



**ADDERLEY
HEAD**

ENVIRONMENTAL LAW SPECIALISTS

SUBMISSION ON THE PROPOSED WAIMAKARIRI DISTRICT PLAN

Clause 6, First Schedule of the Resource Management Act 1991

To:	The Waimakariri District Council Private Bag 1005 Rangiora 7440
Submitter:	McAlpines Ltd C/- Adderley Head, PO Box 1751, Christchurch 8140 Attention: Chris Fowler Email: chris.fowler@adderleyhead.co.nz
Proposal:	The Proposed Waimakariri District Plan

SUBMISSION ON THE PROPOSED WAIMAKARIRI DISTRICT PLAN

Name of submitter

- 1 McAlpines Ltd (the **submitter** or **McAlpines**).

Proposal to which submission relates

- 2 This submission relates to the Proposed Waimakariri District Plan (the **PDP**) in its entirety and particularly those provisions which apply to or affect land owned by the submitter at Southbrook, Rangiora.
- 3 The submitter could not gain an advantage in trade competition through this submission.

Detail of submission

- 4 McAlpines' submission relates to the PDP as a whole but has a specific focus on:
 - (a) potential reverse sensitivity effects on McAlpines sawmill at Southbrook arising from residential subdivision and development of rural land to the west of the sawmill;
 - (b) rezoning of McAlpines land (Block A2) from General Industrial Zone to Large Format Retail Zone (see comments below);
 - (c) rezoning of McAlpines land (Block D) from Rural Lifestyle Zone to General Industrial Zone; and
 - (d) replacement of the PDP approach to management of flood hazard at Southbrook with the approach used to manage flood hazard at the Kaiapoi.

Background

- 5 McAlpines is in the business of sawmilling, timber treatment and timber sales. One of its timber operations is located at Southbrook, Rangiora.
- 6 The land owned by McAlpines Ltd and McAlpines Timber Ltd at Southbrook is marked A1, A2, B, C and D shown on **Attachment 1** (the **McAlpines land**).
- 7 The zoning of the McAlpines land in the Operative District Plan (the **ODP**) and the PDP, together with street address, legal description and current use of the McAlpines land, is shown on the table at **Attachment 2**.

Submission

Reverse sensitivity effects

- 8 The land marked A2, B, and C on **Attachment 1** is zoned General Industrial Zone (**GIZ**) under the PDP. It contains a sawmill and associated timber treatment, timber drying, timber machining activities (the **Sawmill**).
- 9 The Sawmill is a longstanding business and employer within the Waimakariri community, first established in 1925 and moving to its current premises in Rangiora in the 1960s.
- 10 The McAlpines' timber operation in Rangiora currently employs nearly 70 direct staff and there are a further 11 staff who operate from the McAlpines' engineering business which supplies repairs and maintenance for the McAlpines timber site. The Sawmill is a valuable economic resource for the Rangiora and the District.
- 11 The Sawmill was lawfully established under previous planning instruments and can legitimately claim existing use rights for the Sawmill.
- 12 Lawfully established activities can exceed district plan limits if they have existing use rights. It follows that McAlpines' activities are allowed to lawfully continue regardless of noise control provisions in the ODP or the PDP if McAlpines has existing use rights.
- 13 The Sawmill generates considerable noise emissions that may or will exceed ODP and PDP noise standards at the zone boundary between the GIZ and Rural Lifestyle Zone (**RLZ**) to the west of the Sawmill.
- 14 The land zoned Rural Lifestyle Zone to the west of the Sawmill is marked E on Attachment 1 (the **rural land**).
- 15 McAlpines is concerned that residential subdivision and/or location of a residential unit or other sensitive activity (as defined in the PDP) on the rural land will cause operation of the Sawmill to be compromised, constrained, or curtailed due to complaints by future occupiers and visitors of the rural land.
- 16 Although the PDP does contain some provisions regarding reverse sensitivity, they do not appear to address the situation described above where the existing productive activity is located in an industrial zone and the noise sensitive activity is potentially located on nearby rural land.
- 17 McAlpines seeks amendment to the PDP to ensure that future operation of the Sawmill is not constrained by reverse sensitivity effects from residential subdivision and development on the rural land.

Decision sought

- 18 The submitter seeks the following relief:
- (a) retain RLZ over the rural land described above and marked E on Attachment 1;
 - (b) retain the reverse sensitivity provisions in the PDP;
 - (c) amend relevant RLZ subdivision standards to expressly recognise and protect the Sawmill from potential reverse sensitivity effects arising from subdivision of the rural land; and
 - (d) amend relevant RLZ land development standards to expressly recognise and protect the Sawmill from potential reverse sensitivity effects arising from establishment of any residential unit or other sensitive activities on the rural land.

