, for CSL.
- 2.13 CSL made several refinements to the PC6 provisions in response to submissions and recommendations made in the section 42A report. As itemised by Mr Jones⁷, these include new Matters of Control to be added to rule SUB-R1.1 to address slope stability and shallow soil creep within the Hub Area; and to amend the development requirement 3.5 in the ODP provisions to refer to infill and enrichment planting.

3.0 PROCESS MATTERS

Notification and submissions

- 3.1 The Plan Change request was lodged with the Council on 22nd September 2025. CSL responded to a Request for Further Information, and then PC6 was accepted for public notification by the Council and was formally notified on 20th November 2025.
- 3.2 A total of 28 submissions were received by the closing date of 19th December 2025. Of these, 19 submissions were in support, 3 submissions support-in-part, 2 submissions were neutral, and 4 submissions were in opposition. The summary of submissions was notified on 4th February 2026, and one further submission was received on the closing date of 18th February 2026.
- 3.3 Following the close of submissions, CSL engaged with some submitters. Consequently the Council received written confirmation that four of the submitters wished to have their submissions withdrawn, namely the Blakes (S1), Wrights (S15), Ms Clelland (S20), and Mr McGregor (S24). The Blakes, Ms Clelland, and Mr McGregor were submitters in opposition, and the Wright's submission was 'support-in-part'.
- 3.4 Mr and Mrs Blake subsequently asked the Council to re-instate their submission. We understand that Council staff obtained legal advice on this, and subsequently the Blakes accepted that their submission would remain withdrawn. Ms Solomon (S25) confirmed that her position had changed from being in opposition to now being in support.
- 3.5 As a result, there are no original submitters remaining who are opposed to the plan change.
- 3.6 Prior to the hearing Mr Field (who had lodged a further submission in support of Ms Solomon's original submission) advised that he no longer wished to be heard. The New Zealand Transport Agency Waka Kotahi ('NZTA') also advised that they no longer wish to be heard, as they considered the proposed PC6 provisions addressed their concerns, but that their neutral submission was to be retained. A letter was

⁶ Request document, Section 1.6.3f

⁷ Jason Jones, Evidence in Chief, Attachment 2

received from Te Rūnanga o Kaikōura to advise that, whilst they had not lodged a submission, they fully supported the plan change and look forward to ongoing engagement with the applicant as the development progresses.

- 3.7 Issues raised in submissions are addressed further under the evaluation of key issues in a Section 5 of this Recommendation Report.

The Hearing Process

- 3.8 The Panel conducted a site visit on 4th of May 2026, the day before the hearing. We were accompanied by Mr Peter Kearney, Council's Senior Manager Corporate Services.

- 3.9 A hearing was held, on 5th of May 2026, at the Kaikoura District Council offices.

- 3.10 Attendances were:

- *Requestor (CSL)* – Ms Shannon Johnston (legal); Mr Mark Lowe and Kate McIntosh (ecology - wetlands); Ms Anne Wilkins (landscape/visual) - via Teams; Ms Steph Patchett (flood modelling); Dr Guglielmo Stecca (geomorphology); and Mr Jason Jones (planning).
- *Submitter* - Environment Canterbury – Dr Michelle Wild (flood modelling), Ms Victoria Watt (planning).
- *Submitter* - Ms Mel Skinner.
- *Kaikoura District Council* – Mr Jonathan Clease (s42A reporting officer); Dr Tanya Blakely (ecology) via Teams; Mr James Bentley (landscape) via Teams; and Ms Juliet Thornton (hearings administrator) via Teams.

- 3.11 A tabled letter was received from Beca Consultants on behalf of Fire and Emergency New Zealand ('FENZ').

Post hearing directions and responses

- 3.12 At the conclusion of presentations, the Panel adjourned the hearing pending receipt of written notes of the presentation given by Mr Clease, the s42A report author. Those notes were subsequently distributed to the parties. CSL submitted its closing legal submissions in response to matters raised at the hearing, on 22nd May 2026, and those were also distributed to the parties.

- 3.13 The Panel then requested independent legal advice in response to CSL's legal submissions in reply⁸. We sought advice on the Panel's jurisdiction to make recommendations with respect to the maximum height limit on the Hub area; and on the scope of the submission by Environment Canterbury ('ECan') and the evidence presented on its behalf.

- 3.14 Independent legal advice on those matters was provided by Cavell Leitch solicitors on 15th July 2026 and was distributed to the parties. We invited a response from ECan in the first instance and also signalled that we would then invite CSL to provide a response to the matters raised by Cavell Leitch, and by ECan⁹. A response was received from ECan on 22nd July 2026, which was essentially in agreement with the

⁸ Minute 5 dated on 6th July 2026

⁹ Minute 7, 15 July 2026

Cavell Leitch legal advice regarding ECan's submission. The jurisdictional and scope issues are addressed in the next section of our Report.

- 3.15 During that process, there was an extreme rainfall event with significant flooding in Kaikoura and a state of emergency was declared on 7th July 2026. Subsequently the Panel issued Minute 6 to signal to CSL that we were concerned and interested to know how the flooding may have affected the subject site, and whether the modelling and other information and expert evidence we received from the Requestor was still valid¹⁰.
- 3.16 CSL responded on 21st July 2026 by submitting a joint statement of supplementary evidence from Dr Stecca and Ms Patchett. Their evidence confirmed that:
- the PC6 site had been unaffected by the flooding, and
 - the key assumptions that had been adopted in the hydraulic modelling appropriately represent a conservative basis for assessing flood hazard at the site.
- 3.17 That supplementary evidence was forwarded to all submitters on 22nd July 2026 for any responses they wished to make¹¹. A response was received from Dr Wild from ECan on 29 July 2026. Dr Wild's response advised that new LIDAR data on the extent and quantum of aggradation in the Kowhai River following the flooding event would very soon be available and that this might be of relevance to the modelling and other specialist assessments that had previously been provided by CSL. The Panel subsequently directed that the new data be provided by ECan¹². Following that, Dr Wild advised that the new data and associated reports would not be available until the end of August 2026, or even later than that.
- 3.18 CSL responded in a Memorandum of Counsel together with a further statement from Dr Stecca on the aggradation and the modelling that had been carried out. It challenged both the relevance of the additional data that had been requested, and the process by which ECan was seeking to re-litigate the issue of aggradation, as well as its relevance to the modelling that had already been undertaken. CSL contended these matters had properly been addressed through evidence at the hearing, and it also expressed concern at the length of this process and the impact this was having on the project.
- 3.19 CSL requested the Panel to direct that no further information is required and for the hearing to be closed. As part of its memorandum of Counsel, CSL also responded to the Cavell Leitch legal advice to the Panel.
- 3.20 The Panel reviewed the matters raised in CSL's Memorandum of Counsel, taking particular account of the statements from both Dr Stecca and Ms Patchett in response to our enquiry on the extent of flooding, aggradation, and relevance of the modelling, and we were then satisfied that we had sufficient information to deliberate on the evidence before us on this issue. In particular, we considered aggradation had been properly factored into CSL's modelling for future flooding events, and the letter from Dr Wild had essentially confirmed the locations of the aggradation following the recent flooding event that had been observed and noted by Dr Stecca and Ms Patchett.

¹⁰ Minute 6, 13 July 2026

¹¹ Minute 8, 22 July 2026

¹² Minute 9, 31 July 2026

- 3.21 Accordingly the parties were advised on 6th of August 2026 that the hearing was closed¹³.

Our findings on procedural matters

- 3.22 This section outlines our findings with respect to the two procedural issues referred to above, these being:

(a) Scope of ECan's submission and evidence

- 3.23 As noted above, the Panel received independent legal advice from Cavell Leitch with respect to both the scope of ECan's submission and the scope of its evidence in relation to the provisions in PC6 for managing flood risk. CSL later clarified that there was only one scope issue it was making, i.e. that being the recommendations made in Ms Watt's evidence¹⁴.
- 3.24 Ms Watt had recommended not only the retention of the Urban Flood Assessment Overlay and the removal of the PC6 permitted activity pathway, but also the inclusion of additional mandatory mitigation requirements, and additional assessment matters. CSL's position was that this would create an even more restrictive consenting pathway than the operative District Plan, and that these requests are not 'on' the plan change and are therefore out of scope. The Cavell Leitch advice, and Ms Watt in her response, both accepted that the Panel cannot make a change that would result in an outcome that is more restrictive than the operative plan/status quo¹⁵.
- 3.25 Cavell Leitch also advised that if the Panel agrees with ECan's evidence, additional mitigation that is consistent with or has lesser impact than the status quo would also be within jurisdiction to consider¹⁶, and Ms Watt agreed with that advice.

