
	<p>Resource Management Act 1991</p> <p>Waimakariri District Council</p> <p>Waimakariri District Plan</p> <p>District Plan Review</p> <p>Section 32 Report</p>	<p>Plan Change</p> <p>33</p>
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Mandeville Business and Residential 4A Zone – McHugh's Road, Mandeville Road, Tram Road, Mandeville North

Prepared November 2014

	<p>Resource Management Act 1991</p> <p>Waimakariri District Council</p> <p>Waimakariri District Plan</p> <p>Section 32 Report</p>	<p>Plan Change</p> <p>33</p>
<p>Potential Mandeville North Business and Residential 4A areas</p>		

1. **SUMMARY**

- 1.1 The purpose of the Resource Management Act 1991 (the Act) is to promote the sustainable management of natural and physical resources while continuing to enable people and communities to provide for their social, economic, and cultural wellbeing, as well as their health and safety. When proposing to change a District Plan (the Plan), the Act stipulates that a section 32 evaluation report that assesses the costs, benefits, and alternatives of a proposed plan change must be carried out.
- 1.2 The Waimakariri District Plan, adopted 2005, (the Plan) sets out the resource management issues identified for the District. Relative to the issues are the objectives and policies. The objectives, policies, and associated rules and methods contained within the District Plan represent the most suitable mechanisms by which to promote the sustainable management of natural and physical resources within the District, and thereby to achieve the purpose of the Act. If they do not, it is appropriate to change the relevant provisions to ensure that they do, pursuant to the First Schedule, taking into account the requirements of section 31 and sections 72 to 76 of the Act.
- 1.3 Section 31 of the Act requires the Council to give effect to the Act through the establishment, implementation, and review of objectives, policies, and methods. This is in order to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district to the extent that the issues have bearing on the district.
- 1.4 This section 32 report has been prepared to assess the options for providing for a small scale commercial/ business centre and Residential 4A Zone in the Mandeville North (Mandeville) area. With regard to the business area, there are key two issues addressed by this report:
 1. Is providing for a small scale commercial centre in the Mandeville area the most appropriate way to give effect to the purpose of the Act?
 2. If deemed appropriate, what is the most efficient and effective way to provide for a small scale commercial centre?

- 1.5 With regard to the proposed Residential 4A Zone, the key issue addressed by this report is whether this zone is more appropriate than the existing Rural zoning of the plan change area.

2. INTRODUCTION

- 2.1 This reports sets out a summary of the evaluation of proposed Plan Change 33 in relation to the provisions of section 32 of the Resource Management Act 1991 (the RMA) and should be read in conjunction with the proposed amendments to the Plan, attached as Appendix I.
- 2.2 In February 2011 the Waimakariri District Council (the Council), through the Resource Management and Regulation Committee (RMR) resolved to undertake a plan change to assess the costs and benefits of providing a business zone at Mandeville. The purpose of the assessment was for the Council to take a proactive stance in evaluating the issue of providing for a small scale local convenience centre, appropriate to provide a sustainable retail floorspace for the Mandeville Community.
- 2.3 On the 20th of March 2012 the RMR Committee assessed a number of potential locations for a potential business and Residential 4A zone and selected a location at 474 Mandeville Road. In order to give effect to Policy 6.3.3 of the Canterbury Regional Policy Statement (CRPS), which the District Plan must do, the plan change scope was widened to include provision for the rezoning of 975 Tram Road, and 450, 460 and 474 Tram Road from Rural to Residential 4A.
- 2.4 The purpose of this report is to review the existing provisions of the Plan in relation to the issue of business zoning in Mandeville, and a rezoning of a small Rural zoned area of land located between Tram Road, Mandeville Road, McHughs Road and the Ohoka Meadows Residential 4B Zone. The intent of the plan change is to identify whether providing for a small scale business development and Residential 4A zone in Mandeville is the most appropriate way to provide for the purpose of the Act. This involves an assessment of how well the existing provisions address the issues relating to a potential business and Residential 4A zone.
- 2.5 The location of the plan change option was signalled in the 2010 Rural Residential Development Plan as a logical extension to the Mandeville form given its central position within the wider Mandeville area. Policy 6.3.3 of the CPRS requires that an Outline Development Plan address "*the whole of a rural residential area*" For this reason, the proposed business zoning, and subsequent rezoning of 975 Tram Road, and 450, 460 and 474 Tram Road have been, for the purposes of the section 32 assessment, considered together.
- 2.6 In terms of process, each identified option is tested against the relevant statutory requirements of the Act to ensure that it is the most appropriate way to consider the issue of a business zone in Mandeville. The assessment also considers how the plan change 'fits' with the relevant management plans for growth and how the Plan gives effect to documents higher in the statutory framework, including the Canterbury Regional Policy Statement (CRPS). The assessment also considers how the Council will achieve its Long Term Plan (LTP) outcomes for the management of the character and rural residential form of Mandeville.
- 2.7 The following background reports have been included as appendices to this assessment:

- I. Proposed Amendments to the Waimakariri District Plan
- II. Scale and Significance Rating Assessment
- III. 2010 Rural Residential Development Plan excerpt
- IV. Property Economics Ltd Market Analysis Report
- V. Waimakariri District Plan GAP Analysis
- VI. Plan Change option 2 background reports
- VII. Existing District Plan Business 4 Zone Rules
- VIII. Assessment of the relevant provisions of the Canterbury Regional Policy Statement

3. **IS THE ISSUE A RESOURCE MANAGEMENT ISSUE?**

- 3.1 Before undertaking further assessment, the following questions are relevant to the broad issue of business zoning in Mandeville.

<i>Is the issue a resource management issue?</i>	Yes. The issue links to the maintenance and enhancement of the characteristics of the Mandeville area. The plan change will assess whether a business zone, and associated rezone from Rural to Residential 4A is appropriate in Mandeville taking into account the existing environmental characteristics and having regard to the potential adverse environmental effects.
<i>Is the issue of significance to the District?</i>	Yes (see section 4 below). The proposal links to the following outcomes: Long Term Plan <i>The distinctive character of our towns, villages and rural areas is maintained</i> – <i>The centres of our main towns are safe, convenient and attractive places to visit and do business.</i> In addition to the above, the plan change addresses issues such as sustainability and growth management.
<i>Is addressing this issue likely to make a difference?</i>	Yes. There has been recent interest in the establishment of a business development and zone in Mandeville. This interest, and the views of the Mandeville community, suggests that Council needs to take a proactive approach to the consideration of the appropriateness of a potential business development.
<i>Should this issue be addressed by the District Plan?</i>	Yes. The District Plan provides the Council's response to the management of adverse environmental effects under the Resource Management Act 1991. For this reason, the issue is best addressed by the District Plan.

4. Scale and Significance of the proposed plan change

- 4.1 Appendix II includes an assessment rating of scale and significance, and concludes the scale and significance is 'moderate', requiring an overall moderate level of detail within the report that focusses on key points.
- 4.2 The proposal is considered to be of low scale and significance within the wider district as the matters dealt with are considered to generate effects within the localised Mandeville environment.
- 4.3 Within the Mandeville community the proposal is considered to be of medium to high significance. This is because of the importance of the issue to the Mandeville community and the extent of the change in the status quo within the Mandeville settlement.

5. ISSUE IDENTIFICATION

- 5.1 The Mandeville settlement, and more specifically, the issue of a potential business zone in Mandeville, have been subject to a number of background assessments that form the context to an assessment under section 32.

5.2 Size of the Mandeville settlement

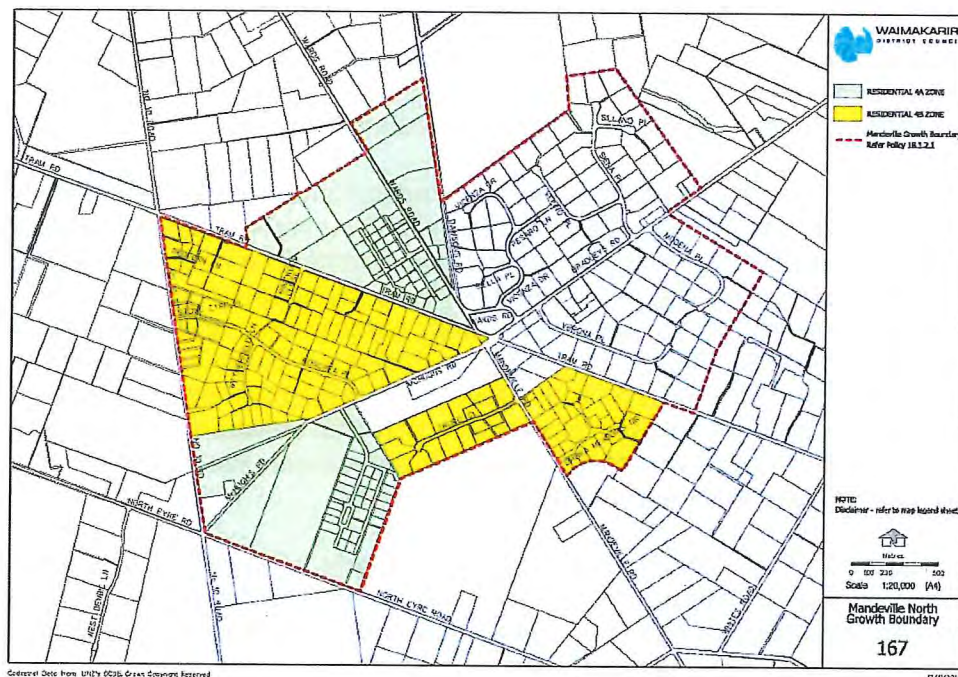
- 5.2.1 Development in Mandeville has occurred incrementally over a period of 30 years under various planning schemes. Beginning with the Eyre County Scheme the area has developed via both plan changes and resource consents.
- 5.2.2 The Mandeville area included some land zoned Rural Residential in the Eyre District Plan in the 1980s, based around the Mandeville reserve, and the close proximity to Tram Road as a route between Kaiapoi and Oxford. The rural residential zones had two key purposes; firstly to provide suitable housing for people who wished to establish houses in an area with rural atmosphere; and secondly to provide protection to surrounding rural zones by reducing the likelihood of 'reverse-sensitivity' pressures upon rural activity from future rural residential developments. These key purposes, namely the maintenance of a relationship between the rural zone and rural residential areas has continued through the transitional plan and is strongly expected through the policy framework of the operative Plan.
- 5.2.3 The pattern of growth in Mandeville has largely centered on the intersection of McHughs Road, Bradleys Road, Tram Road, and Mandeville Road. Development has radiated outwards from this point, via a series of privately initiated plan changes or resource consents over recent years.

