

**Before the Hearings Panel
At Waimakariri District Council**

Under Schedule 1 of the Resource Management Act 1991

In the matter of the Proposed Waimakariri District Plan

Between **Various**

Submitters

And **Waimakariri District Council**

Respondent

**Council Officer's Speaking Notes on the Rural Zones Chapter on behalf of
Waimakariri District Council**

Date: 9 October 2023

INTRODUCTION:

- 1 My full name is Mark Thomas Buckley. I am employed as a Principle Policy Planner for Waimakariri District Council. I am the Reporting Officer for Rural Zones topic and prepared the s42A Report.
- 2 I have read the evidence and tabled statements provided by submitters relevant to the Section 42A Report – Rural Zones.
- 3 I anticipate that there may be questions of clarification on my answers to your pre-circulated questions, so I will take a pause between my responses for this purpose.

S32 REPORT – KEY ISSUES

- 4 The Rural Chapter covers the largest area of the District and contains a number of natural and physical resources that are important to the overall economic development and prosperity of the District.
- 5 The key resource management issues that need to be addressed in relation to rural areas are:
 - a. Managing development within rural areas so that rural production activities are enabled, and ensuring that reverse sensitivity effects of other activities, that can affect the ability for rural productive activities to continue, are minimised.
 - b. Managing development within rural areas to ensure that the fragmentation of land by subdivision and subsequent development does not undermine the ability of land to be available for future generations for rural production.
 - c. Manage effects of activities so that the character of the rural areas and their amenity values can be maintained while recognising the need for rural productive activities to operate within the Zone.
 - d. Addressing any change from rural land use to accommodate expanded areas of Rural Residential Development.

PROPOSED PLAN APPROACH

- 6 The main changes introduced for land use management within the Rural Zone in the Proposed Plan from the Operative Plan are:
- a) Controlling the widespread subdivision and fragmentation of rural sites, and the associated loss of primary production,
 - b) Splitting the rural district into two zones based on character and land use,
 - c) Limiting business development not directly associated with primary production occurring on rural sites,
 - d) The loss of highly productive land/versatile soils through rural subdivision, and
 - e) There have been some examples of conflict between rural activities (such as farms and quarries) and increasing residential activity in the zone. Changes in primary production have also occurred, with intensive activities such as dairying becoming more common, and more land being irrigated to enhance production.

S42A REPORT – KEY POINTS

- 7 I consider the following to be the key issues in contention in the chapter:
- a) NPS-HPL and protection of highly productive land/versatile soils;
 - b) Buffer for odour;
 - c) Subdivision within the rural zones;
 - d) The Rural Lifestyle/General Rural zone boundary;
 - e) Carbon forests; and
 - f) Reverse sensitivity issues associated with existing primary production.

NPS-HPL and Versatile Soils

- 8 The Canterbury Region has 21% of New Zealand's HPL. Since 2019, Canterbury has lost 19,000ha of HPL to new urban, urban residential and rural residential.
- 9 The NPS-HPL became operative on the 17 October 2022. Its intent was to give councils clarity on how to identify and map highly productive land (HPL) and the management of subdivision, use and development of the land. Regional Councils are required to map the HPL within three years of the NPS-HPL coming into effect, and incorporate the maps into the Regional Policy Statement (RPS) using a Schedule 1 RMA process. Local Authorities have six months to amend the District Plans to give effect to the HPL amended RPS once it has become operative.
- 10 Until the HPL amended RPS become operative, District Councils must apply the objectives and policies of the NPS-HPL on land that is zoned general rural or rural productive , and is Land Use Class 1, 2, or 3 land. Land that is identified for future urban development, or subject to a Council initiated, or an adopted, notified plan change to rezone it from general rural or rural production to urban or rural lifestyle is not considered as HPL.
- 11 The Proposed Plan was publicly notified on 17 September 2021 and did not contain any provisions with respect to the implantation of the NPS-HPL. Council provided the Hearings Panel a memorandum on 30 June 2023, setting out our intended approach to addressing submissions relating on the Proposed Plan to the NPS-HPL.
- 12 The recommendation in section 3.20 of the Rural Zones S42A report sets out how Council has given effect to the NPS-HPL in the Proposed Plan.
- 13 It should be noted that the RPS generally enables development on the soils, where adverse effects are avoided, remedied or mitigated, while restricting land fragmentation. The RPS versatile soils provisions, only relate to LUC Class 1 and 2 soils that are located outside of the Greater Christchurch Area (Land Use Recovery Plan) within the district.

- 14 In general Council's approach was to amend:
- Objective RURZ-O1 to recognise the importance of protecting highly productive and versatile soils,
 - Policy RURZ-P2(2) to avoid adverse effects on versatile soils and highly productive land,
 - Inclusion of an additional point in GRUZ-P2 so that land fragmentation does not result in the loss of productive capacity of versatile soils and highly productive land.

