

**BEFORE THE INDEPENDENT HEARINGS PANEL
APPOINTED ON BEHALF OF THE WAIMAKARIRI DISTRICT
COUNCIL**

**UNDER
AND
IN THE MATTER OF**

the Resource Management Act 1991

the Waimakariri Proposed District Plan –
Hearing Stream 12C Rezoning Large Lot
Residential Zones

AND

the submissions (32) and (FS25) of Peter and
Lizzy Anderson on the Waimakariri Proposed
District Plan

**MEMORANDUM OF RESPONSE TO OFFICERS REPORT: HEARINGS STREAM 12C REZONINGS
LARGE LOT RESIDENTIAL ZONE**

Dated: 5 July 2024

PETER AND LIZZY ANDERSON
WAIMAKARIRI RESIDENTS
Phone: 027 504 5002
(peteandlizzy@gmail.com)

1 Tupelo Place
Swannanoa
Rangiora 7476

1 INTRODUCTION

- 1.1 This evidence is submitted by Peter and Lizzy Anderson. We live at 1 Tupelo Place, Swannanoa, and have lived here for 8 years.
- 1.2 On the 17th of January 2020, we received an email from the Council (see Appendix 9.1) informing us that our property had been included in the area identified for rural residential growth. The Council subsequently notified the proposed district plan and included our property in the Large Lot Residential Zone Development Overlay.
- 1.3 In light of this, and as encouraged directly by the council, we duly made a submission on the Proposed Waimakariri District Plan (PDP) requesting the rezoning of our property at 1 Tupelo Place, Swannanoa (the Site) to Large Lot Residential.
- 1.4 Our property is approximately 12 acres in area and is located opposite the Swannanoa Primary School and next to the Swannanoa Domain, Swannanoa Hall, Methodist Church and tennis courts. It is also a corner property on the edge of the overlay area.
- 1.5 Following direct engagement with the Council planners at the time, which included a community meeting at our home in November 2020 (attended by Council) and during a follow-up meeting between Council and us, plus phone calls and emails, it was clear that the Council were in full support of rural residential growth in this area, and supported us developing our property in isolation of the balance of the LLRZ Overlay, due to the minimal affect it will have on future development(s).
- 1.6 In reliance on this information from the council, we engaged the professional services of Elliot Sinclair Ltd to prepare our submission, which supported the Council's overlay and request for the rezoning.
- 1.7 This evidence outlines our response to the S42A report prepared by Mark Buckley, and his feedback on our "*missed submission*" in the "*preliminary answers to the hearings panel*" dated 27 June 2024.

2 RESPONSE – Overall Development Plan (ODP)

- 2.1 Mr Buckley: "*The ODP is insufficient and does not meet the criteria in RPS Policy 6.3.3 and the Proposed Plan Policy SUB-P6*"
- 2.2 Mr Buckley: "*The proposed rezoning does not integrate into the rest of the LLRZ Overlay area, with no connections into the surrounding properties to the north or the footpath on the other side of the road*"
- 2.3 We have attached a revised ODP which now demonstrates how our ODP can integrate with the remainder of the LLRZ Overlay and provides further details for our proposed ODP. The existing feeder roads (Tupelo Place, Two Chain Road) and arterial (Tram Road) roads are clearly shown, along with existing services that have capacity to service the low yield development proposed by us. Existing recreational areas are shown

(Swannanoa Domain) and community assets such as the Preschool, Community Hall, Church and Swannanoa School are also shown.

- 2.4 The revised ODP clearly demonstrates the ability for our proposal to connect to any future stages of development to the north by way of interconnected paths to connect with the existing recreational areas.
- 2.5 We consider our property is very well situated to enable it to be rezoned and developed without impacting future development to the remainder of the LLRZ Overlay area due to it be situated in the corner boarded by Tram Road, Tupelo Place and the Swannanoa Domain.