5.3 Growth Management within Mandeville

- 5.3.1 On the 17th of November 2014 Council Plan Change Plan Change 32 (PC32) was made operative. PC 32 was promulgated to identify the most appropriate way to manage growth based on the anticipated environmental results of the Plan. For PC32, this involved an assessment of how well the existing provisions address the issues relating to growth and how well they identify and provide for the communities expectations.
- 5.3.2 PC32 introduced into the District Plan a new Objective 18.1.2 and Policy 18.1.2.1 that set out the anticipated characteristics of the Mandeville settlement as:

- a. Further disjointed and/or peripheral growth of Mandeville is avoided to prevent further encroachment of the Mandeville settlement into the surrounding Rural Zone.
- b. The characteristics of the surrounding Rural Zone are maintained or enhanced by limiting further effect associated with growth and development within Mandeville.
- c. Lot sizes within the boundary of Mandeville remain consistent with the minimum and average lot sizes of the Residential 4A and 4B Zones.
- d. The form, function, and characteristics of Mandeville are enhanced by the consolidation of new growth with existing subdivision and development to achieve a integrated environment within a defined growth boundary.
- e. Subdivision and development within Mandeville is provided with reticulated services."

5.3.3 In order to give effect to Objective 18.1.2, new Policy 18.1.2.1 limits the Mandeville settlement to the boundaries that existed on date, as shown on Map 167 of the plan below:



5.4 Rural Residential Development Plan (RRDP)

- 5.4.1 The Rural Residential Development Plan (RRDP) was prepared by the Council to identify locations for future rural residential development in the south eastern part of the District. It was adopted by Council in July 2010 as policy under the Local Government Act 2002. The RRDP was developed partly in response to growth pressure but also to reflect the Urban Development Strategy with the intent to provide a strategic response to development within the eastern part of the district.
- 5.4.2 The following observation is made in the RRDP regarding potential business development at Mandeville:

“The Development Plan does not establish a position on the appropriateness of a business centre at Mandeville. This is a matter to be addressed at the time of specific rezoning proposal, where any such proposal can be assessed on their specific impacts. It is also a matter that could be addressed further as part of future consultation with the Mandeville community regarding growth locations.”

- 5.4.3 This position reflects decisions on submissions where a range of views were put forward as to the nature and location of any commercial development at Mandeville. The Councillor panel hearing submissions on the RRDP confirmed that the Development Plan would contain no preference or otherwise towards commercial development in Mandeville, at least until such time that future consultation has been completed.

- 5.4.4 With regards to the potential Residential 4A Zone the RRDP further comments:

“The small Rural zoned area of land located at the junction of Tram Road and Mandeville Road is also identified as a growth location. This area constitutes a logical extension to the Mandeville from given its central position within the wider Mandeville area”.

- 5.4.5 Appendix III includes an extract from the RRDP relating to the proposed site.

5.5 Mandeville Area Community Survey (2011)

- 5.5.1 In June 2011 the Council surveyed residents in the Mandeville and Ohoka areas. The survey was designed to find out what people living in the Mandeville/Ohoka area think about the possibility of having a small business area established at Mandeville, what goods and services could be available there and what it should look like, if such an area was established. The questionnaire included questions about why residents choose to live in the Mandeville/Ohoka, and their “likes” and “dislikes” about living there. The survey found that 44.7% of respondents thought it was very important or quite important to have a small business centre at Mandeville, while 50.7% considered that it was not important.

- 5.5.2 The main reasons given by those that considered it was very important or quite important to have such a centre established at Mandeville were:

55	(28.6%)	less travelling, fuel savings and less pressure on road
53	(53.5%)	convenience
37	(19.2%)	required to support development, or a logical move in view of the extent of recent growth in the area
26	(13.5%)	provide a focal point for the community
9	(4.6%)	provide opportunities for local business and employment, and/or give people the opportunity to support local enterprises

- 5.5.3 Of the comments who considered that it was not very important or not at all important to have a small commercial centre at Mandeville, 33% indicated that they considered such a centre was unnecessary because Rangiora, Kaiapoi, Belfast and Northwood were only short distances away. Some of these respondents also thought the establishment of a centre at Mandeville was inappropriate as it would draw business away from established centres.

5.5.4 The other main group of reasons given by 21.5% of respondents for not considering it important to have a small commercial centre at Mandeville was that it would conflict with the rural character of the area, that they had moved into the area because it did not have shops, and that the establishment of such a centre would spoil the peace and quiet of the area.

5.5.5 In terms of the commercial activities that should be based at this centre the following were seen as very important or important by a relatively high percentage of respondents that supported the idea of a commercial centre:

- 62% favoured a convenience store
- 47% favoured a café
- 46% favoured a service centre
- 41% favoured a medical centre
- 40% favoured a restaurant
- 35% favoured a wine bar
- 24% favoured a takeaway outlet

5.5.6 Other options which were favoured by fewer respondents were a garden centre, a retirement village, a sports goods shop and offices.

5.6 Rosscroft Resource Consent Decision (2007) and Waikiwi Developments P010 Private Plan Change

5.6.1 Two applications have been made by developers to establish a business development at Mandeville. Both applications involved the same piece of land located on the corner of Wards Road and Tram Road on an area of approximately 2ha. The first application (Rosscroft Orchards Ltd) sought resource consent to establish a business/community development comprising a number of defined activities including a service station, six retail shops and a pool/gym. This application was declined, primarily because it failed to meet the Rural Zone objectives of the District Plan. Concerns related to potential access off Tram Road, noise, security and behaviour associated with certain types of retail activity and the change to the nature of Mandeville such development would bring¹.

5.6.2 The second application (Waikiwi Developments Ltd), by way of rules to apply against the proposed Residential 4A Zone, sought a maximum floor area of 1200m² for any business development, comprising retail units of about 100m² each. This application was also declined as the approach to introduce rules into the District Plan to allow for development by resource consent was found to inadequately meet the relevant statutory tests of the Resource Management Act 1991. The following quote from Commissioner Chrystal indicated the discussion around the appropriate process for the issue of a potential commercial zone to be considered:

"Notwithstanding the above, I find it difficult to see the appropriateness of the Commercial Overlay method and accompanying restricted discretionary activity rule in this instance. I am not convinced that leaving the overall assessment to the resource consent process, rather than it being undertaken as part of this Plan Change, is appropriate. It is clear from reading the PC 10 documentation that the majority of assessment of the impacts of retail development is left to the resource consent process and given the long list of matters to which the Council's discretion is

¹ Para 4.28 Commissioner Decision

restricted I am left wondering what if anything has been left out. Essentially all this mechanism appears to do is move retail development in one specific area of one Residential zone from fully discretionary to restricted discretionary, without particularly reducing the number of matters which would require consideration.

By providing for retail activity in this way there will become an expectation at the resource consent level that as a restricted discretionary activity such development regardless of its effects is anticipated within the area identified. Yet this will have come about without a full assessment as to whether objectives are appropriately achieved and what the effects might be."

5.7 Property Economics Report

5.7.1 In 2010 the Council, as part of reporting on Private Plan Change P010 (Waikiwi Developments Ltd) commissioned a report from Property Economics Ltd to provide:

"a detailed understanding of the market (current and future), the demand/ supply dynamics and what potential retail effects may be generated and any likely changes in shopping patterns as a result of the planned convenience centre".

5.7.2 The key findings of the report were:

- The sustainable net convenience retail floorspace is forecast to increase from 720m² to 1,290m² between 2010 and 2031.
- The average store size is likely to be around 100m² in gross floor area; therefore the catchment has the potential to support around 7 convenience stores, rising to 13 stores by 2031.
- It is important for a large anchor tenant such as a large food and beverage operator or a quality restaurant to be established in order to form a strong base from which future development can occur.

5.7.3 In May 2014 Council commissioned Property Economics Ltd to update the sustainable floorspace figures based on population growth and the definition of the Mandeville settlement as a result of the growth management provisions introduced under Council Plan Change 32. The key findings of this report, attached as Appendix IV were:

- The sustainable retail floorspace was adjusted to be based on a maximum of 621 households out to 2031, based on the predicted growth of the Mandeville settlement based on the growth management provisions of Plan Change 32.
- The sustainable floorspace is in the region of 1000m² – 1300m².
- Any one individual tenancy should not exceed 450m² in floor area.

