

**IN THE MATTER OF**

The Resource Management Act 1991 (**RMA** or **the Act**)

**AND**

**IN THE MATTER OF**

Hearing of Submissions and Further Submissions on the Proposed Waimakariri District Plan (**PWDP** or **the Proposed Plan**)

**AND**

**IN THE MATTER OF**

A submission on the Proposed Plan by **Rolleston Industrial Developments Limited (RIDL)**

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**MEMORANDUM OF COUNSEL FOR  
MANDEVILLE VILLAGE LIMITED PARTNERSHIP  
SEEKING LEAVE TO FILE A FURTHER SUBMISSION  
ON THE PROPOSED WAIMAKARIRI DISTRICT PLAN OUT OF TIME**

DATED: 17 May 2024

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Presented for filing by:  
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1. This memorandum is filed on behalf of Mandeville Village Limited Partnership (**MVLP**), seeking that the Waimakariri District Council (**WDC** or **the Council**) allow MVLP to lodge a further submission, after the time limit for the filing of that further submission, under Sections 37(1)(a) and 37A(5)(b), and clause 98(3) of the First Schedule of the Resource Management Act 1991, for the reasons set out below.
2. Section 37(1)(a) of the RMA provides that a local authority may extend a time period specified in the RMA or in regulations, whether or not the time period has expired.
3. Under section 37A(5)(b), a local authority must take into account the matters specified in section 37A(1) when extending a time period to a period that exceeds twice the maximum period specified in the Act.
4. Section 37A(1) provides that the local authority must take into account:
  - (a) The interests of any person who, in its opinion, may be directly affected by the extension or waiver; and
  - (b) The interests of the community in achieving adequate assessment of the effects of a proposal, policy statement, or plan; and
  - (c) Its duty under section 21 to avoid unreasonable delay.
5. Clause 98(3) of the First Schedule to the RMA provides that an independent hearings panel may decide to accept or reject any late submission.
6. Before addressing each of those matters, I set out the background to this application:

***PC31 to the Operative Waimakariri District Plan***

7. Plan Change 31 (**PC31**) to the Operative Waimakariri District Plan was lodged by Rolleston Industrial Developments Limited (**RIDL**) seeking a substantial rezoning of currently rurally zoned land near Ohoka to residential and commercial zoning. PC31 was publicly notified on 9 July 2022.
8. MVLP lodged a submission (attached to this Memorandum as **Appendix 1**) on PC31, which opposed the nature of commercial zoning sought by PC31 within that development. MVLP submitted that, in line with proposed District Plan objectives and policies, it was critical that the Mandeville Village development remains the key centre for commercial activity within the wider area, in order to preserve the

hierarchy of commercial areas sought under the proposed District Plan and to preserve the primacy of town centres as the key commercial hubs throughout the district<sup>1</sup>.

9. PC31 was declined by the WDC, on recommendation from an independent hearings panel, and is now the subject of appeal proceedings in the Environment Court. MVLP is a section 274 party in those Environment Court proceedings.

### ***Submissions on the Proposed Waimakariri District Plan***

10. The Proposed Waimakariri District Plan was publicly notified on 18 September 2021 with submissions due to be filed by 26 November 2021.
11. RIDL lodged a submission (Submission number 160) seeking a substantial rezoning of approximately 156 hectares of land at Ohoka from Rural Lifestyle Zone to General Residential Zone with a portion of the land subject to an Education/Retirement Village Overlay (Large Lot Residential Zone, Local Centre Zone and Open Space Zone). The proposed plan change would enable up to 800 houses, local services, and either a school or retirement village on the subject land (**the RIDL submission**). The RIDL submission seeks the same outcome as that which was sought by RIDL under PC31 to the Operative Waimakariri District Plan.
12. The Waimakariri District Council released a summary of District Plan Review submissions on 5 November 2022. Further submissions were required to be lodged a short time later, by 21 November 2022. The summary of submissions is a 936-page document organised by District Plan chapter. MVLP, through its agent PlanCreative, researched this document, looking for submissions by RIDL or Carter Group, and did not find anything in relation to the Ohoka ODP.

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<sup>1</sup> Part 3 – Area Specific Matters – Zones – CMUZ – NCZ Policy NCZ-P1 Within Neighbourhood Centres: (1) enable a limited range of convenience activities that provide for the immediate residential neighbourhood and do not adversely affect the role of function of Town and Local Centres.

Part 3 – Area Specific matters – Zones – CMUZ – matters of discretion for all commercial and mixed use zones – CMUZ-MD12 Commercial activity distribution (2) if a Neighbourhood Centre, the extent to which the activity adversely affects the role, function and capacity of the nearest Town and Local Centre to provide for primarily commercial and community activities.

Part 2 – District – wide matters – Strategic Directions – UFD Policy UFD- P7 Mechanism to provide additional Commercial and Mixed Use Zones – If proposed, ensure any plan change to create new, or expanded existing Commercial and Mixed Use Zones: (3) consider and address any adverse effects that might undermine other town centres and local centres in the District.

13. In fact, a submission had been lodged by RIDL in November 2021 (submission #160), but that was not obvious to PlanCreative because of the way in which the RIDL submission had been categorised by the Council.
14. It was not until very recently, well over a year after the further submission period closed, that PlanCreative and MVLP became aware of the submission by RIDL on the PWDP. Because PlanCreative/MVLP were unaware of the RIDL submission, they did not lodge a further submission in relation to the RIDL submission. If MVLP had lodged a further submission in relation to the RIDL submission on the PWDP, it would have been in the same terms as MVLP's submission on the PC31. A draft of the further submission for which leave is sought to file out of time is **attached**.

***Matters to be Considered in Granting Extension of Time***

15. Regarding 37A(1)(a), RIDL may be considered to be affected by the extension of time. However, the matters regarding the hierarchy of commercial areas will need to be addressed by RIDL in any case, as they are part of the plan as proposed. MVLP's submission (if the extension is granted) would simply provide the factual context in which the policy issues need to be assessed.
16. At any rate, the matters which MVLP seeks to raise through a further submission on the PWDP have been raised by MVLP in its submission on PC31, including its section 274 notice on RIDL's Environment Court appeal against the Council's decision to decline PC31.
17. Regarding the persons who have lodged further submissions in respect of RIDL's submission on the PWDP, I submit that they would not be affected by the Council's extension of time for MVLP to lodge its further submission, as all of the other further submissions lodged are in opposition to RIDL's submission, and RIDL will need to address the matters which MVLP seeks to raise regarding the hierarchy of commercial areas in the district in any case.
18. In response to 37A(1)(b), the PWDP directs that:

*Commercial growth and activities are focused within a hierarchy of commercial centres to support a compact urban form, consistent with their role and function that supports and maintains;<sup>2</sup>*

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<sup>2</sup> Proposed Waimakariri District Plan, Part 3, CMUZ-P1

...

