

## 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**).

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(if different from above)

Post Code: [REDACTED]

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)*

Six sections of the Plan, as laid out in the attached pages

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)*

My support of a number of provisions of the Plan be noted; and  
The 32 individual matters submitted for the Council's consideration in the attached pages be agreed and actioned.

I/we have included:   7   additional pages

I/we seek the following decision from the Waimakariri District Council: *(give precise details, use additional pages if required)*

As set out in the attached pages

## 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**

## 1 District-wide matters / General District-wide matters

I **could not** gain an advantage in trade competition through this submission

I **am not** directly affected by the effect of the subject matter of this submission that:

- A. Adversely affects the environment: and
- B. Does not relate to trade competition or the effects of trade competition.

I fully support objective LIGHT-02 and its related Objectives, Rules, Policies, Standards, and Matters for Discretion

## 2 NOISE-R16 ... within 80m of an arterial road, strategic road or rail designation

I **could not** gain an advantage in trade competition through this submission

I **am not** directly affected by the effect of the subject matter of this submission that:

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- B. Does not relate to trade competition or the effects of trade competition.

The “future proofing “ included in this rule by its clause 3 is welcome, but whether the 2dB allowance is adequate I cannot say. Climate change may drive many changes to the transport network, and the vehicles that use it, and the allowance must take a very conservative view of the noise effects if it is to have any value. Current growth rates in road traffic therefore seem a reasonable starting point.

The future-proofing does not extend to the possibility of the classification of roads being raised as a result of development. The likelihood of changes from Collector to Arterial are of particular relevance if the adverse effects of development are to be avoided far off-site. For example, major development/s near Oxford forcing a change in the classification of South Eyre Road from Collector to Arterial.

I submit that:

- a. NOISE-R16 should be amended to provide for future-proofing of changes in classification of relevant Collector roads.
- b. All related Objectives, Policies, Rules, Standards and Matters for Discretion be amended accordingly.

## 3 General Rural Zone

I **could not** gain an advantage in trade competition through this submission

I **am not** directly affected by the effect of the subject matter of this submission that:

- A. Adversely affects the environment: and

B. Does not relate to trade competition or the effects of trade competition.

### 3.1 Objectives

I fully support the intentions behind the *Rural* Zones described in the opening paragraph of Part 3 of the Proposed District Plan; however, its current wording will exclude this purpose from any meaningful deliberations under the Plan because it is written as only the purpose of the Chapter, not the Zones.

I submit that:

- a. The opening paragraph of Part 3 be altered to read: "The purpose of the chapter Zone is to enable a range of primary production activities, including pastoral farming, livestock, horticulture and forestry as well as other activities that rely on or support the natural resources within rural areas."
- b. The Objectives stated for **GRUR-01**, namely: *ensuring subdivision and subsequent development is managed so that it does not foreclose the ability for rural land to be utilised for primary production activities including not diminishing the potential for rural land to meet the reasonably foreseeable needs of future generations.* are appropriate
- c. GRUR-01 should NOT be altered, and any submission received for its deletion or alteration should be rejected.
- d. All related Objectives, Policies, Rules, Standards and Matters for Discretion be amended accordingly

### 3.2 Policies

GRUZ-P2 and GRUZ-R3 superficially appear to give effect to GRU-01, but on closer examination work in the contrary direction. Each, as written, will be to detract from the viability and sustainability of existing pastoral properties in the Zone and they are subdivided into 20ha blocks that, based on the usage of current rural-residential blocks, will be only lightly used, converted to carbon sinks, or not used at all. The pressures over time to allow further subdivision of these 20ha blocks will be no different from those that the Council has experiences with those around the current 10ha and 4ha Rural Residential blocks.

There is another way of providing for the maintenance of the pastoral nature of the Zone, and allowing limited subdivision which will, in turn, provide property owners' periodic opportunities to raise capital through subdivision. One way is to allow "rural residential" lots of no less than 1ha, (or some other relatively small area) but limit to density of these lots through imposition of a 20ha "footprint", with a minimum frontage of approximately 400m, around each lot.

There would be nothing restricting the subdivided lot exceeding the "footprint" size, A GRUZ-P2 or GRUZ-R3 lot under this proposal would not be sub-dividable unless it was able to provide with a complying unique 20ha "footprint" for each of the subdivided lots.

The footprint must be completely contained within the base property, which would allow it to continue to be farmed and developed, and the viability of the original property not significantly degraded in the longer term, through loss of productive land.

The exact mechanism for imposing a lasting "footprint" is something I cannot recommend, but it occurs to me that this may be able to be achieved through a covenant in perpetuity over each

20ha footprint, in favour of the Council its heirs and successors, preventing any building or encroachment by any other covenant, easement or title in the covenanted area.