15 It should be noted that within the Rural Zones report intensive indoor and outdoor primary production has been enabled in the GRUZ without greater consideration of HPL. Central Government has subsequently released a discussion document that recognises the importance of these activities within the rural environment and their reliance on good quality soils for the treatment of waste products from their operation.

Buffers for odour

16 The Operative Plan contains rules on land use inside effluent spreading setback buffers (buffers). In the Operative Plan the buffers are intended to control reverse sensitivity effects associated with land fragmentation around those primary production activities that may generate odour that cannot be practically controlled at the boundary of the property.

17 There are separation distances within the built form standards (GRUZ-BFS5 and RLZ-BFS5) in the Proposed Plan for new residential units, minor residential units and buildings used for accommodation from existing intensive indoor and outdoor primary production and quarries.

18 The setback distance for residential activities from intensive indoor and outdoor farming activities are the same between the Operative and Proposed Plans (based on the amendment to the built form standards).

19 The effluent spreading setback buffers have not been carried over into the proposed plan. Council is relying on odour effects to be controlled

by the Regional Council through rule 7.73 of the Regional Air Plan. The rules require a setback for effluent spreading operations of 100m from existing residential dwellings. The Regional Air Plan does not control the establishment of new residential dwellings near existing effluent spreading operations, although the Proposed District Plan has a standard setback of 20m from any internal boundary.

Subdivision within the Rural Zone

20 Council sought legal effect of its proposed subdivision rules in the RLZ while the district plan was notified and up until the plan becomes operative. The application was lodged in the Environment Court in July 2021 and the decision released on 17 September 2021.

21 Variation 8 of the Operative Plan in 2005, enabled subdivision within the rural zone as a controlled activity down to 4ha. No consideration was given to loss of rural productivity in the assessment, as it was considered that Councils policy making should only be focused on environmental effects, and not promotion of a particular outcome¹.

22 In the hearing panel's decision on Variation 8, they noted that the evidence of Mr Ashby (a farm management consultant) stated that 4ha lot development would not occur in the western part of the district, due to the value of farmland and the extensive investment in on-farm infrastructure associated with dairy farming².

23 The facts:

- There are 6,510 lifestyle block properties in the district,
- Approximately 1,198 lifestyle blocks were vacant in 2018,
 - This does not include the additional 926 lifestyle blocks since 2017,

¹ Officers report to Variation 8 Hearings Committee (14 March 2003).

² Variation 8 Rural Zone Policies and Rules Report and Recommendation of the Variation 8 Hearings Panel, November 2003.

- This gives an approximate pool of 2,000 vacant lifestyle blocks that are presently available in the district,
- The average lifestyle block ownership is 5-7 years in North Canterbury,
 - This means that out of the 6,510 lifestyle blocks approximately 930 blocks could become available every year (based on conservative 7 year turn over),
- Based on the Council's population growth model, there will be a forecast increase in rural housing demand of 819 properties within the next 5 years.
- QV calculates that based on the present rate of sale of lifestyle blocks per year (50/year), that there is enough supply for 14 years of lifestyle blocks, without taking into account annual turnover.
- Lifestyle properties account for 49% of all rural properties in the district (Table 13 of report).

Rural Lifestyle/General Rural Zone Boundary

24 The General Rural Zone and Rural Lifestyle boundary was determined using a number of characteristics as detailed in the Boffa Miskell report dated June 2018. These include:

- Division of district into 12 geographic units based upon topography and location,
 - Boundary and edge relationships also considered when drawing lines),
- Existing residential densities (built form character and patterns),
 - Assessment of potential for rural residential development and intensification of rural development within GCA,

- Land use patterns,
- Assessment of landscapes capacity for intensive rural production and non-rural activities,
- No consideration was given for infrastructure, such as transport and traffic, or differing amenity such as noise and air quality,
- Consideration was given to finer scale analysis of rural character.

25 The boundary around Loburn/Ashley Forest was subsequently reassessed based on a finer assessment of land use.

26 It should be recognised that the assessment did not spot zone clusters of 4ha properties within GRUZ and did not spot zone larger properties within RLZ. Spot zoning of clusters , particularly rural lifestyle sized blocks within the GRUZ could potentially lead to greater fringe development around those spot zones as a result of ongoing reverse sensitivity conflicts.

Carbon Farms

27 There has been considerable anxiety amongst the rural community regarding the development of carbon forestry and its effects on the local communities.

28 Submissions based on two issues:

- the effects of trees associated with carbon forestry and woodlots on adjoining properties,
- the impacts of carbon forestry on the life supporting capacity of soils, significant natural areas and on the wider environment.

29 Given that the shading effects of block pine trees, or trees of the equivalent density and height, on a neighbouring would be the same irrespective of whether it was a plantation forest, carbon forest or woodlot. Although maximum tree height is dependent upon

silviculture practices, such as thinning and stem per hectare, as well as age.