Our determination

- 3.26 It is clear to us that the Panel has no jurisdiction to impose provisions that are more restrictive than the operative District Plan framework. We do not consider the imposition of additional provisions on top of the operative Urban Flood Assessment Overlay provisions can have lesser impact than the status quo. Therefore our evaluation comes down to considering the merits of the proposed PC6 provisions (which would essentially frontload the hazard assessment work at the plan change level), against the operative Urban Flood Assessment Overlay. We address this further in Section 5 of our Report.

(b) Maximum height limit in the Hub area

- 3.27 PC6 proposes a maximum height limit of 15 metres in a portion of the Hub area. There were no remaining submissions in opposition or otherwise seeking an alternative height limit. However both Mr Clease in his section 42A report, and Mr Bentley in his urban design assessment for Council, recommended that the maximum height limit be reduced to 11 metres.

¹³ Minute 10, 6 August 2026

¹⁴ Ms Watt, evidence at paragraphs 61(e)–(h)

¹⁵ Letter from Ms Watt, ECan, dated 22 July 2026

¹⁶ Cavell Leitch advice, 15 July 2026, paragraph 58

- 3.28 The Panel questioned Mr Clease on this at the hearing. His response was that the absence of a submission does not create a part of the plan change the Panel cannot consider in determining whether the plan change is acceptable in terms of section 32 of the RMA. He considered the scope for the Panel's determination therefore sits on a spectrum between the Operative Plan provision, and the provision as sought by the Plan Change – in this case a building height range between 8m and 15m. Whilst no submissions are 'live' on this matter, his view was that this does not preclude the Panel from making an assessment of the change against section 32.
- 3.29 CSL, in its closing legal submissions, took the position that the Panel has no jurisdiction to amend the height limit provisions in the absence of submissions requesting this. It referred to the High Court case *Countdown Properties (Northlands) Ltd v Dunedin City Council*, where it was confirmed that the paramount question for whether an amendment to plan provisions is permissible is whether or not the amendments are ones which are raised by and within the ambit of what is reasonably and fairly raised in submissions on the plan change. The Reply also referred to Section 86F of the RMA which states that rules without any opposing submissions are, functionally, operative. In essence, we understand the legal argument to be that the Panel's jurisdiction is limited with respect to imposing a stricter height limit in the Hub area to that which was included in the notified plan change request, as amendments to provisions must have been sought through submissions.
- 3.30 The independent legal advice from Cavell Leitch was that a local authority may, when considering a private plan change request, make changes to the proposed provisions in its decision even without a submission seeking such a change. It referred to clause 29(4) of the First Schedule which provides the Panel with the ability after considering a private plan change accepted (but not adopted) by a council to decline the plan change, approve it or approve it with modifications, subject to a s32AA evaluation for any changes. The Panel's considerations include having regard to the effects of any proposed rules under s76(3), and accordingly, given that the maximum height rule is part of the notified PC6, it is for the Panel to determine the weight it must give to any effects on the environment of the rule.
- 3.31 Cavell Leitch made reference to *General Distributors Ltd v Waipa District Council* (2008) 15 ELRNZ 59 (HC), and advised that:
- While case law is clear on the effect and extent of submissions in this decision-making process, the ability to make changes without a basis in submissions needs to be approached cautiously, but has not, in our view, been proscribed.*
- 3.32 Cavell Leitch also highlighted some practical implications that may arise. It said that a ban on any changes absent a submission would amount to a requirement that councils would need to submit on any private plan changes, to ensure that any issues of concern that may arise after consideration but may not be captured in a submission can be addressed. It said this would have resultant impacts on efficiency and the potential for conflicts given that councils would be entering the fray to a degree that has not previously been considered necessary, and this also raises the equally problematic notion of the possibility of councils appealing their own decision
- 3.33 Finally, it advised that Section 86F is not relevant to PC6 which (as a private plan change) is not captured by the definition of "proposed plan" under s43AAC.
- 3.34 CSL's responded in its Memorandum of Counsel. It acknowledged that on reflection s43AAC indicates that s86F of the RMA does not apply here. However, CSL's position was that the suggestion a local authority may, when considering a private plan change request, make substantive changes to the proposed provisions in its decision without a submission seeking such a change is unorthodox and unsupported

by case law. It said the only relevant statutory difference between public and private plan changes is the provision at schedule 1, clause 29(4)(a) of the RMA. However, clause 29(4)(a) appears to simply restate schedule 1, clause 10(2) in summary form. CSL's submission was that if this provision was intended to confer a power to avoid a key jurisdictional restriction when considering private plan changes as opposed to public ones, then Parliament would have made that clearer.

3.35 In referring to the *General Distributors* case, CSL considered the passages generally indicate the orthodox position that an amendment to a District Plan must have either been proposed in the plan change as notified, or by a submission. They considered the passages do not offer support for the suggestion that a local authority can make substantive changes to proposed plan provisions absent a submission seeking that.

3.36 We note here the Cavell Leitch advice appears to confer with that, i.e. *General Distributors* does not make a categorical ruling on this issue:

*"While expressing caution, which we respectfully agree should be exercised in such circumstances to ensure fairness and transparency, what the Court did not do was suggest that a change that was sufficiently connected could not be made in any circumstance on the basis that it was not sought by a submitter. As the Court indicated it would be a question of degree. The issue in General Distributors was the lack of sufficient connection between the plan change and the outcome that had been approved, not that the outcome did not emanate from a submission"*¹⁷.

3.37 CSL advised it had not found any example of a Court stating that a Panel's powers to amend a private plan change go beyond granting the relief sought in submissions. Rather, what can be found are statements indicating that relief sought in respect of private plan changes is limited by submissions.

Our determination

3.38 We have received contrasting legal advice from CSL and Cavell Leitch on this aspect, and we also note that Mr Clease's opinion as a planner was couched in the terms that *"questions of scope are primarily legal in nature"*¹⁸.

3.39 This appears to us to be a complex legal issue, and it is difficult for us to form a determinative view on it. Having said that we do take particular note of the following points addressed above:

- We agree with Cavell Leitch's statement that the ability to make changes without a basis in submissions needs to be *"approached cautiously"*;
- *General Distributors* does not seem to make a clear determination that a local authority can make substantive changes to proposed plan provisions absent a submission seeking that change;
- As regards CSL's point that clause 29(4)(a) appears to simply restate schedule 1, clause 10(2) in summary form - the Panel feels it cannot speculate on whether Parliament would have made clearer its intention to confer a power to

¹⁷ Cavell Leitch letter, 14 July 2026, paragraph 21

¹⁸ Mr Clease, Summary Statement, 5 May 2026, paragraph 17.

avoid key jurisdictional restriction when considering private plan changes as opposed to public ones; and

- Cavell Leitch's advice raises some pertinent points on the practical implications of us agreeing with CSL's submissions on this point.

3.40 Overall, given the contrasting nature of the advice we have received the Panel does not feel confident we have legal authority to make a change to the proposed height limit in the Hub area absent a submission seeking this.

3.41 Therefore, rather than making a firm determination at this stage our approach is to firstly address the evidence on the Hub height limit, on its merits, which we do in Section 5 of this Report.

4.0 STATUTORY FRAMEWORK

4.1 The relevant statutory framework for assessing this Plan Change request is set out in the section 42A report (at section 5).

4.2 In summary, this requires an evaluation of whether:

- it is in accordance with Council's functions (s74(1)(a));
- it is in accordance with Part 2 of the RMA (s74(1)(b));
- it will give effect to any national policy statement or operative regional policy statement (s75(3)(a) and (c));
- the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA (s32(1)(a)); and
- the provisions of the plan change are the most appropriate way to achieve the objectives of the District Plan(s32(1)(b)).

4.3 In addition, assessment of the plan change must have regard to;

- any proposed regional policy statement, and management plans and strategies prepared under any other Acts (s74(2));
- the extent to which the plan is consistent with the plans of adjacent territorial authorities (s74(2)(c));
- for any proposed rules, the actual and potential effect on the environment of activities including, in particular, any adverse effect (s76(3)); and
- and take account of any relevant iwi management plan (s74(2A)).

4.4 The section 42A report also refers to the role of the section 32 evaluation report prepared by CSL as requestor. Any recommended amendments to the proposed provisions following the notification of the plan change request must be evaluated under section 32AA of the RMA. Mr Jones provided a s32AA evaluation of his recommended refinements (as outlined in Section 2 of this Recommendation Report).