5.8 Issues and Options report for Business locations

5.8.1 February 2011, the Resource Management and Regulation Committee directed the District Plan Manager to prepare a report under Section 32 of the Resource Management Act 1991 analysing the costs/benefits of issues relating to the provision

of business development in Mandeville. After the September and November 2011 Committee meetings, Council staff held briefings to outline the various options for any future plan change. These briefings overviewed the findings of the 2011 Mandeville/Ohoka Community Issues Survey and general issues relating to business development at Mandeville.

5.8.2 In January 2012, an issues and options paper was prepared to investigate the feasibility of a potential business zone. The paper looked at the advantages and disadvantages of various locations. The paper recommended a preliminary preferred location for a business zone (if one is deemed appropriate) taking into account the identified advantages and disadvantages. The location was situated on the south side of Tram Road with frontage to Tram Road and Mandeville Road.

5.8.3 At the RMR meeting on 20th of March 2012 the RMR Committee considered the location of potential business zones the Committee passed a resolution that:

- (a) **Confirms** Location (5) and/or Location (6) as the preferred potential location(s) as identified by the issues and options paper.
- (b) **Instructs** Council staff to consult with the landowners of the potential location(s) with regard to a potential District Plan change to rezone land in order to determine whether or not a business/residential zone is appropriate in this location.

5.8.4 These locations are considered as Option 2 in the section 32 assessment.

6. PRE-NOTIFICATION CONSULTATION

6.1 Mandeville Community Meeting

6.1.1 On the 4th of September 2014, Council staff held a community meeting to discuss a business zone concept via an open invitation to residents within the Mandeville settlement. For this plan change, the purpose of the meeting was to consult with the Mandeville community on a specific development proposal, with a view to providing feedback as to the size, scale and function of a proposed business area as well as general concepts to inform the defining of potential plan change options.

6.2 Waimakariri District Councillors

6.2.1 A number of staff briefings were held with members of the Resource Management and Regulation committee in the period between the initial scoping of the plan change and the preparation of the proposed district plan amendments.

7. ISSUE IDENTIFICATION

7.1 From the background information summarised above the following issues have been identified as of relevance to the question of business and Residential 4A zoning at Mandeville:

1. Tram Road is a strategic road that provides a primary transport function within the District. It is important that any development does not affect the safe and efficient functioning of Tram Road.
2. Any potential business zone needs to ensure that it 'fits' with the amenity and character of the Mandeville settlement and the proposed Residential 4A zone needs to achieve the characteristics of that zone.

3. The type of retail activities proposed and their associated environmental effects are an important component of the effect that a business development and zone, will have on the Mandeville community.
4. In addressing the issue of whether or not a business zone is appropriate, the most appropriate planning mechanism is via the plan change process, which allows for the identification of effects associated with the development and the wider strategic planning framework.
5. In terms of the economic assessment undertaken by property economics, a 'sustainable' retail floorspace is in the order of 1300m².
6. The Council has resolved to undertake a Council Plan Change to assess whether or not to enable a commercial centre within Mandeville.

7.2 Scope of the plan change

- 7.2.1 One of the key messages to be taken from the community surveys in 2006 and 2011 is that the type of retail activities proposed in a potential commercial development has a key bearing on the maintenance of the quality of the environment in Mandeville.
- 7.2.2 The Plan is an effects based plan that controls the effects of an activity rather than the nature of the activity itself. As an example, the effects of a bar or restaurant are controlled by rules related to noise, glare and carparking rather than a control on the activity itself. In assessing a plan change in which new businesses are potentially enabled it is important to note that issues of trade competition are not able to be assessed as part of the plan change process.

8. PLAN CHANGE OBJECTIVES

- 8.1 Section 32(1)(a) of the Act requires that any section 32 evaluation must evaluate:

"The extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act."
- 8.2 With regards to the issue of business zoning, Objective 16.1.1 seeks the maintenance of different zone qualities which provide opportunities for a range of business development, appropriate to the needs to the business community, residents and visitors while sustaining the form and function of the urban environments. The Mandeville settlement is considered to fit between the rural and urban environments of the Plan, with the characteristics of the settlement being based on the anticipated Residential 4A and 4B characteristics. Given these circumstances, and the requirements of Chapter 6 to the CRPS, a new objective (Objective 16.1.2) is proposed.
- 8.3 With regards to the Residential 4A Zone, Objective 17.1.1 seeks:

"Residential Zones that provide for residents' health, safety and wellbeing that provide a range of living environments with distinctive characteristics"
- 8.4 The characteristics of the Mandeville settlement are anticipated to meet the characteristics of the existing Residential 4A and 4B Zones, as set out in PC32, which reviewed the expected character of the wider settlement. For the Residential

4A part of this proposal, Objective 17.1.1 is considered to meet the requirements of Part 2 of the Act, by providing a zoning framework that seeks to achieve these characteristics.

- 8.5 The purpose and principles of the Act are set out in Part 2 and specifically Section 5 of the Act. For the purposes of evaluation of the most appropriate way to achieve the purpose of the Act, 'appropriateness' is interpreted to mean the suitability of any particular provision to the proposed purpose.
- 8.6 The table below contains an evaluation of proposed new Objective 16.1.2 with the key purpose and principles of the Act. This evaluation is made relative to the existing provisions, which is the status quo option and comprises a relevant alternative for the comparison of appropriateness:

TABLE 1: ANALYSIS OF THE EXTENT TO WHICH THE PROPOSAL, INCLUDING OBJECTIVE 16.1.2 ACHIEVES THE PURPOSE OF THE ACT						
Section 5	Management of the use, development or protection of natural and physical resources	Social, economic and cultural wellbeing	Protecting health and safety	Sustaining the potential of natural and physical resources	Safeguarding the life-supporting capacity of air, water, soil and ecosystems	Avoiding, remedying or mitigating adverse effects on the environment
	As noted in the report from <i>Andrew Craig Landscape architects</i> , there are no specific natural resources that require management or protection.	Provision of a business area within the Mandeville settlement is considered to meet the social, cultural and economic wellbeing of the Mandeville community, with controls recommended to assess potential impacts.	Health and safety is considered to be protected, through the outcomes sought by the objective, including the protection of the safe and efficient use of Tram Road.	The existing objectives of the Plan, including 18.1.2 and 17.1.1, which are not proposed to be amended as a result of this proposal, seek the maintenance of the existing characteristics of the existing Mandeville.	The potential use of the site for productive use of the soil, water or ecosystems is not considered to be met by the status quo given the current land use patterns within the Mandeville settlement boundary.	The existing objectives of the Plan, including 18.1.2 and 17.1.1, which are not proposed to be amended as a result of this proposal, seek the maintenance of the existing characteristics of the existing Mandeville. Proposed Objective 16.1.2 recognises the existing character of the Mandeville settlement and seeks to manage potential adverse environmental effects resulting from the size and scale of the proposed commercial area.
Section 6	Preservation of the natural character of the coastal environment, wetlands, lakes and rivers and their margins	Protection of outstanding natural features and landscapes	Protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna	Maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers	Maintaining the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga	Protection of historic heritage
						Protection of recognised customary activities

	There are no coastal environments, wetlands, lakes, rivers or river margins that require preservation.	There are no known outstanding natural features or landscapes within the Mandeville settlement that require protection	There are areas of significant indigenous vegetation or habitats of indigenous fauna within the Mandeville settlement that require protection	There are no coastal marine areas, lakes or rivers within the Mandeville settlement.	There are no listed wahi Tapu or Wahi Taonga sites within the Mandeville settlement. An assessment of the provisions of the Mahaanui Management Plan is appropriate.	There are no identified areas or sites within the Mandeville settlement that are required to be protected.	There are no recognised customary activities that require protection.			
Section 7	Kaitiakitanga/ the ethic of stewardship	Efficient use and development of natural and physical resources	Efficiency of the end use of energy	Maintenance and enhancement of amenity values	Intrinsic values of ecosystems	Maintenance and enhancement of the quality of the environment	Any finite characteristics of natural and physical resources	The protection of the habitat of trout and salmon	The effects of climate change	Benefits from use and development of renewable energy
	Kaitiakitanga/ the ethic of stewardship is considered to be provided for.	The potential use of the site for productive use of the soil, water or ecosystems is not considered to be met by the status quo given the current land use patterns within the Mandeville settlement boundary.	The issue of providing for a small scale business zone is considered to contribute towards the efficiency of the end use of energy by reducing dependence on motor vehicle use for day to day convenience retail.	The existing objectives of the Plan, including 18.1.2 and 17.1.1, which are not proposed to be amended as a result of this proposal seek the maintenance of the existing characteristics of Mandeville. Proposed Objective 16.1.2 recognises the existing character of the Mandeville	There are no natural or man-made ecosystems that have	The existing objectives of the Plan, including 18.1.2 and 17.1.1, which are not proposed to be amended as a result of this proposal seek the maintenance of the existing characteristics of Mandeville. Proposed Objective 16.1.2 recognises the existing character of the Mandeville	The potential use of the site for productive use of the soil, water or ecosystems is not considered to be met by the status quo given the current land use patterns within the Mandeville settlement boundary.	There are no habitats of trout and salmon that require protection.	The issue of providing for a small scale business zone is considered to contribute towards a mitigation of the effects of climate change by reducing the dependence on motor vehicle use for day to day convenience retail.	The proposal is not considered to detract from the benefit or use of the development of renewable energy.

