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Response Date	Aug 31 22
Notes	
Q1	Select the chapter you want to provide feedback on
Q2	In general, to what extent do you support the contents of this chapter?
Q3	Objective/Policy/Rule/Standard reference:
Q4	Feedback/Comments
Q5	Objective/Policy/Rule/Standard reference:
Q6	Feedback/Comments
Q7	Objective/Policy/Rule/Standard reference:
Q8	Feedback/Comments
Q9	Objective/Policy/Rule/Standard reference:
Q10	Feedback/Comments
Q11	supporting documents?
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Q12	If you need more space, or have any other general comments, please leave them here

DRAFT DISTRICT PLAN FEEDBACK

August 2022

To: Draft District Plan Feedback
Waitaki District Council
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Submitter: Survey Waitaki Ltd

FEEDBACK ON DRAFT WAITAKI DISTRICT PLAN

This feedback covers the following Chapters of the draft District Plan:

- **Definitions**
- **Subdivision**
- **Historical and Cultural Values**
- **General Wide District Matters**
- **Energy, Infrastructure and Transport**
- **Natural Environment Values**
- **Zones**

Definitions

Earthworks – consider refining further to capture the activities you want to control and exclude those you don't.

Highly Productive land – include does not apply to urban (define urban) and business/industrial zones

Subdivision

SUB-03 – Consider adding in underlined: *Subdivision is serviced by infrastructure that has been, or will be as part of the proposed subdivision, planned and provided for in an integrated manner and has sufficient capacity for the development of the land.*

SUB-P9 – Review this policy so that it must happen and ensures that Council cannot decide not to implement these Policies based on in-house politics, budget constraints or any other matter that is not consistent with planning for future generations.

SUB-PI2(7) – Please provide more information and clarification as to how this Policy links to the rules and how it is envisaged to be achieved in practice.

SUB-PI2(11) – Please provide more information and clarification as to how this Policy is envisaged to be achieved in practice with subdivision design given the Zone Rules and Standards should ensure reverse sensitivity considerations for land uses.

SUB-PI6(2) – Please provide additional clarification as to how this Policy links to the rules and how it is envisaged to be achieved in practice e.g. how does a subdivision maintain prominent ridgelines?

SUB-PI6(8) – ‘Avoid’ is a very strong legal signal. Consider adding in the suggested exclusions as described against SUB-SI below. ‘Avoid’ doesn’t match with SUB-R6 where all non-compliant subdivisions (SUB-SI minimum lot sizes) are Discretionary Activities.

SUB-R3 – Boundary Adjustment – Matters of control. Requirements for provision of services (water, sewer, power, telecom etc) and upgrading/forming vehicle accessways should not apply for true boundary adjustments. An effects test should apply e.g. no new titles, no new effects to be mitigated. Provided services can be provided for future potential land uses that should be sufficient.

SUB-R7 – Please provide more information and clarification as to what this actually means.

SUB-R20 - Subdivision in the Moeraki Land Instability Overlay – High-Risk Area and Very High-Risk Area, All zones Activity status: Non-Complying

Please detail the background in defining the High-Risk and Very – High Risk Areas in Moeraki. A non-complying activity status sends a strong signal that subdivision is not going to be entertained. Some areas identified as high risk in particular on the draft overlay, would appear suitable for subdivision, with the appropriate provisions in place and proven by suitably qualified geotechnical engineer investigation.

SUB-SI - General Rural Zone minimum Lot size 20ha.

We agree with this minimum size in areas of high class soils, it could even be higher, 40ha if that was preferred.

However, some General Rural Zone land is not suitable for productive farming use due to factors such as topography, climate, aspect, slope, availability of irrigation water etc. Areas of less productive land would still be better suited to at least have the option for creating smaller rural lifestyle blocks. A Discretionary Activity in these lesser class areas for subdivision to a 4ha minimum size would be an appropriate addition to the draft rules to more easily enable the option of future subdivision down to 4ha for these more appropriate areas.

Proposed Rule to add is subdivision in General Rural Zone of an existing dwelling with no minimum Lot size, as a discretionary activity. Discretion to include subdivision layout supports the efficient use of soils, rural character values. Suggest a limit is in place of 20 year minimum occupation of the subject site and the application must include one Lot of at least 20ha.

SUB-SI- Rural Lifestyle Zone minimum Lot size 1ha

Given the above provisions, where a new lot does not meet the 1 hectare minimum lot size, it becomes a Discretionary Activity. Policy **RLZ-PI** outlines the aims associated with maintaining the ‘*qualities, character and amenity values of the Rural Lifestyle Zone*’.

