

**BEFORE INDEPENDENT HEARING COMMISSIONERS APPOINTED BY THE  
WAIMAKARIRI DISTRICT COUNCIL**

**IN THE MATTER OF**

The Resource Management Act 1991 (**RMA** or  
**the Act**)

**AND**

**IN THE MATTER OF**

Hearing of Submissions and Further  
Submissions on the Proposed Waimakariri  
District Plan (**PWDP** or **the Proposed Plan**)

**AND**

**IN THE MATTER OF**

Hearing of Submissions and Further  
Submissions on Variations 1 and 2 to the  
Proposed Waimakariri District Plan

**AND**

**IN THE MATTER OF**

Submissions and Further Submissions on the  
Proposed Waimakariri District Plan by **Mark  
and Melissa Prosser**

---

**SUPPLEMENTARY EVIDENCE OF MARK DAVID ALLAN  
IN RESPONSE TO PANEL REQUEST (23 JULY 2024)  
ON BEHALF OF MARK AND MELISSA PROSSER  
REGARDING HEARING STREAM 12C**

DATED: 26 July 2024

---

Presented for filing by:  
Chris Fowler  
Saunders & Co  
PO Box 18, Christchurch  
T 021 311 784  
chris.fowler@saunders.co.nz

## INTRODUCTION

- 1 My name is Mark David Allan.
- 2 I have prepared a statement of evidence and supplementary evidence regarding Hearing Stream 12C in support of the submission of Mark and Melissa Prosser (**the Submitters**) on the Proposed Waimakariri District Plan (**PWDP**) to rezone approximately 73 ha at Mandeville from Rural Lifestyle Zone (**RLZ**) to Large Lot Residential Zone (**LLRZ**) (**the Proposal**).
- 3 My qualifications and experience are set out in my primary statement of evidence. I confirm that this supplementary statement of evidence is also prepared in accordance with the Environment Court's Code of Conduct.
- 4 I attended Day 2 (23 July 2024) of the Stream 12C Hearing (**the Hearing**) where I presented on behalf of the Submitters. During the Hearing, the Panel requested that I compile those existing provisions of the PWDP that would apply to the Proposal, and any additional provisions that may be needed to ensure features shown on the Outline Development Plan (**ODP**) would eventuate (**Panel's Request**).
- 5 My supplementary evidence is filed in response to the Panel's request.

## APPROACH TO PANEL'S REQUEST

- 6 I have separated my response to the Panel's Request into two parts:
  - (a) existing provisions in the PWDP that will control subdivision and development of the Site; and
  - (b) additional provisions associated with the ODP for insertion into Part 3 (Development Areas) of the PWDP.

## EXISTING PROVISIONS IN THE PWDP

- 7 In **Attachment 1** I have collated those PWDP provisions that would serve to control subdivision, servicing and development of the Site if the Proposal is successful, specifically those provisions relating to ODPs, subdivision and natural hazards, these being the focus of the Panel's Request. I have not included other relevant provisions from Part 2 - District-wide matters or Part 3 – Area specific matters / Zones as I consider these provisions, in the context

of the Proposal and in combination with the ODP, are appropriate for assessing and managing environmental effects associated with LLRZ-enabled development of the Site.<sup>1</sup>

8 I have highlighted those provisions that I consider demonstrate how subsequent subdivision and development of the Site would be considered through the resource consent process, and specifically how the features shown on the ODP would be assured (e.g. sealing of Ashworths Road, provision of new footpath to Mandeville Village Shopping Centre) and matters of servicing design and groundwater resurgence would be appropriately assessed. Notably, this shows that:

- (a) subdivision is required to be in accordance with the ODP and associated rules for the ODP (refer **Attachment 2**, discussed below) (SUB-P6, SUB-P7, SUB-S4);
- (b) new allotments are required to be serviced by a reticulated wastewater network and by reticulated or on-site stormwater disposal (SUB-S12, SUB-S15);
- (c) relevant matters of discretion when considering any subdivision application include the extent to which:
  - (i) the proposed subdivision complies with the ODP (SUB-MCD2-2);
  - (ii) the proposed subdivision provides for access, including the location and design of footpaths (SUB-MCD2-5, SUB-MCD3-1(b) and (d));
  - (iii) the natural character of springs and watercourses is protected and their values maintained (SUB-MCD2-8);
  - (iv) risk from natural hazards has been addressed, including flooding and inundation (SUB-MCD5-1(a), (c), (e)(ii); and
  - (v) necessary overland flow paths are maintained and stormwater managed (SUB-MCD5-2 and -3).