Rezone McAlpines land (Block A2) from General Industrial Zone to Large Format Zone

- 19 McAlpines owns the land marked A1 and A2 on **Attachment 1** which contains 7.36 ha. The land is zoned Business 2 under the ODP and is held in three separate land titles.
- 20 The boundary between the two largest land titles runs at right angles to the zoning pattern proposed in the PDP (refer to Certificate of Title CB217/113 included in **Attachment 3**).
- 21 Under the PDP the land is split-zoned to reflect current land use activities. The eastern part is zoned Large Format Retail Zone (**LFRZ**) and contains a Mitre 10 Mega Store and associated car parking area (**Block A1**).
- 22 The western part of the land is zoned GIZ under the PDP and contains roundwood storage facilities and McAlpines Engineering (**Block A2**).
- 23 McAlpines supports the rezoning of Block A1 to LFRZ. McAlpines seeks to rezone Block A2 to LFRZ.
- 24 Rezoning Block A2 to LFRZ is considered appropriate for the following reasons:
- (a) rezoning the land would ensure that LFRZ follows the cadastral boundary of land titles within Block A rather than splitting the Block into two different zones and the land titles into four different zones;

- (b) the land is located immediately adjacent to other land that is proposed to be rezoned LFRZ under the PDP and the proposed rezoning of Block A2 would provide for consolidation of large format retail activity within this area of Rangiora;
- (c) rezoning the land would help ensure there is sufficient short to medium-term feasible development capacity of large format retail zoned land at Rangiora; and
- (d) there are no obvious environmental or infrastructural constraints that would preclude rezoning of the land.

Decision sought

25 The submitter seeks the following relief:

- (a) retain the proposed rezoning of Block A1 to LFRZ; and
- (b) amend the PDP Maps and other related provisions to rezone Block A2 from GIZ to LFRZ.

Rezone McAlpines land (Block D) from Rural Lifestyle Zone to General Industrial Zone

26 McAlpines owns the land marked D on Attachment 1 containing 4.54 ha (**Block D**).

27 Block D is currently used for grazing livestock and is zoned Rural Zone under the ODP and RLZ under the PDP.

28 McAlpines seek to rezone Block C to General Industrial Zone (GIZ).

29 Rezoning Block C to GIZ is considered appropriate for the following reasons:

- (a) the land is located immediately adjacent to other land that is zoned GIZ and the proposed rezoning would provide for consolidation of industrial activity within this area of Rangiora;
- (b) rezoning the land would provide a buffer between the lawfully established Sawmill and the rural land zoned RLZ to the west of the Sawmill;
- (c) rezoning the land would help ensure there is sufficient short to medium-term feasible development capacity of industrial zoned land at Rangiora;
- (d) rezoning the land would replace the loss of land zoned Business 2 in the ODP which is proposed to be rezoned to LFRZ in the PDP as follows:

- (i) the McAlpines land within Block A1 containing the Mitre 10 Mega Store that is zoned Business 2 in the ODP but which is proposed to be rezoned LFRZ by the PDP;
- (ii) the McAlpines land within Block A2 which McAlpines seeks to rezone LFRZ under the PDP (see above);
- (iii) the land between Flaxton Road and Lineside Road that is zoned Business 2 in the ODP but which is proposed to be rezoned LFRZ by the PDP; and
- (e) there are no obvious environmental or infrastructural constraints that would preclude rezoning of the land.

Decision sought

30 The submitter seeks the following relief:

- (a) amend the PDP Maps and other related provisions to rezone Block D from RLZ to GIZ.

Flood hazard management of industrial and commercial land at Southbrook

31 The Natural Hazards Chapter of the PDP contains two separate and discrete methods to management of flood hazard risk in urban areas, namely:

- (a) the Urban Flood Assessment Overlay and associated rules; and
- (b) the Kaiapoi Fixed Minimum Finished Floor Level Overlay and associated rules.

32 The industrial and commercial area at Southbrook including the McAlpines land is within the Urban Flood Assessment Area Overlay.

33 Development at Southbrook is therefore subject to the flood hazard rules in the Natural Hazards chapter. These rules include controls over among other matters the minimum finished floor levels of new buildings (NH-R1) and additions to existing buildings (NH-R3).

