

Tabled  
Evidence A.

Robyn Young  
177 McHughes Road  
RD2  
Kaiapoi

25 May 2015

Waimakariri Council  
Rangiora

RE: Proposed Council Plan Change 33 - Mandeville Business

Due to the date change for this hearing I am not able to attend in order to speak to my submission.

I oppose the Council Plan Change 33 – Mandeville North Business 4 and Residential 4A Zones for the following reasons:

- Further substantial loss of rural residential lifestyle – increased subdivisions in last four years have already eroded much of the rural atmosphere of this area.
- Increased traffic hazards at the Mandeville Road/McHughes road intersection and the McHughes Rd/Tram intersection due to new subdivisions. There are markedly increased “wait times” at these intersections causing more “at risk driving patterns” particularly at peak travel times.
- The increased traffic entering Tram Road from McHughes Road and Bradleys Road makes this intersection extremely hazardous.
- The Council conducts surveys and holds consultation meetings but despite outcomes continues to erode the rural residential lifestyle by allowing continued residential growth and supporting a business development. The Council actions are justified by often misrepresentation of survey results and choosing to ignore long term residents’ knowledge of the area and wishes to retain the rural atmosphere/lifestyle.
- The likely nature of a business zone will only further erode the rural residential lifestyle. There is NO proven demand for such a development. Rather it has been the Council telling us that we need it.
- The status quo should at the very least be given very real consideration. Mandeville North cannot continue to expand further therefore the demand for a business area will not increase.

I support the Plan Change 33 be declined in full.



Robyn Young

Council Plan Change 33. Submission by W.S. and C.E. Cockram.

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Intro:

Our position throughout almost 20 years residency at Mandeville North has remained unchanged. This is a wrong and unsafe location for a business zone, made difficult to access and unsafe by Tram Road and proximity to the busiest intersection along its entire length and the unwillingness of the Council to reduce the open road speed limit of 100 kph. It was not my intention to revisit the history that goes with our continuing objection to Commercial Zoning at this intersection. But upon recently receiving the Hearing Report which supports this application, its failure to even mention one of the key parameters, compels me to bring this omission to your attention.

That omission is the assurance repeatedly confirmed at public meetings by the Senior Planner that in any study of options, the status quo of "no business zone", would be included. Indeed when Commissioner Dean Crystal ruled out the last developer-initiated attempt to impose commercial elements at this intersection, it was he who kick-started the process we are now engaged in by urging the Council to embark on a comprehensive study as to "if or where" a business zone might be needed to serve the people of Mandeville North. He recognised that leaving it to commercial developers would simply have the Council constantly reacting to whichever new proposal came across the table, wasting time and effort.

This instruction by Commissioner Crystal was the major constructive advance of the issue. The Hearing Report before us does not acknowledge that the status quo (no business zone) was to form part of the process. And despite continued assurances from Victoria Caseley that this would be so, no evidence exists in the report. The status quo may have been discussed by planning staff, but it has not been offered for discussion with the people who live at Mandeville, nor are there any reasons given why it is not part of the narrative that you require to make a fully informed decision.

The many surveys and Council initiated studies as to what residents want, always fail to support what the planning staff seem fixated on achieving. Indeed the surveys during our years at Mandeville have been characterised by the large number of people who don't respond to questionnaires. To extrapolate percentage conclusions of support or opposition to any proposal when only minorities respond, is simply bad process. Apathy cannot be construed as tacit support for a business zone. At best it hints that people are satisfied with the status quo.

I acknowledge that the Council has a duty to plan services for an expanding community. The enhanced Mandeville water supply and the extension of the Eastern Districts Sewerage Scheme are commendable improvements. One might argue both were essential once JA and BL Properties were permitted to sacrifice rural land to Residential 4A in McHughs Road. This was the precedent that opened the floodgate to high-density subdivision and the incremental erosion of the "rural character" which is a requirement of the rural residential 4B zone. The averaging effect of section size in the Millfield subdivision in particular has created rows of symmetrical plots separated by town-type paling fences; . . . exactly what was not supposed to happen when the developer's consultants said there would be no significant loss of rural aspect and character.

### Commercial and Business:

Both previous proposals to force business activities on a community that has not asked for them have failed, and rightly so. You will know the history of the Rosscroft and Wai-iti Developments which were proposed diagonally across from Plan Change 33's location at the corner of Tram and Wards Roads. Both were ruled out by the commissioners who heard the applications. One would have thought by now that the problems of the Tram/Bradleys/Wards/Mandeville/McHughs junction have been so exhaustively recognised and explained that a third attempt to circumvent common sense would not turn up so soon. That it is being attempted by the Council with knowledge of the issues is even more unfathomable.

When the options were revealed to the community, it was clear no serious attempt had been made to examine possible locations other than those which radiate from the Tram/Bradleys/McHughs intersection. For all practical purposes the handful of land parcels suggested by the planners fell at one location . . . the major intersection. I'm sure this is not what Commissioner Crystal intended when he urged a comprehensive Council-led examination as to where in the whole of wider Mandeville a business zone might serve the community. For example an obvious place that I and others suggested is the Mandeville Sports Centre. This is already the point of community focus. Shops there could benefit from the presence of players and supporters. Screening from houses is already established. Access is via an existing 80kph restriction on Mandeville Road.

However the study fixated entirely on the busy road junction. It claimed to offer 8 possible sites round the intersection, but in the same report ruled out 6 of them. The remaining two consisted of the site we are examining today and the block to its immediate east which is now proposed as residential 4A. And why were only these two considered suitable in the eyes of planning staff? The answer is because they had already received, or were aware of, pending applications to develop from the owners of the two lots. Nothing had changed. It was still being developer-led despite the commissioner's instruction that this should not be the case. No consideration of the Sports Centre; no attempt to look elsewhere; no serious weight given to retaining the status quo as had been repeatedly promised.

### The Specific Location:

Access is the killer of this proposal; . . . both metaphorical and real. I am delighted that the most recent iteration to emerge from the hidden world of planners and engineers does at least remove the notion of exits on to Tram Road. I find it worrying though that Appendix 3(Abley Transportation Consultants) appears to be subverting this sensible requirement. The author of this report may have found measurements and statistical data to justify an exit on to Tram Road, but it is clearly in ignorance of the true nature of driver behaviour. Yes, Tram road may have wide uninterrupted views in both directions, but it is precisely that long, featureless sameness, that causes drivers to relax attention and use excessive speed. The author of the report has also failed to note two crucial safety issues. The first is light-strike from the sun both morning and evening in winter during the peak commute times due to the east/west alignment of Tram Road, and ice caused by the continuous shelter belts on the north side of Tram Road.

Driver behaviour being what it is, I have not the slightest doubt that despite signage, traffic islands or whatever engineering is supposed to make conditions safe, there will be drivers travelling east on



Tram Road who will speed through the controlled intersection and risk a U-turn to access the slip lane to the shops. If you genuinely believe this commercial centre is wanted by Mandeville people to serve their needs rather than the commuting up-country traffic, then all traffic movements both in and out need to be via Mandeville Road through the existing controlled intersection of Tram and McHughs. This will be inconvenient for many, but it is the only unambiguous option for all road users. The plan we have been shown gives convenient access only to west-bound traffic on Tram, and even those vehicles when leaving, must navigate a GIVE WAY at McHughs and a STOP at Tram to resume a journey. Any entrance off Tram creates the additional hazard of a short-cut to Mandeville Road. This is an exact parallel, of the "rat-run" situation identified by commissioners to the two previous hearings, where the road through the proposed business zones created a shortcut between Tram and Wards Roads. The "rat-run" issue between Tram and Mandeville Roads has also been ignored in the report you've been given.

I also believe there is a serious likelihood of confusion arising between drivers encountering two slip-lanes in close proximity. I have in mind a situation where the driver of a car travelling west on Tram makes a late decision to turn into the shops when a following car is already pulling left in anticipation of the slip lane into McHughs. Superimpose on this the low angle of the setting sun in winter and the pressure of the evening commute. There is a real risk of a rear end shunt spinning a car into the path of opposing traffic.

By contrast, the Mandeville road access for both entering and leaving traffic does not appear to present any issues in relation to speed and serious accident. Its problems are confined to a convoluted awkward route from most of Mandeville, the narrowness of two-way access and the consequent irritation to users.

#### Pedestrian and Cycle access:

Tram Road is I believe one of only two designated arterials under the Council's control. With housing each side, half the community will find itself the wrong side of Tram whichever side is chosen. One could have a footbridge or an underpass, but as people walk their dogs and jog the roadside already, I doubt either option would be used unless such a facility fell on their direct convenient route. The issue is akin to Woodend where SH1 divides the community. This location is actually worse because Tram Road is a 100kph carriageway whereas Woodend is restricted to 50 kph. I see no effective solution unless the Council is prepared to reduce speeds by gazetting Tram Road through Mandeville at say 80kph or even 50kph. While historically I know it has not been the wish of the Council to limit the open road speed on Tram, the burgeoning urbanisation since the Canterbury quakes may necessitate revisiting the issue of the maximum permitted speed through Mandeville. As a resident of McHughs Road I know the 80kph limit which extends almost to its junction with North Eyre Road and Number 10 Road, is widely ignored. The growing vehicle movements associated with all the feeder roads to Tram may also merit reviews downwards in respect to their limits. I personally have attended 4 serious crashes at The Bradleys/Tram/McHughs intersection. All resulted in vehicles written off; one required the rescue helicopter for a seriously injured driver. There was also a fatality not long before we moved to Mandeville, and that fatality was one of the factors leading to the redesign of the intersection and the removal of the Wards Road junction with Tram. It is instructive to note that Transit New Zealand's yardstick for the separation of intersections on open highways is 800metres. I believe the Council claims to adhere to a similar policy.



#### Economic Viability:

I fully understand it is not your role or the Council's to adjudicate on economic use or whether a business can be sustained. However it is difficult for any of us to evaluate the pros and cons of commercialism if we don't know what is coming until after we have agreed to let it in. We can however make a fair stab at what we won't be getting.

It is unlikely Mandeville will get:

1. A supermarket or sizeable grocery store that could compete on price and product range.
2. A hardware shop.
3. Clothing or footwear.
4. Professional services/ doctor/accountant/legal/pharmacy.

It is more probable we would get:

1. Fish and chips or takeaways.
2. Small bakery of the KBs franchise type
3. Tearoom/Cafe.(possibly with liquor licence)
4. A sub-branch of a real estate office.
5. Hairdressing.
6. Gift/souvenir/craft shop.

To a large degree the first three are competing with each other as sellers of fast food. Even if there was a full restaurant, would local people really want to dine sitting next to Tram Road traffic ? The real customers would not be locals but passers by or more distant commuters and tourists who forgot a bottle of milk or fancied an ice-cream. The only locals likely to regularly patronise such shops would be children spending on drinks and sweets; the packaging of which would add to the existing detritus along whichever route they navigate.

Appendix4 ( Retail Review) talks of "convenience retail" and concludes that a business zone at Mandeville would have negligible impact on the Key Activity Centres of Rangiora and Kaiapoi. Indeed it states in clause 3.1 : " ...residents within the identified catchment will continue to utilise Rangiora and Kaiapoi for weekly shopping requirements and for higher order retailing and commercial/professional services..." This statement effectively confirms the absence of the desirable categories I have suggested. The report also omits to consider the long-established family business of Ohoka Services, just 4 minutes drive away at Ohoka. This is a convenience retail centre with the added attraction of fuel supplies, vehicle repairs and a hire service carrying a range of machinery and implements useful to country residents. No consideration has been given to the impact on Ohoka Services and the convenience foods, products and services it provides. It should also be noted the former Irrigation & Pumping is now a PGG Wrightsons owned business at Ohoka.

#### Summary:

My wife and I therefore oppose totally the creation of a business zone at this location for the following reasons:

1. There has never been, and isn't now, a strong demand from the community for such a zone.

2. This is a far from safe location selected by planning staff in the absence of somewhere truly suitable and imaginative, and they knew the easy option was to endorse an existing plan by a developer, contrary to the instruction and intention of commissioner Crystal.
3. No valid explanation has ever been given as to why the Mandeville Sports Centre site is not an option, even though the sports activities, spectators and shops could complement each other.
4. Even without traffic exiting to Tram Road, the traffic and safety issues are not solved. Worse, any new access or egress points close to the major intersection, degrade the safety qualities that the redesign of the intersection strove to achieve.
5. The nature of any shops which might establish will be to capture passing traffic on Tram, not local custom. It is wrong therefore to give any credence to the argument that such shops provide a local focus. A local focus is already achieved by the Sports Centre.
6. Council staff have given inadequate weight to the very reasonable proposal of maintaining the status quo. I believe this may be in part due to their seeing their requirement to plan being overtaken by a rapidly expanding community. But the Council has already ring-fenced the limit to Mandeville as a residential community. Mayor David Ayres has made it abundantly clear at public meetings that the Council does not intend further sub-division loss of rural land and character beyond the ring-fence declared. After the present post-quake rush, Mandeville will not get bigger. The people who move here do so for the country lifestyle. Ohoka Services are just three or four minutes away, and there is a choice of Kaiapoi or Rangiora for all other needs if the City is thought too far. Those of us who have lived here many years know that it had the best of both worlds; . . . the rural environment that appeals, yet easy access to comprehensive shopping and services when needed. Permitting Plan Change 33 would dramatically alter Mandeville's rural character and undermine its qualities further.

We ask that you decline Plan Change 33.

Bill/Cynthia Cockram.



Plan Change 33  
Mandeville North,  
Waimakariri District  
Council

Submitters presentation

To the Hearing of

Proposed Council Plan Change 33

Mandeville North

By

Gavin Bennett & Yvonne Thompson

26 May 2015

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## **INTRODUCTION**

1. We are Gavin Bennett and Yvonne Thompson. Gavin holds a Diploma in Surveying from Reading University, England and is a Chartered Quantity Surveyor holding professional membership status of the Royal Institution of Chartered Surveyors. He also holds full member status of the Association of Cost Engineers and is an Associate member of the Guild of Incorporated Surveyors. Gavin has over 30 year's professional career experience in the construction and property consultancy sectors both in the UK and New Zealand.
2. We have resided at 460 Mandeville Road for nearly nine years. We own this property as well as the adjacent site at 933 Tram Road. Both sites are immediately adjacent to each other and are included in the Council's proposal for rezoning. They have a total combined land area of 2.8407 Ha although only 2.3407 Ha is included for rezoning with the Council having chosen to exclude part of the 933 Tram Road site. That is contradictory to what they have previously indicated to us and we believe that their action has been designed around not wanting to precipitate the potential for further rezoning applications from the adjacent Ohoka Meadows subdivision. Our land is legally described as: Lot 2 DP 312522 with a physical address of 460 Mandeville Road; zoned Rural; area of 20240 m<sup>2</sup> and Lot 31 DP 77464 with a physical address of 933 Tram Road; zoned Res 4B; area of 8165 m<sup>2</sup>, noting however that following recent subdivision and proposed boundary adjustment the creation of two new titles will provide an enlarged landholding at 460 Mandeville Road amounting to 23407 m<sup>2</sup> with a 'split' zoning of rural and Res 4B.
3. We consider that we are the most affected party as a result of the Plan Change proposal as our North West boundary immediately abuts land that is also subject to rezoning. Of particular relevance however is that this land will be the subject of Business 4 rezoning and, given the position of our dwelling house, close to the boundary and having an outlook that will face directly towards the business buildings, we can consider being the party that will suffer from any adverse effects.
4. Our landholding (if one includes the full area of our 933 Tram Road site) represents over 45% of the overall sub dividable residential land within the Plan Change area. By taking out a portion of our 933 Tram Road site, our landholding still represents 41% of the overall available residential land.
5. During our nine years of residing in this location we have witnessed considerable change in the character and feel of the area, not least as a result of the large residential 4A subdivisions of 'Mandeville Park' and 'Millfield', both of which are located in close proximity to us. One such example would be that the volume of horse riders seen using the lanes and roads in the area has diminished to the point of almost non-existence, having given way to far more motorists, joggers, cyclists and people walking with their dogs. The volume of patrons using the Mandeville Sports Centre for its wide range of recreational activities has also increased dramatically.

## **BACKGROUND INFORMATION**

6. We believe it would be helpful for the Commissioner to be made aware of some background information regarding our engagement with the Council and involvement in the Plan Change process to date. We have recently raised certain concerns regarding the Council's processes with the Council's Chief Executive Officer who has conducted an enquiry. We have not yet resolved those concerns but have been informed by the CEO, and we quote "I am aware that you have submitted on the plan change and that will ultimately be the best forum to present your case" and "With your understanding of the issues I'm sure this will assist the hearing panel in their decision making". We therefore find Mr Bacon's contradictory approach to this, in which he comments within the 'full recommendations on submissions' section of his hearing report, that he does not consider the examination and investigation of the Council's engagement process to be within the scope of his report.
7. We attach below copy correspondence between the Council and ourselves regarding the concerns we have raised. The final paragraph and penultimate paragraph from each document respectively are relevant:

**Gavin Bennett**

**From:** "Gavin Bennett" <gycbennett@xtra.co.nz>  
**To:** "Jim Palmer" <jim.palmer@wmk.govt.nz>  
**Sent:** Thursday, 26 February 2015 8:12 a.m.  
**Subject:** Re: Plan Change 33 Mandeville:OUR CONCERNS:WITHOUT PREJUDICE  
Dear Jim

Thank you for your note. We look forward to receiving your detailed response in due course.

Whilst the Plan Change process may well be one avenue that provides some relief to some of the issues that we have raised, we most certainly do not see this as being the appropriate forum to deal with the many matters of maladministration that have occurred, nor is it likely to give rise to the level of financial compensation that we shall be seeking from Council.

Might we therefore suggest that you give detailed consideration to this issue. We reiterate our preference for an agreeable resolution directly with Council, however, we currently reserve our position in taking the matter to an external process of adjudication/litigation.

Please note this is "Without Prejudice" correspondence.

Kind regards

Gavin & Yvonne

----- Original Message -----

**From:** [Jim Palmer](#)  
**To:** [Gavin Bennett](#)  
**Sent:** Wednesday, February 25, 2015 11:01 PM  
**Subject:** Re: Plan Change 33 Mandeville:OUR CONCERNS

Dear Gavin and Yvonne

Thank you for email. It has been a significant task to review the relevant files and consider the issues you have raised requiring a response.

Having just finished revising a draft response I have identified a few additional questions that I need to explore with some staff. I think it will take a further week to complete those enquiries and finalize the reply to you

In the meantime I am aware that you have submitted on the plan change and that will ultimately be the best forum to present your case.

Kind regards  
Jim

Not from my Samsung Galaxy smartphone

----- Original message -----

**From:** Gavin Bennett <gycbennett@xtra.co.nz>  
**Date:** 24/02/2015 8:56 AM (GMT+12:00)  
**To:** Jim Palmer <jim.palmer@wmk.govt.nz>

9/03/2015





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Our Reference: DDS-06-05-02-33-01 / 150225028531  
150112003145

4 March 2015

Mr Gavin Bennett  
460 Mandeville Rd  
RD2  
KAIAPOI 7692

Dear Gavin

**RESPONSE TO QUESTIONS ABOUT THE PLANNING PROCESSES  
933 TRAM RD AND 460 MANDEVILLE RD.**

Thank you for detailing your concerns about the plan change process covering your land at Mandeville.

I understand your concerns and frustration with the process. I know that plan changes, especially those involving multiple parties, do take time to evolve as different interests negotiate and focus their aspirations.

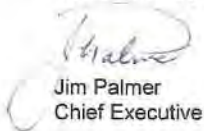
The response to your questions is attached and follows the order of the questions as you have raised them. Some of the responses may seem short however these are framed around the questions themselves which may be more a statement of opinion or fact. You have also asked for records and minutes of meetings since 2010. **These will be compiled and sent to you.**

The proposed plan change (P033) is now well into its formal process with submissions having closed on 16 February and further submissions expected to be called shortly. You will get direct notification of this.

**I note that you have made a comprehensive submission. With your understanding of the issues I'm sure this will assist the hearing panel in their decision making.**

If you have any further questions or want to know anything more about the process, please contact me or Victoria Caseley.

Yours sincerely

  
Jim Palmer  
Chief Executive

150225028531



Accredited as an International 'Safe Community'  
by the World Health Organisation Collaborating Centre on Community Safety.

8. We have been in active dialogue with the Council for nearly five years now from when we first engaged a Planning and Surveying Consultant to approach the Council in September 2010, to discuss our desire at that time to subdivide our land into smaller density allotments. We felt this was an appropriate opportunity as there was a high market demand for smaller lots and it would put our land to good use. At that time the Council advised that rather than a Plan Change request they felt that a 'non complying subdivision' application was the most appropriate route due to 'the minor nature of the impact of the small number of new lots proposed and costs'. Sometime later however, the Council changed their minds and advised that they would instead prefer the matter to be dealt with by way of Plan Change and that they had identified our landholding at 460 Mandeville Road as a suitable location for a small business development. During early 2011 our Consultants met with the Council to be advised that the Council would be interested in the siting of the buildings to be in the farthest north east corner of our land as access could be as far away as possible from the intersection of Bradley's and McHugh's Roads with that of Tram Road.
9. It has been a very difficult and frustrating process dealing with the Council that has taken a significant investment in our time, energy and finances, to bring about an outcome that the Council sought. During our early discussions with the Council it came to light that the Council owned land at 933 Tram Road would become available for purchase to us as a preferred party. This land would become surplus to their requirements as they intended to provide an alternative sewer pipe facility for the Council managed scheme serving us and the adjacent Ohoka Meadows subdivision. In effect the land would not be needed and the Council saw it as a great opportunity for us to enlarge our landholding and provide greater scope for safer access options from Tram Road and for accommodating any future growth requirements that a successful commercial zone might require. The Council actively encouraged us to commit to the land purchase and gave an indication that the whole idea of the rezoning requirements could be fast-tracked. We reiterated that if the commercial zone element was not to be progressed we would alternatively seek the rezoning of our entire landholding for residential 4A subdivision, particularly as we had committed to the purchase of their land.
10. After various delays in progressing with their ideas the Council then decided to prepare a study paper to consider and formalise their thoughts around the exact location for the commercial zone. A report was prepared and considered by Council in March 2012. The Council then decided that their preferred location would in fact now encompass the neighbouring site at 474 Mandeville Road (owned by the Korea Development Company Ltd) as well as ours. They encouraged the two landholders to work together to bring about a consortia solution to deliver on the Council's aspiration. This situation was a totally different scenario to that which had been evolving beforehand and presented a different and more complex set of circumstances, not least the requirement to engage Surveying and Planning consultants as well as legal representation, as the matter involved other parties. The process involved us in preparing various concept plans for the Council to consider and 'steer' and we incurred significant costs over a long period of time in meeting their objectives. We attach below one of a number of such concept drawings that was being actively progressed with the Council at this time. We draw attention to the fact

that our existing vehicular access from Tram Road was a critical aspect of the scheme and that the residential lot yield calculations included the entire area of land at 933 Tram Road but at this time excluded the reserve land and the neighbouring land to the South. It was later on that the Council decided to include the reserve land and the neighbours (Mr & Mrs Hammond) land into the equation in order to 'maximise' the residential lot yield across the 'entire zone' and to optimise the opportunity to provide an holistic subdivision outcome that would be in keeping with the characteristics of the area:



- One of the key matters the Council were patently aware of was that our various concept plans all involved the need for and utilisation of the existing vehicular access at 933 Tram Road to facilitate access to our land for subdivision purposes. That was after all one of the key reasons why we agreed to purchase the land from them. The terms of sale included default clauses to facilitate access across the Council land in the event that the Council had difficulty in achieving satisfactory land contamination clearance and could not conclude the sale. Given this situation, we are simply perplexed that the Council now wish to impose a 2 user restriction on the existing vehicular access point serving our land. We intend to discuss this aspect later in our submission. In the meantime, we attach below copy of email exchange with the Council in relation to the above scheme drawing, that confirms their knowledge around the use and critical requirement of the existing Tram Road access point:



**Gavin Bennett**

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**From:** "Gavin Bennett" <gycbennett@xtra.co.nz>  
**To:** "Trevor Ellis" <trevor.ellis@wmk.govt.nz>  
**Cc:** "Matthew Bacon" <matthew.bacon@wmk.govt.nz>  
**Sent:** Wednesday, 8 August 2012 3:14 p.m.  
**Subject:** Re: Mandeville Update Session  
Hi Trevor,

Thanks for the update; it all sounds very comprehensive.

There is one important point that I think should be made and brought into the mix and that relates to the access point over the site we are purchasing at 933 Tram Road (the ex sewer works). Whilst there is an existing vehicular access point here, this will be crucial for the new residential lots we are creating (and shown on the Concept plan as Lots 5, 6, 7 and 8). Presumably the Consultant will take into account any additional traffic/usage that the new 4 residential lots might perceive to generate onto Tram Road?

Perhaps you can confirm please.

In the meantime, happy to meet up again and we shall await your invitation. We will then try to meet up beforehand with Korea Developments and progress with a firmer understanding on the land exchange or Joint Venture arrangements between us.

Regards

Gavin

----- Original Message -----

**From:** Trevor Ellis  
**To:** Gavin Bennett  
**Cc:** Matthew Bacon  
**Sent:** Wednesday, August 08, 2012 10:22 AM  
**Subject:** RE: Mandeville Update Session

Hi Gavin,

We have met with Abley Transportation Consultants and received the following from them on Monday (sorry about the quality, it's a cut & paste from a PDF) which sets out what they will look at, including the concept plan and access issues. We have agreed the scope of works and will give them the go ahead today or tomorrow. They expect to be able to deliver Part A in three to four weeks of the go ahead.

I think it's necessary for WDC staff, your team and John & Co to meet within the next couple of weeks. I will email you all a meeting invite.

Regards

Trevor

#### **Scope of Services**

We understand that Council is now at the stage where they are seeking transport planning and traffic engineering advice to inform the ODP and Plan Change. At our meeting it was agreed that our involvement would be undertaken in two parts:

Part A: Issues and Options Assessment

Review the 'Revised Concept' prepared by Andersen & Associates dated 23 May 2012 and provide commentary on the proposed layout of the site from a transport perspective;

12. An extract of the Further Terms of Sale for 933 Tram Road are show below. Clause 20.4 is particularly relevant:

20.2 All soil testing and other reports are to be provided to the Purchaser prior to settlement.

20.3 This agreement can be terminated by either party (after which any deposit (and interest accrued) shall be repaid immediately to the purchaser) in the event that:

20.3.1 Any land contamination found on the property exceeds that which could be reasonably expected from a waste water treatment plant, or

20.3.2 Agreement between the parties cannot be reached prior to the settlement date as to the extent and cost of any remediation required to reduce contamination to acceptable levels and to obtain removal of the "Hazardous Activity Site" classification or as to the responsibility for the completion of such remediation in obtaining removal of the Hazardous Activity Site Classification.

20.4 In the event that this agreement is terminated under the terms of clause 20.3, the Vendor and Purchaser shall enter into a new agreement that will make provision for the Purchaser to obtain vehicle access to their site at 460 Mandeville Road by way of purchasing a freehold access strip of land or securing an access easement over the Vendors land at 933 Tram Road. The value of the access strip of land, either purchased freehold or secured by way of an easement, shall

be determined by a mutually agreed Registered Valuer. In the event that this clause is invoked, both parties shall act in good faith to achieve the intent of this clause, that being to enable vehicle access to be obtained across the Vendors property to the Purchasers property and fair and reasonable compensation being paid for that access.

13. Unfortunately an agreeable business zone solution could not be reached between the Korean Developers and ourselves and by July 2013 this resulted in the Council effectively setting up a competition between the two landholders with the intention of choosing between the merits of each separate landholding. At this juncture the Council reverted to the idea that it would after all be an easier solution if one landholder had the complete control as the prospect of a deliverable outcome would be more likely to be achievable. They decided that the neighbours land was now their preference. Subsequently we understand that the Korea Development Company have changed their name to Mandeville Holdings (the current registered proprietor) and have also reached a commercial development agreement with Ratua Holdings Ltd (one of the submitters at today's hearing) in respect of a partial sale and disposal of their site for the business zoned parcel of land.
14. We held a meeting with Council in October 2013 to be informed by Council that they would no longer consider our 933 Tram Road site to be included in the future rezoning but that we could give consideration to a separate application to subdivide that site into two lots. They also requested us to give consideration to our residential lot yield requirements in order to support the Plan Change and offered to embody this as 'sub area' yield allocation within the Plan Change proposed rules.
15. We emailed the Council on 30 October 2013 to summarise the meeting. Refer to copy email below. Paragraphs 2,4,5 and 9 are particularly relevant:



**Gavin Bennett**

**From:** "Gavin Bennett" <gycbennett@xtra.co.nz>  
**To:** "Victoria Caseley" <victoria.caseley@wmk.govt.nz>; "Matthew Bacon" <matthew.bacon@wmk.govt.nz>; "Trevor Ellis" <trevor.ellis@wmk.govt.nz>  
**Cc:** <rachel@do.co.nz>  
**Sent:** Wednesday, 30 October 2013 3:32 p.m.  
**Subject:** Mandeville Plan Change:WITHOUT PREJUDICE

Dear Victoria, Trevor & Matt

Thank you for the meeting today in which you explained the process going forward and gave your proposals in respect of cost-sharing arrangements. We summarise the key aspects of our discussions:

1. You are proposing a rezoning of the rural land into Residential 4A. That includes the reserve land, our land at 460 Mandeville Road, The Hammonds and the remaining land held by Mandeville Holdings (excluding the proposed commercial zone land circa 6500m<sup>2</sup> which will be separately rezoned). You do not wish to include our site at 933 Tram Road.

2. Your proposal to keep 933 Tram Road as per current Res 4B zoning would not preclude us looking at a subdivision of that land but you would regard it as a non-complying and notifiable application. That is not acceptable to us. You have been aware for a considerable period of time that this land was always identified by us as forming part of our Res 4A desire. You have had numerous concept plans and calculations that supported that. We purchased that land from the Council under the clear expectation that the land could usefully form an access from Tram Road that facilitated a better and more flexible arrangement for a commercial zoned land layout as well as opened up options for residential access. In addition this land has never been developed since its inception as Res 4B land in circa 1998 as it has been utilised as a Council utilities facility. The land is accessed separately from the Ohoka Meadows development and cannot be considered in the context as precipitating rezoning applications from that existing established development. We would also note that there are a number of under-sized lots presently existing on the Ohoka Meadows development some of which are circa 3400m<sup>2</sup>.

3. We understand that you have held a meeting on 1 October with the 'Apollo Projects Partnership' and have subsequently received correspondence from their Lawyers, Adderley Head, in which they are proposing to draft a 'Partnership Agreement' that sets out understandings between Council, Apollo, Mandeville Holdings, The Hammonds and ourselves with regard to the plan change and rezoning. Please provide that to us so that we can seek appropriate advice.

4. We understand that Mandeville Holdings propose to seek a residential subdivision that has two new lots in addition to their ex house (i.e. a total of 3 number residential sections).

5. We understand that you have held a meeting with the Hammonds and indicated the potential for them to have 2 new sections (i.e. a total of 3 number incl. their ex house) on their land and that they were giving consideration to a financial contribution into the plan change process. You indicated that if the Hammonds (or indeed any of the landholders) did not contribute financially then the plan change process would terminate.

6. We understand that you have agreed with Apollo that they will pay in its entirety for the fees and costs associated with Landscaping, Traffic assessment, services infrastructure for the plan change documentation.

7. We understand that you have sought fee quotes in respect of geotechnical and ground contamination reporting and as each 'separate landholder' would need to provide these then you wish to propose a cost sharing arrangement split between WDC, Mandeville Holdings, Apollo, Hammonds and ourselves. Please provide copies of the relevant fee proposals along with your envisaged cost-sharing arrangements.

8. You indicated your desire to hold a community meeting within the next month as part of your consultation process. Thereafter you envisaged a public plan change notification during the second quarter 2014.

9. You requested us to give consideration to calculating a 'yield' in terms of the number of new lots that we seek and also giving consideration as to whether we will financially support the plan change application and give agreement to the rezoning of commercial land. You agreed that to provide us with some certainty you could introduce a residential allotments allocation similar to District Plan rule 32.1.1.12 that sets out our agreed yield.

19/05/2015

In summary, we highlighted to you our concerns at the considerable expense and cost we have committed to date in this exercise and of the uncertainties and risks in going forward with more speculative costs particularly as the idea of a business zone is arguably far more contentious than a residential proposal. In order to provide our support to the plan change process we trust you will appreciate that we need greater certainty from you as the instigator and therefore seek your early agreement that our 933 Tram Road site will be rezoned as Res 4A and that you will allocate a subdivision that permits a total of 7 no. lots across our entire landholding (i.e. 1 ex dwelling plus 6 new lots).

This correspondence is written on a 'Without Prejudice' basis as we wish to reserve our position in terms of agreement or otherwise in support of the commercial rezoning and contribution to any further costs and expenses at this time.

We look forward to hearing from you.

Regards

Gavin & Yvonne

----- Original Message -----

From: Matthew Bacon

To: Gavin Bennett

Sent: Monday, October 14, 2013 2:42 PM

Subject: RE: Mandeville Plan Change

Thanks Gavin, see you then

Matt

17.

In January 2014, given the ongoing uncertainties and yet further delay in progress, we met with Council to discuss their earlier suggestion to deal with 933 Tram Road as a separate subdivision to create two new lots as they had indicated. The land had been earmarked by them for inclusion in the future rezoning as Residential 4A so it was a case of simply progressing to circumvent the delays occurring in the wider Plan Change process. This constituted a pre-application meeting. Thereafter we engaged a reputable Planning consultant to lodge the necessary application in April 2014. Significant costs accrued for this exercise. We attach below the concept drawing discussed at the meeting. At this time no issues were raised by the Council in relation to the planned utilisation of the access road for the future subdivision of the remainder of the 460 Mandeville Road site:



PROPOSED SUBDIVISION / BOUNDARY ADJUSTMENT OF 933 TRAM ROAD TO CREATE 2 NO. RESIDENTIAL LOTS, EACH CIRCA 3400 M<sup>2</sup>



NOTE: CURRENT ZONING IS 4B  
— SITE AREA 8165 M<sup>2</sup>.

SCALE: 1:1250 Approx  
23 JANUARY 2014

18. During May 2014, and much to our surprise, we were advised that Council could not now support the proposal due to their concern that the new lot sizes would be below the minimum requirement of 5000m<sup>2</sup> for the current residential 4B zone. This was despite the fact that our Planning Consultants had advised the Council that in fact one third of the 31 allotments within the subdivision were already below the minimum size and the average lot size across the subdivision zone was already approximately 11% below that stipulated within the District Plan. The Council advised us that they had no choice but to publically notify the application. During June 2014 we were advised to withdraw the application and substitute it with a non-notified boundary adjustment to create a 5000m<sup>2</sup> parcel of land with the balance of the land being amalgamated with our adjacent site, so that we could retain the vehicle access crossover for future use. The Council approved the application during July 2014 including the revocation of a consent notice dating from 2003 in relation to vehicle access from Tram Road. During October 2014 the Council issued Section 223 and 224 certificates. The revised land titles are in the process of preparation and will be lodged with LINZ in the near future.

## **LAND DESCRIPTION**

19. We are somewhat surprised that the Plan Change document contains little in the way of descriptive text describing the site and its environment. Accordingly we detail below our own description:
20. The proposed area of land subject to the Plan Change is under the control of 4 separate registered proprietors and is legally described as below:
21. Mandeville Holdings (2012) Ltd (formerly known as the Korea Development Company) own Lot 1 DP 312522. Physical address: 474 Mandeville Road; zoned Rural; area of 20234 m2
22. S W & D A Hammond own Lot 3 DP 312522. Physical address: 450 Mandeville Road; zoned Rural; area of 20239 m2
23. G Bennett & Y Thompson own Lot 2 DP 312522. Physical address: 460 Mandeville Road; zoned Rural; area of 20240 m2 and Lot 31 DP 77464. Physical address: 933 Tram Road; zoned Res 4B; area of 8165 m2; Noting however that following recent subdivision and proposed boundary adjustment the creation of two new titles will provide an enlarged landholding at 460 Mandeville Road amounting to 23407 m2 with a 'split' zoning of rural and Res 4B.
24. Waimakariri District Council is the registered proprietor of Pt RES 4924 (SO 301533). Physical address: 975 Tram Road; zoned Rural; area of 3917 m2. Otherwise known as the 'reserve land'.
25. Thus, the combined landholding subject to this Plan Change amounts to 67797 m2.
26. The Council intend, and designation dictates, that the Reserve land at 975 Tram Road remains as reserve land. It would in any event by itself potentially not meet an average 5000 m2 size in accordance with Res 4A zoning requirements. We would also note that the reserve land has no vehicular accessway and it is difficult to envisage how one might ever be provided given the site's location immediately at the convergence of Tram/McHugh's/Mandeville Roads.



## SITE LOCATION AND CONTEXT

27. These are aerial photographs of the Mandeville 'hub'. We note the new subdivision of "Millfield" to the North of Tram Road. Particularly noteworthy features are the 9 number residential lots immediately to the development boundary with Tram Road, with very minimalistic set back positions, and the two storm water retention ponds either side of Wards Road.



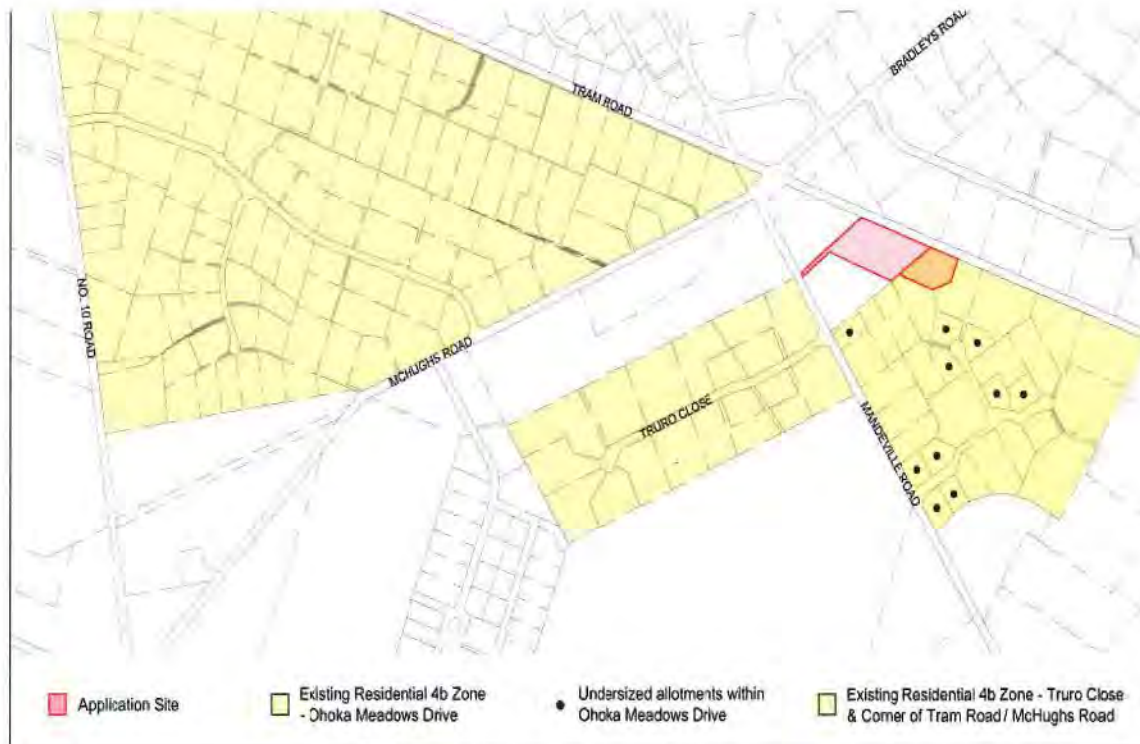




Aerial view December 2012. The 'hub' is at the centre. Note the 9 No. new Residential lots of 'Millfield' abutting Tram Road to the right of the photograph. Note also the significant impact and contribution of the reserve plantation.

28. The subject site is located at the geographical centre of the Mandeville North settlement, colloquially described as the 'central hub'. It is positioned at the central focal point of the Mandeville Settlement growth boundary depicted in the Council's District Plan and Rural Residential Development Plan. The site sits at a significant convergence point or transportation node.
  
29. The allotments are currently zoned 'rural' and 'residential 4B' within the District Plan, however, all of the lots are significantly undersized as they are approximately half the size of the minimum 40,000m<sup>2</sup> requirement for a 'rural' zoned lot. That has been the case following the granting of a non-complying subdivision in June 2002.

30. The Ohoka Meadows subdivision immediately to the East of the site has around a third of the allotments that are undersized relative to the Res 4B zoning. The average lot sizes across the zone are also undersized by approximately 11% below the District Plan stipulations, as shown on the diagram below:



31. It should be noted that immediately North and opposite the subject sites across Tram Road are two other parcels of land that are designated as reserve. They are under the ownership and control of the Council and occupy a significant area of land, being 8008 m<sup>2</sup> and 11,738 m<sup>2</sup> respectively (numbers 976 and 956 Tram Road, Pt RES 1302 (SO 8853).
32. Part of the Council's reserve land across Tram Road is now occupied by the recently constructed Bradley's Road pump station facility that connects the reticulated wastewater for this locality into the Council's Eastern District Sewer Scheme. The pump station site itself is very prominent and is something of an industrial looking facility with a blockwork constructed operation's building with 6 large storage tanks adjacent, each tank estimated to have a capacity of 25000 litres. Large bore steel pipework is visible from the 'front' elevation and little attempt has been made to conceal the site from view. The site complex itself is surrounded by high industrial looking galvanised security fencing that has three rows of barbed wire around its perimeter.
33. The same Council reserve land is also occupied by a large timber building that houses the telephone exchange for the locality. It has an air conditioning unit attached to the external wall. Adjacent to this building is a smaller building that appears to be a toilet ablution block for use by telecoms workers. Both buildings are unobscured.

34. Immediately adjacent to the Pump station facility, and also on the Council's land, is an older building that serves to provide weighbridge facilities for goods vehicles travelling in the region. This facility is used at all times of the day and night and usually by large articulated vehicles such as truck and trailer units. It is a noisy type of operation and generates dust and disturbance as the area in front of the weighbridge serves as a large vehicle park and turning area for the trucks. This same area is also used by the Council's road maintenance contractors for the stockpiling of road aggregates used in the repairing of the highways.
35. Immediately in front of the pump station are the remains of a disused railway platform that originally served the West Eyreton branch line.
36. Diagonally opposite the subject site is an area of land that is used as a private wastewater treatment plant by Ohoka Utilities Ltd. It is located at 1 Bradley's Road, being Lot 20 DP 300695 with an area of 2.5285 Ha. It is an isolated site in the sense that it can be accessed and seen from all sides as it effectively forms an island at the intersection of Tram, Bradley's and Wards Road. The site has had some very recent landscaping work undertaken along its boundary with Tram Road in the form of raising and forming earth bunds. Ironically, the site is, as we understand it, in the process of purchase by the Council, yet the formation of bunds in a rural area is generally discouraged as being an inappropriate form of landscaping and screening treatment.
37. The intersection of Bradley's Road and McHugh's Road with Tram Road is a busy junction that is extremely well known in the region. It is a junction that has a somewhat urban feel about it due to the particular formation of the access roads and slipways on either side of Tram Road, that incorporate concrete kerbing and channelling. Immediately at this junction there is an intensified collection of electricity power poles and overhead transmission lines as this area appears to be a main distribution hub for the wider region. In addition, there is significant road signage and advertising boards at the immediate approaches to either side of the junction with the junction itself being illuminated by 12 number high street lights during the hours of darkness. This all contributes to the feel of urbanisation. The immediate occupiers and users of the land around this junction (i.e. the private wastewater treatment plant, the Council pump station, the weighbridge facility, the road maintenance company, and the electricity and the telecoms operators) serve to add to the characteristic of this particular locality. It should be noted that all of the aforementioned features are located within a 100m distance of the subject site and directly opposite the proposed business zone.
38. Whilst Tram Road has a 100km/hr speed classification, there is a lower posted limit of 80km/hr either side of the intersection, along Bradley's, McHugh's and Mandeville Roads.
39. This particular location is for one reason or another very attractive for the activities of the so-called 'boy racer' element of society. It probably has something to do with the high intensity of the street lighting that has a particular appeal. There is regular evidence of such activities in the form of damaged road signs, damage to roadside vergeways and rubber tyre deposits and diesel spills on the roads themselves.



40. Until relatively recent times the site at 933 Tram Road served as the Council's waste water treatment plant. It was characterised by large industrial gates at its entranceway and 2m high galvanised steel fencing around the operational complex and plant, which in itself consisted of a blockwork constructed building, concrete water storage tank, raised tank lids, hoisting equipment and raised settlement beds.
41. Immediately opposite our land, across Tram Road and within the reserve, the Council use the reserve land as a land-fill site.
42. More recently the Mandeville location is now served by the Council's kerbside recycling collection service so a regular feature in the area has become the yellow coloured bins lined up for collection alongside the road.
43. This central location also serves as the pick-up and drop-off point for the recently introduced public bus service operating between Oxford and Christchurch, and similarly is the location for the school bus service for Rangiora High school, Rangiora New Life School and Swannanoa School.
44. Within a short distance of the subject site there is a small animal Veterinary practice ("Tram Road Vets" at 843 Tram Road), a beauty salon ("Pamper Pod" at 1046 Tram Road), a landscape garden and plant nursery ("Gough's" at 1029 Tram Road), the "Sandona Olives" pressing operation at Bradley's Road, and a pet food manufacturing business ("Canterbury Pet Foods" at 166 Bradley's Road). Slightly closer to the 'hub' is the historic Mandeville Cemetery.
45. Along the length of McHugh's Road one can observe the raised area of embankment of the land that once formed the railway line of the West Eyreton branch line.
46. It is not an uncommon sight to see stationary and unoccupied vehicles parked up at either of the two large grassed verges at the intersection of Tram with McHugh's or Bradley's Roads, being openly advertised for private sale.
47. To the North West of the site, across Tram Road, is the recently developed Plan Change 010 "Millfield" subdivision, comprising of some 141 number allotments zoned Res 4A. Of these dwellings 9 number are located alongside the development boundary with Tram Road. They are particularly prominent to travellers along Tram Road due to their close proximity to the boundary as a result of minimalistic setbacks and sparse shelter belt screening.
48. There has been some recent improvement works undertaken to the water race along Bradley's Road, following the flooding events of June 2014. This work has been of a substantial nature and has involved the significant excavation and engineering works to both widen and deepen the creek, to the extent that in many parts the culvert is now some 3m wide by 2m deep. There has by necessity also been works to strengthen the foundations and supports around the large concrete power poles and vehicle entrances. This has been achieved by the installation of large 'industrial looking' concrete pipes, each of which are 1350mm diameter.