9. GAP ANALYSIS

- 9.1 The Plan was made operative in November 2005. The analysis in Appendix V summarises the District Plan objective and policy provisions that are applicable to the Plan Change and the extent to which these provisions currently address the issues identified in section 7 of this report.
- 9.2 Overall, the analysis indicates that the current objectives of the Plan that are relevant to the proposed plan change are appropriate in achieving the purpose of the Act.
- 9.3 The analysis indicates that with regard to the issue of sustainable resource use and dependency on energy use, that the existing methods of the Plan, including the current zoning framework of the Mandeville settlement in the area identified, are potentially not the most appropriate methods to achieve Objective 13.1.1.
- 9.4 With regard to the Residential 4A zoning, it is considered that the objectives and policies of the district plan, particularly those introduced under Plan Change 32 appropriately provide for the proposed zoning.
- 9.5 There are currently two rural-residential zones within the residential zone framework of the Plan, Residential 4A, which requires a minimum site area of 2500m², with an average of 5000m², and Residential 4B, which requires a minimum site area of 1 hectare. The anticipated characteristics of both Zones are identical, with both options considered by the plan to meet the anticipated characteristics.

10. OPTIONS TO ADDRESS THE ISSUES

- 10.1 The following broad options have been identified to address the issue of potential business zoning at Mandeville.

10.2 Description of the options:

Option 1:

- 10.2.1 Option 1 is to retain the status quo of the Plan. This option is essentially a retaining of the existing Rural zoning of the subject site, while relying on the existing Rural and Residential 4A and 4B zoning framework to manage the effects of any potential business proposal within the Mandeville area. This option is likely to require a resource consent or further plan change to enable business activity over and above the current retail controls in the Plan.

Option 2:

- 10.2.2 Option 2 is to revise the Plan provisions to provide for a business zone and Residential 4A Zone, based on the existing Business 4 Zone of the Plan. As noted in section 1 of this assessment, this option, and the identification of the proposed area to be rezoned gives effect to the earlier plan change scoping process, which identified a specific area of land where the option to assess a business zone was chosen.
- 10.2.3 Policy 6.3.1 of the CRPS requires that where a specific proposal for growth or development is promulgated that an outline development plan is prepared that addresses the effects of development. In order to give effect to the CRPS the amendments proposed under Option 2 include a proposed outline development plan (Outline Development Plan Map 182), which shows the proposed roading

layout, location of required infrastructure and the location of key buildings within the subject area.

Area description

- 10.2.4 The land subject to the plan change effectively forms a triangle of land between Mandeville Road, McHugh's Road, Tram Road and the Ohoka Meadows Residential 4B Zone to the south. The site is generally located at the cross-roads of Tram Road, Mandeville Road and Bradleys Road, which forms the geographical centre of the Mandeville settlement.
- 10.2.5 Within the rezoning area are four separate land parcels, three containing dwellings which have a land area of approximately 2 hectares each, while the remaining parcel is an approximate 4000m² plantation reserve that is owned by the Department of Conservation and administered by the Waimakariri District Council. No changes to the reserve status are proposed as part of the scope of this plan option.

Residential 4A Zoning

- 10.2.6 Option 2 proposes to utilise existing Rules 32.1.1.11 and 32.1.1.12, which set a minimum and average across any subdivision within the Residential 4A area to be rezoned. The existing rules require the subdivision average to be met across both the subdivision and across the entire Residential 4A Zone. The addition of these rules is considered to appropriately achieve the anticipated character of the Mandeville settlement as set out in Objective 18.1.2, particularly given the current location and layout of lots within the plan change area.
- 10.2.7 The option of defining and allocating an overall lot yield across the proposed Residential 4A zone was also considered in the formulation of options to achieve the objective. Through setting an average to be met across each subdivision, Rules 32.1.1.11 and 32.1.1.12 are considered to achieve the anticipated characteristics of the Residential 4A Zone, by requiring each subdivision to consider the current characteristics of the Zone if subdivision of the entire zone does not occur at one time, in the absence of an overall subdivision layout where the anticipated characteristics can be assessed holistically. This is particularly relevant given the small size of the proposed zoning area, and the resulting impacts on the ability of surrounding zones to maintain the current established character.

Size and Scale of the proposed Business 4 Area

- 10.2.8 Based on the analysis contained in the Property Economics report, and the background reports and community feedback received during the preparation of the section 32 analysis, a new Objective (16.1.2) and new Policy (16.1.2.1) is proposed. The proposed objective and policy framework seeks to ensure that the proposed business zone remains at an appropriate size and scale to avoid adverse effects on the character of the Mandeville settlement, and to avoid impacts on the districts key activity centres. These outcomes are proposed to be achieved by way on controls on the overall gross retail floor area, controls on tenancy size and limiting the business zoning to a single site within the Mandeville settlement.

Geotechnical and Contaminated site Assessment

- 10.2.9 In order to fulfil the requirements of the *guidance for geotechnical investigation and assessment of subdivisions in the Canterbury region*, and the *National*

Environmental Standard for assessing and managing contaminants in soil to protect human health (the NES), Coffey's New Zealand Ltd (Coffey's) were commissioned to assess the proposed plan change area in accordance with these standards.

- 10.2.10 The Coffey's Environmental Site Assessment indicated that HAIL (Hazardous Activities and Industries List) activities had potentially previously been undertaken on 474, 450 and 460 Mandeville Road, with onsite testing confirming that it is highly unlikely that there will be a risk to human health if the activity (the plan change) is undertaken over these sites. It is noted that any Residential 4A or Business subdivision on this land will need to be further assessed under the NES.
- 10.2.11 The Coffey's geotechnical report assesses the plan change area in accordance with the plan change section of the guidance for the geotechnical investigation for subdivisions in Canterbury, which also sets a requirement for investigations at the time of plan change. The report concludes that the plan change area is suitable for the intended rezoning of the site.

Landscape and Amenity

- 10.2.12 In order to address potential amenity effects associated with the proposed rezoning Council further Commissioned *Andrew Craig landscape architects* to assess the characteristics of the existing Mandeville settlement.
- 10.2.13 The landscape assessment of *Andrew Craig* assesses the potential landscape impediments to undertaking the Business 4 and Residential 4A zoning and the potential landscaping and amenity concerns arising from the activities anticipated by the zones. This report concludes that there are no natural or outstanding landscapes that are required to be protected by the plan change.
- 10.2.14 The landscape assessment further assesses the potential amenity effects of the proposed Business 4 zoning on the amenity of the environment surrounding the proposed zoning. The report recommends the addition of controls on perimeter treatment of the Business 4 area, in order to protect the amenity of lots surrounding the area, and to protect the safe and efficient functioning of Tram Road (see below).
- 10.2.15 Proposed Rule 31.2.2 requires landscaping to a depth of 4 metres along the Tram Road boundary, with fencing designed to prevent pedestrian access to Tram Road. These Rules are proposed to mitigate potential adverse effects on the amenity of the surrounding Residential 4A and 4B zones relating to the scale of development with the Business 4 area. As noted further in the assessment of *Andrew Craig*, the overall amenity outcome sought to protect the existing character of the surrounding environment is that the buildings and site activities are subservient to their setting, with open space and vegetation dominant. The depth of landscaping across the entire Tram Road frontage (excepting the proposed left in turn locations), along with the proposed fencing requirements, supports this outcome by requiring any land use activity in the Business 4 Zone directly consider these amenity effects on the surrounding environment.

Traffic and Carparking

- 10.2.16 The proposed area to be rezoned is located adjacent to Tram Road, which is an arterial road in the Council's roading hierarchy. Both the Plan and the Canterbury Regional Policy Statement require that the safe and efficient functioning of this road is protected.

- 10.2.17 In order to assess the impacts resulting from Option 2 on Tram Road, the Council commissioned an evaluation from Ableys Transportation consultants. The evaluation concludes that there is a potential for two left turns into the Business 4 area, with an additional left turn exit onto Tram Road, subject to the entranceway being located a minimum of 125 metres from the McHughes Road/ Mandeville Road intersection. This distance is based on the need to avoid traffic conflict with vehicles exiting the zone and vehicles using the left turn deceleration lane into McHughes Road from Tram Road.
- 10.2.18 With regards to potential access out onto Tram Road from the Business 4 Zone, when considered in conjunction with the potential amenity effects addressed by the landscaping and fencing requirements of Rule 31.2.2 it is considered that a proposed left out onto Tram Road will not achieve the characteristics of the Mandeville settlement.
- 10.2.19 Proposed Rule 31.2.2 limits carparking to a maximum of 65 carparking spaces. The limitation on carparking is proposed in order to consider potential amenity effects related to a potential dominance of extensive carparking areas. A limit on carparking numbers is also considered to encourage the provision of alternative transport modes, while maintaining an appropriate level of carparking for the proposed activities on the site.
- 10.2.20 Proposed Rule 30.6.1.10 limits site access to Tram Road from the proposed Residential 4A Zone to the two existing lots that current have legal and physical access to Tram Road by way of an existing right of way. Policy 6.3.9 of the Canterbury Regional Policy Statement (CRPS), in providing for rural residential development, requires that;
- “Legal and physical access is provided to a sealed road, but not directly to a road defined in the relevant district plan as a Strategic or Arterial Road, or as a State highway under the Government Roading Powers Act 1989”*
- 10.2.21 The proposed rule is considered to appropriately give effect to Policy 6.3.9 of the CRPS, as relating to site access, which the district plan must do.