- 4.5 Our Recommendation Report addresses these matters, commencing with an evaluation of the key issues in contention raised in submissions and evidence.

5.0 KEY ISSUES IN CONTENTION

- 5.1 There are no remaining submissions in outright opposition to PC6. However there are some remaining 'neutral' or 'support in part' submissions which seek changes to some discrete provisions (e.g. with respect to the flooding related provisions).
- 5.2 Some other changes to provisions were recommended by the section 42A reporting officer and the Council's landscape and ecology witnesses, even though there are no submissions seeking those changes (e.g. the maximum height limit in the Hub area). Whilst our inclination is that we may not have jurisdiction to make those changes, as addressed in Section 3.0 of our Report, we will nevertheless consider the evidence on its merits.
- 5.3 In the section below we evaluate the evidence and submissions with respect to the key issues in contention, including a brief assessment of the policy framework as was the approach in the section 42A report:
- (a) Flood hazards;
 - (b) Maximum height limit in the Hub;
 - (c) Classification of Wetland 2;
 - (d) Changes to the new Native Planting Restoration Management Plan; and
 - (e) Firefighting water supply.

Flood hazards

Issue identification & evidence

- 5.4 It is clear from the plan change documents and the evidence that parts of the Site are subject to flood risk. The key flood risk to Kaikōura township is generated by the Kowhai River which has historically flooded across the Kaikōura plain, including most recently in July of this year. The proposed Farm sub-area is located on a historic Kowhai River delta which is exposed to flooding from a breakout of the Kowhai River through the existing stop banks located downstream of the rail bridge. The development of the Farm for some 60 residential lots is a new element of PC6 relative to the Operative Plan provisions. Approximately 25 of the proposed lots will be located within the parts of the Farm that are exposed to flood risk. The appropriateness of locating housing in this part of the site, and the associated modelling and mitigation of flood risk, is a key concern raised in Ecan's submission.
- 5.5 The operative District Plan currently identifies urban areas potentially exposed to flood hazard in an 'Urban Flood Hazard Assessment Overlay' shown on the planning maps. Subdivision within the overlay is a restricted discretionary activity (SUB-R1(4)(s)(i)), and new hazard sensitive buildings (which include residential units) are permitted under rule NH-R2(1) where they are either located outside of High Flood

hazard Areas, or have a finished floor level ('FFL') equal to or higher than the minimum floor level as stated in a Flood Hazard Assessment Certificate issued in accordance with activity standard NH-S1. A Flood Hazard Assessment Certificate is issued by the Council which will identify whether the site is within a High Flood Hazard Area and will specify a minimum floor level that is 300mm above the 500 year ARI flood level.

- 5.6 PC6 proposes a bespoke set of provisions that would essentially 'front load' the assessment of hazard risk.
- 5.7 In essence, and as described in the section 42A report¹⁹, the technical modelling work undertaken by Pattle Delamore Partners ('PDP') and Ms Patchett to support PC6 replace the need to obtain a FFL certificate from the Council. PC6 retains the Urban Flood Hazard Overlay mapping. The amendments sought through PC6 however exempt development in Ocean Ridge from being subject to the Operative Plan Urban Flood Hazard Overlay rules. A new PC6-specific rule (NH-R14) is then introduced that enables hazard sensitive buildings within the Urban Flood Hazard Overlay to either be permitted if they are located in Residential Area 'A' (one of the existing already developed foundation areas) or the Hub, as the modelling has shown that these parts of the site, whilst within the Urban Flood Hazard Overlay, are not exposed to a High Flood Hazard; or are permitted if they meet the FFL level as defined on a new contour map introduced to the Operative Plan as a new Appendix 1 to the Natural Hazards Chapter.
- 5.8 The contour map takes the findings of the model and translates these into a series of contours that show the FFL's required to ensure future buildings are not exposed to flood risk. In essence, the Appendix is a mapped form of the Council certification method. In addition to the land use rules addressed in the Natural Hazards Chapter, PC6 also proposes an exemption from the restricted discretionary subdivision rule SUB-R1(4) where it can be demonstrated that future hazard sensitive buildings can comply with the FFL requirement. The flood risk is likely to be managed primarily via bulk earthworks to form building platforms. It is therefore necessary to also assess whether such filling would divert flood water onto adjacent land, thereby exacerbating flooding for neighbouring properties. It is noted that given the modelled flood scenario is reliant on the Kowhai River breaking through the existing true left stop bank network, the adjacent golf course land will already be flooded by the same break out regardless of any displacement effects.
- 5.9 Mr Clease, in the section 42a report and in his closing address, advised he is comfortable with the proposed regulatory approach. He noted that the outcomes sought by the Operative Plan are maintained, namely that high flood risks are identified and appropriate FFL's are set. The Appendix contour map introduces certainty for future housebuilders as to design requirements, with the contours based on an appropriately conservative set of modelling inputs. He also noted that in addition to the District Plan, both subdivision and land use activities are also subject to s106 RMA which provides an additional regulatory mechanism for Councils to manage natural hazard risks. Mr Clease considered it is likely that Kowhai River flood risk will have a 'low' categorisation in terms of the National Policy Statement on Natural Hazards ('NPS-NH') in terms of existing risk (with current stop banks maintained as mitigation). The residual risk in the event of stop bank failure is also likely to be 'low' with the setting of FFL's as mitigation. Mr Clease considered the proposed approach to managing flood risk aligns with the outcomes sought in the

¹⁹ S42A report, paragraphs 9.30 – 9.32

NPS-NH policy framework, in particular it adopts a proportionate and risk-based approach to managing geotechnical-based natural hazards.

- 5.10 ECan's submission on PC6 was 'neutral', but it said ECan would be generally supportive of the proposal if the applicant proposed to avoid or where not practical, mitigate the natural hazards identified. It was concerned Ms Patchett's modelling was not as conservative as suggested and that there was need for a geomorphic assessment to 'reality check' the computer modelling and identify any high hazard areas or required mitigation options for a 500-year ARI event.
- 5.11 In his statement of evidence, Dr Stecca (geomorphology expert for CSL) confirmed that he had subsequently undertaken further modelling and evaluation to address the concerns raised in the ECan submission. He concluded that:
- the flood modelling undertaken by PDP and Ms Patchett accurately captured the flow path that was likely to be taken if flooding from the Kōwhai River occurred, and that the PDP modelling could therefore be used to identify High Flood Hazard Areas;
 - Ms Patchett's modelling was based on a scenario which was "extremely unlikely" and very likely overestimated the flooding which would occur at the development in a 500-year ARI flood event. The minimum floor levels calculated from the flood depths described by that modelling would therefore likely exceed what was required to mitigate risk from that event; and
 - Erosion of individual building platforms, and questions of egress, would nonetheless need to be carefully considered as part of their design at the subdivision stage.
- 5.12 In her statement of evidence Dr Wild agreed that the PDP modelling was suitably conservative following Dr Stecca's review²⁰. However Dr Wild then suggested that the modelling failed to account for gravel transport and deposition, and further work should be done on this. CSL's closing legal submissions noted this was a matter which Dr Wild had originally considered was managed appropriately by accounting for 2 metres of aggradation, subject to confirmation from a geomorphic expert²¹, and that no explanation had been given for this change of position.
- 5.13 At the hearing, Dr Stecca advised that the further work requested by Dr Wild would be an expensive and time consuming task. He said that given the dynamic nature of the river system this modelling would not actually provide any additional usable information.
- 5.14 Mr Jones in planning evidence noted that the principal scenarios relevant to an evaluation of risk under the NPS-NH are the baseline and residual scenarios²². These require modelling a 500-year ARI event, plus climate change. His evidence was that both scenarios are evaluated as only having a low level of risk.²³ He said that CSL has in response to ECan's submission now gone further by considering a 'design' scenario which modelled an extreme set of circumstances to demonstrate, beyond all

²⁰ Statement of Evidence of Michelle Wild (24 April 2026) at 18–20.

²¹ ECan Submission at page 8.

²² Statement of Reply Evidence of Jason Jones (4 May 2026) at 24; and NPSNH, cl 3.2(2).

²³ Statement of Evidence of Steph Patchett (17 April 2026), Table A4.

doubt, that the floor level requirements for buildings in the Farm area were sufficient to mitigate risk beyond the level necessary.