I submit that:

- a. GRUZ-p2 and GURZ-R3, and all other relevant sections of the Plan be amended to reflect a 20ha footprint rather than a 20ha minimum lot size.
- b. All related Objectives, Rules, Standards and Matters for Discretion be amended accordingly.

## 4 GRUZ-R2 Primary Production

I **could not** gain an advantage in trade competition through this submission

I **am not** directly affected by the effect of the subject matter of this submission that:

- A. Adversely affects the environment: and
- B. Does not relate to trade competition or the effects of trade competition.

Subsection c. of this rule refers to a distance from the boundary of a *paved* public road. This description is confusing when interpreted in standard New Zealand English which holds that a paved road is one with a sealed surface – usually “tar-seal” but can be concrete or concrete block. It seems that the UK interpretation of the word paved is meant; which in New Zealand English should be rendered as “formed”, which includes maintained metalled and earthen surfaces.

I submit that:

- a. The word “paved” in GRUZ-R2 1.c. be replaced with “formed and maintained”.
- b. All related Objectives, Rules, Standards and Matters for Discretion be amended accordingly.

## 5 GRUZ-R4 Minor residential unit

I **could not** gain an advantage in trade competition through this submission

I **may be** directly affected by the effect of the subject matter of this submission that:

- A. Adversely affects the environment: and
- B. Does not relate to trade competition or the effects of trade competition.

This rule, as a number of other rules throughout the Plan do, contains restrictions on the development of all lots in the District created before the advent of the RMA, using the words “...where the site exists and is a site or allotment that was created by subdivision and was on a subdivision consent between 1 October 1991 and 24 February 2001 (inclusive of both dates).” There is no justification for this exclusion in the Plan, and I can think of none. It therefore appears arbitrary, and related Objectives Rules, Standards and Matters for Discretion should in my view be excluded. It is unreasonable and unjustifiable not to allow, as a permitted activity, erection of a Minor Residential Unit on lots of less than 4ha created in the GRUZ in the first 150 or so years of the District’s post-treaty settlement. Indeed, a stronger argument could be mounted that there

should be greater controls on their erection on post-RMA lots, but I am not advocating that as I see a useful place for them.

I submit that:

- a. Minor residential units be a permitted activity in the General Rural Zone, and other Zones, on all sites or allotments of less than 4ha created before 24 February 2021
- b. Everywhere they are used in the Plan, the words:

*"...where the site exists and is a site or allotment that was created by subdivision and was on a subdivision consent between 1 October 1991 and 24 February 2001 (inclusive of both dates)."*

Be replaced with:

*"...where the site exists and is a site or allotment that was created before 24 February 2001 (inclusive)."*

- c. All related Objectives, Rules, Standards and Matters for Discretion be amended accordingly.

## 6 Energy & Infrastructure

I **could not** gain an advantage in trade competition through this submission

I **am not** directly affected by the effect of the subject matter of this submission that:

- A. Adversely affects the environment: and
- B. Does not relate to trade competition or the effects of trade competition.

### 6.1 EI-R4 Customer Connection ...

As this rule applies to all connections and infrastructure it could be interpreted as allowing a vehicle access to be built anywhere on a property, regardless of any adverse effects on safety or the network. The general tenor of the wording is such that it seems Transport Infrastructure has been caught by accident because of the wording of the heading to this Rules Section: *"General (applicable to all energy and infrastructure)"*.

The mention of Transport in the opening section of Part 2: *"Transport: the Transport rules apply to all activities and activities are subject to compliance with all relevant Transport rules. The application of the transport provisions is discussed further in the Transport rules"*, is insufficient to overcome this confusion.

I submit that:

- a. EI-R4 should have the words "excluding transport infrastructure" added to its title.
- b. All related Objectives, Rules, Standards and Matters for Discretion be amended accordingly.

## 6.2 TRAN-04 Effects of activities on the transport system

This Objective, stating: *"Adverse effects on the District's transport system from activities, including reverse sensitivity, are avoided, remedied or mitigated."* Is deficient in that it does not obviously and clearly address the full extent of the issues the District's transport network faces with continued development. It is not only the *activities* that occur on the development site that can adversely affect the network but the very development itself. The mere act of accessing an awkwardly placed property can have significant adverse effects. It might be argued that these adverse effects can be caught by the current wording, but it is also arguable they are not. As the District Plan should be both clear and concise this Objective should be revised.