9 I consider these various provisions, individually and collectively, and in combination with the LLRZ provisions and other district-wide provisions, are appropriate and fit-for-purpose in the context of the Proposal, the ODP and subsequent LLRZ-enabled development of the Site. They provide certainty that future subdivision and development will deliver environmental outcomes anticipated for the LLRZ generally and that respond to the environmental features and characteristics of the Site specifically.

---

<sup>1</sup> Para 27, EIC of Mark Allan, 24 April 2024

### **ADDITIONAL PROVISIONS ASSOCIATED WITH THE ODP**

- 10 In addition to the existing PWDP provisions referred to above and in Attachment 1, I have prepared a suite of rules to accompany the ODP, adopting the same format used in Part 3 – Area-specific matters / Wāhanga waihanga - Development Areas (**Attachment 2**). The intention is that the proposed text (or similar) and the ODP (unchanged from that presented in supplementary evidence) would be inserted into Part 3 as 'MNE – Mandeville Northeast Development Area', should the Proposal be accepted.
- 11 It is relevant to note that the proposed rules in Attachment 2 simply reflect the corresponding elements on the ODP, and do not introduce any additional requirements. In this way, the commitments made by the Proposal and identified on the ODP (e.g., sealing part of Ashworths Road, constructing a footpath extending to the village centre) are captured in a rule framework consistent with other development areas subject to an ODP.
- 12 Given the known potential for groundwater resurgence at the Site, I consider it appropriate that the ODP-specific rule framework ensures the issue is appropriately assessed and provided for through the subsequent resource consent process and detailed design associated with future subdivision and development of the Site.

### **CONCLUSION**

- 13 I remain satisfied that the existing PWDP provisions (**Attachment 1** as well as LLRZ and other district-wide provisions) are appropriate for assessing and managing environmental effects associated with LLRZ-enabled development of the Site.
- 14 The additional provisions I have proposed (**Attachment 2**) are specific to the ODP, reinforce the various elements identified on the ODP and relevant to the Site, and are consistent with the format adopted in the PWDP for development areas subject to an ODP.

Mark Allan  
26 July 2024

## ATTACHMENT 1: EXISTING PROVISIONS IN THE PWDP (my emphasis)

[Relevant Policy Framework]

<p><b>SUB-P6</b></p>	<p><b>Criteria for Outline Development Plans</b></p> <p>Ensure that new Residential Development Areas, new Large Lot Residential Zones, new Commercial and Mixed Use Zones and new Industrial Zones shall not be subdivided until an ODP for that area has been included in the District Plan and each ODP shall:</p> <ol style="list-style-type: none"> <li>1. be prepared as a single plan; and</li> <li>2. be prepared in accordance with the following:             <ol style="list-style-type: none"> <li>a. identify principal roads, connections and integration with the surrounding road networks, relevant infrastructure and areas for possible future development;</li> <li>b. any land to be set aside:                 <ol style="list-style-type: none"> <li>i. for community facilities or schools;</li> <li>ii. parks and land required for recreation or reserves;</li> <li>iii. for business activities;</li> <li>iv. the distribution of different residential densities;</li> <li>v. for the integrated management of water systems, including stormwater treatment, secondary flow paths, retention and drainage paths;</li> <li>vi. from development for environmental or landscape protection or enhancement; and</li> <li>vii. from development for any other reason, and the reasons for its protection.</li> </ol> </li> <li>c. for new Residential Development Areas demonstrate how each ODP area will achieve a minimum net density of at least 15 lots or households per ha, unless there are demonstrated constraints then no less than 12 households per ha;</li> <li>d. identify any cultural, natural, and historic heritage features and values and show how they are to be enhanced or maintained;</li> <li>e. indicate how required infrastructure will be provided and how it will be funded;</li> <li>f. set out the phasing and co-ordination of subdivision and development;</li> <li>g. demonstrate how effective provision is made for a range of transport options, including public transport systems, pedestrian walkways and cycleways, both within and adjoining the ODP area;</li> <li>h. for new Residential Development Areas, demonstrate how open space, playgrounds or parks for recreation will be provided within a 500m radius of new residential allotments including:                 <ol style="list-style-type: none"> <li>i. transport connectivity for active, public and other transport modes;</li> <li>ii. connection to any other open space or community facility and other zones; and</li> <li>iii. potential use of open space for stormwater management;</li> </ol> </li> <li>i. show how other potential adverse effects on and/or from nearby existing or designated strategic infrastructure (including requirements for designations, or planned infrastructure) will be avoided, remedied or appropriately mitigated;</li> <li>j. show how other potential adverse effects on the environment, the protection and enhancement of surface and groundwater quality, are to be avoided, remedied or mitigated;</li> <li>k. include any other information which is relevant to an understanding of the development and its proposed zoning; and</li> <li>l. demonstrate that the design will minimise any reverse sensitivity effects.</li> </ol> </li> </ol>
----------------------	--