3 RESPONSE – WELL FUNCTIONING URBAN ENVIRONMENT

- 3.1 Mr Buckley has mentioned the site does not meet the requirements of a well-functioning urban environment and his preliminary response suggests short comings on what his idea of a well-functioning urban environment looks like.

We question this rationale. Why must LLRZ lots be of a totally urban character when the reason LLRZ exists is to allow for ancillary activities (chooks, sheep, maybe a horse). They are supposed to be by definition “large lots” and typically located near to, but outside, established towns (such as Rangiora). In Mr Buckley’s feedback, there is an emphasis on job creation and being urban. We do not think that is the intention of LLRZ.

- 3.2 We live here. We know what a tremendous environment Tupelo Place offers. With its bricked entry and somewhat gated community feeling, the site already has provision for families to walk or cycle to the Swannanoa Preschool, Swannanoa Primary School, School Pool, Swannanoa Hall, Cricket Ground, Tennis Courts and Church, not to mention the newly installed walking path to the Mandeville shops thus providing simple GHG reduction options.

The local shops, school and farms actually provide plenty of employment opportunities with many others opting for the short commute to Rangiora or Christchurch, for employment opportunities. That’s not to mention the tendency for people to hybrid, or work from home – for which there is fibre installed at our gate. We are proposing to further enhance Swannanoa as a future village – not a city or town.

The small boutique development proposed by us will further enhance the community, and provide additional *rural* residential options for buyers looking to move into the Waimakariri district.

5 RESPONSE – WASTEWATER

- 5.1 Mr Buckley: *“There is insufficient capacity within the Mandeville Wastewater Network for any additional development and the supplementary evidence did not present sufficient information that this constrain could be overcome.”*

5.2 Mr Buckley: *“Is inconsistent with RPS Policy 6.3.9(3) as all subdivision and development must be located so that it can be economically provided with a reticulated sewer and water supply integrated with a publicly owned system.”*

5.2 As Mr Buckley mentioned in his preliminary feedback, there is in fact sufficient capacity in the potable water network for this development. In addition, the site already boasts fibre and power along the perimeter.

5.3 Whilst there is no *current* capacity in the public wastewater network (often the case when areas are being developed) our submission proposed two solutions befitting of a LLRZ development. It should be noted that the development is of a rural residential type and not straight *urban* whereby wastewater would never be discharged to ground.

As our site is not located near any primary production land, does not border any drinking water supply zones, and until such time as there is capacity in the public sewer network, modern onsite wastewater management systems (OWMS) can be installed. As per our attached Annexure 9.2, such systems can be installed on sites that are not less than 5,000m². If section sizes were to dip below 5,000m², then a resource consent for the discharge would need to be obtained from ECAN.

To further future proof the development, we propose that covenants be added to the future titles that will ensure property owners must connect to a public network when one becomes available in the future at their own cost.

6 RESPONSE – RPS policies and objectives

6.1 Mr Buckley mentions in a few areas that our property is at odds with various planning policies and objectives.

6.2 We note that our submission (and as amended as discussed above) is precisely in line with the LLRZ Overlay released by the Council, and as such, is entirely in line with the intent of the proposed District Plan overlay and the intended growth of the Swannanoa community.

7 CONCLUSION

7.1 We consider that we have followed the Waimakariri District Council process for the rezoning of our property as we were directed and duly informed. We have engaged with Council staff very early in the process, and facilitated community meetings which were attended by WDC staff and were subsequently advised that the District Plan review was the correct mechanism for our rezoning application. We went to the expense of engaging professionals to complete our submission as requested by the WDC.

We are frustrated that the S42A report initially missed our submission, and that the S42A report backtracks on the entire LLRZ Overlay drafted and notified by the WDC. We think the intention of LLRZ has been misinterpreted as needing to be totally urban in nature.