*(3) Neighbourhood centres which provide for a range of small scale activities to meet the mainly convenience needs of immediate residential neighbourhoods, while protecting the role and function of the town and local centres; and*

...

19. In line with proposed District Plan objectives and policies, it is critical that the Mandeville North Business Area remains the Local Centre for commercial activity within the wider area. This is important in order to preserve the hierarchy of commercial areas sought under the proposed District Plan and to preserve the primacy of Town Centres as the key commercial hubs throughout the district.
20. In relation to 37A(1)(c), allowing MVLP to lodge a further submission will not cause any delay. MVLP would call a planning witness and possibly an economic witness, as well as providing legal submissions. MVLP's attendance at the hearing would take no longer than 1 hour, and would address an important point on behalf of the community. Also, given that there is already an appeal on PC31, granting the extension of time to MVLP will not cause any unreasonable delay.
21. I submit that neither RIDL nor any other person will be prejudiced by MVLP being allowed to make a further submission out of time, raising the same submission points as MVLP has raised in relation to PC 31. Further, the PWDP process will be better aligned with the ongoing Environment Court appeal proceedings on PC31 if consideration is given to the matters to be raised in the further submission to be lodged by MVLP.



Margo Perpik  
Counsel for Mandeville Village Limited Partnership  
17 May 2024

**IN THE MATTER OF**

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Hearing of Submissions and Further Submissions on the Proposed Waimakariri District Plan (**PWDP** or **the Proposed Plan**)

**AND**

**IN THE MATTER OF**

A submission on the Proposed Plan by **Rolleston Industrial Developments Limited (RIDL)**

**AND**

**IN THE MATTER OF**

A further submission by **Mandeville Village Limited Partnership (MVLP)**

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**FURTHER SUBMISSION BY MANDEVILLE VILLAGE LIMITED PARTNERSHIP  
IN RELATION TO THE SUBMISSION  
BY ROLLESTON INDUSTRIAL DEVELOPMENTS LIMITED (SUBMISSION #160)**

DATED: 17 May 2024

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1. This is a further submission by Mandeville Village Limited Partnership (**MVLP**) on the Proposed Waimakariri District Plan (**Proposed Plan**) in response to the original submission of Rolleston Industrial Developments Limited (**RIDL**) on the Proposed Plan.

### **Background**

2. A complete background to the Mandeville Village development has been provided in the original submission lodged by Urbis TPD Limited on 26 November 2021. The Mandeville Village commercial development was established through PC33 to the operative District Plan, and has a selection of site specific District Plan rules applicable to it.
3. The purpose of the operative Business 4 zoning is to provide the commercial hub for the wider Ohoka / Swannanoa area. As part of the PC33 process, specific issues such as potential retail effects upon town centres and mitigation of potential traffic effects were considered.
4. MVLP has subsequently invested heavily in the development of this site in accordance with the operative District Plan rules.

### **Summary of MVLP's Original Submission**

5. MVLP supports the District Council's hierarchy approach to commercial centres, which has been retained in the notified version of the proposed District Plan. MVLP also supports, in general terms, the proposed Local Centre Zone (**LCZ**) objectives, policies and rules in the Proposed Plan, which reflect most of the objectives, policies and rules of the Operative WDP which apply to the 468 Mandeville Road site (a notable omission is an equivalent to Rule 31.2.1 which enables a grocery tenancy up to 1,000m<sup>2</sup> GFA to establish on the site).
6. MVLP has already presented submissions in relation to the Local Centre Zone at Mandeville, and in particular the proposed District Plan rules as they relate to the Mandeville Village development located at 468 Mandeville Road. These submissions have been numbered 168.1 plus 168.4 to 168.9. In summary, these submissions supported the following rules as notified in the proposed District Plan:

168.1 Which supports the proposed zoning of the entire site to LCZ as originally notified;

168.4 Which supports RCZ-R4, relating to a maximum retail GFA of 2700m<sup>2</sup> on the village site, as originally notified;

168.5 Which supports RCZ-R5, relating to commercial activities being permitted activities, as originally notified;

168.6 Which supports RCZ-R6, relating to commercial services being permitted activities, as originally notified;

168.7 Which supports RCZ-R14, relating to educational activities being permitted activities, as originally notified;

168.8 Which supports RCZ-R16, relating to food and beverage activities being permitted activities, as originally notified;

168.9 Which supports RCZ-R19, relating to service station activities being permitted activities, as originally notified;

7. MVLP submits that the proposed objectives, policies and rules for the Local Centre Zone as notified will ensure that the future expansion of the Mandeville Village development will meet the needs of the surrounding environment and community. These needs are identified as being to provide for the daily and weekly convenience retail needs for the growing rural lifestyle, large lot residential, and residential population surrounding Mandeville. The objectives and policies will ensure that larger format retail and commercial activities are located in established urban centres within the district.

#### **Rolleston Industrial Developments Limited Submission on the Proposed Plan**

8. RIDL's original submission on the Proposed Plan opposes the Rural Lifestyle Zoning that is proposed for several Ohoka properties. These properties make up the land that is subject to a private plan change request (PC 31) on the Operative Waimakariri District Plan. PC31 was declined by the WDC, on recommendation from an Independent Hearing Panel, and is the subject of appeal proceedings in the Environment Court. The RIDL submission seeks that the planning maps are amended so as to zone the subject land General Residential Zone with a portion subject to an Education/Retirement Village Overlay, Large Lot Residential Zone, Local Centre Zone, and Open Space Zone. The proposed commercial areas are shown as red in Figure 2 below:

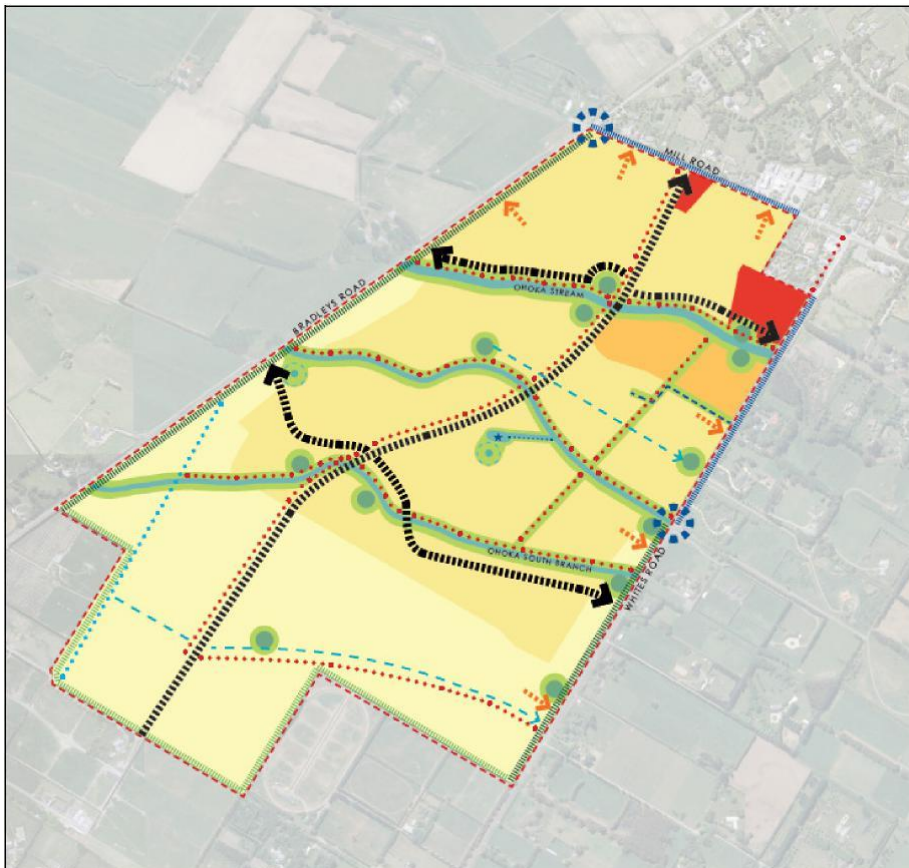


Figure 2: Proposed Mill Road Outline Development Pla



## Response to Rolleston Industrial Developments Submission

### General Position

9. MVLP is neutral in relation to the parts of RIDL's submission which seek to provide residential capacity in the Mandeville/Ohoka area, as MVLP says that this area will benefit from progressive residential development such as is proposed by RIDL, to ensure that Mandeville/Ohoka and the surrounding area continues to be a great place to live. The region has now grown to a point where it is effectively a satellite town, so a well-thought-out mix of tenure/typology of housing density is critical to provide balance to the housing sector. The additional transport capacity provided by the new motorway ensures that the Mandeville/Ohoka area is a sensible place to focus residential growth for the north. As an example, the recent expansion of Rolleston shows how progressive development has helped improve the area and helps fund important infrastructure to ensure its continued residential growth.
10. However, MVLP says that, in line with proposed District Plan objectives and policies, it is critical that the Mandeville North Business Area remains the key Local Centre for commercial activity within the wider area. This is important in order to preserve the hierarchy of commercial areas sought under the proposed District Plan and to preserve the primacy of Town Centres as the key commercial hubs throughout the district. Here it is reiterated that PC33, and the subsequent operative and proposed District Plan rules, provided for a significantly greater scale of commercial development than what exists at the village site at present, and the notified proposed District Plan provides for a commercial zoning of 468 Mandeville Road to provide for commercial activity at a scale anticipated by PC33 and the subsequent operative District Plan rules.
11. RIDL's proposal only anticipated a commercial precinct that has **limited business** activities to provide for the **day-to-day convenience needs** of the proposed RIDL housing development. This description best suits a **Neighbourhood Centre Zone (NCZ)** under the proposed District Plan as notified. The definition of NCZ is set out below, with the bolded wording showing that it closely aligns to that of the Applicant's vision for what is intended as part of PC31.

*Neighbourhood Zones which are intended to provide for a range of **small-scale activities to meet the mainly convenience needs of immediate residential neighbourhoods**, while protecting the role and function of the town and local centres.*

### Effects Upon Existing Resources

12. Under the Proposed Plan, Local Centres are designed to:
  - (a) Be the focal point for a range of commercial, community and service activities, at a smaller scale than Town Centres;

- (b) To provide for the daily/weekly shopping needs of the local residential or nearby rural area, including enabling a range of convenience activities;
  - (c) Provide activities that do not adversely affect the role and function of Town Centres; and
  - (d) Ensure that amenity values are managed within the zone and at the interface with adjacent residential zones.
13. **The Mandeville Village development achieves these outcomes for the wider area**, including the residential development proposed by RIDL and other persons who have made submissions on the Proposed Plan seeking large lot residential or residential zoning in the area. However, additional commercial services sought in the RIDL submission would undermine the intent and function of the Mandeville Local Centre and the intended hierarchy of commercial zones under the Proposed Plan.
14. **It follows that any commercial activity proposed at the PC31 site should be a Neighbourhood Centre designed to specifically provide very localised amenity only** – and not undermine the viability, or adversely affect the role and function, of the specifically zoned commercial precincts of Local Centre zones elsewhere. There is only so much demand for critical business services (even with the proposed RIDL residential development), and Mandeville Village is the zoned and appropriate location for this purpose (as contemplated by PC 33 and the District Plan review). This is further supported by the arterial primacy of Tram Rd to the roading hierarchy, and the fact commercial centres should be serviced by infrastructure that can accommodate growth.

Consistency with the Objectives and Policies of the Proposed Plan

15. The Objectives & Policies under both the operative and proposed District Plans outline the intention of the Mandeville North Business Area being to provide for the daily and weekly convenience needs of the local area. The retail assessment, prepared as part of Plan Change 33, which resulted in the rezoning of Mandeville North Business Area, considered Mandeville, Ohoka, Swannanoa and surrounding areas as primary and secondary catchments for the Mandeville North Business Area. Mandeville Village has been purposely developed to service these primary and secondary catchments, and the development already undertaken (car park) and further anticipated in the second stage of the Village further supports this – and is expressed in the Local Centre zone proposed as part of the notified District Plan.
16. MVLP says that the proposed objectives and policies for the Local Centre Zone, as notified by Council, will ensure that the future expansion of the Mandeville Village development will meet the needs of the surrounding environment and community while not eroding the primacy of other commercial zones in larger settlements (particularly Town Centres). These needs include the provision of convenience retail for the growing rural lifestyle, large lot residential, and residential population within the primary and secondary catchments identified as part of PC 33 – this includes being able to appropriately cater for the scale of

residential activity as proposed by PC 31 (particularly with the extension of the Mandeville Local Centre zone as proposed by Council).