5.15 The set of extreme circumstances in the design scenario were:

- *Aggradation of 2 metres* - Dr Stecca's assessment was that there is unlikely to be any aggradation at all near the development, and it conservatively ignores all gravel extraction activities from the river and assumes that KiwiRail will take no action to protect the rail bridge;
- *Total failure of the stop bank* – In Dr Stecca's assessment it is very unlikely that a bank failure would happen precisely with the geometry that maximises flows in the development, and it is very likely that the scenario assumed by Ms Patchett foresees a greater flow breakout than in reality²⁴; and
- *Single breakout point* - Dr Stecca considered this to be an unrealistic assumption as the flood protection in the Kaikōura plains has a return period of approximately 20 years and it is very unlikely that there would not be breakouts upstream of the development during a flood of the magnitude of the design flood²⁵.

5.16 Ms Patchett's evidence was that adopting this design scenario will result in an increased risk of flooding, but even then, it will only rise to 'medium'. She said that with the floor level mitigations proposed, the risk from this scenario is reduced to 'low'²⁶, and this includes issues relating to egress (which had been raised as a concern by ECan's witnesses). Both Ms Patchett and Mr Jones noted that constraints relating to access and egress would be relevant matters to consider when consenting any subdivision and can readily be addressed in design.

5.17 As noted in Section 3.0 of our Report on 'Process Matters' the Panel has been particularly mindful of the recent extreme flooding events in Kaikoura that occurred during this process. This resulted in supplementary statements of evidence from Ms Patchett and Dr Stecca regarding the extent of flooding, and a further statement from Dr Stecca on the aggradation and modelling that had been carried out²⁷. We were satisfied from this statements that aggradation has been properly factored into CSL's modelling for future flooding events.

5.18 We heard planning evidence with respect to the appropriate flood mapping approach. Mr Clease advised that he agreed with Mr Jones that establishing the target FFL's would effectively 'front load' the research needed as part of an alternative certification approach and in doing so provides certainty to future District Plan users. He said that for PC6 considerable research has been undertaken by qualified experts to provide a more efficient and certain consenting process than the operative certification pathway (which requires people wishing to build to obtain a certificate that draws on information held by Councils).

5.19 Ms Watt, in her planning evidence for ECan, supported the operative certification approach as she considered it enables future applications to be informed by the latest

²⁴ Geomorphic Assessment Addendum, page 7.

²⁵ Geomorphic Assessment Addendum, page 8.

²⁶ Statement of Evidence of Ms Patchett (17 April 2026), Table A4.

²⁷ Further Supplementary statement from Dr Stecca, 5 August 2026

knowledge, should environmental circumstances change or new information become available. Mr Clease agreed with Mr Jones in that it does so however at a cost of certainty and efficiency, and they preferred the PC6 approach as being more effective and efficient particularly given the high level of conservatism built into the FFL approach. As noted in Section 3.0 of our Report Ms Watt had recommended some additional assessment matters be added to the operative provisions to apply to the PC6 site, and we do not consider we have the jurisdiction to consider these further.

- 5.20 Mr Clease considered overall that the risk exposure generated by PC6 is acceptable in terms of both NPS-NH and Canterbury Regional Policy Statement ('CRPS') directions, that the mitigation proposed is proportionate and able to be readily implemented via bulk earthworks as part of future subdivision stages, and that the proposed rule framework delivers the requisite level of certainty, efficiency, and effectiveness.

Our Findings

- 5.21 We consider the body of evidence in support of how flood risk is managed by PC6 is comprehensive and has been well examined by the submitters and the Panel throughout this process including in response to the recent flood events in Kaikōura.

- 5.22 In particular, we accept:

- The evidence of Ms Patchett that flood risk modelling prepared for PC6 demonstrates fluvial flood risk has been managed in a proportionate way for the plan change area, and takes into account flood flows which in all likelihood go beyond the worst case scenario;
- The planning evidence of Mr Clease and Mr Jones that the flood risk assessment is conservative, and the mitigation FFL approach is a more certain and efficient approach for development of the PC6 land given the breadth of work that has already been done to provide the best available information on flooding; and
- The evidence we received from Ms Patchett and Dr Stecca immediately following the recent extreme flooding events, which supports the assumptions used in the modelling.

- 5.23 We do not consider further modelling of gravel aggradation and transportation in the Kōwhai River Is required, as suggested by ECan. In that regard we accept the evidence of Dr Stecca as the only geomorphological expert in these proceedings.

- 5.24 As such, on the evidence before us, the Panel has confidence that flood risk issues are proportionately, adequately, and appropriately addressed by PC6.

Maximum height limit in the Hub area

Issue identification & evidence

- 5.25 There was broad agreement between the Council landscape expert (Mr Bentley) and CSL's landscape expert (Ms Wilkins), that the landscape effects of the overall development as addressed in the Design Statement and the proposed suite of controls are acceptable. In terms of visual effects, Mr Bentley considered that the site,

being already zoned for urban purposes and supported by the ODP framework, has sufficient capacity to absorb the greater density proposed in PC6. He considered the proposal demonstrates a deliberate approach to integrating development with the site's topography and existing planting, providing an overall acceptable visual outcome.

- 5.26 The only outstanding matter for landscape and visual aspects is the proposed height of an area in the mixed-use area, located in the northwest corner of the Hub Area (at the corner of Ludley Drive and Ocean Ridge Boulevard).
- 5.27 In his advice as part of the section 42a report Mr Bentley did not reach a firm view as to the acceptability of the 15 metre height limit, but rather suggested further assessment should be provided to evaluate the effects of buildings of up to that height on the local and wider context. His concern was that this would introduce buildings of 4 to 5 stories in height, which is greater than the permitted height of 10 metres for buildings within the Commercial and Mixed Use Zone in the Kaikoura township.
- 5.28 Mr Bentley noted that the Hub is located on the flatter land close to the highway. He said that whilst much of it is set back (due to the stormwater reserve/ Kekenno Park) and will be seen against the adjacent hill from the State Highway, buildings of up to 15 metres could nevertheless appear reasonably prominent from adjacent residential areas. He acknowledged that the maximum height of 15 metres will not be uniformly applied across the Hub area but was concerned this height may be too tall for this area. He suggested that potentially reduced heights (in the range of 11-12 metres for example) would be more appropriate to avoid dominating the local area.
- 5.29 In her statement of evidence Ms Wilkins responded by providing further assessment of height limits in this area. Her conclusion was that the 15 metre height limit is appropriate from a landscape, urban and visual amenity perspective, for this sub-section of the Hub, for the following reasons:
- The height increase (of up to 7 metres) does not detract from the City Centre as other comparative factors of extent, bulk, scale and mitigation contribute to the overall outcomes (for example this part of the Hub is only 0.79 ha in area);
 - The location for the height increase was carefully considered and chosen based on site responsive factors and urban design provisions and objectives;
 - The resulting visual effects assessment, informed by extensive ZTV mapping, geo-modelling, affected parties, or visual effects in surrounding areas have not determined any affected visual parties because of the scale increase;
 - The Landscape and Visual Assessment ('LVA') and the corresponding Peer Review by Boffa Miskell did not determine visual effects are adverse or scaled more than 'less than minor', and this included the area in The Hub with a proposed height limit of 15 metres; and
 - Substantial mitigation measures would be considered to address the perceived bulk of any buildings.
- 5.30 Mr Cleese supported a reduced maximum height limit, of 11 metres, for this area. He was concerned that:

- The PC6 rule package only requires qualitative urban design assessment where any building contains multi-unit residential activity, and so any office, hotel, or any other non-residential building will not require a qualitative design assessment. He suggested that an alternative framework would be to permit buildings up to 11 metres in height, with buildings between 11-15m subject to a restricted discretionary consenting process with matters of discretion designed to capture urban design matters;
- Whilst he supports the inclusion of the Hub area as a focal point for the local community, this should not require a 4-5 storey building, and would essentially allow a mid-rise office block or a hotel neither of which would align with the role and function of a neighbourhood centre; and
- The proposed height limit is incongruent with the height limits in the town centre commercial zone.

5.31 Mr Jones agreed with Mr Clease that it is relevant to consider the proposed height limit in the wider township context. However he noted that the operative Plan enables buildings outside the town centre up to 15m in the Light Industrial Zone, which is further to the west of the township than the ORD Area. He also questioned whether it is appropriate to rely on the existing Plan settings in the main Commercial Zone, particularly in light of the recommendations contained in a report commissioned by Council under section 35 to assess the efficiency and effectiveness of the operative District Plan settings²⁸. He said the s35 report noted the existing 10m height limit reduces the opportunity for larger developments which may otherwise increase economic activity in Kaikōura, and it therefore had recommended consideration be given to increasing building height and coverage limits.

