Waimakariri District Council
215 High Street
Private Bag 1005
Rangiora 7440, New Zealand
Phone 0800 965 468

DEVELOPMENT PLANNING UNIT

Submission on Variation 2 - Financial Contributions

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: Eliot Sinclair & Partners Limited

Email address: samuel.hammond@eliotsinclair.co.nz

Phone (mobile): _____ Phone (landline): 03 379 4014

Postal address: 20 Troup Drive, Tower Jucntion, Christchurch Post code: 8011

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 ***(please 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.

220805134098 - August 2022

Submission details

The specific provisions (objectives, policy and rules) of the proposal that my submission relates to are as follows: *(please give details)*

See file below

My submission is that: *Please indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons (include additional pages as necessary).*

See file below

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)*

See file below

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 Samuel Hammond Date 9/9/22

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

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 Plan Change/Variation process.

3. Only those submitters who indicate they wish to speak at the hearing will be emailed a copy of the planning officer's 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: Submission
Waimakariri District Council, Private Bag 1005, Rangiora 7440

Email to: developmentplanning@wmk.govt.nz
Subject line: Submission Variation 2: Financial Contributions

Phone: 0800 965 468 (0800WMKGOV)

You can also deliver this submission form to one of 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 9 September 2022
Please refer to the Council website waimakariri.govt.nz for further updates

Head Office
20 Troup Drive
Tower Junction
PO Box 9339
Christchurch 8149
+64 3 379 4014
eliotsinclair.co.nz

9 September 2022

Waimakariri District Council
Private Bag 1005
Rangiora 7440

Our reference: ES Planning

Attention: Waimakariri District Council Planning Department

Submission on Variation 1: Housing Intensification and Variation 2: Financial Contributions

Purpose of Submission

This letter is submission on Variations 1 & 2 to the Proposed Waimakariri District Plan prepared by Eliot Sinclair & Partners Limited (hereon 'Eliot Sinclair' or 'the Submitter').

The Submitter will not gain an advantage in trade competition through this submission.

The Submitter wishes to be heard in support of this submission and would agree to consider presenting a joint case with other submitters who make a similar submission.

Submission

This submission has been prepared following Council's notification of Variation 1: Housing Intensification and Variation 2: Financial Contributions, to the Proposed Waimakariri District Plan in response to the Medium Density Residential Standards.

This submission seeks to voice the Submitter's general support and where changes are proposed; opposition to specific provisions within the PWDP – Variation 1.

This submission also seeks to voice the Submitter's general support and where changes are proposed; opposition to specific provisions of Variation 2: Financial Contributions.

Where the Submitters are neutral or oppose specific provisions, these are also provided below.

Specific details and reference to provisions within the PWDP Variation 1 and Variation 2 are provided below.

Specific Provisions

The Submitters support the following provisions:

- Supports the inclusion of South West Rangiora site being re-zoned as Medium Density Residential Zone to implement the Medium Density Residential Standards. Specifically, supports the change from 'South West Rangiora Development Area' to Medium Density Residential Zone (MRZ).

- Agrees that the site at 163, 191, 199, & 203 Johns Road, Rangiora should not be subject to any qualifying matters, specifically, those specified in the Amendment Act and those justified via assessment in the Amendment Act (s77G to s77R).
- Agrees with the assessment of District-Wide Matters as listed on Page 25 of the Variation 1 Section 32 Report and supports the inclusion of District-Wide Matters within the Proposed Waimakariri District Plan.
- Supports amending SUB-R2 to have immediate legal effect if there is no qualifying matter.
- Support the inclusion of South West Rangiora and the Outline Development Plan as an Area Specific Matter in Part 3 as an Existing Development Area.
- Support the inclusion of Financial Contributions as a separate chapter within the Proposed Waimakariri District Plan.

  This is on the basis that financial contributions are accounted for separately to development contributions but are offset by development contributions in the first instance. Financial contributions are for the upgrade of existing infrastructure to remedy and mitigate development capacity effects.
- Support FC-P1 in the provision of infrastructure on the basis that it limits financial contributions applicability to existing infrastructure only, and does not apply to new greenfield infrastructure installed as part of a new greenfield subdivision as new infrastructure is designed to cater for the appropriate zone.

The Submitters hold a neutral position of the following provisions:

- The removal of objectives, policies, standards, and rules to implement the Medium Density Residential Standards.
- The addition of objectives, policies, standards, and rules to implement the Medium Density Residential Standards.