I submit that:

- a. TRAN-04 be reworded to read: *Adverse effects on the District's transport system from the **proposal and the activities included in it**, including reverse sensitivity, are avoided, remedied or mitigated."*
- b. The numbering of the TRAN Objectives be altered so the current TRAN-04 comes before current TRAN-03. Thus helping to emphasise that the Transport network is of more significance than any proposal.
- c. All related Objectives, Rules, Standards and Matters for Discretion be amended accordingly.

## 6.3 TRAN-P15 Effects of activities on the transport system

This Policy, suffers from the same problem that TRAN-04 does, it fails to recognise that development and subdivision of themselves can each have adverse effects on the Transport network.

As written is also extremely permissive; it essentially says that when it is considered impractical to avoid, remedy or mitigate to effects of a proposed development on the transport network then the development should proceed. This is unacceptable, and unsustainable in the long term.

I submit that:

- a. TRAN-P15 Be reworded to reflect the rewording of TRAN-04; and
- b. The phrase " *to the extent considered reasonably practicable*," be excluded from the wording of the policy, regardless of whether my submission in 4.3 a is accepted
- c. All related Objectives, Rules and Matters for Discretion be amended accordingly

## 6.4 TRAN-R2 Provision of new, and additions or upgrades to existing, land transport infrastructure

The TRAN Rules, as presented, contain insufficient measures to protect that the functionality of the Strategic, Arterial and Collector roads in the network

Developers naturally tend to producing developments with the highest attraction to prospective buyers, regardless of the effects the design elements that give rise to this attraction may have on existing users of the transport network. Moderation of this tendency is one of the reasons why there are Rules in the Plan.



The missing element is measures to ensure that, where there is a choice of road for a new development's internal road to connect to the new road should connect to the roads with the lowest classification. TRAN-R8 is a rule to this effect for vehicle crossings but does not include new roads.

Provision of a new rule, similar to TRAN-R8, but applying to new roads, is essential to maintaining the long-term functionality of the road network on rural areas and the ability of people living in these areas to continue to be able to move around the District without the imposition of unnecessary hazards, and delay, caused by new intersections on high-speed roads.

I submit that:

- a. TRAN-R2 Be amended to include the provisions of TRAN-R8 for new roads.
- b. That the Activity Status of this rule be elevated to a level that will make departure from its provisions difficult
- c. All related Objectives, Rules and Matters for Discretion be amended accordingly

## 6.5 TRAN-S2

The "Matters of discretion" are too limited and continue the practice, discussed above, of defaulting to allowing the proposal to proceed in some form, even if that form is inappropriate, unsustainable and /or unsafe. Essentially, it requires adoption of "the least bad option". The ability to refuse approval where a safe, practical, sustainable, and appropriate solution is not available must be retained. The Matters for Discretion do not appear to extend to non-approval.

I submit that:

- a. TRAN-S2 Be reworded to include non-approval of proposals that do not comply with the Standard
- b. The phrase " *to the extent considered reasonably practicable*," be excluded from the wording of the policy, regardless of whether my submission in 4.3 a is accepted
- c. All related Objectives, Rules and Matters for Discretion be amended accordingly.
- d. The Plan be examined, and where necessary amended to address similar inabilities to not approve" elsewhere in its text.

## 6.6 TRAN-S4, Table TRAN-7

This Standard appears to allow unlimited numbers of dwellings to be served by an accessway. There is an implied limit of 20 from Tran-S1 Table TRAN-4, but this is very dubious. The principal long term issue with access ways is invariably maintenance, and in particularly the sharing of costs for maintenance, among all those with rights of access over the accessway. These problems can be difficult to resolve even when there is a small number of rights-holders, but can become virtually impossible to resolve when there are larger numbers. In the extreme this can lead to properties with completely inadequate access, and all types of conflict between neighbours. As such it is not sustainable, or desirable, in the long term to allow accessways to serve large numbers of properties. Nevertheless, developers find large accessways attractive as they are much cheaper to construct, and they may be able to avoid fully servicing rear-lots.

I submit that:

- a. TRAN-S4 Table TRAN-be amended by deleting the row that contains ">6" in column 2
- b. All related Rules Objectives, Policies, and Matters for Discretion be amended accordingly.

## 7 Planning Map – Open Space Zone

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In the Planning Map the courses of the East and West branches of the Coopers Creek are excluded from the Open Space Zone for some distance upstream of their confluence, even though both are adjacent to OSZ, and the West Branch runs entirely within the OSZ.

I submit that:

- a. The east and West branches of Coopers Creek be included in the OSZ for their entire lengths above their confluence.
- b. All related Rules, Objectives, Policies, Standards, and Matters for Discretion be amended accordingly.

A stylized, handwritten signature in black ink, appearing to read 'GJS' with a large, sweeping flourish underneath.

George JasonSmith  
Mountain House  
Coopers Creek