49. We therefore submit that the Mandeville settlement has over the years grown and developed to such an extent that it has taken on characteristics that are more aligned with a semi-rural or urbanised environment rather than a pure rural environment as perhaps envisaged by the District Plan. It is simply the case that the rural characteristics have diminished over time with only the outer fringes of the settlement being able to be considered as being of a rural setting. Furthermore, the fact that the subject site is undoubtedly recognised as being at the 'central hub' of the settlement lends itself to the expectation that it is a suitable location for a small scale business development coupled with a consequently more compact residential density around it. That in itself better serves and supports the inevitable effects of change from a rural feel on the settlement fringes to one that is considered more 'urbanised' and appropriate at the central focal point of the Settlement.

50. We also consider it to be the case, that following construction of any form of commercial building in this locality, there will inevitably be a change in character to some degree or other. A couple of such examples might be the pedestrian crossing or underpass to Tram Road or the degree of noise associated with the increased movement of vehicles and new patronage to the area. There will in all probability be a need for a greater requirement for road and footpath illumination along Tram, McHugh's and Mandeville Roads as well as lighting requirements to the buildings themselves and the internal site access roads and car parking areas. We also have little doubt too that there will be an essential requirement to reduce the posted speed limit along Tram Road within the confines of the designated Mandeville growth boundary. Indeed the Council have already indicated to us that they will give consideration to this.

51. Photographs



View taken from within 933 Tram Road across towards the dwelling at 460 Mandeville Road



View at entrance of 933 Tram Road looking West towards the 'hub'





933 Tram Road whilst operating as the Council's wastewater treatment plant



933 Tram Road whilst operating as the Council's wastewater treatment plant





The Council's landfill site within the Tram Road reserve opposite 460 Mandeville Road



The improved entrance to 933 Tram Road after decommissioning of the treatment plant.



View from McHugh's Road towards Bradley's Road and Telecoms buildings.

Note the use of concrete kerb and channels.



The recently raised earthwork bunds to the Ohoka Utilities site at Bradley's/Tram Road.





The Telecoms building and toilet block at Tram Road/Bradley's Rd intersection.



The Council wastewater pump station at Bradley's Road/Tram Rd intersection.



The access road around the weighbridge facility at Bradley's Road, opposite the pump house.

2



The weighbridge and pump house and redundant railway platform.





View down Bradley's Rd to Tram Road, Mandeville 'hub'.



The three facilities adjacent to each other. Tram Rd/Bradley's Rd intersection.





Tyre debris, junction Mandeville and McHugh's Roads.



Tyre debris, junction Mandeville and McHugh's Roads.





Tyre debris, junction Mandeville and McHugh's Roads.



The view across the Ohoka Utilities site towards Mandeville Road.





1046 Tram Road looking East at 'Pamper Pod'. New house in view forms part of "Millfield"



View from Tram Road looking towards 'Millfield' subdivision. Note rubble bund.





View from Tram Road towards "Millfield" subdivision.



View from Tram Road towards "Millfield" subdivision.



Tram Road looking West. Ohoka Utilities waste treatment site on right at stopped off road.



Tram Road looking East towards the 'hub'.





The plantation reserve at Tram/Mandeville/McHugh's Roads.



New flood mitigation works in the enlarged drain culverts along Bradley's Road.





New flood mitigation works in the enlarged drain culverts along Bradley's Road.



The recycling bins along White's Road, off Mandeville Road.



The recycling bins along Mandeville Road towards the 'hub'.



Recycling bins at Mandeville Park.





McHugh's and Tram Road intersection.



McHugh's and Mandeville Road junction.





McHugh's and Tram Road intersection. Note the concrete kerb and channel and native planted area within the road.



Tram Road looking West with Bradley's Road to the right.



View across Tram Road towards Bradley's Road.



Tram Road looking East with McHugh's Road to the right.



Bradley's Road approaching junction with Tram Road.

### **SPECIFIC ISSUES**

52. These fall into two categories:

- i) The Business 4 zone proposals and
- ii) The Residential rezoning component

53. We shall firstly pass comment on the Business zone.



## THE BUSINESS ZONE

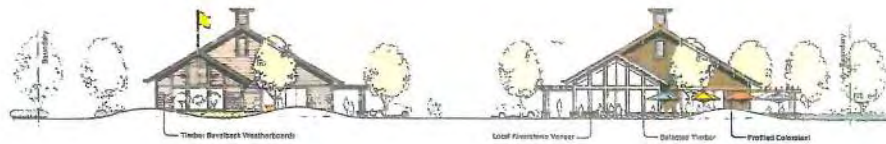
54. As mentioned earlier in our submission, we understand it to be the case that our neighbouring landholder, Mandeville Holdings 2012 Ltd; who is an absent landlord, no longer wishes to act as the developer of any commercial zone. We are led to believe that they have reached a commercial option arrangement with Ratua Holdings Ltd (one of the submitters to this hearing) to whom they will dispose of a parcel of their landholding. That agreement is on the basis that part of their land is rezoned for business 4 with the remaining part being rezoned residential 4A and retained by them to provide a 3 lot residential subdivision yield. Whilst we are not party to the specific terms of such an arrangement, we have derived this information as a result of our considerable involvement in the Plan Change process and as a result of direct discussions with the Council as well as Ratua Holdings themselves.
55. The Director for Ratua Holdings first became involved in the Plan Change process in April 2013. At that time he approached the Council with a proposal to acquire the reserve land at 975 Tram Road as they considered it to be a more appropriate location for a commercial development. They operated under the company known as Aurora Property Group. We expressed our surprise and concern to the Council as we felt this was inappropriate and we also felt that this was an opportunistic approach that the Council were giving some credibility to. At the same time we queried with the Council whether they had undertaken sufficient due diligence in forming the view that it was an approach worth considering.
56. At the Council's Resource Management and Regulation Committee of 16 July 2013 the Council resolved that the reserve land was not a suitable location for the business zone due to its status and complexities around the Crown involvement. They instead instructed staff to work with the two adjacent landholders to bring a solution forward that was to be located on either of the two allotments. At the same time Council reconfirmed the extent of the Plan Change area, which included the reserve (and the designated road portion) as well as our entire parcel of land at 933 Tram Road, as shown below:



57. Following this decision, the 'new' developer did not walk away. They then sought to engage with each of the landholders. Our own due diligence investigations into the Aurora Property Group indicated that it appeared to be a 'shell company' that had been incorporated relatively recently. Upon querying this it emerged that Aurora would in fact be acting with the support of a company known as Apollo Projects. It was explained that whilst Apollo were the employer of the Aurora Director, they would 'deliver' the project under the guise of a new entity to be known as Apollo Projects Partnership. That entity to our knowledge has never been incorporated. At that time we concluded that their approach and the earlier one to the Council was indeed an opportunistic approach as we could not find any solid evidence that demonstrated an ability or intent to deliver.
58. At the Council's Resource Management and Regulation Committee of 17 September 2013 the Council nevertheless determined that they would engage with Aurora as preferred developer to progress with the Plan Change process. Aurora had by this time secured an option to acquire part of the land from Mandeville Holdings.
59. At the Council's Committee of 17 September 2013 various plans and elevation drawings were presented by the developer. These provided a persuasive argument to the Council. They indicated a development design proposal that would be similar in appearance to the Pegasus Golf Club Pro Shop and the Millbrook Millhouse restaurant and conference centre in Arrowtown. We are very familiar with the Millhouse facility. It is an attractive two storey building that provides for a fine dining restaurant on the lower floor and a conference/dining/events facility on the upper floor. It is noteworthy that the upper floor has a gross floor area of 206m<sup>2</sup>. Extracts from the Officer's report to that meeting are shown below, along with a higher resolution photograph of the two-storey "Millhouse" and an upper floor plan:







View from Tram Road

0 2 4 6 8 10m

MASON & WALES  
ARCHITECTS

COMMUNITY RETAIL AND BUSINESS VILLAGE  
TRAM ROAD • MANDEVILLE

\*Provides refutation  
showing and design  
Project 1216  
Designed by Roger Johnson  
Drawn 1216-01  
27 August 2010  
**S1**  
Sheet 01



Pegasus Golf Club Pro Shop

MASON & WALES  
ARCHITECTS

COMMUNITY RETAIL AND BUSINESS VILLAGE  
TRAM ROAD • MANDEVILLE

Project 1216  
Designed by Roger Johnson  
Drawn 1216-01  
27 August 2010  
**S1**  
Sheet 01



Millbrook Millhouse

MASON & WALES  
ARCHITECTS

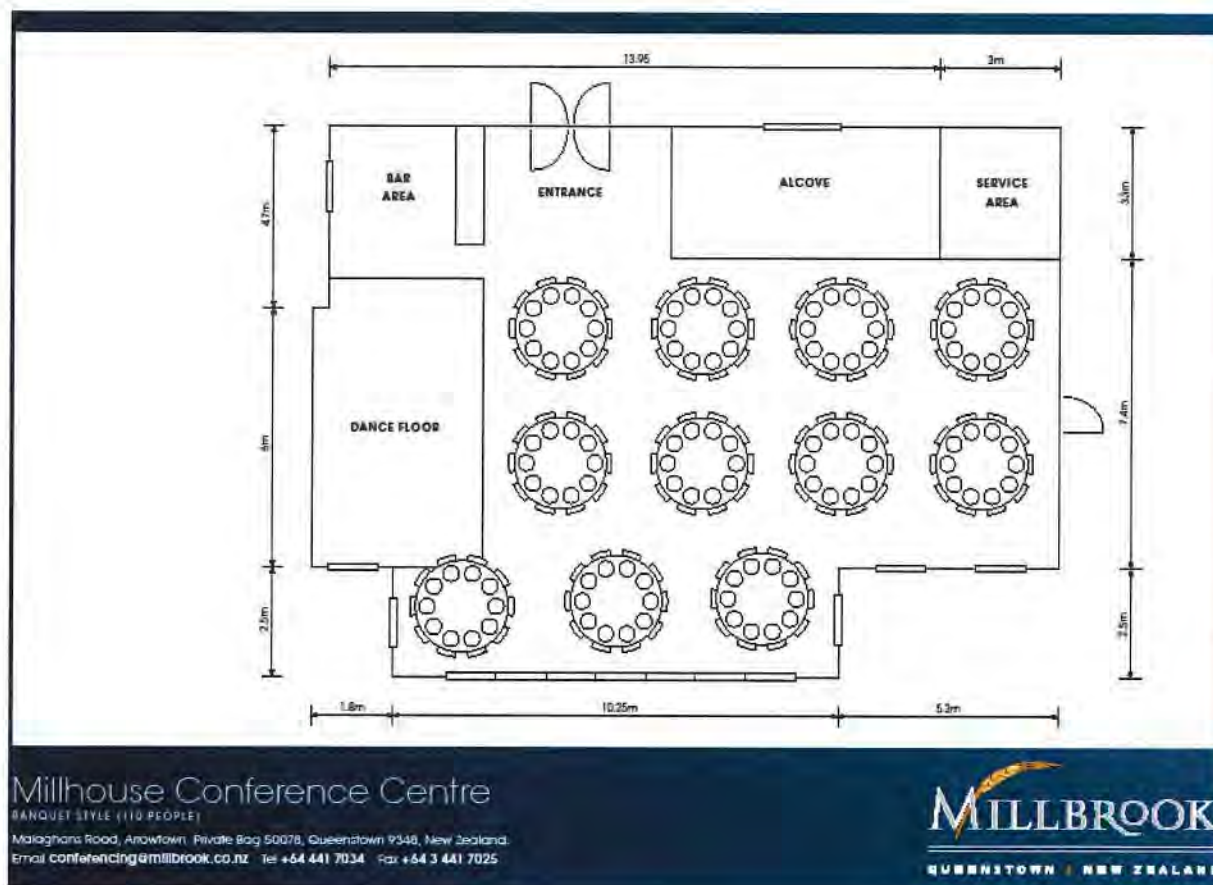
COMMUNITY RETAIL AND BUSINESS VILLAGE  
TRAM ROAD • MANDEVILLE

Project: 0001  
Designed by: Mason & Wales  
20 August 2001

Sheet 01







60. In October 2013 a new company called "Ratua Holdings Ltd" was incorporated by the Director of Aurora Property. That company is now the proponent of the business zone element of the Plan Change. We note from the submission by Ratua that they claim to be "a retail development and investment company who deliver client-driven development solutions, with a particular focus on opportunities that deliver quality assets with a community focus". We have however been unable to see any firm evidence of this in the form of any demonstrable projects or track record of experience undertaken by this company.

61. The matter again came back to the same Council Committee on 15 April 2014. The Committee deliberated on and noted our concerns about the apparent 'creep' in size of the commercial buildings. At this juncture the developer was now indicating to Council his desire to enlarge the footprint from the Council's stated objective of a maximum gross floor area of 1200m<sup>2</sup> to potentially 1650m<sup>2</sup>. The Council reaffirmed their desire to proceed with the Plan Change process with some caution.

62. We were invited to meet with the Council on 4 July 2014 in order for them to give us an update on progress. They presented the latest developers scheme plan for the business zone and wished to discuss maximising residential lot yields. On 6 July we emailed them to confirm the discussions held. Refer to the email below. The final paragraph is particularly relevant as it refers to the Council wanting the landholders to formulate and agree a residential lot yield across the zone and also confirms our own position in wanting to seek a maximum lot yield as a result of

purchasing the 933 Tram Road site and having thereafter relinquished our involvement in the commercial element:

**Gavin Bennett**

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From: "Gavin Bennett" <gycbennett@xtra.co.nz>  
To: "Matthew Bacon" <matthew.bacon@wmk.govt.nz>  
Cc: "Nick Harrison" <nick.harrison@wmk.govt.nz>; "Victoria Caseley" <victoria@wmk.govt.nz>  
Sent: Sunday, 6 July 2014 1:24 p.m.  
Subject: Re: 933 Tram Road & 460 Mandeville Road  
Hi Matt

Thanks for meeting with us last Friday.

As promised we have been in touch with the Hammonds and advised them of your request to undertake geotechnical works at their site. They will await you contacting them to discuss (Tel 3126869, [steveanddebh@clear.net.nz](mailto:steveanddebh@clear.net.nz)).

With regard to the other matters we discussed we understand that you have cancelled the public meeting on Monday due to the current residents adverse reaction following the Mandeville flooding problems. Please advise us when that meeting will be reconvened.

We are surprised at the developers Concept drawing that you showed us. We note that it is a different Architect to the one utilised for the RMR Committee last September. The scheme is fundamentally different too in that the buildings and car parking appear much larger, the access from Tram Road is two-way and closer to the McHugh's junction and the scheme relies on about a third of the reserve land being used for storm water attenuation. You indicated that the Council would not support certain aspects of the scheme. It seems ironic now that the RMR Committee previously chose the adjacent site over ours due to perceived better access, yet now the Council are giving consideration to a two-way access onto Tram, something that has always been a non-negotiable non starter. Our previous commercial proposal would now be a more viable proposition if a two-way Tram Road access is permitted.

It seems to be the case that in order for the scheme to be viable for the developer a two-way access onto Tram Road is a requirement as is the need for greater car parking. It seems unlikely that the site alone has sufficient flexibility to allow for this. For our part we are still willing to engage with yourselves, the developers and landowner to explore whether a better solution might be achievable by utilising some of our own land, perhaps for better access or car parking solution. We will await your thoughts on this and whether you decide to discuss that proposal with the developer.

With regard to the matter of residential yield we understand that you would prefer the three landowners to agree on the allocation rather than the Council impose a restriction similar to the Millfield development. We are willing to engage with all parties on this matter once you are in a position to consider this particular aspect of the Plan Change. As you are aware we purchased the additional land and relinquished our interest in the commercial development in order to maximise our own residential yield. Please consider how you might bring the landowners together to achieve a satisfactory outcome.

Regards

Gavin & Yvonne



63. On 4 September 2014 an information evening was held with the Community and a presentation given by the Council on the Plan Change intentions. A scheme plan was presented in which it was stated that "Buildings A and B have a maximum floor area of 1300m<sup>2</sup>". A copy of the presentation drawing is shown below:



64. The above drawing is the latest one prepared by Ratua Holdings that is in the public domain; there has been no other. We find it somewhat inconceivable that the prospective developer has not felt inclined to keep ourselves and the community abreast of any refinements to the proposal. Whilst the drawing has not been included within the Plan Change notification documentation, we conclude that it has nevertheless informed the Council as to the general layout and configuration of the site and thus the area of land required for the Business zone and its access arrangements. That area of land has been stipulated as 6200m<sup>2</sup> within the Plan Change and is shown on the Outline Development Plan 182. Also stipulated within the Plan Change is a maximum gross floor area of 1300m<sup>2</sup> although the Plan Change does not define how much of this is to be ground floor single storey buildings or two-storey buildings. The point being that with a maximum gross floor area of 1300m<sup>2</sup> this could be potentially provided for within a building that has a footprint of no more than 650m<sup>2</sup>. Whichever way one looks at this, the 6200m<sup>2</sup> business zoned area has been derived from the above plan that we understand is based on single storey buildings. This plan layout, along with the developers earlier drawings depicting the 'Millhouse' and 'Pegasus' buildings has created what the community expectation is for the outcome of the process.

# Mandeville Business Zone



POSSIBLE MANDEVILLE RETAIL PROPOSAL  
Proposed by developer

**JACOBS**



[waimakariri.govt.nz](http://waimakariri.govt.nz)



#### Submission Point 84.02

65. Our assertion, made in point 84.02 of our submission, is therefore that The ODP is vague and incomplete as it does not show any building positions within the business zone area, nor does it adequately show access/egress roads and layouts. The ODP has not been surveyed/mapped in any great detail and we therefore have concerns around where precisely any building position will be sited relative to our own land. Greater certainty is required so that we have adequate assurances in relation to the position, size, massing, effect of dominance, configuration and height of any commercial buildings within the zone and that these will not encroach any further towards our boundary from what can be reasonably derived from the ODP at present. We also seek certainty that the maximum gross floor area for the buildings remains at the stipulated 1300m<sup>2</sup> and that the buildings and their ancillary requirements, such as car parking and accessways can be adequately contained within the total 6200m<sup>2</sup> area of business zoned land, as we would not be in favour with, nor do we believe the community would support, any increase in either of those areas, principally on the grounds of increased adverse environmental impact. We would add the point that with a permitted building height of some 8m, that has the potential to become a greater issue for us, the closer any building is sited towards our boundary.
66. Allied to our concerns regarding the actual size and siting of the commercial element of the Plan Change are concerns over matters raised in the submissions of Ratua Holdings Ltd. From their submissions and from discussions held with them it has become patently obvious that their key objective during the Plan Change process has been to obtain the greatest area possible for the commercial building. Indeed their submission is seeking an increase of 31% in the permitted floor area, from 1300m<sup>2</sup> to 1700m<sup>2</sup>. We are however somewhat comforted by the fact that they are not seeking any increase in the 6200m<sup>2</sup> area of business zoned land and conclude that, if the increased floor area is to be permitted, any prudent and experienced developer would, in seeking a greater floor area have consequently satisfied themselves over the appropriate site layout considerations in this regard. We note that their argument seeking a permitted increase in floor area has been formulated almost entirely around economic viability considerations. Paragraph 11 of their submission is particularly relevant in this regard. It warns of and we quote, "potential adverse consequences"; "the commercial viability being compromised"; the "imposition of an economic penalty on the developer"; "there being less opportunity for the developer to recoup costs" which in turn leads to "less to spend on development, compromising the amenity outcomes for the community" and finally "if the rents are unaffordable the development will fail". All of these assertions seek to justify their reasoning for a larger building footprint.
67. Given what might appear, on the face of it, to be reasonable points of concern we nevertheless believe it is important to examine their legitimacy and better understand whether these are anything substantive to their claims. In other words, are these compelling reasons worthy of consideration or are they simply spurious excuses that are being advanced in the context in which they are given. This vexed question raises a number of interesting considerations that perhaps only the developer can allude to. First and foremost, what is the key objective of the landholder's development partner? Are they in for the long term or are they just a speculative

developer that seeks a quick return, perhaps by on-selling their land option at the earliest opportunity? Do they have any tenants lined up? And what rental levels are likely to be achieved? Do they have any form of experience and track record in the financing and delivery of such a project? Do they have a robust development appraisal that provides certainty to the financial viability of this particular development and is this really so inextricably linked to maximising the available floor area as they have claimed? And finally, are their profit expectations so high and their cost management so poor, that they are perhaps not the right development partner after all?

#### Submission Point 84.01

68. Turning now to our submission point 84.01 relating to storm water management. We note that there is a further report from Mr Kalley Simpson, the Council's 3 Waters Manager that seeks to address this point. It is contained at Appendix VI of the hearing report. Paragraph 11 of this report refers to the need for 140m<sup>3</sup> of water storage capacity and a consequent requirement of a land area of 450m<sup>2</sup>. We are having some difficulty in correlating those two figures as a land area of some 450m<sup>2</sup> in order to contain a volume of water amounting to 140m<sup>3</sup> would imply a depth of only 310mm. Our understanding is that water storage retention ponds are significantly deeper than 310mm. The matter is further complicated by the fact that the area of storm water management shown on the outline development plan 182 indicates a very small area indeed, which we would estimate appears to be no larger than 100m<sup>2</sup>. We therefore submit that either the outline development plan drawing is incorrectly drawn or the calculation for the 450m<sup>2</sup> of land area is flawed.

69. We still consider that the proposed siting of the storm water management area is of concern and that there are more suitable alternatives available. The proposed position means that the land naturally falls towards our own land and introduces a new risk to us in the event of flooding created by an inadequately sized retention pond. That scenario has already occurred on the 'Millfield' subdivision at Wards Road last June when an inadequately sized retention pond overflowed for a couple of weeks causing widespread flooding in the Mandeville community. Whilst the Council appear to have ruled out the use of the reserve land on McHugh's Road there is a large area of reserve land immediately opposite the site across Tram Road that is owned by the Council. We had made this point in our earlier submission but that matter has not been taken into account in Mr Simpson's latest report. We submit that that is a far more appropriate location for any storm water management and can have the added benefit of being able to provide suitable options to allow for integration with other flood mitigation measures, currently being considered by the Council for Mandeville, following the flooding event of June last year. The photograph below shows the overflowing storm water retention pond at 'Millfield' on 10 June 2014 :





#### Submission Point 84.03

70. Turning to our submission point 84.03 concerning the potential impact that any new access/egress points serving the business zone might have on those of our own, we are pleased to note the outcome of the further report from Abley's Transportation Consultants, contained at Appendix III. They conclude at Paragraph 5.8 of their report, that there is no impediment to our current or future use of our existing accesses. We are therefore satisfied with that outcome.

#### Submission Point 84.04

71. We now refer to the further report of Andrew Craig Landscape Architect contained at Appendix V. We are pleased to note that Mr Craig has further considered our submission, point 84.04, and concurs with us in relation to the importance of landscaping the new business access road from Mandeville Road to assist with mitigation.

### **THE RESIDENTIAL ZONE**

72. We would now like to focus the remainder of our presentation around the specific submission points we have made in relation to the residential component of the Plan Change.

#### Submission Point 84.05

73. In relation to our submission point 84.05 concerning the inaccuracy of the ODP drawing with regard to the inclusion of part of our land at 933 Tram Road, we note that the Officer's hearing report has now provided clarity to this by effectively agreeing that the ODP drawing was not accurately plotted. By way of confirmation of the exact area included in the Plan Change we attach below the accurately plotted drawing generated from the Title Plan registration document:

setback stipulations will actually be, as the proposed Table 31.1 amendments do not incorporate these.

76. We are still desirous that dwelling setbacks for the residential zone should be 6m from Tram Road and 5m from internal access roads. That would achieve greater consistency with what currently prevails.

#### Submission Point 84.10

77. We briefly turn our attention to our submission point 84.10 concerning the lowering of the 'freeboard' flood requirements for new dwellings. We are pleased to note that Mr Simpson, the Council's 3 Waters Manager, has accepted our proposal and that the Officer's hearing report now recommends the appropriate changes to the Plan rules.

#### Submission point 96.4

78. We also briefly refer to our further submission point in respect of submission point 96.4 by the NZ Fire Service Commission wherein we sought clarification that any new allotment would not be required to meet the stringent test of requiring a fully reticulated water supply for fire-fighting purposes. We note that the Officer's hearing report now appears to clarify that the approach of requiring a minimum on-site water storage capacity is regarded as a compliant alternative.

#### Submission point 84.08

79. We will now address point 84.08 of our submission. This relates to the Council's intention to impose a restriction on the use of our existing vehicle access point at 933 Tram Road that serves that site as well as the larger landholding at 460 Mandeville Road. Their intention is to restrict the number of users to a maximum of two and their justification for so doing is their reliance upon Policy 6.3.9 (4) of the Canterbury Regional Policy Statement, whereby the Council consider that they are giving effect to the policy that, in their words, "is very directive with regards to this issue". We have examined the wording and intent of this policy very closely and have sought advice both from Ms Renay Weir, Senior Planner and Mr Andrew Parrish, Team Leader Planning, at Environment Canterbury, who have delegated authority from Canterbury Regional Council. We would note that they have submitted in support of this Plan Change (submission number 8.1 refers). Before we explain the outcome of our discussions with them, we would firstly like to put this particular matter into some context as we find the Council's intention to be an illogical and unjustified approach. Their proposal achieves no meaningful outcome or benefit and simply serves to stifle our options for residential subdivision. We attach below photographs showing the existing access that we have from Tram Road:





The compliant site entrance to 933 Tram Road & 460 Mandeville Road.



View looking West to the Mandeville 'hub'.



View looking East.



View looking West



80. We note Mr Bacon's reference in paragraph 6.5.4 of his report regarding Plan Change 10 and Commissioner Chrystal's consideration of the issue of existing access points from Tram Road. However, Mr Bacon's comments do not provide the full story and are somewhat misleading. One of the outcomes from that Plan Change was to introduce two diagrams into the District Plan, Figure 30.1 and Figure 32.1 respectively. We have reproduced these below, along with an aerial photograph:

Figure 30.1: Existing Vehicle Crossing and Users from Tram Road to the Residential 4A Zone (Wards Road, Mandeville North)

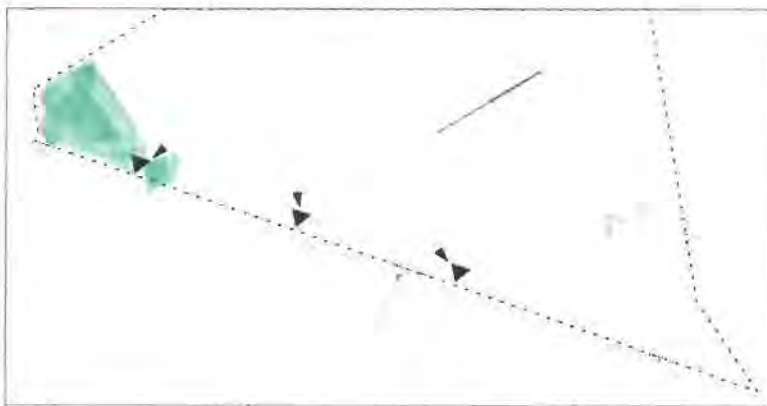
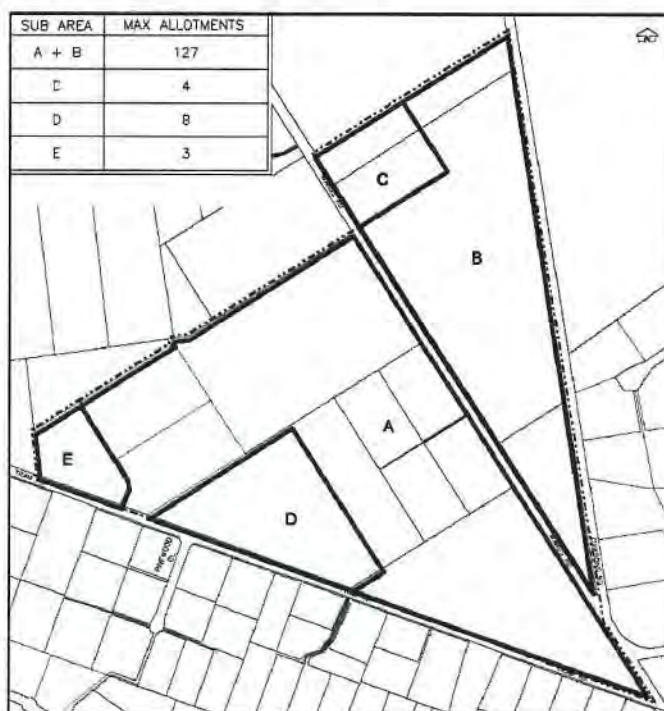


Figure 32.1: Sub Areas and Maximum Number of Allotments Within the Residential 4A Zone (Wards Road, Mandeville)



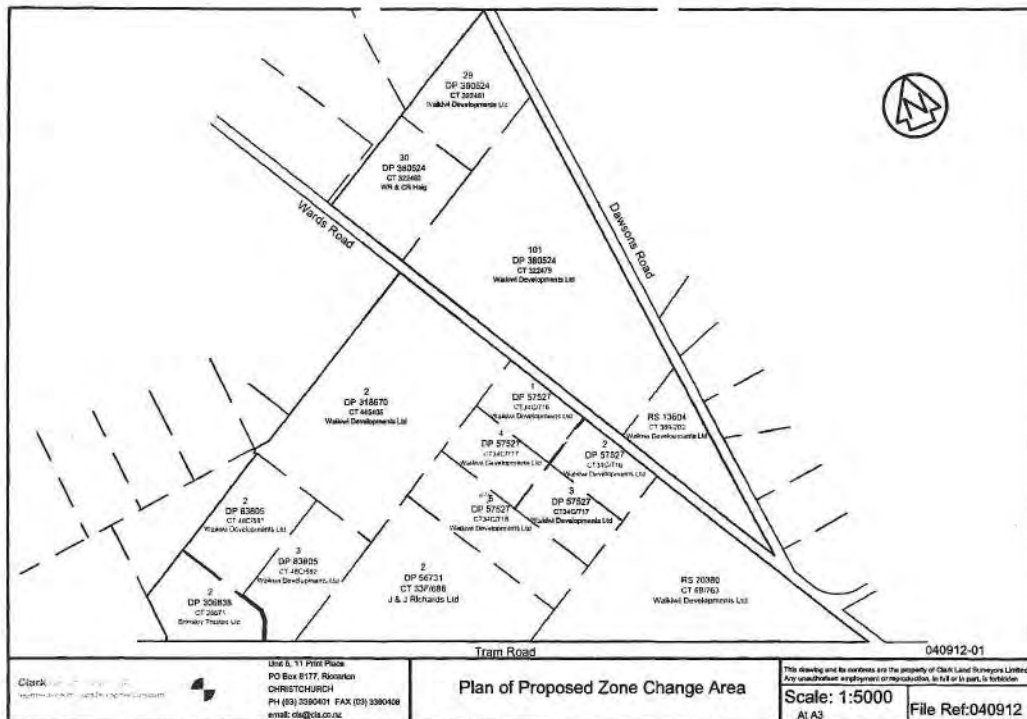
North

24/2015

1482 Tram Rd - Google Maps



81. What the two District Plan diagrams illustrate is that sub-area 'E' has permitted use of a maximum four users of its existing Tram Road access and that same area has a lot yield allocation of three. The extract drawing shown below has been reproduced from the notified application PO10. It shows that the sub-area 'E' is held under single Title to Brinsley Trustees Ltd, who made submission to the Plan Change process.





82. Upon further investigation we have established that the original notified Plan Change 10 submission sought to allocate a lot yield of two to the sub-area 'E'. An increase in this was sought as part of the submission by Brindley Trustees, however, between the period of submission and the hearing itself, the application was amended to provide an additional lot yield for sub-area 'E' to a total of three and a consequent amended application to increase the overall ODP lot yield across the entire zone by one extra.
83. Essentially these diagrams allocate a lot yield and also a limit on the number of users to the existing access crossings to Tram Road. The sub-area indicated as "E" is of particular interest and relevance. Figure 30.1 shows that sub-area 'E' has an existing vehicle crossing and a limit of 4 users. It is important to highlight at this point that the wording is somewhat misleading as when read together implies that there are four existing users, whereas that is not the case, as there were just two. The situation here is that sub-area 'E' formed part of the rezoned area and had an existing access that served two existing lots, one of which does not form part of the rezoned land. The purpose of allowing up to 4 users was in fact in order to provide the ability for sub-area 'E' to subdivide in the future (something that is in fact now underway). Sub-area 'E' was included in the rezoning and allocated a yield of 3 allotments (i.e. 2 new), as can be seen from Figure 32.1. Hence the purpose of permitting 4 users, i.e. the two existing and the two new. We submit that in fact if one is to use the outcome of Plan Change 10 due to its precedency then by the same token, our Tram Road access should similarly be allowed to cater for future subdivision.
84. There is an advantage in respect of our own site from a traffic management perspective as our site is located on the South side of Tram Road whereas the PC 10 site is to the North. We contend that an access point to the North is potentially far more problematical as its use will be predominantly associated with right turning traffic approaching from the East.
85. As mentioned earlier in our presentation, we purchased the adjacent site at 933 Tram Road from the Council following lengthy discussions with them. It is clearly demonstrable that they were patently aware of the fact that the site offered greater opportunity and flexibility for vehicular access from Tram Road to assist with both a commercial development of the site and/or a residential subdivision. They even took the unusual step of inserting a clause into the Sale and Purchase agreement to provide us with 'protected future rights' aimed at ensuring that vehicular access could be provided for the planned future subdivision of our land in the event that the Council had to default on the sale. The site itself had been created by subdivision in 1997 and provides legal and physical access to Tram Road. The access crossing complied with (and still does) the Council's Engineering standards for design; the requirements for clear sightlines along an arterial road; and by virtue of it being part of a subdivision at that time, is exempt from rule 30.6.1.17 of the District Plan in relation to spacing of vehicle crossings. The creation of the legal access also predates the existence of the Canterbury Regional Policy Statement. It would appear that these assertions are not disputed by the Council. We attach below copy of email exchange with the Council regarding their knowledge of and need to take into account the critical aspect of the Tram Road access to our land during their consideration of the scheme plan dated 23 May 2012:

**Gavin Bennett**

---

**From:** "Gavin Bennett" <gycbennett@xtra.co.nz>  
**To:** "Trevor Ellis" <trevor.ellis@wmk.govt.nz>  
**Cc:** "Matthew Bacon" <matthew.bacon@wmk.govt.nz>  
**Sent:** Wednesday, 8 August 2012 3:14 p.m.  
**Subject:** Re: Mandeville Update Session

Hi Trevor,

Thanks for the update; it all sounds very comprehensive.

There is one important point that I think should be made and brought into the mix and that relates to the access point over the site we are purchasing at 933 Tram Road (the ex sewer works). Whilst there is an existing vehicular access point here, this will be crucial for the new residential lots we are creating (and shown on the Concept plan as Lots 5, 6, 7 and 8). Presumably the Consultant will take into account any additional traffic/usage that the new 4 residential lots might perceive to generate onto Tram Road?

Perhaps you can confirm please.

In the meantime, happy to meet up again and we shall await your invitation. We will then try to meet up beforehand with Korea Developments and progress with a firmer understanding on the land exchange or Joint Venture arrangements between us.

Regards

Gavin

----- Original Message -----

**From:** Trevor Ellis  
**To:** Gavin Bennett  
**Cc:** Matthew Bacon  
**Sent:** Wednesday, August 08, 2012 10:22 AM  
**Subject:** RE: Mandeville Update Session

Hi Gavin,

We have met with Abley Transportation Consultants and received the following from them on Monday (sorry about the quality, it's a cut & paste from a PDF) which sets out what they will look at, including the concept plan and access issues. We have agreed the scope of works and will give them the go ahead today or tomorrow. They expect to be able to deliver Part A in three to four weeks of the go ahead.

I think it's necessary for WDC staff, your team and John & Co to meet within the next couple of weeks. I will email you all a meeting invite.

Regards

Trevor

**Scope of Services**

We understand that Council is now at the stage where they are seeking transport planning and traffic engineering advice to inform the ODP and Plan Change. At our meeting it was agreed that our involvement would be undertaken in two parts:

Part A: Issues and Options Assessment

Review the 'Revised Concept' prepared by Andersen & Associates dated 23 May 2012 and provide commentary on the proposed layout of the site from a transport perspective;

86. We contend that there is no legitimate reason to justify the Council's imposition of restricting the use of this access and we will further demonstrate why its proposal is inconsistent with both Council's previous policy as well as those of the Canterbury Regional Policy Statement.



87. There are in fact numerous examples throughout the District where road access points serving residential subdivisions have been permitted from Strategic or Arterial roads. The photographs and details shown below are just but a few different examples of existing access points that exist along Oxford Road and Tram Road, both of which are designated as Strategic and Arterial roads respectively, within the District Plan road hierarchy:

**EXAMPLE 1**



573, 575, 577, 579, 581 OXFORD ROAD

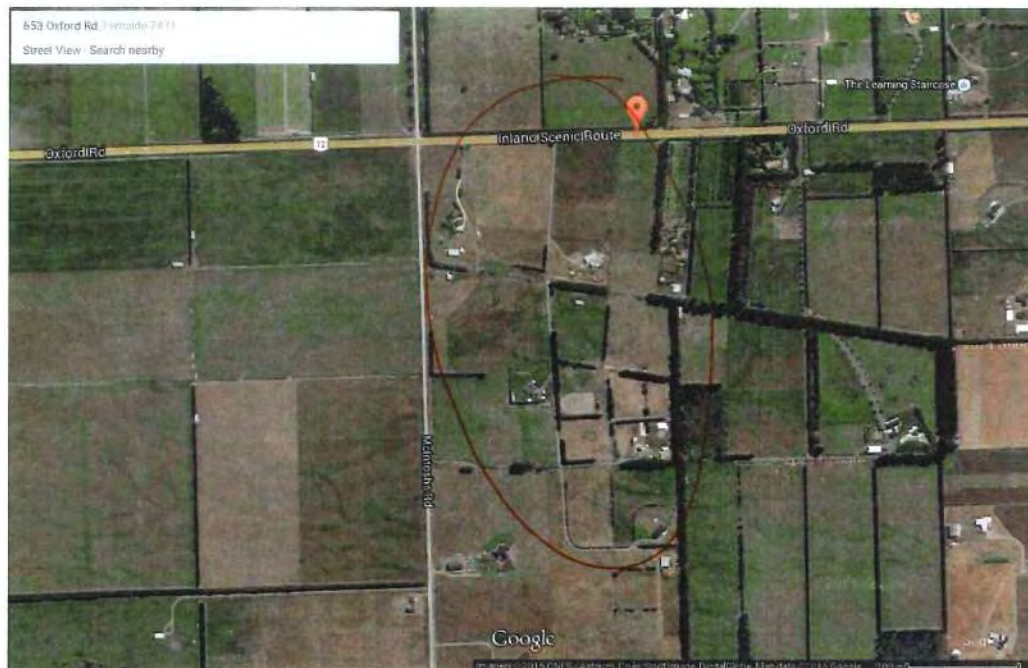


**5 Lot subdivision at 573,575,577,579,581 Oxford Road, Fernside (left side of Road travelling West)**





## **EXAMPLE 2**



653-667 OXFORD ROAD



**4 lot subdivision at 653-667 Oxford Road, Fernside close to four-way intersection of McIntosh's Road.**



4 lot subdivision at 653-667 Oxford Road, Fernside close to four-way intersection of McIntosh's Road.

### EXAMPLE 3







**5 Lot subdivision at 764-782, Oxford Road, Fernside on right hand side travelling West. Site is located opposite the Council owned 'Sutherlands quarry pit' at 769 Oxford Road which is also directly accessed from Oxford Road.**

**Note: residential access on left of photo; Quarry access on right of photo. Viewed looking East.**



**5 Lot subdivision at 764-782, Oxford Road, Fernside on right hand side travelling West. Site is located opposite the Council owned 'Sutherlands quarry pit' also directly accessed from Oxford Road.**



Entrance to Sutherlands Pit opposite 764-782 Oxford Road, Fernside



#### EXAMPLE 4



New 5 Lot subdivision entrance at 818 Oxford Road, Fernside. Located on right hand side of road when travelling West.





**New 5 Lot subdivision entrance at 818 Oxford Road, Fernside. Located on right hand side of road when travelling West.**



## EXAMPLES 6 & 7

3/16/2015

1494 Tram Rd - Google Maps



6 Lot subdivision at 1484- 1500 Tram Road, Swannanoa. Left side when travelling East, as photo.

Entrance is directly opposite access to 5 Lot subdivision at 1503 Tram Road



The 6 Lot subdivision at the left and 5 Lot subdivision access on the right of photograph.



6 Lot subdivision at 1484- 1500 Tram Road, Swannanoa. Left side when travelling East, as photo.

Entrance is directly opposite access to 5 Lot subdivision at 1503 Tram Road





**Viewed looking West, 5 Lot subdivision on left, 6 Lots subdivision on right of Tram Road**

**EXAMPLE 8**



**5 Lot subdivision at 1450-1468 Tram Road, Swannanoa. Located on Right side of Tram Rd when facing West.**



**View looking East along Tram Road**



**EXAMPLE 9**



**4 Lot subdivision at 1401-1423 Tram Road, Swannanoa. Located on left side heading West.**



**EXAMPLE 10**



**15 Lot subdivision at Tupelo Place, Tram Road, Swannanoa. Located right hand side of Tram Road when heading West.**



**View looking East along Tram Road.**



**EXAMPLE 11**



**6 Lot subdivision at 1045-1067 Tram Road, Mandeville North. Located south side of Tram, i.e. left hand side when heading West.**





**6 Lot subdivision at 1045-1067 Tram Road, Mandeville North. Located south side of Tram, i.e. left hand side when heading West.**





## EXAMPLE 12

5/16/2015

Google Maps



691-699 Tram Road



5 Lot subdivision at 691-699 Tram Road, Mandeville North. Located left side when heading West.



**Site located East of Plan Change 33 site location.**



**5 Lot subdivision at 691-699 Tram Road, Mandeville North. Located left side when heading West.**

**Site located East of Plan Change 33 site location.**





**5 Lot subdivision at 691-699 Tram Road, Mandeville North. Located left side when heading West.**

**Site located East of Plan Change 33 site location.**

**Note: Telephone pillar and culvert obstruction at site access**



**Note: Telephone pillar and culvert at site access**



**EXAMPLE 13**



**4 Lot subdivision at 711-723 Tram Road, Mandeville North. Located left side when heading West.  
Site located East of Plan Change 33 site location.**







**4 Lot subdivision at 711-723 Tram Road, Mandeville North. Located left side when heading West.  
Site located East of Plan Change 33 site location.**





88. At this juncture we would like to direct attention to the report by Abley Transportation Consultants contained at Appendix III of the Officer's hearing report. More particularly we guide you to paragraphs 4.55 and 5.8 of that report, in which the author concludes that there will be no impediment from a traffic engineering perspective to the ability of the existing access to 933 Tram Road in serving "a small number of residential units in the future". The author further concludes that whilst not required to, an access at this location, could still meet the more stringent requirement for that of a State Highway.
89. We now refer to further earlier correspondence with the Council in regard to the suitability of the existing access to Tram Road for future subdivision purposes. This occurred as a direct result of the boundary adjustment consent that we obtained for 933 Tram Road and which we have referred to earlier. We attach below copy of an email exchange between Council and ourselves. We contend that the Council were patently aware that this access was intended to be used for further subdivision and that their only issue was whether any physical upgrading works to the entranceway would be required, once it was known how many new lots would be serviced by this entrance.

**Gavin Bennett**

---

**From:** "Matthew Bacon" <matthew.bacon@wmk.govt.nz>  
**To:** "Gavin Bennett" <gycbennett@xtra.co.nz>; "Victoria Caseley" <victoria@wmk.govt.nz>  
**Cc:** "Nick Harrison" <nick@wmk.govt.nz>; "Grant Stowell" <grant.stowell@wmk.govt.nz>  
**Sent:** Wednesday, 25 June 2014 9:01 a.m.  
**Subject:** RE: 933 Tram Road & 460 Mandeville Road  
Hi Gavin and Yvonne

Ken was away yesterday but I managed to catch him first thing this morning.

In short, Ken's advice was based on the fact that 460 Mandeville has an existing entrance to Mandeville Road, and so there would not need to be any change to the access arrangements excepting that the existing Tram Road entrance to proposed Lot 1 (933 Tram Road) would need to be moved to be within the new boundary.

I ran through the background to the consent as per your email points below and Ken is comfortable with removing the consent notice for 460 Mandeville Road. In terms of upgrading, given this consent does not add any additional lots no upgrading of the entranceway will be required at this stage with this matter dealt with when it is exactly determined how many lots will be serviced by this entrance. On this matter, it is likely that the plan change will contain a rule, similar to PC10 (Millfield) that sets a lot yield across each of the landowners. I haven't yet completed these calculations as we have a Mandeville meeting on the 7<sup>th</sup> of July (see my earlier email) that may change the size of the commercial area and consequently change the calculations anyway (particularly as there is currently a stormwater management area suggested for 975 Tram Road, the location of which is not supported by Council).

As discussed, I will send the concept plan for the Business area prior to the meeting so that you have a heads up on its contents – It's very much a work in progress at the moment.

Hopefully this sorts the issues with the consent, please call if you have any questions.

Thanks

Matt

**From:** Gavin Bennett [mailto:gycbennett@xtra.co.nz]  
**Sent:** Tuesday, 24 June 2014 10:38 p.m.  
**To:** Matthew Bacon; Victoria Caseley  
**Cc:** Nick Harrison  
**Subject:** 933 Tram Road & 460 Mandeville Road

Hi Victoria

Thanks for your email.

It is not clear to us exactly what the perceived issue with the access from Tram Road actually is. It appears to be a personal opinion that Ken Stevenson holds in relation to his stance around what future subdivision of our land may or may not take place. One might argue, the same sort of opinion as to whether the speed limit on Tram Road should be reduced.

There are a number of pertinent matters:

1. The current access road and its connection to Tram Road meets all present Council design standards and sightlines. There are no upgrading or 'varying' requirements necessary. Please confirm which standards you believe are not met.

