

Appendix E. Affidavits for Legal Effect on Rural Zone Subdivision Rules

ENVIRONMENT COURT OF NEW ZEALAND
CHRISTCHURCH REGISTRY

I MUA I TE KOOTI TAIAO O AOTEAROA
ŌTAUTAHI

ENV-2021-CHC-

IN THE MATTER OF the Resource Management Act 1991
(Act)

AND

IN THE MATTER OF an ex parte application pursuant to
section 86D of the Act for rules in the
proposed Waimakariri District Plan to
have legal effect upon notification

BY **WAIMAKARIRI DISTRICT COUNCIL**
Applicant

AFFIDAVIT OF HEIKE DOWNIE

COUNCIL EVIDENCE

Affirmed / 2 July 2021

BUDDLE FINDLAY

Barristers and Solicitors
Christchurch

Solicitors Acting: **Willie Palmer / Jenna Silcock**
Email: willie.palmer@buddlefindlay.com / jenna.silcock@buddlefindlay.com
Tel 64 3 379 1747 Fax 64 3 379 7409 PO Box 322 DX 11135 Christchurch 8013

Counsel Acting: **Alanya Limmer**
Alanya@bridgesidechambers.co.nz
Tel 64 21 812 811 PO Box 3180 Christchurch 8013

INDEX

SCOPE.....	3
EXECUTIVE SUMMARY.....	4
REASONS FOR THIS APPLICATION.....	7
SUBDIVISION IN THE WAIMAKARIRI DISTRICT.....	8
POPULATION GROWTH AND DEMAND.....	15
EXPERT REPORTS.....	17
CONSULTATION.....	17
COMMUNITY AWARENESS THROUGH OTHER MEANS.....	25
EFFECTS ON PEOPLE AND COMMUNITIES.....	26

I, **Heike Downie** of Christchurch, Principal Strategy Analyst – District Development for Waimakariri District Council, affirm:

1. I am employed by the Waimakariri District Council (**Council**) as a Principal Strategy Analyst – District Development. I have been employed by Council as an analyst since 2010.
2. I joined the Council in 2010 as a Policy Analyst for the Policy and Strategy Unit and progressed to Senior Policy Analyst in 2011. I joined the Council's Development Planning Unit in 2016 as Principal Planning Analyst and have held the role of Principal Strategy Analyst – District Development since 2020.
3. Prior to working at the Council, I was employed in Policy Analyst (or similar) roles at Hurunui District Council (2005), Christchurch City Council (2006-2007), Greenwich Borough Council (London) (2007-2009) and Wandsworth Borough Council (London) (2009). In all these roles, key tasks I have been responsible for include research and monitoring, strategic and policy advice, strategy development, community and stakeholder engagement, report writing, and engagement with elected members.
4. I hold a Bachelor of Arts Degree with First Class Honours in Sociology. I graduated from the University of Canterbury in December 2004.
5. In my role at the Council, I am responsible for:
 - (a) actively leading or contributing to the identification, development and maintenance of the Council's policies, strategies and plans by providing leadership to specific strategic regional and district policy projects and research;
 - (b) providing research and analysis which contributes to the development and maintenance of a long range (30+ years) district development strategy; and
 - (c) representing the Council's interests, particularly with regard to district development and long-range growth matters, with external groups and organisations.
6. I have also led some strategy implementation work, which has dovetailed into contributions to the current Waimakariri District Plan Review. For instance, identifying and drafting pathways to implement proposed rural residential growth areas.

 HD

7. Since working for the Council, I have been involved heavily in the preparation and development of strategy work, particularly strategic spatial planning projects. This has included leading the preparation and authoring of three Town Centre Strategies (Rangiora, Kaiapoi and Oxford), the "Woodend Pegasus Area Strategy", the "Waimakariri Local Economic Development Strategy", the "Waimakariri District Development Strategy", the "Waimakariri Rural Residential Development Strategy", and draft "Residential Structure Plans for Rangiora and Kaiapoi". The "Waimakariri District Development Strategy" and the "Waimakariri Rural Residential Development Strategy" (in particular) have addressed rural subdivision and character matters, which are especially relevant to my affidavit and the Council's application.
8. For many projects, I have also been responsible for collating and analysing large quantities of data and drawing conclusions based on my analysis. Examples of relevant work include my involvement in developing Economic and Business Profiles for the District's main towns, as well as survey design and related data analysis.
9. I became involved in this matter in December 2020, following the Council's resolution on 1 December 2020 to pursue an application to the Environment Court for immediate legal effect of rules relating to rural density in the Proposed Rural Zone upon notification of the Proposed Waimakariri District Plan (**Proposed Plan**).
10. I am responsible for preparing subdivision data and analysis in respect of Council's application. I was also responsible for many of the consultation projects discussed in this evidence, including the "District Development – Your Early Thoughts" document and "Summary of Feedback"; the focus group sessions to help inform the draft "District Development Strategy"; and the draft and final "District Development Strategy" including preparing the "Summary of Feedback" gained during public consultation.
11. I am authorised to provide this affidavit on behalf of the Council.
12. I have knowledge of all of the matters addressed in my affidavit, although I have not been directly involved in all the developments discussed in my evidence.
13. I have read the affidavits in respect of the Council's Application of Jane Whyte, James Gordon and Yvonne Pflüger.

Scope

14. My evidence:

- (a) Explains the reasons for the Council's Application and the current status of the Waimakariri District Plan review;
- (b) Provides relevant data on lot sizes and subdivision consents in the Operative Rural Zone and proposed rural zones of the Waimakariri District. The data is presented and analysed to illustrate historic and more recent subdivision trends in the District and identifies particular pressure points for subdivision in the District;
- (c) Provides information about population growth and demand in the Waimakariri District;
- (d) Summarises issues with the subdivision of rural land;
- (e) Outlines the independent expert reports Council obtained to inform its approach to rural land in the Proposed Plan;
- (f) Details consultation undertaken by Council in relation to rural subdivision and development in the Waimakariri District;
- (g) Provides information about community awareness of the proposed change in the minimum lot size and recent subdivision data; and
- (h) Outlines the potential effects of this Application on people and communities in the Waimakariri District.

15. The data and analysis in my affidavit are relevant to the:

- (a) Rural Zone in the Operative Waimakariri District Plan (**Operative Plan**) (**Operative Rural Zone**). This is shown in yellow in Exhibit B of Ms Whyte's evidence. It covers 217,776.6821 hectares (**ha**) of land in the District (which represents 98% of total District land);
- (b) The General Rural Zone in the Proposed Plan (**Proposed Rural Zone**). This is shown in orange on Exhibit E of Ms Whyte's evidence and covers 150,760.5073ha of land in the District (which represents 68% of total District land); and
- (c) The Rural Lifestyle Zone in the Proposed Plan (**Proposed Rural Lifestyle Zone**). This is shown in yellow on Exhibit E of Ms Whyte's

W 710

evidence and covers 32,753.4697ha of land in the District (which represents 15% of total District land).

16. The Operative Plan has a single Rural Zone that is subject to a minimum lot size of 4ha. The Proposed Plan proposes two key changes:
 - (a) It introduces two Rural Zones – a General Rural Zone (being the Proposed Rural Zone) and a Rural Lifestyle Zone (the Proposed Rural Lifestyle Zone); and
 - (b) Changes the minimum lot size for the Proposed Rural Zone to 20ha. The minimum lot size of 4ha is retained in the Proposed Rural Lifestyle Zone.
17. The reasons for the proposed changes are addressed later in this evidence. I also provide information on the consultative processes that informed Council's decision to pursue the change to 20ha in the Proposed Rural Zone.

Executive summary

18. The Council is reviewing its Operative District Plan. In its Proposed Plan (to be notified on 6 September 2021), the Council is proposing a change from its single operative Rural Zone to two Rural Zones (Rural Lifestyle Zone and Proposed Rural Zone). A strategically important aspect of the Proposed Plan is Council's proposal to increase the minimum residential density and minimum lot size requirements in the Proposed Rural Zone to 20ha (from 4ha), while retaining the 4ha minimum in the Proposed Rural Lifestyle Zone. The Council is proposing this change to protect productive potential and rural character and amenity.
19. The Council is seeking an Order for immediate legal effect for rules relating to subdivision and land use in the Proposed Rural Zone because it has concerns that a rush of applications for 4ha subdivisions and land use will occur upon public notification of the Proposed Plan. The Council is concerned that this could undermine its overriding strategic intention to address loss of rural character and amenity and productive potential and make the change to 20ha less effective and worthwhile than it might otherwise be. Council is acutely conscious of the fact that additional small rural lot development can be irreversible and could jeopardise the values this change is seeking to protect.

W HD

20. Since 2006, shortly after the Operative Plan was made operative, there has been fairly constant pressure for rural subdivision in the District, with some noticeable spikes. Rural subdivision pressure has been particularly notable since 2018 with a strong increase in the number of 4ha to 7.99ha lots created in the Operative Rural Zone. This coincides with the Council having given some policy signals through its "District Development Strategy" and District Plan Review work that the minimum subdivision and land use lot size may change.
21. The Operative Plan, with its 4ha standard for subdivision, was made operative in November 2005.¹ In recent years it has generated growing concern about adverse effects on the productive potential of the rural land resource and rural character. To investigate those concerns, the Council engaged expert consultants to provide advice and sought feedback from the community (as discussed below²). In addition, a frequent anecdotal comment received by Council is that 4ha lots are often considered 'too large' by occupants and require too much upkeep.
22. Small rural lot subdivisions (4ha to 7.99ha) are more prevalent in the Proposed Rural Zone, compared to the Proposed Rural Lifestyle Zone, and occur across almost all of the Proposed Rural Zone. Council considered whether an Order for immediate legal effect could be sought for only parts of the Proposed Rural Zone. Council received advice via staff report and briefing that this could be an option subject to the expert advice Council would receive regarding rural character, amenity and rural production. However, based on the analysis undertaken in this evidence regarding the spatial spread of subdivision pressure in the Proposed Rural Zone (i.e scattered throughout it), together with expert evidence that considers the impact 4ha subdivision is having on rural character, amenity and rural production potential in the Proposed Zone,³ Council resolved to apply to the Environment Court for immediate legal effect of rules in the whole Proposed Rural Zone. As at March 2021, 44% of all Proposed Rural Zone lots are of this size. Consented but unimplemented lots, together with vacant lots sized 4ha to 7.99ha in both Proposed Rural zones offer another 536 opportunities for living on lots this size, even if immediate legal effect was obtained.

¹ The 4ha minimum lot size for subdivision as a controlled activity and dwellinghouse development as a permitted activity was confirmed through the release of decisions on Variation 8: Rural Policies and Rules of the Proposed Waimakariri District Plan in December 2003.

² See paragraphs 57 to 83 for community engagement.

³ See Mr Gordon's and Ms Pflüger's evidences for details.

23. Based on recent subdivision data, it is plausible that without immediate legal effect, an additional approximately 320 to 390 4ha to 7.99ha lots could be created over the next two-year period. This projection could be considered conservative as Council believes property owners may be more likely to subdivide "while they still can" once notification occurs.
24. Since 2006, the Council has consulted widely with regard to the future of the District's Operative Rural Zone. The Council has signalled the 4ha minimum standard (for subdivision and dwelling density) may increase and the community has had several opportunities to comment on this. Generally speaking, there has been community support for an increase in the minimum rural lot size.
25. Community awareness that a rule change may occur has increased in recent months as a result of communications to the public from external parties. Over this time period, Council has received frequent public enquiries about "rumours" that the minimum rural lot size is increasing and has received 181% more applications for rural lot subdivisions compared to the same period the year prior, with 121% more 4ha to 7.99ha lots sought in these applications.
26. Approximately 10% to 12% of the District's population lives in the Proposed Rural Zone. About 1,505 lots in the Proposed Rural Zone (6% of all District households) are sized greater than 8ha (and outside of Outstanding Natural Landscape areas where alternative rules apply). This portion of the population could be considered most affected as under the Proposed Rural Zone rules they would not be able to subdivide nor develop at a 4ha density (as a controlled activity). Legacy rules will mean unimplemented and vacant sub-20ha lots are unaffected.
27. Property owners in the Proposed Rural Lifestyle Zone are unaffected by the proposed change. In Council's observation, the Proposed Rural Lifestyle Zone is best suited for continued 4 to 7.99ha living opportunities as it covers areas closer to Christchurch City which have experienced significant urbanisation, facilitated in part by motorway upgrades to the north of Christchurch.⁴ Additionally, Council provides Residential 4 Zones, property owners within which are also unaffected by the proposed change, to enable smaller semi-rural living opportunities on approximately 5,000m² lots. Through this combined approach, Council seeks to enable diverse living

⁴ As noted in report by KPMG 'Waimakariri District Council Rural Futures Analysis, Future Agri-Food Scenario Planning for a Prosperous District, May 2018. A full copy of this report can be provided if needed.

110
57

choices and at the same time, protect the balance of rural land for primary and rural character purposes.

28. An Order for immediate legal effect would effectively “pause” the ability to develop sub-20ha subdivisions (as a controlled activity) in the Proposed Rural Zone alone. This would allow submissions on the proposed 4ha threshold to be heard and decided while preserving productive potential and rural character in the meantime.

Reasons for this application

29. The Council has undertaken a full review of, and is replacing, its Operative Plan. Preparation and drafting of a replacement District Plan has been in progress since 2016. At the time of writing this evidence, it is anticipated that the Council will approve a Proposed Plan for notification on 24 August 2021, with notification occurring on 6 September 2021. It is expected that decisions on the entire Proposed Plan will be made by approximately mid-2023. **Exhibit A** to my affidavit provides an anticipated timeline for the remainder of the process.

30. Rural subdivision and development is a key strategic issue for the Council. The Council has given this issue significant scrutiny and consideration. It is one of Council's top resource management priorities for the replacement District Plan process.

31. The Council has explored an increase to the minimum lot size and has tested such change:

- (a) With the community, through consultation; and
- (b) With independent experts, through the numerous reports it has commissioned; and
- (c) Generally through the “options” phase of its District Plan Review.

32. One outcome of the considerations is a proposal for two rural zones and an increased minimum lot size of 20ha in the Proposed Rural Zone. The other outcome is this Application for immediate legal effect because the community feedback and expert advice received leaves Council concerned that continued 4ha subdivision may undermine what it is aiming to achieve with the proposed 20ha minimum.

33. Based on the number of subdivision consents granted between January 2021 and May 2021, consent for an additional 384 lots⁵ (sized 4ha to 7.99ha) could be sought (and granted) in the Proposed Rural Zone during the submissions and hearings phase of the Proposed Plan.
34. An alternative projection shows 324 additional lots (of 4ha to 7.99ha), based on the per annum number for 2020, multiplied by two (being the two years Council can take to notify and decide upon the Proposed Plan provisions). This would bring the total number of lots in the Proposed Rural Zone (sized 4ha to 7.99ha) to 1995, which is an increase of 19%.
35. Either projection could be conservative as notification of the proposed change to 20ha might incentivise landowners to seek 4ha subdivision consents “while they still can”. Council considers the 181% increase in applications for rural subdivisions, with a 121% increase in 4ha to 7.99ha lots sought through these, over September 2020 to May 2021 supports its concerns.
36. The Council has decided to seek this Order to avoid a “gold rush” of subdivision and/or Certificate of Compliance applications in the time between notification and decisions on the Proposed Plan. Council is acutely conscious of the fact that additional 4ha development can be irreversible and could jeopardise the values this change is seeking to protect – especially rural character⁶ and productive potential.⁷ The Order sought is intended to affect all land within the Proposed Rural Zone. The Council considered whether an Order for immediate legal effect could be sought for only part or parts of the Proposed Rural Zone. However, after considering where 4ha subdivision has already occurred in the Proposed Rural Zone (i.e. scattered throughout it), together with expert advice⁸, Council decided it was realistically needed for the whole Proposed Rural Zone.

Subdivision in the Waimakariri District

Lots created in Operative Rural Zone by size (2006 to 2020)

37. Table 1 and Figure 1 show the number of lots⁹ created in the Operative Rural Zone from 2006 to 2020, by lot size. I have started at 2006 because the

⁵ In 2021 a 5 month consent figure averaged to 16 consents per month, multiplied by a 24 month period assumed to be transitional District Plan phase.

⁶ Ms Pflüger’s evidence explores this aspect in more detail.

⁷ Mr Gordon’s evidence explores this in more detail.

⁸ See Mr Gordon’s and Ms Pflüger’s evidences for details.

⁹ For the purpose of this evidence, the term ‘lot’ is used to refer to an area of subdivided land that is a land parcel which can be made up of one or more sections, reserve, titles etc.

W H

Operative Plan was made operative in November 2005. The Operative Plan (with its 4ha minimum lot size in the Operative Rural Zone) replaced six separate county/borough/district plans that generally had tougher controls on minimum lot rural subdivision.

	<4ha	4ha - 7.99ha	8ha - 11.99ha	12- 19.99ha	20ha+	TOTAL
2006	9	361	11	10	23	414
2007	6	255	14	10	21	306
2008	0	60	6	4	10	80
2009	0	57	3	3	14	77
2010	0	126	4	7	7	144
2011	6	82	1	5	14	108
2012	5	183	8	6	16	218
2013	1	74	3	3	3	84
2014	5	82	5	6	5	103
2015	27	81	4	5	8	125
2016	3	60	7	9	11	90
2017	1	91	0	6	3	101
2018	1	90	1	3	5	100
2019	1	133	3	4	9	150
2020	1	304	6	3	14	328
TOTAL	66	2058	76	84	163	2428
% of total	3%	84%	3%	3%	7%	100%

Figure 1. Number of lots (by size) created by subdivision in Rural Zone from 2006 until 2020



38. Table 1 and Figure 1 show there was an initial peak in the creation of 4ha to 7.99ha lots in the Operative Rural Zone in 2006 (361 lots), followed by an up/down pattern over the years. Spikes can be linked to unusual events such as the Global Financial Crisis (dip in 2008-09), and post-Canterbury earthquakes housing peak (peak in 2012). The creation of 4ha to 7.99ha lots has increased in recent times - particularly from 2018. This is shortly after the Council began to signal a change from a 4ha minimum lot size in the Operative Rural Zone. This was done through consultation for the "District Development Strategy" and the District Plan Review. More than 300 lots sized 4ha to 7.99ha were created in 2020 alone. Overall, 4ha to 7.99ha lots account for 85% of all lots created in the Operative Rural Zone since 2006.