- 30 The S42A details the effects of forestry on environmental attributes, such as soils, water yield and water quality, and on social and infrastructure through shading. The report did not discuss other environmental effects associated with exotic tree plantations, such as source of wilding trees, landscape effects, increased wild fire risk, loss of indigenous biodiversity and the socio-economic effects on rural communities.
- 31 I am only aware of one carbon forest that is being established in the district covering an area of approximately 170ha. Given the flat topography, the large amount of LUC Class 1 to 4 soils and the small parcel size, I do not envisage large scale carbon forestry in the district, with the exception of some of the hill country in Lees Valley.
- 32 I am aware that Central Government has amended the NESPF to include carbon forestry into a new NES. My understanding is that there will now be more controls around afforestation, wilding trees, and ancillary forestry activities for district councils.

Reverse sensitivity

- 33 Given the degree of land fragmentation, reverse sensitivity is an important issue in the District. Primary production activities often generate odour, noise, dust, spray drift and differing perceptions of rural practices often result in reverse sensitivity effects.
- 34 Within the district, Council has received complaints about pest control, odour, animal husbandry, spray drift and stormwater runoff etc, from lifestyle property owners located amongst larger rural blocks that are still intensively farmed. There is also concern from the urban community on the environmental impacts that farming practices on water quality, aquatic and terrestrial ecosystems and as a source of greenhouse gas emissions.

35 Its these reverse sensitivity effects that contribute towards a reduction in production potential. Beckers et al found that urbanisation processes were putting pressures on farming viability through reverse sensitivity, higher land prices from alternative land use resulting in younger generations not being able to afford to purchase farms, leading to an aging farming population and subsequently land fragmentation into lifestyle blocks.

S42A REPORT – RECOMMENDED AMMENDMENTS

36 Upon weighing up all submissions, my recommended changes are contained within Appendix A of my s42A report.

37 A number of submissions received had previously been allocated to Rural have subsequently been reallocated to a number of other Proposed Plan chapters. The majority of the reallocations relate to rezoning requests and Christchurch International Airport Limited submissions.

38 Table B.34 in Appendix B contains all submissions that references either the versatile soils or highly productive land. In most cases the substantive issue of the submission and the outcome sought does not specifically relate to the rural chapter but may be against a provision in another part of the Proposed Plan. Please note that the substantive part of those submissions and the outcomes sought will be addressed in those parts of the Proposed Plan and the hearing streams that the submission relates to.

39 The submission from The Broken River Trust (Mr McDowell) #55.1 is addressed in paragraph [953] of the S42A report, but has been omitted from Appendix B.

Submission 27 Gross Floor Area

40 Please note that submission number 27 from The Broken River Trust was withdrawn from the Proposed Plan. It was intended that the relief sought by the submitter (Mr McDowell) would be included in one of his other four submissions. This does not appear to have been done in this case.

41 The submitter disagreed with the use of the term Gross Floor Area (GFA) used in the Proposed Plan was out of step with the Building Act (2004) and that Council should be measuring the floor area based upon the inside wall measures (usable space). That the reference in GRUZ-R4(1) to GFA be replaced with NFA (Net floor area), and that a definition for net floor area in line with the Building Act be included in the Proposed Plan.

42 The substantive part of the submission seeks that the definition for Gross Floor Area be amended from measurement based upon the outside of the building walls to the inside of the building walls in line with the Building Act. The definition used within the Proposed Plan is taken from the National Planning Standards and states:

means the sum of the total area of all floors of a building or buildings (including any void area in each of those floors, such as service shafts, lift wells or stairwells), measured:

- a. where there are exterior walls, from the exterior faces of those exterior walls*
- b. where there are walls separating two buildings, from the centre lines of the walls separating the two buildings*
- c. where a wall or walls are lacking (for example, a mezzanine floor) and the edge of the floor is discernible, from the edge of the floor.*

43 Schedule 1 of the Building Act definition states:

floor area: in relation to a building, means the floor area (expressed in square metres) of all interior spaces used for activities normally associated with domestic living.³

44 Section 14 of the National Planning Standards states:

Where terms defined in the Definitions List are used in a policy statement or plan, and the term is used in the same context as the definition, local authorities must use the definition as defined in the Definitions List.

³ Note that the Building Act doesn't actually use the term net floor area.

- 45 With respect to other definitions on GFA, two other submissions have been received, both of which support the retention of the definition as notified (Clampett Investments Limited [284.1] and Rolleston Industrial Developments Limited [326.12]).
- 46 Council received a number of submissions on GRUZ-R4 requesting that the size of the secondary dwelling be increased, in some cases up to 110m². Not actual evidence was presented for the justification of the increase in size. This is discussed in more detail in my preliminary response to hearing panel questions.
- 47 GFA is used throughout the plan for other activities. In those cases, its use is commonly aligned with impacts upon character, amenity values or retail distribution (NCZ-P1 and LCZ-P1). NFA is only used within the rural zones to determine the extent of retail space for rural produce retail, which may form part of a larger building and are generally small in size.

Date: 6/10/2023

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