With an updated ODP and acknowledgement that the wastewater can be adequately treated on 5,000m² sites, coupled with a low yield, any issues with onsite wastewater management reduces to a level where the rezoning is supported. We believe our property is perfect for a development that will meet a niche element in the property

market *without* restraining the future development of the balance of the LLRZ Overlay area.

We thank the hearing panel for taking the time to review our response and look forward to answering any questions at the hearing.

Thank you for your time.

Ngā Mihi

Peter and Lizzy Anderson
1 Tupelo Place
Swannanoa

9 Appendix

9.1 Appendix 1 - Email from Waimakariri Council

From: Audrey Benbrook **On Behalf Of** Development Planning Mailbox

Sent: Friday, 17 January 2020 9:42 AM

Subject: Waimakariri Rural Residential Development Strategy implementation - Swannanoa north further engagement

Greetings

We are writing to you because your property is located in an area that the Waimakariri District Council has identified for rural residential growth through the [Rural Residential Development Strategy](#) (RRDS), which was adopted in June 2019. Back in early 2019, you put in a submission to the draft RRDS letting us know that you are interested in your property being rezoned from rural to rural residential zone, or you have informed us of your interest afterwards. We are now working on developing an overlay that will be included in the Proposed Waimakariri District Plan. This overlay will most likely be called "Large Lot Residential Zone Development Area" and will show which specific area (and properties within it) is proposed to be suitable for rural residential use, and will include District Plan provisions. It is anticipated the Proposed Waimakariri District Plan will be notified under the Resource Management Act calling for public submissions in the second half of 2020. While the RRDS showed a general growth area through a directional arrow in your approximate location, the overlay that we are now developing stipulates a particular area and includes your property.

The Waimakariri District Plan Review process is the key vehicle through which the RRDS will be implemented. Upon notification of the Proposed Waimakariri District Plan, landowners interested in developing their land have the opportunity to submit on the Proposed Waimakariri District Plan, requesting that the land be rezoned rural residential. Landowners interested in having their land rezoned will need to provide detailed assessments to support their submission that demonstrate their land is suitable for rezoning for rural residential use. These investigations typically address flood hazard; stormwater, water and wastewater servicing; transportation; geotechnical; and soil contamination.

Anybody included in the overlay area but not interested in subdividing their land to rural residential density can of course also submit to that effect to the Proposed Waimakariri District Plan and, if a rezone occurs as an outcome of that process, is by no means required to subdivide their property. Therefore, if you don't wish to subdivide, nothing has to change for you.

The map inserted below shows the approximate area relevant to you that is likely to form an overlay in the Proposed Waimakariri District Plan, coloured in purple, along with the existing rural residential zone coloured yellow. Ideally, an Outline Development Plan (ODP) would also accompany a submission to the District Plan. An ODP would cover the whole overlay area and will typically show a number of integrated elements including, but not limited to, principal through roads, connections with surrounding road networks and relevant infrastructure services, the distribution of different residential densities (new rural residential areas will need to achieve an average lot size of 5,000m² across the whole overlay area), land required for stormwater treatment, retention and drainage paths, land reserved for protection or enhancement (if relevant), pedestrian walkways, cycleways and public transport (if relevant). We suggest that perhaps the best way forward for you might be to engage a professional planning consultant, who can support you in preparing a submission to the Proposed Waimakariri District Plan, to ensure the information requirements are complete, should you wish to progress a rezoning option at this time. Because an ODP would cover the whole overlay area, it would be appropriate to develop this together with the other affected landowners involved, which may also present an opportunity to share resources.

We would also like to direct you again to the RRDS project webpage which explains in more detail the types of investigations typically required to support a submission to have land rezoned, along with Council resources available to assist (e.g. pre-application services): <https://www.waimakariri.govt.nz/your-council/district-development/rural-residential-development>. We are also happy to have a role by way of an early peer-review of an ODP, ahead of this being submitted along with a submission to the Proposed Waimakariri District Plan.

