

## 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.

I **am not** 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.

## 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](http://waimakariri.govt.nz) for further updates**

## Waimakariri District Council Submission November 2021

Submission Request: Rezoning for San Dona and 2 Pesaro Lane to Large Lot Residential Zone;

Oppose Zoning of 2 Pesaro Lane, Mandeville as Rural Lifestyle Zone

Oppose Zoning of San Dona Subdivision as Rural Lifestyle Zone

Oppose application of planning maps, rules, objectives and policies for the above as Rural Lifestyle Zone

Support general principle of two rural zones where the land use is rural.

Submission is that 2 Pesaro Lane (and wider San Dona subdivision) be rezoned Large Lot Residential Zone (LLRZ) with Urban Flood Hazard Overlay the same as the rest of Mandeville on the appropriate planning maps.

Both Support of and Opposition of related Objectives, Policies and Rules as per the proposed District Plan

Specific provisions that my submission relates to:

- Oppose Rural Lifestyle Zone and Non-Urban Flood Assessment Overlay being applied to 2 Pesaro Lane, Mandeville.
- Oppose the Rural Lifestyle Zone being applied to the rest of San Dona subdivision in Mandeville (consisting of Vicenza Drive, Biella Place, Pesaro Lane, Velino Place, Siena Place, Silano Place, Modena Place and Verona Place.)
- Oppose Rural Lifestyle Planning Maps, Rural Lifestyle Rules, Objectives Policies and Rules as being applied to our property and surrounding San Dona neighbourhood.
- Request that 2 Pesaro Lane (and San Dona subdivision) be rezoned Large Lot Residential Zone the same as the rest of Mandeville.
- Request that Urban Flood Hazard Assessment Overlay apply to the area.
- Consequential District Plan amendments as set out to support subdivision, use and development.

Reasons for the submission:

In the Proposed District Plan, Rural Lifestyle Zone requires a minimum area of 4ha for rural activities to be permitted in the zone, including in relation to residential density and subdivision. No property in the San Dona development meets the minimum area requirement of 4ha, including ours. All allotments have an area between 1.2 Ha (1 Wards Road) to 2.18Ha (1 Verona Pl)

The proposal to zone the land in San Dona Rural Lifestyle zone is equivalent to the status quo for San Dona in relation to the Operative District Plan where the current “Rural” zone 4ha minimum applies to this area. The Proposed Waimakariri District Plan does not propose any bespoke rural zone provisions to address this existing situation. Having a greater range of minimum residential unit densities applying within different parts of the district (additional rural zonings) were considered as Option D according to the Council’s Rural s.32 assessment.

This option was discounted in the Rural S.32 Evaluation assessment in favour of two rural zones for the district only; being 4ha Rural Lifestyle Zone and 20ha General Rural Zone.

With respect to rural character, finer grained differentiation was not considered to be needed. Thus, “establishing different densities based on different character areas would have increased complexity of the Rural provisions without consequential environmental, economic, social or cultural benefits being realised. As such this would not have been an effective approach.”

In lieu of there being no other bespoke alternative proposed for the San Dona situation, we support two rural zones as proposed for the Waimakariri District. However, in relation to San Dona the fundamental issue is not one of rural character but that the primary use of land is not ‘rural’ but is lifestyle living commonly referred to as “rural-residential”. This type of housing provides housing choice for residents who do not wish to live in a residential area, while also not wishing to maintain a rural productive block of 4ha or more.

San Dona was created in 2000-2004 under the Transitional District Plan (prior to the current Operative District Plan) on the basis that olive grove horticulture would be an economically productive use of land (under Economic Use provisions that applied at the time) which purportedly only required 1.2- 1.8ha of land, however, the reality is not the case. The covenants that protected the retention of olive trees to ensure the Rural Productive Use would continue for ten years following the subdivision, have now lapsed and many olive trees have been removed from throughout the San Dona neighbourhood.

While some olive trees remain, such as on our property, there is no ability to obtain a viable commercial/productive or economic use from them. Not only are a large proportion of the olive trees an unsuitable variety, one of the more recent challenges is that there is no longer an olive press available within the subdivision for the community to use, leaving landowners to have to pay for commercial pressing at other offsite locations. From our experience, the cost of pressing olives, harvesting them, and maintaining the trees far exceeds any potential return. For that reason, we have not harvested the olives from our remaining trees in over a decade. It cannot continue to be stated that the San Dona Mandeville development is a ‘rural production activity’ based on its 2000-2004 origins for olive oil production because it simply isn’t the case nearly twenty years on.

The rest of Mandeville, in Wards Road, Dawsons Road, Truro Close, Roscrea Place, Ohoka Meadows and along Tram Road was developed after the San Dona development, from 2005-2019 under the Operative District Plan. It was not created based on any ‘economic use provisions’ which by then had been removed in the Operative District Plan which became operative in 2005. These rural/residential neighbourhoods surrounding San Dona, were created as ‘Residential 4A and 4B’ zones to allow residential density of one house per 5,000m<sup>2</sup> or 1ha, very similar, but smaller in size to the San Dona development that had come first.