17. Further, excessive commercial development as a result of PC31 could also potentially undermine the intended role of Town Centres by increasing the overall scale of commercial activities not within the hierarchy of commercial centre zones.
18. MVLP does support localised bars and restaurants as well as limited retail activity within the PC31 commercial areas consistent with the scale otherwise permitted within Neighbourhood Centre zones under the proposed (notified) Waimakariri District Plan. This will preserve the integrity of the commercial hierarchy system anticipated by the proposed District Plan and will avoid unnecessary adverse effects on the existing Local Centre of Mandeville, and fragmentation of key commercial activities.
19. The decision on Plan Change 33 discussed how growth in the surrounding area was expected to increase as more residential development occurred. Comprehensive retail assessments were presented as evidence for PC33 by both the Council and submitters which outlined the predicted growth.
20. Even though the proposed RIDL residential development will exceed these predictions, given the Mandeville Village development is already operating above the levels estimated in both of these assessments, plans to cater for increased development, including the scale as contemplated by the RIDL's proposed development have already been put into place.

#### Traffic

21. The potential effects of the proposed RIDL development on traffic is also an important consideration. The Mandeville Village Local Centre has been carefully developed to ensure that the Village is integrated into the transport system to promote efficient, safe and accessible modal choice, and manage adverse effects on the operation of the transport system. The proposed RIDL development would obviously result in much higher vehicle movements, and likely result in road upgrades of Bradleys / Whites Rd, and potentially other roads.
22. MVLP says that the proposed RIDL commercial development would place unnecessary and avoidable additional pressure on the infrastructure in this area. The commercial development within the Mandeville North Business Area has been appropriately designed to cater for increased traffic volumes along Tram Rd (the main arterial road in the area). This makes it logical to concentrate vehicle activity for commercial purposes at the Mandeville North Business Area, with the required infrastructure already in place and operational. As previously stated, this is further supported by the arterial primacy of Tram Rd to the roading hierarchy, and the fact commercial centres should be serviced by infrastructure that can accommodate growth.
23. The recent car park extension specifically included consideration of long-term site access options if further built form occurred in the area. This included consideration of the

proposed traffic light or roundabout at the nearby Bradleys/Tram/McHughs intersection (as proposed by Council, and as provided for in its long-term capital allocation plan).

24. The result of this is that any increase in the scale of the MVLP development will not require any further upgrade to the existing accesses and that any increase in traffic generation will not negatively impact the adjoining road network. Significant effort has been put into designing a Village Centre that can cater for significant residential growth such as proposed under the RIDL residential development.
25. MVLP's submission in support of the proposed expansion of the Local Centre at Mandeville concluded;

*"The existing Mandeville Village was developed under site specific rules considered and approved under the Plan Change 33 process. The subsequent Village operation has confirmed that the operative rules do not work in relation to issues such as scale of activity to meet existing and growing local demand, and parking provision. The success of the existing Village activity, combined with predicted future population growth means that more land is necessary, more building floor space is required and more parking is required. This can only be achieved with an expansion of the commercial zone, and the recent approval of the car park extension makes expanding the commercial zone onto 468 Mandeville Road logical".*

26. The Mandeville Village Local Centre is already being developed to cater for the needs of growth, including catering for the scale of residential growth contemplated by the RIDL development.
27. The Mandeville Village development has been granted consent for additional car parking to properly provide for the scale of commercial development originally anticipated by the rezoning. This required more land, and logically an extension of the zoning eastwards provides the necessary room to properly facilitate development of the Village Centre. The Council's proposed plan clearly supports Mandeville Village being the Local Centre for commercial activity in the wider area (Ohoka/Swannanoa/Mandeville etc) as demonstrated by the proposed rezoning of an additional 5,000m<sup>2</sup> of commercial land. The proposed (notified) District Plan also sets a clear hierarchy for commercial activity. This must be taken into account when determining the level and type of commercial activity which may be appropriate as part of the proposed RIDL development.

## **Conclusion**

28. MVLP says that, while the proposed RIDL development will provide additional, high quality housing options which will be of benefit in the Ohoka/Mandeville/Swannanoa area, this area already provides a Local Centre commercial hub which is consistent with the required hierarchy of commercial centres throughout the district. Any additional commercial activity beyond small scale convenience activities which are expected within Neighbourhood Centre zones is unnecessary and could potentially undermine the role of both the established Village Centre (Local Centre zone in the proposed Plan as notified) and potentially also Town Centres as suitable

areas for commercial activity, and is therefore inconsistent with objectives and policies of the proposed District Plan.

### **Relief Sought**

29. In line with the objectives and policies for Local Centre zones this submission seeks to ensure that any commercial development as part of the overall RIDL development is in line with the objectives, policies and rules for the 'Neighbourhood Centre' zone as notified under the Proposed District Plan.

### **Presentation of Submission**

30. MVLP wishes to be heard in support of this further submission.
31. If others make similar submissions, MVLP will consider presenting a joint case at any hearing.



Margo Perpik  
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17 May 2024

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Via email: [developmentplanning@wmk.govt.nz](mailto:developmentplanning@wmk.govt.nz)

12 August 2022

To Whom it May Concern,

**RE: SUBMISSION IN PARTIAL SUPPORT OF PRIVATE PLAN CHANGE 31 - RCP031, 511, 531, 535 AND 547 MILL ROAD AND 290 AND 344 BRADLEYS ROAD, OHOKA**

The following is a submission in partial support to the proposed Plan Change at 511, 531, 535 and 547 Mill Road and 290 and 344 Bradleys Road (PC 31). This submission has been prepared by Urbis TPD Ltd on behalf of Mandeville Village Limited Partnership who are the owners of the Mandeville Village development.

**Background to the Mandeville Village Development**

The history of the Mandeville Village development, including a previous plan change and the subsequent resource consent applications is summarised as follows:

**The Original Plan Change**

A plan change was undertaken in 2014-2015 to rezone an area of land at the intersection of Mandeville Road, McHughs Road and Tram Road from a rural zoning to a Business 4 and Residential 4A zoning (Plan Change 33). The purpose of the plan change was to provide for a commercial centre for the wider Mandeville / Ohoka / Swannanoa area. The Business 4 Zone enables site-specific areas of retail and business activity located outside of the Kaiapoi and Rangiora town centres.

Site-specific rules for any development within the Mandeville North Business 4 Zone were incorporated into the District Plan (Rule 31.2.1). The plan change also introduced the relevant objectives and policies for the Mandeville North Business Zone (16.1.3) which outline the intention for the area to be able to appropriately provide commercial services to meet the needs of the Mandeville / Ohoka / Swannanoa catchment. Of partial relevance to this submission, Plan Change 33 discussed how growth in the surrounding area was expected to increase as more rural-residential development, such as that proposed by Plan Change 31, occurred. Retail assessments prepared by both RCG and Property Economics were presented as evidence for the Plan Change

by both the Council and submitters which outlined the relevant primary and secondary catchments and its predicted growth.

