

Before Waimakariri Independent Hearing Panel

Hearing Stream 12C: Large Lot Residential Zone: Hearing date: 22 & 23 July 2024

Presentation of G and C McKeever: 69 Velino Place San Dona Mandeville; (Submitter # 111)

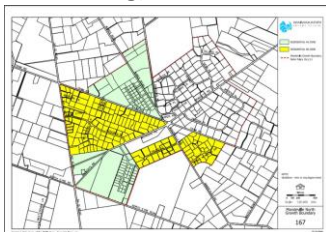
1. As part of the San Dona Land owner group (20+ land owners that made personal submissions for their properties in San Dona) we contributed to funding the preparation of technical reports (S32AA assessment, flooding, civil engineering and geotechnical reports prepared by our colleagues at Eliot Sinclair) to support our personal San Dona submissions.
2. Although we both work at Eliot Sinclair, myself as Resource Management Planner, and Greg as a Subdivisions Engineer, Surveyor & Eliot Sinclair's Nelson Branch Manager, we engaged our Christchurch colleagues to prepare the technical reports, to avoid perception of any landowner bias from us.
3. Over the course of 3 years since the original submissions in November 2021 and in this current financial climate, unfortunately the San Dona landowner group was unable to engage ES to prepare evidence and attend this hearing on our behalf.
4. We are speaking for ourselves in support of our original submission, however, on the basis that the technical reports presented by ES on our behalf are now considered to be part of our full submission.
5. Our original submission requested both the rezoning of our property at 69 Velino Place and; requested the rezoning of the rest of the existing San Dona subdivision, so we consider we have scope to discuss both today
6. We have reattached our original submission in **Appendix A** below.

Original Submission points

- Oppose Rural Lifestyle Zone and Non-Urban Flood Assessment Overlay being applied to 69 Velino Place, Mandeville and 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.)
- Request that 69 Velino Place (and San Dona subdivision) be rezoned Large Lot Residential Zone and that Urban Flood Assessment Overlay the same as the rest of Mandeville.
- Consequential amendments to support subdivision, use and development. (mostly fencing)

Basis for the submission request:

7. The submission was made on the basis that San Dona development is identified within the Operative District Plan as being part of the Mandeville North Growth Boundary (despite its rural zoning) as shown in District Plan Map 167 of the Operative Waimakariri District Plan.



8. Given San Dona already exists as part of Mandeville, it does not represent a 'new' development area. The rezoning submission represents potential for an infill development, in an existing serviced location, which is more desirable and efficient than greenfield expansion, or; use of the Large Lot Overlay that would require a private plan change 'later'.

9. The District Plan Review is therefore the most efficient and reasonable time for a group of landowners, particularly in the San Dona situation, to seek a coordinated and well considered approach to our land zoning in Mandeville, by the Council and the Hearing Panel.
10. Council has a new flood model for an “urban” and “non-urban” flood overlay and proposes a new legislative framework for future development to be assessed against. In amending the planning map for Large Lot Residential zone for San Dona, the Flood Overlay can easily be changed to ‘Urban Flood Overlay’.
11. Given this, our submission was prepared comprehensively and assessed the Relevant Objectives, Policies and Rules proposed for the Strategic Directions, Subdivision, Natural Hazard and Large Lot Residential zone Chapters of the Proposed Plan.
12. The rezoning option for San Dona, has also subsequently shown by the Eliot Sinclair S32AA report to be the most efficient and effective option when compared to the “Status Quo’ of retaining Rural Lifestyle zone as proposed by Council.
13. I consider the Council’s approach to continue to leave San Dona with Rural Lifestyle Zone that it cannot comply with, given the lot sizes of 1ha -1.8ha are not 4ha, to be poor land use planning.

S42A Recommendation to Reject the San Dona Submissions and rezoning (100 -131 pages 18-24):

14. We reject Mr Buckley’s recommendation for San Dona and our submission, for the following reasons:
 - Relies on retaining the “Status Quo” zone because of the Economic use criteria used to establish San Dona under the Transitional District Plan in late 1990’s - early 2000’s¹. Those provision were left out of Operative Plan in 2005, and; every San Dona submission in this process has confirmed the olives are not productive. Status Quo based on old ‘economic use’ reasoning is unreasonable.
 - We disagree with Councils’ conclusions to reject the submission based on wastewater, stormwater and roading network capacity². Their assessments confirm that additional upgrades for infrastructure will be required because limited capacity is available. There is no dispute with that, and the cost is expected to be met by landowners/developers given there are engineering solutions available. (Such as Low Pressure wastewater conversion or upgrades to the STEP system, stormwater detention prior to soakage, roads can be widened, floor levels can be above specified flood levels etc).
 - Assumptions are made about olive sprays, herbicides and pesticides used³. ECan undertook a landowner study to update their LLUR based aerial photos. The age of San Dona is not old enough for persistent pesticide/herbicides of concern to have been used. It is an NES matter for consent that will need addressed at a later date.
 - Mr Buckley confirms that he has not read our submission⁴ which provided a thorough assessment of the objectives and policies of the Proposed District Plan. There is a high level of consistency for San Dona with the proposed Objectives and Policies for the LLRZ, and; also for it to be able to achieve the expected rules and standards for subdivision in the LLRZ also.