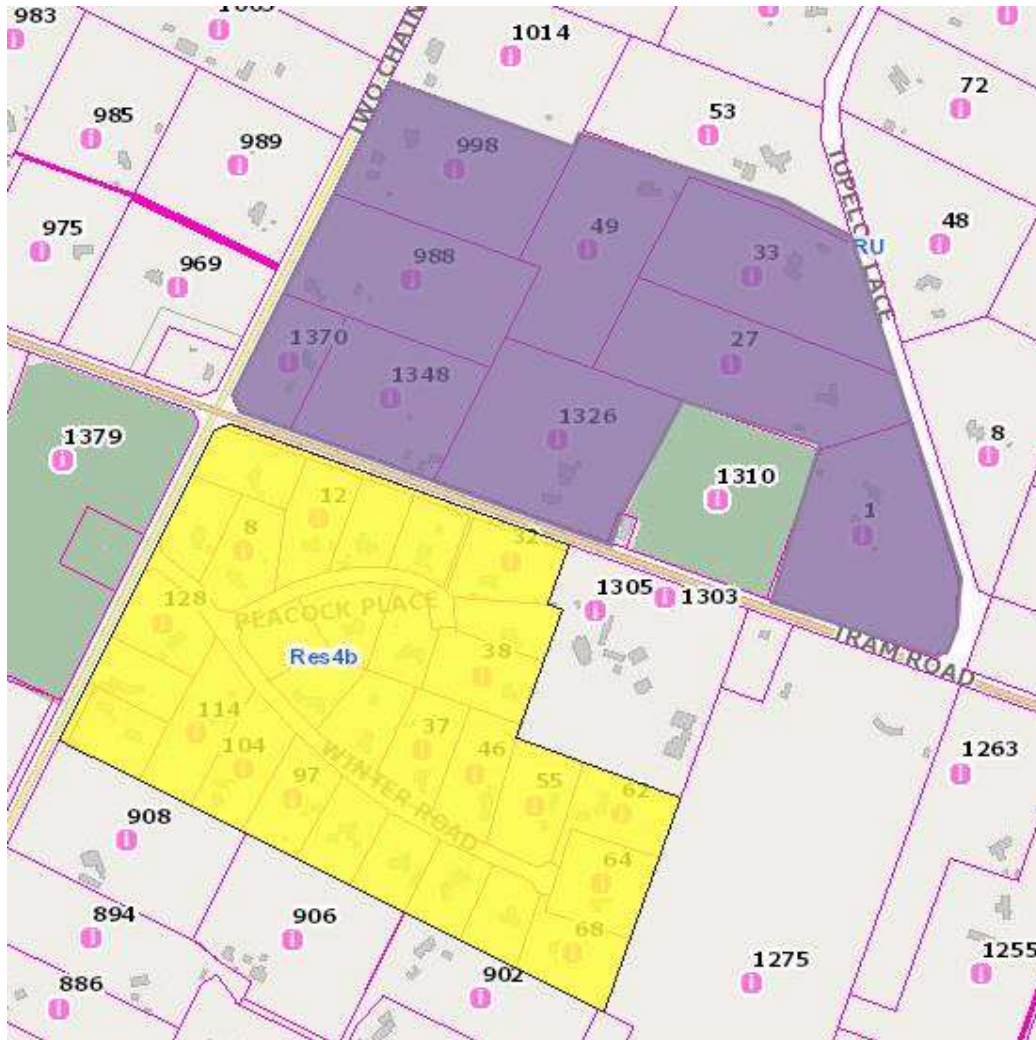
We will be in touch prior to the Proposed Waimakariri District Plan being released for public comment, to make you aware of this milestone and provide information about where/when to make a submission. In the meantime, for our own records, it would also be **helpful to know your position regarding your level of interest in rezoning your land**. We would appreciate if you could indicate this by reply email.

If you have any questions, please get in touch with Audrey Benbrook (our Development Planning Administrator) by return email or on 0800 965 468.

