

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 for further updates

Waimakariri District Council
District Plan Review Committee
developmentplanning@wmk.govt.nz

25 November 2021

Submission: Drew and Sarah Harpur 168 Vicenza Drive, San Dona, Mandeville

1. Specific provisions that my submission relates to:

- *Oppose Rural Lifestyle Zone and Non-Urban Flood Assessment Overlay being applied to 168 Vicenza Drive, 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 168 Vicenza Drive (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.*

2. Reasons for the submission:

2A. The San Dona situation;

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. All allotments have an area between 1.2 Ha (1 Wards Road) to 2.18Ha (1 Verona Pl)¹. 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.

¹ Only 1 Verona Place exceeds 2ha, of approximately 104 allotments in San Dona (from Canterbury Maps information).

² Pages 81 and 82 of the Section 32 Report Waitua Taiwhenua/Rural

³ Page 83 of the Section 32 Report Waitua Taiwhenua/Rural

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. Key drivers considered for Efficiency and Effectiveness when considering Option D included the character report by Boffa Miskell, related to whether the development in the rural zone reflected more of a rural character or a rural lifestyle character. The other key factor for areas related to rural production options, noting that those properties less than 10ha did not provide flexibility in rural production potential.² Further 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."*³

To this extent, and 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 land owners 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, so we have not pressed ³

any oil in the last 2 years. Prior to this we pressed whatever we could pick in weekends in an effort not to waste them. The amount of oil produced was only sufficient to share with family and friends. From our point of view, 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.

2B. The Mandeville situation;

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 on the basis of 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 5,000m² 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.

In more recent times, there have been concerns with the sprawling growth of Mandeville via the private plan change process, not least in the challenges that arise with an increase in population. These primarily relate to scale and character of development on the environment and people, infrastructural capacity and associated traffic, with there eventually being a Plan Change decision in 2013 that put a ring around the Residential 4A, 4B and San Dona extent of Mandeville to prevent further growth and private plan changes⁴ as shown in Figure 2 below.

⁴ Map 167 Mandeville North Growth Boundary in the Operative District Plan which includes the most recent plan changes and San Dona, and reference to Policy 18.1.3.1 of the Operative District Plan. 4