Lots created in Proposed Rural Lifestyle and Proposed Rural Zones (2017 to 2020)

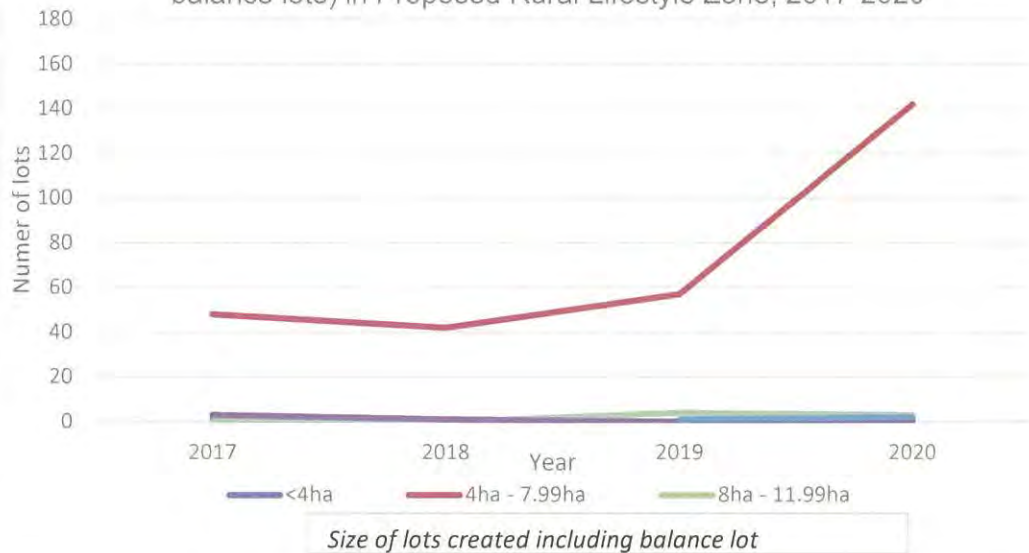
39. Table 2, Figure 2, Table 3 and Figure 3 depict the number of lots created by subdivision between 2017 and 2020 (by lot size category) in:
- (a) The Proposed Rural Lifestyle Zone (where it is proposed that a minimum lot size of 4ha continues to apply); and
 - (b) The Proposed Rural Zone (where it is proposed that the minimum lot size is increased from 4ha to 20ha).
40. I have presented these figures for the period between 2017 and 2020 because, from late 2016, the Council began work on preparing the "District Development Strategy". This document openly discussed whether there should be a policy change to increase the minimum Rural Zone lot size from 4ha. I have addressed both the Proposed Rural Lifestyle Zone and Proposed Rural Zone, in order to distinguish subdivision pressure for these two distinct areas since they are subject to different minimum lot sizes in the Proposed Plan.

Proposed Rural Lifestyle Zone

Table 2. Lots created between 2017 and 2020 in the Proposed Rural Lifestyle Zone

	<4ha	4ha - 7.99ha	8ha - 11.99ha	12-19.99ha	20ha+	TOTAL
2017	1	48	0	3	2	54
2018	0	42	0	1	0	43
2019	0	57	4	0	1	62
2020	1	142	3	0	2	148
TOTAL	2	289	7	4	5	307
% of total	1%	94%	2%	1%	2%	100%

Figure 2. Number of lots by size created by subdivision (including balance lots) in Proposed Rural Lifestyle Zone, 2017-2020



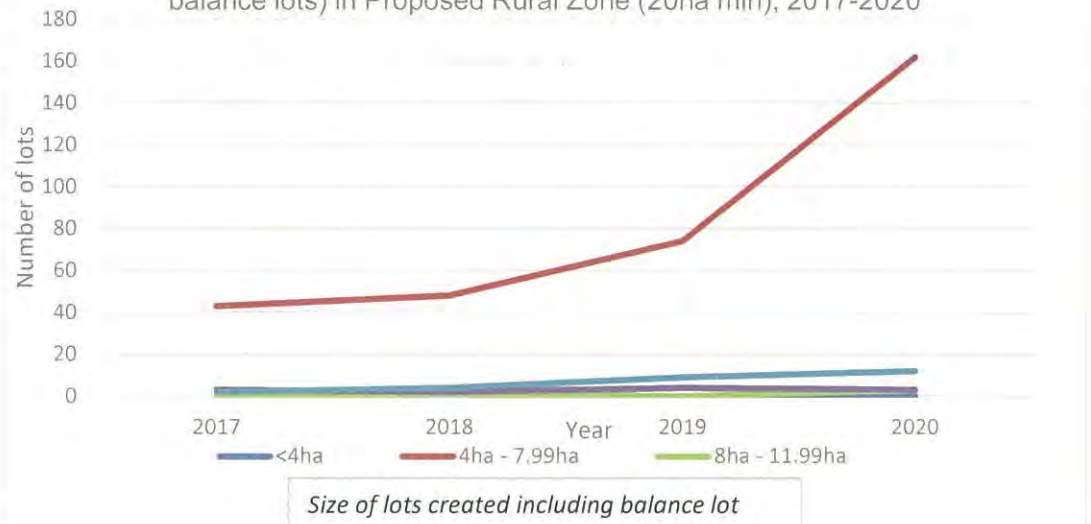
Proposed Rural Zone

Table 3. Lots created between 2017 and 2020 in the Proposed Rural Zone

	<4ha	4ha - 7.99ha	8ha - 11.99ha	12-19.99ha	20ha+	TOTAL
2017	0	43	0	3	2	48
2018	1	48	1	2	4	56
2019	0	74	0	4	9	87
2020	0	162	3	3	12	102
TOTAL	1	327	4	12	27	371
% of total	0%	86%	1%	3%	8%	100%

M 710

Figure 3. Number of lots by size created by subdivision (including balance lots) in Proposed Rural Zone (20ha min), 2017-2020



41. Tables 2 and 3 and Figures 2 and 3 show that subdivision of 4ha to 7.99ha lots in both the Proposed Rural Zone and Proposed Rural Lifestyle Zone follows a general upward trend each year, with a notable increase in 2020. Between 2017 and 2020:

- (a) 289 4ha to 7.99ha lots were created in the Proposed Rural Lifestyle Zone, accounting for (during that time):
 - (i) 94% of all lots created in the Proposed Rural Lifestyle Zone; and
 - (ii) 47% of all subdivisions in that size range across both Rural Zones; and
- (b) 327 4ha to 7.99ha lots were created in the Proposed Rural Zone, accounting for (during that time):
 - (i) 86% of all lots created in the Proposed Rural Zone; and
 - (ii) 53% of all subdivisions in that size range across both Rural Zones.

42. Overall, 54% of lots created through subdivision (irrespective of lot size) in this time occurred in the Proposed Rural Zone, and 45% in the Proposed Rural Lifestyle Zone. Council sees these numbers as supporting the perceptions of Councillors and staff that subdivision pressure in the rural area of the District is generally increasing and, in the Proposed Rural Zone, pressure for 4ha to 7.99ha lots is as intense (or more so) than in the Proposed Rural Lifestyle Zone.

WT HD

43. **Exhibit B** to my affidavit is a map that shows where, in the Operative Rural Zone, subdivision consents were issued between 2017 and 2020 for lots sized 4ha to 7.99ha.¹⁰ **Exhibit B** also shows the spatial extent of the Proposed Rural Lifestyle Zone (in tan colour to the east of the District) and the Proposed Rural Zone (in light green colour throughout the mid and west part of the District). In the northwest of the District, the map also delineates the spatial extent of the proposed Natural Open Space Zone.¹¹ While the proposed Natural Open Space Zone is within the Operative Rural Zone,¹² it is not in the Proposed Rural Zone and is not part of the Council's Application. I note for completeness that alternative subdivision rules apply here.
44. Based on the locations shown in **Exhibit B**, there appears to be subdivision pressure for lots sized 4ha to 7.99ha both clustered around some existing settlements and also sporadically across the Proposed Rural Zone.¹³

Privately owned rural lots in Waimakariri District by size

45. Table 5 and Figure 5 show the proportion of privately-owned, existing¹⁴ rural lots by lot size category, for both the Proposed Rural Lifestyle Zone and Proposed Rural Zone.

	Proposed Rural Lifestyle Zone		Proposed Rural Zone	
	Number	Percentage	Number	Percentage
< 4ha	1167	27	496	13
4 – 7.99ha	2336	54	1671	44
8 – 11.99ha	344	8	303	8
12 – 19.99ha	194	4	241	6
20 – 39.99ha	217	5	463	12
> 40 ha	101	2	588	16
TOTAL	4359	100	3762	100

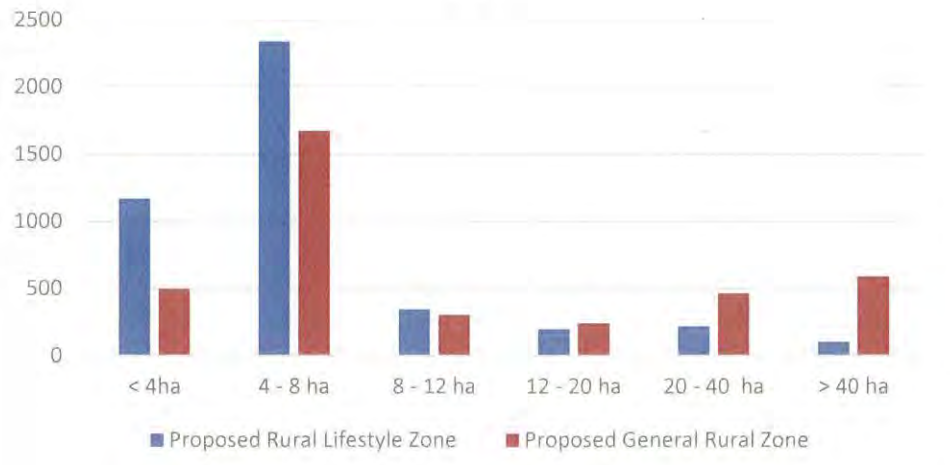
¹⁰ Data is represented by varying sizes of spots, where the size of the spot relates to how many 4ha to 7.99ha lots were created in any one place. The smallest spot represents one lot created and the largest spot represents 20 lots.

¹¹ Contains areas where the natural environment is retained, and activities and structures are compatible with the characteristics of the zone, meaning it is characterised by undeveloped natural open spaces, minimal buildings and other structures, natural character etc.

¹² In Outstanding Landscape areas shown in Exhibit C of Ms Whyte's evidence contained in the Operative Rural Zone.

¹⁴ As at March 2021.

Figure 5. Privately owned rural lots by size category, March 2021



46. Table 5 and Figure 5 show that lots sized 4ha to 7.99ha make up 54% of lots in the Proposed Rural Lifestyle Zone and 44% of lots in the Proposed Rural Zone. **Exhibit C** maps the location of those lots by size category.
47. **Exhibit C** shows a concentration of 4ha to 7.99ha lots in the Proposed Rural Zone in the vicinity of some existing settlements, but also sporadically across the Proposed Zone.¹⁵ Unsurprisingly, the areas of privately-owned 4ha to 7.99ha lots correlate with the areas that have been subject to a high number of subdivision consent applications (compared to other areas) during the 2017 and 2020 period.

2021 data relevant to subdivision

48. Between January and the end of May 2021, 134 subdivision consents were granted for the creation of lots sized 4ha to 7.99ha (including balance lots¹⁶ that are also between 4ha to 7.99ha) in the Operative Rural Zone. Eighty (60%) of these new lots are within the Proposed Rural Zone. I have provided these figures to give the most up-to-date information available at the time of writing this evidence. This averages 16 additional 4ha to 7.99ha lots per month in 2021. If such an average were to continue over the 24-month transitional phase of the District Plan, an additional 384¹⁷ lots could be created.

¹⁵ Clusters of 4ha to 7.99ha lots exist around Oxford and southwest of this township towards the Waimakariri River, together with areas through the middle of the District within the View Hill Eyrewell Plains, Summerhill Downlands and Mt Thomas Downlands in particular, and north of the Okuku Ashley Plains. These Landscape Character Areas are shown in Exhibit E of Ms Whyte's evidence.

¹⁶ For the purposes of this analysis, balance lots are the original and remaining lots and are included in total lot number. For example, a 20ha lot is consented to subdivide off 3 4ha lots. One 4ha lot also remains, which is the balance lot, resulting in a total of 4 4ha lots.

¹⁷ 16 x 24 = 384.

AD

Unimplemented subdivision consents and privately owned vacant lots in Proposed Rural Zone and Proposed Rural Lifestyle Zone

49. Table 6 below shows the number of 4ha to 7.99ha lots that have been granted subdivision consent but that are not yet created¹⁸ (including the balance lot)¹⁹ as at May 2021. It also shows the number of undeveloped (vacant) 4ha to 7.99ha lots in both the Proposed Rural Zone and the Proposed Rural Lifestyle Zone (as at March 2021). **Exhibit D** shows the location of these lots.²⁰

Table 6. 4ha to 7.99ha lot subdivisions granted (since May 2013²¹) but not yet implemented and vacant 4ha to 7.99ha lots in Proposed Rural Zone		
Proposed Zone	Unimplemented subdivisions (4-7.99ha lots - as at May 2021)	Vacant 4-7.99ha lots (as at March 2021)
Rural Zone	66	138
Rural Lifestyle Zone	155	177
Total	221	315

50. Subdivisions which have been granted consent but have not yet been implemented create the potential for another 221 lots between 4ha and 7.99ha over both proposed Rural Zones. Additionally, there are 315 lots between 4ha to 7.99ha that are created but vacant, which are relatively evenly spread across the two rural Zones (see **Exhibit D**). Together, these provide another 536 opportunities for living on 4ha to 7.99ha lots in both proposed rural zones, even if immediate legal effect was obtained for the Proposed Rural Zone.

Population growth and demand

51. In 2018, the Waimakariri District had a population of 61,300 people, made up of 23,500 households. The District is projected to be one of the faster growing local authorities in the country. Between 2018 and 2023, the number of households living in the Waimakariri District was and is projected

¹⁸ For the purpose of this analysis, a subdivision is considered to be implemented / created at the time that a s224(c) Certificate is granted (however this does not guarantee the Certificate has been lodged with LINZ). Accordingly, only consented subdivisions that have not yet reached the s224(c) Certificate stage have been included in Table 6. Boundary adjustments where no new lots have been created have been excluded as these do not impact on overall lot numbers.

¹⁹ For the purposes of this analysis, balance lots are the original and remaining lots and are included in the total lot number. For example, a 20ha lot is consented to subdivide off 3 x 4ha lots. One 4ha lot also remains, which is the balance lot, resulting in a total of 4 x 4ha lots.

²⁰ The black dotted line is the boundary between the two proposed rural zones. In the Proposed Rural Zone, the Proposed Plan will permit construction of a dwelling on these lots, as well as a minor residential unit. Ms Whyte's evidence further expands on this. The current activity status for these lots in the Proposed Rural Lifestyle Zone will not change.

²¹ The analysis covers an eight-year timeframe (from February 2013 to February 2021). This timeframe was selected as – to avoid the lapse of a subdivision consent - s223 approvals are generally to be issued within five years of subdivision consent being granted and then s224(c) approval must generally be gained within three years thereafter.

Handwritten initials and mark:
H4D
w7

to increase by an average of 640²² per annum, or 2.7%²³ per annum. The number of households projected by 2048 is 38,200.

52. The District has a number of urban centres along with a rural base. The urban centres include Rangiora (7,370 households), Kaiapoi (4,740 households), Woodend/Pegasus (1,970 households) and Oxford (800 households). The balance of the population (8,620 households) live in the Operative Rural Zone, Residential 4 Zones,²⁴ and small settlements. Between 2018 and 2028, 35% of the District's household growth is expected to occur in the Operative Rural Zone, Residential 4 Zones and small settlements (2,020 households).²⁵ Currently, approximately 10-12%²⁶ of the District's population lives in the Proposed Rural Zone.
53. Based on the information and expert advice on the topic of housing demand and population growth, the Council is comfortable there is sufficient projected population growth to support continued pressure for housing and urban expansion in the District. Equally, Council is satisfied people that want a 4ha block will have an opportunity to attain one over the next couple of years because of the stock that is not yet created or developed, between the two proposed Rural Zones.
54. The Operative Plan provides Residential 4 Zones which enable the subdivision and use of land to lots typically sized 2,500m² to 1ha to cater for those wanting to live on large lots outside of towns. Currently, there is capacity for an additional approximately 182 lots in these operative zones.²⁷ This capacity helps to offset a potential loss in further 4ha lots during the period in which an Order for immediate legal effect would apply.

²² Between 2018 and 2020 building consents increased by an average of 625 per annum according to Council's records.

²³ Between 2018 and 2020 the District growth has been tracking 2.7% per annum (derived from Statistics NZ population projections).

²⁴ These are rural residential zones that provide for an average density of 0.5ha and 1ha. In the Operative Plan, these zones are Residential 4A and 4B Zones (4A average density of 5,000m²; 4B average density of 1ha). In the Proposed Plan, these will be termed Large Lot Residential Zones and the average density for all will convert to 5,000m².

²⁵ Population data derived from pages 1 and 4 of Livingstone and Associates Ltd 'Population and Housing Demographics Report', April 2021: https://www.waimakariri.govt.nz/_data/assets/pdf_file/0015/94200/Report-on-Population-and-Housing-Demographics-Rangiora-Ian-Mitchell-April-2021.pdf

²⁶ Based on the population for the area derived from Statistics NZ data but this includes some small settlements and some small parts of the land in the Proposed Rural Lifestyle Zone. As a percentage of the total District population, this equates to 12%, so 10-12% is an approximate maximum population range.

²⁷ Based on a capacity assessment undertaken during the Rural Residential Development Strategy work in August 2018 that calculated remaining zoned capacity in Residential 4 Zones, then subtracting number of building consents issued for dwellings within these zones for remainder of 2018, 2019, 2020, and to (and including) April 2021.

Expert reports

55. The Council has obtained independent expert reports to inform its approach to rural land in the Proposed Plan:
- (a) A report on rural character and amenity (Boffa Miskell Ltd, 2018);²⁸
 - (b) A report on outstanding natural features, natural landscapes & significant amenity landscapes (Boffa Miskell Ltd, 2019);²⁹
 - (c) A report on the implications of rural land zoning on rural production (Macfarlane Rural Business, 2018);³⁰
 - (d) A report that considered a range of rural resources and emerging and foreseeable changes in rural production, technology and markets (KPMG, 2018);³¹
 - (e) A report on likely economic implications of introducing a change in approach to rural density (Market Economics, 2019);³²
 - (f) A "Housing Needs Assessment" report (Livingstone and Associates Ltd, 2019);³³ and
 - (g) A later report on population and housing demographics (Livingstone and Associates Ltd, 2021).³⁴
56. Together, the body of expert reports has helped to support the Council's proposed planning provisions for rural subdivision.

Consultation

Small Holding Survey

57. In May/June 2006, the Council conducted a survey of small holding³⁵ owners. The purpose of this survey was to find out what is prompting people to live on relatively small areas of land in the Operative Rural Zone. Questionnaires

²⁸ Further details on this report are provided in paragraphs 4, 17 to 18 and 21 of Ms Pflüger's evidence.

²⁹ Further details on this report are provided in paragraph 4 of Ms Pflüger's evidence.

³⁰ Further details on this report are provided in paragraph 8 of Mr Gordon's evidence.

³¹ This report considered current Waimakariri District land use and tested three rural futures scenarios, together with planning implications associated with scenarios. Paragraphs 27, 30 and 45 of Mr Gordon's evidence reference findings of this report. A full copy of the report can be provided if needed.

³² This report answered key questions regarding economic benefits, costs to landowners from an economic perspective, and economic outcomes of increasing the existing minimum rural lot size to a graduated lot size approach. A full copy of the report can be provided if needed.

³³ This report provided detailed analysis of housing demand by a range of demographic characteristics including tenure, age of the household reference person and household composition. A full copy of the report can be provided if needed.

³⁴ https://www.waimakariri.govt.nz/_data/assets/pdf_file/0015/94200/Report-on-Population-and-Housing-Demographics-Rangiora-Ian-Mitchell-April-2021.pdf

³⁵ For the purposes of the Small Holding Survey, the term 'small holding' referred to rural properties ranging in size from 2ha to 7.99ha.

HD
5

were distributed to 600 owners of small holdings ranging from 2ha to 8ha in size. Of the 600 questionnaires, 437 (73%) were returned.

58. The survey found that a variety of activities were conducted on small holdings, from intensive horticulture to more recreational uses. Although respondents were reasonably satisfied with their properties, there was some concern about the pace of subdivision and development in the rural area. There was a high level of satisfaction among respondents with the size of their property.³⁶ Travelling was the main dislike associated with living on small holdings, followed by distance from services and having a lot of work to do on their property.³⁷
59. These survey results informed subsequent consideration of the appropriateness of the current 4ha minimum rural lot rule regime and, particularly, further investigations into it - including the "District Development Strategy" and District Plan Review.

