

DISTRICT PLAN REVIEW

Proposed Waimakariri District Plan - Submission

Clause 6 of Schedule 1, Resource Management Act 1991

Submitter details

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

Full name: _____

Email address: _____

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

Postal Address: _____ Post Code: _____

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

Please select one of the two options below:

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

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

Please select one of the two options below:

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

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

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Submission details

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

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

I/we have included: _____ additional pages

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

Submission at the Hearing

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

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

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

Signature

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

Signature _____

Date _____

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

Important Information

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

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

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

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

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

Email to: developmentplanning@wmk.govt.nz

Phone: 0800 965 468 (0800WMKGOV)

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

Rangiora Service Centre: 215 High Street, Rangiora

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

Oxford Service Centre: 34 Main Street, Oxford

Submissions close 5pm, Friday 26 November 2021

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

My Submission

1. I am opposed to 685 Depot Road being zoned General Rural Zone in the Proposed District Plan.
2. I am opposed to the minimum lot size increase from 4ha to 20ha on this property.
3. I am opposed to requiring a resource consent application for a non-complying 4ha lots subdivision in the future.
4. I am opposed to the Rural Lifestyle Zone corridor west of Rangiora finishing East of Cust.

Rational for Opposition

(a). In the Proposed District Plan there is a Rural Lifestyle Zone corridor west of Rangiora along Oxford Road through to the east side of Cust encompassing the existing Rural lifestyle living along that corridor. My property is a little over 45ha near on in the middle of 74 Rural lifestyle properties with 17 close proximity/over the fence neighbours encircling it. Rezoning this block in the Proposed District Plan will enable it to be developed and finish the density that exists around it.

(b). Rezoning this parcel will mean a previously consented 15 lot development can be completed as a complying activity, Note: that 4 lots have already been created under that previous consent. In addition to this point a significant invest in infrastructure has occurred anticipating completion in the future.

(c). Having larger size lots around the skirts of high intensity rural lifestyle living as a buffer *ensuring appropriate separation between activities to avoid reverse sensitivity effects* (Boffa Miskell) on the larger more intensified farming uses makes sense. Having an intensive farm use in the centre of a high density Rural Lifestyle living community doesn't make sense. It is problematic and not an outcome the Proposed District Plan should aspire to.

Arguments.

1. Pause means Stop

The Proposed District Plan does not preclude making a consent application to achieve a 4ha lot subdivision. On face value the language used in the court ruling suggests the same. The Council when seeking the order for immediate legal effect submitted:

"that the order sought would serve to create a "pause" to allow submissions to be heard and decided in the current environment"

I argue this language does not have the same meaning in the real world as it does in the planning world. After discussing this passage with Planning professionals, I am of the belief that the word "Pause" in planning language actually means, that's it! no more!. Council may claim that a fair and equitable process will exist under a non-complying activity resource consent application. In light of the clarification I received I contend any application would be met with a rebuff as Council has clear intention not to allow any future subdivision if the Proposed District Plan General Rural Zone rules are adopted. Without a re-zoning of my property I am firmly of the opinion that my ability to subdivide in the future will be zero.

2. My rural Kiwi saver account.

My development project was part of my superannuation savings scheme. I have partially completed the development however let the consent lapse with the intention of reapplying when financial conditions allowed me to complete it.

The result of the proposed change to the minimum lot size would see my ability to finish this development and full value potential of this land to boost my Kiwi saver retirement plan erased. Your 'Section 32 Report' confirm this when it stated:

It acknowledged that motivations for subdivision are varied but include subdividing all or parts of property to increase financial security, using subdivision as part of a superannuation scheme, to reduce debt or as part of a succession process. This flexibility will be reduced within the General Rural Zone.

Peter Gordon wrote in his Waimakariri District Plan Review:

..., the inability to subdivide could reduce the land value and therefore lower the landowners potential longer term financial return. This will only affect those landowners who have purchased land with a view to future subdivision and not those that are maximising operational performance.

I happen to fit in this group and therefore likely to be one who experiences equity loss. Rezoning my land to enable an infill development will not be the ruination of the district, it won't shut out farmers from the market or from them expanding their farms and making more profit. My land is encircled in Rural Lifestyle living now and for enjoyment of quality of life an infill development is fair and just. Rezoning my block to allow for the completion of my development removes any risk of equity loss and preserves my Kiwi Saver prospects.

3. A localised Consideration.

Having one General Rural Zone that captures all the pockets and corridors of existing rural lifestyle living outside of the Proposed Rural Lifestyle zone is not fair on those living in high density rural lifestyle living in the proposed General Rural Zone.

The community my property is embedded in is a pocket of Rural Lifestyle living in a western corridor along Depot Road from the west of Eyre River creek bridge to the Waimakariri Gorge bridge. This corridor realises 214 lifestyle properties but only 100 properties in this corridor make up the 'buy/sell' market contributing 275 sales history. 69 sales have occurred in the past 5 years of which 26 in the past 12 months. There are 45 vacant lifestyle lots in this corridor, 25 of these lots created in the last 5 years with 16 vacant lot sales in that period. Boffa Miskel in its Rural Character Assessment identified this area as one of the more rapidly growing areas and wrote:

The more recent and rapidly growing rural residential settlement, taking place on parcels such as...Depot Road between Oxford and the Gorge Bridge, conveys a different pattern of modern homes typically set further back.