#### Resource Consent Approvals

Resource consent was subsequently granted in December 2016 for a retail centre development at 468 Mandeville Road (Council reference: RC165330). Relevant features of the approved development included:

- a) Two buildings that contain a supermarket, restaurants, takeaways, a childcare centre, a hair salon and a self-service petrol station. The total retail floor area within the development (as defined by the operative District Plan) is around 460m<sup>2</sup>;
- b) A childcare centre for 75 children and 10 staff, operating between 7am-6pm Monday-Friday (except public holidays),
- c) Two separate Tram Road accesses, with the eastern access providing left-turn entry only, and the western access providing full turns. There is a third site access, also with full turns, to Mandeville Road.
- d) 67 car parking spaces provided on the site in accordance with site specific rules,
- e) Signage and extensive landscaping.

A variation to the resource consent was approved in August 2017 (Council references: RC175202 and RC175203) for a variety of building design changes, a change in the car parking supply and a revised internal circulation design.

A new resource consent was approved in 2018 for a revised access arrangement (Council reference: RC175352). This involved the western Tram Road access becoming a full-turns access, and associated revisions to markings, islands etc within the road reserve.

Subdivision consent was granted in August 2020 to subdivide the neighbouring site to the southeast, being 464 Mandeville Road into two allotments of 4500m<sup>2</sup> (Lot 1) and 5635m<sup>2</sup> (Lot 2), and then amalgamate the north-eastern allotment (Lot 2) with the Mandeville Village site (Lot 1 DP 494992) (Council reference: RC205130). The southern allotment provides for the proposed hire centre (not owned by the Submitter). The subdivision process has been completed and the titles have been issued. This means that the land available for further development of the Mandeville Village is now in the ownership of the submitter.

For the land located immediately next door to the Village site, resource consent application was prepared on behalf of Rural Holdings Limited for an equipment hire yard on the southwestern portion of 464 Mandeville Road. This application was approved 2<sup>nd</sup> November 2021 with development involving a single building, surrounded by the equipment storage yard, along with landscaping and signage. It will be accessed via a single driveway from Mandeville Road.

### The Existing Scale of Development

The existing development of the Mandeville Village, and the proposed hire centre site, as approved by the above consents, can be seen in Figure 1 below:

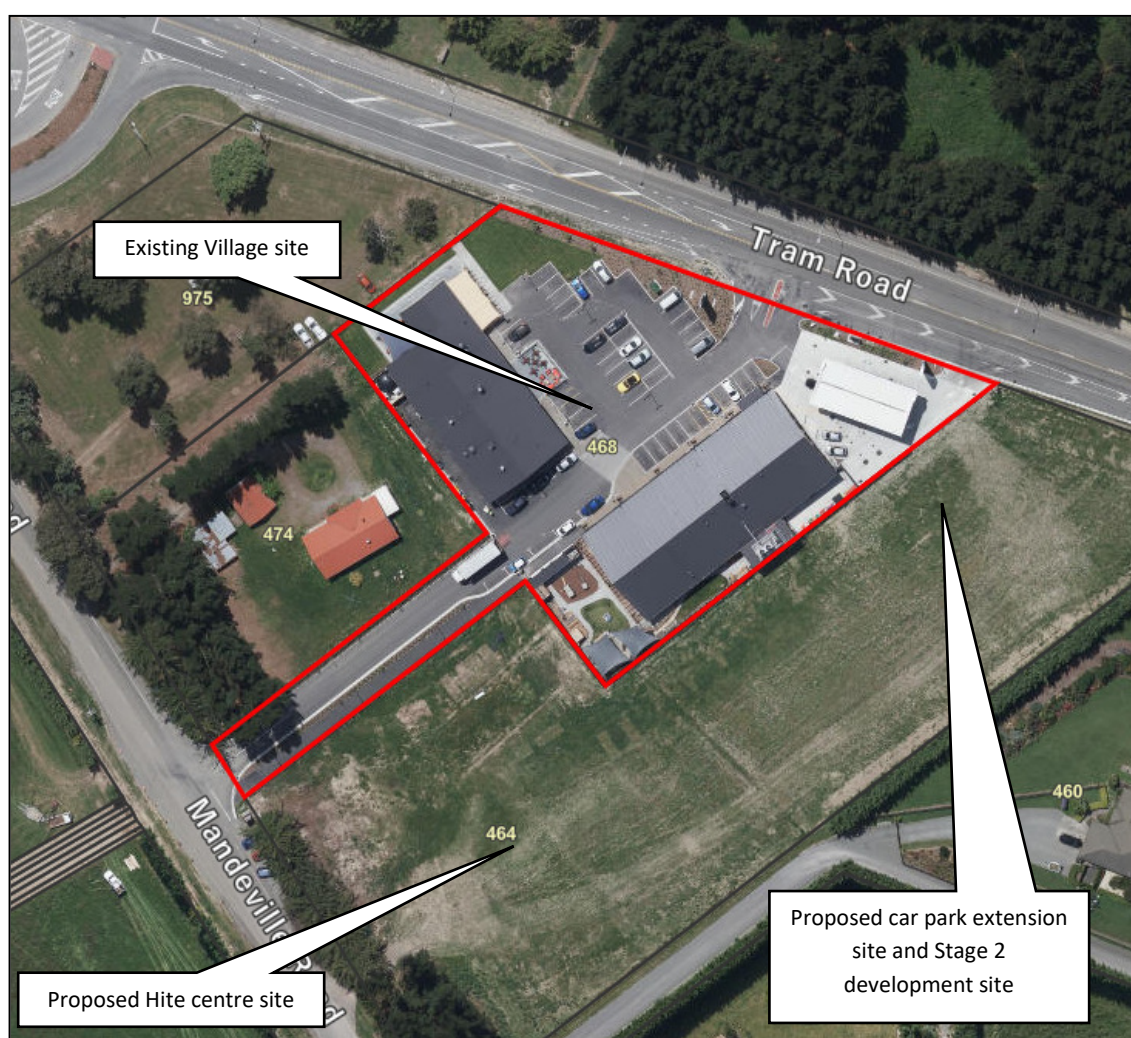


Figure 1: Existing Mandeville Village Development

Figure 1 confirms that the submitter has invested several million dollars investing in this site to provide for the scale of commercial development that works towards the outcomes anticipated by the operative District Plan to provide for a commercial centre for the wider area in this location.