District Development Strategy

60. In 2016, the Council began work on preparing a "District Development Strategy" (**DDS**) to guide the direction of anticipated residential and business growth over the next 30 years. This work stream involved several community engagement steps:³⁸
 - (a) October 2016 - submissions to DDS titled "Your Early Thoughts";
 - (b) March 2017 - Focus Group Meetings;
 - (c) May 2017 – public submissions on Draft DDS.
61. The final DDS³⁹ was adopted by Council in 2018. The DDS focuses on seven "Key Themes" pertinent to growth, one of which is "Rural Area and Small Settlements".

³⁶ Which is interesting given the feedback Council received some 11 years later – see my paragraph 66(c) below. Also see paragraph 70.

³⁷ Summarised from pages v to ix of the Executive Summary of a report prepared by Council staff in February 2007 containing a summary of feedback received to the Small Holding Survey. See https://www.waimakariri.govt.nz/_data/assets/pdf_file/0020/12494/Report-of-Small-Holding-Owners-Survey-2006.pdf.

³⁸ Detailed in paragraphs 62 to 74 below.

³⁹ The District Development Strategy is found here: https://www.waimakariri.govt.nz/_data/assets/pdf_file/0022/33727/180525057771-District-Development-Strategy-DDS-2018-FINAL-Web.pdf, see page 20 for 'Our rural area and small settlements'.

HO
5

DDS – “Your Early Thoughts”

62. In 2016, to begin the DDS work, the Council prepared and promulgated the DDS document "Your Early Thoughts", for consultation.⁴⁰ The purpose of this document was to begin a conversation with the community and stakeholders about how they wanted the District to grow over the next 30 years. "Your Early Thoughts" asked a number of questions. Feedback was invited in response via hard copy feedback form, email, or online feedback form from early October 2016. More than 20 submissions were received from individuals and seven organisations.⁴¹
63. In terms of the rural area, some submitters said that the current supply of small lots (i.e. 4ha lots) is enough to meet future demand. The most frequent comment made by submitters was a wish to restrict development of further 4ha blocks. Submitters commented that this type of development was:
- (a) Undermining rural character;
 - (b) Impacting on productive rural land use;
 - (c) Resulting in isolated living, with little social, commercial or retail support; and
 - (d) Putting greater demand on infrastructure.

DDS - Focus Group Meeting

64. Following “Your Early Thoughts”, the Council held focus group meetings on each of the DDS’s seven key themes, with specifically invited stakeholders. This was to further inform the content of a draft DDS.
65. On the “Rural Area and Small Settlements” theme, a meeting was held with 6 stakeholders, including rural residential⁴² and ‘lifestyle block’⁴³ developers and members of rural residential associations. Council again posed a number of questions to prompt discussion (see **Exhibit E**)⁴⁴ such as ‘what is the purpose of the rural area?’, ‘what does rural character mean to you?’, ‘should we plan for a general downward trend of lifestyle block development

⁴⁰ See page 10 of ‘Your Early Thoughts’ document for ‘Our Rural Areas and Small Settlements’, here: https://www.waimakariri.govt.nz/_data/assets/pdf_file/0024/24792/DISTRICT-DEVELOPMENT-STRATEGY-EARLY-INPUT-CONSULTATION-DOCUMENT-2016-22-....pdf

⁴¹ Pegasus Residents’ Group, Canterbury District Health Board, MainPower New Zealand Ltd, New Zealand Transport Agency, Heritage New Zealand, Woodend Community Association, and New Zealand Green Building Council.

⁴² Referring to the District’s Residential 4 Zones which provide for average lot density of 0.5ha to 1ha

⁴³ A term commonly used to refer to 4ha lots.

⁴⁴ See page 15 of **Exhibit E** which contains the PowerPoint slides prepared by Council staff that aided in facilitating this stakeholder meeting.

H10
✓

or maintain status quo?', 'should we consider managing lifestyle block development by location and where?', and 'how might an aging population impact on rural living?'.⁴⁵

66. Of relevance, stakeholders commented (see **Exhibit F**):
- (a) Existing farms should be able to continue farming without reverse sensitivity issues created by residential intensification;
 - (b) The ability to subdivide to 4ha could provide essential financial relief for some and has been profitable for some to-date; and
 - (c) The 4ha size is often too large for many people and properties of that size are generally used by their owners for lifestyle purposes as opposed to productively.⁴⁵

Draft DDS - public submissions

67. In May 2017, the draft DDS⁴⁶ was released for public submissions for five weeks (see **Exhibit G**). The draft DDS outlined issues relating to small rural lots (i.e. 4ha to 7.99ha in size) as gleaned through earlier consultation.⁴⁷ It proposed a reduction in lifestyle development⁴⁸ from the status quo, by way of two options for rural development:

- (a) Increase the minimum lot size from the current 4ha minimum throughout the Operative Rural Zone (**Option 1**); or
- (b) Increase the minimum lot size from the current 4ha minimum in parts of the Operative Rural Zone (**Option 2**).

68. A number of "key engagement tools"⁴⁹ were utilised during the consultation period. Feedback could be provided via hard-copy feedback form, online

⁴⁵ **Exhibit F** provides notes prepared by Council staff that summarise discussions held at the stakeholder meeting, see pages 2 to 4 for 'discussion'.

⁴⁶ **Exhibit G** is an excerpt of the Draft DDS containing 'Our Rural Areas & Small Settlements', including options and prompting questions (page 4).

⁴⁷ Outlined in paragraphs 62 to 66 above.

⁴⁸ Defined in the DDS as rural lots commonly less than 8ha.

⁴⁹ Key engagement tools:

- A project webpage (waimakariri.govt.nz/district-development) was established which contained project and consultation information, an electronic copy of the full and summary draft Strategy, background documents, an online feedback form, and video links;
- A series of eight videos were released during consultation on the project webpage, via social media and on YouTube, to stimulate interest and discussion in the draft Strategy – there were a total of 38,000 views of the videos over the consultation period and near 100,000 people (e.g. Facebook accounts) reached;
- Social media (Facebook and Twitter) alerts and information;
- Hard copies of the full and summary draft Strategy were made available at Council Service Centres and libraries;
- Targeted emails to various stakeholders who had an interest in the project were sent, as well as targeted meetings with key stakeholders, including Environment Canterbury, Christchurch City Council, New Zealand Transport Agency, were held;

HD
57

form, email or letter. Eighty-eight submissions were received and a hearing was held in August 2017 where over 40 submitters spoke to their submissions.

69. Overall, the most heavily commented on “key theme” was “Rural Area and Small Settlements”. The “future of rural development” was the second most common topic addressed in all submissions (irrespective of “key theme”), including support for increasing the minimum lot size in the Operative Rural Zone. Option 1 (increasing the minimum lot size throughout the Operative Rural Zone) received more support than Option 2 (increasing it in only part of the Operative Rural Zone).
70. Submitters said there was ample supply of 4ha lots in the District already and that a lot of ‘lifestylers’ find 4ha too large to manage. Submitters said that increasing the minimum lot size will help protect productive rural land, and some suggested minimum lot sizes, which ranged from 10ha to 40ha.
71. A number of those who supported Option 2 for rural development suggested rural ‘lifestyle’ development should only be permitted on:
 - (a) Poorer soils in order to protect valuable farming land;
 - (b) Where infrastructure can be cost effectively provided;
 - (c) Where lots could be well connected to main roads; and
 - (d) Where there is natural drainage and in areas not susceptible to flooding.
72. Some suggested specific boundaries for allowing further subdivision to a 4ha minimum, and others suggested allowing rural development only immediately adjacent to Rural Residential Zones (Residential 4 Zones).
73. Only two submitters supported retaining the status quo (4ha minimum lot size across the Operative Rural Zone).⁵⁰

-
- Targeted engagement with Mahaanui Kurataiao Ltd (representing Ngāi Tūāhuriri Rūnanga) through representation on Council’s Technical Advisory Group that helped formulate proposals contained in the draft Strategy, discussions about content and review of a draft Strategy;
 - Drop-in sessions held in Rangiora, Kaiapoi, Oxford, Woodend, Loburn, Fernside and West Eyreton;
 - A special stakeholder event;
 - Newsletter content, newspaper advertorials and Community Noticeboard information; as well as information on electronic boards displayed at Council Service Centres and libraries.

⁵⁰ See pages 8 to 11 of the Summary of Submissions to the Draft DDS prepared by Council staff in August 2017, here: https://www.waimakariri.govt.nz/data/assets/pdf_file/0017/36611/DDS-District-Development-Strategy-Summary-FINAL-JUNE-2017.PDF.

W H O

74. The final DDS confirmed an intention for the Council to explore increasing the minimum rural lot size in parts of the Operative Rural Zone, especially on good quality land which is particularly suitable for primary production.

District Plan Review

75. Council commenced its District Plan Review in 2016, which has involved several community-engagement steps⁵¹ to date:
- (a) 2016 - "District Plan Effectiveness Review";
 - (b) September 2017 – "Community Issues and Options";
 - (c) April 2019 – "What's the Plan"; and
 - (d) December 2019 – targeted stakeholder engagement.

"District Plan Effectiveness Review"

76. During 2016, the Operative Plan was assessed for effectiveness in terms of how well it has performed and any changes that have occurred in the District that impact on its ongoing relevance. As part of this, a report was produced on the rural environment,⁵² which concluded that a review of the minimum standard for rural subdivision was needed in light of its relationship with the purpose of the Operative Rural Zone, rural character, rural amenity and use of rural land for production.

"Community Issues and Options" Consultation

77. In 2017, the Council released a paper on rural issues and options (see **Exhibit H**).⁵³ It discussed land use and subdivision of rural land, threats to ongoing primary production, rural character and rural amenity. It asked the general question: *How should the proposed new District Plan manage rural areas?* The options put forward included 'continue current management of subdivision and development', 'new provisions based on rural character or area, including changes to the minimum rural lot size and extension and intensification of rural residential areas', and 'increased minimum rural lot size and extension of rural residential areas'.

⁵¹ Discussed in more detail in paragraphs 76 to 83 below.

⁵² See page 3 of 'Rural Environment' District Plan Effectiveness Review paper prepared by Council in 2017: https://www.waimakariri.govt.nz/_data/assets/pdf_file/0025/34837/District-Plan-Effectiveness-Review-Report-February-2017-Topic-3-Rural-Environment.pdf.

⁵³ "Rural Zone District Plan Review Issues & Options"; **Exhibit H** contains the Rural Zone District Plan Review Issues & Options paper prepared by Council in September 2017.

78. The consultation process and invitation to provide feedback was advertised in local newspapers, the Council's website and social media. Thirty-one submitters addressed rural topics in their feedback on the "Rural Zone District Plan Review Issues & Options". Key themes as summarised in the "Summary of Comments Received Report"⁵⁴ were:
- a. Larger minimum lot size required for rural production (some also asked for the ability to further subdivide into smaller lots near towns);
 - b. Limit activities permitted in the Rural Zone to rural production activities and concentrate non-rural activities in other (non-rural) zones;
 - c. Support for preventing further residential and rural residential development due to potential incompatibility with rural zone activities and values; and
 - d. Better protection and maintenance of rural amenity.

"What's the Plan" Consultation for District Plan Review

79. The Council released a public engagement document in early 2019 - "What's the Plan" - to test proposed District Plan directions. This introduced key chapter topics and provided a high-level summary overview of what each proposed chapter would entail, current issues (as discerned from the Review and consultation processes already undertaken) and what changes Council was considering. In relation to the Rural Zone, this focused particularly on the management of business activities, subdivision and residential development.
80. The document stated an intention to ensure rural areas are mainly for farming (primary production) and that housing density and subdivision are managed to both ensure land continues to be available for a range of farming (and supporting) activities, and to maintain rural character. The document asked questions including: "Do you support the protection of rural production (farming)?", "Do you agree that maintaining rural character is important? Is it more important in some areas than in others?", "...should the rural zone be

⁵⁴ See page 3 of District Plan Review Issues & Options Summary of Comments Received Report prepared by Council staff in November 2017 for summary of Rural Zone comments, available here: https://www.waimakariri.govt.nz/_data/assets/pdf_file/0025/39733/ISSUES-AND-OPTIONS-SUMMARY-NOTES.PDF

split into more than one zone?” and “What combination of zoning options would work best for the District? Where?”⁵⁵

81. Drop-in sessions were held at Rangiora, Woodend, Oxford and Kaiapoi in mid-April 2019. The consultation generated 267 response points from 95 respondents. Rural density was a key topic of interest. Responses showed support for the protection of rural production activity and agreement that maintaining rural character is important (some noted that defining rural character is difficult). Respondents generally supported establishing two separate rural zones for small rural lot living and rural activities and protecting productive soils from “lifestyle block”⁵⁶ development (see **Exhibit I**).⁵⁷

Targeted Stakeholder consultation for District Plan Review

82. In December 2019, the Council undertook targeted stakeholder discussions with industry groups and individual farmers. The industry discussions were:
- (a) A meeting with Waimakariri Irrigation and Dairy NZ together, to discuss a variety of District Plan topics. The stakeholders at this meeting said it is important for rural activity to be able to continue.
 - (b) Another meeting with Federated Farmers and Horticulture New Zealand together. Discussions acknowledged that horticulture can be productive on smaller lots, but market gardens need larger areas. Preliminary feedback was that growers favoured an increased lot size of 20ha minimum to be productive. Stakeholders at this meeting said that maintaining productive potential and avoiding reverse sensitivity is important in rural areas, because these are the only zones these activities can go into.
83. Throughout the District Plan Review, the Council has sought feedback from iwi authority Ngāi Tūāhuriri Rūnanga (through Mahaanui Kurataiao) to ensure proposed provisions for the rural area address matters of particular relevance to tāngata whenua.⁵⁸ The Council received no specific feedback on rural lot sizes.

⁵⁵ See pages 22 to 23 of ‘What’s the Plan’ for discussion on ‘Rural’, here:

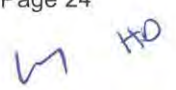
https://www.waimakariri.govt.nz/_data/assets/pdf_file/0025/67930/Whats-the-Plan-Interactive.pdf

⁵⁶ A term commonly used to refer to 4ha lots.

⁵⁷ **Exhibit I** contains an excerpt from What’s the Plan? Summary of Consultation Responses as they relate to the Rural Zone.

⁵⁸ In particular:

- ensuring that there is integration with the provision relating to the development of MR873 and



Community awareness through other means

84. In September 2020, Survus Consultants Limited (**Survus**) advised the community that Council was considering an increase to the current 4ha rule. Survus did this by way of a post on FaceBook (**Exhibit J**) and an advertorial in North Canterbury News in November 2020 (**Exhibit K**). Survus also posted this on their website.⁵⁹ Survus encouraged potentially affected property owners to subdivide now.
85. Since mid-to-late 2020, the Council's planning teams have been receiving regular public enquiries regarding a possible change in the minimum lot size in the Operative Rural Zone, often several per week. Often these come from property owners (or Real Estate Agents) who have "heard rumours that Council is looking to increase the minimum rural lot size". Often, they wish to understand "how long they have" until this change is made operative. My colleagues and I are often advised that the enquiries have been prompted by a letterbox (or email) drop advising people of a change.
86. In May 2021, the Council also received an email from Survus seeking confirmation regarding "a whisper" that Council is seeking immediate legal effect of rural subdivision rules (see **Exhibit L**).
87. Council believes the prevalence and specificity of enquiries from the public and consultants suggests there is growing community awareness that a change in the minimum lot size is imminent. This increased awareness has coincided with Council experiencing an increase in applications for subdivisions in the Operative Rural Zone.
88. Since Survus' FaceBook post in September 2020 until the end of May 2021, Council has received 104 applications for rural lot subdivisions,⁶⁰ amongst which 445 new lots between 4ha and 7.99ha were sought. This compares to only 37 applications for rural subdivisions for the same period the year prior,⁶¹ amongst which 201 new lots between 4ha and 7.99ha were sought. These figures represent an increase of 181% in applications for rural

-
- that the objectives, policies and rules provide clarity as to the important matters of relevance to tāngata whenua were to be considered. In particular that they address matters associated with the development of land and use and impact of any use and development on water
 - the assessment matters were clear in enabling consideration of matters of relevance to tāngata whenua.
- These matters have all been considered and addressed in the development of the provisions that are included in the Proposed Plan. This is in relation to the provisions within the Rural Chapter, but also other chapters including the provisions applying to Sites of significance to Māori and the provisions in the Kāinga Nohoanga. To the extent practicable, given the different purpose and focus for the Rural Zones and the Kāinga Nohoanga, the provisions are consistent and seek to achieve integrated management of natural and physical resources.

⁵⁹ <https://www.survus.co.nz/blog-posts/waimakariri-district-plan-review>

⁶⁰ Irrespective of the number of lots seeking to yield, or the individual lot sizes.

⁶¹ Between September 2019 and May 2020.

subdivisions, and an increase of 121% in 4ha to 7.99ha lots sought through rural subdivision, over these time periods. From Council's perspective, this indicates a rush of subdivision activity is underway, with an apparent relationship to growing community awareness.

Effects on people and communities

89. If the Council's application for immediate legal effect is successful:
- (a) There will effectively be a pause on the ability to create 4ha lots as a "controlled activity" in the Proposed Rural Zone;⁶²
 - (b) Anyone can submit on the proposed 20ha threshold and, amongst other things, seek return to the current 4ha regime;
 - (c) The Council has two years (from the notification date) to decide on submissions;
 - (d) The Council decision might uphold the new 20ha threshold, meaning the legal effect of this standard has been "brought forward" by about two years; or
 - (e) The Council decision might see a reversion to the 4ha threshold, meaning people have only "lost" development rights for the interim two-years period;
 - (f) To the extent further 4ha subdivision might negatively impact on rural character and amenity and/or productive potential, an immediate legal effect Order will preserve the existing situation so these values are not undermined before a decision on the Proposed Plan is released;
 - (g) A "pause" might negatively impact property owners who need to subdivide and sell 4ha parcels off their larger landholding, for example as part of their financial or retirement plan. From Council's perspective, this downside is outweighed by the natural values at stake.

⁶² Exemptions apply however for infrastructure providers, lots that existing prior to notification, lots where consents were granted prior to notification. See Ms Whyte's evidence including paragraphs 38 and 45 and Exhibit G for details.

Number of households potentially affected by Order sought

90. Rural lot owners located in the Proposed Rural Lifestyle Zone are unaffected by the proposed minimum lot size rule change and an order for legal effect. In Council's observation, it is the Proposed Rural Lifestyle Zone that is most favoured for small rural lot size (i.e. 4ha to 7.99ha) living opportunities as, as noted by a 2018 KPMG report on the matter,⁶³ people move to the District for lifestyle reasons and because land prices are lower than Christchurch City, and many commute into Christchurch for employment and entertainment purposes. The KPMG report further adds that the areas of the District closer to Christchurch City have experienced significant urbanisation facilitated in part by motorway upgrades to the north of Christchurch.⁶⁴
91. I have attempted to understand the number of people / households potentially affected by the proposed change to 20ha.⁶⁵ I conclude that the number of households most affected (potentially) equates to approximately

⁶³ Report by KPMG 'Waimakariri District Council Rural Futures Analysis, Future Agri-Food Scenario Planning for a Prosperous District' May 2018. Discussed at paragraph 55(d) above.

⁶⁵ Refer to paragraph 44 of Ms Whyte's evidence for more detailed descriptions of regulatory impacts for each group of lot sizes.