Servicing and Stormwater

- 10.2.22 With regard to stormwater disposal and localised flood risk, Appendix VII contains a report from the Council's 3 Waters Manager, Mr Kalley Simpson. This report concludes that the rezoning of the site from Rural to Residential 4A and Business 4 is appropriate, with options for the disposal of stormwater in times of high rainfall which would degrade the ability of the stormwater to be disposed to ground.
- 10.2.23 The proposed amendments to the plan under Option 2 are described in Appendix 1. These amendments should be read in conjunction with Appendix VII, which outline the existing rules that apply to the Business 4 zones.

Option 3:

- 10.2.24 Option 3 is to revise the Plan to introduce a new objective and policy framework within the plan, without the specific identification of a zone, or other method to enable a potential business development to occur. This option would essentially set the anticipated characteristics of a business zone within the plan, with the

location and effects of a potential business zone proposal left to an assessment by way of a resource consent.

11. ANALYSIS OF THE COSTS, BENEFITS, EFFICIENCY AND EFFECTIVENESS OF THE OPTIONS

- 11.1 Table 1 below evaluates the benefits, costs, efficiency, and effectiveness of each option:

COSTS AND BENEFITS, EFFICIENCY AND EFFECTIVENESS OF THE PLAN CHANGE OPTIONS							
Approach	Environmental Benefits	Environmental Costs	Social Benefits	Economic Benefits	Economic & Social Costs	Efficiency	Effectiveness
OPTION 1 – Status Quo Option.	The rural zoning of the site remains and existing dwellinghouse density is not anticipated to increase.	Limited, although possibly the most appropriate way to give effect to RMA part 2 section 7 matters; particularly (ba) <i>the efficiency and end use of energy and (i) the effects of climate change</i> Market forces in essence control the timing and provision of any business zone proposals.	Understanding of existing provisions continues.	The economic benefits of this option are considered to be limited as the identified sustainable retail floor space is not provided for, excepting under the existing retail controls within the Plan.	May not be the most appropriate way to enable the Mandeville community to be self-sustaining. The use of the existing retail controls will likely lead to a fragmentation of retail effects within the Mandeville settlement without an overall assessment of the likely adverse environmental effects.	This option is not efficient as the Council may continue to receive private plan changes or resource consents for business development if the demand exists.	This option is not seen as effective as any of the specific effects resulting from a business zone proposal are not appropriately assessed.
OPTION 2 - Provide for a specific area of business and Residential 4A zoning in Mandeville via plan change process.	Provides certainty around a potential business zone. Development controls such as size, scale, bulk and location can be controlled through policies or rules. The proposed rule amendments address the potential effects on the character of the Mandeville community. With regards to the proposed Business 4 Zone the proposed amendments, including the objective and policy framework, seek that the size and scale of the Business 4 area remain appropriate to provide for the convenience needs of the Mandeville community.	Potential adverse environmental effects if not managed appropriately.	Provides the opportunity to provide sustainable retail floorspace.	Property Economics Ltd have been commissioned to provide this assessment. The report, attached as Appendix IV, concludes: "From the impacts outlined in Section 6, the economic perspective of the proposal is clearly a positive one. However, the relative of these costs and benefits are dependent on the market conditions under which they operate. These conditions are outlined in the balance of the report which show a limited demand for the entire proposal. This is likely to impact on the relative economic	Limited if managed appropriately and the design does not exceed the sustainable retail floorspace.	Based on the analysis of this report, this option is seen as the most efficient; in terms of the assessment of potential effects on the amenity of the Mandeville settlement.	This option is considered the most effective as any demand for business zoning is met and appropriate development controls addressing the potential adverse environmental effects are able to be implemented.

				benefits of the development but not to the point that would discount all net economic benefits that would likely result. The potential for the development to 'future proof' retail spend within the localised catchment would increase the relative value of these benefits over time".				
OPTION 3 - Provide for a general area of business zoning through the use of overarching policies applicable to Mandeville.	Limited – all outcomes sought would need to be addressed by the objectives and policies.	No certainty of where a potential business zone will go and therefore consideration of adverse environmental effects is limited. Development controls such as size, scale, bulk and location cannot be easily controlled through policies or rules.	Provides the opportunity to provide sustainable retail floorspace.	The economic benefits are similar to option 2.	There is no certainty as to who may be adversely affected as the location of a potential business zone is not known.	This option is not efficient as a further planning process (eg. Resource consent or plan change) to implement the business activity is required.	Although this option addresses any demand for business zoning it is not the most effective as the potential adverse environmental effects cannot be fully assessed.	

12. THE RISKS ASSOCIATED WITH THE OPTIONS

Section 32 of the Act requires that the risks associated with each option are considered under the section 32 assessment. Table 2 below identifies the risks associated with each plan change option:

Table 2: Risks associated with the plan change options

Plan Option Number	Risk of Uncertain or Insufficient Information
Option 1 – Status Quo Option.	<p>As the status quo option the information on the efficiency and effectiveness of this option is well known based on observation of on the ground outcomes and community expectations.</p> <p>Option 1 carries the risk that either a private plan change or resource consent process may promote a business development or zone in an inappropriate location, or that these processes will fail to address the adverse environmental effects of such a proposal or take into account the communities expectations for the Mandeville settlement.</p> <p>The risk associated with this option is considered to increase within the medium to long term if the market responds to additional demand for retail floorspace.</p>
Option 2 – Provide for a specific area of business zoning in Mandeville via plan change process.	<p>The risk for this option is considered to be low as any proposed new Plan provisions are targeted at the specific environmental issues that have been identified in the assessment of the current situation.</p>
Option 3 – Provide for a general area of business zoning through the use of overarching policies applicable to Mandeville.	<p>Option 3 is based on uncertain information as to the location of any future business development and zoning; therefore the risks associated with this option are higher than Option 2 and Option 1.</p>

13. RECOMMENDED OPTION

- 13.1 After having evaluated the various plan change options under the requirements of Section 32(1) Option 2 is considered to be the option that most appropriately achieves the Plan objectives with regards to potential business zoning in Mandeville.

14. STATUTORY EVALUATION

14.1 Section 32(4)

- 14.1.1 Section 32(4) requires that if the proposal will impose a greater prohibition or restriction on an activity to which a National Environmental Standard (NES) applies than that the NES, then the evaluation report must examine whether this is justified in the circumstances of this District. The National Environmental Standard

for assessing and managing contaminants in soil to protect human health (the NES) is applicable; however, the proposed amendments do not impose a greater restriction on the activities. The requirements of the NES have been given specific regard to in the consideration of the appropriateness of the proposed Residential 4A zoning.

14.2 **Section 74(2)(b)(i)**

- 14.2.1 Section 74(2)(b)(i) of the Act requires that a District Plan have regard to any management plans or strategies prepared under other Acts. The following documents are relevant to PC33:

Canterbury Earthquake Recovery Act 2011

- 14.2.2 The purpose of Canterbury Earthquake Recovery Act (CER Act) is to provide appropriate measures to ensure that greater Christchurch, the Councils and their communities respond to, and recover from the impacts of the Canterbury Earthquakes. Under the CER Act the Chief Executive of the Canterbury Earthquake Recovery Authority (CERA) was required to prepare a recovery strategy. The Canterbury Earthquake Recovery Strategy was published in May 2012.

- 14.2.3 Pursuant to Section 23 of the CER Act the Council cannot act inconsistently with a Recovery Plan. The Land Use Recovery Plan was gazetted on 6 December 2013 and this proposed plan is required to be consistent with that Recovery Plan. The applicable parts of the Recovery Plan are addressed under the Land Use Recovery Plan and Canterbury Regional Policy Statement sections below.

Canterbury Earthquake Recovery Strategy

- 14.2.4 The Canterbury Earthquake Recovery Strategy is the key reference document to guide and coordinate the programmes of work, including Recovery Plans, under the Canterbury Earthquake Recovery (CER) Act.
- 14.2.5 The Recovery Strategy lists components of recovery with associated goals. The goals relative to PC33 are:

Economic Recovery

- *Enabling a business-friendly environment that retains and attracts business;*

Built Environment Recovery

Develop resilient, cost effective, accessible and integrated infrastructure, buildings, housing and transport networks - by:

- *Developing a transport system that meets the changed needs of people and businesses and enables accessible, sustainable, affordable and safe travel choices;*
- *A functioning Central Business District, suburban areas and rural towns that provide opportunities for local businesses and economic activities to relocate, maintain services and grow.*
- *drawing on sound information about ongoing seismic activity and environmental constraints, including other natural hazards and climate change.*

14.2.6 Section 15(1) of the CER Act requires that:

“No RMA document or instrument referred to in Section 26(2), including any amendment to the document or instrument, that applies to any area within greater Christchurch may be interpreted or applied in a way that is inconsistent with a Recovery Strategy”

14.2.7 The changes proposed under Option 2 are considered to be consistent with the goals of the Recovery Strategy.

Land Use Recovery Plan (LURP)

14.2.8 The land use recovery plan was gazetted by the Minister for Canterbury Earthquake Recovery on the 6 of December 2014.

14.2.9 Upon gazettal of the LURP Chapter 6 to the Canterbury Regional Policy Statement (CRPS) became operative. Chapter 6 contains provisions relating to the provision of business activities and rural residential development.

14.2.10 With regard to the proposed Residential 4A Zoning, one of the goals of the LURP is to provide for a range of affordable housing options and to zone sufficient land for recovery needs with settlement patterns consistent with an urban form that provides for the future development of greater Christchurch. Rural residential development is provided for by way of Policy 6.3.9 of Chapter 6 to the CRPS.

The Land Use Recovery Plan also inserted new Objective 14.5.1 into the District Plan, which seeks:

“To facilitate the rebuild and recovery of Greater Christchurch by directing future developments to existing urban areas, priority areas, identified rural residential development areas and MR873 for urban and rural residential activities and development.”