The Submitters oppose the following provisions:

- Opposes wording for subdivision within the Medium Density Zone (under Rule SUB-R2 (3)(b)(i) and (ii)) which effectively requires all subdivisions in the zone to be undertaken on a "building commitment" basis and would accordingly treat a subdivision seeking vacant allotments in the Medium Density Zone as a Discretionary Activity.

  The reason for the opposition of this proposed rule is that there is significant investment in providing reserves, civil, and roading infrastructure in the construction of a greenfield subdivision. For this reason, not all developers choose to construct the housing within their development on finished sections, but instead provide vacant sections to the property market that allow the community to invest in housing of their own choice. This also shares the burden of the development cost of building with the wider community.

  There also needs to be an opportunity for a developer to create large 'superlot' sections suitable for comprehensive development. The various types of subdivision development, whether superlot, vacant section or house and land package needs to be able to be catered for within the Proposed District Plan rules.

  It is considered unreasonable for the Medium Density Zone to only allow controlled subdivision activities where they are in conjunction with residential buildings, particularly given the legislation enables 'up to three houses' on a site which also reasonably

includes the provision of one (or two) houses on a vacant site. The creation of a vacant section does not therefore warrant an overall full Discretionary Activity status and should be able to be considered on a Controlled Activity status basis. It remains appropriate that a controlled activity subdivision that creates a vacant section be able to demonstrate that a dwelling can feasibly be constructed on the site, but this should not need additional consents or to be built prior to the completion of the subdivision itself.

The proposed wording of the rule that is opposed (with emphasis added) is as follows:

"…

3(b) For every site without an existing residential unit, either;

i. the subdivision application is accompanied by a land use application that will be determined concurrently with the subdivision application that demonstrates that it is practicable to construct, as a permitted activity, a residential unit on every site, and that no vacant sites will be created; or

ii. every site (including sites that are subject to a legal mechanism restricting the number of residential units which can be created);

1. is practicable to construct as a permitted activity a residential unit; and

2. complies with the built form standards of this zone for each residential unit constructed; and

3. no vacant allotments are created."

- Opposes wording for subdivision within the Medium Density Zone under Rule SUB-R2 (3)(b)(i) which specifically requires a land use consent to be applied for and concurrently assessed with a controlled subdivision application in the zone on the basis that land use consents ***cannot be issued under the RMA for Permitted Activities***. This does not lead to efficient and effective district plan administration nor consider the additional associated cost to the community incurred by the proposed consent process, which is meant to be streamlined, more permissive and enabling.

  The wording of the proposed rule that is opposed (with emphasis added) is as follows:

  3(b) For every site without an existing residential unit, either;

  i. the subdivision application is accompanied by a land use application that will be determined concurrently with the subdivision application that demonstrates that it is practicable to construct, as a permitted activity, a residential unit on every site, and that no vacant sites will be created; or

- Opposes the removal of minimum allotment sizes under Rule SUB-S1 and table SUB-1 for the "Medium Density Residential Zone (without qualifying matters)".

  In the case where a residential unit does not exist on the site, subdivision in the Medium Density Zone to create a vacant allotment (as submitted above) will still require a minimum site size to be specified in order to continue to achieve current Canterbury Regional Policy Statement requirements of at least 10 houses per hectare (as a minimum).

  The proposed minimum of 200m² for the zone has been removed in lieu of no minimum site size being specified for the purpose and construction and use of residential units. This continues to be appropriate with the building commitment model, but is less so when providing some guidance on the minimum size site a house can reasonably be constructed on.

  Inclusion of minimum site size for vacant site subdivision would maintain existing and future amenity. This ensure that inappropriate and unanticipated density is avoided

and intended amenity outcomes are preserved. It is noted that the Medium Density Residential Standards do not provide for urban design discretion to maintain onsite urban amenity associated with medium density. Therefore, the minimum allotment size is important to support best practice urban design principles.

- Oppose the activity status of Rule DEV-SWR-R1 as a Permitted Activity.

  The Submitter's oppose this activity classification on the basis that development is in accordance with an outline development plan and it is typically undertaken at the time of subdivision with road and reserve vesting, and site layout design guided by the outline development plan as a Controlled Activity.

  A change from Permitted Activity to Controlled Activity status would better align the subdivision amendments requested above.

- Oppose the inclusion of Fixed outline development plan features that specifically relate to the wider West Rangiora development area which is not being specified as an Existing Development Area within the PWDP.