6% of the District's total number of households. My conclusion is derived as follows:


Table 7. Number of people potentially affected by Order sought

1. The approximate total number of people residing in Proposed Rural Zone: 7,860, in approximately 3,023 households. This equates to: 1.1. approximately 12% of District population ⁶⁶ ; and 1.2. approximately 12% of District households ⁶⁷ .
2. The total number of lots in Proposed Rural Zone is 3,762 (46% of all rural lots). This can be further broken down as follows: 2.1. Number of lots <i>smaller</i> than 8ha: 2,167 (58% of all lots in this Zone): these lots are unaffected as they cannot subdivide or develop ⁶⁸ further (without non-complying consent) under the Operative Plan. This leaves approximately 1,595 lots potentially affected; 2.2. Of the 1,595 lots, those within the Outstanding Natural Landscape areas can be subtracted (because they cannot subdivide or develop to 4ha as a controlled activity under the Operative Plan) ⁶⁹ . This leaves 1,505 lots potentially impacted, which equates to: 2.2.1. 40% of all lots in Proposed Rural Zone; and 2.2.2. 19% of all Rural lots (across both proposed Rural Zones); and 2.2.3. 6% of estimated total District households (1,505 of 24,885) ⁷⁰ ; and 2.2.4. 6% of estimated total District population (3,913 of 64,700) ⁷¹ . 2.3. Of the 1,505 lots, 1007 (which is 27% of those in the Proposed Rural Zone or 12% of those over both Proposed rural zones) are potentially the most affected because they are lots sized 8ha to 39.99ha. They will change from being able to be subdivided and developed to 4ha as a controlled activity, to not being able to be subdivided or developed ⁷² at all (except as non-complying activities or pursuant to legacy provisions). 2.4. Also of the 1,505 lots, those <i>greater</i> than 40ha account for 588 lots (16% of all lots in this Zone) – these lots are affected but retain some subdivision and development potential (to 20ha).
3. Unimplemented 4ha to 7.99ha lots in the Proposed Rural Zone: 66 – unaffected as can complete subdivision before lapsed. ⁷³

AFFIRMED at Christchurch this 12th
day of July 2021)

before me:


Heike Downie


William Andrew Leathart Todd
Solicitor
Christchurch

A Solicitor of the High Court of New Zealand

⁶⁶ Based on population for the area derived from Statistics NZ data but this includes some small settlements and some small parts of the land in the proposed Rural Lifestyle Zone. As a percentage of the total District population, this equates to 12%, which is the most conservative estimate.

⁶⁷ Based on population estimate for the area as discussed in footnote 70 and using an average of 2.6 people per households calculated from Livingstone & Associates Population and Housing Demographics Report April 2021: https://www.waimakariri.govt.nz/data/assets/pdf_file/0015/94200/Report-on-Population-and-Housing-Demographics-Rangiora-Ian-Mitchell-April-2021.pdf

⁶⁸ However, the existing 138 vacant lots sized 4ha to 7.99ha in the Proposed Rural Zone benefit from legacy rules that enable them to erect residential unit(s). See paragraph 45 of Ms Whyte's evidence for details.

⁶⁹ Refer to Ms Whyte's evidence, paragraphs 22 and 25(b) for details.

⁷⁰ When using number of impacted lots (1,505) as a proxy for households, then calculating this as a proportion of total District households (24,885 based on average 2.6 people per household for 2020 District population estimate of 64,700 – population estimate derived from Statistics NZ).

⁷¹ 3,913 is derived using 1,505 lots as proxy of households, then multiplying this by 2.6 (average number of people per household), then taking that number as a proportion of total 2020 estimated District population (population estimate derived from Statistics NZ).

⁷² Legacy rules will mean 204 vacant lots sized 8 to 19.99ha in the Proposed Rural Zone will be able to have residential unit(s) erected on them. See paragraph 45 of Ms Whyte's evidence for details.

⁷³ These, together with vacant 4ha to 7.99ha lots (138), should help to offset any interim demand for 'lifestyle living opportunities' in the Proposed Rural Zone, as subdivisions can be completed and residential units erected as per legacy rules. The originating lots (that will ultimately yield the 66 lots sized 4ha to 7.99ha once subdivision has been completed) are also represented in affected lots in 2.2 in Table 7. They also could be (but have not been) subtracted from the 1,505 number, hence the figure of 1,505 is a conservative estimate.

Exhibit A: District Plan Review – Key Remaining Milestones

Anticipated Date ¹	Key Milestone
24 August 2021	Council considers Proposed District Plan for approval to Notify
6 September 2021	Subject to Council's approval to notify, Notification of Proposed Plan commences (40 working days)
1 November 2021	Notification closes
Oct – Dec 2021	Council processes and summarises submissions received
December/January 2021	Further submissions invited for 10 working days
March 2022 – February 2023	Hearings take place
March – May 2023	Decisions issued (all at once) by independent commissioners appointed to the District Plan Hearing Panel
By June 2023	Recommendations drafted
Mid-2023	Final District Plan presented to Council for adoption

EXHIBIT NOTE

This is the annexure marked "A" referred to in the affidavit of HEIKE DOWNIE and sworn at Christchurch this *12th* day of *July* 2021 before me


Signature.....

William Andrew Leathart Todd
Solicitor
Christchurch
Solicitor of the High Court of New Zealand
(Solicitor to sign in part on Exhibit)

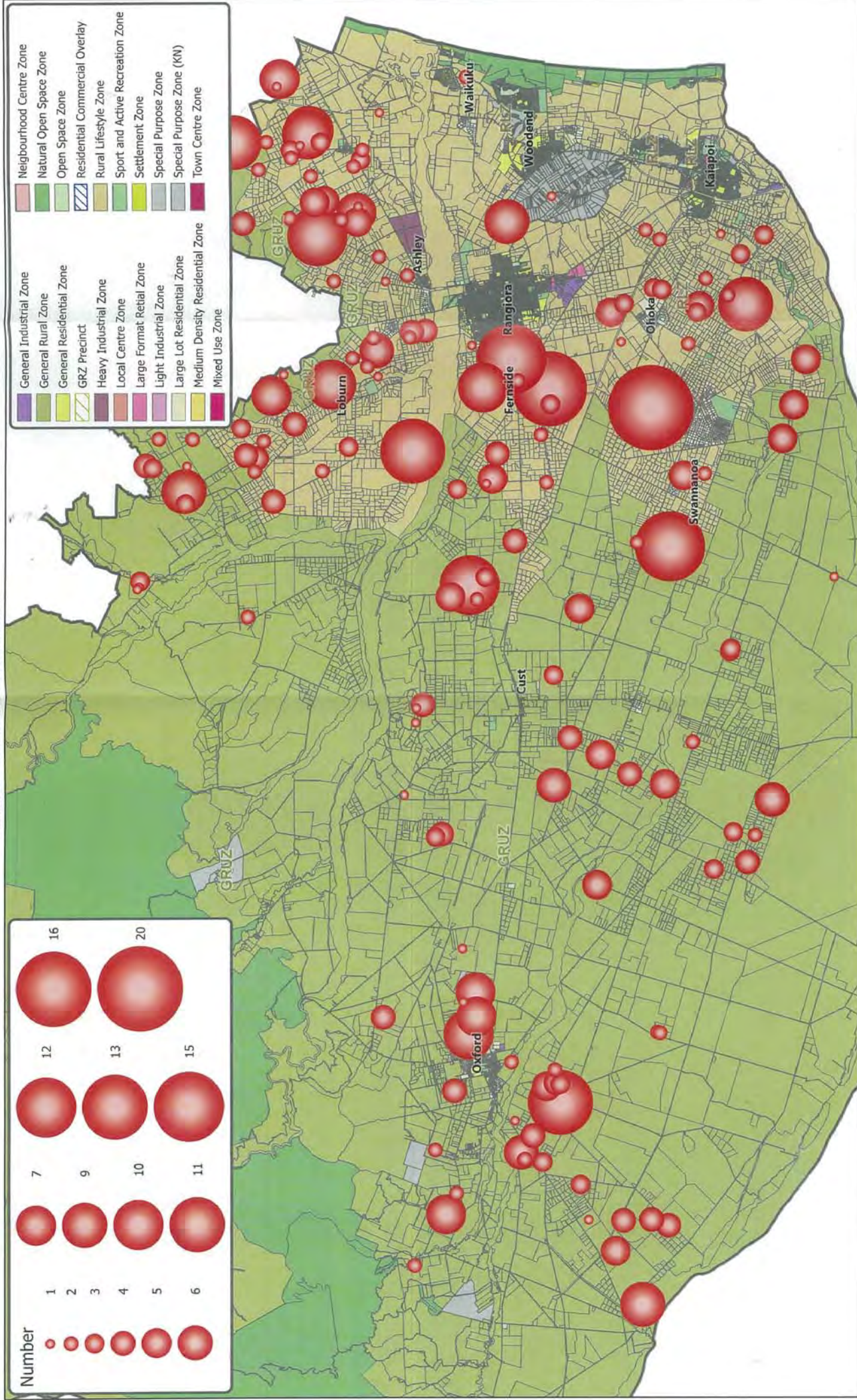
¹ Earliest anticipated dates at the time of writing this evidence. Subject to change and subject to confirmation.

EXHIBIT NOTE

This is the annexure marked "B" referred to in the affidavit of
HEIKE DOWNIE and sworn at Christchurch
this *12th* day of *July* 2021 before me

Signature.....
A solicitor of the High Court of New Zealand
(Solicitor to sign in part on Exhibit)

William Andrew Leathart Todd
Solicitor
Christchurch



Subdivision consents decision issued from 1 January 2017 to 31 December 2020 for lots created between 4ha - 7.99ha



Date: 8/06/2021
 Scale 1:145,000
 Original Size - A3



DISCLAIMER: Information is derived under license from LINZ Digital Cadastral Database (Crown Copyright Reserved). The Waimakariri District Council does not give and expressly disclaims any warranty as to the accuracy or completeness of the information or its fitness for any purpose. Information on this map may not be used for the purposes of any legal disputes. The user should independently verify the accuracy of any information before taking any action in reliance upon it. Land and property information is based on LINZ's data which is licensed by Land Information New Zealand (LINZ) for reuse under the Creative Commons Attribution 3.0 New Zealand license.

EXHIBIT NOTE

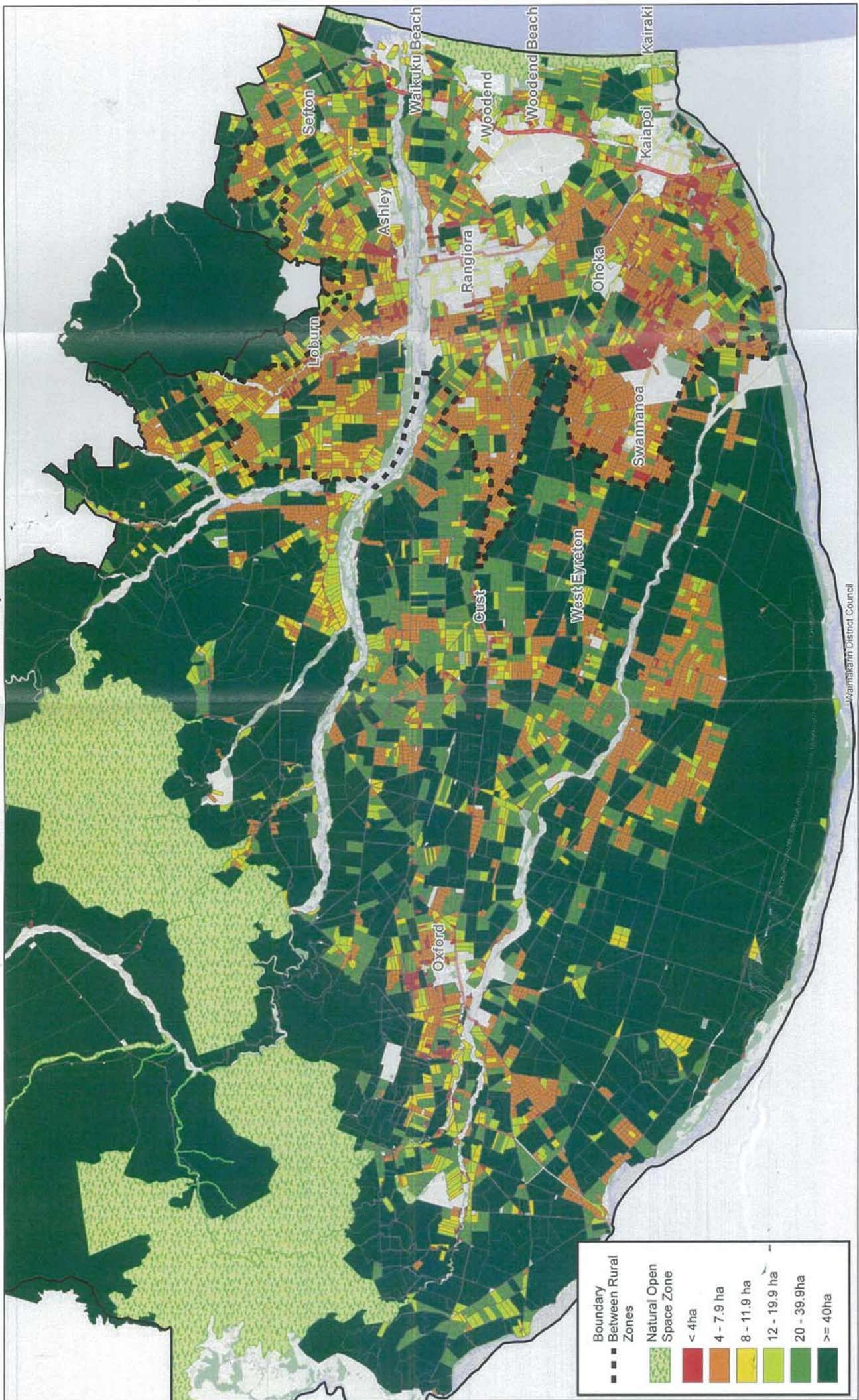
This is the annexure marked "C" referred to in the affidavit of
HEIKE DOWNIE and sworn at Christchurch
this *12th* day of *July* 2021 before me

Signature.....

A solicitor of the High Court of New Zealand
(Solicitor to sign in part on Exhibit)

William Andrew Leathart Todd
Solicitor
Christchurch

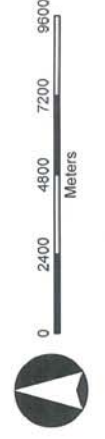
Exhibit C - Private rural lots by size



Privately Owned Rural Lots by Size

Date: 14/05/2021

Scale 1:157,000
Original Size - A3



21-007



DISCLAIMER: Information is derived under license from LINZ Digital Cadastral Database (Crown Copyright Reserved). The Waimakariri District Council does not give and expressly disclaims any warranty as to the accuracy or completeness of the information or its fitness for any purpose. Information on this map may not be used for the purposes of any legal disputes. The user should independently verify the accuracy of any information before taking any action in reliance upon it. Land and property information is based on LINZ's data which is licensed by Land Information New Zealand (LINZ) for reuse under the Creative Commons Attribution 3.0 New Zealand license.

EXHIBIT NOTE

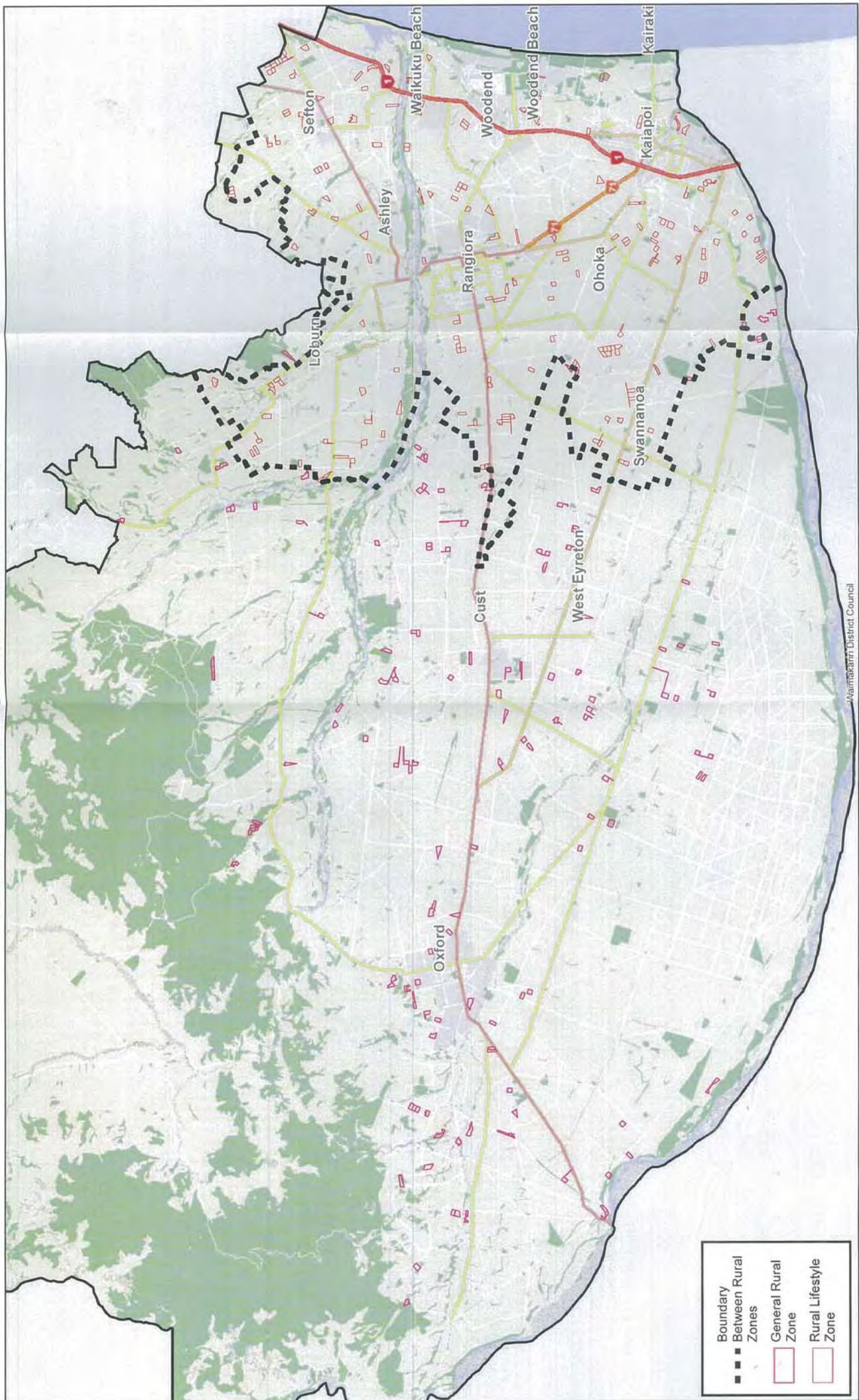
This is the annexure marked "D" referred to in the affidavit of
HEIKE DOWNIE and sworn at Christchurch
this *12th* day of *July* 2021 before me

Signature.....