Kind Regards,

Development Planning Unit

Ref: DDS-06-10-02-04-07 / 2



Development Planning Unit
Phone: 0800 965 468 (0800 WMK GOV)



9.2 Appendix 2 – Screenshot ECAN website regarding onsite wastewater management system (OWMS)

HOME / WATER / WASTEWATER / INFORMATION FOR DEVELOPERS, DESIGNERS AND INSTALLERS

Water

Swimming water quality +

Health warnings +

Our drinking water

Wastewater

Reticulated wastewater systems

Onsite wastewater management systems (OWMS)

Rules for operating an OWMS

Maintaining an OWMS

Buying or selling a property with an OWMS

Information for developers, designers and installers

Stormwater +

What's happening in my water zone? +

Measuring CWMS progress +

Canterbury's approach to water management +

River report

Waterways with special protections

Information for developers, designers and installers

All subdivisions and developments producing domestic wastewater that are unable to connect to a reticulated wastewater system will require an onsite wastewater management system (OWMS) that is appropriate for the site and the local environment.

This is a requirement of the [Building Code](#), which is administered by the local council. Any discharge of treated wastewater will need to comply with the onsite wastewater rules in the [Canterbury Land and Water Regional Plan](#). An application for [resource consent](#) will be required if the discharge is unable to meet the conditions of a permitted activity.

Understanding these regulatory requirements early in the process is essential to the effective discharge of wastewater.

- [Important considerations](#)
- [Information for OWMS designers](#)
- [Information for property developers](#)
- [Information for OWMS installers](#)
- [Resource consent applications – additional considerations for subdivisions](#)
- [Selecting an OWMS](#)
- [Training](#)

Important considerations

Permission to connect to the public sewer system should be sought from the local authority where access is available now or new infrastructure is planned within a reasonable timeframe. This is desirable because public sewer systems are maintained and monitored and typically located away from sensitive environments.

The cumulative effect of multiple OWMS effluent discharges is of increasing concern in Canterbury because of the impact of pathogens and nitrate on the receiving environment.

Where an OWMS is the only option, the proximity to domestic and community water supply wells, rivers, streams, wetlands, and surface water drains should be carefully considered to avoid pollution.