21/05/2015



2. The Council agreed by special condition in our sale and purchase agreement that in the event that the Tram Road site could not be satisfactorily cleared of contaminants (and the sale therefore could not proceed) they would in that event provide us with vehicular access to our site at Mandeville Road via their Tram Road site.
3. The access road needs to form part of the amalgamated Lot 2 and the Consent notice therefore revoked. That is a logical aspect of the boundary adjustment.
4. The future Plan Change should not be taken into consideration at this stage.
5. The same Consent notice applies to the Mandeville Holdings site that you have identified for commercial rezoning. The planned access to that site is far more problematical but should nevertheless not have a bearing on our present application.
6. The question of the suitability of this access for future residential subdivision of our enlarged land holding has never been an issue that the Council has raised. Indeed this access formed part of the scheme plan (dated 23 May 2012) that was considered by Abley Transportation in their report dated Sept 12. It presented no item of concern.
7. We are still awaiting to hear your proposals in terms of residential yield for our land subdivision that will form part of your Plan Change Outline development plan. Based upon reasonable expectations on lot yield, the existing access and road will require no upgrading as it is fully compliant. This has been checked by Davis Ogilvie and confirmed within our application.

We are again concerned at the Council's stance in progressing and dealing with this matter and request that your approval of our current application (in an unamended form) is issued without further delay.

Regards

Gavin & Yvonne

----- Original Message -----

From: Victoria Caseley

To: gycbennett@xtra.co.nz ; Matthew Bacon

Sent: Tuesday, June 24, 2014 9:05 PM

Subject: Phone call

Hi Gavin and Yvonne

I have just got back from a public meeting in Rangiora and cleared your call.

Matt has discussed the issue of your consent notice with both myself and Nick this afternoon. I have asked him to have a talk to Ken and come back to me. As I understand it the issue we have is around how any accessway should be designed which would depend on how many lots it is intended to serve and this of course depends on any future subdivision layout. It requires varying anyway for this current subdivision but I assume you would be keen to avoid upgrading requirements which could be quite substantial.

We could make it clear on your current application when it is approved for the boundary adjustment as an Advice Note, which forms part of the decision, that the matter of further access to Tram Road will be assessed by the Council at the time of further subdivision of Lot 2.

Let me know your thoughts.

Regards  
Victoria

21/05/2015

90. We now turn attention back to the discussions held with Environment Canterbury in respect of their interpretation of the Canterbury Regional Policy Statement. Before we present that in detail, we feel that it would be useful background knowledge to detail some pertinent matters concerning Private Plan Change 026, Lehman's and Oxford Roads, Rangiora. That is a Plan Change application that both the Council and Environment Canterbury have recently submitted on in support, and in so doing, have raised no issues whatsoever in relation to site access matters or Policy 6.3.9 (4) of the Canterbury Regional Policy Statement. Copies of both the Council's and E.Can's submissions are attached below:



205-06-05-01-26-02  
150211019777  
Resource Management Regulations

Form 5

Submission on publicly notified privately requested **Plan Change P026**  
to the Waimakariri District Plan (Westpark Rangiora Limited)  
Clause 6 of First Schedule, Resource Management Act 1991

115  
—

To: Waimakariri District Council

Name of submitter: Waimakariri District Council

This is a submission on Private Plan Change P026 to the Waimakariri District Plan, whereby Westpark Rangiora Limited seek a change from Rural to Residential 2 zoning, in an area at Rangiora, generally defined by Oxford Road, Lehmans Road and the western edge of the current Residential 2 Zone of Rangiora.

The Council's submission is:

1. The private plan change currently includes a land use rule that requires dwellings to have a finished floor level above a 0.5% Annual Exceedance Probability flood event (AEP). Council's view is that a finished ground level is also required to ensure an appropriate building platform is provided that ensures lots will be free from inundation in a 0.5% AEP flood event, and that does not require an excessively high foundation to achieve the required finished floor level.

The Council seeks the following decisions from the local authority:

**That Private Plan Change P026 is approved subject to amendments:**

2. In relation to finished ground levels, provide the following permitted activity condition, and non-complying activity rule in Chapter 32 of the District Plan:
  - 32.1.1.85 Within the Lehmans Road West Rangiora Outline Development Plan area shown on District Plan Map 183 all residential allotments shall have a finished ground level that avoids inundation in a 0.5% Annual Exceedance Probability flood event.
  - 32.4.10 Any subdivision of land within the Lehmans Road West Rangiora Outline Development Plan area shown on District Plan Map 183 that does not comply with Rule 32.1.1.85 is a non-complying activity.

Or to like effect.

The Council wishes to be heard in support of its submissions.



Signature of submitter  
(or person authorised to sign  
on behalf of submitter)

Date: **16 February 2015**

Address for service of submitter: 215 High Street, Private Bag 1005, Rangiora 7440  
Telephone: 03 311 8900  
Fax: 03 313 4432  
Contact person: Victoria Caseley, District Plan Manager

DOS-06-03-01-26-02  
ISC 216072470

Form 5

86

Submission on publicly notified proposal for policy statement or plan  
Clause 6 of First Schedule, Resource Management Act 1991

**PROPOSED PRIVATE PLAN CHANGE PO26, WAIMAKARIRI DISTRICT PLAN**

To: Waimakariri District Council

Name of submitter: Canterbury Regional Council

This is a submission on the following proposed change to the Waimakariri District Plan:

Proposed Plan Change 26: To rezone 198 Lehmans Road (Pt RS 1175) and 100 Oxford Road (Pt RS 1175), Rangiora from Rural to Residential 2.

The specific provisions of Proposed Plan Change PO26 that the Canterbury Regional Council's submission relates to are:

All of the Plan Change provisions.

The Canterbury Regional Council's submission is:

The Canterbury Regional Council supports the proposed Plan Change on the basis that it will:

- Give effect to the Canterbury Regional Policy Statement;
- Is consistent with the Land Use Recovery Plan;
- Will assist Waimakariri District Council to carry out its functions under section 31(1) of the Resource Management Act 1991 (RMA);
- Contains policies that implement the objectives and rules that implement the policies in accordance with section 75 of the RMA; and
- Achieve the purpose of the RMA to promote sustainable management of natural and physical resources, in accordance with sections 5, 6, 7 and 8 of the RMA.

The Canterbury Regional Council seeks the following decision from the local authority:

That the Plan Change, as notified, be approved.

The Canterbury Regional Council does not wish to be heard in support of my submission.





Andrew Parrish

Andrew Parrish

Team Leader Planning

(Authorised under delegated authority from the Canterbury Regional Council)

**Date:** 16<sup>th</sup> February 2015

**Address for service of submitter:**

Canterbury Regional Council  
P O Box 345  
Christchurch 8140

**Telephone:** 027 886 0242

**Fax:** (03) 365 3194

**Email:** renay.weir@ecan.govt.nz

**Contact Person:** Renay Weir – Senior Planner

91. By way of explanation, Private Plan Change P026 (Westpark Rangiora Ltd) seeks to rezone rural land to residential at 100 Oxford Road, Rangiora; a site located at the four-way intersection of Lehman's Road and Oxford Road, to the western edge of Rangiora. The proposal for this development is to create a new 'T' intersection vehicular access point directly from Oxford Road,

approximately 125m from its proximity with the existing four-way intersection. It has been derived from the traffic impact assessment report which forms part of that application that some 80% of trip generation will be via this new access point. The subdivision itself is expected to have a housing density of 10 households per hectare, giving a yield of approximately 141 new lots. The submission from Environment Canterbury supports the Plan Change on the basis that it will “give effect to the Canterbury Regional Policy Statement”. The Council’s submission, made by the District Plan Manager, recommends approval of the Plan Change, subject only to a minor amendment in relation to finished ground levels.

92. Shown below are extracts of the Plan Change application showing the intended arrangements for the new access road interconnecting the development with Oxford Road:



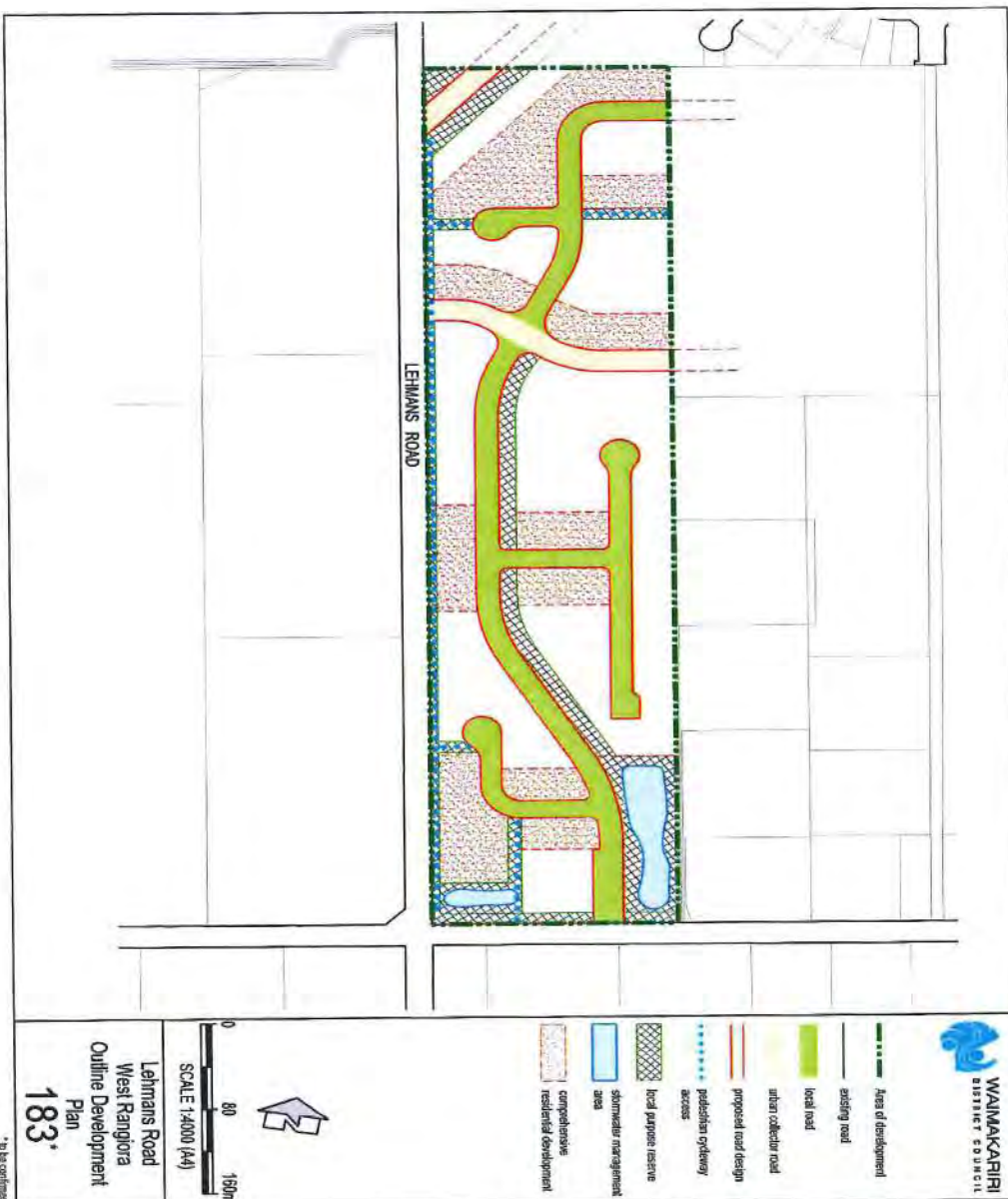
**The proposed new vehicular access road from Oxford Road to serve the proposed subdivision at 100 Oxford Road, Rangiora (Plan Change 026)**





The site location at 100 Oxford Road adjacent to the four-way intersection of Lehman's Road.

Figure '2' indicates proposed new access location, approximately 125m to Lehman's Road



Outline Development plan for new subdivision at 100 Oxford Road, Rangiora, showing new subdivision access road from Oxford Road (coloured green).



93. We also attach a series of photographs showing the site access arrangements and location:



100 Oxford Road, Rangiora. View travelling West to Oxford at the Plan Change P026 site.



New access point proposed along this section of the site at 100 Oxford Road. Plan Change 026.



Views from Lehman's Road across the four-way intersection to the site at 100 Oxford Road, Rangiora.





94. We conclude that the Council have been inconsistent by choosing to adopt a totally different approach to Plan Change 33 to that of Plan Change 026 in so far as their interpretation of Policy 6.3.9 (4) of the Canterbury Regional Policy Statement is concerned. They have also chosen to disregard the fact that there are numerous examples throughout the region of residential subdivision access from Strategic or Arterial roads. They have also chosen to ignore the recommendations and conclusions of Abley Transportation consultants, and the particular circumstances, referred to earlier, in respect of the existing access from Tram Road. The Council have also contradicted their own earlier correspondence in this particular matter.
95. In view of what we consider to be an entirely inconsistent and unjustified approach by the Council, we have held discussions with E.Can as mentioned earlier. Those discussions have been focussed around and highlighted the inconsistent approach taken by the Council, and have examined whether the Council have applied a correct interpretation of the true intent and meaning of Policy 6.3.9 (4). We attach below copy of email correspondence with E.Can. Within that correspondence we have highlighted the pertinent points, namely that there is scope and intent within Policy 6.3.9 (4) to exercise greater discretion and latitude, rather than prescribe it as a strict legislative requirement. The advice we have received from E.Can is that the Council, whilst needing to have regard to the Policy, don't need to give effect to it in the absolute sense, as to do so would, in the words of E.Can "contradict and undermine the intention of the Policy Statement by constraining development through strict and overly zealous application". We also discussed E.Can's view on the purpose of this particular Policy and how they envisaged it might apply. Their response was that the purpose of the particular clause 6.3.9 (4) was to ensure that, where needed, appropriate controls could be exercised in the case where new large-scale residential subdivision developments might be proposed and which had a consequential impact upon strategic or arterial routes in terms of their safe and efficient transport functioning. The rationale being that such new developments might pose greater requirements for infrastructure investment. In the case of Plan Changes 026 and 33 E.Can's view was that both of these could be supported, as in their view, they each had favourable traffic impact assessments and the size and scale of the subdivisions, with their consequent limited number of traffic movements, had a negligible effect on transport corridor efficiencies and infrastructure. The conclusion that can be drawn from this is that the Council could and should take a more pragmatic view.

**Gavin Bennett**

ADDENDUM

**From:** "Renay Weir" <Renay.Weir@ecan.govt.nz>  
**To:** "Gavin Bennett" <gycbennett@xtra.co.nz>  
**Sent:** Monday, 25 May 2015 1:17 p.m.  
**Subject:** RE: Waimakariri District Council: Plan Change P026 and 33.

Hi Gavin,

As mentioned previously and I believe confirmed by Andrew Parrish when you spoke with him late last week, we won't be providing any further comment other than that which was in our submission; that we are in support of the proposed Plan Change.

Hope the hearing goes well.

Thanks,  
 Renay

**From:** Gavin Bennett [mailto:gycbennett@xtra.co.nz]  
**Sent:** Thursday, 21 May 2015 1:43 p.m.  
**To:** Renay Weir  
**Subject:** Re: Waimakariri District Council: Plan Change P026 and 33.

Hi Renay

Thank you for telephoning me a few moments ago and for investigating this issue further. I appreciate you having discussed this matter with Andrew Parrish, Team Leader Planning at E.Can who has authorised the Canterbury Regional Council's submission on both Plan Changes 026 and 33.

I am writing to confirm my understanding of what you advised me:-

**Gavin Bennett**

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**From:** "Gavin Bennett" <gycbennett@xtra.co.nz>  
**To:** "Renay Weir" <Renay.Weir@ecan.govt.nz>  
**Sent:** Thursday, 21 May 2015 1:42 p.m.  
**Subject:** Re: Waimakariri District Council:Plan Change P026 and 33.  
Hi Renay

Thank you for telephoning me a few moments ago and for investigating this issue further. I appreciate you having discussed this matter with Andrew Parrish, Team Leader Planning at E.Can who has authorised the Canterbury Regional Council's submission on both Plan Changes 026 and 33.

I am writing to confirm my understanding of what you advised me:-

- 1.E.Can are supportive of both Plan Changes 026 and 33 and have submitted on that basis.
- 2.You acknowledged that the Waimakariri District Council (WDC) have adopted an inconsistent approach in the application of Policy 6.3.9 (4) between the two Plan Change applications.You noted that WDC have assigned two different Planning Officers to assess each of the two Plan Changes.
- 3.Unfortunately now that the submission date has closed for Plan Change 33 you are unable to formally add a further submission into the process.
- 4.You have subsequently contacted WDC to determine an appropriate mechanism that avoids a future inconsistent Plan Change application assessment with regard to the Policy 6.3.9 (4).

Thank you once again for your helpful assistance.

Kind regards,

Gavin

----- Original Message -----

**From:** Gavin Bennett  
**To:** Renay Weir  
**Sent:** Tuesday, May 19, 2015 3:10 PM  
**Subject:** Re: Waimakariri District Council:Plan Change P026 Lehman and Oxford Roads,Rangiora

Hi Renay

Nice to talk with you earlier.I fully understand your explanation, namely that the purpose and overarching objective of the Canterbury Regional Policy Statement is to encourage post-earthquake development in the wider region rather than stifle it through overly prescriptive legislation.In that regard there is some flexibility in the strict interpretation of policy 6.3.9 (4) so that it does not become a preventative piece of legislation that serves to defeat an otherwise pragmatic solution aimed at achieving a rural residential development.P026 being a case in point.



As I mentioned, the reason for my initial enquiry relates to Plan Change 33 (Mandeville North) where the Council are intending to impose a restriction on the usage of my existing legal and physical access from Tram Road, limiting it to maximum 2 users. This is a contradictory approach to that which they have taken in respect of P026 as, in my case, they are citing the requirement to give effect to policy 6.3.9 (4).

Plan Change 33 has a Commissioner hearing next week. A critical aspect of my evidence relates to the existing access arrangements for my land. I am challenging the Council's interpretation of the CRPS (paragraph 6.5 of the Officer report refers) as I feel that it should not apply as the access is existing, was formed by subdivision in 1997, meets the District Plan requirements in terms of design, and is only required to serve a residential subdivision consisting of potentially no more than 5 allotments. In addition the traffic impact assessment report from Abley's is supportive.

I attach copy of the Officer report. The application and submissions are contained on the Council's website. Submission number 84.08 is the one of particular relevance.

Essentially what I am seeking is your opinion on the validity of the Council officers report, particularly given the similar circumstances (although in essence more problematic from a traffic point of view) of Plan Change 026. The matter is as you will understand of a critical nature and I trust that I can rely on your positive input as soon as possible please.

If you need anything further or indeed further clarification, then please do not hesitate to contact me.

Kind regards

Gavin

----- Original Message -----

**From:** Renay Weir  
**To:** Gavin Bennett  
**Sent:** Tuesday, May 19, 2015 1:31 PM  
**Subject:** RE: Waimakariri District Council: Plan Change P026 Lehman and Oxford Roads, Rangiora

Hi Gavin,  
Apologies I have been out of the office at meetings.  
Just tried to give you a call to discuss your query, my number is 0278860242 if you want to call back but I'll try you again later. I'm available until 3 today and back in the office tomorrow.

Thanks,  
Renay

Sent from my Windows Phone

**From:** Gavin Bennett  
**Sent:** 19/05/2015 13:14  
**To:** Renay Weir  
**Subject:** Re: Waimakariri District Council: Plan Change P026 Lehman and Oxford Roads, Rangiora

Hi Renay,

Are you able to respond please, to my earlier email below.

Kind regards,

Gavin

----- Original Message -----

From: Gavin Bennett

To: Renay.Wain@can.govt.nz

Sent: Monday, May 18, 2015 12:25 PM

Subject: Waimakariri District Council: Plan Change P026 Lehmans and Oxford Roads, Rangiora

Hi Renay

I refer to our telephone conversation this morning in which I asked you to advise me in relation to the above Private Plan Change application, E.Can's submission in support of it and more particularly to the interpretation of Policy 6.3.9 (4) of the Canterbury Regional Policy Statement, vis a vis this site location.

As I pointed out to you there is a proposal to create a new vehicular ingress and egress point directly to Oxford Road to serve the development. Oxford Road is a Strategic road under the Council's District Plan road hierarchy.

Please advise me why E.Can feel that they can support the proposal when it appears to be contrary to Policy 6.3.9 (4).

I look forward to hearing from you.

Kind regards,

Gavin Bennett  
03 3126076

96. In view of this, we request that the Council's imposition of limiting our existing Tram Road access to a maximum of two users, be rejected in favour of an unrestricted usage. Alternatively, and only if deemed absolutely necessary, be substituted with a limitation of a maximum of five users serving a future subdivision. Our proposal is further supported by the fact that to limit our usage imposes unnecessary expense on us as it would require us to have to utilise and extend our existing driveway from Mandeville Road, however, in order to do that considerable unnecessary additional expense would be incurred as we would need to demolish/relocate a substantial barn; we would need to relocate power, water and telephone services and water storage tank. In addition, the existing water, electricity and sewer services that we have already installed in position at the other site access point from Tram Road, would be rendered superfluous.

#### Submission Points 84.06 and 84.07

97. We would now like to address the matter of residential lot yield and allocation.

98. The Council through our many dealings with them have always indicated that the lot yield across the zone would be aimed at 'maximising' the return for landholders. This was particularly the case for us as they have acknowledged that we had initially sought to subdivide our land long before the prospect of a business zone had been considered in any detail. By virtue of the



Council's desire to give more detailed consideration to the prospect of a business zone serving the Mandeville community, we have effectively had to place our own aspirations on hold for some considerable time. We have however engaged wholeheartedly in the process and initially worked hard to present a possible solution to the Council's development aspirations. When it transpired that the Council ultimately decided that the neighbouring land was their preferred location, through discussions with them, we relinquished the prospect of becoming involved in the delivery of the commercial project. That was always done on the pretext that we would derive the maximum lot yield gain. The Council's intention to include the former Council owned land at 933 Tram Road into the rezoning, demonstrates the whole reason for our purchase of it. Likewise, the Council's intention to include the entire reserve land (and the road designated land) into the rezoning, demonstrates their intent to include it as a means of creating a greater area of land, albeit somewhat artificially, into the overall lot yield area calculations, thus supporting the idea of maximising lot yield, whilst at the same time maintaining the amenity value of the reserve and the characteristics of the area.

99. We consider that the Council have done an about turn. We note from the Officer's hearing report that he neither envisages the reserve land as forming part of any residential lot yield calculation nor does he appear willing to support the idea of maximising lot yield across the zone. We now find the Council's approach to be inexplicable and entirely contradictory to what they have indicated and promised in the past.

100. As part of our submission and that of the other two landholders, we have submitted an agreed "Masterplan". It has been signed by each party to signify their agreement to its intent and desired outcome, namely that the available lot yield is shared in an equitable and transparent manner. The result of this approach is that the zone can be subdivided in a holistic manner whereby certainty of outcome is achieved and it avoids the potential for a particular sub-area to otherwise dominate and adversely affect the characteristics of the area. That might happen for example if a sub-area created a subdivision that is disproportionate within the overall zone.

101. The Council have been aware of the landholder's desires in this regard for a considerable period of time. It is not an uncommon solution and is one which has been adopted in the case of Plan Change 10 ('Millfield') whereby a matrix has been introduced into the District Plan (Figure 32.1 refers) to allocate sub-area lot yields across the Residential 4A zone. What that does is achieve certainty for landholders and indicates the desired outcomes.

102. There is a further consideration in this regard and one which the Council have been made aware of but have failed to recognise. The three parcels of land were previously one allotment but were subdivided in 2003. As part of that process, identical land covenants were established and registered over each of the three titles, for the benefit of each other, to the effect that,

amongst other things, “ No building other than a dwelling house for the use of one family unit shall be placed on the lot”. On the basis that the agreed ‘Masterplan’ lot yields are adopted through the Plan Change process, there are landholder’s ‘side-agreements’ in place to facilitate the lifting of the restrictive covenants. The point here is that unless each of the landholder’s are in agreement to the relinquishing of protective covenants over each other, then the restrictive covenants could in fact frustrate the whole Plan Change process.

103. It is somewhat unfortunate that neither Mandeville Holdings or Mr & Mrs Hammond are able to speak here today, as they could have provided their own confirmation regarding the agreements surrounding the ‘Masterplan’ and the rescinding of the protective covenants, in the event that the lot yield allocations are obtained.

104. We now turn our focus towards the Council controlled reserve land. We note its inclusion within the rezoned area. We also note, as mentioned earlier, the Officer’s comments that the reserve land should not form any part of the lot yield calculation for the zone. As we have stated earlier, this is both inexplicable and an about turn approach from the council. The Officer claims that the reason for excluding the reserve is to effectively protect its future development opportunity. We do not consider this to be a realistic approach, as according to the Council they merely hold the stewardship responsibility for the reserve as a plantation. This situation does not preclude it from being rezoned for Residential 4A purposes but it would seem to be preventative in supporting the idea that the reserve might somehow be developed.

105. We have examined various aspects surrounding the Officer’s contentions. Firstly, the claim that the reserve land is approximately 3900m<sup>2</sup> in area. A title search in fact reveals that this parcel of land is in fact 5704m<sup>2</sup> and that it has registered interests to the effect that it is ‘Subject to Reserves and Domains Act 1953’ and has part of the land, amounting to some 1787m<sup>2</sup> vested as a road. We understand this to mean that any land disposal or change of use of such status is a complex public process subject to the provisions of the Conservation Act 1987 and the Reserves Act 1977 (which in itself repealed the 1953 Act). There is a secondary consideration; the Officer refers to the reserve as being for ‘Plantation purposes’ yet there is no such definition within the Reserves Act of 1977. We consider it vital that the specific category of reserve is established as there are varying requirements and processes that govern any change of use or revocation of status, if one was of course ever to be contemplated. The point here is that reserves are designated for a purpose, with the most common objective being to provide areas for the recreation and enjoyment of the public, and for the protection of the natural environment and beauty of the countryside, with emphasis on the retention of open spaces, and the like. In addition they are ordinarily preserved in perpetuity. To pass the test for change of use the Council would need good reason and be able to demonstrate that it would not materially diminish the conservation or recreational values of adjacent land. We attach below copy of the Title search:





COMPUTER INTEREST REGISTER  
UNDER LAND TRANSFER ACT 1952

Search Copy



R.W. Muir  
Registrar-General  
of Land

Identifier **43380**  
Land Registration District **Canterbury**  
Date Registered 04 July 2002 12:16 pm

**Part-Cancelled**

**Prior References**  
GN5273648.1

Type	Fee Simple	Instrument	GN 5273648.1
Area	5704 square metres more or less		
Legal Description	Reserve 4924		
Purpose	Reserve for plantation purposes		

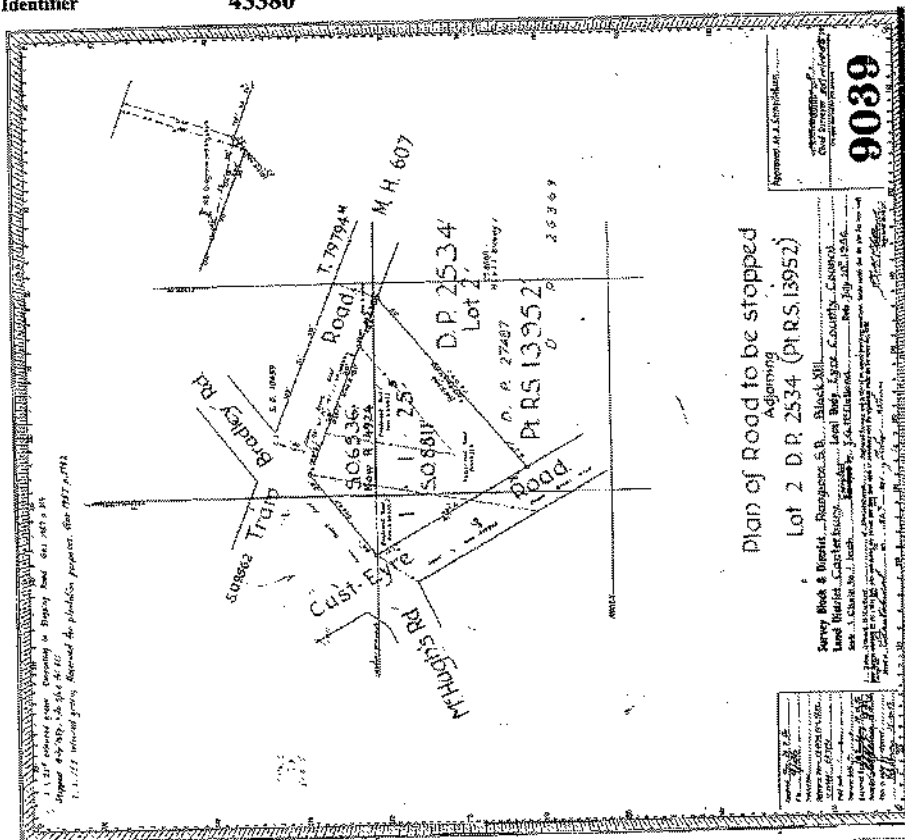
**Proprietors**  
The Eyre County Council

**Interests**

Subject to Reserves and Domains Act 1953  
5273648.2 Gazette Notice 2002/1519 declaring part shown as Section 1 on SO 301533 (1787m2) to be road and is vested in the Waimakariri District Council - 4.7.2002 at 12:16 pm

Transaction Id  
Client Reference chpublic3

Search Copy Dated 9/05/13 9:28 am, Page 1 of 2  
Register Only



Transaction Id  
Client Reference cr:public:03

Search Copy Dated 9/15/13 9:34 am, Page 2 of 2  
Register Only

106. All of this then leads us to the question: why would the Council wish to exclude the reserve from the lot yield allocation, as clearly the reserve land is unsuitable for development and most certainly not suited to a dwelling house. That scenario is further confirmed by the fact that a large portion of the land has a road designation across it, and the remainder of the site has no physical vehicular access and is unlikely to obtain such due to its location at the convergence of



the adjacent road network. When one applies the likely setback and landscaping requirements, given its prominent position, the remaining portion of land becomes all but undevelopable anyway. There is of course also the community expectation. We therefore submit that the Officers idea that the reserve might somehow be developed is inconceivable.

107. We contend that the reserve land should in fact remain just that as it serves an important visual function and amenity, 'buffering' the commercial site, particularly on the approach to the site from a Northerly, Easterly and Southerly direction. We note from Mr Craig's landscape report the emphasis he has made in relation to the important value and role that the reserve land plays and how it lends itself to the B4 zone by being 'borrowed' to provide landscape amenity. We entirely concur with his view and also support his suggestion that the reserve has the potential for an even greater contribution to high levels of amenity, through the enhancement of landscaping. It is also for these reasons that we submit that the reserve should in fact be protected from development. In this regard, one such way of doing so would be to include the reserve land within the residential lot yield calculations and allocate it a 'nil' allocation. That mechanism is in fact precisely what the agreed landholder's "Masterplan" does.

108. We would now like to present our explanation in relation to the residential lot yield allocation that forms the basis of the landholder's agreed 'Masterplan'. By way of some further background information we attach below copy of email correspondence with the Council. We have highlighted some key aspects of this, namely the understandings and reasoning behind an allocation and how this was to include the portion of land from our 933 Tram Road site; the requirement to ensure that our existing Tram Road access point was not compromised and could facilitate up to five residential lots; and confirmation by the Council that the Business 4 zone land would be 6200m<sup>2</sup>. Of significant relevance however is Mr Bacon's suggestion that the idea of indicating a residential lot yield allocation, similar to the Plan Change 10 application, would be of benefit. In paragraphs 80 to 84 of our presentation, we have already provided some explanation as to how the PC 10 application catered for an additional lot yield for sub-area 'E' through the submission process. We therefore submit that what we are proposing here is in fact a consistent approach:

**Gavin Bennett**

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**From:** "Gavin Bennett" <gycbennett@xtra.co.nz>  
**To:** "Matthew Bacon" <matthew.bacon@wmk.govt.nz>  
**Cc:** "Nick Harrison" <nick.harrison@wmk.govt.nz>; "Victoria Caseley" <victoria@wmk.govt.nz>;  
"Trevor Ellis" <trevor.ellis@wmk.govt.nz>  
**Sent:** Monday, 17 November 2014 2:35 p.m.  
**Subject:** Re: PC 33:WITHOUT PREJUDICE  
Hi Matt

Thank you for your email and enclosure.

We confirm our attendance at the meeting convened for Wednesday 19th at 11am.

We are pleased to note Council agreement that the additional parcel of our land (i.e. the amalgamated portion from our 933 Tram Road Lot) will be included as part of the Plan Change area.

We have taken professional advice and are seeking three outcomes from our meeting:-

1. Agreement and a mechanism confirming that the residential yields will be: Mandeville Holdings (3), Hammond (4), Bennett (5). There are a number of ways of devising this within the Plan Change.

2. Agreement and a mechanism to ensure that our existing Tram Road and Mandeville Road access/egress points will not be compromised by the commercial land rezoning. We propose that both each of our Tram Road and Mandeville Road accesses have an allocation of upto 5 residential lots. This can be a rule introduced through the Plan Change.

3. We require that Abley's report gives consideration to the residential component of the Plan Change, particularly in relation to points 1 and 2 above.

We need absolute certainty around our expectations after the significant sacrifices and investment in time and money that we have accrued in working with you over the last few years.

Whilst we are happy to continue working with the Council in a supportive role, you will appreciate that in order to do so, our reasonable expectations need to be met and our genuine concerns appeased.

Regards

Gavin & Yvonne

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----- Original Message -----

**From:** [Matthew Bacon](#)  
**To:** [Gavin Bennett](#)  
**Cc:** [Nick Harrison](#) ; [Victoria Caseley](#) ; [Trevor Ellis](#)  
**Sent:** Thursday, November 13, 2014 4:32 PM  
**Subject:** RE: PC 33:WITHOUT PREJUDICE

Hi Gavin and Yvonne

Victoria and I discussed earlier this week. In summary:

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- The understanding is that the ODP area is to cover the additional land that was subject to the boundary adjustment as noted on the draft ODP (the portion amalgamated with your house lot)
- The land area for the Business 4 Zone is 6210m<sup>2</sup>
- We briefly discussed the lot yields including the discussion that we had regarding point (5) below. The main difference between the lot yields in the Waikiki Plan Change and this change is that this plan change is a Council plan change. As I understand the situation from Trevor, the plan showing the yield across the PO10 plan change area came forward via a submission based, in part, on the fact that there was an indicative plan that showed that the characteristics could be achieved in the absence of smaller subdivisions that wouldn't occur at different times (given the area covered by the plan change was substantially larger). To this end, as noted, I mentioned to Bevan that you would be happy to discuss the options for the best way forward for undertaking subdivision. I think it's fair to say that he is certainly open to discussing with you, and this may be of benefit if the yield idea comes through the submissions process.

I've tentatively booked a meeting for Wednesday at 11am with Nick and Victoria to discuss. I need to confirm this next week, but I'll let you know availability early in the week.

I've also attached the draft traffic report – the geotech report is still on its way as they are amending the conclusion to cover off the additional area covered by the ODP. The draft NES report is 46mb so I'll bring a copy when we meet.

Thanks

Matt

109. Turning to the landholder's 'Masterplan'. As noted earlier, this has been agreed between the three landowners and presents a yield allocation that provides certainty to landholder's and gives consideration to the desire to subdivide the rezoned land in a balanced and holistic way. By doing this we can ensure that it provides for a comprehensive outcome that is best suited to achieving the anticipated characteristics for this particular location and is compatible with and supports the activities of the adjacent Business 4 zoned element of the block. The principles of this have long since been discussed with the Council. In addition, the District Plan already adopts these similar principles through Plan Change 010.

110. We present below calculations that support the proposed lot yield allocation. Essentially, the calculations show that the Residential 4A component of the Plan Change area can support the creation of a subdivision that amounts to a total of twelve lots, that all comply with the minimum lot size of 2500m<sup>2</sup> and would also meet the test of an average area of 5000m<sup>2</sup> across the entire zone. For the reasons stated earlier, this includes the reserve land, although due to the 'confusion' around the actual total reserve land area, and whether it is 3917m<sup>2</sup> or in fact 5704m<sup>2</sup>, we have presented two different calculations. In either case however, the same outcome prevails, i.e. that there are twelve lots available:

**Waimakariri District Council: Plan Change 33**

Masterplan: Residential Lot Yield Allocation for each landholders sub-area.  
Schedule of landholdings and calculation of lot yield

Proprietor	Site Address	Lot Description	Current zoning	Area (m <sup>2</sup> )
Mandeville Holdings (2012) Ltd	474 Mandeville Road	Lot 1 DP 312522	Rural	20234
S W & D A Hammond	450 Mandeville Road	Lot 3 DP 312522	Rural	20238
G Bennett & Y Thompson	460 Mandeville Road	Lot 2 DP 312522 (pre boundary adjustment) and Lot 31 DP77464 (pre boundary adjustment)		
G Bennett & Y Thompson	938 Tram Road	now to be created as new title LT 479192	Rural & Res 4B	23407
Waimakariri District Council	975 Tram Road	Pt RES 4924 (SQ 301533)	Rural	3917
<b>Total land subject to rezoning</b>				<b>67797</b>
<b>Lets</b>				
Proposed Res 4 zoned land and access				6200
<b>Total land available for Res 4A rezoning</b>				<b>61597</b>
Total Res 4A zoned land				61597
divide by required outcome 5000 m <sup>2</sup> lot size to create available number of Lots				12.319
Cross check: 12 Lots at average 5000m <sup>2</sup> = 60,000 m <sup>2</sup> Thus there is an 'excess' of 1597 m <sup>2</sup> of land available across the Res 4A zone				
<b>Proprietors agreed Masterplan and residential lot yield allocation:</b>		<b>Sub-area representation (%)</b>	<b>Sub-area Lots allocation</b>	
Mandeville Holdings	24	3 (2 new, 1 existing)		
S W & D A Hammond	35	4 (3 new, 1 existing)		
G Bennett & Y Thompson	41	5 (4 new, 1 existing)		
	100	12 (9 new, 3 existing)		

**Explanation:**

All lots achieve a minimum 2500 m<sup>2</sup>.  
The average 5000m<sup>2</sup> allotment area is achieved by application across the Res 4A zone.  
The sub-areas shall be defined as each proprietors land holding.  
Reserve land remains undeveloped with a 'nil' allocation.

**Waimakariri District Council: Plan Change 33**

Masterplan: Residential Lot Yield Allocation for each landholders sub-area.  
Schedule of landholdings and calculation of lot yield

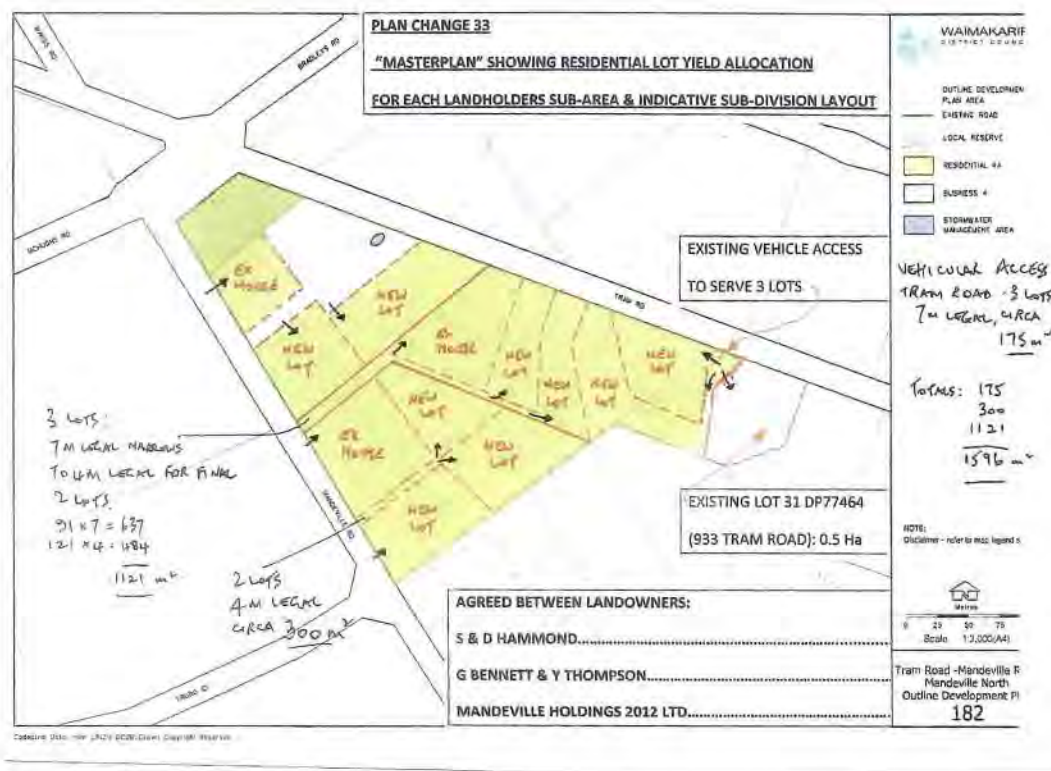
Proprietor	Site Address	Lot Description	Current zoning	Area (m <sup>2</sup> )
Mandeville Holdings (2012) Ltd	474 Mandeville Road	Lot 1 DP 312522	Rural	20234
S W & D A Hammond	450 Mandeville Road	Lot 3 DP 312522	Rural	20238
G Bennett & Y Thompson	460 Mandeville Road	Lot 2 DP 312522 (pre boundary adjustment) and Lot 31 DP77464 (pre boundary adjustment)		
G Bennett & Y Thompson	938 Tram Road	now to be created as new title LT 479192	Rural & Res 4B	23407
Waimakariri District Council	975 Tram Road	Pt RES 4924 (SQ 301533)	Rural	5704
<b>Total land subject to rezoning</b>				<b>69584</b>
<b>Lets</b>				
Proposed Res 4 zoned land and access				6200
<b>Total land available for Res 4A rezoning</b>				<b>63384</b>
Total Res 4A zoned land				63384
divide by required outcome 5000 m <sup>2</sup> lot size to create available number of Lots				12.677
Cross check: 12 Lots at average 5000m <sup>2</sup> = 60,000 m <sup>2</sup> Thus there is an 'excess' of 3384 m <sup>2</sup> of land available across the Res 4A zone				
<b>Proprietors agreed Masterplan and residential lot yield allocation:</b>		<b>Sub-area representation (%)</b>	<b>Sub-area Lots allocation</b>	
Mandeville Holdings	24	3 (2 new, 1 existing)		
S W & D A Hammond	35	4 (3 new, 1 existing)		
G Bennett & Y Thompson	41	5 (4 new, 1 existing)		
	100	12 (9 new, 3 existing)		

**Explanation:**

All lots achieve a minimum 2500 m<sup>2</sup>.  
The average 5000m<sup>2</sup> allotment area is achieved by application across the Res 4A zone.  
The sub-areas shall be defined as each proprietors land holding.  
Reserve land remains undeveloped with a 'nil' allocation.



111. In addition to the 'Masterplan' lot yield and allocation proposal, we have given further consideration as to how any subdivision might evolve in terms of vehicular access arrangements. As raised earlier in our presentation, we wish to protect the availability and potential use of our existing access from Tram Road, as that better facilitates the economic use of our land and provides flexibility and options for us. With regard to the 'Masterplan' we attach below an overlay of that particular drawing to indicate one potential solution to the matter of access. It serves to demonstrate that access can be readily achieved in a way that provides good and economic use of the existing access ways as well as newly created ones. These residential access ways will all remain in private ownership, embodied to particular lot land Titles, and will serve as 'rights of way' rather than be created as allotments in their own right. Accordingly, in terms of the District Plan, it strikes us that rule 32.1.1.22 assists to the extent that "Any allotment created for reserve, road or utility shall not be included in calculations of minimum or average areas of allotments for each subdivision application in Residential 4A or 4B Zones". In other words, the land areas that we allocate for access under these 'rights of way' arrangements do not require exclusion from any calculations in respect of the overall residential lot yield allocation. Even if that were not the case, the area of land required for access ways would not exceed that which would be available by way of 'surplus land' over and above the 60,000 m<sup>2</sup> required to derive 12 complying residential lots.



112. We have given further consideration to our own potential subdivision with a view to optimising our land in an economic way through the utilisation of the existing Tram Road access. Attached below is an indicative alternative layout to the "Masterplan" for our own landholding (noting that the other landholders indicative layout's remain unaltered) by way of illustrating the

importance of having the ability to use the existing access and the benefits that it has in offering up alternative choices and solutions.



113. In both cases we consider that the subdivision of this residential zone along the lines shown will achieve good outcomes with consistent visual appeal and meet the anticipated characteristics.

114. We now wish to turn our attention to provisions within the District Plan that serve to provide policy direction and advice. We have considered the relevant Council policies and how the Plan Change proposals satisfy the intentions and desired outcomes. We are of the mind that the proposals will only enhance what is the present situation and are entirely consistent with the Council's objectives and policies. A detailed analysis and objective assessment can only conclude that to be the case.



115. In respect of the Council's policy provisions, we summarise below what we consider to be positive outcomes and attributes of the Plan Change proposal:

- The development is located within the Mandeville growth boundary. The development will achieve an integrated environment within the defined growth boundary and will maintain, reinforce and enhance the characteristics of the residential 4A zones.
- The development makes economic use of the land through a holistic and comprehensive approach to enhance and amalgamate adjacent sites with an effective layout that complements the business zone.
- The site is located within the Council's Rural Residential Development Plan and is a preferred development location and will meet community expectations
- Due to the particular layout of the existing residential lots any subdivision will ensure that an interesting and appropriate 'naturally staggered' pattern of development will occur
- The proposals are consistent with the residential 4A characteristics within the District Plan despite the argument that the 'hub' of the Mandeville settlement no longer displays true rural characteristics as these have already been compromised by the land use patterns
- The residential component will not produce any adverse effects
- The residential zone will provide an attractive and compact living environment within the rural setting and will be serviced by existing infrastructure, reticulated services and utilities.
- The development will provide for a logical transition between the rural fringes of the Mandeville settlement and a higher residential density expectation centred around the business hub
- The residential lot yield allocation complies with appropriate minimum sizes and averages and will provide a consistent residential zone density
- The 'Masterplan' demonstrates agreement between landholders and ensures appropriate density controls are achieved across the entire zone. It also facilitates the lifting of protective covenants
- The form, function and characteristics of the Mandeville settlement will be enhanced by the consolidation of a cohesive and sustainable residential development. Their close proximity to the business zone will be in keeping with the growth and subdivision characteristics of the surrounding area
- The effective, safe and efficient function of the transportation corridor will be maintained and will not be compromised by the use of the existing Tram Road access
- There will be no loss of rural outlook from within the Residential 4A zone as the retention of mature trees will contribute to the neighbourhood amenity and visual continuity
- Appropriate setbacks, fencing and landscaping provisions will be implemented
- By allocating a 'nil' dwelling lot yield to the reserve serves to preserve its status for the community and ensures that it is maintained as an important visual amenity that enhances the rural character

- Provides an opportunity for the Council to consider the implementation of a more integrated solution to the Mandeville flood mitigation measures

## **CONCLUSION**

**116.** We conclude by summarising the key outcomes that we seek from the Plan Change as a result of our submission:

- Appropriate controls on the Business zone in terms of land area (maximum 6200m<sup>2</sup>) and building gross floor area (maximum 1300m<sup>2</sup>);
- Appropriate controls on the Business zone in terms of the siting, location, massing, effects of dominance, encroachment and landscaping associated with the buildings and their accessways and car parking
- Relocation of the storm water management zone
- Setbacks within the residential zone to be 6m to Tram Road and 5m within the residential subdivision
- Unrestricted future use of both of our existing legal accesses
- Residential lot yield and allocation as per signed "Masterplan"
- Protection of the reserve land status

**117.** We thank you for considering our submission.













The information for this plot has been taken from Waimakariri District Council records. Every reasonable effort has been made to maintain current and accurate information on this site. The information contained herein is for informational purposes only and cannot be guaranteed.