A solicitor of the High Court of New Zealand

William Andrew Leathart Todd (Solicitor to sign in part on Exhibit)
Solicitor
Christchurch

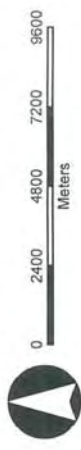
Exhibit D - Undeveloped Private Lots (4ha - 7.9ha)



Undeveloped Private Lots (4ha - 7.99ha)

Date: 14/05/2021

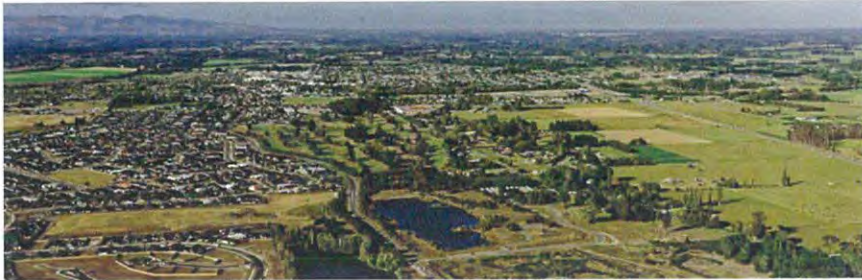
Scale 1:157,000
Original Size - A3



21-007



DISCLAIMER
This map is derived from LINZ Digital Cadastral Database (Cadastral Copyright Reserved). The Waimakariri District Council does not give and expressly disclaims any warranty as to the accuracy or completeness of the information or its fitness for any purpose. Information on this map may not be used for the purposes of any legal disputes. The user should independently verify the accuracy of any information before using any action in reliance upon it. Land and property information is based on LINZ's data which is licensed by Land Information New Zealand (LINZ) for re-use under the Creative Commons Attribution 3.0 New Zealand license.



District Development Strategy

Stakeholder Focus Group Meeting

'Rural Areas & Small Settlements'

8 March 2017



waimakariri.govt.nz

Background & Process

- District Development Strategy will guide growth of District over next 30 years:
 - where and how we grow residential and business areas
 - how infrastructure needs to respond
 - provide guidance, decision-making framework, direction
 - Ensure we direct resources and services to same agreed outcome



waimakariri.govt.nz

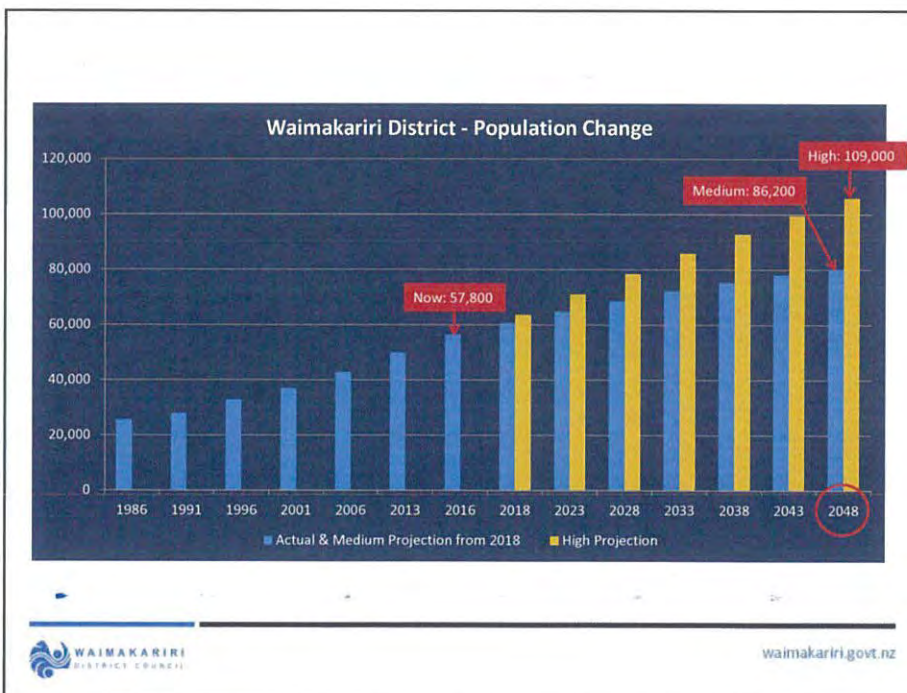
EXHIBIT NOTE

This is the annexure marked "E" referred to in the affidavit of
HEIKE DOWNIE and sworn at Christchurch

this 12th day of July 2021 before me

William Andrew Leathart Todd
Solicitor
Christchurch

Signature.....
A solicitor of the High Court of New Zealand
(Solicitor to sign in part on Exhibit)



Households and Age

- Number of households: 2016: 21,820
2048: +11,360 (medium); +20,480 (high projection)
- 65+ age group to increase from 17% (2013) to 30% (2048). Median age will rise by 6 years during same time (42.6 to 48.5)
- Number of people per household will decrease from 2.6 (now) to 2.4 (2048)



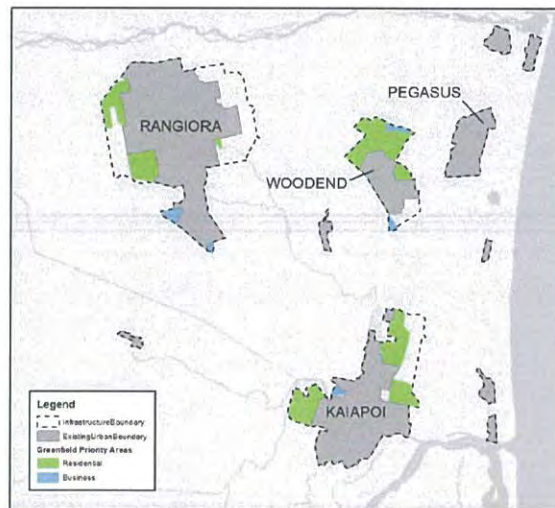
waimakariri.govt.nz

How will growth impact our:



waimakariri.govt.nz

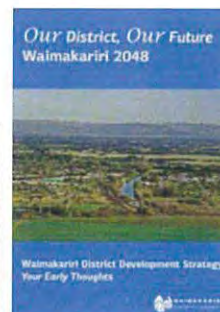
Current Growth Framework for Eastern Main Urban Areas



waimakariri.govt.nz

Strategy Process:

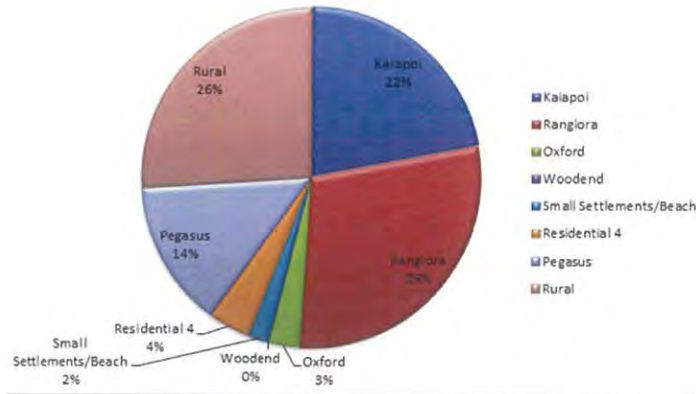
- Background reports, expert advice
- Our District, Our Future, Waimakariri 2048, Your Early Thoughts
- Strategy Launch Event 2 November 2016
- Internal staff workshops
- Stakeholder meetings & workshops with Community Boards and Council
- Focus Groups & meetings with community leaders
- Draft Strategy for consultation (mid 2017)
- Strategy finalisation and adoption (mid/late 2017)



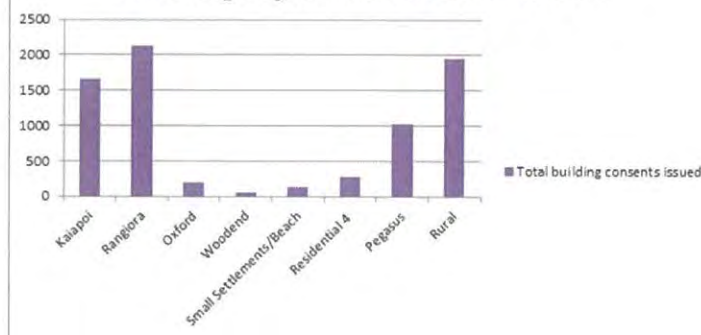
waimakariri.govt.nz

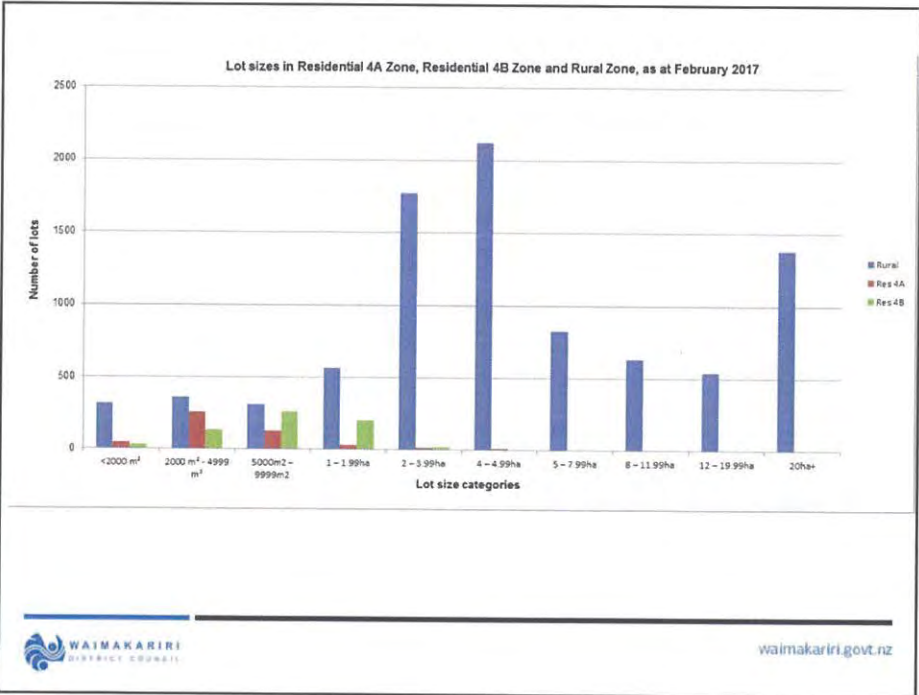
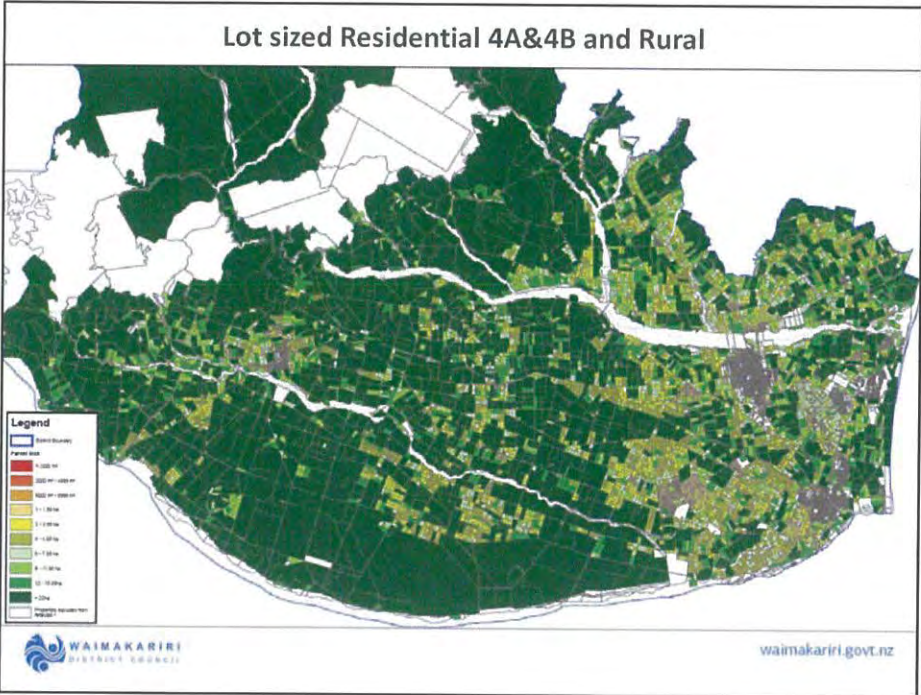
Key Trends

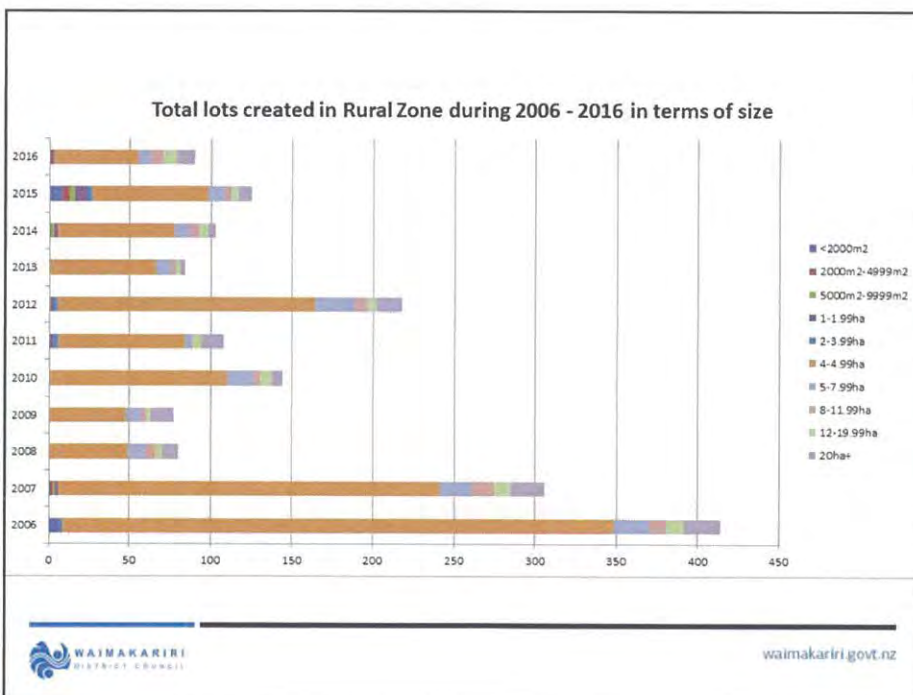
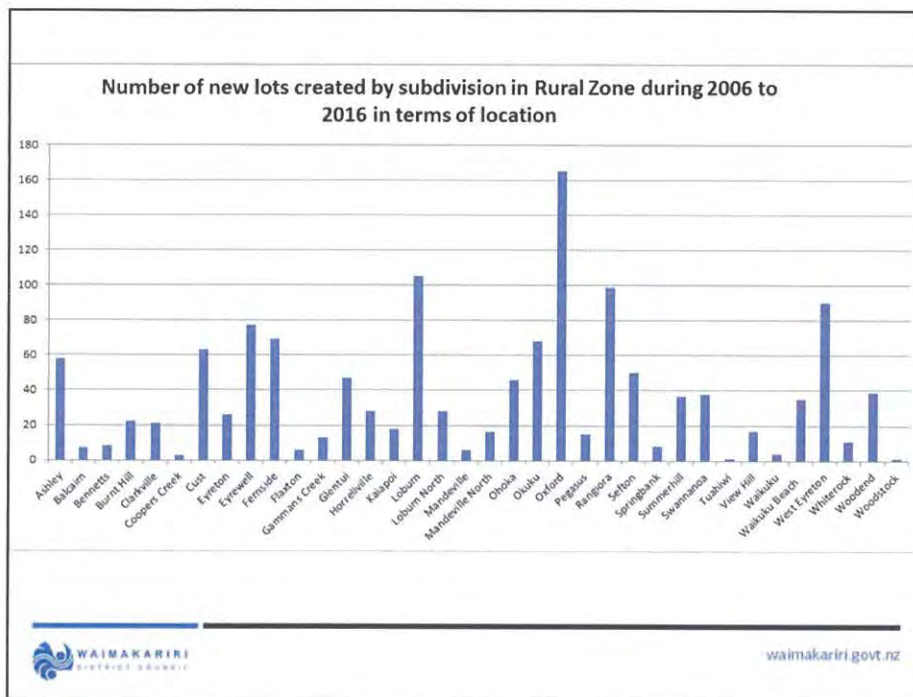
Share of growth between areas of Buildings Consents issued for new dwellings 2006-2016



Total Building Consents issued for new dwellings by area between 2006-2016







Rural living – things to consider

- Versatile/productive soils (availability & quality)
- Transport
- Servicing & infrastructure
- Business activity (agricultural & non-agricultural)
- Rural character & amenity
- Reverse sensitivity
- Water (aquifers & surface)
- Biodiversity / natural landscape
- Cultural environment
- Natural hazards
- Social infrastructure
- Housing

Discussion

- What is the purpose of the rural area?
- What does rural character mean to you?
- Should we plan for a general downward trend of 'lifestyle block' development or maintain the status quo?
- Should we consider managing 'lifestyle block' development by location? If so, where?
- Should we provide more rural residential living options? If so, intensify, expand or both?
- How might an aging population impact on rural living?
- What is the future of our small settlements, particularly beach settlements?

Wrap Up & Next Steps



District Development Strategy Focus Group Meeting – Rural Area and Small Settlements

Wednesday 8 March 2017, Council Chambers

Notes

Attendees:

Roger Kay, Braeburn Estates
Brian Stokes
Nicci Mealings, Ohoka Residents Association
Ann Holder, Pines & Kairaki Residents Association
Wes Holland
Tony Meir

Trevor Ellis, WDC
Bev Bray, WDC
Cameron Wood, WDC
Andrew Willis, WDC

Apologies:

Lin McCaughan

Meeting Notes

1. Welcome and introductions

Trevor Ellis welcomed attendees and discussed the purpose of the meeting. The Waimakariri District Council is putting together a draft District Development Strategy (DDS) in 2017 to guide the projected growth of the District's population over the next thirty years. The Strategy will be structured around seven key themes: Our Growing Communities, Our Connections, Our Centres, Our Economy, Our Community Places & Spaces, Our Environment, and Our Rural Areas and Small Settlements. Council is facilitating one targeted focus group meeting per Strategy theme to help inform the draft Strategy. It is very important to have input from key stakeholders. This is in addition to various other engagement avenues to date.

All attendees introduced themselves to the group.

2. Background and Process for DDS

Trevor Ellis provided the background and development process of the DDS project, which is summarised in the attached PowerPoint presentation slides (see attached). The population of the District is expected to grow from 57,800 in 2016 to between 86,200 in 2048 (Stats NZ medium projection) and 109,000 (high projection). Such growth will have an impact on the District's Rural Areas & Small Settlements.

EXHIBIT NOTE

This is the annexure marked "F" referred to in the affidavit of
HEIKE DOWNIE and sworn at Christchurch
this *12th* day of *July* 2021 before me

Signature.....
William Andrew Leathart Todd
Solicitor
Christchurch
A solicitor of the High Court of New Zealand
(Solicitor to sign in part on Exhibit)

The DDS informs a number of WDC documents such as the District Plan and LTP and sits within a wider planning framework including the LURP and NPS-UDC.

3. *Key trends and projections*

Andrew Willis provided an overview of key trends and projections facing the District over the next 30 years. Some demographic changes were identified. Two A1 maps showing the distribution of Residential 4A, 4B and Rural zoned lots were provided to the attendees to view.

The presentation provided an overview of development activity in the last 10 years. Noteworthy is that development activity and the proportion of District's population is high in the District's rural area (26%) and low in the District's small settlements. The most popular rural subdivision lot size is 4 to 4.99 ha, followed by 2-3.99 ha. In the last 10 years most rural subdivisions has occurred in Oxford, followed by Loburn, Rangiora and West Eyreton.

Under current planning frameworks, the Council is committed to an Infrastructure Boundary for its main eastern towns of Rangiora, Woodend, Pegasus and Kaiapoi. The DDS needs to determine the direction for growth beyond this boundary over the longer term. The attached presentation provides a map of the current growth framework.

4. *Rural Living*

Trevor Ellis introduced some staff identified considerations for managing growth in the rural environment (e.g. rural character and amenity, natural hazards, business activities), and some of the options available within the DDS including management of rural subdivision and development and urban development.

One attendee noted that all of the listed considerations must be considered.