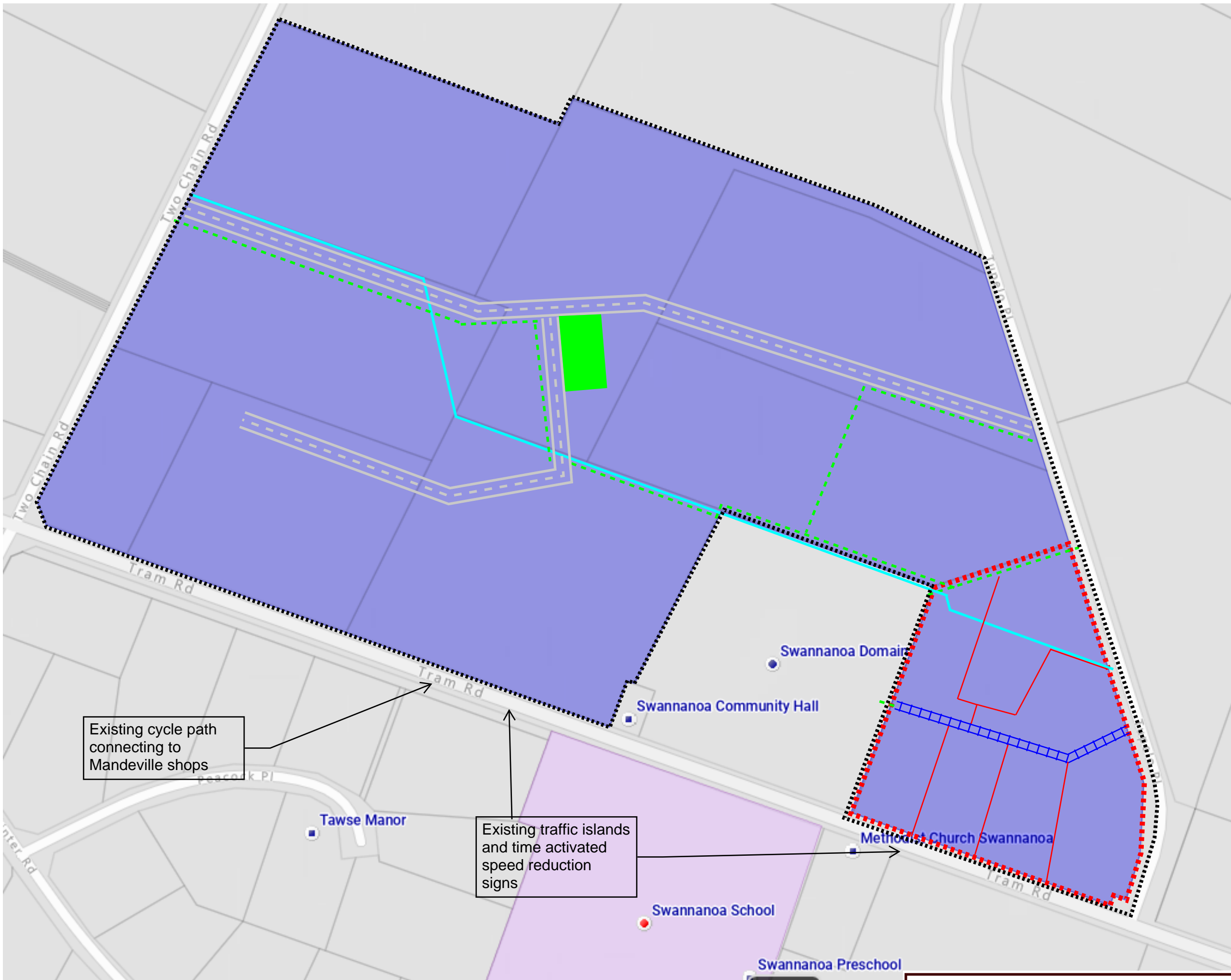
In some sites, primary or secondary treatment systems may not be appropriate for the environment, and alternative solutions may be required.

An OWMS with an effluent disposal field should not be installed on a property less than 5000 m².

9.3 Appendix 3 – Revised ODP which includes an overall LLRZ ODP, accompanied by an updated ODP for Pete and Lizzy’s property

KEY:

- WAIMAKARIRI DISTRICT COUNCIL
LARGE LOT RESIDENTIAL OVERLAY
AREA
- OUTLINE ODP AREA
- OUTLINE ANDERSON'S ODP AREA
(SEE SECOND PAGE FOR DETAIL)
- PROPOSED PEDESTRIAN/CYCLEWAY
ACCESS
- PROPOSED ROAD DESIGN
- INDICATIVE PRIVATE RIGHT OF WAY
- EXISTING WATER RACE
- PROPOSED STORMWATER
MANAGEMENT AREA
- INDICATIVE LOT SIZE/GEOMETRY