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Evidence D

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**To:** The Hearing Commissioner for Plan Change 33 to the Waimakariri District Plan  
(Mandeville North Business 4 and Residential 4A Zone)

**Date:** 26 May 2015

**From:** Beca (Consultant to the New Zealand Fire Service Commission)

**Copy:** Ian Duncan (NZFS representative attending hearing)

**Response to Officer's Report recommendations on New Zealand Fire Service Commission's submission on Proposed Plan Change 33 to the Waimakariri District Plan**

The intent of this statement is to provide further comment on the recommendations set out in the Officer's Report concerning the New Zealand Fire Service ('NZFS') Commission's submission on Proposed Plan Change 33 to the Waimakariri District Plan ('the Proposed Plan Change'). This statement is made in addition to the statements made by Ian Duncan (Principal Advisor Fire Risk Management, NZFS Region 4) who is representing the NZFS at the hearing.

The Officer's Report is correct in its summary of the NZFS Commission's submission points, as set out on pages 16 and 17 of Appendix II to the report.

The Officer's Report and further submissions received on the NZFS Commission's submission are discussed below.

Response to Officer's Report recommendations on submission points 96.1 – 96.4

The NZFS Commission notes and appreciates that the Officer's Report has recommended that submission points 96.1, 96.3 and 96.4 be accepted. The NZFS Commission considers that the inclusion of a policy and matter of control for development within the proposed Mandeville North Business 4 Zone, relating to the provision of an adequate firefighting water supply, will promote the health and safety of the immediate properties and the surrounding community.

Similarly, the NZFS Commission considers that the inclusion of a rule, applying to provision of adequate firefighting water supply within the Mandeville North Residential 4A Zone, will assist with protecting lives, property and the surrounding environment from damage caused by structural fires.

The Officer's Report has recommended that submission point 96.2 be rejected, as it considers that the matter of control sought in submission point 96.3 sufficiently gives effect to the policy requested in submission point 96.1. The NZFS Commission accepts this recommendation, given that any development within the Mandeville North Business 4 Zone will be a controlled activity and will be subject to the matters of control listed in proposed rule 31.2.3.

The Officer's Report is correct in its comments relating to the applicability of the Building Act 2004 with regards to provision of firefighting water (paragraph 6.11.1). While the Building Act 2004 specifies the means of supplying fire safety features to any building, it does not address the requirements of firefighters to have ready access to an adequate firefighting water supply. These requirements are addressed in the *New Zealand Fire Service Firefighting Water Supplies Code of Practice* SNZ PAS 4509:2008 (as discussed in the NZFS Commission's submission). It is for this reason that the NZFS Commission submits on RMA documents of the type proposed, strongly



recommending that future development be required to comply with SNZ PAS 4509:2008 to enable the NZFS to operate efficiently and effectively in the event of a structural fire.

Response to Further Submitter 1 (Original Submitter #84 – Gavin Bennett & Yvonne Thomson)

The further submission from original Submitter #84 (Gavin Bennett & Yvonne Thomson) states concern that the relief sought in submission point 96.4 is impractical to achieve, and that the existing restricted water supply scheme at Mandeville is sufficient to provide for firefighting needs.

The restricted water supply scheme at Mandeville does not provide the volume and pressure required by the NZFS to effectively fight a structural fire using that method (and the NZFS does not expect a restricted water scheme to achieve this). The further submission states that hydrants are already in place along this scheme in the near vicinity of the proposal. While these may be helpful for the Rural Fire Authority in their operations, they will not be useful to the NZFS in the event of a structural fire as the water scheme would not deliver the volumes of water required in a timely manner.

The further submission also states that there is a Rural Fire Service fire station in close proximity to the proposal. The roles of the Rural Fire Service and the NZFS differ in that the Rural Fire Service (in addition to its role in responding to vegetation fires) is trained to contain a structural fire from the outside only. The NZFS is trained and equipped to be able to enter a burning building to extinguish the fire and to rescue inhabitants if required. Regardless of which organisation reaches a structural fire first, both will still require access to an adequate firefighting water supply to effectively address the fire. For this reason the NZFS Commission is submitting on the Proposed Plan Change with the request that new development complies with the *New Zealand Fire Service Firefighting Water Supplies Code of Practice* SNZ PAS 4509:2008, as this is the Standard that provides the water requirements for fighting structural fires.

As set out in the NZFS Commission's submission, SNZ PAS 4509:2008 sets out methods of providing adequate alternative firefighting water supply in areas that are not connected to a fully reticulated water supply. The further submission states that each property in the area is required to have a 20,000 litre on-site storage tank. Depending on the specific circumstances, this volume is generally considered by the NZFS to be sufficient to address a standard residential structural fire. Therefore, it can be expected that it would not be impractical for new allotments within the Mandeville North Residential 4A Zone to be provided with a firefighting water supply which fulfils the rule as requested in submission point 96.4.

Response to Further Submitter 2 (Original Submitter #98 – Ratua Holdings Ltd)

The further submission received from original Submitter #98 (Ratua Holdings Ltd) states that the relief sought in submission points 96.1 – 96.4 propose a restriction which is unnecessary, and that the supply of water for firefighting will be addressed at building consent stage.

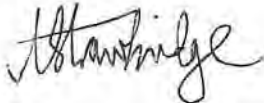
As discussed above, while the Building Code sets out requirements for the design of a firefighting water supply *within* a building, it does not address how a building is provided with/connected to a water supply capable of providing for the operational needs of the NZFS. The subdivision process is the most appropriate stage to consider the provision of adequate firefighting water supply; either

through provision of the service at the point of subdivision, or as a condition on the subdivision consent requiring provision of this service at the point of construction of a building.

With this in mind, and in the interests of protecting the health and safety of the community, the NZFS Commission does not consider its requests to be an unnecessary restriction on development. The NZFS is very willing to work closely with developers to ensure that the most pragmatic form of firefighting water supply can be provided, depending on the circumstances. In this way, the NZFS can gain assurance that its operational needs are capable of being met when attending a structural fire emergency in this location.

The NZFS Commission requests that, if the Council is of a mind to approve the Proposed Plan Change, the points set out in this letter be considered when making a decision on the NZFS Commission's submission points. The NZFS Commission appreciates the opportunity to be involved in the Plan Change process, in the interests of promoting the health and safety of the community with regards to protection from fire.

Yours sincerely  
**Alex Strawbridge**  
Planner

A handwritten signature in black ink, appearing to read "A. Strawbridge", written in a cursive style.

on behalf of  
**Beca Limited**  
Direct Dial: +64 4 550 5995  
Email: [alexandra.strawbridge@beca.com](mailto:alexandra.strawbridge@beca.com)

Evidence E

BEFORE THE WAIMAKARIRI DISTRICT COUNCIL

IN THE MATTER of the Resource Management Act 1991 ('the Act')

AND

IN THE MATTER Proposed Plan Change 33 to the Waimakariri District Plan

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LEGAL SUBMISSIONS ON BEHALF OF RATUA HOLDINGS LIMITED

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## 1 INTRODUCTION

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- 1.1 I represent Ratua Holdings Limited (RHL), the intended developer of the retail centre. RHL supports PC33. There is a clear need in this area for increased retail availability. This area was identified in PC32 as the Mandeville North Growth Area, and is where Mandeville will continue to grow. PC33 will allow for the needs of existing and future residents to be met by providing increased retail choice and convenience for the local community; a reduction in travel to larger retail centres like Rangiora and Kaiapoi and increased local employment.
- 1.2 For RHL the focus of this hearing is not so much about whether PC 33 should be approved, because we contend it should be, but rather whether the controls that will govern the development of the PC33 land are appropriate.
- 1.3 We agree with Waimakariri District Council (WDC) that PC33 best meets the purpose of the Act, and that WDC's proposed objective 16.1.2 is in the main the most appropriate to achieve the purpose of the Act. However, we say that WDC's proposed policies, rules and controls are not the most appropriate mechanisms to achieve that objective.
- 1.4 WDC controls are intended to protect rural amenity, other key activity centres (KACs) and to provide for traffic safety. However we say they are too restrictive to the extent they risk the commercial viability of the business development and do not provide any further protection of the potential adverse environmental effects and protection of the function and viability of KAC's than what is proposed by RHL.
- 1.5 We consider there are more appropriate controls that will ensure objective 16.1.2 is met while appropriate provision is made for matters such as amenity, achieving the characteristics of the Mandeville North area and the Residential 4A zone, KACs and traffic safety issues while at the same time ensuring commercial viability of the business area.
- 1.6 Our evidence will detail those more appropriate alternative policies, rules and controls which more appropriately meet the purpose of objective 16.1.2 while at the same time providing for the commercial viability of the business development, amenity and visual issues and traffic safety matters.

## 2 STRUCTURE OF OUR SUBMISSIONS

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- 2.1 Our submissions will address the policies and rules on an issue by issue basis, rather than a rule by rule basis. This is the most straightforward way to present our submissions. We will cover the following issues:
- (a) Restrictions on gross retail floor area (GRFL) and individual tenancy floor area;
  - (b) Restriction on a left hand turn exit from the retail development;
  - (c) Landscape controls;
  - (d) Fire controls;
  - (e) Status of non-compliance with development controls;
  - (f) Subdivision in the Business 4 Zone; and
  - (g) Subdivision in the Residential 4A Zone
- 2.2 To assist the Commissioner, we have amended the relevant objectives, policies and rules provided in the WDC Officer Report to show our proposed changes in blue attached to these submissions as **Appendix 1**.

## 3 OUR EVIDENCE

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- 3.1 Mr Hames, a director of RHL, will present evidence on how the commercial viability of the proposed development will be adversely affected by unnecessary and overly stringent controls, in particular those relating to the footprint of intended tenancies. He also considers the issue of the left-hand turn exiting on to Tram Road.
- 3.2 He will be followed by Mr Polkinghorn from RCG. He will also discuss the WDC restrictions on tenancy sizes and numbers of tenancies, concluding that those restrictive controls are not the most appropriate means to meet PC33 objectives nor are they the most efficient and effective. He prefers and supports the alternatives promoted by RHL.
- 3.3 Mr Nick Saunders, a fire engineer from Olsson Fire and Risk Consulting Engineers will address matters relating to the New Zealand Fire Service submission and in particular policy 16.1.2.1 (I). He will provide his expert



opinion on fire safety issues and how in the context of PC33 they are most appropriately provided for.

- 3.4 Mr Peter Rough's evidence provides alternative expert opinions and conclusions from those reached by Mr Craig in his evidence. Mr Rough focuses on the visual and amenity impacts of the proposed development, particularly landscaping, the overall size of the development and the footprint of specific tenancies within the proposed development. He reaches the conclusion that the controls that will govern development of the PC33 land proffered by RHL are more appropriate in terms of meeting the objectives of PC33.
- 3.5 Finally Ruth Evans, a consultant planner, will discuss matters relating to subdivision, the appropriate status for activities when they are not in compliance with development controls, or when changes to the outline development plan are being made and also the proposed master plan providing for development of the residential allotments that immediately surround the commercial area.
- 3.6 In general, RHL seeks a less stringent level of control on the development of PC33 land than put forward by WDC. I consider the WDC approach to such controls is not the most appropriate outcome.

#### **4 STATUTORY FRAMEWORK**

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- 4.1 I do not propose to take you through a comprehensive review of the familiar statutory framework for a plan change. The following comments are intended to provide a broad outline of the key considerations and principles that should be kept in mind when considering whether PC33 should be approved.
- 4.2 The plan change is made under clause 21 of the First Schedule of the Act. When considering a change to a district plan, the key provisions to be mindful of are;
  - (a) The District Councils functions under section 31;
  - (b) The evaluation required under section 32; and
  - (c) The provisions of Part 2.

- 4.3 Of the above, the section 32 evaluation should be a key component of your consideration. This requires an assessment of the effectiveness and efficiency of the requests and a consideration of costs, benefits and risk. Section 32 is a comparative evaluation in that it seeks to find the most appropriate outcome. In this case the comparison is between the outcome promoted by PC 33, and the outcome that would result from continuation of the status quo.
- 4.4 To date, s32 case law has interpreted 'most appropriate' to mean "suitable, but not necessarily superior". This means the most appropriate option does not need to be the most optimal or best option, but must demonstrate that it will meet the objectives in an efficient and effective way.
- 4.5 Case law has provided further guidance on the application of section 32 and the interpretation of phrases contained within it. Key points that should be noted from these decisions relevant to the present case are as follows;
- (a) The phrase "benefits and costs" is defined in section 2 of the Act as including "benefits and costs of any kind, whether monetary or non-monetary".
  - (b) Section 32 requires a broad exercise of judgement and does not require a detailed economic analysis carefully recording and weighing costs and benefits, as might be undertaken by an economist.<sup>1</sup>
  - (c) The court does not start with any particular presumption as to the appropriate zone, rule, policy or objective.<sup>2</sup>
  - (d) The court seeks to obtain the optimum planning solution within the scope of the appeal it has before it, based on an evaluation of the totality of the evidence given in the hearing without imposing a burden of proof on any party.<sup>3</sup>
- 4.6 Sitting above this section 32 evaluation is the overriding purpose of the Act, being to promote the sustainable management of natural and physical resources. Without quoting part two in full, the general approach to

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<sup>1</sup> *Contact Energy Limited v Waikato RC* CIV-2006-404-7655, para 92

<sup>2</sup> *Eldamos Investments Ltd v Gisbourne DC* WD47/05, para 123

<sup>3</sup> *Ibid*, para 129

interpretation that has been accepted by the courts is "the overall judgment approach", which was developed by the High Court.<sup>4</sup>

- 4.7 In summary, what is required is an overall broad judgement determining which outcome is most appropriate by comparing the status quo to PC33. In short, whether the proposed PC33 zoning is better than the current zoning provided for under the WDC plan.

#### **Proposal meeting the purpose of the Act**

- 4.8 The section 32 report prepared by WDC notes a number of ways in which the proposal is the most appropriate way to achieve the purposes of the Act.

- 4.9 In particular WDC note the proposal achieves the purpose of the Act in the following ways:

Social, economic and cultural well-being: the business area within the Mandeville settlement meets the social, cultural and economic well-being of the Mandeville community

Avoiding, remedying or mitigating adverse effects on the environment: the objectives recognise existing character of Mandeville and seek to manage potential adverse environmental effects resulting from the size and scale of proposed commercial area

Efficient use and development of natural and physical resources: the potential use of the site is not considered to be met by the status quo given the current land use patterns within the Mandeville area

Efficiency of the end use of energy: providing a small-scale business zone will reduce dependence on motor vehicle use, and contribute to efficiency of interest of energy

Maintenance and enhancement of amenity values and the quality of the environment: Current objectives 18.1.2 and 17.1.1 in the District Plan seek the maintenance of existing characteristics of Mandeville. Further Objective 16.1.2 recognises the existing character of Mandeville

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<sup>4</sup> *NZ Rail Ltd v Marlborough DC* [1994] NZRMA 70 at P 86



- 4.10 Broadly RHL agrees with the above however with the proposed amendments and alterations RHL seeks provided those amendments and alterations are included within PC33 then the purpose of the Act under each of the matters identified above will be better met.

**Objective meeting the purpose of the Act**

- 4.11 WDC have proposed Objective 16.1.2 to govern PC33, and to meet the purpose of the Act

*Objective 16.1.2*

*Business 4 Zone within the Mandeville North settlement that:*

- a. fills a local community convenience function;*
- b. ensures the 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 even design; and*
  - ii. comprehensive design of car parking, loading areas and landscaping*
- d. ensures a safe and effective function of Tram Road*

- 4.12 We consider that this objective appropriately meets the purpose of the Act, and Implements the proposal appropriately subject to the alterations and refinements to the PC33 land development controls that RHL proposes within its submission and supporting evidence.

**Policies and Rules- meeting the purpose of the objective 16.1.2**

- 4.13 The policies rules and development controls on PC33 land development put forward by WDC are not the most appropriate method for achieving the

objective above. In particular, the policies and rules are in some circumstances inappropriately restrictive, and could damage or restrict commercial viability. If the PC33 development controls does either restrict or prevent commercial viability of the business development then key objectives such as fulfilling a local convenience function or need will not be met.

4.14 Against this context my submissions will now address the following matters

- (a) Size of the Business 4 Zone land
- (b) Restrictions on gross retail floor area (GRFL) and individual tenancy floor area;
- (c) Restriction on a left hand turn exit from the retail development;
- (d) Landscape controls;
- (e) Fire controls;
- (f) Status of non-compliance with development controls;
- (g) Subdivision in the Business 4 Zone; and
- (h) Subdivision in the Residential 4A Zone

## **5 SIZE OF THE BUSINESS 4 ZONE**

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- 5.1 The Business 4 zoned land is currently proposed to be 6200 m<sup>2</sup> in the WDC Officer Report.
- 5.2 However, to accommodate an increased gross retail floor area and additional carparking we propose an increase to 6670 m<sup>2</sup>, an increase of 470 m<sup>2</sup>.
- 5.3 The area of land to be zoned Business 4 is not restricted by any rules of the Plan, except for the ODP provided at Map 187 which does not specify lot area. We consider that the increase to 470 m<sup>2</sup> is well within general accordance with this ODP. We also consider that this amendment is within scope of our original submission for an increased GRFA, as an implicit requirement of that submission.

## **6 RESTRICTIONS ON GROSS RETAIL FLOOR AREA (GRFL) AND INDIVIDUAL TENANCY FLOOR AREA**

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- 6.1 Controls on gross retail floor area and floor area for individual tenancies are intended to achieve the objectives of PC33, by ensuring that business development in the Mandeville North settlement is at a size, scale and form that is appropriate for the rural residential nature of the settlement, whilst providing for the needs of the local residents, and not detract from the viability of Key Activity Centres (KACs)
- 6.2 WDC initially proposed that there should be limits on both gross retail floor area (GRFL) and the floor area of individual tenancies, with GRFA being 1300 m<sup>2</sup> and individual tenancies a maximum floor area of 450 m<sup>2</sup>.
- 6.3 Ratua Holdings Ltd (RHL) submitted that the GRFA should be increased to 1700 m<sup>2</sup>. RHL also submitted that there should be no limits on the floor area of individual tenancies.

### **Officer Report**

- 6.4 WDC has since obtained further economics evidence. On the basis of this economics evidence WDC has amended its suggested limits for total GRFA and individual floor area. WDC now proposes the following restrictions:
- (a) total GRFA of 1600 m<sup>2</sup>;
  - (b) maximum tenancy size of 750 m<sup>2</sup> for grocery tenants;
  - (c) maximum tenancy size of 450 m<sup>2</sup> for yard based or restaurant/bar tenancies;
  - (d) maximum tenancy size of 200 m<sup>2</sup> for all other tenancies; and
  - (e) maximum number of tenancies of seven.

### **RHL proposal**

- 6.5 There are more appropriate controls to meet the objectives of PC33, which will better balance the need for economic viability and protection of local amenity while ensuring effects on the functioning and viability of KAC's are no more than minor. RHL propose the following limits as being more appropriate to achieve the objectives of PC33;



- (a) total GRFA of 1700 m<sup>2</sup>;
- (b) maximum tenancy size of 1000 m<sup>2</sup> for grocery tenants;
- (c) maximum tenancy size of 450 m<sup>2</sup> for all other tenancies;
- (d) No minimum individual tenancy size; and
- (e) Minimum number of tenancies of 3

#### **Gross retail floor area**

- 6.6 The upper limit on GRFA should reflect the level of sustainable floor space in the area. RHL submits that WDC limit does not reflect the demand likely for this development, and therefore underestimates the level of sustainable floor space.
- 6.7 Mr Polkinghorne, Associate Director and strategic economist at RCG, has assessed both the likely demand for retail in this area, and how much of this demand will fall on the development. He considers that there is sufficient demand for a sustainable retail floor area of 1700 m<sup>2</sup> meaning that size is of an appropriate scale and size for the Mandeville North settlement , without adversely impacting on nearby KAC's.
- 6.8 Mr Rough, Landscape Architect, has assessed the visual impact of a GRFA of 1700 m<sup>2</sup> verses 1600 m<sup>2</sup> and concludes that there would "hardly be a discernible difference" between each outcome.

#### **Other tenancies**

- 6.9 WDC has proposed limits on the size of individual tenancies, with limits depending on the purpose of the tenancy. WDC have done this to ensure that any business development within the Mandeville North settlement is at a size, scale and form that is appropriate to serve the needs of the Mandeville North Settlement.

#### **Economics evidence**

- 6.10 WDC is supported in this assessment by the report from Market Economics Ltd which concludes that restrictions on tenancy sizes and number of tenancies plays an important function in allowing a range of services to be provided for the benefit of the local community, and would better meet the

objectives of PC33 in creating convenient access for local residents to goods and services.

- 6.11 Mr Polkinghorne has considered the limits on individual tenancies RHL as proposed above. In his report he notes that he considers that a grocery tenant of 1000 m<sup>2</sup> is appropriate for the Mandeville area and will not have negative impacts on KACs. He also supports a limit of 450 m<sup>2</sup> on other tenancies, noting that this restriction is also proposed by Market Economics. He also comments on WDC's proposed maximum number of tenants, commenting that he instead considers a minimum number of tenancies is more appropriate, as does Market Economics, although he does not consider that this type of restriction is necessary. He suggests that if a minimum number is to be set, it should be set at a relatively low level such as 3 tenancies. The Market Economics suggests 3 or 4 tenancies.

#### Landscape Evidence

- 6.12 Mr Craig in his landscape assessment notes that smaller tenancies result in greater visual differentiation and therefore less apparent bulk, and would better reflect the village scale of the business area.
- 6.13 Mr Rough has reviewed Mr Craig's evidence and RHL's proposal. Mr Rough is in general agreement with Mr Craig's point that "in urban design terms smaller tenancies would better reflect the 'village' scale of the business centre which would be commensurate with the low density existing rural and Residential 4A and 4B character of the area." However he considers that "given the overall scale of the development and taking into account proposed landscaping (refer Attachment 3), there would only be a very subtle difference in terms of 'village' and/or intimate scale between development permitted under new Rule 31.2.3 and amendments to the rule as sought by RHL."

#### Financial viability

- 6.14 A GRFL of 1700 m<sup>2</sup>, and a grocery tenant of 1000 m<sup>2</sup> is required to ensure the financial viability of the retail development. Bevan Hames will demonstrate that the limits proposed by WDC will result in a centre which is not financially viable. In particular he will comment that to secure a grocery tenant, RHL must demonstrate that there is a growth opportunity

in this development. A heavily restricted grocery floor area will not provide a grocery tenant with the certainty that it requires. Whilst we appreciate that floor area is only one of a number of factors that such a tenant will consider in terms of development opportunity, it is an important factor.

- 6.15 Unnecessary restrictions on the GRFL could result in the positive benefits of the development is not being realised in particular the objective of ensuring that residents in the area have a convenient retail resource available close to them will not be fully realised. It would not be effective and efficient to unnecessarily limit the GRFL of the commercial area.
- 6.16 The amendments put forward by RHL are more appropriate in achieving the objectives of PC33. They ensure financial viability and convenience for the local residents, whilst maintaining the appropriate amenity and limiting adverse effects on KACs.

#### **Consequential amendments –Business 4 Zone area and carparking**

- 6.17 In its submission RHL also requested any additional or consequential amendments that are necessary to achieve the intention of this submission and establish an appropriate regulatory framework that will enable a viable and successful commercial centre at Mandeville. As discussed above, an increase to the Business 4 Zone area is required to contain the increased GRFL and car parking.

#### **Carparking**

- 6.18 We note that WDC in its Officer report has increased the limits on the maximum number of parking spaces from 65 to 80, to take into account the increase in GRFA proposed by WDC.
- 6.19 As RHL considers that the appropriate GRFA is 1700 m<sup>2</sup>, it follows that a slight increase in maximum number of parking spaces is required. The number of parking spaces proposed by WDC results in a ratio of one car park per 20 m<sup>2</sup> of GRFA (applying the 1600 m<sup>2</sup> maximum suggested by WDC). Applying this ratio to the proposed maximum GRFA 1700 m<sup>2</sup>, 85 car parks are required. The addition of 5 car parks to the 80 proposed by WDC will have minimal effects on the amenity of the environment, whilst having a significant increase in convenience for shoppers.



RHL propose that rule 31.2.3 (e) be amended to provide for a maximum of 85 parking spaces.

## **7 TRAFFIC**

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- 7.1 RHL accepts that objective 16.1.2 (e) - to ensure the safe and effective functioning of Tram Road, is the most appropriate objective to meet the purpose of the Act. However RHL considers that the mechanisms WDC has proposed to meet this objective are not the most appropriate mechanisms.
- 7.2 In particular, RHL does not consider that WDC's restriction on a left hand turn exit onto Tram Road from the Business 4 Zone is appropriate. RHL considers that a left hand turn exit onto Tram Road from the Business 4 Zone is more appropriate to achieve the safe and efficient functioning of Tram Road. This is supported by the traffic evidence supplied by Ableys Transportation Consultants

### **Expert evidence**

- 7.3 The transportation report (the traffic report) prepared by Abley Transportation Consultants confirms that a left turn exist will not have any negative impacts on the safety or efficient functioning of the road network. The traffic report considers a number of factors associated with the left hand turn exit, including proximity to the McHughes Road intersection and the lack of an acceleration lane and road safety issues, and concludes that not only can a left hand turn exit can be supported (5.2 Traffic Report), but a left hand turn achieves a safety outcome as detailed on paragraph 4.5-4.7; 4.10 and 4.21-4.23:

### **Meeting the objectives of PC33**

- 7.4 Allowing the left turn exit is also important to meet the objective to provide for a Business 4 Zone that fulfils a local community convenient function. The left turn exit onto Tram Road gives significantly more convenient access options. It is clear that the more convenient access is, the more attractive the shopping environment is and therefore the better the trade at the centre.
- 7.5 Further, without the left turn exit onto Tram Road, RHL is concerned that there may be no business development. RHL considers that a left out turn is critical to support successful trade. RHL's view is based on early

discussions with potential tenants, including major retail brands. To not provide a left hand turn exit would reduce both the economic growth anticipated from this development, and also reduce potential employment to be provided for the development. Having the left turn exit is both effective and efficient. Considering costs such as further vehicle travel, the benefits of providing a number of exits allowing the public to utilise the exit that best suits their destination and allowing for the minimal traffic safety risks of the left hand exit there appears to be no sound RMA reason for its exclusion.

- 7.6 Given that providing for a left hand turn exit onto Tram Road more appropriately achieves the objectives of PC33, RHL considers that it should be provided for in the rules.

#### **Other WDC objectives and policies**

- 7.7 WDC accepts that a left turn exit will not affect the ability of the Tram Road/Mandeville road intersection to operate efficiently or safely. However, WDC concludes that a left-hand turn exit does not give effect to the objectives and policies of the District Plan. In particular WDC is concerned with:
- (a) objective 11.1.1: utilities that maintain or enhance the community's social, economic and cultural well-being, and its health and safety
  - (b) policy 11.1.1.5 (b): not have vehicle access to an appropriate level of road hierarchy
  - (c) policy 11.1.1.6: where a site has two or more road frontages access should be from the lowest road classification within the road hierarchy
- 7.8 WDC in its Officer report notes that Tram Road is an arterial road, and ranks above Mandeville road in the road hierarchy. Whilst the Officer notes that both options for egress to be considered is efficient and safe in terms of traffic design, requiring the access be onto Mandeville road better provides for the thrust direction of the relevant operative traffic objectives and policies of the District Plan.
- 7.9 We disagree with this stance, and consider that the objectives and policies of the District Plan can be met by allowing a left-hand turn exit onto Tram

Road. The purpose of the district objectives and policy summarised above is to ensure the safe and efficient function of the road network whilst allowing every site to have access that provides a safe entry to it. Expert evidence has confirmed that these goals are better met through a left-hand turn exit. As confirmed by the relevant experts, there will be no impact on road safety through allowing a left-hand turn exit.

- 7.10 Further, a left-hand turn exit better meets Objective 16.1.2, to allow for a Business 4 Zone within the Mandeville North settlement that fills a local community convenience function. A left hand turn according to experts will be significantly more efficient and effective for the uses of the development in the Business 4 Zone.

## **8 FIRE**

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- 8.1 The New Zealand Fire Service (NZ FS) submitted on PC33. RHL made a further submission on the NZFS submission. WDC has considered the NZFS submission and made the following proposed amendments to PC33:
- (a) New criteria 1 to Policy 16.1.2.1 " ensures that the zone is provided with a water supply that enables protection from damage in the event of a fire"
  - (b) That the ability of the development to comply with the Code of Practice; or whether any alternative forms of providing the operational requirements of the NZFS are available, in consultation with the NZFS be a matter for control in the Business 4 zone
  - (c) that any new allotment in the Residential 4A Zone should be provided with a firefighting water supply in accordance with the Code of Practice (addition of rule 32.1.1.21)
- 8.2 RHL considers that these controls are in appropriate, as there is no issue that requires remedy through the new policy and rules. Further, these new policy and rules will place unnecessary costs on any developer.

### **Provision of a water supply**

- 8.3 It is accepted that the Mandeville North water reticulation does not meet the requirements of the Code of Practice for a full urban location in terms of hydrant locations and minimum water capacity (25l/s).



- 8.4 However, there is already a solution to this problem. As stated in the Officers report (6.11.13) hydrants are provided at strategic locations within Mandeville North, supported by onsite supplies for new dwellings consisting generally of 20,000 L water tanks with a fire service approved connection.
- 8.5 To increase firefighting capacity storage is proposed. However, as detailed in the evidence both Mr Hames and Mr Saunders stored water is expensive to provide and furthermore such storage is not required.

#### **Imposition of Code of Practice**

- 8.6 The more appropriate way to address fire risk in PC33 is through the usual Building Act controls. The Code of Practice (which is a non-mandatory document) simply requires that sufficient water to extinguish a fully involved structure fire, both in total quantity and the flow rate required is stored on site. In contrast, the Building Act requires that the structures are constructed to an appropriate level for human safety and property. In relation to fire, the Building Act's purpose is to provide that:
- (a) People who use buildings can do so safely and without endangering their health;
  - (b) People who use a building can escape from the building if it is on fire; and
  - (c) To limit the extent and effects of the spread of fire to other property and further that other property will be protected from physical damage resulting from the construction and use of the building.
- 8.7 Mr Saunders, a fire engineer with Olsson Fire and Risk has provided evidence on the lack of purpose of imposing the Code of Practice on PC33.

## **9 LANDSCAPE**

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- 9.1 There are a number of landscape development controls proposed for PC33 by WDC. These controls are intended to achieve the following objectives and policies.

#### Objectives and policies of PC33

Objective 16.1.2:

- d. mitigates adverse effects on adjoining properties through:
  - o High levels of amenity and urban design; and
  - o Comprehensive design of carparking, loading areas, and entranceway design and landscaping.

Objective 16.1.2 is achieved through Policy 16.1.2.1 (a) and (b)

- 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

#### **Reference to additional objectives and policies**

9.2 The characteristics on the Residential 4A and 4B zone are set out in full in Ms Evans evidence. In summary, the zone is one where the predominant Activity is living, with a limited number of lots located in a rural environment, and an opportunity for a rural outlook within the zone.

Objective 18.1.3 states:

Objective 18.1.3: Provide for limited further subdivision, development and use within the Mandeville settlement that achieves:

- a. a compact living environment within a rural setting;
- b. consolidation of the Mandeville settlement by providing for new subdivision and development within the Mandeville settlement boundary;
- c. provision and utilisation of reticulated infrastructure and services;
- d. the maintenance and enhancement of the characteristics of Residential 4A and 4B Zones;
- e. promotion of the use of alternative transport modes for transit within the Mandeville settlement; and

- f. the preservation of the distinct and distinguishable boundaries of the Mandeville settlement.

9.3 RHL supports these outcomes for this area.

#### **Controls proposed to meet these outcomes**

9.4 WDC has proposed a number of development controls to meet these objectives and policies. In general, RHL supports these controls. However, in some cases RHL considers that the controls proposed by WDC are in excess of the controls required to meet the objectives and policies discussed above. In particular, RHL proposes amendments to the following development controls:

- (a) Location of parking and manoeuvring space in relation to the site's Tram Road boundary.
- (b) Landscaping of the site's Tram Road boundary
- (c) Landscaping of the access way linking the site to Mandeville Road
- (d) Light reflectance value (LRV) of building finishes

#### **Expert evidence**

9.5 These development controls have been considered by Mr Rough. In his opinion these controls are unnecessary to achieve the required outcomes, and he has proposed the following amendments to achieve the required outcomes:

<b>WDC landscape controls</b>	<b>RHL landscape controls</b>
Parking and manoeuvring space to be setback 4 m from the site's Tram Road boundary	Parking and manoeuvring space to be setback 3 m from the site's Tram Road boundary
Landscaping of the site's Tram Road boundary to be a minimum of 4 m deep	Landscaping of the site's Tram Road boundary to have a minimum depth of 2 m, with a minimum average depth of 4 m.



Landscaping of the access way linking the site to Mandeville Road to be 1.5 m on either side of the access way.	Landscaping on either side of the access way to compliance with the concept plan
Light reflectance value (LRV) of building finishes to be less than 30%	Light reflectance value (LRV) of building finishes to be less than 45%

### Financial viability

- 9.6 Further, RHL notes that along with being appropriate, the proposed landscape controls it has proposed are more economically viable, and better support development. A financially viable development is important to achieve the objective of providing a convenience retail resource for the local residents. If controls are placed on this development such that they remove financial viability, the development will not proceed with consequential negative impacts on the area.

## **10 SUBDIVISION IN THE BUSINESS 4 ZONE**

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### **Non-complying vs controlled**

- 10.1 PC33 proposed that subdivision in the Business 4 Zone would be a non-complying Activity. RHL submitted that this was unnecessary, and subdivision in the Business 4 Zone should be a controlled Activity.
- 10.2 WDC's Officer report notes that the restriction on subdivision in the Business 4 Zone is intended to require that the development be undertaken as a comprehensive development (including staging of a single subdivision consent) in order to ensure that the mitigation measures, to the development are constructed prior to the consent being given effect to.

### **Alternative option to achieve WDC's outcome**

- 10.3 RHL considers that there are alternative methods to ensure that mitigation measures for the development are constructed prior to any consent being given effect to, without rendering subdivision non-complying. RHL proposes the following alternative:

32.4.10 Any subdivision within the Mandeville North Business 4 Zone:

(a) to create unit titles; or

(b) that achieves a minimum lot size of 2500m<sup>2</sup>

is a controlled activity.

32.4.11 Any subdivision of land that does not comply with Rule 32.4.10 within the Mandeville North Business 4 Zone is a non-complying activity.

- 10.4 RHL considers that this alternative sufficiently addresses WDC's concerns, and subdivision should be allowed as controlled Activities rather than a non-complying Activity.

#### **Expert evidence**

- 10.5 This approach is supported by expert planning evidence

### **11 STATUS OF ACTIVITY NOT COMPLYING WITH THE DEVELOPMENT CONTROLS**

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- 11.1 PC33 governs the development of the Business 4 Zone through proposed Rule 31.5.6, which states

*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.*

- 11.2 RHL considers that this sets a standard that is inappropriately restrictive for the current rules proposed. If the Commissioner accepts RHL's amendments to Rule 31.5.6, RHL accepts that a non-complying status is appropriate. However, if the Commissioner is minded to not accept RHL's amendments, RHL submits that the status of any activity that cannot comply with the development controls can be adequately managed through an alternative status such as restricted discretionary. Ms Evans provides further detail on this point within her evidence.

#### **Expert evidence**

- 11.3 Ms Evans, Senior Planner, Harrison Grierson, has prepared evidence supported RHL's proposition that the current status of non-compliance with development controls is excessive. She comments that:

*This is particularly relevant given there may be varying degrees of non-compliance, many of which will result in nil or less than minor adverse effects, and effects that can be easily mitigated.*

11.4 Further, she notes that:

*An application for a non-complying Activity for many of these would be onerous and involve a time consuming and potentially expensive application which is not warranted under most circumstances*

11.5 There are two alternatives proposed for the Commissioners consideration:

- (a) All non-compliances with development controls should be a restricted discretionary status

## **12 SUBDIVISION IN THE RESIDENTIAL 4A ZONE**

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12.1 RHL submitted that subdivision in the proposed residential 4A zone should proceed in accordance with a masterplan, rather than being restricted to the general residential 4A rules. RHL considers that a masterplan is a more appropriate option as it gives an opportunity to assess the anticipated characteristics holistically.

12.2 In the Officer report, WDC rejected the proposed masterplan and favours the retention of Rule 32.1.1.10, requiring the average to be met for each subdivision.

12.3 WDC made the following comments about the masterplan:

- (a) no lot calculations for the masterplan are given;
- (b) no assessment has been undertaken to determine how the proposed master plan achieve the characteristics of the residential 4A zone; and
- (c) the masterplan excludes the reserve land from any future development rights. WDC noted that whilst the reserve is currently listed as a plantation reserve, this should not immediately lead to its exclusion for assessing any future development opportunities. Further, WDC noted that if the reserve is to be utilised an amendment to existing District Plan Rule 32.1.1.22 (exclusion of



reserves, roads or utilities from minimum and average calculation of the residential 4A and 4B zones) will need to be included

12.4 To address these concerns RHL have prepared:

- (a) A new planning approach utilising "sub-areas";
- (b) a more detailed masterplan taking into account access ways, and allotment sizes;
- (c) a planning assessment of the masterplan against the characteristics of the residential 4A zone; and
- (d) further consideration of using the reserve land to calculate average lot sizes

#### **Sub-areas**

12.5 RHL proposes a "sub-areas" approach for the Residential 4A subdivision in the PC33 land. This approach requires the division of the land into 3 sub-areas. These sub-areas reflect the current titles of the land. Each sub-area has a maximum number of lots that that area can be subdivided into. The while Mandeville North Residential 4A area must achieve an average of 4700 m<sup>2</sup>. Noncompliance with these maximum lot numbers or average lot size shall be a non-complying activity.

12.6 The maximum number of lots per sub-area is specified on proposed **Figure 1**.

#### **Masterplan**

12.7 To demonstrate that this approach can meet the objectives and policies of the Residential 4A zone, we refer you to our masterplan at **Appendix 2**. This masterplan is as agreed by all landowners in our original submission, with two changes.

- (a) The Business 4 zone has increased from 6200 m<sup>2</sup> to 6670 m<sup>2</sup>, an increase of 470 m<sup>2</sup>. Consequently, one residential lot on the Ratua land has been reduced by this amount.
- (b) The original masterplan submission utilised the reserve land for the purpose of calculating averages. WDC have expressed concerns

with that approach, so we have prepared two calculations for consideration, one taking into account the reserve land, and one not.

- 12.8 Since our submission we have improved the masterplan by providing lot size numbers and access way requirements on the masterplan. This is to demonstrate the minimum and average lot size numbers. No substantial changes have occurred to the masterplan except as described above.

#### **Expert evidence**

- 12.9 Considering this masterplan, Ms Evans, a Senior Planner will be providing expert evidence demonstrating that both:
- (a) This masterplan reflects the policies and objectives of the Residential 4A zone, both whether the reserve land is included in average lot size calculations or not; and
  - (b) That the sub-areas approach discussed above is feasible, and also meets the purposes and objectives of the Residential 4A Zone.

### **13 OTHER SUBMISSIONS**

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- 13.1 There are a number of submitters in opposition to PC33, some of which raise issues which these submissions and our evidence will respond to.
- 13.2 I do not propose to go through those submissions on a point by point basis but to rest RHL's case both on these submissions, the evidence led and our response to other submissions in our further submission, attached as **Appendix 3**.

### **14 CONCLUSION**

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- 14.1 PC33 should be approved because it achieves the purpose of the Act. WDC proposed objective 16.1.2 is in the main the most appropriate objective to achieve the purpose of the Act. RHL seeks amendment to and refinement of policies, rules and control based on the evidence you will hear from RHL, along with these submissions. I submit the most appropriate outcome and the one that best promotes the purpose of the Act is to approve PC33, inclusive of the refinements, alterations and additions that are proposed by RHL.

Proposed Plan Change PC33  
Mandeville Business and Residential 4A Zone

**Appendix I**      Recommended Plan Amendments as a result of  
Submissions

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## Plan Change 33 – Mandeville North Business 4 and Residential 4A Zone

### 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~~**. Changes as a result of submissions are shown in **red underlined**.

### RATUA HOLDINGS LIMITED AMENDMENTS

Note: Changes proposed by RHL are shown in **blue underlined**.

## 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:**

- b. **fulfils a local community convenience function;**
- c. **ensures a scale and form of development that:**
  - **is appropriate to serve the Mandeville North settlement;**

- limits the total floor area of development and single retail tenancies; and
- avoids **more than minor** effects on the function and viability of Key Activity Centres;

- d. mitigates adverse effects on adjoining properties through
  - high levels of amenity and urban design; and
  - comprehensive design of car parking, loading areas, and entranceway design and landscaping
- e. 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~~ three locations including a left hand turn exit onto Tram Road from the Business 4 Zone that avoid additional 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;
- j. considers the location size, design and use of buildings to limit the effects of building dominance and amenity;
- k. considers the location of any accessway to Mandeville Road to ensure safe and efficient road access; and
- ~~l. ensures that the zone is provided with a water supply that enables protection from damage in the event of a fire.~~

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





Add new Rule 30.6.1.15 to read as follows:

**30.6.1.15** Within the Mandeville North Business 4 Zone ~~no one~~ 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 4-3 metres of the Tram Road boundary.

Add new exemption 30.6.2.9 to read as follows:

**30.6.2.9** The site access and exit between ~~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 one~~ 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 105 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 Kalapoi 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 3000m<sup>2</sup> in area and 15% for lots between 2500 – 2999m<sup>2</sup> in area, or 500m<sup>2</sup>, 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 and the Residential 4A Zone (Bradleys Road, Ohoka) <u>and the Mandeville Road – Tram Road Mandeville North Residential 4A Zone</u>	Any road boundary (other than a boundary to a strategic road or arterial road) or any accessway	2m
NOTE: See Rule 31.1.1.15		





Location	A setback is required from	Setback depth (minimum)
Residential 4A Zone (Bradleys Road, Ohoka) shown on District Plan Map 169 and the Mandeville Road – Tram Road Mandeville North Residential 4A Zone shown on District Plan Map 182.	Any road boundary Any internal site boundary	15m 5m
Residential 4A Zone (Wards Road, Mandeville North) shown on District Plan Map 162, Residential 4A Zone (Mill Road, Ohoka) shown on District Plan Map 180 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 Any internal site boundary	15m 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 Any <u>internal</u> site boundary	6m 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



	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 grocery tenancy shall have a maximum gross floor area of 1000m<sup>2</sup> 750m<sup>2</sup>;
- b. any single bar/restaurant or yard based other tenancy shall have a maximum gross floor area of 450m<sup>2</sup>;
- c. there shall be a minimum of 3 tenancies
- d. any other tenancy shall have maximum gross size of 200m<sup>2</sup>;
- e. the total number of tenancies shall be limited to a maximum of seven;
- f. the total number of carpark spaces shall be limited to a maximum of 80 85 parking spaces;



- g. 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;
- h. landscaping shall occur:
  - i. for a minimum depth of 2 four metres, with a minimum average 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 and
  - iii. to a depth of 1.7 metres along the full length of both the north side of the carriageway linking the Business 4 Zone, Mandeville North to Mandeville Road with planting capable of reaching a minimum height of 3 metres; and to a depth of 0.95 metres along the south side of the carriageway; with planting capable of reaching a minimum height of 1 metre
- i. the site shall be fenced to prevent pedestrian access from and onto Tram Road;
- j. any building shall be finished to achieve a light reflectance value of less than 30% 45%;
- k. within the car parking area, there shall be a minimum of one tree, planted for every 10 parking spaces provided;
- l. there shall be no dwellinghouses;
- m. the maximum gross retail floor area shall be 4600m<sup>2</sup> 1700m<sup>2</sup>; and,
- n. any access from Tram Road shall be formed to prevent right hand turn vehicle movements from Tram Road; and

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 16.1.1.1, 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; and
- xiv. the ability for the development to comply with SNZ PAS 4509:2008, or whether any alternative forms of providing the operational requirements of the New Zealand Fire Service are available, in consultation with the New Zealand Fire Service.

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).

**Commented [KR1]:** RHL supports a non-complying status for any activity that does not comply with RHL's proposed Rule 31.2.3.

However, if RHL's submission is not accepted then RHL seeks restricted discretionary status for non-compliance with Rule 31.2.3

## CHAPTER 32

### Amend Rule 32.1.1.10:

- 31.1.1.10 The average allotment area for any Residential 4A Zone, except for Wards Road, Mandeville North shown on District Plan Map 162, Mandeville North shown on Outline Development Plan 182 and the Residential 4A Zone, Bradleys Road, Ohoka shown on District Plan Map 169 shall be met by each subdivision application.

### Add new Rule 32.x.x to read as follows:

- 32.x.x Within the Mandeville North Residential 4A Zone as shown on Outline Development Plan 182 the maximum number of residential allotments for each sub-area shall be as shown in Figure xxx, and achieve an average of 4700m<sup>2</sup> across the Mandeville North Residential 4A Zone.

### Add new Rule 32.4.10 and 32.4.11 to read as follows:

- 32.4.10 Any subdivision within the Mandeville North Business 4 Zone:  
(a) to create unit titles; or  
(b) that achieves a minimum lot size of 2500m<sup>2</sup>  
is a controlled activity.
- 32.4.11 Any subdivision of land that does not comply with Rule 32.4.10 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.
- 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.
  - 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.
  - Southbrook Business 2 Zone identified on District Plan Maps 118 and 119.
  - East Rangiora identified on District Plan Maps 113, 114 and 117.
  - 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.