5. *Discussion*

It was noted that the condition of roads in rural areas had been significantly changed by the use of larger farm machinery and vehicles on using roads as part of a shift in farm production within the district leading to deterioration of carriageway sealing. Vehicles travelling at high speeds past schools, was also identified as an issue. One of the reasons provided for the shift to bigger machinery was the intensification of activity occurring on farms. It was suggested that this was a natural result of the increase in land value occurring from 4ha developments – the land cost / is worth more so a greater output is required to justify activity.

One attendee stated that existing farms should be able to continue farming, and noted reverse sensitivity issues that arose in some instances. Intensification has created further issues.

The group also identified that irrigation of land had a major effect on productive capacity, and had changed the pattern of land use (including less dry-land farming and greater dairy production).

The ability to subdivide 4 hectare lots had been profitable for some landowners however it was noted that blocks of this size were too large for many people.

It was noted that transportation was significant in 'moving town closer to farms' and that farmers could sell their properties at a higher price for more intensive subdivision and buy a larger property further afield.

There was considerable discussion on the topic of rural residential development and the possible management of this form of subdivision and land use. The points raised were:

- 4 hectare properties were being used for lifestyle purposes, but were often not efficiently used and were beyond the size requirement for some owners.
- Allowing smaller site sizes for rural-residential living would allow more opportunities for this kind of development on less land (than 4 ha for each site).
- There could be a difference between the type of expectation of character and lifestyle for different sized blocks - Residential 4A sized blocks needed more urban type amenity, but 4B allowed greater options for uses such as keeping a pony.
- Residential 4A should be closer to urban amenities (locate nearer towns)
- Many people were only using half of their Residential 4A blocks. It was noted that 1 hectare was hard to sell but 5000m² was relatively easy and preferred.
- 2000m² was not considered to be rural and could lead to complaints about the surrounding environment, an example was given relating to the Ohoka area
- The ability to subdivide 4 hectares from a larger site provided essential financial relief for some farmers.
- Rural- residents wanted to be in the country where it felt like the country, but often did not want or need 4 hectares.
- 4 hectare blocks were sold periodically, enabling others to purchase and blocks of this size worked well in some areas.

It was noted that the aging in the rural community meant that people moving in to take up small sites could support community facilities such as schools.

One attendee identified the importance of infrastructure, and that this should precede development and that roading issues were already significant within the District and should be considered. Options for development and their transport implications (e.g. congestion and travel times) needed to be identified early.

Natural hazard effects were also considered as important when siting new development areas. It was noted that existing properties that were built to the correct level at the time of development could be subject to inundation from flood water displaced as a result of new development in the vicinity. It was noted that the community would bear the cost of development located in the wrong place.

It was also noted that productive land could be avoided when looking for rural residential locations. One attendee asked if soil quality was mapped and viewed this as an important consideration and that residential areas should not be developed on the highest quality soils.

Servicing of rural residential areas was discussed with the need for some services/social infrastructure such as petrol stations identified. Mandeville was cited as an example.

Character was discussed in relation to rural areas and settlements. There was discussion relating to the need to ensure that businesses in rural areas relate to the rural area and that these don't develop by 'stealth' such as a factory. Andrew outlined different possible ways to define these from a District Plan perspective. There was agreement that although the rural zone offered opportunities for some industrial activities, these would be better located in industrial zones where they could be serviced and not conflict with rural character. One attendee considered that the Beach settlements befitted from their location in a rural setting and that their separation from other settlements positively contributed to their character. Other attendees were in agreement with that and said that the character of beach settlements was something special that should be protected. One attendee noted that Ohoka also had its own character that needed similar preservation.

The impact of rural land prices affected by the ability to subdivide to 4 hectares or smaller, and the consequence for farming activities was discussed as a consequence. Higher prices precluded some land uses as non-profitable and could lead to changes to more intensive farming practices. There was brief discussion relating to the need to understand more about the demand for 4ha lots and ultimately costs with upkeep such as the need for a tractor, fencing and perimeter planting.

6. *Wrap up and next steps*

Trevor Ellis summarised what was discussed at the meeting (overall efficiencies of 4ha subdivision, business activities, character, infrastructure) and what the project's next steps are:

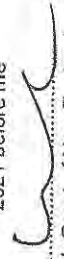


Trevor thanked attendees for coming to this meeting. Notes of the meeting as well as a copy of the PowerPoint presentation will be sent to all invitees.

EXHIBIT NOTE

This is the annexure marked "G" referred to in the affidavit of
HEIKE DOWNIE and sworn at Christchurch
this *12th* day of *July* 2021 before me

Signature.....



A solicitor of the High Court of New Zealand
(Solicitor to sign in part on Exhibit)

William Andrew Leathart Todd
Solicitor
Christchurch

2.5 Our RURAL AREA & SMALL SETTLEMENTS -Ō Tātou Hapori Taiwhenua me nga Nohoanga



Strategic aim: retained small settlement character

Strategic aim: character and productivity in the rural environment

Small settlements

What we are proposing:

- Retain the character of the District's existing small settlements
- Work with Ngāi Tūāhuriri to provide for Papakāinga housing on Māori land

There are a number of small towns and settlements in the District. The beach settlements comprise Waikuku Beach, Woodend Beach, The Pines Beach and Kairaki. Each of these are unique in character and demonstrate a close association with the coast. Notably large parts of The Pines Beach and Kairaki were red-zoned following the Canterbury earthquakes. Settlements further inland comprise for example Sefton, Ashley, Cust, Tuahiwi and Ohoka. Each of these towns respond to their historic context and location within the District.

These small settlements have not experienced the same growth pressures as the District's larger centres. There have been 106 building consents issued for new houses in the period 2006 to 2016 for the Residential 3 Zone, with the majority of these in Waikuku (35), followed by The Pines Beach/Kairaki (30), then Ashley (17). Early comments from the community sought to limit further growth in these settlements to protect their unique character, and avoid natural hazard impacts for beach settlements. These comments reflect policies within the operative District Plan that seek to maintain the compact form of the settlements.

The growth approach proposed enables existing vacant areas in the small settlements to develop and provides for some further 'organic' expansion opportunities, generally consistent with historic growth rates. By focusing most new greenfield and intensification development in the District's larger towns, the character of the District's small settlements will generally be retained. This approach accords with initial feedback received on small settlements and the constraints that apply to some of them. By focussing most new development outside of the small coastal settlements, the identified natural and cultural values in these settlements are protected and desired outcomes for the area achieved.





TUAHIWI

Situated within Maori Reserve 873, Tuahiwi is the current home of Ngāi Tūāhuriri. The town predominantly comprises residential development and includes a marae, school, church and urupa (cemetery). The rural areas around the town provide opportunities for descendants of the original grantees of Kemps Deed to undertake kāianga nohanga development.



“WHAT DO YOU THINK?”

- Do you support retaining the existing character of the District's small settlements, or do you prefer another option? Why?

Rural and rural residential development

What we are proposing:

- Improve management of additional non-agricultural business activities in rural areas, including location
- Seek community feedback on options for how the District provides for rural and rural-residential development in the future
- Review the Rural Residential Development Plan
- Continue current initiatives and consider opportunities to protect and enhance significant areas of native flora and fauna as part of new rural and rural residential development
- Determine whether there are additional significant natural areas that should be identified and protected in the reviewed District Plan
- Determine whether there are any existing areas of rural living that could be defined as a lifestyle area, small settlement or similar

Rural areas make up the majority of the District. Agriculture and rural activities play a major part in the District's economy, employment and character. While there has traditionally been a view that primary production activity should be the predominant form of economic activity in rural areas, as indicated later in the 'Our Economy' Section there are a large and growing number of other business activities occurring in the District's rural areas, which also provide economic benefits. This trend could however cause adverse impacts on the character of our rural areas and existing farming activities, or could undermine our established business areas within towns, which have infrastructure in place.

It is proposed that new non-agricultural business activities in rural and rural residential areas are more carefully managed by the District Plan in order to manage adverse impacts on such matters as rural character, productivity, amenity, and to support the District's existing and proposed business areas. This approach is supported by early comments, which asked the Council to limit or at least control non-agricultural commercial or industrial activities which operate in the Rural Zone.



The District Plan allows for subdivision and the building of a house in the Rural Zone on a lot of not less than 4 hectares. Over the last 10 years approximately one quarter of all new houses in the District were located in rural areas, with 73% (1278) of these established on 4-4.99 hectare lots. These small holdings, or lifestyle lots, (which are commonly lots less than 8 hectares) make up a significant and growing proportion of the rural area in the Waimakariri District. Indeed, the largest single category of lot size (by number of lots) in the Rural Zone is 4-4.99 hectares (2,121 lots). Given these trends, it is anticipated that approximately 3,650 additional lifestyle lots of between four and five hectares will be created by 2048 (more than double the existing number) if the current District Plan rules remain unchanged.

While lifestyle lots are a feature of the District and many enjoy the open spaces, the most frequent comment made during early community consultation was a desire to restrict further subdivision of rural land into lifestyle lots due to these undermining rural character, impacting on productive rural land uses, resulting in isolated living with limited social, commercial or retail support, and relying on private cars to access goods and services. Other comments suggested subdividing existing 4 hectare lots into mixed or smaller sized lots, or allowing a second house on a 4 hectare lot, in order to avoid reverse sensitivity to rural activities. Comments were made on infrastructure demands from lifestyle lots, with some suggesting the Council consider installing reticulated sewage networks in the rural area to avoid contamination of private bores; conversely others sought continued independence from costly additional infrastructure.

This Strategy therefore identifies a number of high-level possible options for consideration

The District Plan also provides for 'rural residential' development (Residential 4A or 4B Zones) which generally involves between one and two households per hectare (5,000m² and 10,000m² lots), and some higher density 'large lot' residential development consisting of between two and four households per hectare (5,000m² and 2,500m² lots). The District Plan identifies rural residential areas at: Mandeville North; Fernside; Ohoka; Clarkville; Swannanoa; Loburn; Waikuku; Waikuku Beach; Ashley; Waiora Lane; West Eyreton; and at the outskirts of Rangiora, Woodend, Kaiapoi and Oxford.

Early community comments about rural residential areas were mixed, with some suggesting that many people do not actually want or need 4 hectares of land and that there is greater demand for the 1-2 hectare sized lots which could form compact villages serviced with water, sewer and stormwater infrastructure. It is anticipated that there will be continued demand for rural residential development over the next 30 years. If further opportunities for this type of development are provided they must meet the existing requirements, such as being able to connect to Council reticulated wastewater services and avoid high hazard and significant natural and cultural areas.

The Council has not identified a preferred strategic option for managing additional housing development in rural areas over the next 30 years. However, given the significant lifestyle development that has occurred and the often associated adverse effects on rural character, transport networks, primary productive potential, and the District's natural resources, a reduction in lifestyle development from the status quo is proposed. Likewise, a preferred strategic option has not been identified for providing additional rural residential development over the next 30 years.

High-level possible approaches for consideration and comment are set out on the following page. Under each option, it is anticipated that adverse effects from residential, primary production and non-agricultural production business activities will be managed more effectively through amended District Plan provisions. It is also envisaged that the Council will continue to provide community facilities such as passive recreation spaces in rural areas, that continue with current Levels of Service.

Given the predominantly rural location of the District's significant natural and indigenous biodiversity areas, rural and residential development in the Rural Zone has the potential to adversely affect or enhance these important natural values depending on the nature of the development. Options for enhancement should be considered as part of each approach.

RURAL DEVELOPMENT APPROACHES

Option 1: Increase the minimum lot size (from the current 4 hectare District Plan minimum) *throughout* the Rural Zone

Option 2: Increase the minimum lot size in *parts* of the Rural Zone



"WHAT DO YOU THINK?"

- What matters should be considered when determining a minimum lot size? Why?
- Which option is better for maintaining rural character and rural production? Why?
- What size should the minimum rural lot size be or should we keep the status quo (4 hectare minimum lot size)? Why?
- Are there any other options?
- What type of activities should we be managing better in the Rural Zone? Why?

RURAL RESIDENTIAL DEVELOPMENT APPROACHES

Option 1: New rural residential areas identified and co-located with existing rural residential areas or on the edge of existing towns. This assumes no intensification in existing rural residential areas.

Option 2: Intensification within existing rural residential areas (e.g. enable larger lots to be subdivided down to 2500m²). This assumes no new rural residential areas provided.

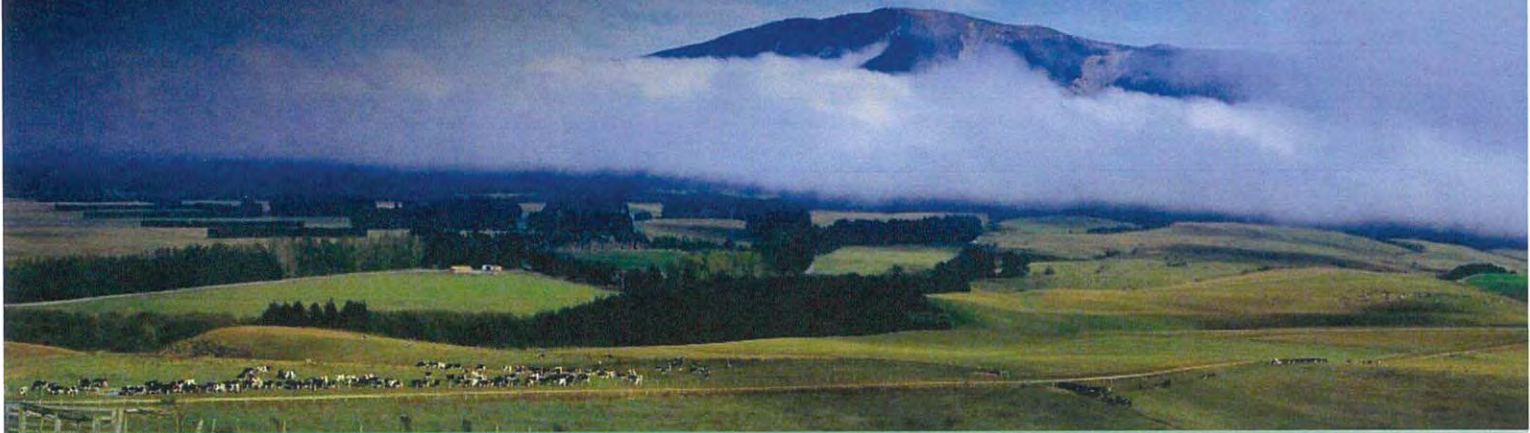


"WHAT DO YOU THINK?"

- Do you agree with identifying new rural residential areas? Why?
- If so, should these be co-located with existing rural residential areas or towns?
- What size lots should new rural residential areas have and why? E.g. 2500m² – 5000m² or 1-2 houses per hectare?
- Do you think existing rural residential areas should be intensified? Why?
- Are there other options, such as a combination of Options 1 and 2?

District Plan Review

Issues and Options - September 2017



Rural Zone

(Including Residential 4A and 4B 'rural residential' Zones)

How should the proposed new District Plan manage rural areas?

EXHIBIT NOTE

This is the annexure marked "H" referred to in the affidavit of
HEIKE DOWNIE and sworn at Christchurch
this *12th* day of *July* 2021 before me

Signature.....*[Handwritten Signature]*.....

A solicitor of the High Court of New Zealand
(Solicitor to sign in part on Exhibit)

William Andrew Leathart Todd
Solicitor
Christchurch

District Plan Review

Issues and Options - September 2017

3



Rural Zone

(Including Residential 4A and 4B 'rural residential' Zones)

How should the proposed new District Plan manage rural areas?

This paper seeks feedback on managing Waimakariri District's rural areas. Your comments will contribute to the development of the next Waimakariri District Plan.

Issues facing the district are briefly described and options to potentially address them are set out. Your suggestions on any other related rural issues not mentioned in this paper are welcomed.

Rural Zone

The Rural Zone applies to the majority of the district and is home to a range of land uses and activities. These include agriculture, forestry, retail and manufacturing, rural-residential living, recreational offerings and conservation land. The character of the Rural Zone is dynamic. Changes in farming practices have occurred over time and increasingly it has become an area where people are choosing to live. The growth of towns and settlements has also influenced the character of parts of the zone.

Rural character is commonly defined by open space and natural landscapes, wide views, pasture, crops and trees, the presence of livestock and farm buildings. The density and location of buildings, such as houses, and activities that might be considered 'non-rural' can also have an impact on rural character.



Please continue over page →

Rural Zone

Current District Plan

Rural production and character are both key considerations for the District Plan. Houses and subdivisions require a minimum of four hectares or more of land. Characteristics of the Rural Zone are listed in the current District Plan as:

- Mostly paddocks, trees, natural features and farming;
- Private, separate houses with ancillary buildings;
- Farm buildings can be close to roads and boundaries;
- Quiet with clean air, but with some short-term or seasonal farm noise or smells; and
- Limited signs.

The District Plan manages land use, subdivision and development by controlling effects on the character and quality of the environment. These controls cover noise, traffic, lighting and earthworks; minimum sizes for land subdivision, service provision, retailing, and the location and design of buildings (including houses).

The District Plan also includes Residential 4A and 4B Zones (rural residential areas) that enable living opportunities within the rural area. Examples include Mandeville North and Fernside.

Key Planning Directions

The District Plan must give effect to the Canterbury Regional Policy Statement (CRPS). The CRPS sets out key policy requirements broadly relating to the activities that are appropriate for rural areas, land fragmentation and soil resources and the location of rural residential development. There are requirements for matters such as stormwater management, sewage disposal and potable water supply.



Issue 1: Activities within rural areas can conflict with each other and the purpose of other zones

Agriculture, forestry, recreation, housing, conservation and business activities are all located in the Rural Zone. Generally these activities cause little conflict, however at times they may not be compatible.

Around 40 per cent of the district's industrial and commercial businesses are located in Rural Zone. There is some evidence that the District Plan is not sufficiently managing these activities, such as their location and effects on nearby properties. Effects can include visual, noise and traffic effects. Business activities locating in rural areas may also affect the ongoing viability of Business 1 and 2 Zones that specifically provide for retail, commercial and industrial activities within or near towns.

It is important to appreciate the differences between businesses that support rural activities, character/amenity, and those that are might be inappropriate, or require management within rural areas.

Please continue over page →

Rural Zone



What are the options?

Option 1: Keep the same planning controls

This would mean that retail activities are controlled through floor area limits (percentage of floor space), traffic generation, parking and on-site production or processing requirements. The District Plan manages the effects of activities, not the activities themselves. Farming is mainly provided for through subdivision controls, limits on housing density (via a four-hectare minimum lot size), structure location and no express restrictions on non-intensive farming activities. Other activities are controlled by standards such as, earthworks and vegetation clearance rules.

Strengths	<ul style="list-style-type: none"> • Flexible land use options are enabled within defined standards. • Offers choices for businesses to locate in a range of locations. • Low or no compliance costs for many activities.
Weaknesses	<ul style="list-style-type: none"> • Activities such as manufacturing and contractors' yards can establish as of right and may affect local amenity. • Reverse sensitivity effects can occur. • Existing controls on business may be insufficient to manage traffic effects. • May compromise existing business zoned areas due to loss of business activities.

Please continue over page →

Rural Zone

Option 2: New provisions to identify and manage specified activities

This option would seek to manage activities and allow others where potential effects on amenity and character are understood, within defined standards. Small land-production-based related businesses and agricultural activities (apart from intensive farming) would be enabled, if they can meet relevant standards. Resource consent would be required for other types of business activity and further residential development would be managed through appropriate land use and subdivision controls.

Strengths	<ul style="list-style-type: none"> • Rural production is not constrained by incompatible neighbours. • Rural support industries and small-scale home-based business are enabled if criteria to control potential effects are met. • Greater management of activities with potential effects on amenity and character. • More certainty of the activities that can or cannot establish in rural environments. • Helps to manage urban-style residential development. • Limits reverse sensitivity issues. • Productive rural land use is supported.
Weaknesses	<ul style="list-style-type: none"> • Higher compliance costs for some activities. • Less flexibility for some activities.