A significant percentage of the people who seek these characteristics and amenity values do not want to have to manage a 1 ha property, as that size is neither rural nor residential. It is too big for a conventional garden, too small for keeping livestock, while also taking significant time, effort and money to maintain.

It is entirely possible that, given compliance with the RLZ development standards, and particular mitigating factors such as topography, built environment, vegetation etc, new allotments created by subdivision and subsequent residential units could be created/developed at a density of less than 1 hectare and still achieve the maintenance of the qualities, character and amenity values of the Rural Lifestyle Zone.

Provided effects can be mitigated, this would achieve good environmental outcomes by utilising land that would otherwise be non-productive within the existing Rural Lifestyle Zoning an increasing the capacity of the zoning to support residential lifestyles.

Therefore, the outcome sought is for the new Waitaki District Plan to provide for new lots created by subdivision in the Rural Lifestyle Zone down to 5000m² as Controlled Activities subject to compliance with subdivision standards (standards SUB-S2 through to SUB-S7).

SUB – S4 2c(i) change ‘suitably qualified wastewater engineer’ to ‘suitably qualified engineer’.

SUB –S5 (2) – Hydraulic Neutrality

Not all subdivisions need to achieve hydraulic neutrality as defined in the draft Plan. Should there be no impacts to downstream property or infrastructure, hydraulic neutrality should not be required.

SUB-S6 – Electricity and telecommunications – this needs to be refined further to reflect how each service is actually installed and the timing of those installs (to suit the subdivision RMA s224(c) process), particularly with Chorus and the telco companies.

SEGREGATION STRIP (or SPITE STRIP) means a strip of land vested (or upon subdivision to be vested) in the Council to limit or preclude legal access directly onto an adjoining Road or street. These can be useful in some subdivision applications. Please consider researching and including the provision for Segregation Strip in the new rules.

Historical and Cultural Values

SASM General Comment

We have concerns over the way co-governance might be managed within the context of the new District Plan, resource consent applications, the Council Planning Department and Iwi.

As it stands now, if someone needs a resource consent for an activity they apply to WDC. WDC have fixed statutory timeframes to work to, an obligation to be cost effective, and are resourced appropriately. This is known quantity with statutory backstops.

However, if someone needs a resource consent for an activity that requires Iwi consultation/approval, they have to work through Aukaha (either before lodging, or after via WDC s88 or s92 request processes). The process becomes an unknown quantity, with no statutory backstops, and no guarantee Aukaha and Iwi are resourced appropriately. While we have no doubt that Aukaha and Iwi genuinely do their best in each case, this issue is evident now.

If agreement with Iwi is not forthcoming, there is a pathway for resolution, where an applicant can choose to proceed to an RMA hearing (and beyond) with legal process and protections.

Going forward, with additional provisions in the new District Plan which include co-governance, and an increase in requirements to consult with Iwi generally, there is a very real risk that consenting costs and timeframes will blow out, and public sentiment and support for co-governance will nosedive, harming both Council and Iwi

Initial questions include:

1. Has Council had discussions with Mana whenua and Aukaha around the implementation of the new District Plan provisions? If so, what was the outcome of those discussions?
2. How does Council (and Iwi) intend to approach and resource co-governance in terms of implementation?

Please provide clear, comprehensive and transparent information addressing these matters.

SASM-R2: PER-1- PER-8 – Please provide more information and clarification as to the purpose of each of the performance standards e.g. why is there an arbitrary building size of 200m² and building height of 6m in the General Rural Zone – what effects are being mitigated? Etc etc

SASM-R2: PER-5 – Please provide more information and clarification as to how this performance standard will be enforced and achieved in practice.

SASM-R4 – General concerns around purpose, process, resourcing etc similar to above.

General Wide District Matters

Coastal Environment Overlays - Please provide background reporting to the definition of the draft coastal environment and coastal hazard overlays. It is not good enough to simply draw a line and expect landowners to assess whether it is correct or not, potentially incurring significant cost to prove the line wrong. As regulator, the onus is on Council to properly investigate and get the lines and overlays as accurate as possible before incorporating it into the District Plan. Should these not be depicted accurately for each affected property, an applicant needs to be able to reference the definition of the overlay, and have the opportunity

to provide more accurate evidence that the overlay is not shown accurately and then if can be more accurately applied if relevant, or not.

CE-R1: PER-1 – There is no corresponding definition for ‘amenity planting’.

CE-R4: PER-1 – The definition of earthworks is very broad and has no minimum/maximum limits attached - potentially capturing any soil movement such as digging a vegetable garden or planting a native tree. Consider allowing small-scale earthworks for amenity purposes and native plantings etc.