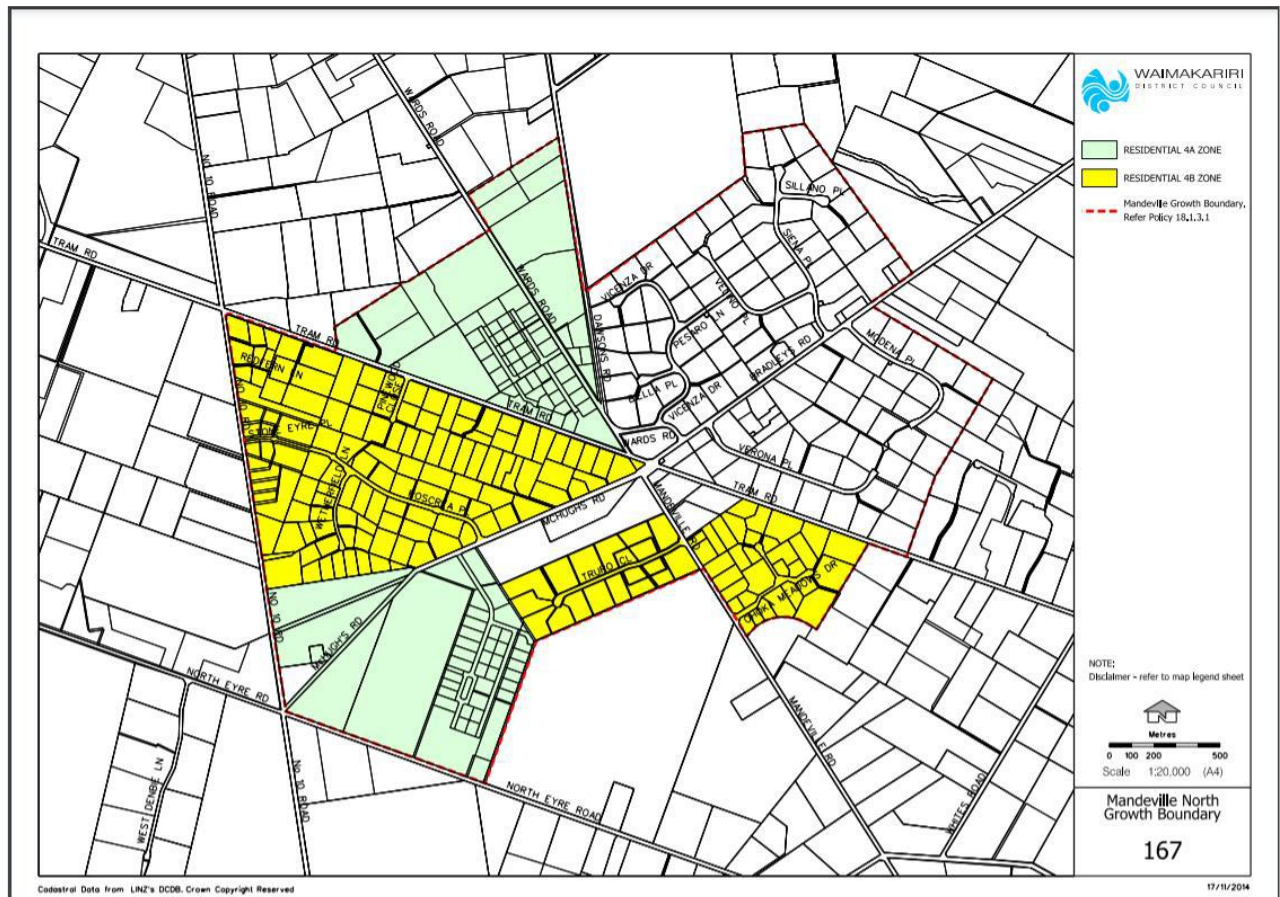


Figure 2: Mandeville North Growth Boundary including San Dona area: Source Operative Waimakariri District Plan.

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.

3. Submission Request: Rezoning for San Dona and 168 Vicenza Drive to Large Lot Residential Zone;

3A. Statutory Framework

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 Reviews⁵, including the Draft National Policy Statement for Highly

⁵ Background Reports to the Proposed District Plan for the consideration of the Rural provisions and Section 32 proposal:

- Housing Demand and Need in Waimakariri District – Research Report (2020)
- Rural Character Assessment (2018)
- Analysis of Drivers and Barriers to Land Use Change (2017)

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.

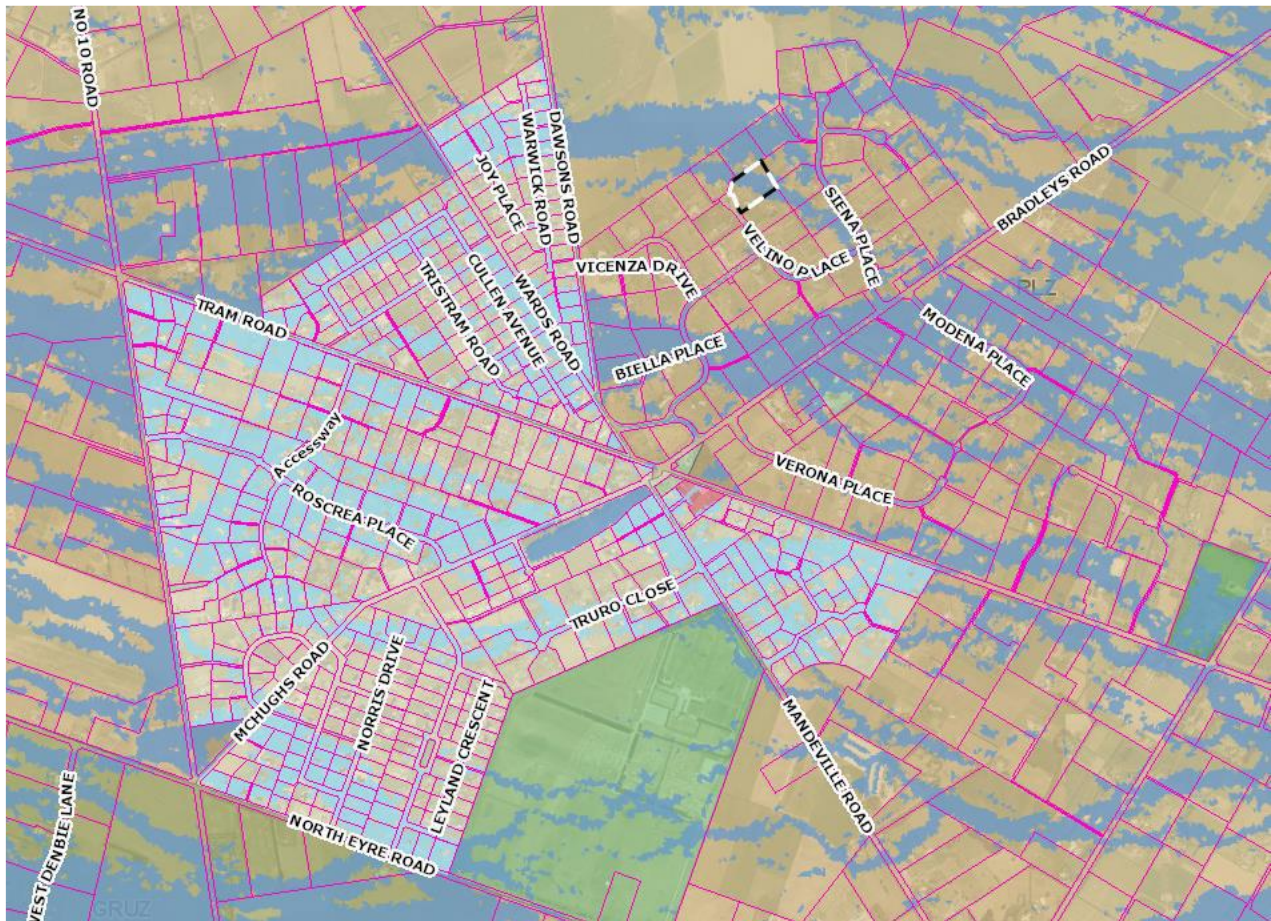
- Has removed (or not included) Map 167 North Mandeville Growth Boundary from the Proposed District Plan that restricted the ‘extent of Mandeville’ thus allowing an opportunity for San Dona residents (and others) to seek a more appropriate zoning as part of the District Plan Review,