Option 3: Restrictive approach to limit activities that are incompatible

This option might see all activities that are not directly related to land-based production in the Rural Zone requiring resource consent, except for some home-based businesses. Further, public notification of certain resource consent applications could be required for some activities.

Strengths	<ul style="list-style-type: none"> • Provides flexibility for small home-based business activity. • High level of control of other activities to ensure amenity and the maintenance of rural character.
Weaknesses	<ul style="list-style-type: none"> • Higher compliance costs and lack of flexibility for business operations seeking a rural location. • May limit business initiatives and residential land uses that could be appropriate within the zone (in relation to amenity and character). • May require some 'legitimate' rural activities to seek consent if the provisions are not sufficiently precise on activities that are anticipated and their effects.

Please continue over page →

Rural Zone

Issue 2: Rural character and amenity and the extent that it should be protected

There is one main Rural Zone within the district that applies to a broader landscape that may contain areas of different character. For example, the foothill areas to the west, more intensively settled areas to the east, undulating farming and forestry areas to the north west and coastal and river influenced rural environments.

During the life of the District Plan, there have been changes in agricultural production. There are fewer people working in the farming sector, an increase in dairying and a general decline in other farming activities. There has also been strong growth in the creation of smaller rural properties (of around four hectares) and for semi-rural or 'lifestyle' purposes (such as the Residential 4A and 4B Zones). Properties of between four and five hectares are now the largest single size category in the Rural Zone.

In order to provide effective management of amenity and character through provisions for subdivision, buildings and control of effects, it is important to revisit and better understand the relevant character and amenity values.



What are the options?

Option 1: Keep the current planning controls

Under the current District Plan, there are land use provisions to control effects such as noise and glare, and activities such as earthworks. The erection of new houses are subject to minimum lot size requirements. There are also rules for the location of structures and buildings, for example boundary and waterway setbacks, all based on permitted effects thresholds.

Strengths	<ul style="list-style-type: none"> Identifies effects that are considered important in relation to rural character. Enables development opportunities with few regulatory impediments.
Weaknesses	<ul style="list-style-type: none"> Every effect on character and amenity is not necessarily identified and managed. Character may not be protected due to the range of possible activities that might establish. May not deal well with cumulative effects of activities. Potential for reverse sensitivity effects. Does not specifically distinguish between possible different rural areas within the broader rural environment.

Please continue over page →

Rural Zone

Option 2: New land use provisions to more fully protect amenity and the character of rural areas

This option would develop revised or new provisions developed to protect important aspects of rural character and amenity, including those related to rural residential development. It could identify areas that have different rural character qualities. Activities that are permitted or require resource consent based on the anticipated effects, could be identified under this option. Relevant performance standards such as building boundary setbacks would apply. There could be additional controls relating to the likes of traffic generation, but acknowledging such matters as the reasonable use of farm machinery and vehicles.

What do you think?

What activities should and should not be in the Rural Zone?

Why?

Strengths	<ul style="list-style-type: none"> Enhanced clarity as to what activities and effects are provided for and those that may need to be controlled or managed. May include rules to protect or enhance identified character and amenity.
Weaknesses	<ul style="list-style-type: none"> Less flexibility and potentially higher compliance costs for some activities. Some activities may no longer be anticipated in rural areas.

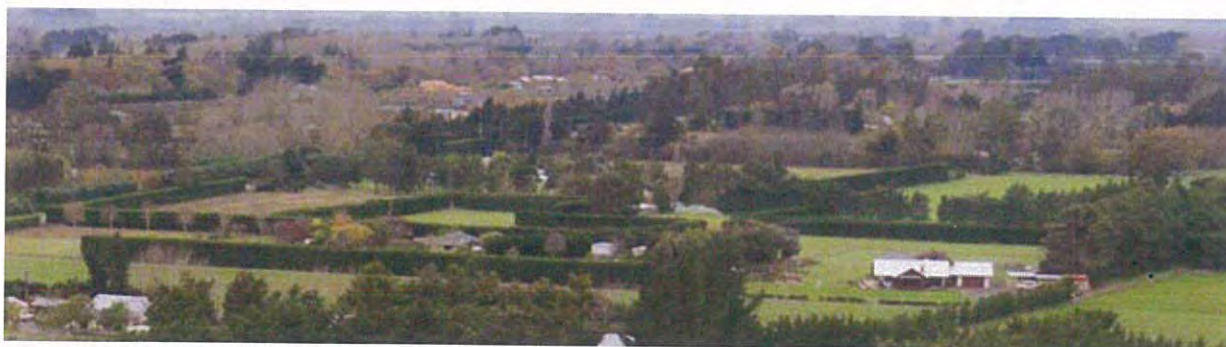
Issue 3: Subdivision and housing density can affect farm production, rural character and land use

Subdivision of rural land into smaller properties can affect farming operations and production potential into the future. Subdivision in recent years has been driven by demand for small holdings, either within the Rural Zone or for rural residential lots such as at Mandeville North. The following graph illustrates this.

Although subdivision can create opportunities for intensive forms of production, it may also lead to inefficient use of the rural land resource where rural use options are reduced. Reverse sensitivity issues can also occur where expectations of amenity conflict with existing farming practices, such as housing and nearby cultivation or use of crop bird scarers.

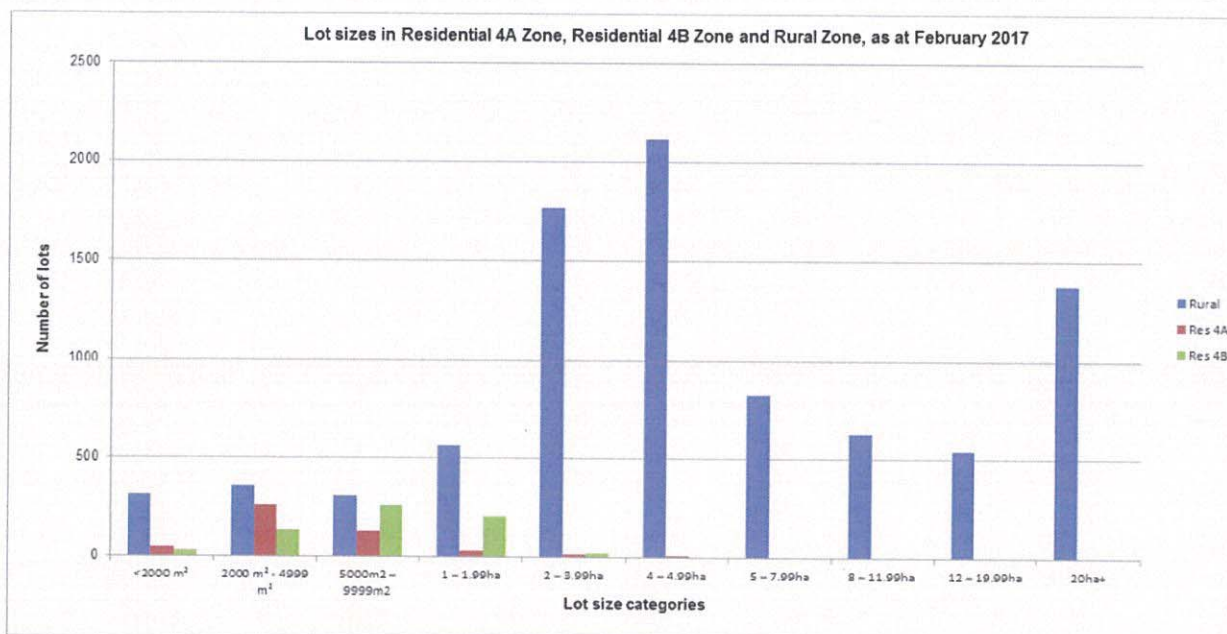
Other matters that are associated with subdivision and housing density in the Rural Zone are the standard of services to be provided, as these can be relatively expensive to provide outside of urban areas. The ability of rural roads to cope with greater use may also be a factor.

The District Plan needs to consider how to provide opportunities for rural and rural residential living, while also considering the effects of development on the wider rural area and its relationship with urban areas. The following options have been proposed.



Please continue over page →

Rural Zone



The graph above shows that the biggest categories for subdivision within rural and rural residential zones are for between two and five hectares of land.

What are the options for managing the issue?

Option 1: Continue current management of subdivision and development

Under this option, existing provisions to subdivide or to build a house on four hectares or more would continue. Associated rules for building location and control of effects such as traffic and noise would also remain. Rural residential subdivision (Residential 4A and 4B Zones) to create smaller lots, generally less than one hectare in size, would be provided for in identified zones, as broadly set out in the Waimakariri Rural Residential Development Plan (to be reviewed).

Strengths	<ul style="list-style-type: none"> On-going certainty and familiarity for District Plan users, developers and landowners. Provides opportunities for a variety of lot sizes (based on minimum lot requirements).
Weaknesses	<ul style="list-style-type: none"> Unlikely to provide for people wanting blocks smaller than four hectares or relieve demand for intensification of the Rural Zone, and may have consequential effects on land availability and feasibility for farming activity. The basis used for minimum subdivision size may not be relevant to how people want to use their land. Where water and waste water services are not available for connection, there may be costs for processing applications for alternative systems. Reverse sensitivity issues may continue to occur on a case by case basis.

Please continue over page →

Rural Zone

Option 2: New provisions based on rural character or area, including changes to the minimum rural lot size and extension and intensification of rural residential areas

Feedback on the Draft District Development Strategy suggests there is general support to increase the minimum lot size across the whole of the district's Rural Zone. However, there are strengths and weaknesses of tailoring lot sizes to relate to the character of differing parts of the Rural Zone. This option could include outlining different rural zones to reflect the character and uses of different areas, and the current minimum four hectare lot size would be increased in all or some of these areas.

There was also support for extending existing rural residential areas or a combination of both extension and intensification of existing rural residential areas (Residential 4A and 4B Zones). This character-based option would both intensify and extend rural residential areas, as appropriate to the character of the area by taking into account the demand for more intensive development near existing urban areas and services.



Strengths	<ul style="list-style-type: none"> • Provides for concentration of semi-rural, higher density land uses where transport and servicing implications can be addressed more efficiently. • Protects productive land availability and feasibility for present and future use. • Could reduce conflict between property owners with differing expectations of rural character and amenity by providing for different rural uses in different areas. • Provides for ongoing demand for smaller sites through intensification within defined areas. • Would assist character and amenity through subdivision which is consistent with anticipated use. • Provides for growth of rural residential area.
Weaknesses	<ul style="list-style-type: none"> • Identification of areas suitable for more intensive subdivision may be complex. • More complex District Plan with more zones. • Some areas would continue to be subdivided down to four hectares, which may not be large enough for farm production requirements.



Please continue over page →

Rural Zone

Option 3: Increased minimum rural lot size and extension of rural residential areas

This option would raise the minimum subdivision lot size across all of the Rural Zone, not just parts. Initial District Development Strategy consultation feedback included several comments that sought an increase in the minimum subdivision lot size, and this option would provide for that. It would also look to extend and consolidate, but not intensify, the existing rural residential areas (Residential 4A and 4B Zones) to provide for growth while seeking to retain rural character.

Strengths	<ul style="list-style-type: none"> • Increasing the size of rural lot development could be more consistent with farm production requirements. • Avoids the creation of development density that is potentially inconsistent with rural character. • Provides for future land-based production. • Provides for some growth of rural residential areas.
Weaknesses	<ul style="list-style-type: none"> • May not reflect different rural environments, their character or the level of demand for more urban styles of development and land intensification. • Higher costs for development where the land area required by the District Plan is greater than the area wanted by the developer. • Potential for inefficient use of land. • Would need careful consideration of placement of boundaries to avoid potential conflict between rural and rural residential areas.

Your comments

We would like to know your views about the issues and options for planning in the Waimakariri District.

Please take the time to fill out the online form at waimakariri.govt.nz/letstalk or email records@wmk.govt.nz and send it to the Council by the close off date of Friday 27 October 2017.

Privacy: Please note that all comments received by the Council are public. Your name and comments are available to the media and the public.

Exhibit I - Excerpt from Whats the Plan Summary of Feedback Rural July 2019

What's the Plan? Summary of Consultation Responses

Excerpt relating to Rural Zone

Rural

Rural Lot Size & Development – including Rural Residential

Do you support the protection of rural production?

Twenty-four respondents provided comments relevant to this question. Respondents unanimously supported the protection of rural production. Respondents believed that the protection of rural production should be a key focus and that it was important to avoid the potential for reverse sensitivity. Two respondents supported protection of rural production on a conditional basis, maintaining that it should only be allowed on versatile soils or land suitable for intensive farming.

Do you agree that maintaining rural character is important? Is it more important in some areas than in others? If so, why?

Twenty-four respondents provided comments relevant to this question. Respondents unanimously agreed that maintaining rural character was important, although some believed the definition of rural character was subjective, multi-faceted, and difficult to define. Other views around rural character were mixed, with one respondent suggesting that 2 hectare and 4 hectare blocks could enhance the value of the rural zone, while others suggested that it was important to protect rural areas from residential development to avoid reverse sensitivity.

Based on character, land use, and the potential for future production should the rural zone be split into more than one zone? At present, there is a one zone (four hectare minimum) approach across the rural area of the District.

Twenty-four respondents provided comments relevant to this question. The views of

EXHIBIT NOTE

This is the annexure marked "I" referred to in the affidavit of
HEIKE DOWNIE and sworn at Christchurch
this 12th day of July 2021 before me

Signature.....

A solicitor of the High Court of New Zealand
(Solicitor to sign in part on Exhibit)

im Andrew Leathart Todd
Solicitor
Christchurch

What's the Plan? Summary of Consultation Responses

Excerpt relating to Rural Zone

Rural

Rural Lot Size & Development – including Rural Residential

Do you support the protection of rural production?

Twenty-four respondents provided comments relevant to this question. Respondents unanimously supported the protection of rural production. Respondents believed that the protection of rural production should be a key focus and that it was important to avoid the potential for reverse sensitivity. Two respondents supported protection of rural production on a conditional basis, maintaining that it should only be allowed on versatile soils or land suitable for intensive farming.

Do you agree that maintaining rural character is important? Is it more important in some areas than in others? If so, why?

Twenty-four respondents provided comments relevant to this question. Respondents unanimously agreed that maintaining rural character was important, although some believed the definition of rural character was subjective, multi-faceted, and difficult to define. Other views around rural character were mixed, with one respondent suggesting that 2 hectare and 4 hectare blocks could enhance the value of the rural zone, while others suggested that it was important to protect rural areas from residential development to avoid reverse sensitivity.

Based on character, land use, and the potential for future production should the rural zone be split into more than one zone? At present, there is a one zone (four hectare minimum) approach across the rural area of the District.

Twenty-four respondents provided comments relevant to this question. The views of respondents were wide-ranging but mostly supported the establishment of two separate rural zones for residential and rural activities. Some respondents favoured increasing the minimum lot size to 20 hectares or more and locating rural residential areas closer to existing towns. In addition, respondents wanted productive soil protected from residential activities and believed that any residential activities in the rural zone should be located on less productive soil.

What combination of zoning options would work best for the District? Where?

Sixteen respondents provided comments relevant to this question. Respondents favoured introducing smaller lot sizes to prevent the development of 4 hectare sites. Lower density sites were also sought close to foothills, clustered together, and close to townships as opposed to being scattered throughout the rural zone.

Other comments on Rural Lot Size & Development

Five respondents provided comments that were outside the scope of questions asked about Rural Lot Size & Development. These covered issues such as reverse sensitivity and avoiding residential development on highly productive land. A complete list of submitter's comments are available in the appendices.

Exhibit J - Facebook Advertisement from Survus Consultants September 2020
Survus Consultants



...

Are 4.0ha lots a thing of the past? Waimakariri District land owners secure your options!



Can you subdivide?

Learn More

Live In Rural
Waimakariri

Learn More

6

1 comment 2 shares

Like

Comment

Share

EXHIBIT NOTE

This is the annexure marked "J" referred to in the affidavit of
HEIKE DOWNIE and sworn at Christchurch
this *12th* day of *July* 2021 before me

Signature.....

William Andrew Leathart Todd Solicitor of the High Court of New Zealand
Solicitor (Solicitor to sign in part on Exhibit)
Christchurch

Are lifestyle blocks a thing of the past?

Will Council's Plan Review stop 4.0ha lots?

There is a new District Plan coming, and we expect major changes to the minimum lot size for rural subdivisions, in some or most parts of the District.

It was intended for release mid 2020 however this was delayed due to the national Covid-19 lockdown and is now projected to take place March 2021.

So, if you own 8.0 or more hectares (20 acres) of rural land in Waimakariri District and you've been considering subdividing, now is the time to have a chat to your local surveyors, **Survus Consultants** about your options.



Dan and Craig from Survus Consultants on site discussing a project.

What is the Waimakariri District Plan?

The District Plan is the Council's planning rulebook and governs how people can build on or develop land in North Canterbury.

As well as making sure that future development is sustainable and protects our natural resources for generations to come, the Plan ensures that new development meets regulatory requirements like our National Planning Standards and the Resource

What are the current rules for rural subdivisions?

The current Waimakariri District Plan allows for rural subdivision and building, with a lot and dwelling density of 4.0ha being required (and certain other criteria).

What are the proposed changes?

further subdivision of rural land into lifestyle lots [...] Based on the feedback received the Council will explore increasing the minimum rural lot sizes in parts of the District.

Council also noted that over the last decade, 73% of all new rural houses were on lots between 4 - 4.99 hectares in size and that if this trend continues more than 3600 new lifestyle lots would be created by 2048.

What does this mean for you?

EXHIBIT NOTE

This is the annexure marked "K" referred to in the affidavit of **HEIKE DOWNIE** and sworn at Christchurch this *12th* day of *July* 2021 before me

Signature.....*[Handwritten Signature]*.....

A solicitor of the High Court of New Zealand
(Solicitor to sign in part on Exhibit)

William Andrew Leather
Solicitor
Christchurch

Are lifestyle blocks a thing of the past?

Will Council's Plan Review stop 4.0ha lots?

There is a new District Plan coming, and we expect major changes to the minimum lot size for rural subdivisions, in some or most parts of the District.

It **was** intended for release mid 2020 however this was delayed due to the national Covid-19 lockdown and is now projected to take place March 2021.

So, if you own 8.0 or more hectares (20 acres) of rural land in Waimakariri District and you've been considering subdividing, now is the time to have a chat to your local surveyors, **Survus Consultants** about your options.

What is the Waimakariri District Plan?

The District Plan is the Council's planning rulebook and governs how people can build on or develop land in North Canterbury.

As well as making sure that future development is sustainable and protects our natural resources for generations to come, the Plan ensures that new development meets regulatory requirements like our National Planning Standards and the Resource Management Act. It also supports growth in the region - the Waimakariri District is booming and needs a robust set of rules to make sure it can continue to grow well into the future.

The District Plan is reviewed every 10 years to make sure it's up to date with the needs of the community, and current regulations. It will be back under review early next year, with the updated plan scheduled for release in early/mid-2021.

We've had a thorough read of the Waimakariri 2048 District Development Strategy - which is the Council document that underpins the District Plan - and we expect the new plan to include changes to the rules and requirements around subdivisions.



Dan and Craig from Survus Consultants on site discussing a project.

What are the current rules for rural subdivisions?

The current Waimakariri District Plan allows for rural subdivision and building, with a lot and dwelling density of 4.0ha being required (and certain other criteria).

What are the proposed changes?

Until the updated Plan is released, we won't know the full details - but there are strong indications that the minimum lot size for subdivisions will increase.