While this growth of Mandeville has seemingly been ad hoc and led by successive private plan changes, each has been part of a notified RMA plan change process, with consideration

given to density and the appropriateness of a lesser residential density than San Dona in the immediate neighbourhood. Further, the removal of the “Economic Use” provisions from the Transitional District Plan as it transitioned into the current Operative District Plan would also have been an intentional RMA (publicly involved) decision made at the time for both the environment and community.

Ultimately this has led to an inevitable change in what was a ‘rural character’ to an accepted ‘rural - residential character’ as Mandeville has grown to become a place that people want to live, can make use of the Mandeville Sports Ground to ‘play and has even led to Council undertaking a Plan Change to rezone land to provide a Commercial area for the growing community. Council has therefore already acknowledged the existing growth of Mandeville by enabling and providing a place that also allows ‘work’ for the community. This “live, work and play” mantra is good for the community, supports it and creates a sense of place and belonging while also supporting residents, adding to the village feel of Mandeville as a whole.

However, a recent Council decision to leave Mandeville (in its entirety) out of the Waimakariri Rural Residential Strategy (2019) as a “Special Circumstance” or effectively in the ‘too hard basket’, left many residents with ill feeling towards Council, given changes that had been made prior to that time to provide additional stormwater services in Mandeville, works to address the flooding resurgence that affects all of Mandeville, San Dona wastewater had been upgraded to be connected into the Council Eastern District Wastewater Scheme and the provision of other Council services such as recycling and rubbish collection (albeit on a voluntary basis) had been provided.

As these changes have occurred, San Dona residents have contributed to their cost, either through increased rates or a one-off payment (particularly in relation to wastewater contribution works) to have the same level of Council services as the rest of Mandeville despite not being in a Residential 4A or 4B zone.

The Proposed Waimakariri District Plan Review presents a new opportunity that enables Council to consider and give effect to the requirements of the recent National Policy Statement for Urban Development (2020) which requires the Council, as part of “Tier 1 Christchurch District” to consider Waimakariri District’s contribution to residential housing capacity in Greater Christchurch. Under this new framework, the Council has determined that Residential 4A and 4B zones are more akin to ‘residential land use’ rather than rural; have weighed up various reports and investigations prepared for the District Plan Review<sup>5</sup>, including the Draft National Policy Statement for Highly Productive Rural Land, to determine what land area is now required to be protected for productive rural land uses in the District and what land is to be set aside for residential use. Given these considerations, without proposing any new rezoning as part of the Proposed District Plan, Council has:

- Adopted existing Residential 4A and 4B zones developed under the Operative District Plan to be Residential Large Lot Zone, thus giving some development potential to certain parts of Mandeville (such as Truro Close, Ohoka Meadows, Tram Road and Roscrea Place) regardless of any “special circumstances” that previously excluded Mandeville from further consideration under the recent Waimakariri Rural Residential Strategy 2019.
- Has recommended a Residential Large Lot Overlay (in conjunction with rural zoning) for any land identified in the Waimakariri Rural Residential Strategy 2019 for

potential 'Rural Residential' development to be rezoned by a private plan change at a later date.

- Has adopted a 'status quo' approach zoning for San Dona (and all other existing rural zones in the eastern part of District) to Rural Lifestyle Zone (4Ha) regardless of actual allotment size, infrastructure and servicing or rates contributions/levels of service already provided by Council. That is, taking no account of San Dona's 1.2-1.8ha similarity in general density and service provision with the rest of Mandeville.
- Has removed (or not included) Map 167 North Mandeville Growth Boundary from the Proposed District Plan that restricted the 'extent of Mandeville' thus allowing an opportunity for San Dona residents (and others) to seek a more appropriate zoning as part of the District Plan Review,
- Has determined that productive rural land is to be protected, particularly in the western part of the district by creating a General Rural Zone (20ha) minimum allotment size and making such rules effective immediately.

Given the above and that San Dona allotments that are 1.2-1.8ha size are effectively no different to others in the Residential 4A/4B zones of Mandeville, is an original development as part of the Mandeville Community, it is submitted that San Dona should also be considered part of the Mandeville Village by being recognised as part of the Residential Large Lot Zone.

The existing size of the majority of San Dona allotments are much closer in area to 5,000m<sup>2</sup> than to the Rural Lifestyle Zone 4ha minimum.

The consolidation of Mandeville, taking into account existing lot sizes, recognising the use of the land, and the connection of each allotment in the development over time to Council reticulated services, acknowledges the development as part of the Mandeville Community in its own right. Further, consolidation of an existing area using infill rather than greenfield development is a more efficient and effective use of land given the difficulty in reverting such land back to true "rural production" activities. Such consolidation is also consistent with the general aspirations of the Canterbury Regional Policy Statement as it is not truly rural productive land that is being converted for lifestyle residential living. This has already occurred at the time that San Dona was created, although now we have the benefit of hindsight to know that the economic use of olive oil production is not all that it was anticipated to be at that time for this area.

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We seek the following decision from the Waimakariri District Council:

A. That Waimakariri District Council accept the submission and rezone San Dona as Residential Large Lot Zone with an Urban Flood Assessment Overlay so that there is consistent application of District Plan provisions across the existing township of Mandeville North.

B. Change the Planning Maps for the zone and Urban Flood Assessment Overlay.

C. Consequential changes to the specific provisions as proposed in Appendix A: Waimakariri Proposed District Plan Assessment