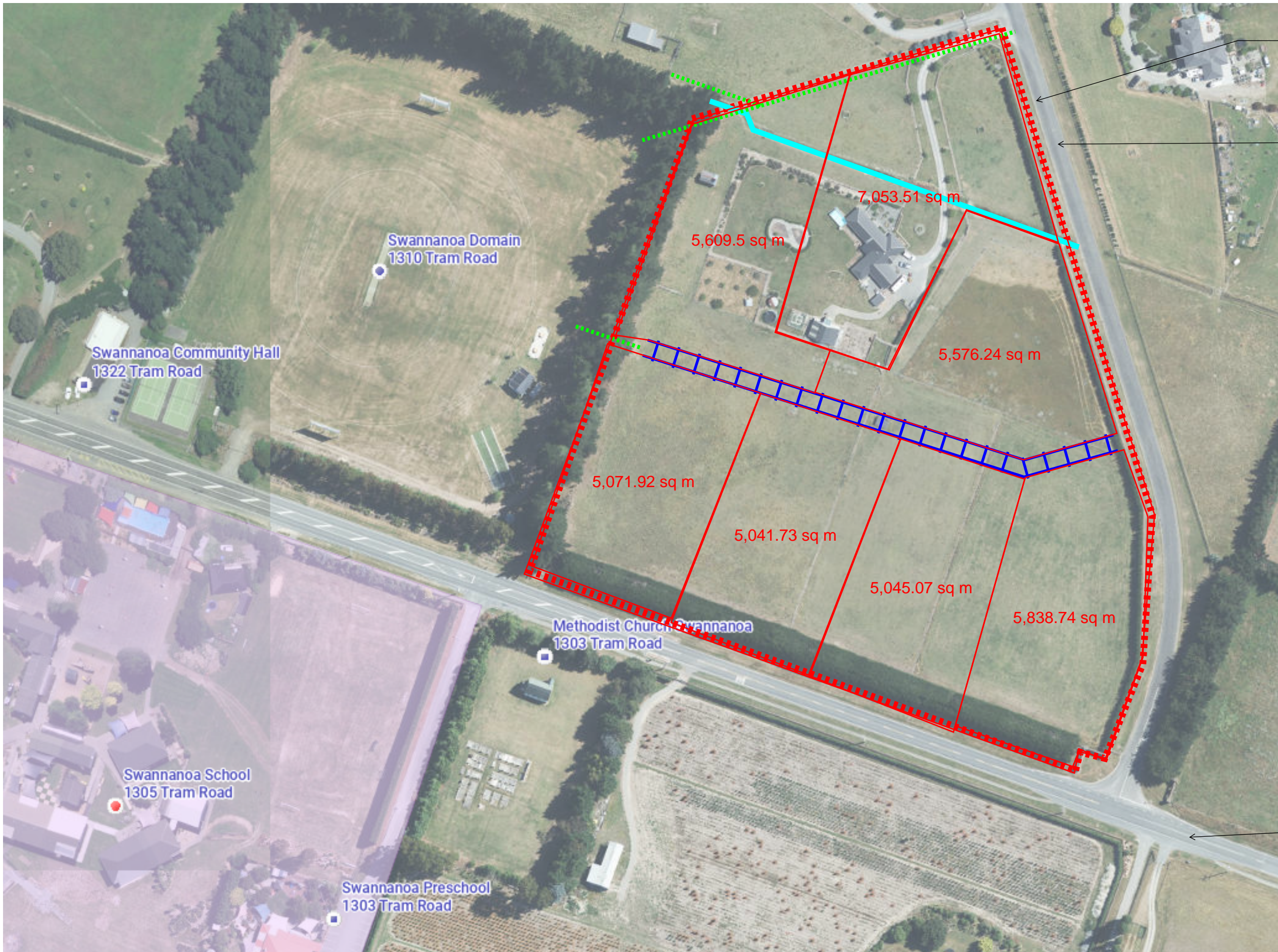


Existing cycle path
connecting to
Mandeville shops

Existing traffic islands
and time activated
speed reduction
signs

PROJECT
**ANDERSON'S - 1 TUPELO PLACE
SWANNANOA**

TITLE
PROPOSED ODP
Page 1 of 2





Existing services in berm:
 - Power
 - Water
 - Fibre


Existing Tupelo Place roadway - feeder to Tram Road


KEY:

 ODP Boundary of proposed ANDERSON LLRZ

 Existing water race

 Indicative right of way

 Proposed paths to link with domain/recreation zone and future development to the north

 Indicative allotment size/geometry

Existing Tram Road arterial roadway