

DEVELOPMENT PLANNING

Further Submission Form

Further submissions close on Monday, 21 November 2022 at 5pm.

I/we are further submitting on:

Proposed District Plan

Variation 1: Housing Intensification

Variation 2: Financial Contributions

Please use a separate form for each consultation.

Clause 8 of Schedule 1, Resource Management Act 1991

To: Waimakariri District Council

Further submitter details

Name of further submitter: _____

Organisation name and contact (if representing a group or organisation): _____

Postal address/Address for service: _____ Postcode: _____

Email: _____ Phone: _____

Only certain persons can make a further submission. Please select the option that applies to you.

I am:

a person representing a relevant aspect of the public interest

a person who has an interest in the proposal that is greater than the interest the general public has

the local authority for the relevant area

Please explain why you come within the category selected above:

Hearing options

I wish to be heard in support of my further submission? Yes No

If others make a similar further submission I will consider presenting a joint case with them at a hearing. Yes No

Signature: _____ Date: _____

(of person making submission or person authorised to make decision on behalf)

PLEASE NOTE - A signature is not required if you submit this form electronically. By entering your name in the box below you are giving your authority for this application to proceed.

Name of person making further submission: _____

This further submission is in relation to the <u>original submission</u> of: <i>Enter the details of the original submitter:</i> <ul style="list-style-type: none"> • name, address or email; and • submission number (and point(s), if applicable) 	The particular parts of the original submission I/we support /oppose are:	My/our position on the original submission is: <i>Support or oppose</i>	The reasons for my/our support/ opposition to the original submission are:	Allow or disallow the original submission (in full or in part)	Give precise details of why you wish to allow/disallow (in full or in part) to indicate the decision you want Council to make

Name of person making further submission: _____

This further submission is in relation to the <u>original submission</u> of: <i>Enter the details of the original submitter:</i> <ul style="list-style-type: none"> • name, address or email; and • submission number (and point(s), if applicable) 	The particular parts of the original submission I/we support /oppose are:	My/our position on the original submission is: <i>Support or oppose</i>	The reasons for my/our support/ opposition to the original submission are:	Allow or disallow the original submission (in full or in part)	Give precise details of why you wish to allow/disallow (in full or in part) to indicate the decision you want Council to make

Note

A copy of your further submission must be served on the original submitter within 5 working days after it is served on the Waimakariri District Council. Contact details for all submitters can be found on the Waimakariri District Council website, at waimakariri.govt.nz/planning/district-plan.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least one 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.

Privacy Act 1993

Please note information on this form and the content of your submission will be made publicly available as part of the decision-making process.

This form is in the format required by Form 6 of the Resource Management (Forms, Fees and Procedure) Regulations 2003.

Further submissions close on Monday, 21 November 2022 at 5pm.

Returning this form

You can:

- Email it to: developmentplanning@wmk.govt.nz - Subject line: Further Submission
- Post it to: Waimakariri District Council, Private Bag 1005, Rangiora 7440
- Deliver it to a Council Service Centre in Rangiora, Kaiapoi or Oxford

RE PRIVATE PLAN CHANGE RCP031

Ohoka Residents Association Incorporated Submission

Introduction

This submission is made by Ohoka Residents Association Incorporated (**ORA**). ORA opposes Private Plan Change RCP031 in its entirety.

ORA was incorporated on 24 December 2012 (it was previously known as the Ohoka Village Protection Association incorporated). ORA was established by local residents to preserve and protect the special character the Ohoka township and surrounding area.

The aims and objects of the ORA included in its constitution are:

- The preservation of the environment of the Ohoka Village and the surrounding area for the benefit of the general public.
- Protection of the flora and fauna and the natural and physical environment, and cooperation with the government agencies entrusted with this responsibility.
- Supporting activities to improve and maintain the walkways, streams and public recreational spaces in the Ohoka area.
- The promotion of public amenities for the benefit of the public in the Ohoka village and the surrounding area.

ORA currently has 157 members. Members of the ORA generally live in or own property in Ohoka.

Reasons for submission

As a small semi-rural community the township of Ohoka possesses a character and charm that is unique within Canterbury and has seen it often referred to as the 'Arrowtown of Canterbury'. The narrow roads and wide grass verges enable residents to safely and efficiently move about the community and engage and interact with each other. Whilst it is well serviced by the townships of Rangiora and Kaiapoi, Ohoka is isolated from public transport networks and



infrastructure. As it stands the community's housing needs are currently being met.