5.32 Mr Jones therefore considered it is more relevant in this case to ensure the proposed building heights in PC6 are appropriate to the local context rather than to focus on wider urban form issues and coherence. He considered, based on Ms Wilkins' evidence, 15m high buildings in this limited area within the Hub can be absorbed into the landscape and will not result in inappropriate dominance on the local environment. He said the 15m height limit would realistically provide only for a 4 storey building rather than up to 5 stories as envisaged by Mr Clease, and he did not share Mr Clease's concerns that the limited 15m height area risks overstepping the Hub's intended function as a neighbourhood centre.

Our Findings

5.33 We consider the evidence from CSL has appropriately responded to concerns raised by Mr Bentley and Mr Clease, noting also there were no submissions contesting the proposed height limit.

5.34 Firstly, we accept the evidence of Ms Wilkins that the inclusion of a discrete area of increased height in this location is not comparable to an urban core. Rather it functions as a small, complementary component on the edge of the centre. We agree that height alone is not determinative of whether commercial activity is subordinate, rather its very limited spatial extent (0.79 ha), and separation, ensures the development remains visually and functionally subordinate to the Kaikoura town centre which is substantially larger, more centrally located, and more diverse in

²⁸ Kaikoura District Plan Monitoring: Kaikoura District Council Commercial and Residential Chapters (10 February 2026), Perspective Consulting Ltd

activity and built form. This point is aptly summarised in her statement: *“The Ocean Ridge area would provide a modest, complementary commercial presence that offers a brief expression of township character, contributing positively to local vitality without competing with the established centre²⁹”*.

- 5.35 We also note from Ms Wilkins' evidence that the operative District Plan already provides for buildings up to 15 metres in the Light Industrial Zone outside the town centre, demonstrating that this level of height is an accepted component of the broader urban environment. In addition, from Mr Jones' evidence, the Council-commissioned s35 report has raised the possibility of the need to increase maximum height limits in the city commercial zones to maximise efficiency of built form.
- 5.36 Secondly, we accept Ms Wilkins' evidence regarding the careful selection of this site through the masterplan process for development of this kind and height. As a result, it is positioned adjacent to extensive open space, existing vegetation, and riparian margins to the west and south, and is set against a steeply contoured hillside backdrop to ensure built form will not break the skyline or ridge lines but will instead be absorbed into the natural landform and the existing topographical setting. The taller development is also set back as far as practicable from the State Highway, from which visual exposure will be limited and brief.
- 5.37 We are also satisfied that the LVA assessment and its peer review have concluded visual effects will be no more than minor in nature and are not expected to result in increased visual dominance or adverse effects on residential outlook from the adjacent Ocean Ridge residential areas. It is also relevant that there are no submissions from adjacent residents opposing the 15 metre height limit. When considering the proposed setbacks, landscape treatment, and open space provisions, as outlined by Mr Jones, we agree that the increase in height is not anticipated to give rise to additional adverse visual effects.
- 5.38 For those reasons we accept Mr Jones' evidence that the rule framework to enable buildings up to 15 metres in this limited area of the Hub is appropriate and meets the s32 tests. We see no need, on the evidence, to introduce additional design control standards for those parts of buildings in excess of 11 metres in height, as was suggested as an option by Mr Clease.
- 5.39 Having now concluded that the maximum building height limit for the Hub is appropriate and need not be reduced to 11m as suggested by Mr Clease and Mr Bentley, it is not now necessary for the Panel to determine our scope, or jurisdiction, as traversed in Section 3.0 of this Report to make a change in the absence of a submission requesting this. We have found, on the merits of the evidence in contention, that the maximum height limit proposed in PC6 is appropriate and we do not recommend any change to the proposed provisions.

Classification of Wetland 2

Issue identification & evidence

- 5.40 There was broad agreement between the ecology experts (Mr Lowe for CSL) and Dr Blakely (for Council) that the parts of the site that are yet to be developed for housing have low ecological values (beyond identified waterways and wetlands), as they are

²⁹ Ms Wilkins evidence, paragraph 47

primarily comprised of exotic pasture. There is likewise agreement that the existing, established restoration areas should be retained, as is proposed in PC6 and that the proposed PC6 restoration plan is appropriate and will result in positive ecological outcomes.

- 5.41 The one point of difference between the experts concerns the categorisation of a wetland within the Greenlane sub-area (upper/northwestern end of 'Wetland 2').
- 5.42 Mr Lowe's evidence was that three detailed site investigations had been carried out with his colleague, Ms Kate McIntosh, and the natural inland wetlands and freshwater bodies were identified in the ORD Area and mapped on the ODP. Mr Lowe's view was that the area in question is more accurately identified as an ephemeral stream than a natural inland wetland.
- 5.43 Dr Blakely considered this area should be classified as a natural inland wetland. Part of the rationale for that assessment was that if the area was identified as natural wetland this would mean it can then be subjected to future compliance and assessment under relevant national and regional planning instruments (i.e. the NPS-FM and the NES-F). Dr Blakely was also concerned that if the area was not delineated wetland on the maps, then this may mislead a plan user into thinking that regional consent is not required.
- 5.44 Mr Jones, in his planning evidence, said he agreed with Mr Clease that regardless of whether the area is deemed natural inland wetland or ephemeral wetland this does not materially affect the appropriateness of PC6. He considered the key point is that the operative Plan anticipates that this specific area will be subject to restoration planting and PC6 maintains that same approach, and the anticipated environmental outcome arising from PC6 will still be a net positive. Mr Jones also said that the rationale used by Dr Blakely, regarding the advantage of being able to implement the regional planning instruments, was not a factor in itself that goes to determining the appropriate classification of the wetland in question.
- 5.45 CSL's closing submissions noted that classification in the District Plan will not affect regional consenting requirements which will remain the same. It was also noted that the requirement for consent extends over a 100m buffer zone around any natural inland wetland³⁰, and that as there are natural inland wetlands dotted across Ocean Ridge, this consenting requirement will apply to quite significant portions of the plan change area. As a result the likely starting point for any consenting planner assessing the activity will be that the NES-F requirements apply. It was also pointed out that an advice note in the rules, to identify that NES-F consents may be required from ECan for earthworks, already ameliorates any risk that plan readers might not be aware of regional consents being required.

Our Findings

- 5.46 The Panel considers this matter of disagreement between the ecology experts is very minor, particularly in the context of the overall agreement that the provisions in PC6 will ensure continued and improved enhancement of the ecological values of the site.
- 5.47 In assessing Mr Lowe's evidence, and from our own observations on the site visit, we consider we have no cause to doubt his classification of this wetland as ephemeral.

³⁰ The relevant parts of the NES-F are regs 45C and 52, which control earthworks and water takes within a 100m setback from a natural inland wetland (and vegetation clearance within 10m).

Whilst we respect Dr Blakely's assessment, overall from a planning viewpoint we accept the evidence of Mr Clease and Mr Jones that in essence there is not a lot riding on this. Ultimately the area in question is to be retained as a natural open space and ecologically restored. We also note there were no submissions on these provisions.

- 5.48 The evidence, and as supported by the legal submissions of CSL, was that this is essentially a regional planning matter. Regional consents will be required regardless of the district plan classification we were to settle on for this one wetland. We are also satisfied that the advice note in the rules, and the application of regional consents required for earthworks and subdivision within 100 metres of the many wetlands across the Site will mean there is little or no risk of plan readers not being aware of their obligations to obtain the appropriate consents.

Changes to the new Native Restoration Planting Management Plan ('NRPMP')

Issue identification & evidence

- 5.49 Mr Clease recommended three changes to the updated Restoration Management Planting Plan relating to: pest plant management; future lizard surveys; and flammability as a relevant factor for determining species mix.

(a) Pest plant management

- 5.50 Regarding pest plant management, Mr Clease's recommendation stems from Dr Blakely's opinion that site-wide pest-species management in existing and proposed planting areas should be undertaken.
- 5.51 As noted by Mr Lowe, existing restoration areas have been established via the implementation of previous subdivision consents, which include conditions requiring the ongoing protection and maintenance of those areas. Consent notices have been registered on the relevant titles to that end. Mr Lowe's view was there is no need to also require retrospective pest management of those areas via the updated NRPMP.
- 5.52 Mr Jones noted that the updated NRPMP is primarily focussed on new restoration areas. It introduces a time-bound maintenance period for pest plants following the establishment of new restoration areas, being a minimum of 5 years. This aligns with the development requirement 3.5 in the ODP, which requires plant grades and densities to be established to achieve 80% canopy enclosure within 5 years. Mr Jones considered that the Restoration Management Plan, as notified, provides appropriate direction on maintenance of restoration areas.
- 5.53 We agree with the evidence of Mr Jones and Mr Lowe, that there is no need to change the new NRPMP to require retrospective pest management of areas subject to previous subdivisions, and with consent notices requiring this in any event.