### Proposed Further Site Development

The Village has now been operating for several years and has been well received by the community. So much so, that it is now very apparent the amount of land originally rezoned to provide for the village is inadequate to provide for the amount of floor space and parking required by the site-specific District Plan rules. In particular:

- a) Rule 31.2.1 j) of the operative District Plan limits the amount of gross retail floor area within the Village development to 1,700m<sup>2</sup>. In comparison, the as-built village development has 461m<sup>2</sup> of retail floorspace. However, the existing Village site is fully developed, and there is no further room available within the site to provide for the additional 1,240m<sup>2</sup> of retail floor space as considered and approved under Plan Change 33;
- b) The Mandeville Village development is already operating above the levels estimated in both of these assessments and the predicted growth in the surrounding area can be expected to further outstrip the operational capacity of Mandeville Village – even at the scale anticipated by Plan Change 33.
- c) Since the Village was completed and began trading, it has become apparent that the success of the Village is such that the actual parking demand of the activity has exceeded expectations. Overflow on-street parking was occurring, and the neighbouring reserve land to the northwest of the site was also being used for informal parking.
- d) Additionally, the recent opening of the new northern arterial motorway can be seen as further increasing the demand profile of the catchment area from what both RCG and Property Economics reported for Plan Change 33.

It is readily apparent that the amount of land originally rezoned for business purposes was inadequate to properly provide for the commercial development anticipated by Plan Change 33. However, the location remains the most appropriate central location for this scale of commercial activity to service the target Mandeville / Ohoka / Swannanoa catchment. Therefore, as an interim measure, and as an alternate parking supply option, resource consent for a permanent carpark at 468 Mandeville Road was recently granted under RC205387. This car park provides for 43 additional formed, sealed and marked parking spaces with a new left turn entry access from Tram Road. Its location is also shown in Figure 1 earlier. RC205387 shows clear intent for the long-term expectations of Mandeville Village as the main commercial hub for the catchment and is readying itself now in anticipation of further growth, including capacity to support the growth contemplated by PC 31.

## The District Plan Review Process

### The Notified Proposed District Plan

The notified proposed District Plan review gives the Village site a 'Local Centre' commercial zoning.

The Council has also proposed giving 468 Mandeville Road a 'Local Centre' commercial zoning in order to properly provide for the expansion of the Village to a scale anticipated by the Plan Change 33 rules (here it is reiterated that the existing Mandeville Village Development contains around 460m<sup>2</sup> of retail floor area, whereas as the site-specific zone rules for the Village next door have a cap of around 1,700m<sup>2</sup> retail floor area).

The notified District Plan provides the following objectives and policies of relevance to this submission (bold text being our emphasis):

#### LCZ-O1 – Local Centre Zone Activities

##### *Local Centres:*

1. ***Are the focal point for a range of commercial, community and service activities at a smaller scale than Town Centres to provide for the daily/weekly shopping needs of the local residential or nearby rural area, including enabling a range of convenience activities;***
2. *activities do not adversely affect the role and function of Town Centres; and*
3. *amenity values are managed within the zone and at the interface with adjacent residential zones.*

#### LCZ-P1 Design and integration

##### *Within Local Centres:*

1. ***enable commercial, community, convenience and service activities that provide for the daily/weekly shopping needs of the local residential or nearby rural catchment and do not adversely affect the role and function of Town Centres, nor undermine investment in their public amenities and facilities;***
2. ***enable a range of Local Centres which, excluding the Woodend Local Centre, generally comprise 1,000m<sup>2</sup> to 4,000m<sup>2</sup> total floor space and up to 15 shops with a maximum retail tenancy of 350m<sup>2</sup> GFA;***

3. *ensure Local Centres are integrated into the transport system to promote efficient safe and accessible modal choice, and manage adverse effects on the operation of the transport system; and*
4. *adverse amenity effects are managed within the zone and at the interface with neighbouring more sensitive zones*

In the submitter's opinion, the proposed objectives and policies for the Local Centre Zone as notified will ensure that the future expansion of the Mandeville Village development will meet the needs of the surrounding environment. These needs being to provide daily and weekly convenience retail for the growing rural residential population surrounding Mandeville, Ohoka and Swannanoa.

Of note, the notified District Plan also provides for Neighbourhood Zones which are intended to provide for smaller-scale activities to meet the mainly convenience needs of immediate residential neighbourhoods, **while protecting the role and function of the town and local centres**. We make this point to show there is a clear hierarchy intent of commercial centres to support a compact urban form, consistent with their role and function.

#### Submission to the District Plan Review

The submitter has lodged a submission to the District Plan review process supporting this rezoning as it will properly provide for the scale of commercial development originally anticipated by Plan Change 33.

A plan showing a possible site layout for the expanded Village is provided in **Appendix A**. While this plan is only indicative it does show how Mandeville Village could be expanded in a way that will address any existing design issues and retains the desired convenience-style commercial environment that Plan Change 33 intended, and is now also sought by the proposed (notified) District Plan. The common ownership of the sites will provide for a more contiguous master-planned commercial development with less fragmentation, more opportunity for complementary uses and activities, and a more accelerated delivery to meet the needs of the community.

The key point to note from all of this background is that steps are already in place to provide for a commercial centre to provide for the convenience needs of the wider area, in a location that is directly accessed from the primary arterial road through the area, and a location that already has the infrastructure in place to provide for it. This sets the expectations around commercial hierarchy.

### **Proposed Plan Change 31**

Under Plan Change 31 as notified the new commercial area (Business 4 Zone) within the subdivision will provide for approximately 5,700m<sup>2</sup> to 6,900m<sup>2</sup> of commercial floor space and associated vehicle parking. The proposed commercial areas are shown as red in Figure 2 below:

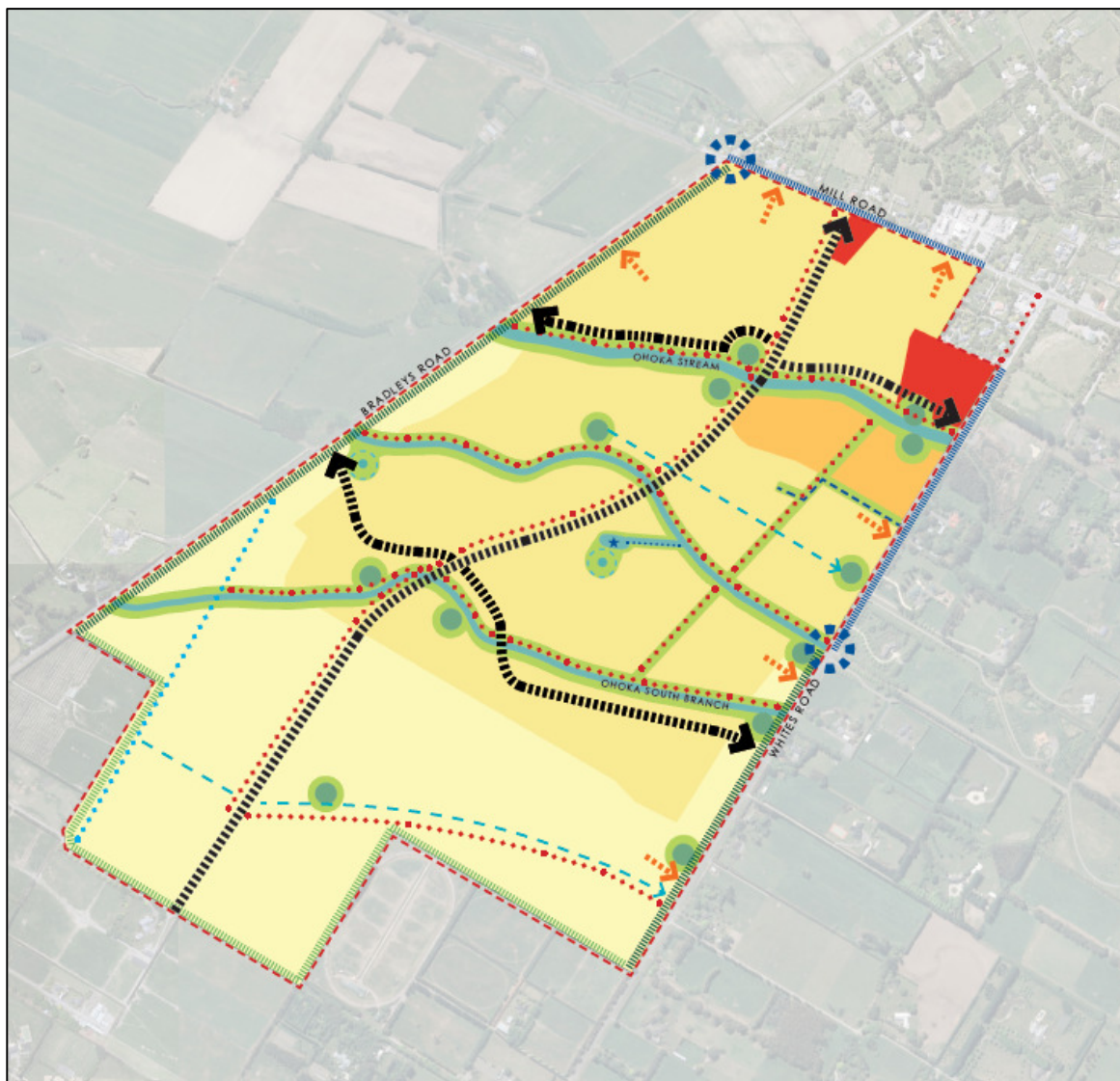


Figure 2: Proposed Mill Road Outline Development Plan

The proposed changes sought to the operative District Plan as relevant to this submission are as follows:

#### AMEND POLICY

*Policy 16.1.1.1...*

*Reason...*

*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 zones at West Kaiapoi (District Plan Map 104), and within the Mandeville North settlement (District Plan Map 182) and at Ohoka (District Planning Map 185).*

INSERT NEW POLICY

*Policy 16.1.1.12*

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

- a) maintains the characteristics of the Ohoka settlement as set out in Policy 18.1.1.9;*
- and*
- b) **provides for limited business activities to provide for day-to-day convenience needs of the local community**, is designed to achieve high quality urban design principles and a high standard of visual character and amenity.*

AMEND

*Principal Reasons for Adopting Objectives, Policies and Methods 16.1.4*

*...*

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

## Response to Plan Change 31

### General Position

Mandeville Village Limited Partnership (the submitter) is generally in support of the Plan Change, particularly from a residential capacity perspective, as it is the submitter's opinion that this area needs progressive development such as the proposal to ensure that Ohoka and surrounds continues to be a great place to live. The region has now grown to a point where it is a satellite town and a well-thought-out mixed tenure/typology of housing density is critical to provide balance to the housing sector. The additional transport capacity provided by the new motorway ensures that the Mandeville/Ohoka area is a sensible place to focus residential growth for the north. As an example, the recent expansion of Rolleston shows how progressive development has helped improve the area, and helps fund important infrastructure to ensure its continued residential growth.

However, it is the submitters opinion that, in line with proposed District Plan objectives and policies, it is critical that the Mandeville North Business 4 Zone (MNB4Z) remains the key local centre for commercial activity within the wider area. This is important in order to preserve the hierarchy of commercial areas sought under the proposed District Plan and to preserve the primacy of Town Centres as the key commercial hubs throughout the district. Here it is reiterated that PC33, and the subsequent operative and proposed District Plan rules, provided for a significantly greater scale of commercial development than what exists at the village site at present, and the notified proposed District Plan provides for a commercial zoning of 468 Mandeville Road to provide for commercial activity at a scale anticipated by PC33 and the subsequent operative District Plan rules.

It seems clear that the PC31 Applicant is only anticipating a commercial precinct that has **limited business** activities to provide for **day-to-day convenience needs** of the local community. This description best suits a **Neighbourhood zone** under the proposed (notified) District Plan. For emphasis we repeat that definition and bold the wording that closely aligns to that of the Applicants wording for what's intended as part of PC31. *Neighbourhood Zones which are intended to provide for a range of **small-scale activities to meet the mainly convenience needs of immediate residential neighbourhoods**, while protecting the role and function of the town and local centres.*

### Effects upon Existing Resources

It is noted that the plan change does not provide a retail impact assessment to assess the effects the proposed 5,700m<sup>2</sup> to 6,900m<sup>2</sup> of commercial floor space would have on the continued viability of the existing



Mandeville village Centre, nor is there any recognition in the PC31 documentation of the Council's proposed expansion for this centre to cater for anticipated residential growth in the area. As noted earlier, the submitter provided a submission in support of this Local Centre rezoning as part of the District Plan review.

Under the Proposed Plan, Local Centres are designed to:

- Be the focal point for a range of commercial, community and service activities, at a smaller scale than Town Centres;
- To provide for the daily/weekly shopping needs of the local residential or nearby rural area, including enabling a range of convenience activities;
- Provide activities that do not adversely affect the role and function of Town Centres; and
- Ensure that amenity values are managed within the zone and at the interface with adjacent residential zones.