<b>SUB-P7</b>	<b>Requirements of Outline Development Plans</b>
	Ensure that subdivision is in accordance with the fixed or flexible elements of any relevant ODP.

## [Relevant Rule Framework]

<b>SUB-S4 Areas subject to an ODP</b>	
1. Any subdivision shall comply with the relevant ODP and rules for the ODP, as set out in the Development Areas Chapter of the District Plan.	<b>Activity status when compliance not achieved: DIS</b>
<b>SUB-S12 Reticulated wastewater disposal in Residential Zones, Commercial and Mixed Use Zones, Special Purpose Zones, or Industrial Zones</b>	
1. Any new allotment in Residential Zones, Commercial and Mixed Use Zones, Special Purpose Zones, or Industrial Zones shall be served: <ol style="list-style-type: none"> <li>1. to the boundary by a reticulated wastewater system, where available; or</li> <li>2. where a reticulated wastewater system is not available as described in EI-R45, wastewater disposal is to be provided by on site waste water treatment services.</li> </ol>	<b>Activity status when compliance not achieved: NC</b>
<b>SUB-S15 Stormwater disposal in Residential Zones, Commercial and Mixed Use Zones, Special Purpose Zones, or Industrial Zones</b>	
1. Any new allotment in Residential Zones, Commercial and Mixed Use Zones, Industrial Zones or Special Purpose Zones shall demonstrate at the time of application for subdivision that it can be: <ol style="list-style-type: none"> <li>a. served by reticulated stormwater infrastructure where it is available at the boundary of the allotment; or</li> <li>b. where no such infrastructure is available, provided with on-site stormwater disposal.</li> </ol>	<b>Activity status when compliance not achieved: NC</b>

## [Relevant Matters of Discretion]

<b>SUB-MCD2</b>	<b>Subdivision design</b>
	<ol style="list-style-type: none"> <li>1. The extent to which design and construction of roads, service lanes, and accessways will provide legal and physical access that is safe and efficient.</li> <li>2. The extent to which the proposal complies with any relevant ODP or concept plan. Where a proposal does not comply with an ODP or concept plan, the extent to which the proposal achieves the same, or better urban design and environmental outcomes, than provided through the ODP or concept plan.</li> <li>3. The extent to which allotments provide for solar orientation of buildings to achieve passive solar gain.</li> <li>4. Design of the subdivision and any mitigation of reverse sensitivity effects on infrastructure.</li> <li>5. The provision and location of walkways and cycleways, the extent to which they are separated from roads and connected to the transport network.</li> </ol>