  The Submitter's oppose this on the basis that the location of medium density over the whole site and specific locations for some required features (E.g Oxford Road, Lehmans Road, stormwater corridor to the east, etc) are outside of the outline development plan area are not relevant to the subject site.

- Oppose the inclusion of the Outline Development Plan for West Rangiora in its current form.

  The Submitter's oppose the inclusion of this plan as it creates an inconsistency with the current South West Rangiora Outline Development Plan.

- The Submitter's oppose FC-R2.

  This is on the basis that FC-R2 references "All Zones" and does not specifically relate to the Medium Density Zone and does not address the implementation of the Medium Density Residential Standards.

  FC-R2 is being used to capture funds via financial contributions for all subdivisions in any zone, including rural zones and general residential zones where MDRS provisions do not apply. This does not seem reasonable on the basis that Development Contributions would otherwise apply to such areas, with no increased ability for additional demand and hence infrastructural capacity effects to be created (by MDRS imposed new permitted activities).

- The Submitter's oppose FC-S1.

  This is on the basis that:

  FC-S1 is inconsistent with the FC-O1, FC-O2, FC-P1, and FC-P2, which require the remediation and/or mitigation of effects on Council infrastructure and the environment in contrast to the avoidance of effects on Council infrastructure and the environment. The inclusion of a provision to charge a financial contribution to "any reasonable cost to avoid" is potentially more expensive that options to remedy or mitigate capacity effects. We consider that remedying and mitigating effects on infrastructure capacity is appropriate.

  FC-S1 does not specify that the financial contribution calculation assessment will take account of previously made development contributions at the time of subdivision, housing, or development. This needs to be clearly stated as part of the assessment.

- The Submitter's oppose FC-S4.

  This is on the basis that it includes subjective assessment that proposes to charge financial contributions for "any potential additional lots that could develop". The

financial contribution should be charged on the development (housing or subdivision stage) at the time of physical development when the actual effect can be quantified. It is not appropriate to charge for future potential development, and therefore, should be aligned with the development contribution policy.

Submission and Decision Sought

No discussion or further comment has been provided for the specific provisions of Variation 1 and Variation 2 to the Proposed Waimakariri District Plan where the Submitters support or are neutral of the proposed changes.

Where the Submitter's oppose specific provisions of Variation 1 and Variation 2 to the Proposed Waimakariri District Plan, the decision sought is to amend the proposed wording is as follows:

Medium Density Residential Zone	Activity Status: CON Where: 2. SUB-S1 to SUB18 are met, except where: a. the allotment is for any unstaffed infrastructure, accessway or road; b. the subdivision is of a fee simple allotment from an approved cross lease site, where the exclusive use areas shown on the existing cross lease plan are not altered, and where only SUB-S5 will apply; c. the subdivision site is a reserve created under the Reserves Act 1977, or any esplanade reserve allotment; or d. where otherwise specified in this chapter. 3. Either: a. for every site with an existing residential unit, either: i. the subdivision does not increase the degree of any non-compliance with the built form standards of this zone; or ii. land use consent for the non-compliance has been granted. b. for every site without an existing residential unit, either: i. the subdivision application ~~is accompanied by a land use application that will be determined concurrently with the subdivision application that~~ shall demonstrate~~s~~ that it is practicable to construct, as a permitted activity, a residential unit on every site ~~and that no vacant sites will be created~~; or	Activity status when compliance not achieved: as set out in the relevant subdivision standards for SUB-S1 to SUB-S18. Activity status when compliance not achieved with SUB-R2(2a): DIS Activity status when compliance not achieved with SUB-R2(2b): DIS

	ii. every site (including sites that are subject to a legal mechanism restricting the number of residential units which can be erected): 1. is practicable to construct as a permitted activity a residential unit; and 2. complies with the built form standards of this zone for each residential unit constructed; and ~~**3. no vacant allotments are created;**~~ For the purpose of 3(a)(i), if a subdivision is proposed between residential units that share a common wall, the requirements as to height in relation to boundary in the district plan do not apply along the length of the common wall. Notification An application for a controlled activity under this rule is precluded from being publicly or limited notified.	

It is requested that a minimum allotment size be required for any new allotment created by subdivision within the Medium Density Residential Zone. This minimum allotment size should be consistent with that included in the Proposed Waimakariri District Plan in Table SUB-1 – Minimum Allotment Sizes and Dimensions.