The 75 property pocket I am apart of has the largest density along this corridor with 72 Rural lifestyle size blocks within it. Since their creation over the past 15 odd years the 72 properties have sold 144 times of which 55 have no on-sales, with the balance 17 properties changing hands multiple times. In the past 10 years 82 sales have occurred, in the past 5 years 27 sales and in the last 12 months 6 sales with additional properties still on the market. (statistical data from www.homes.co.nz web site)

This confirms this corridor is popular, it shows there is clearly a limited supply of property for sale here and justification for further small scale infill development should take place as a number of first buyers are staying put and a reasonable volume of land banking in vacant lots has occurred.

4. Wasted Assets.

To date, in anticipation of completing my development I have constructed the ROW/road entry sub base for the balance of the lots previously consented, have installed an overhead power supply with a 50KVa transformer for the remaining lots, have on site 5 of the required water tanks to complete the subdivision, have a significant allocation of Rural Water scheme in place for those lots, have acquired the necessary machinery to undertake the earthworks to complete the subdivision. A significant investment sitting in waiting.

Had I not invested in these assets I could have been in a position to lodge a consent application prior to the notification and immediate legal effect notice being put in place. Not allowing my property to be developed now as an infill development and bring continuity to this area of our community would be unfair and unjust.

5. Managing effect-causing use conflicts.

During the past 10 years, conflict has developed between me trying to maintain my property and the rural lifestyle character of the neighbouring properties. Conflicts are exemplified but not limited to:

- In the past 4 years we have tried to maintain the pasture with the use of animals. Farm animals often act differently to lifestyle animals.

- Young Bulls on my side of a fence get themselves well worked up even if 1 heifer or 1 Bull is on the other side, resulting in chaos. Moving my animals away from neighbouring fence lines is impracticable. Numerous injuries from animals fighting has resulted in two this winter needing to be put-down due to their injuries.
- A neighbours animal escaped into my property and got into fights with my Bulls. Permission was sought from police to carry a shot gun into my paddocks for protection while trying to separate this escaped animal. This request was denied due to animal and owners' rights. Note; If I was bunny shooting and an animal jumped the fence and charged my I could shoot it as self-defence. If I went into the paddock with a gun for protection and shot it in self-defence that is intent and trouble for me.

- The effects of gunfire in pest control is a MAJOR issue.

- 150 plus hares have been shot on my property over an 8year period with a rifle resulted in numerous Police complaints and visits. Due to the high density of lifestyle living properties around my boundary (up to 17). The sheer number of complaints and the inability to maintain clear firing lines and separation distances from neighbours meant shooting with a rifle has had to stop. Only a shot gun can be used and it is ineffective and now the current population is about 40 and growing.

The notion that larger sites will be less effected by sensitive activities on adjacent properties as described in your Section 32 Report seems not to offer my life the peaceful bliss implied by its words. It reads:

Larger sites will be less affected by sensitive activities occurring on adjacent or nearby properties having expectations for amenity values are not consistent with a working and productive rural environment.

Although this statement has some merit the reality for me is that I am surrounded by lifestyle blocks who are effected "by sensitive activities occurring on [an] adjacent...property...", mine, and do have expectations and rights. Managing farming rights and rural lifestyle living rights have become impossible. The conflicts remain if subdivision is not permitted, they don't get resolved if I subdivided my block in two, which is permitted under the Proposed District Plan. They diminish to manageable if I finish my development.

The Council, in allowing the surrounding area to be subdivided down in the past but not allowing in the future will leave me and my neighbours with these ongoing conflicts but Council can afford us all a more peaceful and safer future that goes with a Rural Lifestyle Zone through a rezoning that will enable me to complete the development and bring about the 'Community Continuity' the area needs.

Summary.

If the wording in the plan District Plan Review narratives are genuine and pause means what it says I see no reason for Council not to rezone my piece of land as Rural Lifestyle Zone. It would allow me to sub-divide as of right and not needing to travel a time consuming and expensive application process risked of not being approved.

Left as it stands my Kiwi saver account loses. Rezone my land and my retirement plan looks ok.

My property is already embedded in is a pocket of rural lifestyle living. There is close to a shortage of properties available to meet current demand and in the existing corridor there will be a need for more property during the next plan cycle. The lots that I will create will not over supply that demand.

Giving me the ability to complete my subdivision will see the possibility of tens of thousands of dollars not needing to be refunded and tens of thousands of dollars not wasted on infrastructure never to be used.

My block needs to be finished for 'Community Continuity'. Nuisance issues are and will be a mine field in the future if my block stays as it is.

Finally, a zone change that will allow the completion of my 4ha subdivision is the fairest and most just outcome we all concerned.

What do I want and need from Council?

Rezone my property at 685 Depot Road Burnt Hill Oxford 'Rural Lifestyle Zone' under to Proposed District Plan so that the completion of this empty pocket can be undertaken in the future and that 'Community Continuity' can be established preserving the character and charm that has developed in this pocket of Rural Oxford.