Amendments required to ODP 182 to give effect to RHL submissions

1. Slightly increase Business 4 Zone from 6200 m<sup>2</sup> to 6670 m<sup>2</sup>
2. Provide for left hand exit only turn onto Tram Road from Business 4 Zone
3. Provide that the current location of the Stormwater Management Area identified on the current ODP 182 be indicative only and subject to detailed design

- 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.
- x. The Residential 4A Zone, Woodend Beach Road, Woodend, as identified on District Plan Map 171.
- y. 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.
- aq. The Mandeville Road – Tram Road, Mandeville North Residential 4A Zone identified on District Plan Map 182.**

CROSS REFERENCE: Rule 21.7

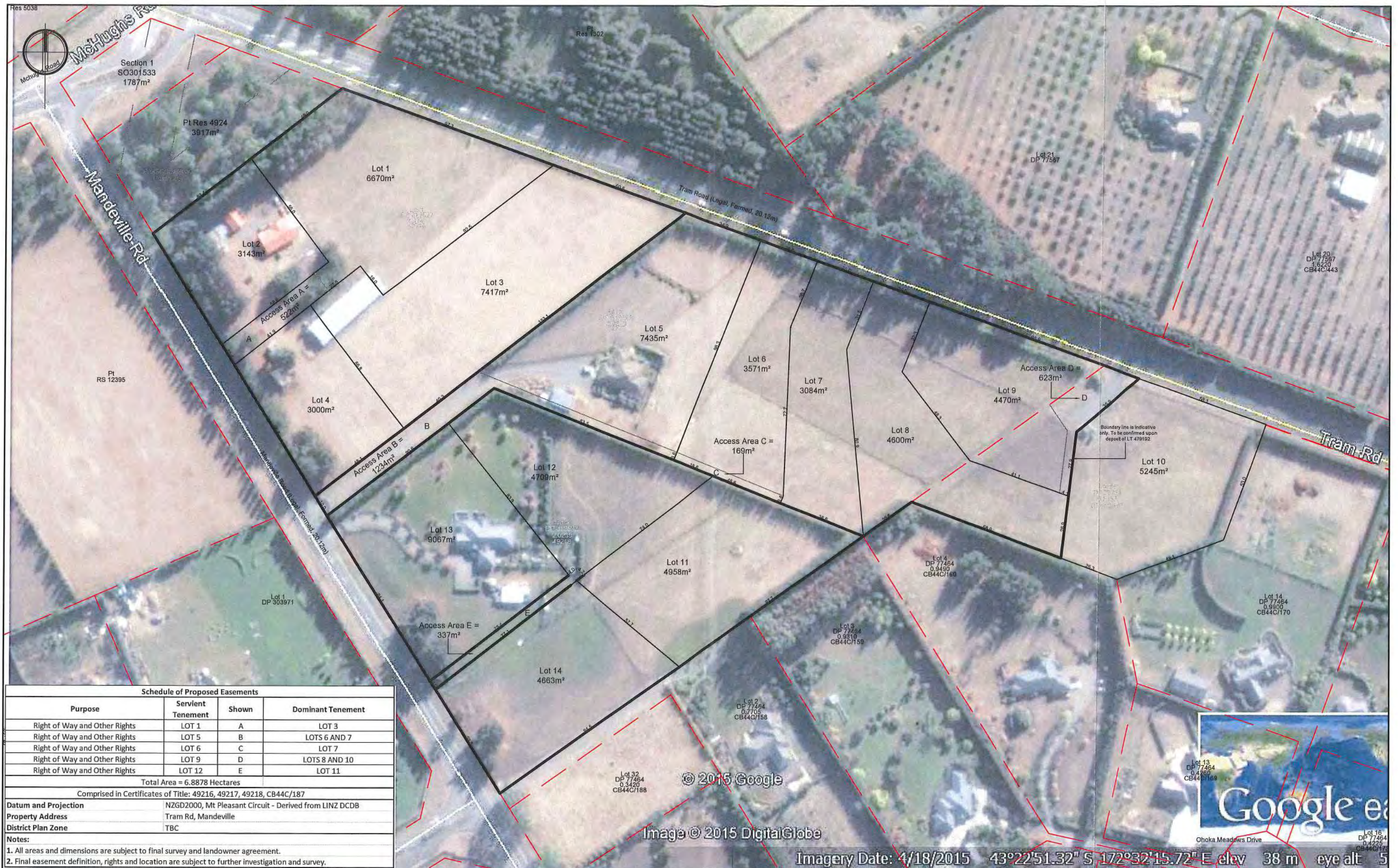
**32.1.1.51** **Any new allotment in the Mandeville Road – Tram Road, Mandeville North Residential 4A Zone shall be provided with a firefighting water supply in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.**

**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 ~~6200m<sup>2</sup>~~ **6670m<sup>2</sup>** 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.

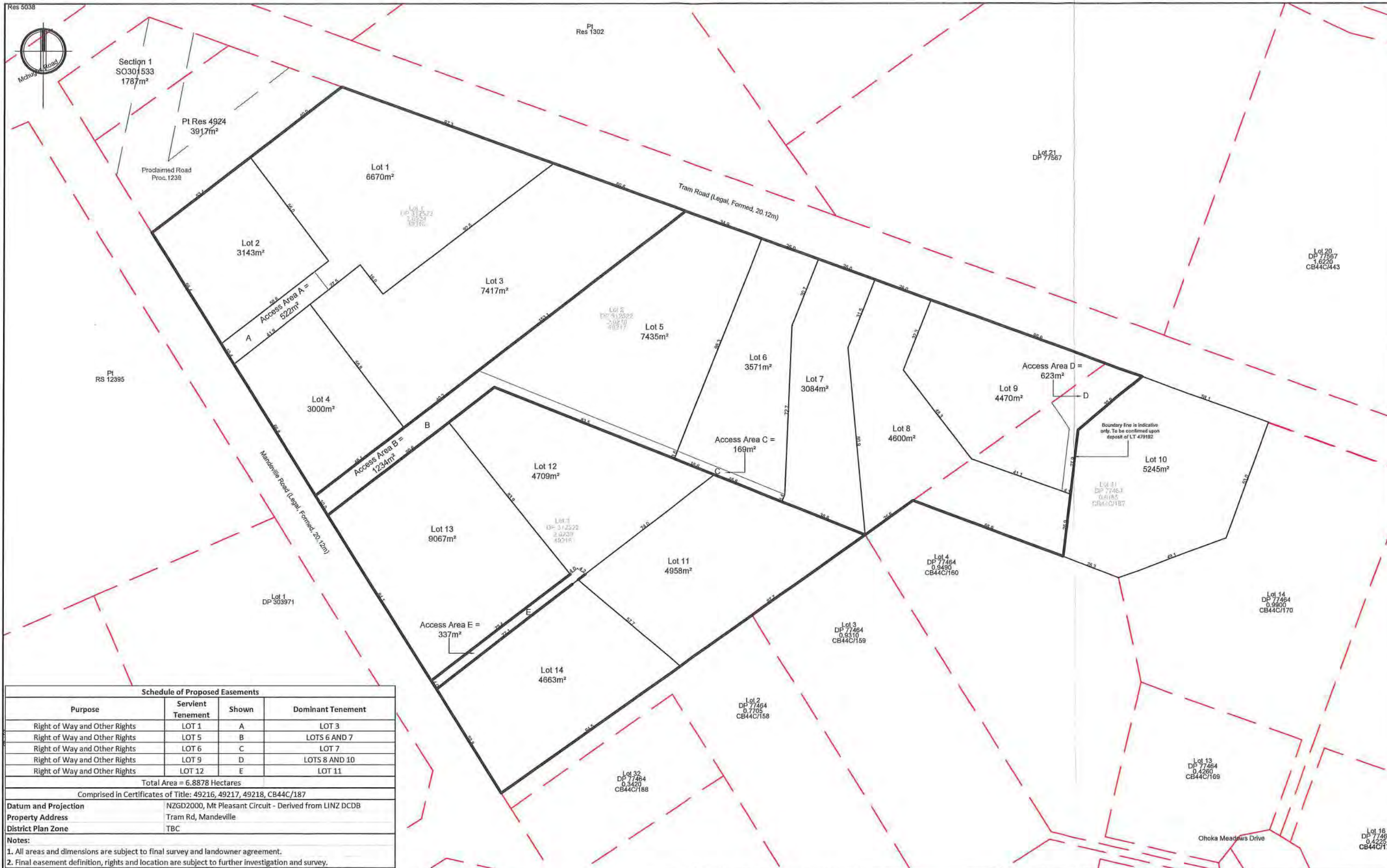




Schedule of Proposed Easements			
Purpose	Servient Tenement	Shown	Dominant Tenement
Right of Way and Other Rights	LOT 1	A	LOT 3
Right of Way and Other Rights	LOT 5	B	LOTS 6 AND 7
Right of Way and Other Rights	LOT 6	C	LOT 7
Right of Way and Other Rights	LOT 9	D	LOTS 8 AND 10
Right of Way and Other Rights	LOT 12	E	LOT 11
Total Area = 6.8878 Hectares			
Comprised in Certificates of Title: 49216, 49217, 49218, CB44C/187			
Datum and Projection	NZGD2000, Mt Pleasant Circuit - Derived from LINZ DCDB		
Property Address	Tram Rd, Mandeville		
District Plan Zone	TBC		
<b>Notes:</b>			
1. All areas and dimensions are subject to final survey and landowner agreement.			
2. Final easement definition, rights and location are subject to further investigation and survey.			

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Schedule of Proposed Easements			
Purpose	Servient Tenement	Shown	Dominant Tenement
Right of Way and Other Rights	LOT 1	A	LOT 3
Right of Way and Other Rights	LOT 5	B	LOTS 6 AND 7
Right of Way and Other Rights	LOT 6	C	LOT 7
Right of Way and Other Rights	LOT 9	D	LOTS 8 AND 10
Right of Way and Other Rights	LOT 12	E	LOT 11
Total Area = 6.8878 Hectares			
Comprised in Certificates of Title: 49216, 49217, 49218, CB44C/187			
Datum and Projection	NZGD2000, Mt Pleasant Circuit - Derived from LINZ DCDB		
Property Address	Tram Rd, Mandeville		
District Plan Zone	TBC		
Notes:			
1. All areas and dimensions are subject to final survey and landowner agreement.			
2. Final easement definition, rights and location are subject to further investigation and survey.			

© Lands and Survey South Limited Copyright and Conditions of Use: These drawings shall only be used for the purpose for which they were supplied. Any re-use is prohibited and no part of this document may be reproduced or distributed without the written permission of Lands and Survey South Limited or its associate companies.										DESIGNED: J. Elrick DATE: 22/05/2015	DRAWING TITLE: <b>PROPOSED LOTS 1 TO 14 BEING A SUBDIVISION OF LOTS 1 TO 3 DP 312522 AND LOT 31 DP 77464</b>
CONSULTANT PROJECT No.										DRAWN: J. Elrick DATE: 22/05/2015	
CONSULTANT DRAWING No.										CHECKED: DATE:	
REF. DRAWING No.										APPROVED: DATE:	
REFERENCE DRAWINGS										SCALE: 1:750 @ A1	
REV.										STATUS: PROPOSED	
DESCRIPTION										SHEET SIZE A1	DRAWING No. <b>5059-001</b>
DATE										REVISION	
DESIGNED											
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CHECKED											
APP'D											
CLIENT											



No.	Submitter	Summary ref	Support/ oppose PC33	Summary of submission	Ratua response to submission	Reasons for support/opposition	Decision sought
83	Anthony Banks	83.1	Oppose	Submitters are concerned there will be a reduced water supply to farms from higher density development proposed to be permitted by PC33. Submitter seeks to have PC33 suspended until this issue is resolved by WDC.	Oppose	Ratua does not support this submission. There is adequate water supply to support both high density development and farming in the area.	Disallow the relief sought
88	Robin W Driver	88.1	Oppose				
103	WJ Winter & Sons	103.1	Oppose				
84	Gavin & Yvonne Bennett	84.01	Support	Storm water: Bennetts recommend Stormwater Management area should be in adjacent reserve land and reflect WDC flooding mitigation measures currently being considered.	Support	Ratua supports this submission. Placing the storm water management area in the reserve would better meet the purposes and objectives of the RMA. This alternative discharge site would better support the plantings in the reserve than stormwater going to ground elsewhere. This change would be more appropriate than the provisions of PC33 as notified.	Allow the relief sought
		84.02		The Bennetts suggest building locations should form part of development controls.	Oppose	<p>The provisions of PC33 as notified are more appropriate than the addition of building location controls suggested by this submitter.</p> <p>PC33 already provides sufficient and appropriate controls to avoid adverse effects. There are adequate rules that will ensure the proposal will reflect the character of the surrounding environment and have 'less than minor' impacts on adjacent properties, such as landscaping, building height, building reflectivity, noise and maximum site coverage rules. To add additional controls regarding building location will place unnecessary restrictions and cost on the development, and achieve no useful RMA purpose.</p>	Disallow the relief sought
		84.05		Bennetts query size of B4 development area and seek accurate site layout and configurations	Oppose	<p>The provisions of PC33 as notified are more appropriate than the restriction on the Business 4 area proposed by the Bennetts.</p> <p>The ODP in PC33 does not stipulate a specific area (rather a non-prescriptive designation). Similarly the development controls do not restrict cadastral boundaries within the B4 zone. PC33's description of the B4 development is sufficient to provide certainty and avoid adverse effects. Further, these matters are more appropriately addressed at subdivision and detailed design / building consent stage and it is unnecessary to address them at this stage.</p> <p>To add additional controls regarding the size of the B4 zone will place unnecessary cost on the development, and achieve no useful RMA purpose.</p>	Disallow the relief sought
85	W.S and C.E	85.1	Oppose		Oppose	This submission is opposed. The submitters concerns are not supported by any evidence. However, there is evidence which	Disallow the relief sought



No.	Submitter	Summary ref	Support/ oppose PC33	Summary of submission	Ratua response to submission	Reasons for support/opposition	Decision sought
	Cockram					<p>supports PC33. The submitter claims that:</p> <ul style="list-style-type: none"> <li>• PC33 is not sought by residents. <ul style="list-style-type: none"> <li>◦ Ratua considers that the community surveys, public feedback meetings and submissions suggest that PC33 is supported by residents.</li> </ul> </li> <li>• The site is unsuitable for business <ul style="list-style-type: none"> <li>◦ Ratua considers that the Issues &amp; Options Paper addresses the advantages and disadvantages of the site, and does not conclude that the site is unsuitable for the Business 4 zone. Furthermore the Property Economics Report (appended to the s32 Report) addresses the demographics and forecast retail spend and highlights potential economic costs and benefits. This report concludes business is suitable in the proposed location.</li> </ul> </li> <li>• There are major traffic issues <ul style="list-style-type: none"> <li>◦ Ratua considers that the Abley Transportation report indicates less than minor impacts on road network and intersection performance, as well as the continued safe and efficient functioning of Tram Rd. Assessment takes into account the future subdivision potential within the catchment</li> </ul> </li> <li>• That residential 4B rather than 4A is the appropriate zoning <ul style="list-style-type: none"> <li>◦ Ratua believes given proximity to the future B4 zone, the higher density zoning is appropriate.</li> </ul> </li> </ul> <p>The submitter seeks that the status quo for the area remains. However the 2013 census data the Mandeville catchment has close to 2700 residents with not a single shop to support them. Travelling over 10km to the nearest retail centre is unacceptable for an established rural-residential community. PC33 allows the area to meet this increased residential demand.</p> <p>The submitter's proposals are not more appropriate than the provisions of PC33 as notified. PC33 will enable the necessary development of the Mandeville area, as desired by the residents and the needs of an increasing community</p>	
87	ECan	87.1	Support	Amend the rule regarding gross retail floor area from "the maximum gross retail floor area" to "the maximum gross retail area"	Support	Ratua supports this submission as it brings PC33 into consistency with the current Waimakariri District Plan, allowing greater accuracy and certainty in the administration of the Plan	Allow the relief sought
89	Peter Harris	89.4	Support	<p>Mandeville Rd access should not conflict with the proposed ROW at 116 and 148 McHughes Rd.</p> <p>Mr Harris requests new Policy 16.1.2.1 be inserted stating</p>	Support	Ratua is neutral on this provided it does not affect the efficient and effective functioning of the Mandeville right of way (ROW) relative to the concept design of the village. What impact this policy may have cannot be determined without further evidence being supplied by a traffic expert.	Allow the relief sought provided it does not affect the efficient and effective functioning of the Mandeville Rd ROW / access



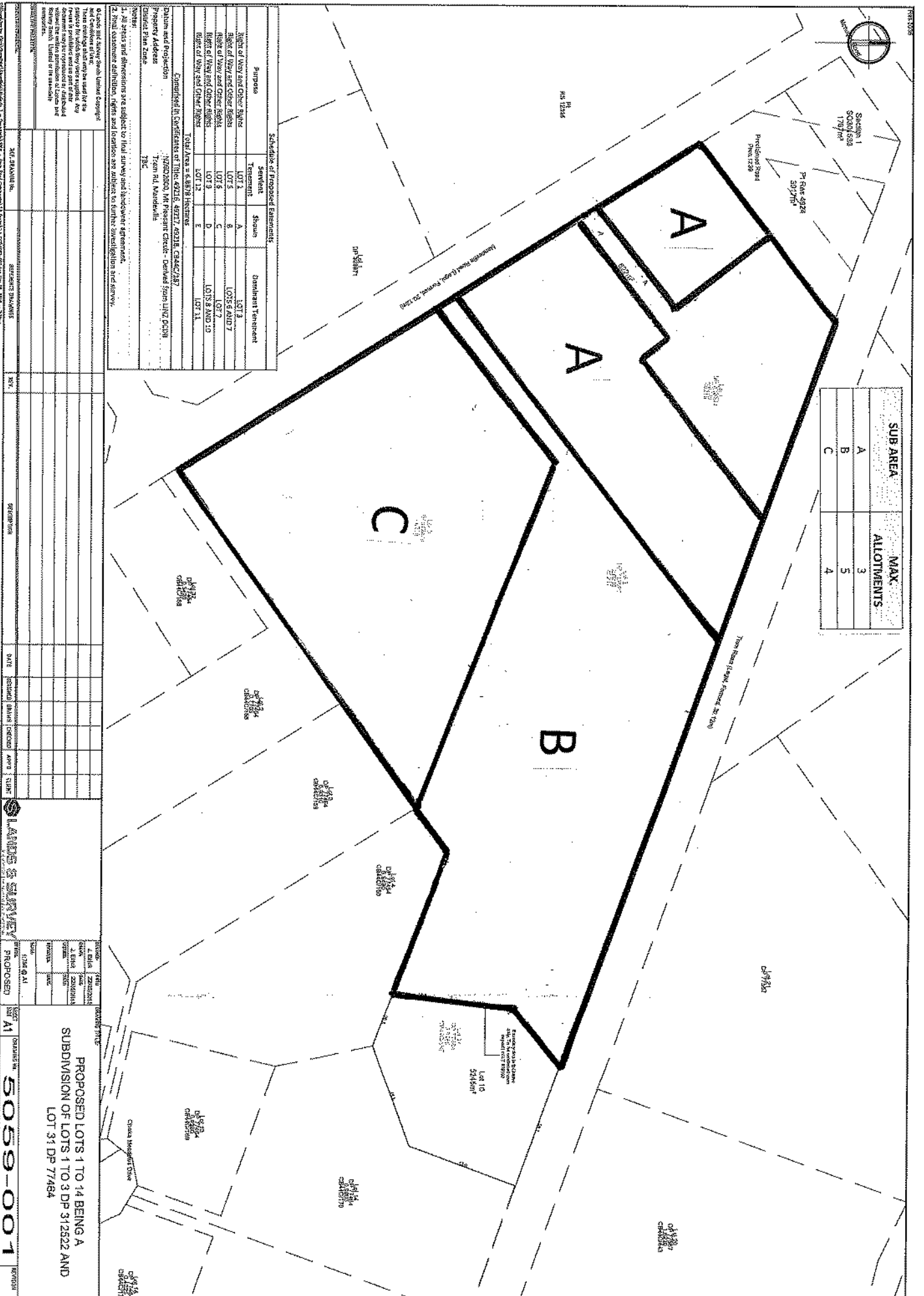
No.	Submitter	Summary ref	Support/ oppose PC33	Summary of submission	Ratua response to submission	Reasons for support/opposition	Decision sought
				<i>"Limits access onto Mandeville Rd to locations that do not conflict with the establishment of a new shared vehicle crossing on adjacent land that has legal frontage onto Mandeville Rd".</i>			
		89.5		Mr Harris requests that changes to future vehicle crossing serving the B4 zone be a Controlled Activity (rather than Non-complying).	Support	Ratua supports this rule change as it considers this is more appropriate rule than the rules currently in PC33. It is inappropriate the future vehicle crossings be non-complying rather than controlled. A controlled status will provide sufficient limitations on vehicle crossings rather than the high standard of non-complying. A vehicle crossing is not a complex issue, and does not require the limitation and additional scrutiny and assessment that accompanies a non-complying status	Allow the relief sought
102	Trevor Walmsley	102.4	Support	Parking should be prohibited on the north side of Tram Rd from Bradleys Rd to the end of the proposed subdivision.	Oppose	Ratua Holdings considers that this submission is not supported by the evidence supporting PC33. Abley Transportation report indicates less than minor impacts on road network and intersection performance, as well as the continued safe and efficient functioning of Tram Rd. The transportation report also addresses the appropriate car parking layout and performance and takes into account the future subdivision potential within the catchment.  The current provisions of PC33 are more appropriate than the submission as the current provisions of PC33 control parking in a way that only has less than minor effects on the surrounding environment and safe and efficient functioning of Tram Road.	Disallow the relief sought
				Noise buffer zones	Oppose	This submission proposes a restriction which is unnecessary. The District Plan and local bylaw rules will provide a limit on the noise which can be generated by any activities established on the site. Additional restrictions will be inappropriate, and will not assist in meeting the purpose of the Act.	Disallow the relief sought
95	Claire & Greg McKeever	95.3	Support	Subdivision rules for B4 zone should not be no-complying	Support	Ratua supports this submission. Ratua considers that subdivision in the B4 zone should be a controlled activity. A controlled activity allows less restriction on development while still allowing adequate assessment and protection of amenity by the Council. A controlled activity will be an improvement on the current standards of PC33.	Allow the relief sought
96	NZ Fire Service	96.1, 96.2, 96.3, 96.4	Support	Restricted firefighting water quantities available in Mandeville. NZFS require an on-site firefighting water supply to NZFS standards and seeks to have this included in Policy 16.1.2.1 and Rule 31.2.3 - as a Controlled Activity.	Oppose	This submission proposes a restriction which is unnecessary and does not better meet the purposes of the RMA/PC33 as notified does. The supply of water for firefighting will be addressed at building consent stage and it would be a duplication to include it as part of PC33.	Disallow the relief sought

No.	Submitter	Summary ref	Support/ oppose PC33	Summary of submission	Ratua response to submission	Reasons for support/opposition	Decision sought
	John Howard (91)	91.1, 91.2, 91.3	Support	<p>That PC33 be approved for the following reasons:</p> <ul style="list-style-type: none"> <li>• Essential services for an established residential community</li> <li>• Good for business and employment</li> <li>• Local convenience</li> <li>• Reduced travel time</li> <li>• Increased catchment area – not a true reflection of trade catchment</li> <li>• Left turn egress onto Tram Rd</li> <li>• Development should be commercially viable</li> </ul>	Support	<p>We support these submissions. We agree that PC33 is a necessary development given the increased population in the area, however that the current catchment is not a true reflection of the likely trade catchment and therefore the restrictions may not meet the needs of the community as currently drafted. Further, we consider PC33 is an improvement on the current zoning of the area and will better meet the needs of the community... We also believe a left out onto Tram Rd is vital to provide increased customer convenience and less congestion, whilst still having regard to the proper functioning of Tram Road.</p>	Allow the relief sought
	Robert & Lynne King (92)	92.1					
	Helen and Tony McGregor (93)	93.1, 93.2, 93.3					
	Suzanne Nilson (97)	97.1					
	Rebecca Searle (99)	99.1					
	Jeremy Simpson (100)	100.1					
	John Stapley (101)	101.1					
	Ingrid Hill (90)	90.1	Oppose	Traffic conflicts		<p>Ratua does not support these submissions. Transportation issues are addressed in the Abley Transportation report. This indicates PC33 will have less than minor impacts on road network and intersection performance, as well as the continued safe and efficient functioning of Tram Rd.</p> <p>The current provisions of PC33, other than the exclusion of a left turn egress onto Tram Rd, are more appropriate than the submission as the current provisions of PC33 control access and parking in a way that only has less than minor effects on the surrounding environment and safe and efficient functioning of Tram Road.</p>	Disallow the relief sought
	Robyn Young (104)	104.1					
	John Murray (94)	94.1					
86	Maureen Currie	86.1	Support				
	Ingrid Hill (90)	90.1	Oppose	Rural amenity will be affected by PC33	Oppose	<p>PC 33 will have a less than minor impact on rural amenity. PC 33 contains adequate rules that will ensure that the proposal will reflect the character of the surrounding environment and have less than minor impacts on adjacent properties, such as landscaping, building height, building reflectivity, noise and maximum site coverage. Further, the location of PC33 is the best possible location for protecting rural amenity. The location of the business zone between two roads and a public reserve provides a buffer between it and any rural properties. The location of the</p>	Disallow the relief sought
	Robyn Young (104)	104.1					

No.	Submitter	Summary ref	Support/ oppose PC33	Summary of submission	Ratua response to submission	Reasons for support/opposition	Decision sought
						<p>residential zone around the business zone also provides an additional buffer between the business and the rural zones.</p> <p>Given the needs of the community and the protection of rural environment that PC 33 contains, PC 33 is an improvement on the current zoning of the area.</p>	



Figure 1



BEFORE THE WAIMAKARIRI DISTRICT COUNCIL

IN THE MATTER of the Resource Management Act 1991 ('the Act')

AND

IN THE MATTER

Proposed Plan Change 33 to the Waimakariri District Plan

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EVIDENCE OF BEVAN DENIS HAMES ON BEHALF OF RATUA HOLDINGS LIMITED

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## INTRODUCTION

- 1 My full name is Bevan Denis Hames. I am a Director of Ratua Holdings Limited (RHL) and the intended developer of the proposed Business 4 Zone.
- 2 I have a Bachelor of Science degree from Canterbury University – double major in Zoology and Resource Management. I also have a National Certificate in Real Estate from Massey University.
- 3 I have over 14 year's planning, development, design, construction and real estate experience throughout Australia and New Zealand.
- 4 My experience includes:
  - 4 years' experience as a Senior Town Planner for both the Western Bay of Plenty District Council and GHD Consulting.
  - 7 years' experience as a Development Manager for a national commercial developer in Australia, as well as the Wesfarmers Retail Property Group.
  - 3 years' experience working as the Business Development Manager for a national based commercial Design & Construction firm.
  - I am also a licenced Broker under the *Real Estate Agents Act 2008*.
- 5 I am a local resident to the Mandeville area and have a vested interest in the success of the proposed retail village as detailed below.

## Scope of evidence

- 6 In my evidence I will address the following:
  - History of our involvement in the proposal
  - Our intended development philosophy
  - Community need
  - Customer catchment and tenant demand
  - Access
  - Commercial viability of the development



## GENERAL DESCRIPTION OF THE PLAN CHANGE

- 7 RHL first became involved in PC33 back in June 2013.
- 8 We have a conditional contract over the subject site – which is conditional on PC33 becoming operative.
- 9 If the Waimakariri District Council (WDC) did not proceed with a Council Initiated Plan Change, we would have sought a Private Plan change based on the compelling community need for a convenience retail offer.
- 10 Since becoming a major stakeholder in PC33 we have been involved in site selection committee hearings, community consultation meetings and have had extensive communications with the WDC in an attempt to work together to tackle the many issues which face PC33.
- 11 We have a considerable amount of time, money and emotional investment in PC33 and are passionate about providing something that we, and the local community, can be proud of.
- 12 There are a number of reasons why the Business 4 Zone is an improvement on and therefore better than the current zoning of the area. These include but are not limited to:
  - a. Increased amenity to the local community;
  - b. Reduced travel to larger retail centres like Rangiora and Kaiapoi;
  - c. Increased choice and convenience; and
  - d. Increased local employment.
- 13 The location of the proposed Business 4 Zone between two roads and a local reserve also provides a buffer between it and any rural properties.
- 14 As the intended developer of the proposed Business 4 Zone I believe I have a responsibility to ensure the development meets the needs of the community while remaining sympathetic to the surrounding environment.

## DEVELOPMENT PHILOSOPHY

- 15 Our intention is to design a village with a real sense of community. A development with a long-term sustainable future.
- 16 Our development will incorporate appropriate mitigation measures to meet the amenity outcomes expected by the community and that will ensure

there is a less than minor impact on the surrounding environment – which is supported by expert evidence.

- 17 Whilst I generally support the intent of the proposed development controls as part of PC33 including landscaping, setback and height restrictions, I consider the parameters of some of these controls to be unnecessary to achieve the purpose or objective of the Plan Change. Also as I detail below some of the controls will add extra costs for no corresponding benefit or environmental gain such as an amenity improvement.
- 18 I believe in some instances WDC are proposing excessive development controls that do not add any social, economic or environmental benefits over and above our proposed controls. I discuss this in more detail later in my evidence.
- 19 With regard to our village project – we will aim to provide a development that:
  - (a) Is sensitive to the receiving environment.
  - (b) Provides good, safe, efficient access onto both Mandeville Rd and Tram Rd for customer and tenant convenience.
  - (c) Provides cycle ways and footpaths from Mandeville Rd.
  - (d) Is traffic controlled, including the construction of a deceleration lane from Tram Road
  - (e) Has visual low impact to the road, with buildings likely to be turned away from the main road frontage with concealed car-parking where practicable – with placement of lighting to reduce light spill.
  - (f) Provides buildings of appropriate rural style, scale, material and colour with a community/ village courtyard feel.
  - (g) Has large setbacks.
  - (h) Provides staff parking and service areas to suit a range of tenants and also separate cars and truck delivery access for improved safety.
  - (i) Provides swales, fences and earth berms as landscaping features and roadside mitigation. The swales can also facilitate on-site stormwater detention.
  - (j) Provides cycle parks and good pedestrian access.

- (k) Has a maximum footprint size on grocery store and non-grocery store tenancies to ensure minimal impacts on the nearby Key Activity Centres (KAC's).
  - (l) Has a minimum number of tenancies to ensure the convenience function and purpose of the development is maintained.
  - (m) Improves community interaction and social outcomes for the catchment
- 20 As part of my evidence I have provided an indicative Concept Plan of what the village could look like – See **Appendix 1**

#### **COMMUNITY NEED**

- 21 There have been a number of community surveys and public meetings held by WDC over the years. The outcomes of the community feedback, in my opinion, clearly demonstrate a resounding support for local shops.
- 22 On top of these community surveys and public consultation meetings, I have made considerable efforts to meet as many of the local residents as I can to discuss the concept of having local convenience shops and to also help me understand what the community want –what are the community expectations in terms of scale and tenancy mix.
- 23 I have experienced an overwhelming support for PC33, particularly in the lifestyle communities of Mandeville Park, Milfield and Ohoka Downs subdivisions. In fact I did not speak to a single resident who did not favour the idea.
- 24 It's commonly viewed that when a development or rezone proposal is made public and seeks public feedback those opposed to a proposal are more likely to voice their opinions than those in favour. I think the fact that the balance of submissions for and against was well in favour of PC33 is testament to the level of local community support.
- 25 As a local resident, I currently need to travel over 11km to the nearest shops at either Kaiapoi or Rangiora. There is a small local garage in Ohoka but this is an expensive option and is limiting in the everyday convenience goods and services that it offers.
- 26 PC33 will provide more local convenience, reduce travel times and encourage community sentimentality.



- 27 Based on my local knowledge, development experience, and the obvious needs of the community, I believe PC33 is a significant improvement on the current zoning of the area and better meets the needs of Mandeville.

## **SIZE OF THE BUSINESS ZONE/RETAIL FLOOR AREA**

### **Mandeville Catchment**

- 28 With regard to the catchment and consequential sustainable footprint size – initially WDC wanted to limit the catchment to Mandeville based on the growth boundary established by Plan Change 32. However since public notification WDC have had further expert evidence which more accurately and appropriately identifies the true catchment, consequently supporting a larger catchment and, as a further consequence, a larger sustainable footprint.
- 29 Leaving the discussions around distributional trade and environmental effects to the experts, as a local resident and the intended developer I am concerned that an inaccurate catchment will provide less certainty to the tenants and their projections of likely retail spend – which could have a negative impact on their commercial interest and their willingness to invest in the development.
- 30 Similarly an inaccurate catchment results in excessive development controls, particularly around footprint size, which are underestimated and do not meet the long-term community needs or expectations.
- 31 From my experience as a town planner and developer I believe the most appropriate way to determine sustainable viability is to let the market decide. If there is sufficient customer and tenant demand, and the tenancy mix only serves a local convenience purpose, then the market should determine what is appropriate. If there is insufficient demand the centre may simply not be developed to its maximum retail floor area.

### **Tenant Demand & Expectations**

- 32 With regard to tenant demand – I have had very good enquiry from a number of tenants. None of these tenants directly compete internally within the village. We feel very strongly about this as the landlord – it is in our best interests to ensure the tenants' have every opportunity to prosper and the community needs are satisfied.

- 33 All tenants would provide a convenience shopping experience for the Mandeville community which meet the demand preferences of the community. Possible tenants include post office, café/wine bar, bakery, pharmacy, doctors consulting rooms, grocery superette etc.

#### Access

- 34 My discussions with these tenants has highlighted the importance of the left out egress onto Tram Rd. Several tenants have intimated that this egress is vital to provide Increased customer convenience with less congestion and more access options. Customer convenience is the whole cornerstone of this development, and therefore is key to supporting Improved trade.

- 35 A summary of the key safety points identified by WDC's expert traffic engineer are as follows:

If no left turn egress onto Tram Rd is installed, westbound motorists would be required to turn right out of Mandeville Rd access, right onto McHughes Rd and then left at the Tram Rd intersection. This results in an additional two right turns being necessary for westbound traffic (ref s.4.5 of Ableys evidence).

In terms of risk of conflict, right turn movements have an inherently higher risk than left turn movements due to the Increased number of points for conflict. By not providing the left turn egress onto Tram Rd this increases the number of right turns a driver must take and consequently increases their risk of conflict with other vehicles as opposed to one left turn movement if a left turn egress is provided onto Tram Rd (ref s.4.6 of Ableys evidence).

The option of providing a left hand turn onto Tram Rd is preferred to the option of no egress onto Tram Rd from the B4 zone for the reasons of directness, legibility and safety (ref s.4.10 of Ableys evidence).

The CAS results show that four (4) crashes have occurred at the existing intersection over the last five years, three of which involved right turning vehicles. If a left turn egress to Tram Rd is provided, then this avoids the need for motorists travelling from the B4 zone to travel via McHughes Rd and cross Tram Rd. Instead they could return to Tram Rd via the left-turn egress and turn right from the right turn bay on Tram Rd, which is a far safer and less complex manoeuvre to complete. (ref s.4.21 and 4.23 of Ableys evidence).

- 36 It is clear to me from the reading the Ableys Traffic evidence that it is a far safer option to have the left out egress onto Tram Rd. If this is what the tenants want, what the developer wants and is the safer option for the community then this should be the preferred option.

#### Tenant Restrictions

- 37 WDC supports restrictions on the maximum grocery size to 750 m<sup>2</sup> and the maximum size of non-grocery tenants to 450 m<sup>2</sup>.
- 38 I support the 450 m<sup>2</sup> cap for non-grocery tenants. However I do not support the proposed cap on the grocery tenancy.
- 39 Instead I believe a far more practical and sustainable control on the maximum grocery size is 1000 m<sup>2</sup>, which is supported by our economic expert and aligns with tenant expectations. This will ensure negligible impacts on nearby KAC's while taking into account market forces and future growth.
- 40 It is clear from the expert evidence that a footprint of this size will have a negligible impact on nearby retail centres. Any consequential adverse environmental effects are mitigated through the comprehensive development rules such as landscaping, building height and car parking.
- 41 It is also important to note the emphasis that both the Property Economic report and Market Economics evidence places on an anchor tenant. I agree that a destination anchor tenant is critical to the success of business sustainability. A destination tenant will generate the necessary trade for other secondary tenancies to benefit from. Without this, the opportunity to succeed to its full potential is compromised. It needs to be up to the tenant to decide what they believe is an appropriate scale to service the local community which is a sentiment shared by Market Economics. The anchor tenant, with which my discussions are well advanced, stress a need for 1000 m<sup>2</sup>.
- 42 It would be remiss of WDC to ignore the importance of an anchor tenant. Not just any business can achieve the function of destination trade. This needs to be carefully considered, and if you restrict the trade opportunity of an anchor tenant the development risks being at worst stalled, and at best being stagnant and unable to support growth.



- 43 I accept that if a grocery store were to get to the size of a large supermarket it may start to have a negative effect on the nearby KAC's. However according to the experts, 1000m<sup>2</sup> will have a minimal impact.
- 44 An Inflexible floor space restriction just creates doubt and uncertainty for an anchor tenant which could compromise our ability to attract quality tenants, which in turn compromises secondary users and eventually the integrity of the overall development and its service to the community.
- 45 The WDC officer's evidence also recommends a maximum number of tenancies. From a developers perspective this creates unnecessary pressures on tenant demand and selection. What if a:
- (i) bakery
  - (ii) post shop
  - (iii) restaurant
  - (iv) grocery store
  - (v) bank
  - (vi) takeaways
  - (vii) pharmacy
  - (viii) real estate office
- 46 All wanted to establish at Mandeville. They all provide non competing services and would all equally contribute to community convenience. However we would be forced to select based on a first in first serve basis which could compromise the overall preferred mix.
- 47 A more logical way to manage tenancy mix is to establish a minimum number of tenants required to provide the level of convenience expected by the community and then allow market forces to establish what is sustainable. **At the end of the day with Increased choice comes increased convenience – which is surely a key objective of the development.** This is supported by both Market Economics and RCG.
- 48 I therefore support a development control ensuring the minimum number of tenants never gets below three (3) and that any departure from this would be a non-complying activity. This will ensure that a range of retail and service activities locate in the centre to better provide for a range of community convenience needs.

## FINANCIAL VIABILITY

- 49 In my opinion the commercial viability of the Business 4 Zone is an important consideration. I have challenged WDC on this before but they indicated the economic viability of the development is not their concern. I am not sure the community would agree.
- 50 The point of this plan change is to provide the Mandeville community with much needed shops to support their local convenience needs. If the development has onerous development controls that create unnecessary costs, with little to no additional community or environmental benefit, the project costs will exceed revenue and the development will not proceed.
- 51 As discussed there are a number of development controls that, in my opinion, do not provide any particular environmental, economic or community benefit to what would otherwise be generated by our proposal.
- 52 For example a reduced footprint imposes an economic penalty on the developer that reduces the opportunity to recoup costs through rent. It is really important to note that there is a considerable amount of infrastructure required to support the development including a deceleration lane, large dual access right of way, significant landscaping setbacks, car parking, stormwater detention basins, fire spread controls and potentially onerous fire protection systems. This infrastructure is necessary regardless of the gross floor area but none of this infrastructure is directly proportionate to the footprint size. However the only opportunity for a developer to recoup costs is through rent, and so restricting the footprint restricts income.
- 53 There are a number of consequential implications of this including:
- (a) Tenants are required to pay higher rental rates, which puts undue pressure on trade which potentially becomes unsustainable
  - (b) Less to spend on the development compromising the amenity outcomes for the community. The property report notes that "*a higher quality centre would be more attractive to customers*".
  - (c) Bank funding is refused given the untenable risks.
- 54 This level of infrastructure could be sustained if there was reasonable opportunity to generate income to pay for this infrastructure – provided that did not unduly compromise the existing character or create more adverse environmental effects.

- 55 The difference between 1600m<sup>2</sup> and 1700m<sup>2</sup> is the difference between profit and break even. Quite simply the development is not financially viable to the banks satisfaction at 1600m<sup>2</sup> – if this is not viable to the banks then the project itself is not deemed viable.
- 56 It is also worth noting that the max. tenancy size caps could mean the development is not built to its full potential. For example if the grocery retail tenant only takes up 300m<sup>2</sup> (initially) and the next largest non-grocery store was 200m<sup>2</sup> (say a restaurant) and we we're required to satisfy the max. tenancy size of 200m<sup>2</sup> for all other tenancies then we would end up with a total GFA of only 1500m<sup>2</sup> – which is financially unviable. The max. tenancy size is an unnecessary financial burden which does not provide any social, economic or environmental benefit.
- 57 Turning specifically to the NZFS submission. This seeks a mandatory compliance with the Code of Practice (which is a non-mandatory document). Again experts will comment on the appropriateness of this and the minimal impact it would have on safety of life or protection of neighbouring property. However from a developer's perspective this has the potential to cripple the financial viability of the development.
- 58 There is only 19L per second available pressure in the WDC mains. A preliminary fire assessment indicates that if we were required to comply with the Code of Practice our development would require up to 1,080,000L of on-site water storage. This would cost over \$250,000 just for the tank, let alone the valve set infrastructure, and ongoing testing and maintenance. This is clearly totally unreasonable and unrealistic.
- 59 Provided safety of life is not compromised and there is no risk to neighbouring property, which is clear it wouldn't be from our expert evidence, then to a certain extent building damage is the landlords risk and is a matter for me and my insurer. It should not be a matter for the District Plan.
- 60 Another key cost consideration, particularly in the local market, is the increased construction costs following the Canterbury earthquakes. We are currently experiencing increased pressure on resources including limits in the supply of key building materials such as concrete, timber and steel, and more importantly labour. Construction costs have increased 12% over the last 12 months and continue to rise between 1-1.2% per month and we are not even at the peak of the rebuild. I am seeing this daily in my job as



a Business Development Manager and Greenfield projects are failing all over the region as a result of poor planning and excessively high project costs.

- 61 This has a huge impact on the financial viability of new developments. Retail trade volumes largely remains the same for small retailers, particularly in the context of local convenience retailers, so they are generally unable to support higher rents, particularly at the same proportionate escalation as construction costs. The net result is developers' margins are compressed.
- 62 This is something I am prepared to accept as I am passionate about making a difference in my community. However we are not prepared to make a loss – I doubt anyone is.
- 63 The community benefit of the centre will be lost if the development has too many onerous controls and financial viability cannot be achieved. Currently the WDC promoted controls on landscaping also fit into this category. The landscaping supported by WDC will be much more expensive to establish and maintain. Based on the expert views of Mr Peter Rough, WDC's preferred landscaping is not needed to support the PC33 objectives. He suggests his reduced and refined landscaping treatment is the most appropriate means to meet the PC33 objective in an efficient, effective and above all a less costly way.
- 64 We are proposing a centre which maximises local convenience with generous mitigation measures to ensure the development has less than minor adverse effects on the environment and negligible economic impacts on nearby KAC's.
- 65 I am more than happy to share my feasibility modelling with the Commissioner to be transparent and show the implications that a 1,600m2 footprint will have on the project viability. This information, because it is commercially sensitive would need to be protected from disclosure.
- 66 It shows we are not making this stuff up. Construction costs are at record highs, rents are largely unchanged and WDC are not looking at the project viability which is a significant consideration to give the community what they want and more importantly need.

### **Subdivision of the business land**

- 67 WDC are also looking to make any subdivision of the B4 zone a non-complying activity. I find it very difficult to see the rationale behind this as this will only create further financial constraints for the developer. The subdivision of the Business 4 Zone would not result in any further environmental effects so why impose this condition. In the current market we need as much flexibility around asset retention as possible.
- 68 I believe a more sensible approach is to impose a rule ensuring the Business 4 Zone can only be subdivided as a controlled activity into lots with a minimum area of 2500 m<sup>2</sup> and to require covenants on the title limiting the extent of subdivision and the adoption of conditions to retain and maintain landscaping and the like.

### **Stormwater Location**

- 69 The proposed ODP identifies a stormwater management area. It is clear from the Council 3 Waters assessment that there are a number of stormwater management measures available to appropriately deal with the stormwater from the proposed B4 area. This includes flush ponds, swales, rain gardens, sump inserts or interceptor chambers. We would also need an Ecan permit.
- 70 The Council Officer concludes that the actual designs of the stormwater can be addressed at the subdivision or Building Consent stage.
- 71 I agree with this assessment. My concern is how much weight is given to the location of the stormwater management area on ODP 182 map.
- 72 Based on our draft Concept Plan our stormwater area would not specifically accord with ODP 182, but would still satisfactorily deal with stormwater. Therefore I think that provision should be made in the rules that means the stormwater management area as shown on ODP 182 is a general location only and the intent is to ensure stormwater is appropriately dealt with at Subdivision or Building Consent time – otherwise we potentially face a non-complying Resource Consent as a result. I understand our planner also deals with how changes to the ODP should be provided for.

## **SUBDIVISION VIA A MASTERPLAN**

73 In my view I do not consider PC33 has sufficiently considered how well the surrounding residential land should be developed in an efficient and effective way. A master plan approach delivers on this need because it provides a well-considered approach to the issue providing for an efficient and effective outcome. Relying on the current rules as WDC prefers does not ensure a better and more efficient use of the land resource. With regard to the proposed Masterplan I support this approach for the following more detailed reasons:

- (a) A lot yield assessment ensures the environmental effects can be assessed in a more specific and accurate way.
- (b) All three (3) landowners within PC33 support the Masterplan / lot yield approach
- (c) The reserve land is included in the overall PC33 area, and will remain reserve land. In my opinion, in the context of PC33, this is the best use of this land and will continue to contribute to maintaining the overall visual amenity and anticipated characteristics of the zone.
- (d) PC33 has not looked sufficiently at how surrounding residential land should be dealt with. The Masterplan provides a good and efficient use of the surrounding land, which is well considered rather than ad-hoc. The ordinary rules of the District Plan do not maximise utilisation.
- (e) In my experience, there should be a reasonable expectation that residential density increases toward commercial centres.
- (f) A precedence for this approach was created as part of PC10 – Waikiwi Development decision

## **CONCLUSION**

74 As the intended developer and a local resident I am truly passionate about the success of the B4 zone. I believe it will offer much needed local convenience and amenity while reducing travel times to places like Rangiora or Kaiapoi. I believe I have a responsibility to ensure the development meets the needs of the community while remaining sympathetic to the surrounding environment.