¹ Subclause 106 of S42A, page 19

² Subclause 111 of s42A, page 20

³ At subclause 115 of S42A report

⁴ By comments made in subclause 117 of S42A assessment which state *“no detailed assessment of the objectives and policies within the Proposed Plan was undertaken to establish whether the existing site and proposed rezoning better met the RLZ or LLRZ provisions”*

- Further to this, San Dona does not meet RLZ objective R01 that states the *purpose of the RLZ zone is primary production activities reliant on natural and physical resources....* I note legacy provisions proposed will only allow a minor unit on a San Dona site. Permitted standards for Primary Production activities must be located 40m from a residential unit on a site in different ownership and 10m from a site/road boundary. Our site which is xx wide making primary production unlikely to be permitted.
- We disagree with Mr Buckley's statement⁵ that states the San Dona wastewater systems are subject to infiltration in flood events. When San Dona was transferred from its community wastewater system in 2014/2015 to the WDC reticulation all San Dona landowners were **required by Council and original developer who operated the community system** to prevent SW infiltration by sealing all wastewater tank systems before they could be connected to the Council network. Our tank was sealed and risers installed at additional expense, in addition to the \$3k connection and upgrade fee imposed on us for the pump station and Bradley's Road rising main upgrades. The Council did not have the same leverage to require the rest of Mandeville residents (in 4A and 4B zones) to seal their wastewater tanks, so those are more likely to have SW infiltration than any San Dona ones.
- In regard to transportation comments⁶, San Dona does not require walking or cycling facilities as there are none elsewhere in Mandeville. Grassed berms are wide enough for walking and are used by the primary school children to get to the MOE bus stops for Swannanoa and Ohoka schools. Legal road widths are more than wide enough for additional carriageway widening (if it were required). The road environment has already changed from 100 to 80km/hr and then again to 50km/hr during the time we lived there. Public transport is not expected in San Dona, as there was only one public bus route through Mandeville from Oxford (or used to when we lived there).
- Mr Buckley also rejects the rezoning submission based on there not being an Outline Development Plan proposed⁷. I believe it is a ridiculous notion to require an ODP for infill development when road and servicing layouts for San Dona were established over 24 years ago. San Dona is not a new development area it an existing development area, and infill development (of 1 or 2 sections at a time) clearly does not require an ODP.

Conclusion

- Groundwater resurgence keeps being the 'excuse' for Council staff to use to San Dona landowners for rejecting rezoning, however groundwater resurgence applies to all of Mandeville, not just San Dona. Capital works are already proposed in the Long Term Plan for addressing the issue for Mandeville.
- In regard to potential 'flooding' constraint, the new flooding overlay planning framework addresses this for the entire District. All subdivisions have to demonstrate, under S106 of the RMA at subdivision, that a site can be developed in a way that does not adversely affect others or be subject to hazards, including in a cumulative situation. San Dona is not identified in the High Hazard Flood Area on Councils' website and localised flooding depths are less that shown for urban growth

⁵ At subclause 121 of S42A report

⁶ At subclause 127 of S42A report

⁷ At Subclause 128 of the S42A report

areas in West Kaiapoi. With a minimum site size of 5000m² proposed in LLRZ, successful, there will be room for a section and house to be designed cognisant of modelled overland flow paths.

- It is not a given that all sites in San Dona will necessarily be subdividable and there are definitely some that will be easier to develop than others. We accept that. They will all come down to specific design at the time, just as any subdivision in the District is expected to do.
- That also applies to infrastructure servicing and roading upgrades where they are needed. We accept that upgrades are needed for wastewater, and likely detention is required for Stormwater (during times of high ground water). These are not constraints, but matters of detailed design and cost to implement at the time of subdivision.
- We consider it is not a suitable outcome to leave San Dona with a Rural zone that it cannot and does not already comply with, demanding that it remain 'productive' (when it isn't), while charging landowners for all the same rates and services that apply to the rest of Mandeville, without the privilege of an equitable zone.
- We consider that infill development within an existing development area in Mandeville, by way of rezoning the site to be the same as the rest of Mandeville is more appropriate than other options for the status quo, to favour greenfield expansion or simply to defer the same problem with the use of an 'overlay'.
- Thank you for the opportunity to present our submission.

Thank you.

Claire and Greg McKeever

Appendix A: Original Submission #111 by C and G McKeever