**The Mandeville Village development achieves these outcomes for the wider area.** However, additional commercial services at the proposed subdivision could undermine the intent of the Local Centre and the intended hierarchy of commercial zones under the Proposed Plan.

**It follows that any commercial activity proposed at the PC31 site should be designed to specifically provide very localised amenity only** – and not undermine the viability, or adversely affect the role and function, of the specifically designated commercial precincts of Local Centre zones elsewhere. It is submitted that there is only so much demand for critical business services (even with this proposed subdivision), and Mandeville Village is the designated and appropriate location for this purpose (as contemplated by PC 33 and the District Plan review). This is further supported by the arterial primacy of Tram Rd to the roading hierarchy, and the fact commercial centres should be serviced by infrastructure that can accommodate growth.

#### Consistency with the Proposed Objectives and Policies

The Objectives & Policies under both the operative and proposed District Plans outline the intention of the MNB4Z, being to provide for the daily and weekly convenience needs of the local area. The retail assessment, prepared as part of Plan Change 33, which resulted in the rezoning of MNB4Z, considered Mandeville, Ohoka, Swannanoa and surrounding areas as primary and secondary catchments for the MNB4Z, is included as **Appendix B** to this submission. Mandeville Village has been purposely developed to service these primary and secondary catchments, and the development already undertaken (car park) and further anticipated on the second stage of the Village further supports this – and is expressed in the Local Centre designation proposed as part of the notified District Plan.

It is the submitter's opinion that the proposed objectives and policies for the Local Centre Zone, as notified by Council, will ensure that the future expansion of the Mandeville Village development will meet the needs of the surrounding environment while not eroding the primacy of other commercial zones in larger settlements (particularly Town centres). These needs being to provide convenience retail for the growing residential population within the primary and secondary catchments identified as part of PC 33 – this includes being able to appropriately cater for the scale of residential activity as proposed by PC 31 (particularly with the extension of the Local Centre zone as proposed by Council).

Further, excessive commercial development as a result of PC31 could also potentially undermine the intended role of town centres by increasing the overall scale of commercial activities not within major centres.

The submitter does support localised bars and restaurants as well as limited retail activity within the PC31 commercial areas consistent with the scale otherwise permitted within Neighbourhood Centre zones under the proposed (notified) Waimakariri District Plan. This will preserve the integrity of the commercial hierarchy system anticipated by the proposed District Plan and will avoid unnecessary adverse effects on the existing Local Centre of Mandeville, and fragmentation of key commercial activities.

Plan Change 33 discussed how growth in the surrounding area was expected to increase as more residential development occurred. Comprehensive retail assessments were presented as evidence for the Plan Change by both the Council and submitters which outlined the predicted growth.

Even though the proposed subdivision will exceed these predictions, given the Mandeville Village development is already operating above the levels estimated in both of these assessments, plans to cater for increased development, including the scale as contemplated by the proposed development (PC 31) have already been put into place.

### Traffic

The potential effects of RCP031 on traffic is also an important consideration. The Mandeville Village has been carefully developed to ensure that the Village is integrated into the transport system to promote efficient safe and accessible modal choice, and manage adverse effects on the operation of the transport system. The proposed development will obviously result in much higher vehicle movements, and likely result in road upgrades up Bradleys / Whites Rd etc.

However, it is considered that it is not necessary to place avoidable additional pressure on the infrastructure in this area. The commercial development within the MNB4Z has been appropriately designed to cater for increased traffic volumes along Tram Rd (the main arterial road in the area). This makes it logical to



concentrate vehicle activity for commercial purposes at MNB4Z with the required infrastructure already being operational. As previously stated, this is further supported by the arterial primacy of Tram Rd to the roading hierarchy, and the fact commercial centres should be serviced by infrastructure that can accommodate growth.

The more recent approval process for the car park extension specifically included consideration of long-term site access options if further built form occurred in the area. This included consideration of the proposed traffic light or roundabout at the nearby Bradleys/Tram/McHughs intersection (as proposed by Council, and as provided for in their long-term capital allocation plan).

The result of this is that any increase in the scale of the development will not require any further upgrade to the existing accesses and that any increase in traffic generation will not negatively impact the adjoining road network. Significant effort has been put into designing a village that can cater for significant residential growth such as proposed under the PC31.

The previously mentioned submission in support of the proposed expansion of the Local Centre at Mandeville concluded;

*“The existing Mandeville Village was developed under site specific rules considered and approved under the Plan Change 33 process. The subsequent Village operation has confirmed that the operative rules do not work in relation to issues such as scale of activity to meet existing and growing local demand, and parking provision. The success of the existing Village activity, combined with predicted future population growth means that more land is necessary, more building floor space is required and more parking is required. This can only be achieved with an expansion of the commercial zone, and the recent approval of the car park extension makes expanding the commercial zone onto 468 Mandeville Road logical”.*

The Village is already being developed to cater for the needs of growth, including catering for the scale of residential growth contemplated by PC 31.

The village has been granted consent for additional car parking to properly provide for the scale of commercial development originally anticipated by the rezoning required more land, and logically an extension of the zoning eastwards provides the necessary room to properly facilitate development of the Village. The Council clearly supports Mandeville Village being the main Local Centre for commercial activity in the wider area (Ohoka/Swannanoa/Mandeville etc) as demonstrated by the proposed rezoning of an additional 5,000m<sup>2</sup> of commercial land. The proposed (notified) District Plan also sets a clear hierarchy for

commercial activity. This must be taken into account when determining the level of commercial activity at PC 31.

### **Conclusion**

It is the submitter's opinion that while the proposed plan change will provide additional, high quality residential development which will improve the area, this environment already provides a commercial hub which is consistent with the required hierarchy of commercial centres throughout the district. Any additional commercial activity beyond small scale convenience activities which are expected within Neighbourhood Centre zones is unnecessary and could potentially undermine the role of both the established village (proposed Local Centre zone) and potentially also Town Centres as suitable areas for commercial activity, and is therefore inconsistent with objectives and policies of both the operative and proposed District Plans.

### **Relief Sought**

In line with the objectives and policies for Local Centre zones this submission seeks to ensure that any commercial development at PC 31 is in line with the objectives, policies and rules for the 'Neighbourhood Centre' zone as notified under the Proposed District Plan.

### **Presentation of Submission**

We wish to be heard in support of this submission.

If others make similar submissions, we will consider presenting a joint case at any hearing.

Yours sincerely,



Callum Ross

Planner

**URBIS TPD LIMITED**

## **APPENDIX A: Indicative layout for Mandeville Village Stage 2**

## **APPENDIX B: PC33 Retail Assessment**