14.2.11 Objective 14.5.1 is given effect to by Policy 14.5.1.1 which seeks to avoid new residential and rural residential activities and development outside of existing urban areas, priority areas identified in the LURP, rural residential areas identified in the Rural Residential Development Plan (RRDP) and Maori Reserve 873. The proposed area to be rezoned is located within an identified rural residential growth area identified in the RRDP.

14.2.11 Policy 14.5.1.1 is further supported by Rule 21.8.2, which sets a non-complying activity status for the erection of any dwelling and/or subdivision of land that does not meet the existing or required density of the zone. This Rule is supported by the extension of existing Rules 32.1.1.11 and 32.1.1.12, which set the required density across the proposed Residential 4A Zone.

14.2.13 With regard to the proposed business zoning, the LURP, in section 4.1.2 recognises that neighbourhood centres are also important to the local communities they serve, provided that they do not impact on the vibrancy of key activity centres. As outlined in Appendix VIII, the proposal is not considered to impact on the districts key activity centres.

14.3 **Section 74**

- 14.3.1 Under section 74 of the Act, a Council when preparing a plan change, must have regard to a number of matters. This includes any proposed Regional Policy Statement or Regional Plan, and any relevant planning document recognised by an Iwi authority and lodged with the Council and any management plan or strategy prepared under other Acts.

Canterbury Regional Policy Statement (CRPS)

- 14.3.2 Section 75(3)(c) of the Act requires any plan change 'give effect' to any operative Regional Policy Statement. Appendix VIII outlines the relevant provisions of the CRPS assess how Option 2, as the recommended option, and the existing plan provisions give effect to the relevant provisions. For the purpose of this table it should be noted that the status quo option has not been considered for the reason that the existing plan provisions have been assumed to already give effect to the CPRS (excepting where specifically noted).
- 14.3.3 An analysis of the relevant provisions of the CPRS shows that the option to amend the plan gives effect to the relevant provisions of the CPRS.

Mahaanui Iwi Management Plan

- 14.3.4 The Mahaanui IMP 2013 is part of a larger network of regional and territorial planning documents. The Council is required to take account of this document (pursuant to Section 74 of the RMA).
- 14.3.5 The issues and policies listed below are considered to be of particular relevance to the review of parking provisions.

Issue P3: Ngāi Tahu participation in urban and township planning and development.

Nga Kaupapa / Policy

P3.1 To require that local government recognise and provide for the particular interest of Ngai Tahu Papatipu Runanga in urban and township planning

P3.2 To ensure early, appropriate and effective involvement of Papatipu Runanga in the development and implementation of urban and township development plans and strategies, including but not limited to:

- (a) Urban development strategies;*
- (b) Plan changes and Outline Development Plans;*
- (c) Area Plans;*
- (d) Urban planning guides, including landscape plans, design guides and sustainable building guides;*
- (e) Integrated catchment management plans (ICMP) for stormwater management;*
- (f) infrastructure and community facilities plans, including cemetery reserves; and*
- (g) Open space and reserves planning.*

Issue P6: The discharge of stormwater in urban, commercial, industrial and rural environments and can have effects on water quality.

Ngā Kaupapa / Policy

P6.1 To require on-site solutions to stormwater management in all new urban, commercial, industrial and rural developments (zero stormwater discharge off site) based on a multi tiered approach to stormwater management:

- (a) Education - engaging greater general public awareness of stormwater and its interaction with the natural environment, encouraging them to take steps to protect their local environment and perhaps re-use stormwater where appropriate;*
- (b) Reducing volume entering system - implementing measures that reduce the volume of stormwater requiring treatment (e.g. rainwater collection tanks);*
- (c) Reduce contaminants and sediments entering system - maximising opportunities to reduce contaminants entering stormwater e.g. oil collection pits in carparks, education of residents, treat the water, methods to improve quality; and*
- (d) Discharge to land based methods, including swales, stormwater basins, retention basins, and constructed wetpools and wetlands (environmental infrastructure), using appropriate native plant species, recognising the ability of particular species to absorb water and filter waste.*

P6.2 To oppose the use of existing natural waterways and wetlands, and drains, for the treatment and discharge of stormwater in both urban and rural environments.

P6.3 Stormwater should not enter the wastewater reticulation system in existing urban environments.

P6.4 To require that the incremental and cumulative effects of stormwater discharge are recognised and provided for in local authority planning and assessments.

P6.5 To encourage the design of stormwater management systems in urban and semi urban environments to provide for multiple uses: for example, stormwater management infrastructure as part of an open space network that provides for recreation, habitat and customary use values.

P6.5 To support integrated catchment management plans (ICMP) as a tool to manage stormwater and the effects of land use change and development on the environment and tāngata whenua values, when these plans are consistent with Policies P6.1 to P6.4.

P6.6 To oppose the use of global consents for stormwater discharges.

Issue P16: *The protection of sites of significance and indigenous biodiversity, and the potential for erosion and sedimentation, are issues of importance to tāngata whenua with regard to land transport infrastructure.*

Ngā Kaupapa / Policy Consultation

P16.8 To support sustainable transport measures in urban design and development, including public transport, pedestrian walkways, and cycle ways.

14.4 Section 74(2)(b)

14.4.1 In addition to the relevant documents considered above, section 74(2)(b) of the Act requires regard to be given to the following:

- Any relevant entry in the Historic Places Register s74(2)(b)(iia). There are no relevant places or areas in the Historic Places Register that require specific regard to be given.

- Regulations relating to sustainability of fisheries or Maori customary fishing s74(2)(iii). There are no fisheries or Maori customary fishing areas that are relevant.
- No regard may be given to trade competition or the effects of trade competition s74(3). The plan change has not had regard to any issues of trade competition that may arise.

14.5 **Section 75(3) national policy statements and New Zealand Coastal Policy statements**

- 14.5.1 Section 75(3)(a) and (b) of the Act require that a District Plan must give effect to any relevant National Policy Statement and New Zealand Coastal Policy Statement. There is no National Policy or Coastal Policy Statement relevant to Plan Change 33.

14.6 **Section 74(2)(c) consistency with plans of other territorial authorities**

- 14.6.1 Section 74(2)(c) of the Act requires that Council consider the extent that the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities. Given the focus of the plan change relates to providing a sustainable retail floorspace for Mandeville, the changes proposed under PC 33 are not considered to affect the plans of Selwyn District, Christchurch City or the Hurunui District Council.

15. **Conclusion**

- 15.1 On the basis of the above evaluation, the evaluation demonstrates that proposed Plan Change 33 meets the requirements of section 32 of the Act.
- 15.2 The recommended option (Option 2) was found to be consistent with the statutory context and the relevant planning documents and is an appropriate matter under Section 31 of the Act. The conclusion is that proposed Plan Change 33 is necessary to achieve the purpose of the Act.

Appendix I:

Proposed Amendments to the Waimakariri District Plan

Plan Change 33 – Mandeville Business

DISTRICT PLAN AMENDMENTS

Note: For the purposes of this plan change, any text proposed to be added by the plan change is shown as **bold underlined** and text to be deleted as **~~bold strikethrough~~**.

CHAPTER 13

Amend the explanation to Policy 13.1.1.1 as follows:

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

...

- **Business 4** provides for a small existing area of retail and business activity that is located at the southwestern corner of Williams and Carew Streets in Kaiapoi, and the Lilybrook shops on the corner of Percival Street and Johns Road in Rangiora. This also provides for a small area of local community business activity within the West Kaiapoi Outline Development Plan **and Mandeville Road - Tram Road Mandeville North Outline Development Plan.**

CHAPTER 16

Amend para 7 of “Reason” for Policy 16.1.1.1 to read as follows:

“The Business 4 Zone provides for activities existing at 20 June 1998, and limited future expansion of retail and business activities with similar effects on the southwestern corner of Williams and Carew Streets in Kaiapoi (District Plan Maps 104 and 105), and the Lilybrook Shops on the corner of Percival Street and Johns Road, Rangiora (District Plan Maps 113 and 117). This zoning recognises the commercial zoning that these sites enjoyed under the Transitional District Plan. The Business 4 Zone also provides for a local community business zone at West Kaiapoi (District Plan Map 104) **and within the Mandeville North settlement (District Plan Map 182).**”

Add new Objective 16.1.2 to read as follows:

A business zone within the Mandeville North settlement that:

- a. **fulfils a local community convenience function;**
- b. **ensures a scale and form of development that:**
 - i. **is appropriate to serve the Mandeville North settlement;**
 - ii. **limits the total floor area of development and single retail tenancies; and,**
 - iii. **avoids effects on the function and viability of Key Activity Centres;**

- c. mitigates adverse effects on adjoining properties through
 - i. high levels of amenity and urban design; and
 - ii. comprehensive design of car parking, loading areas and landscaping
- d. ensures the safe and effective function of Tram Road.

Add new Policy 16.1.2.1 to read as follows:

Provide for retail and business activities in the Mandeville North Business 4 Zone, in a way that:

- a. ensures that the characteristics of the Residential 4A and 4B Zones are maintained as set out in Policy 17.1.1.1;
- b. maintains the characteristics of the Mandeville settlement as set out in Objective 18.1.3;
- c. is contained within a single site within the Mandeville settlement;
- d. is limited to the provision of retail and commercial floorspace appropriate to the size of the Mandeville settlement as defined by its extent shown on District Plan Map 167;
- e. limits access onto Tram Road to two locations that avoid turns out onto, right hand turns from, and further access onto Tram Road;
- f. prevents direct pedestrian access from Tram Road into the Business 4 Zone to maintain the safe use of Tram Road;
- g. prevents car parking on Tram Road so as to avoid pedestrian access to the Business 4 Zone to maintain the safe use of Tram Road;
- h. ensures the provision of onsite carparking avoids adverse effects on the amenity of the area;
- i. limits noise to a level that is consistent with the Residential 4A and 4B Zones; and,
- j. considers the location, size, design and use of buildings to limit the effects of building dominance and amenity.