(b) Future lizard surveys

- 5.54 Dr Blakely and Mr Clease recommended there be a requirement for future lizard surveys. Mr Jones said, consistent with Mr Lowe's evidence, that he cannot recall such a requirement being imposed with proposed plans and plan changes. Mr Lowe said that lizards are absolutely protected under the Wildlife Act 1953, and accordingly there

is no need to duplicate that regulatory function through a requirement in PC6. Mr Jones saw no need to make amendments to the Restoration Management Plan in this regard.

- 5.55 Mr Clease, in his closing Summary Statement³¹, supported inclusion of an Advice Note on obligations under the Wildlife Act. He said this should be included in the Native Planting Restoration Management Plan rather than the District Plan, as the NRPMP will become the starting point guide for any future subdividers.
- 5.56 CSL, in closing submissions³², said that an advice note regarding lizard surveys could be acceptable, provided this simply directs plan users to the Wildlife Act and indicates that wildlife permits may be required in respect of lizard populations in the area.
- 5.57 We note CSL's acceptance that an Advice Note can be added to the new NRPMP to alert plan users, and consider this is justified based on Dr Blakely's evidence.

(c) Flammability of planting

- 5.58 FENZ's submission requested that future restoration planting efforts should incorporate low flammability species as far as practicable.
- 5.59 Mr Lowe considered that the planting mix provided in the current restoration plan is optimal for the maintenance and enhancement of ecological and biodiversity values. Mr Jones supported that, noting also that the proposed planting mix in the restoration plan is the most appropriate from an ecological perspective, and by extension, this will best implement the operative and proposed objectives and policies regarding ecological outcomes particularly for the ORD Area.
- 5.60 In response to FENZ's submission Mr Lowe provided for consideration a modified species list, which included some vegetation with low flammability properties. As explained by Mr Jones, this would not best suit the ecological outcomes but would at least reduce the uncertainty and inefficiencies that come with the 'far as practicable' matter of control suggested by FENZ when it comes to determining vegetation species with low flammability ratings at a later date as part of a consenting process.
- 5.61 Mr Clease suggested, in his closing statement, an alternative to 'locking-in' one species mix or another would be to update the Native Restoration Management Plan text to include an additional criteria requiring consideration of wildfire risk as one of the matters in designing the planting plans for future subdivision areas.
- 5.62 CSL, in its closing submissions, said it did not agree with Mr Clease's suggestion as this change to the Alternative NPRMP would introduce uncertainty to what has been intentionally designed as a plan which is simple to interpret and implement. It further submitted that it should not be necessary to adopt the modified planting species list in Mr Lowe's evidence given the access to reticulated water supply within the development, and the wetland/riparian context of much of the planting.
- 5.63 Finally we note that the letter tabled at the hearing from FENZ stated that it "*supports a balanced condition approach proposed by Mr Jones, provided it achieves the intent of its submission*"³³.

³¹ Mr Clease, Summary Statement, paragraph 23

³² CSL Closing Legal Submissions, paragraph 93

³³ FENZ letter from Beca Consultants, 30 April 2026

- 5.64 We accept the evidence of Mr Lowe, and Mr Jones, that the planting mix provided in the current restoration plan is optimal for the maintenance and enhancement of ecological and biodiversity values. Whilst Mr Lowe provided an alternative list, including non-flammable species, we agree that this would be sub-optimal from a s32 perspective in achieving the objectives and policies of PC6.
- 5.65 In considering the issue further, we note there was no evidence that there is a particular fire hazard risk at this site, and we also note the wetland and riparian context of much the planting, and that there will be access to water including via reticulation. We are also mindful that FENZ provided no evidence to support their submission, and in its tabled letter it supported the 'balanced condition' approach from Mr Jones' evidence.
- 5.66 For those reasons we are satisfied on the evidence we received that no changes need to be made to the NRPMP to address flammability of vegetation.

Our Overall Findings

- 5.67 Having carefully considered the evidence on the above matters, for the reasons outlined under each sub-section above, we consider that no changes are required to be made to the new Native Restoration Planting Management Plan other than the inclusion of an Advice Note relating to obligations under the Wildlife Act, specifically that wildlife permits may be required in respect of lizard populations in the area.

Fire-fighting water supply

Issue identification & evidence

- 5.68 The submission by Fire and Emergency New Zealand (FENZ, S22) seeks a package of bespoke provisions for the ORDA that includes explicit reference to SNZ PAS 4509:2008 in both the subdivision and land use ORDA chapters.
- 5.69 Mr Cleese did not support this request. He noted that there is currently no reference to the SNZ code in any of the other zone chapters or subdivision provisions in the Operative Plan. He also noted that the code of practice is currently being reviewed and it would be problematic if the existing code was locked into the subdivision and ORDA chapters only to be superseded in the near future. Overall he considered that the Operative Plan provisions, in combination with the by-law, are appropriate for managing firefighting supply, and does not support including bespoke provisions that differ from how this matter is consistently addressed through the Operative Plan across the balance of the District.
- 5.70 Mr Jones, in his evidence, agreed with Mr Cleese that firefighting water supply can be addressed through existing regulatory frameworks and consent stage processes and he did not support additional prescriptive provisions to be included in the District Plan for this site.
- 5.71 In its letter to the Panel, FENZ responded by stating that its position remains for explicit reference to be made to SNZ PAS 4509:2008. It also acknowledges the existing provisions and the Council Water Supply Bylaw 2020 provide for firefighting water supply.

Our Findings

- 5.72 We accept the evidence of Mr Clease and Mr Jones on this aspect, noting that we received no evidence from FENZ to persuade us otherwise.

6.0 OTHER TOPICS

- 6.1 In this section we briefly record our findings on the remaining issues addressed in the section 42A report. For these topics we received no evidence from submitters to contest CSL's evidence, and other than for those aspects addressed above all of the recommendations made by the Council-commissioned reports have been accepted by CSL.
- 6.2 We also briefly address the relevant policy framework for these points, as was the approach in the section 42A report. These topics are set out below:

Land Suitability – Geotechnical hazards (NPS-NH)

- 6.3 Parts of the PC6 site are subject to potential natural hazards associated with liquefaction, slope stability and flooding (the management of flood risk has been addressed in Section 5.0 of this Report).
- 6.4 The PC6 request included a geotechnical report prepared by Fraser Thomas Limited. This concluded the liquefaction risks are 'none to minor' and the slope instability risks are able to be appropriately managed to meet S106 RMA requirements. Mr Clease in his section 42A report noted that whilst the report was prepared prior to the NPS-Natural Hazards these findings would appear to align with a 'low' categorisation under the NPS-NH matrix.
- 6.5 Mr Clease generally accepted the findings of the Fraser Thomas report. He recommended adding a new matter of control to SUB-R1(1)(4) to ensure consideration of slope stability is captured as part of the subdivision process. This was accepted by CSL, as confirmed in Mr Jones' statement of evidence³⁴, and the amendments were included in the updated provisions.
- 6.6 We accept Mr Clease's evidence³⁵ which summarises the issue of geotechnical hazards, i.e.
- PC6 is consistent with the outcomes sought in Policy 3, namely that development in areas with very high hazard risk be avoided and that development will not result in significant hazard risks to other sites (following mitigation), as required in Policy 4.
 - PC6 meets the direction contained in the NPS-NH regarding a proportionate and risk-based approach to managing geotechnical-based natural hazards.

³⁴ Mr Jones, Evidence in Chief, paragraph 32

³⁵ s42A report, paragraphs 9.1 – 9.18

Land Contamination (NES-CS)

- 6.7 The Preliminary Site Investigation ('PSI') prepared by Fraser Thomas Limited assessed the site for potential soil contamination principally from farming activities, in terms of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health ('NES-CS'). The PSI does not identify the site as being likely to contain extensive areas of contamination that would pose risks to human health and that could not be effectively remediated.
- 6.8 Mr Clease's view was the PSI/ Detailed Site Investigation ('DSI') processes in the NES-CS together with the existing subdivision matters of control to manage soil contamination will collectively provide a well-established process for managing the risk to human health when changes in land use occur. He considered *"there is nothing to suggest that the potential contamination is of a type or extent that would render the land incapable of being remediated or made safe for residential or business development"*³⁶. We accept his evidence on this.