- 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 5,000m² than to the Rural Lifestyle Zone 4ha minimum.

The context of San Dona, the Proposed Rural Lifestyle Zone and Large Lot Residential zoning, along with the Non-Urban and Urban Flood Assessment Overlays (shown in two shades of blue) applied to the rest of Mandeville are shown in Figure 3 below: 6

- Rural Subdivision and Housing Analysis (2018)
- Rural Futures Analysis: Future Agri-Food Scenario Planning for a Prosperous District (2018)
- Rural Production Advice – Rural Land Zoning (2018)



San Dona

(RLZ)

LLRZ

Figure 3: Proposed District Plan Zoning for “Mandeville North” with Urban and Non-Urban Flood Assessment Overlay

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.

3B. Proposed Waimakariri District Plan

Attached in **Appendix A** is a full assessment of the relevant Objectives, Policies, Rules and Standards of the Proposed Waimakariri District Plan in relation to the rezoning proposal for San Dona. We have considered the Strategic Directions, Urban Growth, Infrastructure, Subdivision and Natural Hazard Chapters which apply to the whole District, in addition to the Residential and Large Lot Residential provisions that would be specific to Mandeville (including San Dona). The Activity Management Plans related to reticulated infrastructure are considered further below in relation to future development potential.

The assessment in **Appendix A** confirms that the rezoning is consistent with the Proposed District Plan, is able to be consistent with the rest of Mandeville, can appropriately take account of any further development of San Dona as infill development occurs subject to specific infrastructure, subdivision and natural hazard provisions.

Specific provisions are generally *supported* with a small number of provisions *opposed* on the basis of providing better clarification for the ongoing use and interpretation.

While the Proposed Transportation provisions have not been specifically assessed, we consider that these are matters of specific detail that would apply at the time of a detailed subdivision application as required for any Large Lot Residential zone land use or subdivision development dependant on the road network location of the relevant site. We consider that technical reports for proposed traffic effects can be provided at that time (if relevant).

In relation to the Urban and Non-Urban Flood Assessment overlays (as they are separately proposed to apply to residential and rural areas respectively), it can be seen from Figure 3 above that Council has an existing flood model that applies to the whole District. A rezoning from Rural Lifestyle Zone to Large Lot Residential Zone would also require a change from Non-Urban Flood Assessment Zone to Urban Flood Assessment Zone as shown above. It appears this information is already available and simply requires a change to colour of the flood overlay in the GIS E-Plan shown above. A similar colour change can be made to recognise the new zone.