34 Minimum floor levels for new building in the Urban Flood Assessment Overlay are established by NH-S1 (1)(c), which provides that the District Council will issue a Flood Assessment Certificate that specifies the minimum finished floor level in accordance with the method of calculation provided at Rule NH-S1 (1)(e).

- 35 The submitter considers that the method to manage flood hazard risk at paragraph 31(a) above is flawed and inappropriate for the reasons detailed below:
- (a) the outcome of any Flood Assessment Certificate is unduly uncertain and may change from time to time in the future as more and better information becomes available to the Council;
 - (b) a Flood Assessment Certificate will not properly provide for and manage the risk of increased flood hazard risk to neighbouring or 'upstream' properties arising from construction of new buildings or additions to existing buildings within the Southbrook industrial and commercial area; and
 - (c) flood hazard risk is already compromising the development potential of Southbrook and the method proposed in the PDP to manage this risk does not provide sufficient certainty or confidence to landowners and developers.
- 36 The submitter seeks that the Kaiapoi Fixed Minimum Finished Floor Level Overlay method, with some amendments as described below, is adopted and applied under the PDP to the Southbrook industrial and commercial area as this method is considered better than the method proposed in the PDP for Southbrook.
- 37 In addition, the submitter notes that the PDP adopts a 0.5 AEP (1 in 200-year) flood event to manage finished floor levels within the Urban Flood Assessment Overlay (see Rule NH-S1(1)(e) Flood Assessment Certificate). It's not clear from the PDP whether the same AEP is used to establish minimum floor levels in Kaiapoi however the submitters assumes that this is the case.
- 38 The submitter opposes the PDP method of calculating minimum floor levels adopted in the PDP within the Urban Flood Assessment Overlay (see NH-S1(1)(e)) and within the Kaiapoi Fixed Minimum Finished Floor Level Overlay for the following reasons:
- (a) the method of calculation is unduly conservative, especially for commercial and industrial areas;
 - (b) many other local authorities adopt a 1% AEP (1 in 100-year) method of calculating minimum floor levels; and
 - (c) the PDP method of calculation places an unnecessary financial burden on landowners, developers and the wider community that cannot be justified when a 1% AEP is adequate to manage flood hazard risk in commercial and industrial areas.

Decision sought

39 The submitter seeks the following relief:

- (a) amend the PDP Maps so that Southbrook is subject to a Fixed Minimum Finished Floor Level Overlay similar to that which applies at Kaiapoi;
- (b) amend the provisions of the Natural Hazards Chapter (objectives, policies and rules) so that Southbrook is subject to fixed minimum finished floor level provisions similar to those provisions that apply at Kaiapoi; and
- (c) delete the method of calculating minimum floor levels within the Urban Flood Assessment Overlay (see NH-S1(1)(e)) and within the Kaiapoi Fixed Minimum Finished Floor Level Overlay; and
- (d) insert a new method of calculating minimum floor levels within the Urban Flood Assessment Overlay and within the Kaiapoi Fixed Minimum Finished Floor Level Overlay that relies on a 1% AEP (1 in 100-year) method of calculating minimum floor levels.

General relief

40 McAlpines seeks the following general relief that applies to all the specific relief requested above:

- (a) that the PDP be rejected in its current form;
- (b) that the PDP provisions be amended to reflect the issues raised in this submission;
- (c) that the relevant PDP objectives and policies be amended as required to support and implement the particular relief described above; and/or
- (d) such other relief as may be required to give effect to this submission, including alternative, consequential or necessary amendments to the PDP that address the matters raised by McAlpines.