DEV-SWR-R1 Southwest Rangiora Development Area Outline Development Plan	
Activity status: ~~**PER**~~ **CON** Where: 1. development shall be in accordance with DEV-SWR-APP1.	Activity status when compliance not achieved: DIS

Appendix
DEV-SWR-APP1 Southwest Rangiora ODP
Land Use Plan The Outline Development Plan for the South West Rangiora located within […] [..] Fixed Outline Development Plan Features for the **South** West Rangiora Development Area:

- ~~Location of a concentration of medium density residential activity (meaning a minimum ratio of 70% medium density residential zone density and a maximum 30% general residential zone density) immediately adjoining the new north/south road.~~
- ~~Location of the local/neighbourhood centre at the juncture of Oxford Road and the north/south road~~
- ~~Green link with cycleway adjoining the north/south road~~
- ~~Location of stormwater corridor at eastern edge of the West Rangiora Development Area~~
- ~~Separated shared pedestrian/cycleway at Johns Road and southern part of new north/south road~~
- Cycleways at ~~Oxford Road, the new north/south road, Johns Road, Lehmans Road and~~ southern flow path
- Integrated road connections with ~~77A Acacia Avenue, Beech Drive~~, Walnut Way and Sequoia Way.
- Flow paths and adjoining green links and cycleways, including any required water body setbacks

The Submitter's seek to have the South West Rangiora Outline Development Area included as proposed in Appendix 1 of DEV-SWR-APP1 South West Rangiora Outline Development Plan.

The Submitter's request that the West Rangiora Outline Development Plan in DEV-WR-APP1 be updated accordingly to be consistent with DEV-SWR-APP1.

Activity Rules		
FC-R2	Subdivision	
~~All Zones~~ **Medium Residential Zone**	Activity Status: PER Where: 1. More than two new allotments are created; 2. A financial contributions assessment has been completed in accordance ithFC-S1; and 3. All monies calculated under FC-S2 to FC-S4 are paid.	Activity status when compliance is not achieved: DIS

Financial Contribution Standards	
FC-S1	1. The District Council will issue a Financial Contribution Calculation Assessment (which will be valid for three years from the date of issue) that specifies: a. all reasonable costs incurred or to be incurred in providing the service, utility or facility (including but not limited to; any legal, survey, design, planning, engineering costs and disbursements); b. any reasonable costs to ~~**avoid**~~, remedy or mitigate any effects on the environment from intensification, and subdivision; c. the value of and/or the costs of acquiring any or interest in any land required for the service, utility, facility or reserve; d. an allowance or adjustment for inflation; and e. an allowance for the overhead costs of the Council and/or any costs associated with servicing Council expenditure in providing or upgrading a service or facility. f. **The calculation and credit (if applicable) that takes account of payments made under the Council's Development Contributions Policy, and determines the offset value to be paid as a financial contribution (if any).**

Financial Contribution Standards	
FC-S4	1. As part of the District Council Financial Contribution Calculation Assessment for roading the following calculation methodology will be used: a. assess whether the upgrade of extension to or new roading infrastructure required is already accounted for in the growth component allowed for in the Development Contributions policy; b. if not provided for in the Development Contributions policy, the cost of the upgrade extension or new roading infrastructure will be calculated by Council;

	~~c.~~ the percentage contribution required to be paid by the development will be calculated as follows: vehicle movements per day generated by the development divided by vehicle movements per day of the development ~~**plus vehicle movements per day of any potential additional lots that could develop plus average daily traffic: %**~~ **Roading financial** contribution = vmpd development. ~~**/ (vmpd development + vmpd potential new lots + current average daily traffic);**~~ d. where new roads are required, the financial contribution will be based on a unit rate per kilometre of new road multiplied by the number of new lots divided by the existing lots plus proposed new lots; and e. where land is required to be vested for roading purposes, the area of land, the value of the land, and it's proposed classification, shall be specified by Council.

Summary

The Submitters generally support proposed Variation 1 and 2 on the basis that small amendments to better implement the District Plan should be made.

Where amendments are proposed, these have been identified in specific provisions above.

The submitter wishes to be heard and will consider

Yours sincerely

Samuel Hammond
Resource Management Planner
BRP Hons (NZPI)
Samuel.Hammond@eliotsinclair.co.nz

Claire McKeever
Resource Management Planner
BSurv(Hons) MS+SNZ MNZPI
claire.mckeever@eliotsinclair.co.nz