In presenting this Submission the ORA is confirming that it strongly opposes Private Plan Change RCP031. Furthermore, it makes this submission on behalf of the wider Ohoka residents and community, as evidenced by the ~150 residents who have elected to support this submission and provide their contact details accordingly. In preparing this submission the ORA has considered the following statutory information:

- i) The Resource Management Act 1991
- ii) The Waimakariri District Plan
- iii) The National Policy Statement on Urban Development
- iv) The Proposed Waimakariri District Plan
- v) The Canterbury Regional Policy Statement

Within the Ohoka Community there are a number of qualified persons with expertise in the areas of land development, environmental engineering, civil construction and property law. As a result of this resource the ORA has been able to carry-out a thorough and rigorous review of the relevant information provided as part of Rolleston Industrial Developments Limited's (RIDL) Application. In addition, it has had considerable engagement with the wider community to ensure it has a detailed understanding of the issues and concerns of the residents and families that would be negatively impacted by the proposed re-zoning.

For the avoidance of doubt, the ORA is not opposed to sustainable land development in the Waimakariri District. However, the scale and intensity of the proposed Development (or any urban-style subdivision for that matter) are incompatible with the local environment. The proposed Development will have adverse landscape and visual effects on the semi-rural township of Ohoka. The proposed Development will also detrimentally affect the amenity of Ohoka and the surrounding area.



Furthermore, and crucially, the proposed Development is contrary to the objectives and policies in the Operative Plan and with the Proposed Plan.

Fundamentally, the Waimakariri District Plan seeks to avoid development under S.18 where any development 'creates adverse effects on existing communities'. It is clear from the level of engagement via meetings, community social media pages and noticeboards, and the number of submissions, that the Ohoka Community's assessment of the Proposed Plan Change is overwhelmingly negative.

The National Policy Statement on Urban Development (NPS-UD) has been a useful tool insofar as it has created a pathway to enable development in appropriate locations. What is quite clear to the ORA however is that under the NPS-UD development and intensification must only occur in locations that have good access to existing services, public transport networks and infrastructure. The township of Ohoka meets none of these criteria, which is not surprising as the demand for housing in Waimakariri is not emanating from Ohoka, it is being driven out of Rangiora, Woodend/Pegasus and Kaiapoi. Crucially, the Waimakariri District Plan must give effect to the NPS-UD and on this basis Private Plan Change RCP031 fails at the first hurdle.

Decades of sensible investment has been made by Council and ratepayers in the Waimakariri district to facilitate and support sustainable growth in the areas where it is required. Going forward Kaiapoi, Woodend/Pegasus and Rangiora continue to be the best locations for increasing housing supply based on:

- Existing and forecast availability of suitably zoned land
- Historical investment by Council and Ratepayers
- Access to existing services, public transport networks and infrastructure



The reality however is that the opportunity for development 'super-profits' does not as easily exist in Kaiapoi, Woodend/Pegasus and Rangiora as the ability to develop more intensively in these areas has already been priced-in to land values.

In summation, as previously stated, the ORA are supportive of sensible land development in principle. If there is no demand for residential lots in Ohoka but there *is* however long-term demand in Kaiapoi, Woodend/Pegasus and Rangiora then, on the basis of these towns being materially better locations to increase supply, any decision to re-zone Ohoka for intensive development is fundamentally flawed and will not stand up to scrutiny in the Environment Court.

The ORA has assembled a suitably-qualified and experienced Team to ensure that any actions and/or appeals on this matter are well co-ordinated and appropriately funded. Furthermore, it has gained commitment from this Team to remain engaged for the 2-3 years that it may take to sensibly and fairly oppose Private Plan Change RCP031.

Please find appended to this Submission an Issues Table which sets out in detail points of contention that have been uncovered as part of the ORA's own review. This is not an exhaustive list and should not be treated as such.

Statutory assessment

In addition to the reasons provided above, ORA does not consider that Private Plan Change RCP031 is consistent with the relevant statutory instruments as outlined further below.

Private Plan Change RCP031 fails to implement the objectives and policies in the Operative Plan and Proposed Plan, including but not limited to:

- It is not consistent with Policy 18.1.1.3 of the Operative Plan or Policy 18.1.1.9 which states that any growth within Ohoka

needs to occur in a way that maintains the rural village character.

- It is not consistent with Objective 14.1.1 of the Operative Plan which ensures rural production and rural character of the rural zone is maintained and enhanced, or Policy 14.1.1.1 that states that subdivision should be avoided if it results in any loss of rural character or is likely to constrain lawfully established farming activities.