Highly productive land (NPS-HPL)

- 6.9 We accept Mr Clease's evidence that the National Policy Statement on Highly Productive Land ('NPS-HPL') is not particularly relevant in this case.
- 6.10 PC6 site is a long-established Development Area zone in the District Plan, and it is not therefore zoned either 'General Rural' or 'Rural Production'. He said that whilst parts of the Development Area are yet to be developed and are currently being utilised for pastoral farming activities, in terms of the NPS-HPL the future urbanisation of the site has been settled. The site is not therefore deemed to be highly productive land and the amendments sought though PC6 are not subject to the NPS-HPL policy directions³⁷.

Infrastructure servicing – water, wastewater, stormwater (NPS-I)

- 6.11 The National Policy Statement for Infrastructure ('NPS-I') came into force after PC6 was notified. The NPS-I provides national direction for the construction, operation, maintenance, upgrade, and removal of infrastructure. Very broadly, it provides balancing recognition of both the benefits that infrastructure brings and the practical constraints as to where it can be located.
- 6.12 The NPS-I has implications for PC6 only in terms of subsequent consenting processes necessary to deliver the infrastructure needed to ensure the development of this land is integrated with services. The NPS-I also reinforces the need to ensure new development does not adversely impact on the operation of existing network infrastructure, for example the proposed new Hub access point to SH1 and the development of housing in close proximity to the adjacent rail corridor and SH1. Mr Clease was satisfied that the proposed suite of provisions suitably addresses these matters. He also noted that KiwiRail have not submitted on the plan change and NZTA has confirmed it is comfortable with the notified provisions³⁸.

³⁶ s42A report, paragraph 10.5

³⁷ S42A report, paragraph 11.4

³⁸ S42A report, paragraph 12.7

- 6.13 The PC6 request includes an assessment of 3-waters infrastructure servicing, which was reviewed by Mr Day, Council's Service Delivery Manager, who also considered a report prepared for the Council by Stantec in 2023 to help inform Council's assessment of PC6 and to feed into Long Term Plan budget processes.
- 6.14 Ocean Ridge is currently serviced for potable water supply via two on-site bores located adjacent to Greenburn Way, with treatment at source. Mr Day was satisfied there are plausible potable water supply solutions available, including connecting Ocean Ridge to the Council's wider reticulated network or upgrading the existing on-site bores (or new additional bores) and an expanded local treatment and distribution network. He noted the existing storage volumes will need to be increased to provide network resilience and firefighting capacity for the additional housing proposed through PC6, but those matters can be readily confirmed through the subdivision process.
- 6.15 Ocean Ridge is currently connected to the Council's wastewater treatment plant and a conveyancing network of pump stations and rising mains. Mr Day confirmed that the treatment plant has sufficient capacity to treat the additional volume enabled through PC6. Whilst the conveyancing network will require several upgrades to convey the additional wastewater from the site to the treatment plant, he has confirmed that such upgrades are straight forward in terms of engineering design and implementation and will be subject to suitable cost sharing arrangements as part of the subdivision process. Overall, Mr Day was satisfied that the additional development enabled by PC6 can be serviced for wastewater, subject to aligning localised network upgrades with ORDA build-out.
- 6.16 The site's existing stormwater management system is designed around first-flush sumps and attenuation through managed waterways and basins. CSL's stormwater assessment, by Fraser Thomas, includes updated modelling to better capture the effects of climate change driven increases in rainfall event intensity. Mr Day accepts that the on-site treatment and attenuation of stormwater can be designed to manage 10 year and 100 year events and thereby not increase off-site flooding. Mr Day has concluded that the increased development enabled through PC6 can be serviced for stormwater.
- 6.17 Mr Cleese noted that the detailed design of stormwater systems and associated water quality treatment is subject to both subdivision and regional consenting processes. He considered the type of systems and solutions proposed for PC6 are standard systems that are commonly delivered³⁹.
- 6.18 Based on the evidence outlined above, the Panel is satisfied that the proposed servicing for the PC6 site to accommodate the additional growth has been properly assessed, and that design of water supply and wastewater treatment aspects can be further assessed and solutions identified as part of the subdivision and regional consenting processes. The servicing of the site is in accord with the NPS-I.

Transportation

- 6.19 The key transport network change is the Green Lane link to the northwest, which is to be delivered via the Government's Infrastructure Acceleration Fund ('IAF'). This route provides an alternative option for Ocean Ridge residents to access the High School and town centre without needing to travel along SH1. Mr Day, who also oversees the

³⁹ S42A report, paragraph 12.21

Council's roading and transport assets, has confirmed that the Council is a party to the IAF project and the associated new road link.

- 6.20 PC6 also proposes a new left out only access onto SH1 from the Hub area. Mr Clease noted that this new access is not a required upgrade to mitigate a transport-related effect but rather is simply included in the ODP as an option. However, NZTA has confirmed it is comfortable with the rule framework proposed in PC6 in regard to this, noting that NZTA retains discretion as asset owner regarding detailed design and formation of this new access.
- 6.21 The safety and efficiency of the current site entrance of Ocean Ridge Boulevard and SH1 was considered in CSL's Integrated Transport Assessment. That report, by Novo Group, confirms the intersection will continue to operate to an appropriate level of service and safety with the additional housing and commercial activity enabled through PC6.
- 6.22 In terms of the planning framework, Mr Clease noted that the Operative Plan requirement that no more than 168 residential units be built prior to the Green Lane link being in place remains part of the PC6 package⁴⁰. This rule remains key to ensuring acceptable transport outcomes at this intersection by retaining a cap on households (and therefore vehicle movements) prior to an alternative access route being available and the localised traffic movements redistributed across both accesses. Whilst the ORDA is exempt from the High Traffic Generation rule in the transport Chapter (TRAN-S4), the ability to assess traffic effects remains a matter of discretion for any activities that seek to exceed the permitted GFA caps.
- 6.23 Pedestrian and cycle connections are also provided to link the ORDA to the town centre. Mr Day has advised that such links are currently programmed by the Council to connect the Green Lane extension to the existing shared path that currently runs between the town centre to the High School along Ludstone Road. There is also provision expected for a shared path and walking tracks within the ORDA, as well as several internal local road upgrades and dedicated parking areas within the Hub.
- 6.24 Based on the evidence of Mr Clease and Mr Day, and the correspondence received from NZTA, the Panel is satisfied that the additional development enabled by PC6 can be serviced with transport infrastructure and that the safety and efficiency of the wider road network will be maintained.

Ecology

- 6.25 The Ocean Ridge development site has been conceived from the start as a series of residential sub-areas set with a framework of native planting and ecological restoration. A key element of PC6 is the retention of all existing ecological restoration areas. No existing native vegetation is to be lost, with any gaps in the existing areas to be in-filled with 2.5ha of supplementary planting.
- 6.26 In section 3.0 above we noted one item of contested evidence concerning Wetland 2. However, we also noted that there is nevertheless broad agreement between the Ecological Impact Assessment undertaken by Morphem for CSL and Council's landscape adviser that the parts of the site yet to be developed for housing have low

⁴⁰ PC6, Operative Plan Amendments, Subdivision Chapter, rule SUB-S10(2)

ecological values, that the established restoration areas should be retained, and the proposed PC6 restoration plan will result in positive ecological outcomes.

- 6.27 Mr Clease suggested an amendment to Clause 3.5 of the ODP narrative to ensure that the outcomes sought by PC6 regarding infill planting are able to be triggered by larger-scale subdivision of the undeveloped sub-areas. His suggestion was accepted by CSL and was included in the updated provisions. Mr Clease was comfortable that the proposed revised regulatory framework will remain effective in requiring the restoration areas to be established and maintained.
- 6.28 He also advised that the National Policy Statement for Freshwater Management 2020 ('NPS-FM'), and the associated National Environmental Standards for Freshwater Management ('NES-F'), together provide nationally consistent policy direction and regulation to control activities that may affect freshwater environments, including freshwater wetlands. The National Policy Statement on Indigenous Biodiversity 2023 ('NPS-IB') likewise provides consistent national direction on how effects on indigenous biodiversity are to be managed. Mr Clease said that, in reliance on the high level of agreement between the ecologists that PC6 will result in positive ecological outcomes, he agrees with the assessment in Table 4 of the Requestor's s32 report that PC6 meets the higher order national direction in regard to how freshwater and indigenous biodiversity values are to be management.
- 6.29 The Panel accepts the evidence outlined above on the ecology effects of PC6.