- 75 Our development will incorporate appropriate mitigation measures to meet the amenity outcomes expected by the community and that will ensure there is a less than minor Impact on the surrounding environment – this is backed up by expert evidence.
- 76 The development controls should be designed to ensure there are less than minor economic, social and environmental effects, while also encouraging tenant demand and ensuring commercial viability.
- 77 In preparing for this hearing I have considered the planning and legal requirements to be satisfied for a Plan Change to be successful. Those requirements are contained in Matt Bacons report and also the legal submissions of Mr Rogers.
- 78 Preparation has also identified key issues which have been kept in mind when considering the adequacy of the Plan amendments recommended by Matt Bacon.
- 79 Attached to the submissions of Mr Rogers evidence are a further marked up version of Plan amendments that RHL seek. Those amendments provide for all of the points I have raised in my evidence.

Dated this 25<sup>th</sup> day of May 2015

A handwritten signature in black ink, appearing to read 'Bevan', is written over a horizontal line.

Bevan Denis Hames

NOTES

1. Do not scale off drawings.



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REF. NO.  
**4449**

REVISION **0**

PROPOSED RESIDENTIAL  
LOT 3 - 3670m<sup>2</sup>

PROPOSED RESIDENTIAL  
LOT 2 - 4740m<sup>2</sup>

PROPOSED RESIDENTIAL  
LOT 1 - 5118m<sup>2</sup>

MANDEVILLE VILLAGE  
LOT - 6670m<sup>2</sup>

3 x RETAIL TENANCIES  
(TOTAL FLOOR AREA - 565m<sup>2</sup>)

5 x RETAIL TENANCIES  
(TOTAL FLOOR AREA - 1135m<sup>2</sup>)

**CAR PARK**

**61** parking spaces  
**4** disabled parking spaces  
**7** staff parking spaces



Evidence G.

BEFORE THE WAIMAKARIRI DISTRICT COUNCIL

**IN THE MATTER** of the Resource Management Act 1991

AND

**IN THE MATTER** of submissions and further submissions lodged by Ratua Holdings Limited to  
Proposed Plan Change 33 to the Waimakariri District Plan.

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**STATEMENT OF EVIDENCE OF JOHN DANIELL POLKINGHORNE**

**ADDRESSING MANDEVILLE NORTH BUSINESS 4 AND RESIDENTIAL 4A ZONES**

**For Ratua Holdings Limited**

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## **Introduction, and Summary of my Evidence**

1. My full name is John Daniell Polkinghorne. I am an associate director of RCG Limited, with responsibility for the company's research and analytics work.
2. I have been employed by RCG since February 2008, initially working as a research analyst and economist.
3. I hold a Master of Commerce degree from the University of Auckland, majoring in economics.
4. In 2012, RCG was engaged to prepare a brief report on the opportunity for retail at the Mandeville site, 474 Mandeville Road, and to comment on whether there was support for a 1,300 m<sup>2</sup> centre. I was the author of this report, which is attached as an appendix to my evidence.
5. I refer to this report below as "the RCG report", and I will assume that people reading my evidence are familiar with its contents.
6. Besides the 2012 report and the current engagement to provide evidence, RCG has had no other involvement with the Mandeville site.
7. I am familiar with the Waimakariri retail offer, including Rangiora and Kaiapoi and the developing node at Pegasus/ Ravenswood.
8. I have advised several national retailers on the retail market in Canterbury and the Waimakariri, including the identification of growth opportunities and recommendations on locations. RCG has also had significant involvement in Pegasus, which I have worked on at various times.
9. The Waimakariri District Council (WDC) has initiated Plan Change 33 to the Waimakariri District Plan, aimed at, among other things, providing for a small commercial centre in Mandeville. As originally proposed by the council, this would be limited in size to 1,300 m<sup>2</sup>, with individual tenancies limited in size to 450 m<sup>2</sup>.
10. Ratua Holdings, the intending developer of this site, has asked me to comment as to whether these floor space restrictions are appropriate.
11. In relation to this, I have also made comments on a Property Economics report, titled "Proposed Mandeville Retail Centre Market Assessment", and dated May 2014.
12. I refer to this as "the PEL report" below.
13. I have also read and commented on a Market Economics report, titled "Mandeville Retail Review", and dated May 2015.
14. I refer to this as "the Market Economics report" below.

## **Overall assessment**

15. Overall, my assessment is that the suite of restrictions now being proposed by the developer are appropriate, namely a total area of 1,700 m<sup>2</sup>, with a grocery anchor limited to 1,000 m<sup>2</sup> and other tenancies to 450 m<sup>2</sup>. I do not believe that more prescriptive restrictions are necessary or desirable.
16. In reaching the outcome RHL's legal advisor has pointed out to me the key elements of section 32 of the RMA. In assessing the WDC preferred approach as against that proffered by RHL, I

have endeavoured to apply the key elements or considerations of s32. I have looked at the competing proposal to determine which of the two were more effective and efficient. I have undertaken a broad consideration of costs, benefits and risks. In the end I have tried to determine which of the competing WDC or RHL proposals are the most appropriate means or method to achieve the objective of PC33 in an efficient and effective way.

## **Code of Conduct**

17. I have prepared my evidence in compliance with the Code of Conduct for expert witnesses set out in the Environment Court's 2014 practice note.
18. I confirm that my evidence is within my area of expertise and that I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

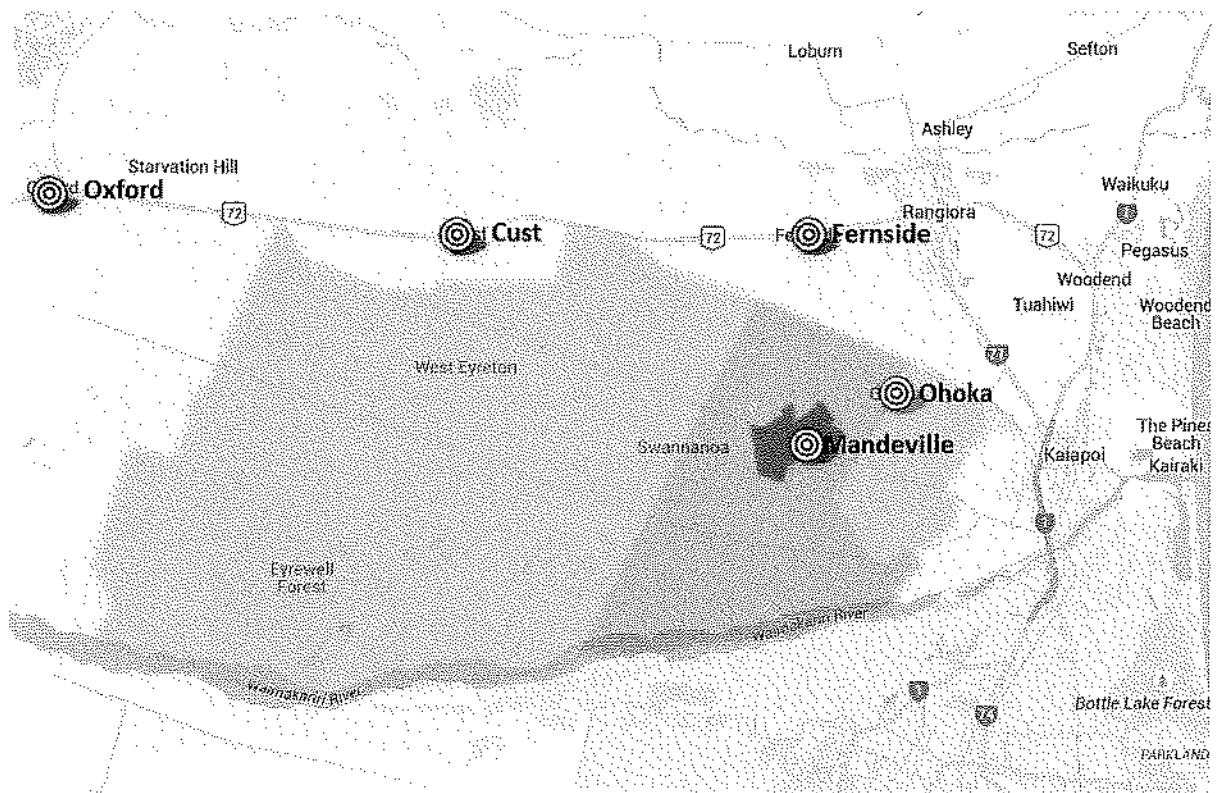
## **Catchment definition**

19. Catchments for retail facilities are based on expert interpretation of their likely geographic customer base. This is an important concept, since it factors into the amount of demand and the floor space which can be sustained.
20. Considerations include the size of the local population, the likely amount of retail, reading connections, and locations of competing centres and so on.
21. Catchments are usually based on geographic boundaries from Statistics New Zealand. For small centres, the catchments will be based on area units, or in rare cases, meshblocks.
22. My opinion on the Mandeville catchment is unchanged from 2012.
23. The most appropriate definition for the Mandeville catchment, in my view, includes the Mandeville, Ohoka, Eyrewell and West Eyreton area units.<sup>1</sup>
24. To give more detail, though, I consider it reasonable to split this into a primary catchment (the Mandeville area unit) and a secondary catchment (the other three).
25. Figure 1 below shows the area inside the Mandeville North Growth Boundary in red, the primary catchment in orange, and the secondary catchment in yellow. It also identifies the locations of nearby settlements:

**Figure 1: Mandeville primary and secondary catchments**

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<sup>1</sup> RCG's 2012 work was based on older area unit definitions, and the former West Eyreton area unit has now been split into Eyrewell and West Eyreton



26. As the RCG report notes:

*Ohoka is essentially a small village, with no more than a couple of hundred residents – much smaller than Mandeville – centred around the intersection of Mill Rd and Whites Rd. The Ohoka Service Station is a Gasoline Alley-branded petrol station and garage, and there are no other retailers in the village.*

*Although Ohoka is between Mandeville and Kaiapoi, we believe that Ohoka residents would still shop at Mandeville occasionally, especially if there are facilities not available at Ohoka, such as food and beverage providers.*

27. I stand by this view. Furthermore, I note that Mandeville has a much better chance of sustaining shops than Ohoka, given that it has a larger immediate population, and is closer and more accessible to the more distant rural areas. I discuss this later in my evidence.
28. The Eyrewell and West Eyreton area units are also included in the secondary catchment, given that households living there would often be closer to the Mandeville shops than to any others.
29. As noted later, the PEL report appears to assume that Mandeville's catchment is limited to the small red area in Figure 1, i.e. households living inside the Mandeville North Growth Boundary.
30. I would expect that most customers at the proposed Mandeville shops would come from within the catchment as I have defined it. This is not to say that households in the catchment will not shop elsewhere, and indeed Mandeville would be likely to capture only a small share of their spending.
31. Nonetheless, Mandeville is well located on the road network, and convenient to most of this catchment. The proposed shops are well positioned to provide convenience shopping facilities for these rural areas.



32. Likewise, some spending would even come from outside the catchment. Shoppers are mobile, and the small fraction of people from Kaiapoi or Rangiora who might choose to visit the Mandeville shops occasionally – e.g. a café or restaurant which develops a good reputation, or a grocery store which offers a different experience from the usual – could make a contribution to sales. This would not undermine the Key Activity Centres in the district.
33. The shops are also close to the Mandeville Sports Club, which acts as a draw for people from a wide area.

### **PEL's Catchment Definition**

34. PEL adopt a catchment which, as far as I can see, accords exactly with the Mandeville North Growth Boundary in planning map 167 of the Waimakariri District Plan.
35. I consider this catchment definition to be inappropriate, and unhelpful to answering the question of what might be a suitable amount of retail in Mandeville.
36. In looking at the level of sustainable floor space in Mandeville, PEL essentially assume that only people who live within the Mandeville North Growth Boundary will shop there, and that they will do all of their convenience shopping there. This is, in my view, an unrealistic approach.
37. The catchment I have defined includes 2,124 households, which compares with 290 in Mandeville itself and 80 in Ohoka. Using PEL's approach, all of the rural households which are not in either Mandeville (or Ohoka, if the exercise was repeated for that settlement) would be ignored completely. This is clearly untenable.
38. A better approach is to consider the likely areas that Mandeville shoppers will come from – which I have done with my catchment definition – and then consider, given the demand within that area, the network of centres nearby and other aspirations for the area, what level of retail is appropriate.
39. Consumers are mobile – they can cover considerable distances to visit retail centres. Major centres like Westfield Riccarton draw shoppers from across the region, whereas local shopping centres will have much smaller catchments.
40. Similarly, consumers in a built-up area like Christchurch or Auckland generally do not need to travel as far to the shops as do rural consumers. Rural consumers are used to driving longer distances, for commuting, taking children to school, and other purposes.
41. A report by Auckland Council suggests that, in Auckland, households make 50% of their spending in categories such as "food and liquor", "hospitality", "other retail" and "personal services" within 4-7 km of where they live, varying slightly for the different store types.<sup>2</sup>
42. The other 50% is done further away, with the "tail" of spending often done quite far away.
43. By comparison, nowhere inside the Mandeville North Growth Boundary is more than 2 km from the proposed shops. Clearly, there are households outside that boundary which will still find it convenient to shop there.

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<sup>2</sup> "Understanding the geographic relationships between households and retail/services centres across Auckland's urban structure", 2012, retrieved from <http://www.aucklandcouncil.govt.nz/SiteCollectionDocuments/aboutcouncil/planspoliciespublications/technicalpublications/tr2012024understandinggeographicrelationships.pdf>

44. Furthermore, households do not do all of their shopping at one centre. They shop around, and neighbouring centres will have overlapping catchments. Mandeville will not capture all the convenience retail spend from within its catchment. Some will go to Kaiapoi, some to Rangiora or Christchurch.

#### **Market Economics' Catchment Definition**

45. Market Economics adopt a catchment which is more similar to my own, with 1,470 households compared with the 2,124 households I have used.
46. Their catchment is based on meshblocks, the smallest geographic units defined by SNZ, whereas I have used area units. Meshblocks are grouped into area units, e.g. the Mandeville area unit contains 12 meshblocks.
47. I consider both approaches to be equally valid.
48. Market Economics' catchment includes the entirety of the Mandeville area unit, my "primary catchment".
49. It excludes some parts of the Ohoka area unit which are very close to Kaiapoi (around 120 households), and excludes part of the Eyrewell and West Eyreton area units which are remote from any centre, but may be more accessible to Oxford than to Mandeville (around 575 households).
50. If I had based my catchment on meshblocks rather than area units, I would have defined a similar catchment to the Market Economics one, although I would have extended it slightly farther into Eyrewell/ West Eyreton.
51. These are minor differences, though, and I believe that both Market Economics' catchment definition and my own give useful results.

## Household growth

### Subdivisions in Mandeville

52. Subdivisions which have been recently completed or are currently being marketed could add another 264 homes to Mandeville itself:
- Millfield – 127 sections, titles issued between December 2012 and March 2013.
  - Mandeville Park – 48 sections, titles issued between March 2012 and November 2012
  - Braeburn Estate – 89 sections with three stages likely, titles not yet issued
53. These timeframes, and aerial photography records, suggest that only a small number of households would have been settled in the new subdivisions by the time of the 2013 census (taken on 5<sup>th</sup> March), but household numbers have been given a boost since then.
54. Based on aerial photos from January 2015, it seems that the Millfield and Mandeville Park subdivisions are now largely built out, although it may of course be some time before every last section is built on.
55. Building consent data from the council also suggests that these subdivisions are largely built out. Prior to March 2012, very few building consents were being granted in Residential 4 zones – just 16 in five years.
56. This figure increased to 81 in the year to March 2013, 76 in the year to March 2014, and has now dropped steadily back to 27 in the year to March 2015. Overall, this represents 184 new dwellings consented in the last three years.
57. These consent numbers include Residential 4 zones across the district, but I understand from the council that they mainly relate to Mandeville, as well as a small amount of new development at Waikuku.
58. I would expect that the 2010-2011 earthquakes were a factor in the speed with which the Millfield and Mandeville Park subdivisions were sold and completed. Many people in Waimakariri and Christchurch were forced to relocate, meaning more demand for new sections. Supply is now catching up with that demand.
59. Braeburn Estate is at a much earlier point in its development, with only 11 sections sold or under offer. It may well take longer to eventuate than the two previous subdivisions.
60. Even so, Waimakariri's population is expected to keep growing strongly, which will still support demand in Mandeville and elsewhere. "Medium" population projections from SNZ show the district's population growing from 52,300 in 2013 to 78,000 in 2043, with a third of that growth occurring in 2013-2018.<sup>3</sup>

### Historical and projected growth across the Mandeville catchment

61. According to the 2013 census, the total Mandeville catchment has 2,124 households, with 885 in the primary catchment and 1,239 in the secondary. These numbers have grown steadily over the last couple of decades, as shown in Figure 2 below.

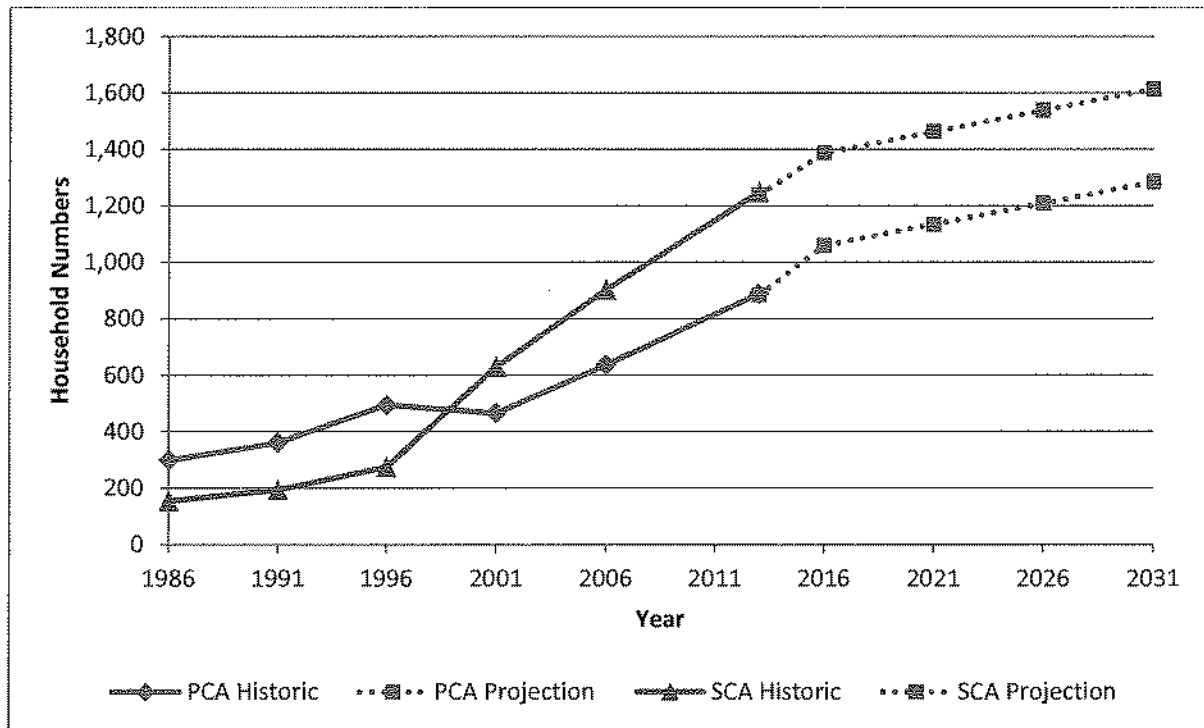
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<sup>3</sup> "Subnational population projections, by age and sex, 2013(base)-2043". These projections were released in February 2015 and incorporate data from the 2013 census and other sources.



62. My modelling work requires me to make projections of household growth into the future, beginning from the 2013 census baseline.
63. Figure 2 below shows these projections, along with historic household numbers in the catchment based on 1986-2013 census data.

Figure 2: Historic and Projected Household Numbers for the Mandeville Catchments



64. The relevant numbers are also outlined in Table 1 below:

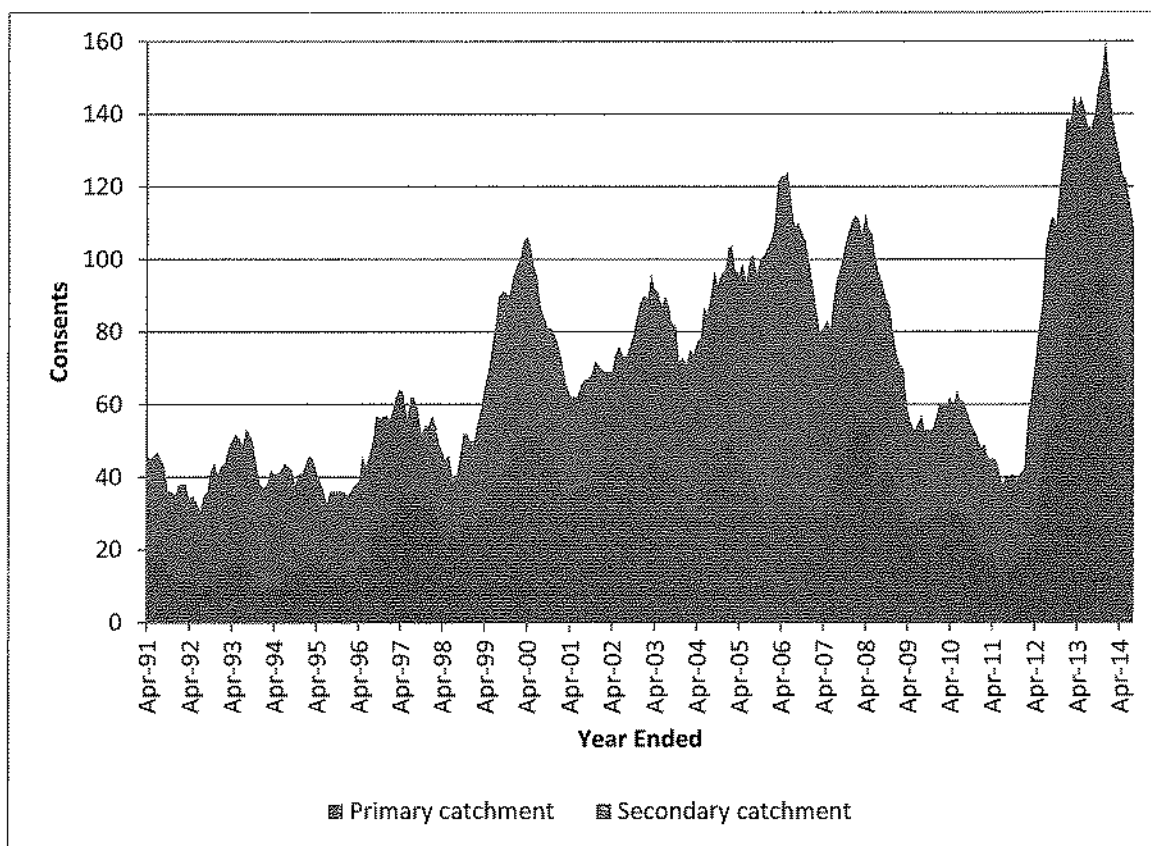
Table 1: Household Projections

Year	2013	2016	2021	2026	2031
<b>PCA</b>					
Households	885	1060	1135	1210	1285
Growth	-	175	75	75	75
<b>SCA</b>					
Households	1239	1389	1464	1539	1614
Growth	-	150	75	75	75

65. I consider these projections to be realistic in the near term, based on building consents, subdivision progress and other information. Indeed, the recently completed Mandeville subdivisions have 175 sections, and they appear to be almost fully built out already. Braeburn Estate will add to this pipeline, and other growth will occur in the wider catchments.

66. The suitability of these projections over the long term could be debated, and lower or higher figures could be chosen. However, I would argue that even the current or near-term situation is enough to support the proposed shops at Mandeville, and this is my main focus.
67. As further context to my projections, historical building consent information at the area unit level shows that, between May 1990 and August 2014:
- 831 dwellings were consented in the primary catchment, an average of 35 dwellings a year;
  - 926 dwellings were consented in the secondary catchment, an average of 39 dwellings a year;
  - 1,757 dwellings were consented in the total catchment, an average of 74 dwellings a year.
68. The figures above include a resurgence in consents from 2012 onwards. However, even if we exclude this resurgence and just look at the period between May 1990 and December 2011:
- 636 dwellings were consented in the primary catchment, an average of 27 dwellings a year;
  - 782 dwellings were consented in the secondary catchment, an average of 33 dwellings a year;
  - 1,418 dwellings were consented in the total catchment, an average of 59 dwellings a year.
69. Figure 3 below shows the moving annual number of consents for the catchment over the period for which I have data, broken down by area unit:

Figure 3: Moving Annual Dwelling Consents for the Mandeville Catchment



70. The historic census figures above tell a similar story – household numbers for the entire catchment increased by an average of 72 a year over 1991-2013 (or 62 a year over 1986-2013).

#### Comparisons with the 2012 RCG report

71. I note that I am now projecting a somewhat higher growth outlook – as well as a higher “starting point” – than used in the 2012 RCG report.
72. This report relied on pre-earthquake, pre-2013 census information on the catchment’s estimated population, and its future potential for growth (i.e. projections).
73. More recent data shows that the catchment has been growing faster than predicted. The total catchment now has an estimated population of 6,830 as at June 2014, whereas using the projections in table 4 of the RCG report, this level would not have been reached until almost 2021, or even longer for the primary catchment.

#### Comparisons with the PEL report

74. Although PEL use several different figures in their report, their modelling and conclusions appear to be based on a base figure of 290 households in Mandeville.



75. This figure is apparently sourced from the council, and accords with the figure given in their 2010 "Rural Residential Development Plan".<sup>4</sup> This plan refers to around 170 households in the Residential 4B zone, and another 120 in the San Dona area.
76. Based on a quick inspection of the available meshblock data and property boundaries, this seems to be an accurate reflection of household numbers inside the Mandeville North Growth Boundary, prior to the recent/ current subdivisions there.
77. PEL note in section 4 that Mandeville could reach "a total dwelling capacity of 621", based on information provided by the council. This figure appears reasonable based on current planning provisions.
78. The forecasts in section 4 show household numbers growing from 290 in 2014, to 621 in 2031. PEL assume a linear growth rate of roughly 19.5 households a year.
79. The Millfield and Mandeville Park subdivisions, with 175 sections, represent nine years' worth of growth using the PEL projections, or from 2014 out to 2023. Actual growth has of course occurred much more quickly than that.
80. As such, while the assumed endpoint of 621 households within the Mandeville North Growth Boundary area may well be valid, growth is likely to be much more "front loaded" than the linear growth assumed by PEL.
81. Furthermore, as noted earlier, the Mandeville North Growth Boundary area is not an accurate reflection of the likely trade catchment for the Mandeville centre, making PEL's conclusions especially conservative.

#### **Comparisons with the Market Economics report**

82. Although Market Economics state that 2014 is their base year, I expect that their figures are actually based on 2013 census data, as are my own.
83. They assume growth of 110 households by 2016, and linear growth of 170 households in each five-year period thereafter.
84. As with PEL, I believe they are missing the extent to which growth is being "front loaded" thanks to current and recent subdivisions in Mandeville.
85. Again, this means that a convenience centre is likely to be viable earlier than Market Economics' projections suggest.

## Updated modelling results

86. I have updated my 2012 modelling work based on more recent data, e.g. results from the 2013 census and my updated household projections. I present the results of this modelling exercise below.
87. The modelling shows the expected "retail spending power" of households and businesses in the Mandeville primary and secondary catchments.
88. It is important to note that I do not expect the Mandeville shops to capture all of this spending, or even a large share of it. Consumers will do most of their shopping in larger retail nodes, in Christchurch, Rangiora or Kaiapoi.
89. Retail spending power leads to "floor space demand" – that is, because people want to spend money in retail stores, there is a demand for retail floor space. RCG's model converts retail spending power into floor space demand, using assumed sales productivities (sales per square metre).
90. For completeness, I have shown all the store types covered in RCG's Retail Sales Model. However, the Mandeville shops are likely to focus on just a few store types, what the PEL report terms "convenience retail". I agree that this is the most probable use for the site.

## Large Format Retail

91. As noted in the 2012 RCG report, most LFR demand from people living in the Mandeville catchment "is likely to be accommodated in Christchurch or Kaiapoi".
92. However, LFR food retailing is relevant, including supermarkets.
93. Table 2 below shows modelled LFR floor space demand for the primary, secondary and combined catchments, over the 2013-2031 period.

Table 2: LFR Demand for the Mandeville Catchments (m<sup>2</sup>)

Catchment	Year				
Primary Catchment	2013	2016	2021	2026	2031
Food Retailing	662	811	913	1,022	1,140
Department stores	606	740	832	932	1,039
Furniture, floor coverings, houseware and textiles	258	309	347	388	432
Hardware, building and garden supplies	555	645	723	806	896
Recreational goods	109	133	150	168	187
Clothing, footwear and personal accessories	87	104	117	131	146
Electrical and electronic goods	105	125	140	156	174
Pharmaceutical and other stores	0	0	0	0	0
Food and beverage services	0	0	0	0	0
Primary Catchment Total	2,380	2,868	3,222	3,604	4,015
Secondary Catchment	2013	2016	2021	2026	2031
Food Retailing	879	1,015	1,125	1,243	1,370
Department stores	808	933	1,033	1,142	1,258
Furniture, floor coverings, houseware and textiles	352	407	450	498	549
Hardware, building and garden supplies	782	903	1,000	1,105	1,218
Recreational goods	145	167	185	205	225
Clothing, footwear and personal accessories	117	136	150	166	183
Electrical and electronic goods	144	166	184	203	224
Pharmaceutical and other stores	0	0	0	0	0
Food and beverage services	0	0	0	0	0
Secondary Catchment Total	3,226	3,726	4,128	4,561	5,027
Combined Catchments	2013	2016	2021	2026	2031
Food Retailing	1,541	1,827	2,038	2,265	2,510
Department stores	1,413	1,673	1,866	2,073	2,298
Furniture, floor coverings, houseware and textiles	610	716	798	886	981
Hardware, building and garden supplies	1,337	1,548	1,723	1,912	2,115
Recreational goods	254	300	335	372	413
Clothing, footwear and personal accessories	204	240	268	297	329
Electrical and electronic goods	248	290	324	359	398
Pharmaceutical and other stores	0	0	0	0	0
Food and beverage services	0	0	0	0	0
Combined Catchments Total	5,606	6,595	7,350	8,165	9,043

94. These results, and those that follow, are higher than modelled in 2012, mainly because of Mandeville's larger population.
95. Table 2 illustrates that households and businesses in the Mandeville catchments create demand for 5,606 m<sup>2</sup> of LFR floor space as at 2013. This will grow over time, to 7,350 m<sup>2</sup> by 2021 and 9,043 m<sup>2</sup> by 2031.
96. Looking at supermarkets only, the way to think about these figures is that households in the Mandeville catchments will support 1,541 m<sup>2</sup> of supermarket space as at 2013, spread across a range of likely shopping locations (Kaiapoi, Rangiora, Christchurch).
97. Some part of this demand could also help support a large grocery store in Mandeville itself, although I would still expect that the bulk of food shopping would be done elsewhere.



98. The modelling assumes retail spending power for LFR food retailing is converted into floor space demand with assumed sales of \$14,000/m<sup>2</sup>. This figure is typical for supermarkets, but an independent grocery store, indoor market etc would be likely to have much lower turnover.
99. Put another way, an independent store of 1,000 m<sup>2</sup> would be likely to have sales of less than \$14 million. The gap between actual and assumed sales would help to support supermarket space elsewhere. That is, more than 541 m<sup>2</sup> of supermarket space (trading at \$14,000/m<sup>2</sup>) could be supported in other locations.

### Other (Small Format) Retail

100. Table 3 below shows modelled "other retail" floor space demand for the primary, secondary and combined catchments over the 2013-2031 period.

Table 3: Other Retail Demand for the Mandeville Catchments (m<sup>2</sup>)

Catchment	Year				
Primary Catchment	2013	2016	2021	2026	2031
Food Retailing	331	406	456	511	570
Department stores	0	0	0	0	0
Furniture, floor coverings, houseware and textiles	39	47	53	59	65
Hardware, building and garden supplies	116	135	151	169	188
Recreational goods	89	109	123	137	153
Clothing, footwear and personal accessories	214	258	290	325	362
Electrical and electronic goods	39	47	52	59	65
Pharmaceutical and other stores	268	316	355	396	440
Food and beverage services	397	488	549	615	687
Primary Catchment Total	1,494	1,806	2,030	2,270	2,531
Secondary Catchment	2013	2016	2021	2026	2031
Food Retailing	440	508	562	621	685
Department stores	0	0	0	0	0
Furniture, floor coverings, houseware and textiles	53	62	68	75	83
Hardware, building and garden supplies	164	189	210	232	255
Recreational goods	118	137	151	167	184
Clothing, footwear and personal accessories	290	335	372	411	452
Electrical and electronic goods	54	62	69	76	84
Pharmaceutical and other stores	372	429	476	526	579
Food and beverage services	526	607	673	743	819
Secondary Catchment Total	2,017	2,330	2,581	2,851	3,143
Combined Catchments	2013	2016	2021	2026	2031
Food Retailing	770	913	1,019	1,132	1,255
Department stores	0	0	0	0	0
Furniture, floor coverings, houseware and textiles	92	108	121	134	149
Hardware, building and garden supplies	280	324	361	401	443
Recreational goods	207	246	274	305	338
Clothing, footwear and personal accessories	505	594	662	735	814
Electrical and electronic goods	93	109	121	135	149
Pharmaceutical and other stores	640	746	830	921	1,020
Food and beverage services	923	1,096	1,222	1,359	1,506
Combined Catchments Total	3,511	4,136	4,610	5,122	5,673

Source: RCG

101. This table illustrates that households and businesses in the Mandeville catchment create demand for 3,511 m<sup>2</sup> of "other retail" floor space as at 2013. This will grow over time, to 4,610 m<sup>2</sup> by 2021 and 5,673 m<sup>2</sup> by 2031.

#### **"Relevant" Retail Store Types, and Non-Retail Uses**

102. The tables above show the results of my modelling work for the Mandeville catchments, covering all retail store types apart from accommodation and automotive-related retailers.
103. However, some store types are obviously more relevant to the proposed development than others – e.g. food retailing or food & beverage are likely uses, whereas electronics stores are not.
104. The PEL report focuses on the "convenience retail" store types which they see as being most relevant. Based on the list in their appendix 3, these would include food retailing, food & beverage, pharmaceutical and other stores, and recreational goods.
105. I generally agree with this list, although I also include "hardware, building and garden supplies". These kinds of stores are often viable in convenience centres and rural areas.
106. I note that video (rental) stores and Post Shops, which are shown in PEL's list, are not actually covered by the Retail Trade Survey. They are therefore excluded from RCG's model, and presumably PEL's model too.
107. These uses should more properly be mentioned under PEL's list of "convenience commercial/professional service activities", and I would also add banks, real estate agents and travel agents to that list.
108. For ease of reference, I have split out the more relevant store types from my modelling work in Table 4 below. Note that all of these figures are for small format or "other" retail demand, except for "Large Format Food Retailing".

4.  
Table 3: "Relevant" Retail Demand for the Mandeville Catchments (m<sup>2</sup>)

Catchment	Year				
Primary Catchment	2013	2016	2021	2026	2031
LFR Food Retailing	662	811	913	1,022	1,140
Other Food Retailing	331	406	456	511	570
Hardware, building and garden supplies	116	135	151	169	188
Recreational goods	89	109	123	137	153
Pharmaceutical and other stores	268	316	355	396	440
Food and beverage services	397	488	549	615	687
Primary Catchment Total	1,863	2,266	2,547	2,851	3,179
Secondary Catchment	2013	2016	2021	2026	2031
LFR Food Retailing	879	1,015	1,125	1,243	1,370
Other Food Retailing	440	508	562	621	685
Hardware, building and garden supplies	164	189	210	232	255
Recreational goods	118	137	151	167	184
Pharmaceutical and other stores	372	429	476	526	579
Food and beverage services	526	607	673	743	819
Secondary Catchment Total	2,498	2,886	3,197	3,532	3,893
Combined Catchments	2013	2016	2021	2026	2031
LFR Food Retailing	331	406	456	511	570
Other Food Retailing	770	913	1,019	1,132	1,255
Hardware, building and garden supplies	280	324	361	401	443
Recreational goods	207	246	274	305	338
Pharmaceutical and other stores	640	746	830	921	1,020
Food and beverage services	923	1,096	1,222	1,359	1,506
Combined Catchments Total	4,362	5,152	5,744	6,383	7,072

Source: RCG

109. I note again that these figures exclude demand for service businesses – health, beauty, medical and professional services, and so on, as outlined in PEL's appendix 3 and my points above.
110. These kinds of uses are of course important for small-scale retail centres, as noted in the PEL report; however, there is no robust way of modelling them.
111. PEL suggest that these businesses could occupy 40% of the centre. I might have used a lower figure, say 25%, and note that Market Economics use 30%. However, this varies from place to place and is very dependent on the size of the centre, its catchment, exposure to traffic flows and so on.

### Floor Space Caps, and Capturing the Demand

112. Based on my review of the Mandeville context, growth projections, modelling work and so on, I recommend that the cap on retail space in the Mandeville centre be increased to 1,700 m<sup>2</sup> GFA.
113. Retail is defined by the District Plan to include the sale of both goods and services, so this cap would apply both to store types included in my model, and to other service businesses.



114. especially given that a large part of the growth over the next few years is likely to be in Mandeville itself.
115. Based on point 111 above, a centre of 1,700 m<sup>2</sup> might have 75% of its floor space in modelled store types, or 1,275 m<sup>2</sup>.
116. This is equivalent to 50% of the primary catchment's demand in 2021 for the store types (and formats) I have highlighted in Table 3. Other types are unlikely to locate in Mandeville.
117. Looking at demand across the combined catchments, the equivalent figure is 22%.
118. I am comfortable with this as a maximum. I consider that it is a level which ensures that the shops will not have negative impacts on other centres, and may encourage the success of Mandeville shops through establishing a "critical mass".
119. My opinion is that it will be difficult for shops in Mandeville to capture this share of demand, but that is ultimately a risk for the developer and retailers. It may be that less retail ends up being developed, or that retailers trade at lower levels than the model assumes.
120. Either way, my opinion is that the increased cap will not have any negative economic effects on the function and viability of other KACs.

#### **Comparisons with the PEL report**

121. The modelling assumptions used by PEL are somewhat different to those used by RCG, and I believe ours to be more reliable. The main differences relate to assumed growth in spending power per household, the level of sales per square metre, and the assumed impact of online retailing.
122. However, these differences are of comparatively little concern in this case. My main point of contention with PEL's results and conclusions are that they are based on what is, in my view, an unrealistically small catchment.

#### **Comparisons with the Market Economics report**

123. Market Economics only devote a very small part of their report to their modelling results, making it hard to review their findings.
124. Based on their figures 2.3 and 2.4, their catchment has five times as many households as PEL's catchment in 2014, but only supports 2.2 times as much "sustainable GFA".
125. As a result, I expect that they make assumptions about the proportion of convenience spend from the catchment that they expect the centre to capture. They hint at this near the top of page 6, saying:

*"We would expect that consumers in the parts of the catchment furthest from the centre might direct only 10-20% of their convenience spend to the centre, but that this figure would be over 80% in the residential areas adjacent to the centre".*

126. This is a valid approach, but a subjective one, and since they have not outlined exactly how they reached these figures, how percentages are applied to different parts of their catchment, etc. This makes it difficult to evaluate them.

## Economic Impacts

127. I believe it is useful to comment briefly on the potential for the Mandeville centre to have economic impacts on other centres, as the PEL report does.
128. PEL state on page 18 of their report that "in considering potential retail impacts in an RMA context, any such impacts across a wider area are likely to be negligible given the proposed size and function of the centre".
129. Based on the preceding paragraph of their report, this appears to refer to the 1,650 m<sup>2</sup> GFA centre rather than the smaller 1,300 m<sup>2</sup> GFA, i.e. even the larger size would have negligible impacts. I agree with this assessment.
130. Similarly, Market Economics state in their section 6 that – at least given the restrictions which they favour – there would be "no noticeable effects on Waimakariri's three [Key Activity Centres]" from a 1,600 m<sup>2</sup> centre.
131. As noted by PEL, the potential for impacts on Rangiora and Kaiapoi is very limited. These are much larger towns, with established (and growing) retail offerings. Future developments in these towns, as well as Pegasus and Woodend, will strengthen the retail "centre of gravity" in the eastern parts of the district.
132. PEL go on to note, though, that:

*"the District Plan envisages small rural based convenience centres to service their immediate local market only and not depend on capturing residents from wider rural locations... if the Mandeville centre were to be developed today as proposed, its sales and continued function would depend not only on its localised market but also residents from other nearby rural communities.*

*While its establishment may not have any material effects on any existing centres under the RMA, the Council seek a centre designed and scaled to operate as a centre to support the local Mandeville residents only... what is currently proposed at Mandeville is likely to impact on the commercial viability of any future provision within Swannanoa and Ohoka*

...

*The District Plan gives a steer to limit the role and function of rural centres to servicing its localised catchment only, therefore a convenience centre in Mandeville of size around 1,000sqm – 1,300sqm GFA... is considered to be appropriate. This would allow for the establishment of additional and similarly sized centres (depending on the market) in other rural communities in close proximity to Mandeville without compromising the viability, performance, role and function of one another"*

133. I disagree with a number of these points. Within the Mandeville catchment as I have defined it, most households live in "rural locations", even if we exclude Mandeville and Ohoka from that category.

134. Catchments overlap, and the nature of any retail in small towns is that it will depend on some support from the surrounding rural areas. If shops in Mandeville were forced to rely on only the 290 households within the growth boundary, they would probably not establish at all, and likewise for the even smaller settlements elsewhere in the catchment.
135. The 2012 RCG report may be a useful guide here, where it states that:
- "There are around 2,700 dairies and grocery stores in New Zealand, or approximately one for every 1,600 people. Similarly, there are 7,050 cafés and restaurants in New Zealand, or one for every 625 people, and 4,550 takeaways, or one for every 1,000 people. There are 3,900 "hairdressing and beauty services" businesses, or one for every 1,100 people – note that some of these businesses may be home-based. Finally, there are 1,200 pharmacies in New Zealand, one for every 3,700 people".*
136. Mandeville is by far the largest settlement in its catchments, and the most promising location for retail. Even then, I expect it will be challenging to make a development work there.
137. Addressing the last paragraph quoted above in point 132, I consider it highly unlikely that the market would ever provide for "additional and similarly sized centres (depending on the market) in other rural communities in close proximity to Mandeville".
138. The Rural Residential Development Plan states that Ohoka currently has 80 households, with potential to grow to 230. Swannanoa is not mentioned in that plan, but would be even smaller again. Neither of these communities have the critical mass that would attract a retail offering.
139. Based on my experience, it is very unlikely that Ohoka, Cust or Fernside, or the even smaller clusters of homes in other places would be able to attract additional retailers, barring significant residential growth.
140. This level of growth seems unlikely, based on current zoning and the council's intentions as stated in the Rural Residential Development Plan.
141. Market Economics reach similar conclusions:
- In our assessment only one convenience centre would be viable in the area between Oxford and Rangiora/Kaiapoi, and it is appropriate that such a centre should locate at Mandeville.*
142. I agree with this assessment.

### **Comments on Ohoka**

143. Ohoka is very close to Kaiapoi, making it rather less likely to develop its own retail offering – retailers would naturally gravitate towards the larger potential market offered in that town.
144. However, I consider that if retailers do want to establish themselves in Ohoka, the proposed shops at Mandeville would have very little effect on this possibility. In reality, most people living in Ohoka would shop in Kaiapoi, rather than heading further west to Mandeville.
145. As such, it is my opinion that if these retailers are not able to set up in Mandeville – due to the 1,300 m<sup>2</sup> floor space restriction – the most likely outcome, by far, is that they will not set up anywhere in the rural parts of the Waimakariri.



146. This means that their ability to contribute to amenity, local sustainability, a sense of place and so on will be lost.

## **Other Restrictions**

147. In addition to an overall floor space cap of 1,700 m<sup>2</sup>, the developer has also proposed some other restrictions.
148. The developer is considering a food or grocery anchor, and is proposing that this be limited in size to 1,000 m<sup>2</sup>, as opposed to the 750 m<sup>2</sup> suggested by Market Economics. As also noted by PEL and Market Economics, a grocery or similar store will help to anchor the centre, and generate customer visits which will assist the success of other shops.
149. I would distinguish a store of this size (and in this location) from a full-line supermarket. It will not carry as wide a range as a supermarket, and is unlikely to trade as strongly as one on a per-square-metre basis.
150. I consider that a grocery store, limited in size to 1,000 m<sup>2</sup>, is appropriate for the developing Mandeville area. It will not have negative impacts on the Key Activity Centres, which contain an extensive supermarket offer.
151. The developer has also proposed that other tenancies besides the grocery anchor be limited to 450 m<sup>2</sup> in size. This restriction is also suggested by Market Economics, and I can support it.
152. In addition to the restrictions outlined above, Market Economics suggest that the "maximum average GFA" for non-grocery tenancies be 200 m<sup>2</sup>.
153. As an alternative to "maximum average GFA", Market Economics suggest on page 13 that the fully built out centre have a minimum number of tenancies. I believe this is a better way of managing the built environment of the centre, and its effects.
154. I do not believe this restriction is necessary. However, I would view it more positively than the others which seek to control individual tenancy sizes.
155. If the Commissioner does believe it appropriate to put such a condition in place, I would suggest that it be worded in such a way as to allow the centre to develop at its own pace (e.g. the grocery store being built in advance of other tenants).
156. Any "minimum number of tenancies" requirement should come into effect only when the centre is at or near its total floor space cap, and with the aim of encouraging a range of convenience uses within the centre. It should be set at a relatively low level, e.g. three or four tenancies.
157. The developer has also proposed that the completed centre have a minimum of three tenancies, but this rule may well be unnecessary, since it is implied by the other restrictions on total floor space and individual tenancy sizes.
158. I note that the council's Hearing Report suggests a maximum number of tenancies instead, which I would not support.
159. Overall, I consider the suite of restrictions proposed by the developer to be ample for mitigating any effects of the Mandeville centre, and ensuring that its size and scale are in keeping with the location.
160. I consider that a more restrictive list of conditions than that proposed by the developer would be likely to hamper economic activity within the Waimakariri District, rather than enabling it.

## **Conclusions**

- 161. At the moment, there is a clear and developed proposal for shops at Mandeville. This is being weighed up against the possibility that there could be shops at other locations in the future, which is a theoretical consideration only and, as noted elsewhere in my evidence, quite a limited possibility.
- 162. At any rate, since no centres currently exist and any new shops would probably be convenience-oriented, such considerations are probably closer to trade competition than genuine economic impacts.
- 163. I have outlined a number of weaknesses in the PEL report which, in my opinion, make it of limited use for assessing the appropriate size of a centre at Mandeville.
- 164. The Market Economics report provides a much more useful review of the situation, although I have stated some areas of disagreement with it.
- 165. I agree with the thrust of Market Economics' conclusions in section 6, except that – as detailed above – I favour a slightly more permissive suite of restrictions on how the centre and its tenants should be allowed to operate.