Private Plan Change RCP031 does not give effect to the Canterbury Regional Policy Statement, including but not limited to:

- It is contrary to Objective 6.2.1(3) and Policy 6.3.1(4) which enables urban development in areas signalled for urban growth and optimises existing infrastructure.
- It is contrary to Objective 6.2.5 which supports and maintains the existing network of centres, such as Rangiora and Kaiapoi, during the earthquake recovery period.
- It is not consistent with Objective 5.2.3 which aims to avoid, remedy or mitigate the adverse effects of transport use, and Objective 6.2.4 that mandates the integration of transport infrastructure and land uses.

Private Plan Change RCP031 does not give effect to the NPS-UD, including but not limited to:

- It does not appear to be the type of development the NPS-UD seeks to promote.
- It does not contribute to a well-functioning urban environment and so cannot rely on policy 8 as a development “unanticipated by RMA planning documents”.
- It is not consistent with Objective 3 which anticipates development can integrate with existing infrastructure.

Private Plan Change RCP031 is also inconsistent with the policy direction set out in the draft National Policy Statement for Highly Productive Land.



Lastly, Private Plan Change RCP031 is not consistent with the Resource Management Act 1991 (RMA), including but not limited to:

- It does not achieve the purpose and principles of the RMA and will be contrary to Part 2 of the RMA.
- It is not, having regard to efficiency and effectiveness, the most appropriate way of achieving the objectives under section 32 of the RMA.

Relief

ORA seek the following relief:

- Private Plan Change RCP031 is rejected in its entirety; and
- Such other relief or consequential amendments to address the issues raised in this submission.

ORA seek to be heard in support of its submission

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



 Secretary
Chairperson

Ohoka Residents Association

RCP031 ISSUES TABLE

1. Water Supply	No evidence has been provided to show how potable water will be provided to the proposed Development. This is of particular concern as additional bores will likely impact supply from existing bores.
2. Stormwater	PC31 would cause an increase in runoff at a site where stormwater would need to be attenuated. It is likely, given the practical implications of the area immediately surrounding the proposed development with respect to flooding, that the water table might be too high to support this strategy. Furthermore, the ORA doesn't believe the stormwater modelling to be accurate.

3. Wastewater	There are numerous issues associate with RIDL's approach to dealing with this issue. Furthermore, their calculations with respect to modelling of flows appear to be highly aggressive.
4. Transport & Roothing	The material adverse effects as a result of an additional ~1600 cars would be significant. Furthermore there are no existing transport routes (public or private) to deal with this increase, as Ohoka is not well connected.
5. Character & Amenity	The mitigation measures outlined in PC31 to offset the magnitude of change are both weak and insufficient. This is largely due to the fact that the true negative impacts that the Development would create have been poorly identified and defined.
6. Urban Design	It would appear that RIDL are taking a fundamentally inconsistent approach in its interpretation of the Operative District Plan. Any growth within the Ohoka area needs to occur in a way that maintains the rural character of the village - this will quite clearly not be able to be achieved.
7. Demand for Land for Housing in Waimakariri & Proposed District Plan	Demand for new housing in Waimakariri is coming from Kaiapoi and Rangiora. Waimakariri District Council as part of the Proposed New Plan are already sensibly planning to rezone land in appropriate areas close to Kaiapoi and Rangiora to meet demand. The need for semi-rural land in Ohoka to be rezoned does not exist.
8. Establishment of adverse Precedent	If WDC were to approve PC31 it would open the door for further unsustainable development in the Ohoka area.
9. NPS-HPL	The land subject to the proposed development is highly productive. The anticipated policy statement will result in additional restrictions on highly productive land to prevent inappropriate development such as this one.
10. Loss of biodiversity	One example being that the Ohoka stream is home to salmon, trout, short fin eels and the at-risk long fin eel. The plan change requires modification and redirection of the streams to accommodate roading and housing.
11. Heritage Protection	The amendments would have a negative impact on buildings and landscape that are listed with Heritage NZ
12. Net Zero commitments	The amendments would allow a development that would entail a cost of emissions that is out of keeping with NZ's commitment to net zero by 2050 and the recently published first emissions reduction plan.
13. Reverse Sensitivity	The amendments are likely to curtail the freedoms and activities currently exercised by the rural and semi-rural community.
14. Historic Importance	There is insitu archaeological evidence (archsite M35/1875) that in the event of future earthworks the site would need to be assessed and may require archaeological authority from HNZPT
15. Contrary to the purpose of the RMA 1991	The proposal does not constitute sustainable management of natural and physical resources.

16. Failure of Kaitiakitanga	If the proposal were to go ahead, WDC will be failing in their statutory duty to have particular regard to Kaitiakitanga.
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