	<ol style="list-style-type: none"> <li>6. The provision and use of open stormwater channels, wetlands and waterbodies, excluding aquifers and pipes and how they are proposed to be maintained.</li> <li>7. The provision, location, design, protection, management and intended use of reserves and open space.</li> <li>8. The extent to which areas of significant indigenous vegetation or significant habitats of indigenous fauna, the natural character of freshwater bodies, springs, watercourses, notable trees, historic heritage items, or wāhi taonga are protected and their values maintained.</li> <li>9. The extent to which subdivision subject to an ODP: <ol style="list-style-type: none"> <li>a. provides for the protection of routes for future roads, and other public features of the subdivision, from being built on; and</li> <li>b. will not undermine or inhibit the future development of identified new development areas.</li> </ol> </li> </ol>
SUB-MCD3	<p><b>Property access</b></p> <ol style="list-style-type: none"> <li>1. The extent to which the subdivision makes provision for: <ol style="list-style-type: none"> <li>a. the location, design, lighting, alignment and pattern of roads in relation to allotments;</li> <li>b. the provision of access;</li> <li>c. the location, design, and provision of vehicle crossings in particular, taking into account infrastructure and street trees in the roading corridor;</li> <li>d. the location and design of footpaths and cycleways including their convenience, safety and separation from roads by visual and/or physical means; and</li> <li>e. road reserves and links to future subdivision on adjoining land.</li> </ol> </li> </ol>
SUB-MCD5	<p><b>Natural hazards</b></p> <ol style="list-style-type: none"> <li>1. The extent to which risk from natural hazards has been addressed, including any effects on the use of the site for its intended purpose, including: <ol style="list-style-type: none"> <li>a. provision of works for the subdivision including access and infrastructure;</li> <li>b. the location and type of infrastructure;</li> <li>c. location of structures and any identified building platform or platforms for natural hazard sensitive activities;</li> <li>d. any restriction on, or requirement for floor levels, floor levels and freeboard, and land levels as a result of flood hazard risk; and</li> <li>e. location and quantity of filling and earthworks that can be affected by the following hazards or which could affect the impact of those hazards on any allotment or other land in the vicinity: <ol style="list-style-type: none"> <li>i. erosion;</li> <li>ii. flooding and inundation;</li> <li>iii. landslip;</li> <li>iv. rockfall;</li> <li>v. alluvion;</li> <li>vi. avulsion;</li> <li>vii. unconsolidated fill;</li> <li>viii. defensible space for fire safety;</li> <li>ix. soil contamination;</li> <li>x. subsidence; and</li> <li>xi. liquefaction.</li> </ol> </li> </ol> </li> <li>2. The extent to which necessary overland flow paths are maintained, including consideration of any culvert development or road access that may impede overland flow.</li> <li>3. Any effects from fill or difference in finished ground levels on stormwater management on the site and adjoining properties and the appropriateness of the fill material.</li> </ol>

## ATTACHMENT 2: PROPOSED AMENDMENTS TO PWDP

The following text (*italics*) is new and proposed to be inserted in Part 3 – Area specific matters / Wāhanga waihanga – Development Areas / Existing Development Areas.

### **MNE – Mandeville Northeast Development Area**

#### **Introduction**

*The Mandeville Northeast Development Area is located to the northeast of Mandeville bounded by Dawsons Road to the west and Ashworths Road to the north. The area is a Large Lot Residential Zone that provides for low density residential activities. The area is within a location that has experienced groundwater resurgence during periods of high groundwater in the past, which has the potential to result in flooding impacts if not appropriately managed through subdivision design and development.*

Key features of the DEV-MNE-APP1 include:

- *proposed road and pedestrian layouts, including sealing part of Ashworths Road and providing pedestrian connectivity with the Mandeville Village Shopping Centre;*
- *proposed stormwater management network to maintain existing overland flow paths;*
- *areas to achieve specific residential density, landscaping and setback requirements; and*
- *enhancement of existing waterways and springs.*

#### **Activity Rules**

<b>DEV-MNE-R1 Mandeville Northeast Development Area Outline Development Plan</b>	
<b>Activity status: PER</b>	<b>Activity status when compliance not achieved: DIS</b>
Where: 1. <i>development shall be in accordance with DEV-MNE-APP1</i>	
<b>Advisory Note</b>	
<ul style="list-style-type: none"> <li>• <i>For the avoidance of doubt, where an Activity or Built Form Standard is in conflict with this ODP, the ODP shall substitute the provision.</i></li> </ul>	
<b>DEV-MNE-R2 Specific access provisions</b>	
<b>Activity status: PER</b>	<b>Activity status when compliance not achieved: DIS</b>
Where: 1. <i>there shall be no direct vehicle access to Dawsons Road from allotments fronting Dawsons Road;</i> 2. <i>Ashworths Road shall be sealed from the intersection with Dawsons Road to a minimum of 60m northeast of the new Ashworths Road access point; and</i> 3. <i>a footpath shall be formed from the new Dawsons Road access point along the eastern side of Dawsons Road to the intersection with Wards Road.</i>	
<b>DEV-MNE-R3 Groundwater Resurgence</b>	
<b>Activity status: PER</b>	<b>Activity status when compliance not achieved: RDIS</b>
Where: 1. <i>a detailed groundwater study and resurgence assessment has been undertaken identifying:</i>	<b>Matters of discretion are restricted to:</b>