Cultural effects

- 6.30 The PC6 request included an initial assessment on cultural effects, pending consultation feedback from mana whenua. Te Rūnanga o Kaikōura did not lodge a submission. However, following the close of submissions Te Rūnanga provided a letter⁴¹ confirming the engagement process undertaken with mana whenua, the applicant's response to the feedback provided, and the applicant's assessment of *Te Poha o Tohu Raumatī: Te Rūnanga o Kaikōura Environmental Management Plan 2007*. The letter concludes by saying that Te Rūnanga fully supports the plan change and looks forward to ongoing engagement with the applicant as the development progresses.
- 6.31 On that basis we concur with Mr Clease that PC6 has appropriately taken into account the interests of mana whenua.

Landscape and Visual effects

- 6.32 PC6 includes a Landscape and Visual Assessment prepared by Novo Group, which this was peer reviewed for Council by its landscape adviser Mr Bentley. As noted in our assessment in Section 5.0, with the exception of the Hub building heights, Mr Bentley confirmed there is broad alignment between his conclusions and those reached in the Novo Report (and in Ms Wilkins' evidence) concerning effects on landscape, natural character and visual amenity.
- 6.33 Mr Clease's evidence, relying on Mr Bentley's conclusions and the high level of agreement between the landscape experts, was that the changes enabled through

⁴¹ Attached in Appendix 5 of s42A report

PC6 will result in acceptable outcomes from a landscape and visual amenity perspective.

- 6.34 We accept the evidence on this.

Urban Form, Character, Housing and Business Capacity (NPS-UD, CRPS)

- 6.35 Mr Cleese advised that Kaikoura is not subject to the NPS-Urban Development ('NPS-UD') as it does not contain an 'urban environment' as defined, i.e. it does not contain a housing or employment market that is, or is intended to be, greater than 10,000 people.
- 6.36 Notwithstanding that, Mr Cleese considered the matters that contribute to a 'well-functioning urban environment' set out in NPS-UD Policy 1 nonetheless represent good planning practice and also align with the matters found in Chapter 5 of the CRPS which provides direction on urban growth management for the parts of the Region outside of the 'Greater Christchurch' metro area. He noted that the submission from ECan (S26) concludes that PC6 is "generally consistent" with Chapter 5 CRPS directions. We understood Mr Cleese to be satisfied that PC6 is consistent with these policies.
- 6.37 Mr Cleese also considered PC6 is broadly aligned with the growth management outcomes sought through the Spatial Plan, which makes specific reference to the Ocean Ridge Development Area and that it will be further determined through a plan change process. He considered that PC6 enables more efficient use and higher yields from an existing urban-zoned area in a location that has long been identified for urban development and where funding is now available to improve roading linkages and connectivity with the wider urban area.
- 6.38 He also made reference to the Economic Report prepared by Formative which concludes that the GFA limits will ensure that future development will not undermine the role and function of the town centre, whilst remaining commensurate with the demand generated by the full build-out of the ORDA and the associated increase in anticipated household numbers. Mr Cleese also noted that, in terms of the Hub area, along with GFA limits the height limits are another key tool for managing the extent of non-residential activity and associated built form outcomes. We have addressed the Hub height limits in Section 5.0 above, including Mr Jones' planning evidence which supported the proposed height limit in that part of the Hub for reasons including urban form and character.
- 6.39 Overall, we accept the planning evidence that while the NPS-UD is not strictly relevant, PC6 will nonetheless contribute to a 'well-functioning urban environment' and represents good planning practice. We also agree that PC6 is generally consistent with the Chapter 5 CRPS directions.

7.0 STATUTORY EVALUATION

- 7.1 From our assessment the Key Issues in Contention (in Section 5.0), and also the Other Topics Matters (in Section 6.0), which includes an assessment of the relevant statutory documents, we conclude that PC6 meets the relevant statutory tests for evaluating a plan change request as set out in Section 3.0 of this Recommendation Report.

- 7.2 We note that high level of alignment between the planning witnesses, Mr Clease and Mr Jones, in this regard, and we have accepted their evidence on the relevant statutory matters.
- 7.3 We also acknowledge that Ms Watts, for ECan, considered that PC6 is not consistent with the relevant policies of the CRPS as regards the way the natural hazard risk of flooding is managed, and in particular flood risk derived from the Kowhai River. The Panel has concluded that flood risk can be managed to acceptable levels and therefore accept the evidence of Mr Clease and Mr Jones that PC6 aligns with the CRPS directions on risk management. We also accept CSL's legal submissions, as supported by Mr Jones' planning evidence, that the CRPS precedes the more recent direction provided in the NPS-NH and we therefore place more weight in any event on CSL's assessments against the Appendix 1 risk matrix in the NPS-NH.
- 7.4 On that one area of disagreement in the planning evidence, we conclude that we are satisfied that PC6 gives effect to the CRPS and agree with the associated section 32 assessment regarding alignment with these provisions.
- 7.5 Overall, we are satisfied that the provisions of the plan change, as recommended to be amended, are the most appropriate way to achieve the objectives of the District Plan, it accords with Part 2 of the RMA, and meets all other relevant statutory tests.
- 7.6 We also adopt the s32AA evaluations provided by Mr Jones, as supportive of the amendments recommended to be made to the PC6 provisions following its notification. Those changes are considered relatively minor, are in response to the positive suggestions made by Mr Clease, and will overall assist with the efficient and effective implementation of the provisions proposed in PC6.

8.0 CONCLUSION

- 8.1 We consider that, overall, PC6 represents an appropriate review of the existing development provisions which apply at Ocean Ridge. It responds to the opportunities generated by the connectivity improvements, in particular the ability to achieve the Green Lane road link via the Infrastructure Acceleration Fund. It also provides additional housing and a greater range in housing typologies, in an area that has been identified in the Spatial Plan for urban development including an associated neighbourhood centre.
- 8.2 There is also a strong focus on ecological enhancement, and improved landscape outcomes, which are to be commended. It is notable that experts commissioned by the Council to review CSL's own assessments on these matters substantially agreed that the ecological and landscape outcomes would be beneficial.
- 8.3 It is also notable that there were no submissions seeking that PC6 be rejected. It is acknowledged however that a neutral submission by Environment Canterbury appropriately focussed on the flooding hazard issue which is a very important aspect for our consideration of PC6. In that regard, the Panel throughout the process has taken particular care to ensure that the flooding hazard risk is able to be appropriately managed. This was the focus of a considerable amount of evidence, including reports that we directed be provided following the recent significant flood event in Kaikōura.
- 8.4 We acknowledge the evidence provided by Environment Canterbury to assist our understanding of the issue. However, for reasons addressed in detail in our Recommendation Report, we are satisfied from CSL's expert evidence on flood modelling and geomorphic processes that the natural hazard risk is managed

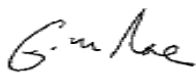
appropriately, and from the planning evidence of Mr Clease and Mr Jones we are also satisfied that the PC6 provisions accord with the proportionate risk profile in terms of the NPS-NH.

- 8.5 In this, and all other respects, we are satisfied the effects generated by the plan change request are able to be effectively managed.
- 8.6 We consider the evidence to be conclusive that PC6 will integrate effectively with the operative District Plan, will give effect to the higher order direction contained in the CRPS, National Policy Statements and the relevant National Environment Standards, and will ultimately achieve Part 2 of the RMA and the matters set out in sections 6, 7, and 8.

9.0 RECOMMENDATIONS

- 9.1 Based on our consideration of all the material before us, and for the reasons outlined throughout our Report, our recommendations are that:
- (a) the Plan Change **be accepted and adopted** by Council in the form that is presented in Appendix 1 (i.e. the annotated provisions by Mr Jason Jones which are recommended for inclusion in the District Plan with any necessary editorial amendments);
 - (b) the new Native Restoration Planting Management Plan is amended by addition of an Advice Note to alert readers of that plan to their obligations under the Wildlife Act, specifically that wildlife permits may be required in respect of lizard populations in the area;
 - (c) all submissions on the Plan Change be accepted, accepted in part, or rejected as set out in the table in Appendix 2; and
 - (d) pursuant to Clause 10 of the First Schedule of the Resource Management Act 1991, Council gives notice of its decision on submissions to Plan Change 6.

DATED this 18th day of August 2026



GM Rae, Independent Hearing Commissioner, Chair



VL Gulleford, Independent Hearing Commissioner