Amend paragraph 9 of Principal Reasons for Adopting Objectives, Policies and Methods 16.1.2 to read as follows:

"The Business 4 Zone enables site-specific areas of existing retail and business activity located outside of the Kaiapoi and Rangiora town centres. The effects of activities are known for those already developed, including those impacting on adjoining residential areas. Activity and development standards constrain the scale and nature of possible future effects. A specific policy and rule framework exists for the Business 4 Zone in West Kaiapoi and the Business 4 Zone in Mandeville North to ensure suitable scale and characteristics of any development within the zone and with regard to Mandeville North to recognise community desires."

CHAPTER 27

Add new Rule 27.1.1.30 to read as follows:

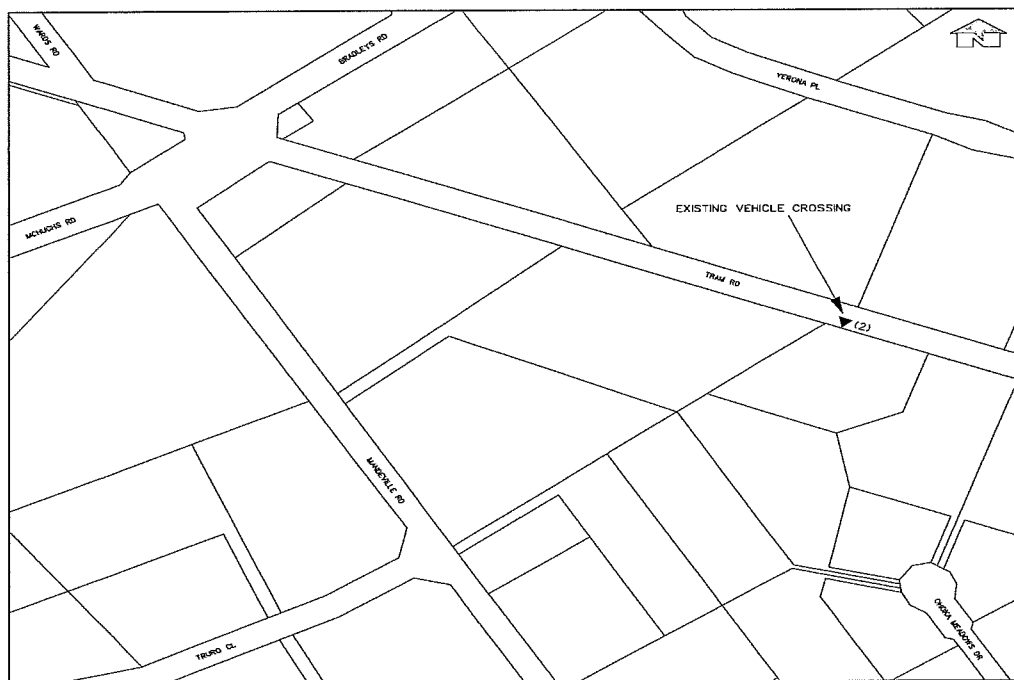
27.1.1.30 Within the Mandeville Road - Tram Road Mandeville North Residential 4A Zone identified on District Plan Map 182 any new dwellinghouse shall have a floor level of 400mm above the 0.5% Annual Exceedance Probability flood event.

CHAPTER 30

Add new Rule 30.6.1.10 to read as follows:

30.6.1.10 Vehicle crossings to Tram Road from the Residential 4A Zone Mandeville Road - Tram Road Mandeville North, shown on District Plan Map 182, shall be limited to the crossings and number of users as identified in Figure 30.2.

Add new Figure 30.2: Existing Vehicle Crossing and Users from Tram Road to the Residential 4A Zone (Mandeville Road - Tram Road Mandeville North Residential 4A Zone)



Add new Rule 30.6.1.15 to read as follows:

30.6.1.15 Within the Mandeville North Business 4 Zone no exit onto Tram Road shall be provided.

Add new Rule 30.6.1.25 to read as follows:

30.6.1.25 **Within the Mandeville North Business 4 Zone any site access from Tram Road shall be constructed to include a deceleration lane with a minimum width of 2.5 metres, over a minimum length of 88 metres and allowing for a 1 in 10 taper to be provided.**

Add new Rule 30.6.1.35 to read as follows:

30.6.1.35 **Within the Mandeville North Business 4 Zone shown on District Plan Map 182 no parking space or manoeuvring space shall be located within 4 metres of the Tram Road boundary.**

Add new exemption 30.6.2.9 to read as follows:

30.6.2.9 **The site access from Tram Road to the Mandeville North Business 4 Zone shown on District Plan Map 182 is exempt from complying with Rule 30.6.1.23 (construction of acceleration and deceleration tapers for retail activities).**

Add new Rule 30.9.3 to read as follows:

30.9.3 **Any activity that does not comply with Rule 30.6.1.15 (no exit to Tram Road from the Mandeville North Business 4 Zone) is a non-complying activity.**

CHAPTER 31

Amend Rule 31.1.1.10 to read as follows:

- 31.1.1.10 The structure coverage of the net area of any site shall not exceed:
- a. 50% in Residential 1 Zones;
 - b. 35% in Residential 2, 3, 5 and 6 Zones;
 - c. 20% in the Rural Zone, the Mapleham Rural 4B, Residential 4A and 4B Zones, except for the Residential 4A Zone, Bradleys Road, Ohoka identified on District Plan Map 169;
 - d. in the Residential 6A Zone (Pegasus):
 - i. 24% where any road frontage of the site is 15m or greater, or
 - ii. 38% where any road frontage of the site is less than 15m;
 - e. in the Residential 7 Zone:
 - i. Area A 60%;
 - ii. Area B 50%; and
 - iii. Area C 40%;
 - f. 55% in the Business 1 Zone Pegasus "Town Centre – General Business Area" as identified on District Plan Map 142;

- g. 35% in the Business 4 – Williams/Carew Zone as identified on District Plan Maps 104 and 105; or
- h. 40% in Business 4 – Lilybrook Zone as shown on District Plan Maps 113 and 117;
- i. 55% in Business 4 West Kaiapoi Zone as shown on the District Plan Map 104;
- j. 40% in the Residential 6A Zone Ravenswood, as shown on District Plan Map 158; and
- k. 10% for lots over 3000m² in area and 15% for lots between 2500 - 2999m² in area, or 500m², whichever is the lesser in the Residential 4A Zone, Bradleys Road, Ohoka, identified on District Plan Map 169.
- l. 40% in the Mandeville North Business 4 Zone as shown on District Plan Map 182.**

Amend Rule 31.1.1.14 (Table 31.1) to read as follows:

Table 31.1: Minimum Structure Setback Requirements

Location	A setback is required from	Setback depth (minimum)
Rural Zone	Any road boundary	20m for any dwellinghouse 10m for any structure other than a dwellinghouse
	Any internal site boundary	20m for any dwellinghouse 3m for any structure other than a dwellinghouse
	Any existing dwellinghouse on an adjoining site	10m for any structure (excluding a dwellinghouse)
All Residential Zones other than the Residential 4A Zone (Wards Road, Mandeville North and Mill Road, Ohoka), Residential 6A and 7, <u>and the Residential 4A Zone (Bradleys Road, Ohoka) and the Mandeville Road - Tram Road Mandeville North Residential 4A Zone</u> NOTE: See Rule 31.1.1.15	Any road boundary (other than a boundary to a strategic road or arterial road) or any accessway	2m
Residential 4A Zone (Bradleys Road, Ohoka) shown on District Plan Map 169 <u>and the Mandeville Road - Tram Road Mandeville North Residential 4A Zone shown on District Plan Map 182.</u>	Any road boundary	15m
	Any internal site boundary	5m

Location	A setback is required from	Setback depth (minimum)
Residential 4A Zone (Wards Road, Mandeville North) shown on District Plan Map 162, Residential 4A Zone (Mill Road, Ohoka) shown on District Plan Map 160 and Woodend Beach Road shown on District Plan Map 171).	Any boundary from a local road	10m
Residential 4A Zone (Mill Road, Ohoka) shown on District Plan Map 160	Mill Road boundary	15m
	Any internal site boundary	5m
All Residential Zones, other than Residential 6, 6A and 7, where the site fronts onto a strategic or arterial road	The road boundary of any strategic or arterial road	6m or 4m for any garage where the vehicle entrance is generally at right angles to the road
Residential 5 Zone	Any site boundary adjoining an accessway for allotments 15, 16, 17, 27, 28 and 29 shown on District Plan Map 140	4m
Residential 6A Zone (other than areas identified on District Plan Map 142 as excluded from the setback requirement)	Any internal site boundary, other than boundaries with accessways	2m for any structure other than garages and structures above garages
Residential 6A	Boundaries with accessways	10m for any structure other than a garage and structures above garages NOTE: Refer to Figure 31.1 and Rule 31.1.1.16