<ol style="list-style-type: none"> <li>a. any potential resurgence locations;</li> <li>b. groundwater and infiltration management approaches used to ensure groundwater resurgence is appropriately managed on site without contributing to new or increased groundwater resurgence issues off-site; and</li> <li>c. building platforms that avoid areas susceptible to groundwater resurgence;</li> </ol> <ol style="list-style-type: none"> <li>2. building platforms have been identified on a subdivision plan to avoid any areas of known groundwater resurgence (in accordance with 1(c) above); and</li> <li>3. a stormwater infrastructure assessment has been undertaken outlining how stormwater has been designed to maintain its primary stormwater function during sustained periods of groundwater flow and has been sized to accommodate groundwater resurgence flows concurrent with flood flows.</li> </ol>	SUB-MCD5 – Natural hazards
--	----------------------------

#### **DEV-MNE-R4 Subdivision design**

<p><b>Activity status: PER</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. Any subdivision shall provide for the protection and enhancement of the watercourses and springs identified on the ODP.</li> </ol>	<p><b>Activity status when compliance not achieved: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b></p> <p>NATC-MD4 – Buildings, structures and impervious surfaces within freshwater body setbacks</p> <p>NATC-MD6 – Freshwater body setback assessment</p>
---	--

#### **DEV-MNE-R5 Residential unit and any rooms within accessory buildings used for sleeping or living purposes located within the Intensive Primary Production Setback Area**

<p><b>Activity status: NC</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. a poultry farm continues to operate on 87 Ashworths Road with respect to the Primary Production Setback Area.</li> </ol>	<p><b>Activity status when compliance not achieved: N/A</b></p>
--	---

### **Built Form Standards**

#### **DEV- MNE-BFS1 Specific density requirements**

<ol style="list-style-type: none"> <li>1. For the purpose of LLRZ-BFS1 and SUB-S1, allotments within the 'Large Lot Residential Development Area - Lower Density' shall achieve a minimum allotment size of no less than 10,000m<sup>2</sup> and a maximum density of one residential unit per site.</li> </ol>	<p><b>Activity status when compliance not achieved: NC</b></p>
---	--

#### **DEV-MNE-BFS2 Building and structure setbacks**

<ol style="list-style-type: none"> <li>1. For the purpose of LLRZ-BFS6 (1), any building or structure (other than a fence in the case of a. and b. only) shall be setback a minimum of:       <ol style="list-style-type: none"> <li>a. 20m from Ashworths Road or Dawsons Road;</li> </ol> </li> </ol>	<p><b>Activity status when compliance not achieved: DIS</b></p>
---	---

<ul style="list-style-type: none"> <li>b. 50m from any boundary of an allotment in the adjoining San Dona development;</li> <li>c. 10m from the watercourse identified on the ODP along the eastern boundary; and</li> <li>d. 5m from the existing springs identified on the ODP along the eastern boundary.</li> </ul>	
---	--

<b>DEV-MNE-BFS3 Landscaping</b>	
<ol style="list-style-type: none"> <li>1. Within the setbacks required by DEV-MNE-BFS2 (1) (a) and (b):           <ol style="list-style-type: none"> <li>a. a minimum 10m-wide native landscape strip shall be planted and maintained, with species selected from the following:               <ol style="list-style-type: none"> <li>i. trees: kowhai (<i>Sophora microphylla</i>), ribbonwood (<i>Plaginathus regius</i>), and manuka (<i>Leptospermum scoparium</i>); and</li> <li>ii. shrubs: lemonwood (<i>Pittosporum eugenoides</i>), kāpuka (<i>Griselinia littoralis</i>), akeake (<i>Olearia avicenniifolia</i>), flax (<i>Phormium tenax</i>), toetoe (<i>Austroderia richardii</i>), mikimiki (<i>Coprosma propinqua</i>), karamū (<i>Coprosma robusta</i>), and kōhūhū (<i>Pittosporum tenuifolium</i>).</li> </ol> </li> <li>b. the existing 5m-wide native riparian planting strip along Ashworths Road shall be maintained and incorporated into the landscape strip required by (a).</li> </ol> </li> </ol>	<p><b>Activity status when compliance not achieved: DIS</b></p>

<b>DEV-MNE-BFS4 Local Road Formation</b>	
<p><b>Activity status: PER</b></p> <ol style="list-style-type: none"> <li>1. For the purpose of TRAN-R3, all new roads shall provide one 1.8m-wide footpath (one side, minimum).</li> </ol>	<p><b>Activity status when compliance not achieved: as set out in TRAN-S1</b></p>

Appendix

DEV-MNE-APP1 – Mandeville Northeast ODP