## **Economics Findings and Suggested District Plan Provisions**

- 166. My own modelling results show that the catchment can support a significant and growing amount of convenience retail space. It would also support other uses not covered by my model, such as services and offices.
- 167. It is neither desirable nor practical for all of this space to locate in Mandeville. However, I consider that it is appropriate to provide for a higher limit than the 1,300 m<sup>2</sup> or 1,600 m<sup>2</sup> figures which have been proposed. Instead, I favour a higher limit of 1,700 m<sup>2</sup>.
- 168. In addition, I support the other restrictions proposed by the developer. These include a grocery store size limit of 1,000 m<sup>2</sup>, limits for other tenancies of 450 m<sup>2</sup>.
- 169. This will allow for the retail centre to have greater critical mass, provide a slightly wider range of shops or services, and enable local shopping and employment opportunities.
- 170. I consider the suite of restrictions proposed by the developer to be ample for mitigating any effects of the Mandeville centre, and ensuring that its size and scale are in keeping with the location.
- 171. My recommendations above lead to some suggested changes to the new Rule 31.2.3 in Plan Change 33.
- 172. As should be clear from my evidence, I believe the best approach for determining what level of retail is appropriate for Mandeville is to look at its likely trade catchment, and then consider the demand from that catchment, keeping in mind that much of the spending would and should continue to go elsewhere.

173. This would correctly recognise that shops are desirable in Mandeville not just because they serve households inside the growth boundary, but also because they provide a closer shopping option for households in the wider catchment.
174. I have looked at and considered the other RHL proposed changes shown in blue and I confirm the appropriateness of those changes that relate to my area of expertise



## **APPENDIX – Modelling Assumptions and Results**

- 175. This appendix gives some further detail on the modelling work undertaken for my evidence, including those assumptions not mentioned in the body of my evidence.
- 176. RCG's Retail Sales Model is used to estimate the "retail spending power" for a given area, and then translate it into demand for retail floor space.
- 177. The modelling results exclude inflation and GST, and are presented in constant 2013 dollars. The "base year" of the model is 2013.

### **Model Overview**

- 178. "Retail spending power" is an estimate of how much money the households and businesses based in a catchment, and visitors to that catchment, are likely to spend on retail. If referring to a year in the future, I would call this a "projection" rather than an estimate.
- 179. Retail spending power is based on actual retail sales data at the national level (from the Retail Trade Survey), and allocated to catchments based on households and household incomes, employee numbers, and tourism spending.
- 180. At the national level, RCG's model covers the entire "core" retail sector as defined by Statistics New Zealand (SNZ), with the exception of the "non-store and commission-based retailing" and "accommodation" store types. This equates to \$51.4 billion in retail sales in 2013, the "base" year of the model. Of this figure, around 53% is allocated to households, 32% to businesses and 15% to tourism.
- 181. Beginning with the base year, 2013, we make projections of retail spending power in the future, based on our assumptions on household and business growth, income growth, and tourism spending growth. All dollar values in the modelling are "real", i.e. they are adjusted for inflation and presented in 2013 dollars.
- 182. Retail spending power leads to "floor space demand" – that is, because people want to spend money in retail stores, there is a demand for retail floor space.
- 183. The model calculates this by dividing the retail spending power figures by typical retailer performance factors, i.e. a benchmark "sales per square metre of leasable area" ratio for each store type.
- 184. Retailers can be divided into LFR, or large format retail (large shops like supermarkets, Rebel Sport, furniture stores, etc), and "other" retail, i.e. smaller shops. The split between LFR and other retail is another important assumption of the model.
- 185. The table below shows the modelled assumptions as to the LFR/ other retail sales split, and sales per square metre, for each store type:

Table 4: Model Assumptions on LFR/ Other Retail Sales Split, and Sales per Square Metre

Store Type	LFR/ Other Retail Sales Split		Sales per Square Metre	
	LFR	Other	LFR	Other
Food Retailing	80%	20%	\$14,000	\$7,000
Department stores	100%	0%	\$3,200	n/a
Furniture, floor coverings, houseware and textiles	75%	25%	\$2,500	\$5,500
Hardware, building and garden supplies	75%	25%	\$2,200	\$3,500
Recreational goods	40%	60%	\$3,000	\$5,500
Clothing, footwear and personal accessories	15%	85%	\$2,400	\$5,500
Electrical and electronic goods	70%	30%	\$7,000	\$8,000
Pharmaceutical and other stores	0%	100%	n/a	\$5,500
Food and beverage services	0%	100%	n/a	\$8,000

Source: RCG

186. For example, the model assumes that 80% of Food Retailing sales are made in LFR stores (i.e. supermarkets), and that these stores typically trade at \$14,000/m<sup>2</sup>. It defines all Food & Beverage Services space as small format, and assumes that these stores trade at \$8,000/m<sup>2</sup>.

#### Other Assumptions and Inputs

187. The model assumes that retail spending per household, and per employee, increases at 1% per year. This is a conservative assumption; growth has averaged around 1.6% over the last decade and is currently running at more than 3%.
188. High income households tend to spend more on retail. Average incomes in the primary and secondary catchments are 37% and 29% above the national average respectively. I assume that retail spending is correspondingly higher.
189. Household projections are as per the body of my evidence, and employee numbers are grown at the same rate.
190. According to Regional Tourism Estimates published by the Ministry of Business, Innovation and Employment, tourists spent \$112 million in the Waimakariri District in the year to March 2014, including \$12 million on food and beverage services and another \$36 million on retail sales (excluding fuel and other automotive products).
191. However, I expect that the amount spent in the Mandeville catchment is negligible, and visitor spending is excluded from my modelling results.

Evidence G.

Mandeville Business Development:  
September 2012





# 1 Introduction

Mandeville Holding 2012 Ltd owns a site in Mandeville, North Canterbury, and intends to develop it for retail. RCG Ltd has been engaged to prepare a brief report on the potential for retail at the Mandeville site.

The Mandeville site is currently zoned Rural, which does not allow for retail or other intensive development. However, the site is located in a growing semi-rural area, and is well positioned to serve its catchment. The Waimakariri District Council is currently considering whether the Mandeville area should include a small retail centre to provide for the local population.

At this stage, the council is leaning towards a view that a “small scale business zone” in Mandeville is indeed appropriate, and that the subject site (or the neighbouring site to the east) is the “preferred” location for such a zone.

A survey of Mandeville residents in 2006 found that 61% strongly supported or supported the establishment of a “village centre”. A 2011 survey used different wording, and found that 45% of residents “thought it was very important or quite important to have a small commercial centre at Mandeville”.

## 2 The Site and Catchment

Mandeville is a small rural community in Canterbury, some 13 kilometres west of Kaiapoi and 25 km from the Christchurch CBD by road. The community is centred around the intersection of Tram Rd, Bradley Rd and McHughs Rd. Figure 1 below shows this key intersection, along with the proposed development site:

**Figure 1: Mandeville Roading and the Development Site**



Source: RCG

The development site is located with exposure to Tram Rd and Mandeville Rd – essentially at the centre of Mandeville, with a small reserve between it and the main intersection. The site covers a two hectare area, with around 160 metres of frontage to Tram Rd.

Traffic counts are taken regularly on roads throughout the Waimakariri District; the most relevant count location for Mandeville is Tram Rd, east of Bradleys Rd. Counts over the last ten years have shown an increasing trend, from 3,109 and 3,637 in 2002, to 4,074 in 2007, to 4,480 in 2010. The number of vehicles passing the development site each day is likely to reach 5,000 a day in the next few years.

We note that these traffic counts were all undertaken on weekdays, and we understand that Tram Rd is also busy on weekends, due to various recreational activities that are available in the area.



The Mandeville Sports Club is located on Mandeville Rd, just around the corner from the development site. This club has facilities for a range of sports, including lawn bowls, archery, tennis/ netball, equestrian and squash. Future development plans for the club have been “drawn up in consultation between [Mandeville Sports Club] and the Waimakariri District Council”.<sup>1</sup> These show a major expansion of the club’s facilities, including a possible café/ bar operation in the proposed gym.

## The Mandeville Catchment

We have defined the Mandeville catchment to include the West Eyreton, Mandeville and Ohoka area units. Table 1 below shows population estimates for these area units, as at 30 June of each year for 2006 to 2011.

**Table 1: Population Estimates for Area Units in the Mandeville Catchment**

Area Unit	2006	2007	2008	2009	2010	2011
Mandeville	1,950	2,030	2,140	2,240	2,320	2,410
Ohoka	980	1,010	1,030	1,030	1,020	1,070
West Eyreton	1,780	1,870	1,980	2,080	2,160	2,250

Source: SNZ, RCG

Most of the catchment’s population is in the Mandeville and West Eyreton area units. The Mandeville area unit includes the land around Mandeville itself to the north and south, bounded by Main Drain Rd to the north and the Waimakariri River to the south.

The West Eyreton area unit is a larger, more rural area – people living here can drive east along Tram Rd or South Eyre Rd, and if they go along Tram Rd they will pass through Mandeville.

Ohoka is essentially a small village, with no more than a couple of hundred residents – much smaller than Mandeville – centred around the intersection of Mill Rd and Whites Rd. The Ohoka Service Station is a Gasoline Alley-branded petrol station and garage, and there are no other retailers in the village.

Although Ohoka is between Mandeville and Kaiapoi, we believe that Ohoka residents would still shop at Mandeville occasionally, especially if there are facilities not available at Ohoka, such as food and beverage providers.

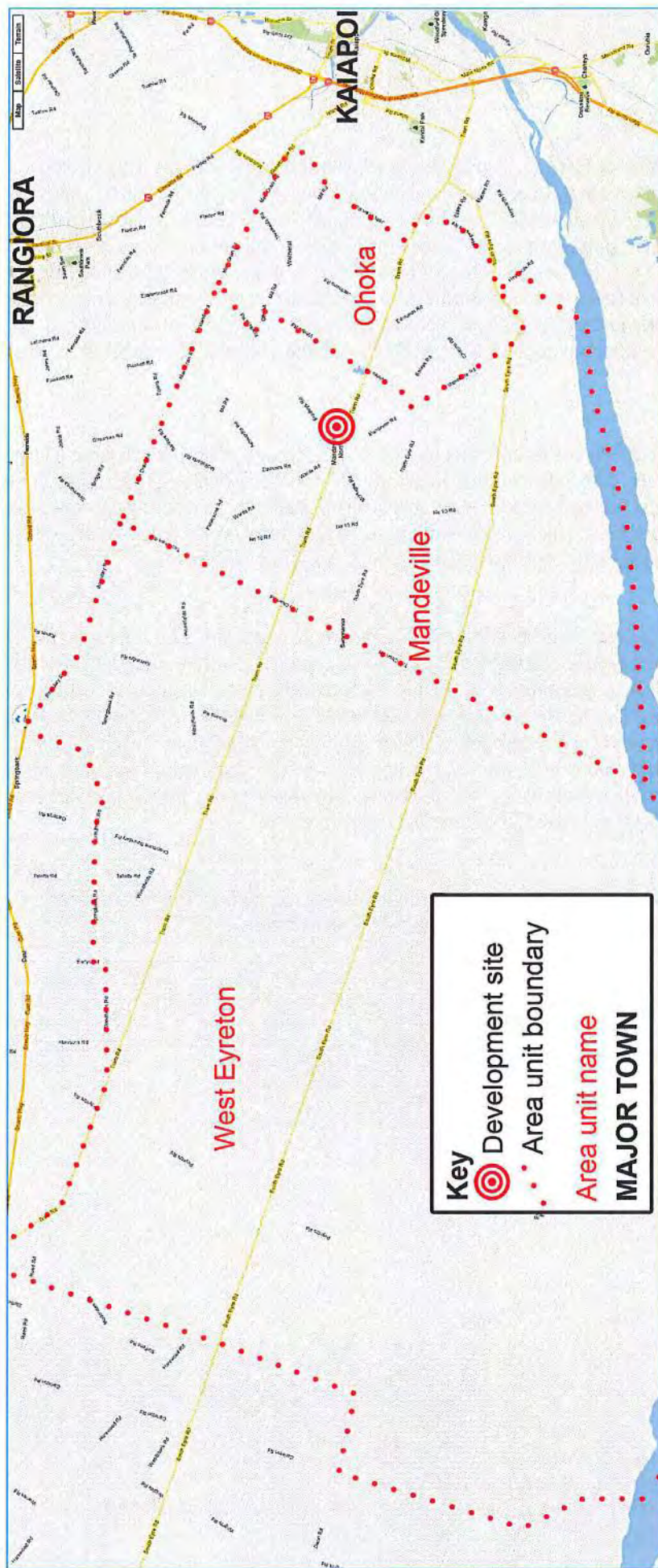
**Apart from the Ohoka petrol station, there are essentially no retailers anywhere in the Mandeville catchment, meaning that people must currently drive to Kaiapoi or Christchurch for shopping.**

Figure 2, overleaf, shows the area units that make up the Mandeville catchment, and Mandeville’s location in relation to Kaiapoi and Rangiora.

<sup>1</sup> <http://www.mandevillesports.co.nz/mandeville-sports-club/development-plans/>



Figure 2: The Mandeville Catchment



Source: RCG

## Kaiapoi

Kaiapoi is the closest town to Mandeville, a 10-15 minute drive along Tram Rd. Prior to the 2010-2011 earthquakes, Kaiapoi was a growing town, with a population of nearly 11,000, and the rest of the Waimakariri District was similarly in growth mode. Post-earthquakes, it is difficult to predict population growth patterns within Canterbury. Statistics New Zealand estimates that Kaiapoi's population dropped by 500 between June 2010 and June 2011, although some of these relocations will have been short term. There is certainly plenty of proposed expansion land in Kaiapoi, and the town could potentially benefit from Christchurch residents who have to relocate due to the earthquakes but want to remain near the city.

The September 2010 earthquake was particularly hard on Kaiapoi, destroying a large number of homes. The February 2011 earthquake, which devastated Christchurch, had a smaller effect. In total, 860 residential properties in Kaiapoi, accounting for more than 20% of the town, have been zoned red following the Canterbury earthquakes.<sup>2</sup> Most of the 2,000-plus people living on these properties will have moved elsewhere.

In "red zoned" areas, "most buildings are uneconomic to repair", and the land has been significantly damaged, so much so "it is unlikely it can be rebuilt on for a considerable period of time".<sup>3</sup> People in these areas have to move elsewhere, and most of them have already done so. This has led to increased demand for new housing in Kaiapoi and in the wider Canterbury area, including the Silverstream Estate subdivision in west Kaiapoi and even larger subdivisions in northeast Kaiapoi. However, the construction sector will take years to deliver the homes necessary to rehouse 20% of Kaiapoi's population, and some residents are likely to move out of the town permanently.

Figure 3 below shows the red zoned areas in Kaiapoi, along with major proposed subdivisions, some of which are already under construction.

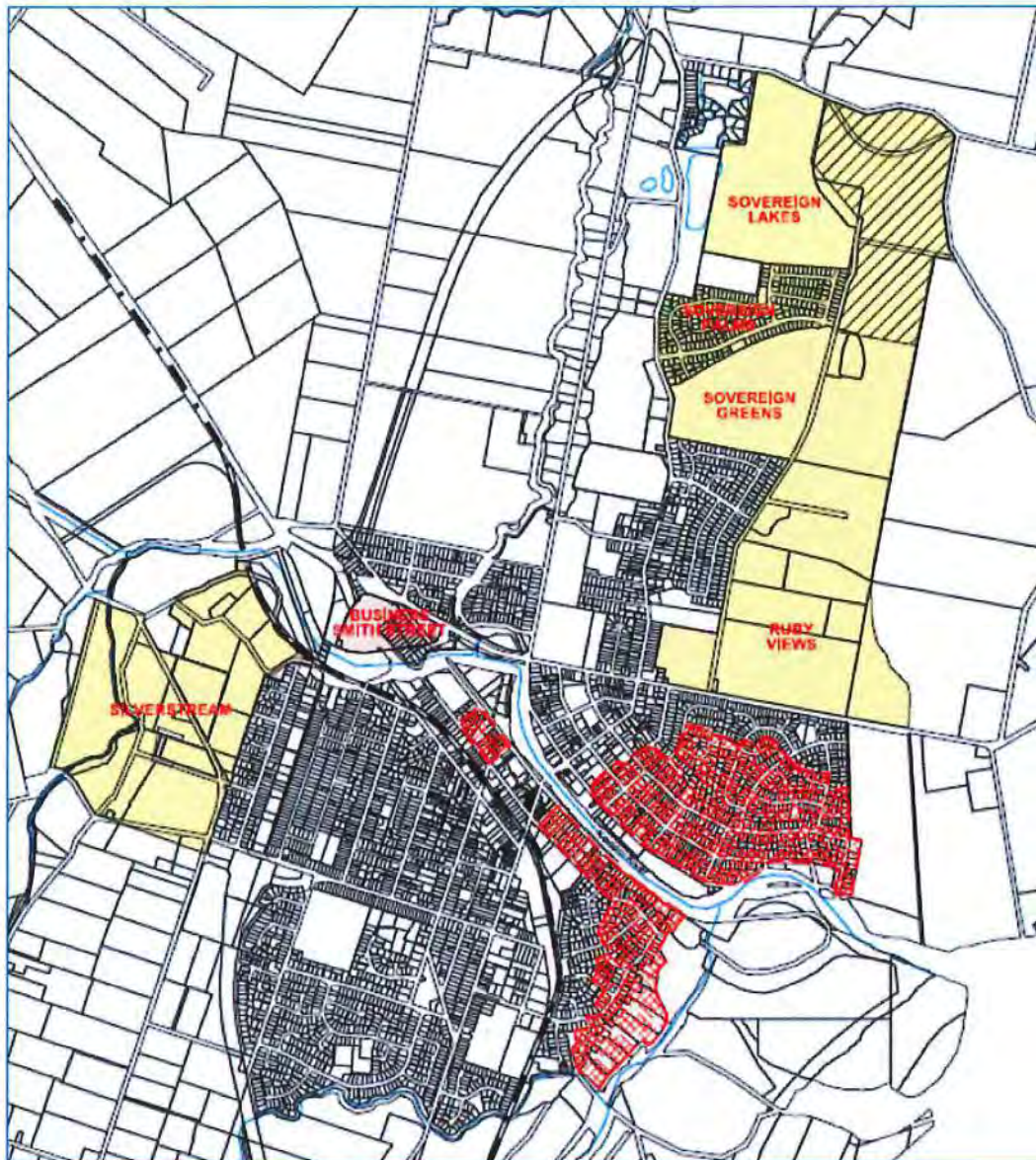
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<sup>2</sup> <http://cera.govt.nz/land-information/kaiapoi>

<sup>3</sup> <http://www.landcheck.org.nz/Content/PDFs/Red%20Zone%20Factsheet.pdf>



**Figure 3: Kaiapoi Red Zones, and Proposed Subdivisions**



Source: Waimakariri District Council

Mandeville is an easy commute from Christchurch, and is away from the areas that were badly affected in the earthquakes. As such, Mandeville is well positioned to grow in the coming years as Canterbury residents, many of whom will want to stay near Christchurch for work or other reasons, look for places to put down roots.



### 3 Demographics

Mandeville is a largely rural, high-income area. This character seems likely to remain in the future; for example, the Millfield subdivision has section sizes between 3,315 m<sup>2</sup> and 6,402 m<sup>2</sup>. Table 2 below shows some key statistics for households living in the Mandeville catchment, taken from the 2006 census. These figures apply to households, i.e. groups of people living together in the same dwelling.

**Table 2: Household Statistics for Mandeville**

Statistic	Mandeville	Canterbury	New Zealand
<b>Household Income</b>			
\$20,000 or Less	6.0%	17.3%	16.5%
\$20,001 - \$30,000	7.3%	13.9%	12.8%
\$30,001 - \$50,000	16.0%	20.8%	19.6%
\$50,001 - \$70,000	18.2%	17.3%	16.2%
\$70,001 - \$100,000	21.3%	15.6%	15.6%
\$100,001 or More	31.0%	15.1%	19.3%
Average Household Income	\$78,275	\$56,500	\$60,700
<b>Sources of Household Income</b>			
Wages, Salary, Commissions, Bonuses, etc	78.2%	69.6%	69.8%
Self-employment or Business	49.2%	24.0%	25.3%
Interest, Dividends, Rent, Other Investments	43.4%	34.5%	33.3%
<b>Number of Motor Vehicles</b>			
No Motor Vehicle	0.4%	7.6%	8.1%
One Motor Vehicle	13.5%	36.6%	37.9%
Two Motor Vehicles	50.7%	38.7%	38.1%
Three or More Motor Vehicles	35.4%	17.1%	15.9%
<b>Connectivity</b>			
Access to a Cellphone/Mobile Phone	81.7%	71.5%	71.1%
Access to a Telephone	95.3%	91.8%	87.8%
Access to a Fax Machine	50.7%	24.4%	24.9%
Access to the Internet	77.2%	59.7%	58.0%
<b>Other Household Statistics</b>			
Own or Part-Own Their Dwelling	87.2%	70.4%	66.9%
Average Household Size	2.99	2.60	2.77

Source: SNZ, RCG

Mandeville is a very affluent catchment. As at the 2006 census, the average income for Mandeville households was \$78,275, compared with the New Zealand average of \$60,700, or the Canterbury average which is even lower at \$56,500. Various other statistics confirm that Mandeville is a very high socio-economic area: 43.4% of households earn some income



from investments, and 49.2% earn income from self-employment or business ownership. 87.2% of households own or part-own their home, or have it in a family trust. All of these figures are well above the regional and national averages.

The picture is of a well-connected catchment – 86.1% of households have two or more motor vehicles, compared to 55.8% for the Canterbury region and 54.1% for New Zealand. A much higher proportion of Mandeville households have Internet access than the Canterbury and New Zealand averages, which is especially significant given that Internet costs are often higher for rural areas.

Table 3 below shows key personal statistics for Mandeville residents, i.e. individuals living in the catchment.

**Table 3: Personal Statistics for Mandeville**

Statistic	Mandeville	Canterbury	New Zealand
<b>Age Groups</b>			
Under 15	24.8%	19.6%	21.5%
15-29 Years	12.6%	19.7%	20.2%
30-49 Years	34.5%	29.5%	29.4%
50-64 Years	21.5%	17.3%	16.5%
65 Years and Over	6.6%	13.9%	12.3%
Median Age	38	38	36
<b>Ethnicity</b>			
European/ Other	99.4%	91.2%	78.8%
Māori Ethnic Group	3.2%	7.2%	14.6%
Pacific Peoples' Ethnic Groups	0.7%	2.2%	6.9%
Asian Ethnic Groups	1.3%	5.8%	9.2%
MELAA Ethnic Groups	0.1%	0.7%	0.9%
2011 Employee Count	760	252,170	1,909,890
2011 Population Estimate	5,730	560,700	4,405,200

Compared with the national and Canterbury averages, Mandeville has a high proportion of young families, with 24.8% of the population aged under 15 (i.e. children) and 34.5% aged 30-49. There are also a number of “empty nesters” in the 50-64 age bracket. There are very few Mandeville residents in the 65+ age bracket.

Mandeville is overwhelmingly European from an ethnicity perspective, with most people identifying with European or “other” ethnic groups – most people in the “other” category answered “Kiwi” or “New Zealander” on their census form, and they are likely to be European. Very few people identified with Maori, Pacific or Asian ethnic groups.

Mandeville is mainly a residential area: the catchment has 1.02% of the Canterbury region's population, but only 0.30% of its employees.<sup>4</sup> Most people who live in the Mandeville catchment would work elsewhere, primarily in Christchurch. In total, there were 760 employees with a workplace address in the Mandeville catchment in 2011. This compares with the estimated population of the area at 5,730 people.

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<sup>4</sup> Based on 2011 population estimates and business demographics data from SNZ



## 4 Population Growth in Mandeville

### Population Projections

Mandeville is a growing area, although there is always some uncertainty over how fast a town's population will grow – new subdivisions may occur faster or slower than expected, people might have more or less people in their households than expected, and so on. SNZ prepares three different population projections for each part of the country, based on low, medium or high assumptions about fertility, mortality and migration.

SNZ's medium population projection for Mandeville shows the catchment growing by 2,390 people over the next twenty years. This compares with growth of 1,400 people under the low projection and 3,400 people under the high projection. These projections are shown in Table 4 below:

**Table 4: Population Projections for Mandeville**

Projection	2006	2011	2016	2021	2026	2031
Low	4,710	5,480	5,860	6,210	6,570	6,900
Medium	4,710	5,700	6,300	6,890	7,490	8,090
High	4,710	5,940	6,750	7,580	8,450	9,340

Source: SNZ

It should be noted that Mandeville's estimated population in June 2011 was 5,730, meaning the catchment is currently growing in line with (or marginally faster than) the medium projections.

### Consented Subdivisions

Another way of looking at population growth, especially in the short term, is to look at proposed residential developments. There are two significant subdivisions within a few hundred metres of the development site, and these will provide some support to retail facilities there as they are built out.

The Millfield subdivision, in north Mandeville, can contain up to 141 allotments based on District Plan requirements.<sup>5</sup> However, based on the developer's current subdivision plan, it seems more likely that there will be 127 allotments, with most of these already sold or under offer. The Mandeville Park subdivision is in south Mandeville and has 48 lots in total. These were all sold by June 2012.

Based on the average household size of 3 people in Mandeville, these two subdivisions are likely to house around 520 people. This is more than four years' worth of growth based on SNZ's "medium" projections, so if growth is also occurring elsewhere in the catchment, then Mandeville's growth trajectory is likely to head towards the "high" projections for the next few years.

<sup>5</sup> [http://www.waimakariri.govt.nz/Libraries/District\\_Plan/32\\_Subdivision\\_Rules.sflb.ashx](http://www.waimakariri.govt.nz/Libraries/District_Plan/32_Subdivision_Rules.sflb.ashx)  
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Figure 4, below, shows the locations of the Millfield and Mandeville Park subdivisions, highlighted in orange. The Mandeville Park subdivision is the smaller of the two, and is adjacent to the Mandeville Sports Club.

**Figure 4: Mandeville Subdivisions**



Source: SNZ

We note that there is also a proposal to develop the land immediately west of Mandeville Park for residential uses, and this could result in a subdivision of another 50 to 100 lots.



## 5 Case Studies

We have identified several other villages/ towns which have a similar character to Mandeville, and which make good case studies to help identify how much retail can be supported. These include:

- Pegasus (east of Rangiora)
- Waimauku (rural west Auckland)
- Tai Tapu (south Canterbury)

### Pegasus

Pegasus is a rapidly growing new town, east of Rangiora and close to Woodend. Its population was essentially zero five years ago, which grew to 120 in June 2009, 230 in June 2010 and 440 in June 2011. According to the town's website, there are now more than 600 people living in Pegasus, with residential construction continuing.

Pegasus was being developed by Infinity Investment Group, which went into receivership in August 2012. However, the town will continue to grow under a "business as usual" approach for now. Most of the infrastructure works have been completed, and a large number of the residential sections have been sold.

To provide a focal point for the town and an "anchor" project to stimulate residential developments, the Pegasus developers established a small commercial precinct, which opened in late 2009. This included the Pegasus General Store, designed by RCG, and a café, for a total of around 950 m<sup>2</sup> of retail floor space. Future developments were to include a range of other retailers and probably a supermarket.

We understand that the store and café trade well, despite the small local population – Pegasus is very close to the shops at Woodend, and 10 kilometres from Rangiora (by comparison, Mandeville is 13 kilometres from Kaiapoi).

### Waimauku

Waimauku is a small village with a population of around 1,000 people. It is around 5 kilometres from Kumeu/ Huapai, a larger town of 5,000 people. Kumeu/ Huapai provides the main retail centre for the area, and its population is expected to double in the next twenty years.

The busy State Highway 16 runs through Waimauku, carrying around 13,000 vehicles per day.

The Waimauku Village Shopping Centre was opened in early 2008. It includes a 1,000 m<sup>2</sup> SuperValue supermarket, along with more than 2,000 m<sup>2</sup> of small shops. Some of these stores are yet to be leased.



The situation in Waimauku can be attributed to the planning process – a major residential development with 1,400 homes was proposed, and the retail centre was built as this proposal wound its way through the Council planning process, and Environment Court and High Court appeals. Eventually, the High Court rejected the residential development, meaning that Waimauku is likely to remain a small village rather than growing to a town of 4,000 or more people. This has left the town with an oversupply of retail.

However, ignoring the recently developed Waimauku Village Shopping Centre which was built to cope with predicted population growth, Waimauku did already have some retail facilities. These included a Caltex petrol station, doctor's clinic and pharmacy, and a convenience store.

### **Tai Tapu**

Tai Tapu is a small village of 500 people, 6 kilometres east of Lincoln and 18 km south of the Christchurch CBD. The Store is the main focal point for Tai Tapu, located at the junction of State Highway 75 and Lincoln-Taitapu Rd. State Highway 75 carries around 4,000 vehicles per day, similar to Tram Rd.

Given how close Tai Tapu is to Lincoln (a town with 3,000 residents, a New World supermarket and a university campus), it would have a smaller local catchment than Mandeville – perhaps 2,000 people or less.

Nonetheless, Tai Tapu has a popular café/ grocery store called The Store, which covers around 400 m<sup>2</sup>. Just south of this, it also has a Challenge petrol station and garage, which would have several hundred square metres of floor space including the garage and convenience store space.

### **Conclusion**

These villages/ towns are all comparable to Mandeville to some extent, and they manage to sustain a level of retail activity despite being close to major towns and cities (where most of the residents would work).

This suggests that there is the opportunity to develop retail at Mandeville.

## 6 Retail Demand in Mandeville

RCG has developed a proprietary Retail Sales Model, which we use to estimate the “retail spending power” for an area such as the Mandeville catchment, and translate this into demand for retail floor space.

“Retail spending power” is an estimate of how much money is likely to be spent on retail by households living in the catchment. Note that this spending might not all occur inside the catchment area – e.g. for a rural area like Mandeville, most of the spending is likely to go to Kaiapoi or Christchurch.

Our modelling results for the catchment, consisting of the Mandeville, Ohoka and West Eyreton area units, are as follows:

**Table 5: Retail Spending Power for Mandeville (in \$millions)**

Store Type	2011	2016	2021	2026	2031
Food Retailing	\$20.0	\$23.4	\$27.1	\$30.9	\$34.9
Department stores	\$3.4	\$3.9	\$4.5	\$5.2	\$5.9
Furniture, floor coverings, houseware and textiles	\$1.4	\$1.7	\$1.9	\$2.2	\$2.5
Hardware, building and garden supplies	\$2.6	\$3.1	\$3.6	\$4.0	\$4.6
Recreational goods	\$1.4	\$1.6	\$1.9	\$2.2	\$2.4
Clothing, footwear and personal accessories	\$2.6	\$3.1	\$3.6	\$4.1	\$4.6
Electrical and electronic goods	\$1.8	\$2.2	\$2.5	\$2.8	\$3.2
Pharmaceutical and other stores	\$2.6	\$3.0	\$3.5	\$4.0	\$4.5
Food and beverage services	\$5.0	\$5.9	\$6.8	\$7.8	\$8.8
<b>Total</b>	<b>\$41.0</b>	<b>\$47.9</b>	<b>\$55.4</b>	<b>\$63.1</b>	<b>\$71.4</b>

Source: RCG

This table shows that households in the Mandeville catchment have retail spending power of \$41.0 million in 2011, split across various store types. This will increase to \$47.9 million by 2016 and \$55.4 million by 2021. By 2031, the retail spending power of Mandeville households could grow to \$71.4 million.

The growth in retail spending power over time is based on two factors:

- Population growth – more households means more ability to spend;
- Income growth – as the economy grows and people become wealthier, they tend to spend more on retail.

Retail spending power leads to “floor space demand” – that is, because people want to spend money in retail stores, there is a demand for retail floor space.



Retailers can be divided into LFR, or large format retail (large shops like supermarkets, Rebel Sport, furniture stores, etc), and “other” retail, i.e. smaller shops. Table 6, below, shows the demand for LFR retail space, in square metres.

**Table 6: LFR Floor Space Demand for Mandeville (in m<sup>2</sup>)**

RCG Store Types	2011	2016	2021	2026	2031
Food Retailing	1,252	1,464	1,694	1,928	2,182
Department stores	1,050	1,227	1,420	1,617	1,829
Furniture, floor coverings, houseware and textiles	423	495	573	652	738
Hardware, building and garden supplies	895	1,046	1,211	1,378	1,559
Recreational goods	187	219	253	288	326
Clothing, footwear and personal accessories	165	193	224	255	288
Electrical and electronic goods	184	215	249	283	321
Pharmaceutical and other stores	0	0	0	0	0
Food and beverage services	0	0	0	0	0
<b>"RCG Store Types" Total</b>	<b>4,157</b>	<b>4,860</b>	<b>5,624</b>	<b>6,401</b>	<b>7,243</b>

Source: RCG

In total, the Mandeville catchment leads to demand for 4,157 m<sup>2</sup> of LFR floor space. However, this demand is likely to be accommodated in Christchurch or Kaiapoi. There is one relevant entry in this table, though, which is Food Retailing. LFR food retailing stores, or supermarkets, come in a range of sizes – smaller stores like SuperValue or Fresh Choice may be less than 1,000 m<sup>2</sup>, whereas a large Pak N’ Save can be 6,000 m<sup>2</sup> or more. By comparison, the Kaiapoi New World is around 2,400 m<sup>2</sup> and the Countdown is 3,000 m<sup>2</sup>.

There is not a clear distinction between small supermarkets and large grocery stores, and some brands like Four Square and SuperValue may be somewhere in between.

Again, Mandeville households are likely to do most of their shopping in Christchurch or Kaiapoi – especially if they work in those areas – but some fraction of the “supermarket” floor space demand could be captured within Mandeville. This could be something like a Four Square or SuperValue, or an independent store like the one in Pegasus.

Generally, though, “other retail”, or small format retail, is more relevant to Mandeville. Table 7, overleaf, shows the demand for other retail space, in square metres.



**Table 7: Other Retail Floor Space Demand for Mandeville (in m<sup>2</sup>)**

Store Type	2011	2016	2021	2026	2031
Food Retailing	835	976	1,129	1,286	1,455
Department stores	0	0	0	0	0
Furniture, floor coverings, houseware and textiles	64	75	87	99	112
Hardware, building and garden supplies	187	219	254	289	327
Recreational goods	153	179	207	236	267
Clothing, footwear and personal accessories	409	478	553	629	712
Electrical and electronic goods	69	81	93	106	120
Pharmaceutical and other stores	470	549	635	723	818
Food and beverage services	841	984	1,138	1,295	1,466
<b>Total</b>	<b>2,818</b>	<b>3,294</b>	<b>3,812</b>	<b>4,339</b>	<b>4,910</b>

Source: RCG

This table shows that the Mandeville catchment creates demand for 2,818 m<sup>2</sup> of other retail floor space in 2011, which will increase over time.

Within this table, there are a few specific store types should be targeted for the Tram Rd site. These should include food retailing, i.e. a dairy or grocery store, or perhaps a fruit and vegetable store; food and beverage services, i.e. a café/ restaurant or bar; and perhaps something from the “pharmaceutical and other stores” category, such as a florist or a specialist store such as one selling equestrian supplies.

**The hope will be to capture some fraction of the spending in categories such as food retailing, food and beverage services, and pharmaceutical and other stores – enough to support up to 1,300 m<sup>2</sup> of retail.**

Note that our modelling does not cover service-oriented businesses such as real estate agents, hairdressers and so on. These kinds of business can often be found in small retail developments, and they should be targeted in leasing efforts.

### Business Demographics

As a check on our modelling work, we looked at business demography data from SNZ. This shows that there are around 2,700 dairies and grocery stores in New Zealand, or approximately one for every 1,600 people. Similarly, there are 7,050 cafés and restaurants in New Zealand, or one for every 625 people, and 4,550 takeaways, or one for every 1,000 people. There are 3,900 “hairdressing and beauty services” businesses, or one for every 1,100 people – note that some of these businesses may be home-based. Finally, there are 1,200 pharmacies in New Zealand, one for every 3,700 people.

**These figures confirm that there is potential for some of these store types at Mandeville.**

## 7 Conclusions

As discussed in this report – from looking at case studies, RCG retail modelling and business demographics data – there is potential to develop a small retail facility at Mandeville. There may well be support for up to 1,300 m<sup>2</sup> of retail space, and this should be explored with potential tenants.

We have identified potential uses, which include food retailing – i.e. a grocery store, preferably a large one to provide for a range of convenience shopping needs, which could include a fruit and vegetable offer. This could act as the “anchor” store for the development, as it will bring in shoppers on a regular basis.

Other identified uses include food and beverage, such as cafés, restaurants or takeaways, and “pharmaceutical and other stores”, such as a florist or a specialist equestrian store. Some of these uses, e.g. flowers or equestrian products, might also be incorporated into a large grocery store.

Real estate agents, hair and beauty salons and a pharmacy/ doctor’s clinic are other potential tenants.

We believe the best use for the site is as a small retail facility of up to 1,300 m<sup>2</sup>. We recommend that some thought be given to design and layout – the sketches by Traffic Design Group and Anderson & Associates are not ideal, although the Anderson & Associates layout is the better of the two.

Evidence H.

**BEFORE THE WAIMAKARIRI DISTRICT COUNCIL**

**IN THE MATTER** of the Resource Management Act 1991 ('the Act')

**AND**

**IN THE MATTER** Proposed Plan Change 33 to the Waimakariri District Plan

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**EVIDENCE OF NICHOLAS SAUNDERS ON BEHALF OF RATUA HOLDINGS LIMITED**

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## INTRODUCTION

- 1 My full name is Nicholas Michael Saunders. I am a Fire Engineering Consultant.
- 2 My academic qualifications are: Masters in Business Administration, BEng (Hons) Fire Safety Engineering.
- 3 I am a professional member of the Society of Fire Protection Engineers, a Graduate Member of the Institution of Fire Engineers and Institution of Professional Engineers NZ.
- 4 I have been in the Fire Engineering field for over 25 years; firstly as a professional firefighter, and for the last 17 years as a professional fire engineer. I spent 10 years with the Government agency or department that develops and maintains the Building Regulatory system in New Zealand and is primarily responsible for maintaining the fire safety requirements of the Building Code and its supporting documentation.
- 5 I have read the Environment Court's Code of Conduct and agree to comply with it. My qualifications as an expert are set out above. I confirm that the issues addressed in this statement of evidence are within my area of expertise.
- 6 The data, information, facts and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions.
- 7 I have not omitted to consider material facts known to me that might alter or detract from the opinions I have expressed.

### Scope of evidence

- 8 In my evidence I address the following issues:
  - 8.1 NZ Fire Service submission;
  - 8.2 Purpose and adequacy of the Building Act in addressing fire risk; and
  - 8.3 Purpose of the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 (the Code of Practice); including:
    - (a) Its status as a non-mandatory document

- (b) The lack of advantage in applying the code of practice to protect human health or property

#### **NZ FIRE SERVICE SUBMISSIONS**

- 9 The New Zealand Fire Service (NZFS) filed a submission on PC33 (No. 96). In summary, the NZFS submission sought that both the proposed Business 4 Zone and any new allotment in the Residential 4A Zone be provided with a firefighting water supply in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 (the Code of Practice).

#### **My Opinion**

- 10 I consider that imposing the Code of Practice on the Mandeville North Business 4 Zone and Residential 4A Zone is unnecessary. The Building Act provides sufficient protection from fire risk for human health, and protection from property risk should be assessed and managed by the property owner via insurance.
- 11 Imposing the Code of Practice on Mandeville North Business 4 Zone and Residential 4A Zone is neither effective nor efficient. This is because the costs of constructing, maintaining, testing and inspecting water storage facilities is very high. When that cost is considered in the context of fire risk and other available methods to deal with fire, particularly the Building Code, there is very little benefit to be derived from that cost.

#### **THE NEW ZEALAND BUILDING CODE**

- 12 The Building Act provides for the appropriate level of protection for human safety and property. The purposes of the Building Act in relation to fire is set out in S3 of that Act, which provides:
  - (a) People who use buildings can do so safely and without endangering their health;
  - (b) People who use a building can escape from the building if it is on fire; and
  - (c) to limit the extent and effects of the spread of fire to other property and further that other property will be protected from physical damage resulting from the construction and use of the building.

### **Development can meet the requirements of the Building Code**

- 13 The Building Code implements the purpose of the Building Act. The commercial development in the Business 4 Zone can meet the Building Code requirements.
- 14 Attached is a marked up drawing of the concept for this development indicating the required fire rated walls and other high level requirements that will be necessary for the Buildings to comply with the Building Code.
- 15 There is nothing here to indicate that these building will not easily comply with the Building Code. This means that there is a low probability (societally acceptable level of risk) that occupants of the buildings will be harmed if a fire occurs and similarly there is a low probability that fire will spread to neighbouring properties.
- 16 The requirements of the Building Act apply equally to the proposed residential development in the Residential 4A Zone as to the business development as described above. Thus there is a requirement to protect the health and safety of occupants and ensure that occupants can escape if there is a fire. In the case of houses the emphasis is on ensuring occupants are aware of a fire, thus the requirement to provide domestic single point smoke alarms in all new houses. If a fire occurs in a residential property the house will be fully involved in fire in a few minutes and most often before the fire service arrives.

### **THE CODE OF PRACTICE**

- 17 The Code of Practice for Fire Fighting Water Supplies is issued by the National Commander of the New Zealand Fire Service as permitted by the Fire Service Act 1975.
- 18 In contrast to the Building Act, which provides for human safety in the event of a fire, the Code of Practice requires that sufficient water to extinguish a fully involved structure fire, both in total quantity and the flow rate required is stored on site.
- 19 This quantity of water is to fully extinguish a fire and will not impact on whether or not occupants escape or not from the fire. The quantity required is dependent on the size of the buildings considered and the likely fire load contained within.



#### **MANOATORY APPLICATION OF A NON-MANOATORY STANDARD**

- 20 Despite being published by Standards New Zealand (SNZ) the Code of Practice is not a National Standard and it does not specify any mandatory requirements. SNZ publish the document on behalf of the National Commander as a Publicly Available Specification (PAS).
- 21 There is no requirement on the Waimakariri District Council to impose the Code of Practice on PC33, as I explain below.

#### **NO ADVANTAGE TO APPLYING THE CODE OF PRACTICE**

- 22 Applying the Code of Practice In either the Business 4 Zone or Residential 4A Zone will not provide for any additional benefits in protecting human health or property from damage.

#### **Protection of Human Health**

- 23 Any risk to human health will be adequately addressed by applying the Building Code requirements. Further, the requirements of the Code of Practice have little or no effect on the safety of occupants of buildings. In this particular instance the location is at least 10km from the nearest volunteer fire brigade station. If a fire were to occur it would take up to 25 minutes (from the time of notification of the fire to the fire service) for the first arriving fire appliance to attend.
- 24 If a fire starts and develops after 25 minutes the fire will have grown to involve the majority of the building (if there are no fire rated separations within the building). Any occupants would have to be already out of the building if they are to survive.
- 25 With a fully developed fire it would be expected that the fire services role would be to prevent further spread of the fire beyond the building of origin rather than to aggressively extinguish the fire. Therefore the Code of Practice has a negligible effect on the preservation of life in this particular case.
- 26 I have already referred to costs for the construction and maintenance of the facility. Added to that will be the need to set aside land for the siting of the facility.

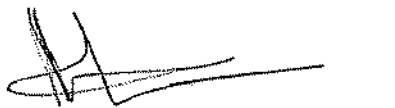
### Protection of Property

- 27 The Code of Practice requirements will not provide any additional protection than the Building Act requirements from damage to the buildings that will be placed on this site. The water supplies the Code of Practice requires on the site are only available to the Fire Service. Given the distance from the nearest fire station, any fire occurring in the building will be fully involved by the time the Fire Service arrive to use the water supplies.
- 28 Any water available on site could be used to protect neighbouring properties however the likelihood of spread across the boundaries is mitigated by the requirements of the Building Code and any action by the Fire Service is additional to these requirements and should not actually be necessary. The Building Act itself addresses protection of neighbouring property without the need for Fire Service intervention.
- 29 Therefore there is no advantage to safety of life or property damage by having on-site water storage.

### CONCLUSION

- 30 In summary I believe the proposed Policy K requiring on-site water storage to be excessive and in my professional opinion will not contribute to safety of life or damage to property. In this particular case, the Building Code is sufficient to deal with all fire related matters which can be dealt with at Building Consent stage. Put another way, there is no benefit to safety of life or property damage from having on-site water storage with its attendant costs. I consider imposition of the Code of Practice unnecessary.

Dated this 25<sup>th</sup> day of May 2015



Nicholas Michael Saunders



Evidence H

Manual call points  
alarm system only in  
this building

occupant load about  
160 people (One  
tenancy will require  
more than 1 exit)

smoke detection  
required in this building

75% of this wall to be  
fire rated  
(120/120/120) only  
rear staff doors in this  
wall,

50% of this wall to be  
fire rated  
(120/120/120)

Provided the escape routes are less  
than 20m to exit doors then no  
emergency lighting required.

Fire exit signage required to all final  
exit doors. WILL COMPLY

Alarm panels to be located close to  
the Fire Service attendance point to  
each building. Suggest on the north  
eastern end of each building. WILL  
COMPLY

Maximum likely escape route length  
is 45m, permitted distance (with 2  
escapes) is 100m. WILL COMPLY

Maximum likely distance of single  
direction of escape is 25m, permitted  
is 40m. WILL COMPLY

occupant load 324  
people - largest  
tenancy will require  
more than 1 exit.

65% of this wall is  
required to be fire  
rated (120/120/120)  
this allows for roller  
doors and rear staff  
doors to be located  
here. Largest  
unprotected area  
permitted is 31m2.

PROPOSED RESIDENTIAL  
LOT 3 - 3670m<sup>2</sup>

MANDEVILLE VILLAGE  
LOT - 6670m<sup>2</sup>

PROPOSED RESIDENTIAL  
LOT 1 - 5118m<sup>2</sup>

PROPOSED RESIDEN  
LOT 2 - 4740m<sup>2</sup>

Date: **18th May 2015**  
Job #: **C15093**

**Olsson Fire & Risk**  
CONSULTING ENGINEERS - NEW ZEALAND

1. These drawings are to be read in conjunction  
with the Design Advice by Olsson Fire & Risk  
2. These drawings are intended to support the  
fire report, they do not show all of the  
required fire safety features in the report  
and are not detailed construction drawings.