Conclusion

41 The submitter does wish to be heard in support of this submission.

42 If others make a similar submission, the submitter will consider presenting a joint case with them at the hearing.

43 Thank you for the opportunity to submit on the PDP.

Dated 26 November 2021



Chris Fowler

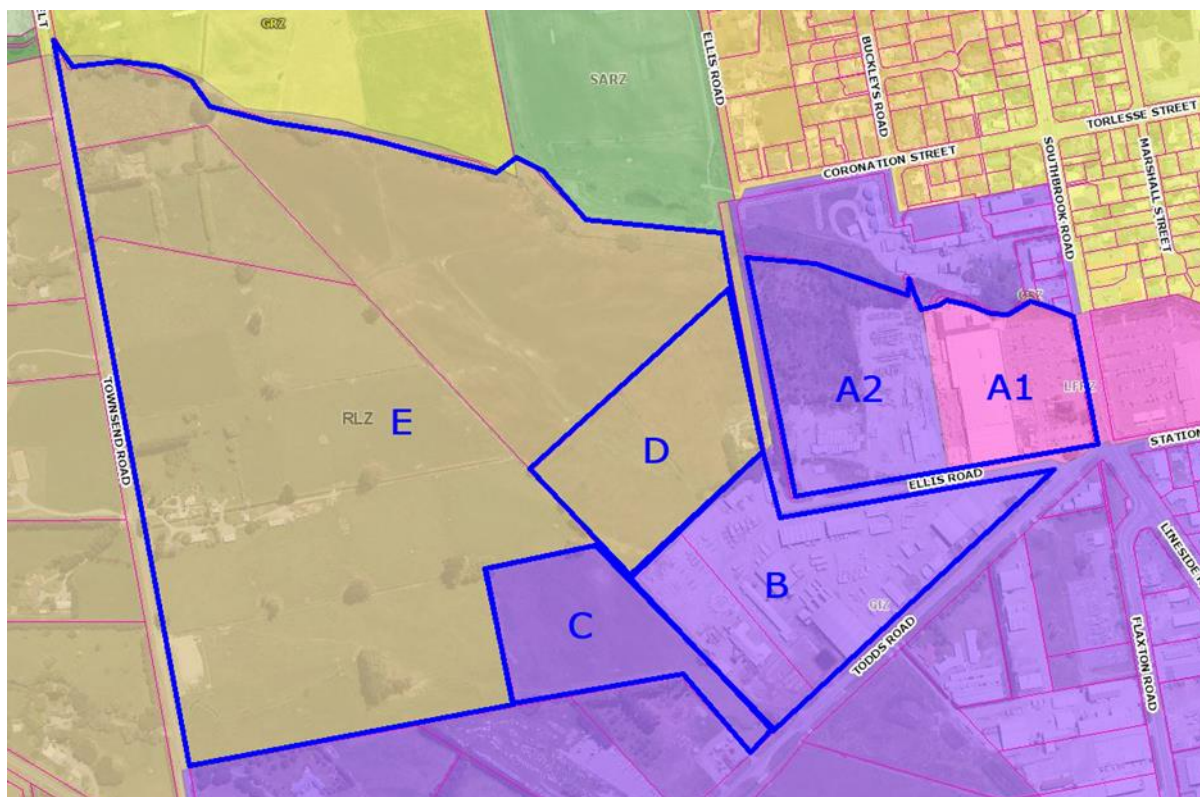
Counsel for and on behalf of McAlpines Ltd

Address for service:

C/- Adderley Head
PO Box 1751, Christchurch 8140
Contact person: Acting solicitor
P 021 311-784
E: chris.fowler@adderleyhead.co.nz

ATTACHMENT 1

Land owned by McAlpines at Southbrook, Rangiora, marked A1, A2, B, C and D



ATTACHMENT 2

Table showing zoning of the McAlpines land in the Operative District Plan and the PDP, together with street address, legal description and current use of the McAlpines land]

Ref	Street address	Legal Description	Owner	ODP zoning	PDP zoning	Current activities
A1 and A2	1 Southbrook Road	PT RURAL SEC 370	McAlpines Ltd	Business 2	Half LFRZ and half GIZ	Mitre 10 Mega Store, Roundwood storage, McAlpines Engineering
B	51/89 Todds Rd	LOT 2 DP 81246 and LOT 1 DP 81246	McAlpines Timber Ltd	Business 2	GIZ	Sawmilling, timber treatment, timber drying, timber machining
C	47 Todds Rd	LOT 1 DP 22119	McAlpines Ltd	Business 2	GIZ	Stock grazing
D	45 Ellis Rd	PT RS 708	McAlpines Ltd	Rural	RLZ	Dwelling and farming



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R. W. Muir
Registrar-General
of Land

Identifier CB21F/113
Land Registration District Canterbury
Date Issued 07 July 1980

Prior References
CB246/132

Estate	Fee Simple
Area	3.6168 hectares more or less
Legal Description	Part Rural Section 370

Registered Owners
McAlpines Limited

Interests

661141.2 Mortgage to Bank of New Zealand - 22.1.1987 at 9.22 am

Pt R. S. 370

371.84

Pt R. S. 370

3.6168 h.a.

334.88

ELLIS RD.

106.12

25.15

40.23
Pt R. S.
370

60.05

TODDS RD.

ma
fi
RANGIORA PL
Drain Rest