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3C. Future Development and Infrastructure as a result of rezoning to Large Lot Residential Zone

There would be some limited development potential within San Dona with a change to the Residential Large Lot zone and a one house per 5,000m² density, allowing 2 houses (3 in some cases) within each existing allotment, subject to a full and comprehensive subdivision application that meets the proposed requirements of the Proposed District Plan. Any further development (additional housing or subdivision) would be required to demonstrate servicing capacity and/or upgrades, flood hazard mitigation, site layout and setbacks, built form and traffic effects in the usual way, while paying Development Contributions for connection to Council services and upgrades as required.

In regard to infrastructure, Council's projected property growth expectations, as stated in Table 11 of the Ohoka Rural Drainage Scheme Activity Management Plan 2021 for the next 30 years are 600 additional properties in the Ohoka Drainage Scheme, which includes the San Dona area. Council have planned expenditure for capital works that appear to be aligned with resolving existing flooding/capacity issues by installing improved drainage works in Wetherfield Lane and McHugh's Road, in conjunction with a groundwater resurgent diversion down No 10 Road to the old Eyre riverbed. This will have a positive impact to help mitigate perceived issues with soakage ability for stormwater and conveyance issues for downstream capacity in Mandeville (including San Dona).

The general policy of ensuring post-development flows do not exceed pre-development flows at the time of further development and subdivision are a critical factor in managing stormwater effects and are able to be appropriately considered at the time of specific subdivision consent for any site.

It is disappointing to read the Post 2014 Flooding Memo to the Flood Team PCG dated 6 August 2014, (which is attached as part of the Activity Management Plan 2021 for the Ohoka Rural Drainage Scheme) which states the drains and culverts along two critical drainage paths through San Dona development did not have capacity to accommodate design flows for more recent upstream developments between San Dona and No 10 Road, calculated from design storm events. This means that Council has enabled residential development in the West of Mandeville over time (after San Dona was built) which have not managed their pre and post development resultant stormwater flows, thus allowing an increase in stormwater flow through undersized San Dona infrastructure without 8

mitigation. The adverse effect of this has led to the need for Council following the 2014 flood event, to upgrade the Bradleys Road and Siena Place infrastructure through San Dona, while increasing the stormwater drainage area subsequently required to pay rates for this (including in San Dona). Along the way, the general perception has become that San Dona 'floods' or has problems, which in reality have occurred due to subsequent upstream development through no fault of San Dona itself. The ability to further develop San Dona allotments for infill housing, will still require San Dona to continue to contribute pre and post development mitigation given this existing issue. It is common elsewhere to require attenuation of stormwater flows and therefore suitable engineering solutions can be found at the time of resource consent to continue mitigating or avoiding further downstream effects.

The Activity Management Plan 2021 Mandeville/Fernside Water Supply Scheme document projects 15 new connections per year. This will be adequately catered for by the planned 500m³ new reservoir that is planned to replace the existing water storage system at Two Chain Road. Additional head work pump upgrades planned for the next 10 years will provide capacity for the next 50 years of growth for the scheme. It is considered there is sufficient water supply to enable further restricted onsite storage of potable and firefighting water as per the current reticulated Council supply in San Dona.

In regard to wastewater, the 2014 flood event highlighted the need for private drainage systems to be upgraded to be secure from ground water ingress. At the time, San Dona was connected to its own Private Community wastewater system and the upgrades and sealing works necessary were undertaken by all land owners and Council. We installed sealed turret risers on our tank. Subsequently, the San Dona development was reticulated to the Council's Eastern Districts Wastewater Scheme on the basis that this work had been undertaken for the full development.

Growth projected for the scheme is only 8 new connections per year according to the Council's Activity Management Plan 2021 Mandeville Wastewater scheme. Additional use and development within San Dona will require new STEP wastewater systems to be provided and possible low-pressure wastewater connections. The details of this will be specific at the time of development and are likely to be able to also be reticulated to the upgraded (post 2014) system.

3D. Other Considerations

In relation to positive effects that are not already addressed elsewhere, the development potential that would occur with rezoning San Dona to a Large Lot Residential Zone would lift the rating base for Waimakariri District, enabling the Council to contribute rating money towards the Mandeville Sports Reserve, libraries and other Council community facilities that benefit the community.

There are also likely to be positive effects for Swannanoa and Ohoka primary schools whose catchments both include the full Mandeville community (including San Dona).

4. Conclusion

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*

Kind Regards

Drew and Sarah Harpur