Key:	FIRE RATING:
	EGRESS ROUTE:
	EXIT SIGN:
	EMERGENCY LIGHTING:
	DEOP:
	SMOKE SEPARATION:

**NOTES**

1. Do not scale off drawings.



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<b>4449</b>	<b>0</b>



Evidence I.

**BEFORE THE WAIMAKARIRI DISTRICT COUNCIL**

**IN THE MATTER** of the Resource Management Act 1991 ('the Act') and Plan  
Change 33 – Proposed Business 4 Zone - Mandeville

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**EVIDENCE OF PETER ROUGH ON BEHALF OF  
RATUA HOLDINGS LIMITED**

**26 May 2015**

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DOP-122791-3-351-V1  
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(Paul Rogers)  
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PO Box 16, Christchurch 8140  
Tel 03 353 0231  
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## **INTRODUCTION**

1. My full name is Peter Rough. I am a Landscape Architect employed by Rough and Milne Landscape Architects Limited and I am a director of the company.
2. My qualifications are a Diploma in Horticulture and a Diploma in Landscape Architecture. I am a registered member and Fellow of the New Zealand Institute of Landscape Architects Inc., and I am a member of the Resource Management Law Association of New Zealand Inc.
3. I have 40 years experience as a landscape architect and for approximately the last 20 years I have specialised in landscape assessment work. This has included undertaking landscape and visual effects assessments associated with a wide variety of development proposals throughout New Zealand and one in Victoria, Australia.
4. I am familiar with the Canterbury Plains area of the Waimakariri District and visited the Plan Change site and its surroundings on 22 May 2015.
5. Although this is not an Environment Court case, I have read the Environment Court's Code of Conduct and agree to comply with it. My qualifications as an expert are set out above. I confirm that the issues addressed in this statement of evidence are within my area of expertise.
6. The data, information, facts and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions I have expressed.

## **SCOPE OF EVIDENCE**

7. In this evidence I outline objectives and policies that are relevant to landscape matters before addressing five particular landscape controls intended to achieve the objectives and policies. The landscape controls that I address concern the following matters:
  - Location of parking and manoeuvring space in relation to the site's Tram Road boundary.
  - Landscape effects arising from differing tenancy sizes.

- Landscaping of the site's Tram Road boundary.
  - Landscaping of the accessway linking the site to Mandeville Road.
  - Light reflectance value of building finishes.
8. Mr Andrew Craig, in his Section 42a report dated May 2015 and prepared for the Waimakariri District Council (WDC), provides descriptions of the Plan Change site and the receiving environment. I concur with Mr Craig's descriptions and his comments regarding factors contributing to and detracting from the site's and its surroundings' naturalness and visual amenity. I also concur with Mr Craig's comments regarding appropriateness of the Plan Change site location, his assessment of alternative uses for the site, his conclusion that there are no landscape impediments to rezoning and his comments concerning how the site should respond to the surrounding environment.
  9. Although Mr Craig provides an aerial photograph and two terrestrial views that show the site, neighbouring treed reserve and a neighbouring dwelling and accessory building, I attach to my evidence two sheets of photographs, which convey aspects of the site and its immediate surroundings in a slightly wider context.
  10. Photograph 1 on Attachment 1 is similar to Mr Craig's Figure 2 but also conveys the site in relation to Tram Road and the intersection the road makes with Bradleys and McHughs roads. Photograph 2 on Attachment 1 conveys a view looking generally east from the nearby junction of Bradleys and Tram roads. Coniferous trees are prominent features with trees on the right-hand side of the picture being some of those in the reserve that borders the northwest boundary of the Plan Change site.
  11. Photograph <sup>3</sup>2 on Attachment 1 is a view looking east to southeast on Mandeville Road from opposite the entrance to the property, with a dwelling and accessory building, which is immediately southwest of the Plan Change site. Coniferous trees are a feature on both sides of the road.
  12. Attachment 3 is a concept plan showing how the Plan Change site is likely to be developed. The plan shows an 11.65 m wide right-of-way affording access to the site from Mandeville Road. I refer to this drawing in following sections of my evidence.



## STATUTORY FRAMEWORK

13. WDC have proposed Objective 16.1.2 to govern Plan Change 33 (PC33), and to meet the purpose of the Act. A relevant landscape-related part of the objective is:

- 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*

14. Objective 16.1.2 is achieved through Policy 16.2.1.(a) and (b).

- 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

15. In essence, the characteristics of Residential 4A and 4B zones is one where the predominant activity is living, with a limited number of lots in a rural environment, and an opportunity for a rural outlook from within the zone.

16. Objective 18.1.3 states;

*Provide for limited further subdivision, development and use within the Mandville settlement that achieves:*

- a. *A compact living environment within a rural setting.*
- b. ...

17. In sections of my evidence that follow I address five e particular landscape controls intended to achieve the above-mentioned objectives and policies. While addressing those controls I have endeavoured to keep in mind the key elements of s32. In that regard I have referred to and utilised the points regarding section 32 made by Mr Rogers within the early parts of his submissions. I have considered the effectiveness and efficiency, costs, benefits and risks when considering and assessing both the WDC and RHL proposed landscaping controls. I have tried to determine which of the two are most appropriate to meet the objective of PC33 set out in Objective 16.1.2 in

an efficient and effective way. Overall I conclude I prefer and support the RHL approach to better achieve that objective for reasons I detail within my evidence.

#### **LOCATION OF PARKING AND MANOEUVRING SPACE IN RELATION TO THE TRAM ROAD BOUNDARY**

18. Proposed new Rule 30.6.1.35 requires that no parking or manoeuvring space shall be located within 4 metres of the Tram Road boundary. Ratua Holdings Limited (*RHL*) seek the 4 metre distance be reduced to 3 metres, which in my opinion, given the likely layout of car parking and manoeuvring space on the site, will allow for an overall generous landscaping strip on the Tram Road boundary.
19. The Concept Plan (refer Attachment 3) is indicative of how RHL intend to develop the site. As is readily apparent, the two buildings and car parking areas are set out at right angles to the Plan Change site's south-western boundary. Such a layout shows car parking areas at their closest being 10 metres from the Tram Road boundary with a manoeuvring space, in one location only 3 metres from the boundary. At its maximum, the landscaping strip extends up to 10 metres or more in three locations along the boundary.
20. Given that the Concept Plan represents RHL's preferred layout for developing the site and that it results in a generous landscaping strip of varying width along the Tram Road boundary, it is my opinion that in order to accommodate car parking and manoeuvring spaces as indicated in the Concept Plan, their being located within 3 metres of the boundary would not compromise the ability of the landscaping strip to generate high visual amenity value. In essence, taking into account the proposed car parking and manoeuvring space layout a reduction from 4 metres to 3 metres in set back from the Tram Road boundary would not give rise to any adverse landscape and visual effects.

#### **LANDSCAPING EFFECTS ARISING FROM DIFFERING TENANCY SIZES**

21. Proposed new Rule 31.2.3 calls for (at I) a maximum gross retail area of 1600 m<sup>2</sup> and that:
  - a. any single grocery tenancy shall have a maximum gross floor area of 750 m<sup>2</sup>

- b. any single bar/restaurant or yard based tenancy shall have a maximum gross floor area of 450 m<sup>2</sup>
- c. any other tenancy shall have maximum gross size of 200 m<sup>2</sup>
- d. the total number of tenancies shall be limited to a maximum of seven.

If a grocery store, a bar/restaurant and some other tenancies were to be established to their respective maximum gross floor areas, the maximum gross retail area of 1600 m<sup>2</sup> would be reached with four tenancies.

22. RHL seeks to have Rule 31.2.3 amended to allow a maximum gross retail area of 1700 m<sup>2</sup> along with increases to the maximum gross floor areas of other tenancies to be as follows:
  - a. grocery – 1000 m<sup>2</sup>
  - b. all others – 450 m<sup>2</sup>
23. RHL also propose that there be a minimum of three tenancies. Under RHL's proposed scenario a minimum of three tenancies could be reached with, say, a grocery store of 1000 m<sup>2</sup>, a restaurant/bar at 450 m<sup>2</sup> and another tenancy at 250 m<sup>2</sup>, i.e. only one less tenancy than the proposed new Rule 31.2.3 would permit. An alternative scenario under RHL's proposed amendment to the rule could result in, say, a grocery store at 1000 m<sup>2</sup>, and three other tenancies each at 233.3 m<sup>2</sup>, i.e. four tenancies.
24. At section 3.2 of this report, Mr Craig addresses the issue of the landscape effects arising from differing tenancy sizes. In essence, he contends that "in urban design terms smaller tenancies would better reflect the 'village' scale of the business centre which would be commensurate with the low density existing rural and Residential 4A and 4B character of the area." While I am in general agreement with Mr Craig's reasoning, in my opinion if the maximum gross retail area was increased from 1600 m<sup>2</sup> to 1700 m<sup>2</sup>, as RHL would like, which would facilitate the second scenario I outlined above, i.e. a grocery store at 1000 m<sup>2</sup> and three other tenancies each at 233.3 m<sup>2</sup> there would hardly be a discernible difference (visual or otherwise) between that and the scenario under the proposed new Rule 31.2.3 (also outlined above) under which just four tenancies would occupy 1600 m<sup>2</sup> (i.e. a 750 m<sup>2</sup> grocery, a 450 m<sup>2</sup> bar/restaurant and two other tenancies each at 200 m<sup>2</sup>).



25. Similarly, in my opinion, if there were only three tenancies, instead of four, as could eventuate under RHL's proposal for a maximum retail area of 1700 m<sup>2</sup> entailing, say, a grocery store at 1000 m<sup>2</sup>, a bar/restaurant at 450 m<sup>2</sup> and another tenancy at 250 m<sup>2</sup>, given the overall scale of the development and taking into account proposed landscaping (refer Attachment 3), there would only be a very subtle difference in terms of 'village' and/or intimate scale between development permitted under new Rule 31.2.3 and amendments to the rule as sought by RHL.
26. In essence, it is my opinion that the slightly larger gross retail area, larger grocery store floor area, all other tenancies having a maximum gross floor area of 450 m<sup>2</sup> and there being a minimum of three tenancies will not compromise a 'village' scale character to development on the Plan Change site.

#### **LANDSCAPING OF THE SITE'S TRAM ROAD BOUNDARY**

27. Proposed new Rule 31.2.3 g (i) requires that landscaping shall occur "for a depth of 4 metres along the length of the Tram Road boundary except for the vehicle entrance locations." And there is a requirement for the landscaping to include trees capable of reaching a minimum height of 8 metres, be a minimum of 10 metres and a maximum of 15 metres apart.
28. RHL is seeking that the rule be amended to accommodate a minimum landscaping depth of 2 metres and a minimum average depth of 4 metres. A 2 metre minimum depth would allow footpaths to intrude into the landscaping strip as indicated on the Concept Plan (refer Attachment 3). However, the modulated nature of the landscaping strip, which would result from buildings and car parking areas being set out at right angles to the Plan Change site's south-western boundary would, as I have previously outlined, result in a landscaping strip with depths more than twice the proposed rule's depth of 4 metres.
29. Notwithstanding the fact that under RHL's proposed 2 metre minimum depth, which would allow footpaths to intrude into the landscaping strip, and their proposed 3 metre depth from the Tram Road Boundary for car parking and manoeuvring space, as the Concept Plans shows there will be ample space in the landscaping strip to facilitate the growth of trees capable of reaching 8

metres high and set a minimum of 10 metres and a maximum of 15 metres apart.

30. In my opinion, the proposed amendments to Rule 31.2.3.g.i that RHL seeks will not compromise the ability of a landscape strip of high visual amenity from being achieved, if RHL's Concept Plan is adhered to in principle. Also, I consider that the RHL approach would be more than adequate to help counter any effects, limited though they maybe, of building dominance. Plantings at a depth proposed by RHL will also more than adequately deal with the adverse effects of glare and lighting.
31. I do consider that plantings proposed by RHL are more efficient and effective at meeting the purpose and objective of PC33 than those proposed by the WDC.

#### **LANDSCAPING OF THE ACCESSWAY LINKING THE SITE TO MANDEVILLE ROAD**

32. Proposed Rule 31.2.3.g.ii requires that landscaping shall occur:

*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 and along the full length of both sides of the accessway linking the Business 4 Zone, Mandeville North to Mandeville Road.*

33. In my opinion, this part of Rule 31.2.3 is somewhat ambiguous as it is not clear whether or not landscaping to a depth of not less than 1.5 metres with planting reaching a minimum height of 3 metres is required along the full length of both sides of the accessway. With regard to the accessway, my interpretation of the rule is that, simply, landscaping shall occur along the full length of both sides of the accessway.
34. Notwithstanding the ambiguous nature of the second part of g.ii of the rule, RHL's Concept Plan shows landscaping along the full length of both sides of the accessway. The landscaping strips are not 1.5 metres wide nor would planting in the south-eastern side strip likely reach a minimum height of 3 metres (because of the narrowness of the strip).
35. RHL's Concept Plan proposal, which I understand they wish to persevere with, involves a 6 metre wide vehicle accessway separated from the south-eastern

boundary by a 950 mm wide landscaping strip. A 3 metre wide footpath would be adjacent to the north-western boundary and the footpath and vehicle accessway would be separated by a 1.7 metre wide landscaping strip in which specimen trees would be planted at approximately 10 metre intervals. In my opinion, the concept proposal for the right-of-way is both sensible and would result in the accessway having high amenity value. Pedestrians would be well separated from moving vehicles, the trees would be more visually appealing than, say, 3 metre high dense bands of shrubbery and in hot conditions the trees would afford shade to pedestrians walking on the 65 metre long pathway.

36. If, indeed, the second part of g (ii) of Rule 31.2.3 is intended to require 1.5 metre wide landscape strips along both sides of the right-of-way, and a 6 metre wide vehicle accessway is provided, the footpath would be 2.65 metres wide (which is only 350 mm less than RHL's proposed 3 metre wide path) but the path would have no physical (apart from perhaps a raised kerb) and visual separation from moving vehicles. Furthermore, the RHL proposal provides for a slightly wider landscaping strip in which trees could be planted and the strip, in being some 3 metres away from one boundary and 6.95 metres away from the other boundary, would allow reasonably substantial trees to become established and avoid issues of overhanging branches, etc., giving rise to nuisance issues with neighbours.
37. In essence, it is my opinion that with regard to the landscaping of the right-of-way, the second part of proposed new Rule 31.2.3 g.(ii) should be interpreted in the manner that, simply, "landscaping shall occur along the full length of both sides of the accessway ..." and thus allow RHL's concept proposal to prevail. The RHL proposal for the right of way is both effective and less expensive than the WDC alternative

#### **LIGHT REFLECTANCE VALUE OF BUILDING FINISHES**

38. Proposed new Rule 31.2.3.i requires "any building shall be finished to achieve a light reflectance value of less than 30%." Resene Paints Limited describe light reflectance value<sup>1</sup> thus:

---

<sup>1</sup> <http://www.resene.co.nz/swatches/reflectance.htm>



The approximate light reflectance value (LRV) of a colour indicates the amount of visible light that a colour will reflect. Black has a reflectance value of 0% and absorbs all light. The surfaces are consequently very dark and can get very hot. In contrast, white has a reflectance value of 100% and keeps a building light and cool. All colours fit within these two extremes.

39. Figure 1, below, conveys LRV in a graphical way.

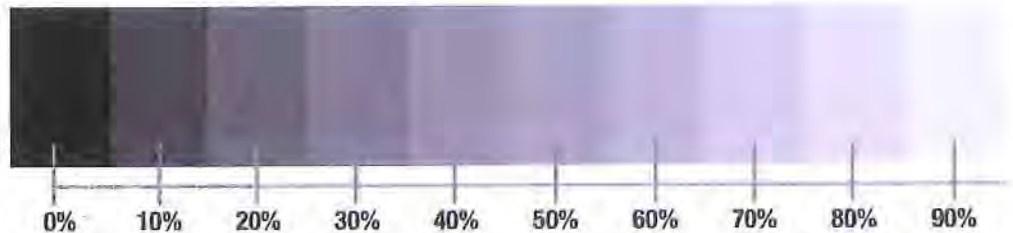


Figure 1. Light Reflectance Value chart<sup>2</sup>

40. Developments in highly natural settings and/or within Outstanding Natural Features and Landscapes (ONFLs) often have guidelines or rules concerning LRV. For example, design guidelines for the Jacks Point Settlement (Lake Wakatipu)<sup>3</sup> has the guideline:

3.7.2 Paint colours are to be recessive with a maximum LRV of 30% except where used in small quantities.

41. The Queenstown Lakes District Council (QLDC) has a colour and materials guidelines for Rural Zones and High and Low Density Residential Zones.<sup>4</sup> Under a section entitled "What colours are appropriate?" it states:

*Preference should be given to colours in the natural range of browns, greens and greys to complement materials and tones found in the natural surroundings. In particular, pale colours should be avoided as they can stand out within the landscape. The LRV should be in the range of 5% to 35% depending on its use and its context, darker colours usually being appropriate in sensitive parts of the landscape. Colours with an LRVs of less than 5% can create stark contrasts and often are not appropriate.*

Below the above text is the following figure:

<sup>2</sup> Queenstown Lakes District Council. February 2015. *A guide to suitable building colours and materials in rural zones.*

<sup>3</sup> Jacks Point. 2013. *Residential and Comprehensive (Multi-dwelling) Design Guidelines.* (Proposed – subject to QLDC approval).

<sup>4</sup> Queenstown Lakes District Council. February 2015. *A guide to suitable building colours and materials in rural zones.*

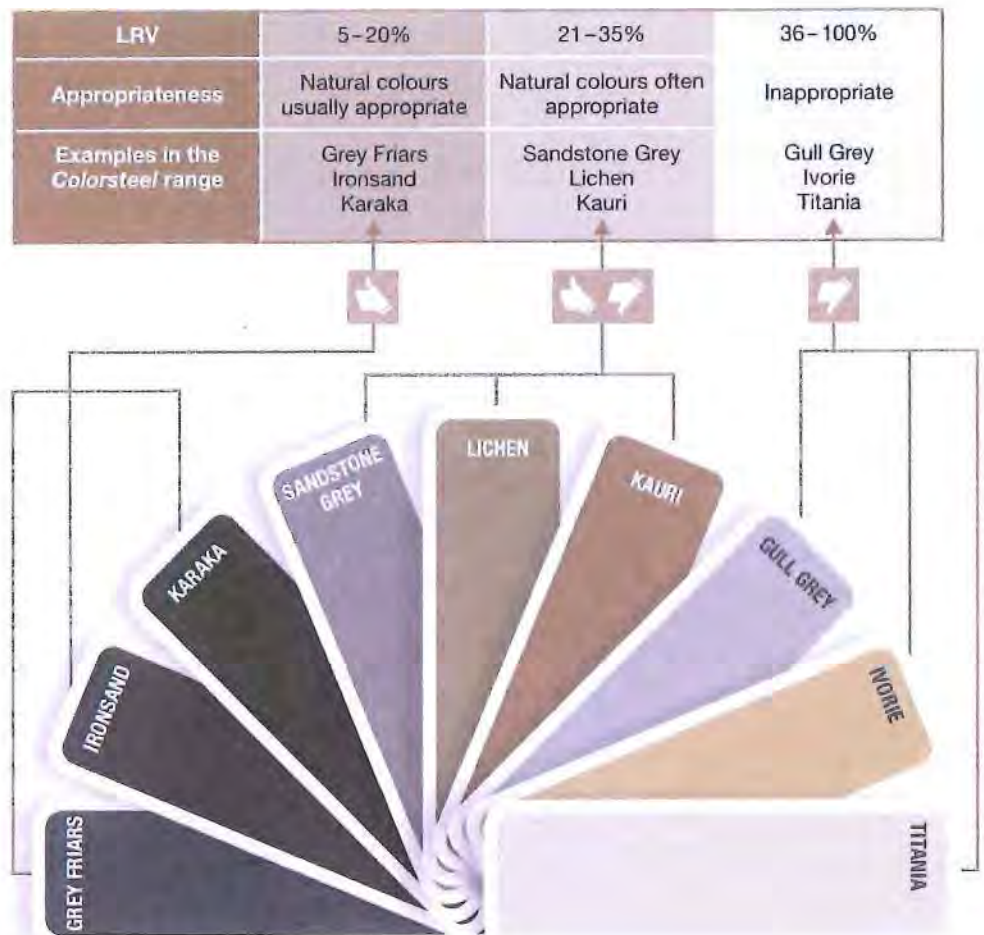


Figure 2. LRV and colour chart

42. In contrast to the Jacks Point settlement and general QLDC situation, a Draft Landscape Rule Framework Outline in the Marlborough Sounds Landscape Management Rule Development Update (2014), proposes much higher maximum LRVs. For the Coastal Environmental Zone, which is equivalent to the current Marlborough District's Rural 1 Zone, the landscape management approach is to: "Set external paint finish reflectivity limits at a maximum of 45% Light Reflectance Value to mitigate potential adverse impacts on perceived levels of natural character within the coastal landscape." And for the Coastal Living Zone, recognised as being an ONFL in the Marlborough Sounds, the approach states: "Apply a permitted activity standard to any new building/structure with an external paint finish to have a maximum paint reflectivity value of 45%."
43. I am very familiar with the highly natural landscapes that occur in both the Queenstown Lakes <sup>↑ District</sup> and the Marlborough Sounds part of the Marlborough District and I am at somewhat of a loss to comprehend why the QLDC regard

an LRV over 36% as being inappropriate (refer Figure 2 above) whereas an LRV of up to 45% is deemed to be acceptable in ONFL areas of the Marlborough Sounds.

44. Notwithstanding the above, it is my opinion that the proposed requirement in Rule 31.2.3 i for building finishes in the Business Zone to achieve an LVR of less than 30% is somewhat excessive. In my opinion LVRs of less than 30% are appropriate in landscapes of exceptionally high visual value where it is perhaps desirable to maintain the landscapes' high natural character and not allow buildings and other structures to become obtrusive elements. A building's obtrusiveness can be exacerbated when the building site is in a prominent location such as is often afforded in the Queenstown Lakes District where there is considerable topographic relief.
45. In my view, while the generally flat Canterbury Plains, including the area around Mandeville, has reasonably high landscape and visual amenity value, it is not in the same league as most of the Queenstown Lakes District. For this reason I do not think it appropriate to impose an LRV of less than 30% on a small Business Zone at Mandeville where existing shelterbelts and stands of, mostly coniferous, trees impede distant and even close views of the Plan Change site and proposed landscaping will assist in mitigating any adverse effects building development on the site may be perceived to generate. Accordingly, in my opinion, Rule 31.2.3 i could be amended to have reference to a LRV of less than 45% and this would not give rise to adverse landscape and visual effects on the Plan Change site and its surroundings.
46. My view of having a LRV of less than 45% is obviously different from RHL's submission on Proposed Plan Change 33 where, at paragraph 29, the relief sought was deletion of the proposed rule relating to building reflectivity. It is my understanding that at the time of making a submission RHL did not, perhaps fully understand the concept of LRV issues relating to buildings.

## CONCLUSIONS

47. The photographs in Mr Craig's report and on my Attachments 1 and 2 convey that, apart from on its south-western boundary, the Proposed Business 4 Zone site is, in terms of its general setting in the landscape, somewhat enclosed by well-established shelterbelts and stands of trees. It is my opinion that, if implemented, RHL's proposed Concept Plan will result in a development of



high amenity value that will contribute to the form, function and character of the Mandeville settlement and relate well to the adjacent proposed Residential 4A Zone and its general rural surroundings.

48. It is also my opinion that RHL's Concept Plan for the Plan Change site will meet proposed policy 16.1.2.1 (f), which seeks to prevent direct pedestrian access from Tram Road into the Business 4 Zone to maintain the safe use of Tram Road.
49. I disagree with paragraph 10.2.19 of the S32 report where it is considered that "a proposed left turn out onto Tram Road will not achieve the characteristics of the Mandeville settlement". Taking into account the landscaping and fencing requirements of Rule 31.2.3, including amendments, as outlined in this evidence, it is difficult to conceive how, when the intricacies of the road junction some 175 metres northwest along Tram Road, with its road markings and overhead lighting, a relatively innocuous left turn exit, albeit with road markings and a very small traffic control 'island' structure could adversely affect, compromise or not achieve the characteristics of the Mandeville settlement as Table 17.1: Residential Zone Characteristics – Residential 3 and 4A/B in the Waimakariri District Plan.
50. It is also my opinion, however, that five of the development controls proposed by the WDC to meet Objective 16.1.2 (d), Policy 16.1.2.1 (a) and (b), and Objective 18.1.3 (a) are somewhat restrictive and unnecessary to achieve the required outcomes and environmental results expected. It is my contention that RHL's proposed development's high amenity value and relation to its surroundings will not be compromised if the amendments to the proposed rules, as outlined in this evidence, are adopted.
51. I have earlier referred to S32 matters. I consider that the RHL landscaping proposal better satisfies S32 than those promoted by WDC

Peter Rough  
26 May 2015



Photograph 1. Looking west across the Plan Change site from Tram Road



Photograph 2. Looking east from the junction of Bradleys and Tram roads. The Plan Change site is beyond trees in the right of the picture





Photograph 3. Looking east to south-east on Mandeville Road from opposite the entrance to the property, with a dwelling and accessory building, which is immediately south-west of the Plan Change site.





# MANDEVILLE RETAIL PROPOSAL WAIMAKARIRI DISTRICT

Concept Plan

ISSUE

**DRAFT**

## NOTES

1. Do not scale off drawings.



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**4449**

REVISION **0**

**CAR PARK**  
61 parking spaces  
4 disabled parking spaces  
7 staff parking spaces





Evidence  
I



McHugh's Rd

Tram Rd

Mandeville Rd

© 2015 Google

Image © 2015 DigitalGlobe

Google earth

2004

Imagery Date: 4/18/2015 43°22'46.26" S 172°32'04.65" E elev 40 m eye alt 243 m



Evidence J

**IN THE MATTER OF** the Resource Management  
Act 1991

**AND**

**IN THE MATTER OF** of submissions and further  
submissions lodged by Ratua  
Holdings Limited to Proposed  
Plan Change 33 to the  
Waimakariri District Plan,

**STATEMENT OF EVIDENCE OF RUTH CHRISTINE CAMERON EVANS**

**1.0 INTRODUCTION**

- 1.1 My name is Ruth Christine Cameron Evans. I hold a Master of Regional and Resource Planning and Bachelor of Arts from the University of Otago. I am Senior Planner and Associate with Harrison Grierson and a graduate member of the New Zealand Planning Institute. I am also a full member of the Planning Institute of Australia.
- 1.2 I appear in relation to Plan Change 33 (PC 33), a proposed rezoning of land at Mandeville from Rural and Rural Residential 4B to a mix of Business 4 and Rural Residential 4A.
- 1.3 I have 10 years' planning experience in providing professional planning services to private sector and local government clients in both New Zealand and Australia.
- 1.4 My involvement in PC33 commenced earlier this month when I was asked by Ratua Holdings Limited (RHL), the intended developer of the proposed B4 land, to provide planning evidence in support of their submission.
- 1.5 I am familiar with the subject site and its surrounds. I live in the Waimakariri District just outside Kaiapoi and I have visited the Mandeville area on a number of occasions. I first visited the site for the purposes of viewing in relation to PC 33 specifically on 17 May 2015.
- 1.6 Although this is a Council hearing I note that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note (2011) and agree to comply with the Code. Except where I state that I am relying upon the specified evidence of another person, my evidence in this statement is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions which I express.



## **2.0 SCOPE OF EVIDENCE**

- 2.1 I have been engaged to provide evidence on three specific matters relating to PC 33. While I am generally aware of the broader matters of the plan change, my focus in this evidence is on these following three matters:
- a) The incorporation of the masterplan into PC 33;
  - b) The activity status for departures from the development controls; and
  - c) The activity status for subdivision in the B4 Zone.
- 2.2 In considering these matters I have given close consideration to Part II and section 32 of the Act, and the objectives and policies of the District Plan.
- 2.3 I have also reviewed the Officer's Section 42A Report and will address specific parts of the Report as relevant to the three matters on which my evidence focuses. I do note that a number of the submission points raised by RHL in their submission have been accepted by the Officer and I will not repeat these in my evidence.

## **3.0 THE PLAN CHANGE SITE AND IMMEDIATE SURROUNDS**

- 3.1 I generally agree with the description of the land and surrounding subject to PC 33 in the section 32 Report.

## **4.0 THE PROPOSAL**

- 4.1 PC 33 is a Waimakariri District Council plan change which proposes to rezone land at Mandeville (the corner of Tram Road, McHugh's Road and Mandeville Road) to a mix of Business 4 and Residential 4A.

## **5.0 INCORPORATION OF THE MASTERPLAN**

- 5.1 The submission by RHL sought a new rule be inserted into Chapter 32, Subdivision Rules, Rule 32.1.1.13:
- (a) Within the Mandeville Residential 4A Zone shown on District Plan Map 182, subdivision shall proceed in accordance with the masterplan.*
- 5.2 A masterplan was attached to the submission, showing the proposed lot layout with which any subdivision would need to comply. This layout included 12 rural residential lots, the B4 land and the reserve land.
- 5.3 As has already been introduced, RHL has since prepared a sub-areas approach to the masterplan.
- 5.4 The Hearing Report noted that no lot sizes were included on the masterplan. This made the effectiveness of the masterplan approach difficult to assess, and no certainty was provided regarding whether the proposed lot layout complied with the subdivision requirements for the 4A Zone or whether the intended characteristics of the Zone were able to be maintained.
- 5.5 Subdivision in the 4A Zone is controlled under Rule 32.1.1.11 of the District Plan which requires a minimum area for any allotment created by subdivision in the Zone of 2500m<sup>2</sup> and the average area of all allotments in any Residential 4A Zone to be no less than 5000m<sup>2</sup>.

- 5.6 A revised masterplan has been prepared which shows lot sizes. The rural residential lots range from 3000m<sup>2</sup> to 9067m<sup>2</sup>. The B4 lot has been increased to 6670m<sup>2</sup>, in line with the amended provisions set out in the Hearing Report which recommends a maximum gross floor area for retail development of 1600m<sup>2</sup>. The reserve lot has also been included in the masterplan as it forms part of the plan change area. This plan has been tabled with the legal submissions.
- 5.7 An alternative assessment of the masterplan has also been prepared which shows lot sizes and average lot size if the Commissioner is of a view that the reserve land should be excluded when calculating the average lot size.
- 5.8 Notwithstanding the fact that an assessment of both options, both with and without the reserve land being included has been undertaken, I believe that the reserve land should be included. While it is a reserve, it still contributes to the overall amenity of the PC 33 area, particularly given its proximity next to the proposed B4 block. No development of the reserve land is sought by PC 33, other than that it be included when considering the PC 33 rezoning in its entirety. It does not form part of the overall lot yield calculations under the masterplan.
- 5.9 Based on recent discussions with Council's duty planner, my understanding is that when calculating the minimum and average lot sizes for development in the Residential 4A Zone, access legs and right of ways are excluded for the purposes of calculating minimum lot sizes, and included when calculating the average lot size. In calculating the minimums and averages for the masterplan, we have therefore applied this approach.
- 5.10 For completeness I have assessed effects associated with two potential development scenarios under the masterplan – with the reserve included and without the reserve included, and the resultant averages. Both assessments have been made using the larger B4 zone as the larger development footprint has been supported in the section 42A report, albeit at 100m<sup>2</sup> smaller than sought in the submission. The B4 land has increased from 6200m<sup>2</sup> to 6670m<sup>2</sup> to accommodate the larger footprint and associated car parking.
- 5.11 Under the first masterplan, the required minimum of 2500m<sup>2</sup> is achieved by all lots, with the smallest being 3000m<sup>2</sup>. An average of 5094m<sup>2</sup> is also achieved, therefore the lot layout complies with the subdivision requirements for the 4A Zone.
- 5.12 Under the second masterplan, the required minimum of 2500m<sup>2</sup> is retained. With the removal of the reserve block the average lot size reduces to 4768m<sup>2</sup>, which is a 232m<sup>2</sup> shortfall from the 5000m<sup>2</sup> average required by the District Plan for the Residential 4A Zone.
- 5.13 Chapter 17 of the District Plan contains objectives and policies for the Residential Zones of the District. The explanation of these objectives and policies contains a series of tables which outline the characteristics of each residential area. Policy 17.1.1.1 requires the characteristics of each zone to be maintained.
- 5.14 Turning to how both masterplan scenarios achieve the Residential Zone Characteristics listed in Table 17.1 of Chapter 4 of the District Plan, I have undertaken an assessment of each option in Appendix 1.
- 5.15 I have concluded in this assessment that both scenarios will achieve the zone characteristics, and that there is negligible difference in achieving the characteristics with a lower average lot size, as the characteristics sought for the zone by the District Plan only require an average lot size of 0.25 to 1.0 hectare, which both scenarios easily fit within.

- 5.16 Having concluded that the masterplan approach achieves the characteristics of the Zone, I have also considered the relative practicality of using this approach as opposed to relying on lot yield.
- 5.17 In my opinion the inclusion of a masterplan would be beneficial in this instance as the land is held in three ownerships. This approach provides a degree of certainty to landowners and the community as to how the land will be developed and reduces potential for development in a piecemeal fashion if the three landowners developed on an individual basis. I also believe there is a degree of uniqueness for the PC 33 site as it also includes the B4 land, which other residential developments do not.
- 5.18 My understanding is that the revised rules proposed by RHL include a provision for development that does not proceed in accordance with masterplan with respect to yield for each sub-area will be a non-complying activity. This provides further certainty with respect to intended development. Furthermore, the proposed masterplan arrangements all meet the characteristics for Residential 4A set out in the District Plan.
- 5.19 With respect to the potential adverse effects associated with the reduced average lot size should the reserve land not be included, I consider the 232m<sup>2</sup> shortfall to be acceptable in this instance for two reasons.
- 5.20 Firstly, in the context of the wider Mandeville locality, this reduction in average would not necessarily be noticeable to a resident or visitor to Mandeville as the proposed reduction is not significant (under 5%), the character will not be diminished as the minimum lot size is easily achieved, and the number of lots within the PC33 area does not change. The total overall yield for the plan change area is still achieved.
- 5.21 Secondly, if there is a location within Mandeville where a slightly reduced average lot size would be best suited, in my opinion this would be where it is closest to the commercial precinct, as is the case proposed by RHL.
- 5.22 The masterplan approach and different development scenarios also need to be consistent with the objectives and policies of the District Plan. In my opinion this approach also meets the applicable objectives and policies for residential areas, in particular:

*Objective 17.1.1 Residential Zones that provide for residents' health, safety and wellbeing and that provide a range of living environments with distinctive characteristics.*

*Policy 17.1.1.1 Maintain and enhance the characteristics of Residential Zones that give them their particular character and quality of environment...*

*Policy 17.1.1.2 Recognise and provide for differences between Residential Zones reflecting the community's expectations that a range of living environments will be maintained and enhanced.*

*Objective 18.1.3 Provide for limited further subdivision, development and use within the Mandeville settlement that achieves:*

- a. a compact living environment within a rural setting;*
- b. consolidation of the Mandeville settlement by providing for new subdivision and development within the Mandeville settlement boundary;*
- c. provision and utilisation of reticulated infrastructure and services;*
- d. the maintenance and enhancement of the characteristics of Residential 4A and 4B Zones;*
- e. promotion of the use of alternative transport modes for transit within the Mandeville settlement;*
- and*
- f. the preservation of the distinct and distinguishable boundaries of the Mandeville settlement.*



- 5.23 I believe the inclusion of the masterplan, both with or without the reserve included, is the most efficient and effective avenue for achieving the objectives and policies of the District Plan. It is also my opinion that the proposed lot layout scenarios are an appropriate use of the land, and that the non-compliance with respect to the average lot size not being achieved will not result in adverse effects that are more than minor should future development proceed in accordance with the masterplan approach.
- 5.24 An amendment to the rules package has been proposed which includes a new rule that reflects the incorporation of the masterplan, and also suggests an alternative average for the PC 33 land of 4700m<sup>2</sup> for the Residential 4A Zone.

## **6.0 ACTIVITY STATUS**

- 6.1 The second part of my evidence is with respect to inclusion of Rule 31.5.6, which states
- 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.*
- 6.2 RHL have submitted in opposition to the inclusion of this rule and instead seek that any departure from the development standards is a restricted discretionary activity.
- 6.3 RHL have since considered two options for addressing this matter. One is that the submission point remains and the rule is changed to refer to a restricted discretionary status for non-compliance with Rule 31.2.3.
- 6.4 Alternatively, a revised set of rules has been tabled in the legal submissions which include a number of amendments. Under these revised rules, the non-complying status is retained for departures from the development controls in Rule 31.2.3.
- 6.5 With respect to the relief sought in RHL's original submission, I agree with the submission point and consider that the matters which have been covered in the development controls could be adequately managed through a restricted discretionary status. I consider it to be onerous that a non-compliance with one of the development controls will trigger a non-complying activity, particularly when compliance achieves a controlled activity status – that is there is no middle ground for those proposals that may be acceptable on balance.
- 6.6 This is particularly relevant given there may be varying degrees of non-compliance, many of which will result in nil or less than minor adverse effects, and effects that can be easily mitigated. I have touched on some of these in the following paragraphs.
- 6.7 One example is with respect to landscaping, where Council proposes a minimum four metres width along Tram Road under proposed Rule 31.2.3(g)(i). RHL is seeking that this be amended, a position which is supported in the landscape evidence of Mr Rough. However, under the provisions as they currently stand, even if a small part of the landscaping failed to meet the four metre minimum, the whole proposal would become non-complying, which in my opinion is excessive and unreasonable. A restricted discretionary status where the Council only considered the matter of non-compliance, landscaping, and the effects associated with this, would be far more efficient and effective method of achieving the objectives and policies of the District Plan.

- 6.8 Similarly, non-compliance with the Outline Development Plan, which shows the location of the stormwater management area, may become an unnecessarily complicated process for a relatively minor matter. The Council's 3 Waters report has confirmed that there are a number of options for stormwater disposal which are acceptable. As detailed design has not been undertaken, it may be that once it is time to develop, the most efficient and effective stormwater disposal method does not result in the stormwater management area being located in the same position as on the Outline Development Plan. As the rules currently stand, this could result in a non-complying activity, which again I believe is excessive and would be better suited to a restricted discretionary status that would still allow Council to assess appropriately.
- 6.9 One method of addressing this point could be an amendment to the Outline Development Plan to include an annotation that the location of the stormwater facility is indicative only, with the expectation that changing the location of the stormwater area still being generally in accordance with the Outline Development Plan.
- 6.10 With respect the tenancy size RHL's preference is for no limit to individual tenancies. Economic evidence from Mr Polkinghorne has been presented which supports this position. With respect to activity status for departures from this development control, again it is my opinion that this could be dealt with as a restricted discretionary activity.
- 6.11 These controls will be self managing to an extent, and it is my understanding that RHL is comfortable with a maximum overall area of 1700m<sup>2</sup>, with a non-complying status to remain for any development which exceeds this maximum.
- 6.12 To conclude, there are a number of requirements in Rule 31.2.3 which if not complied with could be effectively assessed as a restricted discretionary activity as opposed to non-complying. An application for a non-complying activity for many of these would be onerous and involve a time consuming and potentially expensive process for all parties and would not be warranted under most circumstances.
- 6.13 As an alternative, if the non-complying status rule is to be retained, RHL have also prepared a revised set of rules which incorporate amendments that have been developed in consultation with the relevant experts that are considered to be more appropriate to trigger a non-complying activity status if not met. I have reviewed the proposed rule amendments and consider them to suitably manage development under a restricted discretionary status.

## **7.0 SUBDIVISION IN THE B4 ZONE**

- 7.1 As outlined in the submission of RHL, PC 33 as currently drafted requires an application for a non-complying activity for any subdivision. In my opinion this level of restriction is unnecessary.
- 7.2 I do not consider that the subdivision of the B4 land, subject to appropriate controls, would result in adverse effects, as the development of land use in the zone is appropriately controlled and subdivision would be unlikely to alter this.
- 7.3 As an example, the owner of the B4 land could undertake a unit title subdivision once the buildings are completed. This is a common approach and I do not believe it would result in any material adverse effects as the built form is already established. This has been included in the revised rules tabled in the legal submissions.

- 7.4 The proposed rule amendments tabled during legal submissions also propose a further restriction on subdivision, that it be limited to 2500m<sup>2</sup> minimum. This effectively restricts subdivision to one subdivision of one into two lots, which I believe would be appropriate.
- 7.5 It is understood that one of the reasons for the non-complying status is that Council is concerned that subdivision of the B4 land will result in a fragmented development approach. RHL would be agreeable to an approach whereby subdivision is restricted until such time as landscaping, services, access, car parking and potentially buildings, have been established. It would also be expected that a condition of any resource consent would require the ongoing maintenance of landscaping.

## **8.0 CANTERBURY REGIONAL POLICY STATEMENT**

- 8.1 Chapter 6, Recovery and Rebuilding of Greater Christchurch, was introduced into the Canterbury Regional Policy Statement (the CRPS) under the Canterbury Earthquake Recovery Act 2011. The purpose of this amendment to the CRPS is to enable recovery of Greater Christchurch, which includes the Waimakariri District, in a way that achieves the purpose of the Resource Management Act 1991.
- 8.2 Chapter 6 contains a number of objectives and policies regarding the development of urban areas and establishment of new urban activities, and seeks to protect existing and planned urban and commercial areas through limiting where new development can occur in Greater Christchurch.
- 8.3 I acknowledge that there is some conflict with PC 33 and Policy 6.3.1(4) of the CRPS which is:
- ensure new urban activities only occur within existing urban areas or identified greenfield priority areas as shown on Map A, unless they are otherwise expressly provided for in the CRPS;*
- 8.4 In addressing this conflict, consideration must be given to the broader purpose of sustainable management. The economic evidence provided confirms that the proposed business area will provide a convenience retail function to the Mandeville catchment, without impacting on the viability of existing commercial areas.
- 8.5 Mandeville (including the PC 33 site) is considered somewhat unique in that it has experienced considerable growth since the earthquakes and now has the population to support a convenience scale business development. While the introduction of the B4 Zone and subsequent development may not strictly adhere to the CRPS, it is considered that when considering the proposal with respect to the overall purpose of sustainable management, PC 33 achieves this.
- 8.6 I also note that the Canterbury Regional Council did not raise the matter of potential tension with the CRPS in its submission on PC 33, and that the Regional Council supports PC 33 subject to one amendment regarding the definition of retail area.

## **9.0 PART II OF THE RESOURCE MANAGEMENT ACT (THE ACT)**

- 9.1 The plan change must be considered in relation to the purpose and principles contained in Part II of the Act. Section 5 identifies the Act's purpose as promoting the sustainable management of natural and physical resources. It is considered that PC 33, with the amendments presented to the Commissioner today and in the submission, is the most efficient and effective in terms of section 32 in achieving the sustainable management and purpose and principles of the Act.



## 10.0 CONCLUSION

- 10.1 In my opinion the revised masterplan approach and rules package tabled today represent an efficient and effective change to the District Plan.
- 10.2 The masterplan gives certainty to the community and Council with respect to how the PC 33 site can be developed, and meets the characteristics of the zone.
- 10.3 I believe either utilising the restricted discretionary status for departures from development controls, or alternatively retention of the non-complying status with amended development controls will effectively manage development in the B4 Zone.
- 10.4 Similarly, in my opinion subdivision of the B4 Zone when limited to a 2500m<sup>2</sup> minimum or for the purposes of unit title, and when mitigation measures such as landscaping are already established, would be appropriate.
- 10.5 With respect to the CRPS, while there is some tension with the policy approach to only establish new urban activities in existing urban areas or identified greenfield areas, I believe PC 33 achieves the broader purpose of sustainable management through the creation of a convenience business area that serves the Mandeville community but does not impact on other commercial areas in Greater Christchurch.

**DATE** 25 May 2015

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**NAME** Ruth Evans

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**POSITION** Senior Planner

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**SIGNED**



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## APPENDIX 1 - RESIDENTIAL 4A CHARACTERISTICS

**TABLE 1: ASSESSMENT OF MASTERPLAN SCENARIOS AGAINST RESIDENTIAL 4A CHARACTERISTICS**

CHARACTERISTIC	SCENARIO 1	SCENARIO 2
<i>Predominant activity is living</i>	Achieved, the rural residential lots created by the masterplan will ensure that the predominant activity across the PC 33 area is living and will be further managed by the existing District Plan controls for development in the 4A Zone.	
<i>Detached dwellings and associated buildings</i>	Achieved, the rural residential lots created by the masterplan will be managed by the existing District Plan controls for development in the 4A Zone which facilitate detached dwelling development	
<i>Some limited farming and horticulture</i>	The masterplan in itself will not create horticulture or farming activities, although the lots sizes would not necessarily preclude this from happening at a small scale.	
<i>Dwelling density is lowest for Residential Zones</i>	Achieved, at a dwelling density of no more than one dwelling per 3000m <sup>2</sup> (being the minimum lot size under both scenarios), this will be the lowest for residential zones in the District.	
<i>Dwellings in generous settings</i>	The masterplan facilitates residential development on lots that are all over 3000m <sup>2</sup> , resulting in dwellings being located in generous settings.	
<i>Average lot size of 0.25 -1.0 hectare</i>	An average lot size of 5094m <sup>2</sup> is achieved, which falls within the specified range.	An average lot size of 4768m <sup>2</sup> is achieved, which still falls within the specified range, despite being less than the minimum required by the rules for Residential 4A.
<i>Limited number of lots located in a rural environment</i>	The lot yield remains the same under the masterplan scenarios with 12 rural residential lots able to be provided over the plan change site.	
<i>Rural style roads or accessways</i>	The masterplan does not detail the style of roads and accessways, other than with respect to landscaping generally proposed. The masterplan approach will allow for rural style roads and accessways to be developed.	
<i>Opportunity for a rural outlook from within the zone</i>	The Residential 4A development will achieve a rural residential outlook, but not necessarily rural outlook, which is considered difficult to balance with some of the other characteristics.	
<i>Few vehicle movements within the zone</i>	The masterplan does not give rise to additional vehicle movements within the zone, the lot yield is the same as what would be expected under Residential 4A.	
<i>Access to zones not from arterial roads</i>	The majority of the residential lots will access from Mandeville Road, with the exception of three lots which are proposed to utilise an existing access from Tram Road.	
<i>Community water and/or sewerage schemes</i>	The masterplan does not detail water and sewerage supply and it is not considered that the masterplan will influence the supply of these services to the lots. In fact it gives more certainty as the indicative lot layout shows where lot boundaries may be developed.	
<i>Limited kerb, channelling and street lighting</i>	The masterplan does not detail kerb, channelling or street lighting, but does not limit this from occurring.	