EW-SWI (1)

300m² is too restrictive and should be changed to 500m². Standard new build house sites and driveways should be excluded from the rules which 500m² would achieve. At 300m² almost all new house sites in Residential, Rural Lifestyle and Settlement Zone would require earthworks consent, this is unnecessary cost and process.

EW- Earthworks General Comment: Careful what you wish for and be clear about the purpose of creating a rule. Council does not, and cannot, properly enforce the current earthworks rules in the Operative District Plan. This is due to a number of factors including but not limited to: the size of the District; lack of staff on the ground; lack of consenting capacity; high consenting cost burden for people undertaking simple activities; a recognition that high percentage of earthwork activities do not result in any adverse environmental effects etc etc. The proposed set of earthworks rules appear to be overly bureaucratic and burdensome. Those few people that are creating environmental issues don't follow the rules and generally fly under the radar and are not caught.

Energy, Infrastructure and Transport

Infrastructure rules should not restrict or prevent the extension of rural connectivity by way of wireless broadband expansion. The benefits to our District of this are significant.

INF-S13(3a) – non loaded retaining walls under 1.5m in height should be excluded from this rule. The draft rule would require resource consent for earthworks related to a retaining wall above 1m on a boundary, this should not be required.

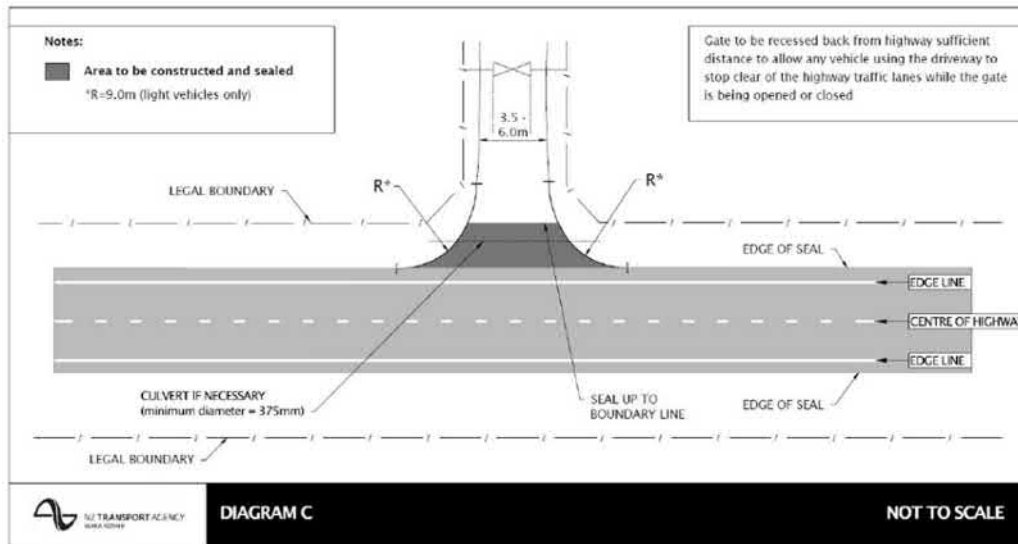
STORM-S2 (2a) – should include an appropriate provision for climate change.

TRAN-S14 – Formation and sealing vehicle crossings

Suggest delete 3c, requirement to seal 5.5m within the site.

In almost all cases 3b as shown sealing “carriageway to the road boundary” is appropriate to mitigate the potential for material to be carried onto the surface of roads. For example in residential zone, buildings and garaging can be built within that dimension of 5.5m, so the requirement is not practical.

For rural zone we suggest the WDC Standard Specification is amended and adopts NZTA Diagram C as the minimum requirement:



Natural Environment Values

PA-SCHED I – Expand on the ‘Values’ column to include scientific and conservation purposes, customary access, hazard management, stormwater management, and ecological values.

Zones

Rural Lifestyle Zone

The Draft District Plan proposes that the farming of goats be excluded from being a Permitted Activity as per:

PER-1 - The activity does not involve the farming of goats, thar, chamois or fitch.

The Draft District Plan also makes the release of goats a Non-Complying Activity, where:

RLZ-R2: PER-4 – Please clarify the purpose behind this standard.

RLZ-R3 – Please clarify if it permissible to have a building (e.g. a 3-bay shed) on RLZ land without a residential unit.

RLZ-R22 – The release of thar, chamois, goats, fitch, wallaby, deer, or pigs, except for control purposes under the Wild Animal Control Act is a Non-Complying Activity.

It is submitted that this is mis-placed. A distinction should be made between goats supporting primary productivity (meat, milk and fibre) and feral goats. Goat farming is economically viable and environmentally friendly and is a rapidly emerging field in primary production. It is recommended that that Council consult Federated Farmers to obtain accurate information relating to goat farming.

We look forward to your response in due course.

Regards

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