Location	A setback is required from	Setback depth (minimum)
Residential 7	Any road boundary (other than to a arterial road) or any accessway	2m for any dwellinghouse within Area A 3m for any dwellinghouse within Areas B and C 5.5m for any structure other than a dwellinghouse within Areas A, B and C
	The road boundary of any arterial road	6m
	Any internal site boundary	2m
	Any site boundary of 309 Island Road being Lot 1 DP 62400	20m
Business 2, 3 and 6 Zones, where the site fronts onto a strategic or arterial road	The road boundary of any strategic or arterial road	10m
All Business Zones, other than: (a) the Business 1 Zone at Pegasus, (b) any Business 4 Zone, and (c) the Business 1 Zones at Rangiora and Kaiapoi, where the site is adjacent to a Residential Zone or a Rural Zone boundary	The zone boundary, or where the zone boundary is a road, the road boundary	10m
Business 4: Williams/Carew Zone <u>and Business 4: Mandeville North</u>	Any road boundary	6m
	Any <u>internal</u> site boundary	5m
All Zones	All overhead high voltage electrical lines as shown on District Plan Maps where the adjacent span length is less than 375 metres	32 metres to the side of the centreline of the conductors
	All overhead high voltage electrical lines as shown on District Plan Maps where the adjacent span length is between 375 and 600 metres	55 metres to the side of the centreline of the conductors

Location	A setback is required from	Setback depth (minimum)
	All overhead high voltage electrical lines as shown on District Plan Maps where the adjacent span length is greater than 600 metres	100 metres to the side of the centreline of the conductors

Add new Rule 31.1.1.30 to read as follows:

31.1.1.30 Any structure in the Mandeville North Business 4 Zone not exceed a height of 8 metres.

Add new Rule 31.1.1.39 to read as follows:

31.1.1.39 Within the Mandeville Road – Tram Road, Mandeville North Residential 4A Outline Development Plan Area shown on District Plan Map 182, all site boundary fences shall:

- a. have a maximum height of 1.2 metres within the 15 metre road setback and elsewhere a maximum height of 1.8 metres;
- b. be farm-style post and wire or post and railing; and,
- c. achieve at least 80% permeability.

Amend Rule 31.4.1 to read as follows:

31.4.1 Except as provided for by Rules 31.1.2, 31.2, 31.3.3, 31.4.3 or 31.5 any land use which does not comply with one or more of Rules 31.1.1.7 and 31.1.1.10 to 31.1.1.48, 31.1.1.49 to 31.1.1.50, 31.1.1.51 and 31.1.1.52-4 is a discretionary activity.

Add new Rule 31.2.3 to read as follows:

31.2.3 Within the Mandeville North Business 4 Zone, shown on District Plan Map 182, development of the zone, including any buildings or structures shall occur as a comprehensive business development, including;

- a. any single tenancy shall have a maximum gross floor area of 450m²;
- b. the total number of carparks shall be limited to a a maximum of 65 parking spaces;
- c. any outdoor storage area for the temporary or permanent storage of goods shall not be located within any structure setback set out in Table 31.1 of Rule 31.1.1.14;
- d. landscaping shall occur;
 - i. for an depth of 4 metres along the length of the Tram Road boundary except for the vehicle entrance locations, including;

- trees to be capable of reaching a minimum height of 8 metres;
 - a minimum of one tree per 10 metres of road boundary frontage; and,
 - a maximum tree spacing of 15 metres.
- ii. to a depth of not less than 1.5 metres along the southern and eastern boundary with planting capable of reaching a minimum height of 3 metres;
- e. the site shall be fenced to prevent pedestrian access from and onto Tram Road;
- f. any building shall be finished to achieve a light reflectance value of less than 30%;
- g. within the car parking area, there shall be a minimum of one tree, planted for every 10 parking spaces provided;
- h. there shall be no dwellinghouses;
- i. the maximum gross retail floor area shall be 1300m²; and,
- j. any access from Tram Road shall be formed to prevent right hand turn vehicle movements from Tram Road.

is a controlled activity

In considering any application for resource consent under Rule 31.2.3 the Council shall, in granting consent and in deciding whether to impose conditions, exercise control over the following matters:

- i. the characteristics of the Mandeville settlement set out in Objective 18.1.2;
- ii. the objective and characteristics of the Mandeville North Business 4 Zone set out in Objective 16.1.2 and Policy 16.1.2.1;
- iii. the effects on the characteristics of the zone set out in Objective 12.1.1, Policies 12.1.1.1, 12.1.1.2, 12.1.1.4, 12.1.1.5, 12.1.1.6, 12.1.1.7, 12.1.1.8, Objective 16.1.1, 17.1.1, 18.1.1 and 18.1.3;
- iv. those matters over which control is exercised under Rule 32.1.3;
- v. the quality of building design, architectural features and details, use of colour and building materials;
- vi. the extent to which tree planting and landscaping achieves a highly quality outcome and mitigates adverse visual effects, amenity effects and scale of business activities;

- vii. the location of buildings, outdoor storage and loading areas and carparking and its design in relation to adjoining reserves and roads;
- viii. the extent to which any signage in buildings is integrated with buildings' architectural detail;
- ix. the extent to which the principles of crime prevention through environmental design are incorporated into any development;
- x. effects on the amenity of the surrounding Residential 4A, Residential 4B and Rural Zones;
- xi. effects on the safe and efficient functioning of Tram Road;
- xii. standard of construction of roads, service lanes and accessways; and,
- xiii. compliance with Outline Development Plan Map 182.

Add new Rule 31.5.6 to read as follows:

31.5.6 Any land use that does not comply with Rule 31.2.3 (Development of the Mandeville North Business 4 Zone) is a non-complying activity.

Add new Exemption 31.1.2.13 to read as follows:

31.1.2.13 Any site within the Mandeville North Business 4 Zone shown on District Plan Map 182 is exempt from complying with Rules 31.1.1.32 and 31.1.1.33 (Business Zone screening and landscaping).

CHAPTER 32

Add new Rule 32.4.10 to read as follows:

32.4.10 Any subdivision of land within the Mandeville North Business 4 Zone is a non-complying activity.

Amend Rule 32.1.1.25 to read as follows:

Outline Development Plans

- 32.1.1.25 Subdivision within the following areas shall generally comply with the Outline Development Plan for that area.
- a. The Residential 4B Zone of Mandeville identified on District Plan Maps 91 to 93 and the Mandeville Outline Development Plan on District Plan Map 141.

- b. The Residential 2 and Residential 4B Zones of North Rangiora on District Plan Maps 110 and 111 and the North Rangiora Outline Development Plan on District Plan Map 146.
- c. Southbrook Business 2 Zone identified on District Plan Maps 118 and 119.
- d. East Rangiora identified on District Plan Maps 113, 114 and 117.
- e. West Rangiora (North of Oxford Rangiora Road) identified on District Plan Maps 110 and 112.
- f. West Rangiora (South of Oxford Rangiora Road) identified on District Plan Maps 112 and 116.
- g. East Woodend identified on District Plan Maps 128 and 131 and the East Woodend Outline Development Plan on District Plan Map 153.
- h. Residential 5 Lees Road identified on District Plan Map 140.
- i. Pegasus identified on District Plan Map 142.
- j. Mapleham Rural 4B Zone identified on District Plan Map 147.
- k. North Kaiapoi identified on District Plan Map 156.
- l. The Residential 2 and 4A Zones of North West Rangiora identified on District Plan Map 155.
- m. The Residential 2 Zone Ashley Street – Enverton Drive, North Rangiora identified on District Plan Map 165.
- n. The Residential 2 Zone Northbrook Road Rangiora identified on District Plan Map 157.
- o. The Residential 4A Zone North Eyre Road, Mandeville North on District Plan Map 159.
- p. The Residential 4A Zone Waikuku Beach identified on District Plan Map 161.
- q. The Residential 4A Zone Wards Road, Mandeville North identified on District Plan Map 162.
- r. The Residential 2 Zone Enverton Drive - Ballarat Road North Rangiora identified on District Plan Map 166.
- s. The Residential 7 Zone West Kaiapoi, identified on District Plan Map 164.
- t. North Woodend identified on District Plan Map 158.
- u. The Residential 2 Zone East Kaiapoi identified on District Plan Map 163.
- v. The Residential 2 Zone Oxford Road West Rangiora identified on District Plan Map 168.
- w. The Residential 4A Zone, Bradleys Road, Ohoka, identified on District Plan Map 169 and more particularly described in Appendix 32.2.
- y. The Residential 4A Zone, Woodend Beach Road, Woodend, as identified on District Plan Map 171.
- z. The Residential 2 Zone North East Woodend identified on District Plan Map 172.

- aa. South West Rangiora identified on District Plan Map 173.
- ab. The Residential 4A Zone Mill Road Ohoka identified on District Plan Map 160.
- ac. The Residential 4A Zone McHughs Road, Mandeville North identified on District Plan Map 174.
- ad. The Todds Road Business 2 Zone identified on District Plan Map 175.
- ae. The Business 6 Zone identified on District Plan Map 180.
- af. The Mandeville Road – Tram Road, Mandeville North Residential 4A Zone identified on District Plan Map 182.**

CROSS REFERENCE: Rule 21.7

Apply any consequential renumbering or amendments throughout the District Plan as necessary.

Add new District Plan Map 182 Mandeville Road – Tram Road, Mandeville North.

Amend District Plan Map 93 to rezone 6200m² of Lot 1 DP 312522 to Business 4 with the remainder of Lot 1 DP 312522, RS 4924, Lot 3 DP 312522 and Lot 2 DP 312522 to Residential 4A.