Simply put: it's likely that if you want to subdivide, 8.0 hectares (2 x 4 ha lots) will no longer be enough - you'll need a larger piece of land.

The Waimakariri 2048 District Development Strategy says: "While lifestyle lots are a feature of the District and many enjoy the open spaces, the most frequent comment made during early community consultation was a desire to restrict

further subdivision of rural land into lifestyle lots [...] Based on the feedback received the Council will explore increasing the minimum rural lot sizes in parts of the District."

Council also noted that over the last decade, 73% of all new rural houses were on lots between 4 - 4.99 hectares in size and that if this trend continues more than 3600 new lifestyle lots would be created by 2048.

What does this mean for you?

If you own 8.0ha or more of rural zoned land, & have been considering subdividing, don't waste time. March 2021 is not far away, and the Council require a fair amount of information to go to Council in support of a subdivision application.

If you secure your subdivision consent now, it'll be valid for five years - so while you don't have to subdivide straight away you can lock in your consent before the rules change, and preserve your slice of rural paradise!

Give our friendly team a call or an email and we can talk you through the application and consent process. **0508 SURVUS** or hello@survus.co.nz

Do you own more than 8.0ha of WDC rural land?

- + Subdivision rules are changing
- + Secure your rights for 5 years
- + Act NOW - contact us today

✉ hello@survus.co.nz
🔍 www.survus.co.nz
☎ 0508 787 887

Free site-specific proposals

SURVUS
CONSULTANTS



Exhibit L - Email from Survus May 2021

Heike Downie

From: Tracy Tierney
Sent: Tuesday, 25 May 2021 10:27 AM
To: Heike Downie
Subject: FW: Survus meeting

Follow Up Flag: Follow up
Flag Status: Completed

FYI I have yet to respond.

Tracy Tierney | Manager, Planning and Regulation

Management

Phone: 0800 965 468 (0800 WMK GOV)



From: Reuben Frizzell <reuben@survus.co.nz>
Sent: Monday, 24 May 2021 12:47 PM
To: Tracy Tierney <tracy.tierney@wmk.govt.nz>
Subject: RE: Survus meeting

[THIS EMAIL IS FROM AN EXTERNAL SOURCE] DO NOT CLICK links or attachments unless you recognise the sender email

Thanks Tracy,

EXHIBIT NOTE

This is the annexure marked "L" referred to in the affidavit of
HEIKE DOWNIE and sworn at Christchurch
this *12th* day of *July* 2021 before me

Signature.....*W.A. Leathart Todd*

A solicitor of the High Court of New Zealand
(Solicitor to sign in part on Exhibit)

William Andrew Leathart Todd
Solicitor
Christchurch

Exhibit L - Email from Survus May 2021

Heike Downie

From: Tracy Tierney
Sent: Tuesday, 25 May 2021 10:27 AM
To: Heike Downie
Subject: FW: Survus meeting

Follow Up Flag: Follow up
Flag Status: Completed

FYI I have yet to respond.

Tracy Tierney | Manager, Planning and Regulation

Management

Phone: 0800 965 468 (0800 WMK GOV)



From: Reuben Frizzell <reuben@survus.co.nz>
Sent: Monday, 24 May 2021 12:47 PM
To: Tracy Tierney <tracy.tierney@wmk.govt.nz>
Subject: RE: Survus meeting

[THIS EMAIL IS FROM AN EXTERNAL SOURCE] DO NOT CLICK links or attachments unless you recognise the sender email

Thanks Tracy,

Sounds like you have covered it off which is awesome.

One thing I will ask is that there has been a whisper about taking the new rules to the Environment Court to make them effective immediately. Is there any truth in this report??

Regards,

Reuben Frizzell

Practice Manager

4 Meadow Street, Papanui, Christchurch 8052

PO Box 5558, Papanui, Christchurch, 8542

☎ 03 352 5599

🔍 www.survus.co.nz

✉ reuben@survus.co.nz



Your land. Our field.
The *difference* is in the *detail*.

SURVUS
CONSULTANTS
PLANNING • SURVEYING • ENGINEERING

This message is private and confidential. If you have received this message in error, please notify us and remove it from your system.

From: Tracy Tierney <tracy.tierney@wmk.govt.nz>
Sent: Wednesday, 19 May 2021 3:01 PM
To: Reuben Frizzell <reuben@survus.co.nz>
Subject: RE: Survus meeting

Hi Reuben

I have been following up with the relevant teams on the two key issues

1. Access to information layers (via GIS) to show information such as effluent buffer zones, stormwater/wastewater info etc instead of needing to request information each time
2. Water unit allocation process and the possibility of 'reserving' units for a period of time (similar to Ashley scheme)

I am making progress I think but don't have definitive answers yet, hence the delay in the reply. Rest assured I will follow these up and be back to you as soon as I am able.

Were there any other specific matters you were waiting to hear back on?

Kind Regards
Tracy

Tracy Tierney | **Manager, Planning and Regulation**

Management

Phone: 0800 965 468 (0800 WMK GOV)



From: Reuben Frizzell <reuben@survus.co.nz>
Sent: Wednesday, 19 May 2021 2:53 PM
To: Tracy Tierney <tracy.tierney@wmk.govt.nz>
Cc: Dan Gordon <dan.gordon@wmk.govt.nz>
Subject: Survus meeting

[THIS EMAIL IS FROM AN EXTERNAL SOURCE] DO NOT CLICK links or attachments unless you recognise the sender email

Hello Tracy,

- Has been a few weeks since our meeting with you about the processes within the WDC, and having not had an update, I thought it wise to send a follow up email.

Would be glad of any news around the issues we raised and progress of these.

Regards,


Reuben Frizzell

Practice Manager

4 Meadow Street, Papanui, Christchurch 8052

PO Box 5558, Papanui, Christchurch, 8542

 03 352 5599

 www.survus.co.nz

 reuben@survus.co.nz



Your land. Our field.
The *difference* is in the *detail*.

SURVUS
CONSULTANTS
PLANNING • SURVEYING • ENGINEERING

This message is private and confidential. If you have received this message in error, please notify us and remove it from your system.

**IN THE ENVIRONMENT COURT OF NEW ZEALAND
CHRISTCHURCH REGISTRY**

**I MUA I TE KOOTI TAIAO O AOTEAROA
ŌTAUTAHI**

ENV-2021-CHC

IN THE MATTER OF the Resource Management Act 1991
(Act)

AND

IN THE MATTER OF an ex parte application pursuant to
section 86D of the Act for rules in the
proposed Waimakariri District Plan to
have legal effect upon notification

BY **WAMAKARIRI DISTRICT COUNCIL**

Applicant

**AFFIDAVIT OF JAMES WILLIAM GORDON
PRODUCTIVE POTENTIAL OF THE PROPOSED RURAL ZONE**

Affirmed 13 July 2021

BUDDLE FINDLAY

Barristers and Solicitors
Christchurch

Solicitors Acting: **Willie Palmer / Jenna Silcock**
Email: jenna.silcock@buddlefindlay.com / willie.palmer@buddlefindlay.com
Tel 64 3 353 2323 Fax 64 3 379 5659 PO Box PO Box 322, Christchurch 8140 DX WX11135
Christchurch 8013

Counsel Acting: **Alanya Limmer**
Alanya@bridgesidechambers.co.nz
Tel 64 21 812 811 PO Box 3180 Christchurch 8013

INDEX

CODE OF CONDUCT	2
SCOPE.....	2
EXECUTIVE SUMMARY	3
RURAL PRODUCTIVE LAND IN WAIMAKARIRI DISTRICT	4
PRESSURE ON RURAL PRODUCTIVE LAND	15
LAND AREA REQUIRED TO SUSTAIN RURAL PRODUCTION.....	18
CONSEQUENCES OF ALLOWING 4HA SUBDIVISION IN THE PROPOSED RURAL ZONE	21



I, **James William Gordon** of Christchurch, Consultant and Director for Macfarlane Rural Business, affirm:

1. I am employed by Macfarlane Rural Business (**MRB**) as a Farm Consultant. I have held this role since 1 September 2016. In September of 2018 I became a shareholder and director of MRB.
2. MRB is a well-respected, multi-faceted farm consultancy company providing independent advice to farmers and industry stakeholders, primarily in the pastoral and arable sector. Consultancy services provided include business management and strategy, farm development, specific soil, agronomic and livestock production advice, environmental management and sustainability and agricultural supply chain management. MRB does not provide any advice to the horticultural sector as it does not have the required expertise in this field. Located in Ashburton, MRB has a broad knowledge and appreciation of the diversity of farm types that exist in the Canterbury region, and of the environmental, market, social and financial factors that influence these systems.
3. Prior to joining MRB, I was General Manager of Agriculture, ANZCO Foods (2011 to 2016), General Manager, ANZCO Farms (2008 to 2011) and General Manager of Five Star Beef Feedlot (2004 to 2008). I also held the roles of Operations Manager and Livestock Procurement Manager at Five Star Beef prior to 2008. Five Star Beef was a subsidiary of ANZCO Foods.
4. I hold a Bachelor of Agricultural Science (Hons) from Lincoln University. I am a member of the NZ Institute of Primary Industry Management (NZIPIM).
5. I have spent my entire professional career (over 29 years) in the agricultural industry. During my career with ANZCO Foods, I managed a range of agribusinesses including a farming enterprise that leased a large, irrigated property in the Waimakariri District. With ANZCO I had extensive involvement with a wide range of farmers gaining an understanding of their farming systems and the key drivers for their businesses. My roles within ANZCO also provided significant exposure to international and domestic markets of agricultural produce.
6. I currently specialise in the sheep, beef and deer sector, with key expertise in farm system analysis, business management, strategic advice and supply chain management. I also have specialised skills in nutrition, genetics and intensive livestock production systems.



7. I have provided rural production advice to both the Selwyn District Council (**SDC**) (2017), being sub-contracted by Boffa Miskell, and the Waimakariri District Council (**WDC**) (2018 and present). The purpose of the SDC advice was to review a number of rural density options, with regard to the productive viability of the land from a farming perspective.
8. In November 2018, I was contracted by WDC to provide rural production advice as part of WDC's review of its operative District Plan (**Operative Plan**). I prepared a report in November 2018 titled "Rural Production Advice – Rural Land Zoning".¹
9. I have been asked to provide evidence for WDC's application for certain rules in the Proposed Rural Zone to have legal effect from the date of notification of proposed Waimakariri District Plan (**Proposed Plan**). I understand the rules would not normally have effect until decisions are made on the Proposed Plan provisions and that it might take approximately two years for decisions to be made. My evidence is focused on the (approximately) two-year period.
10. I have read the evidence of Heike Downie and Jane Whyte.

Code of conduct

11. I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 and agree to comply with it. I have considered all the material facts that I am aware of that might alter or detract from the opinions I express. The matters covered in this affidavit are within my area of expertise, except where I state that I am relying on the evidence of another person.

Scope

12. My evidence covers:
 - (a) Rural productive land in the Waimakariri District;
 - (b) Pressures on rural productive land;
 - (c) The land area required to sustain rural production; and

¹ The scope of the report for WDC was to provide specialist agricultural sector advice in relation to early directions for zoning and subdivision control, to identify implications for rural production and the relationships with minimum lot size, activities, land type and production. The report reviewed the key factors that impact rural production and assessed the minimum land areas required for a range of farming land uses



- (d) Consequences of allowing 4ha subdivisions in the Proposed Rural Zone from a rural production perspective.

13. In preparing my evidence I have relied on the following information:

- (a) The boundary between the Proposed Rural Zone and the Proposed Rural Lifestyle Zone, as shown in the map annexed as Exhibit E to Ms Whyte's evidence;
- (b) The table annexed as Exhibit G to Ms Whyte's evidence, which summarises the planning provisions under the Operative Plan and the Proposed Plan for subdivision and residential development. From my perspective, the key points are:
 - (i) the proposed minimum subdividable area in the Proposed Rural Zone is 20 hectares; and
 - (ii) there are subdivision consents that are alive but have not been used; and
 - (iii) there is the ability to develop sites less than 20ha that have previously been subdivided. I refer to the relevant provisions as the **Legacy Provisions**.

Executive summary

14. The Waimakariri District supports a wide range of rural production systems including extensive sheep and beef farms, intensive pastoral dairy farming, cropping, processed vegetable growing and some horticulture. Much of the more intensively farmed areas are flat, providing versatility in the type of farm system that can be implemented. This is supported by the fact that large areas of the District are classified as land use classes (**LUC**) 1 – 3, deemed to be the most highly productive land in New Zealand.² Furthermore, irrigation development has increased the productive capability of other areas within the District that were historically considered a lesser land class, particularly between the Waimakariri and Eyre Rivers.
15. Due to the proximity of the Waimakariri District to Christchurch and the ability to subdivide most rural land to 4ha, since 2006 there has been a proliferation of land subdivided for smaller lifestyle properties (less than 8ha). A

² Refer paragraph 63 and Figure 6 below.



significant number of these lifestyle properties are on highly productive land (LUC 1 – 3).

16. Generally, the agricultural production per hectare of land on lifestyle properties is significantly lower than commercial farm operations. Development of lifestyle properties within rural districts can also impact the productivity of nearby commercial farms if reverse sensitivity curtails or impedes some operational activities.
17. A recent report from Statistics New Zealand³ underlined that land fragmentation is a concern in Aotearoa New Zealand with urban expansion onto rural land. The report stated that the most highly productive land, being LUC 1 – 3, is vulnerable to fragmentation and that Canterbury has had the largest increase in highly productive land allotted to small-sized land parcels (2 – 8ha).
18. As with other districts in the Canterbury region, the Waimakariri District has significant areas of flat, highly productive land that enables high productivity per hectare, diversity in what is produced and often supports the more extensive lower producing land classes by finishing the livestock to acceptable market weights. Once this land is subdivided and developed for lifestyle properties, the effect on productive potential is almost invariably irreversible. The land will not be available for future commercial farming. Some of the rural production systems undertaken on LUC 1 -3 cannot be efficiently transferred to other land classes and, therefore, a conversion of this highly productive land to lifestyle properties would either curtail these systems or make them significantly less efficient.

Rural productive land in Waimakariri District

19. The Waimakariri District is approximately 225,000 hectares in size of which 70 – 75% is considered rural farming land. This rural farming land encompasses a range of land types including extensive hill country farming systems in the North and West of the region, transitioning through rolling downlands to the plains that occupy large areas of the central and south-eastern parts. More than 50% (approximately 139,000ha) of the rural land in the Waimakariri Water Zone (discussed and shown below in Figure 3) is used for pastoral farming.

³ See <https://www.stats.govt.nz/indicators/land-fragmentation> - updated 15 April 2021.

20. Historically, the land in the Waimakariri District with greater production potential per hectare was located on the better soil types as shown in Figures 1 and 6 below. This higher producing land has the potential to support more intensive farming systems and the red shading, in Figure 2, demonstrates the prevalence of cropping and horticulture on the moderately deep soils. These soils could have also supported more intensive livestock systems due to the better pasture growth potential, prior to irrigation. Figure 2 shows the land cover mapping undertaken in 2012.
21. The better soils are characterised by a deeper soil profile containing more organic matter, better fertility and greater water holding capacity. As a result, providing they do not become waterlogged, the deeper soils generally provide better structure for plant root growth, have increased nutrients available and retain more moisture within the root zone compared to lighter, more shallow soils where the moisture leaches more rapidly below the roots.



Figure 1: Soil Depth



LEGEND 

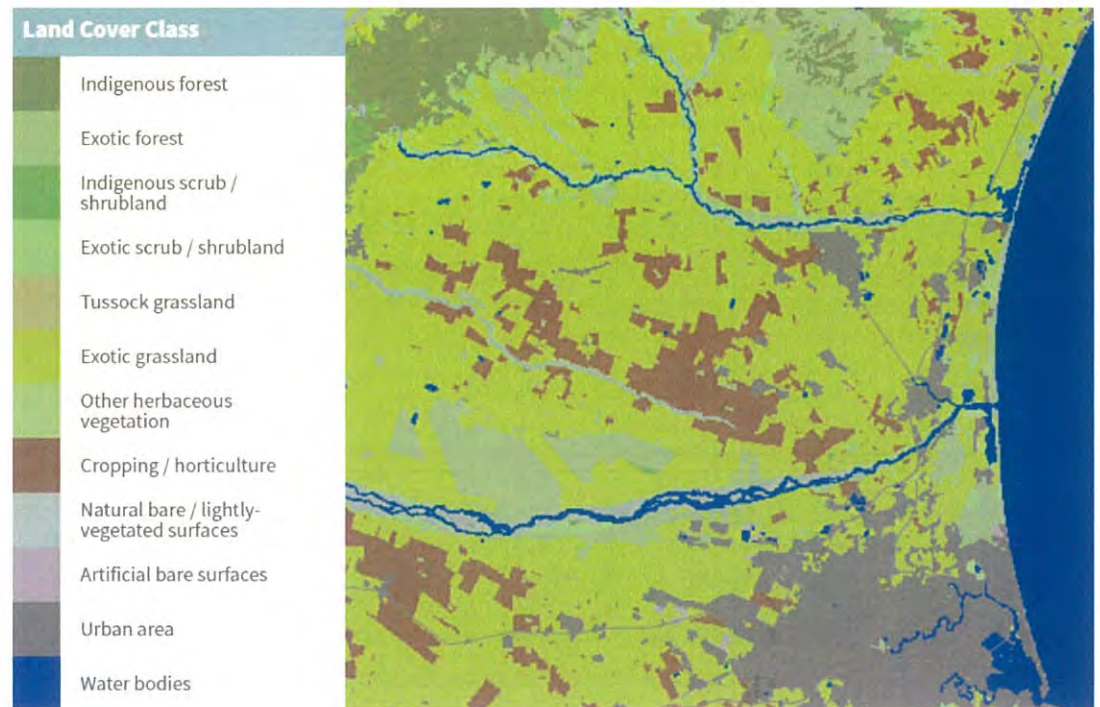
-  Deep
Depth > 100 cm
-  Moderately Deep
Depth between 45 and 100 cm
-  Shallow
Depth between 20 and 45 cm
-  Very Shallow
Depth < 20 cm

Source: S Map – Landcare Research⁴

⁴ This map was sourced from the S-Maps website and shows the depth of soil to Hard Soil/Gravel/Rock. See <https://smap.landcareresearch.co.nz/maps-and-tools/app/>



Figure 2: Land Cover 2012



Source: Canterbury Maps – Land, Air, Water, Aotearoa (LAWA).⁵

22. The dryer, free draining soils south of the Eyre River and the hill country regions would have historically supported low Intensity livestock farming, such as lower producing dryland sheep and beef, and forestry. However, more recently, irrigation schemes, particularly the Waimakariri Irrigation Limited irrigation scheme, have enabled more intensive dairy farming to expand, particularly south of the Eyre River replacing the more traditional sheep and beef farming. The majority of the irrigated land in the Waimakariri Water Zone now supports dairy farms or associated support properties. Figure 3 shows the irrigated land area in the Waimakariri Water Zone. The Water Zone boundary, shown as the red line in Figure 3 and discussed at paragraph 25, is similar to the Waimakariri District boundary, with only small discrepancies. The blue areas in Figure 3 show the irrigated land.
23. Approximately 37,000ha of land is currently irrigated, with over 50% of this supplied by the Waimakariri Irrigation Limited irrigation scheme, which irrigates 23,000ha.⁶ There are also two smaller irrigation schemes, the Loburn Irrigation Company and the Moy Flat schemes. Significant areas are also irrigated by Ngai Tahu and other surface water and ground water systems. The introduction of irrigation water sourced from the Waimakariri River has transformed much of the area, particularly on lighter soils between

⁵ See <https://www.lawa.org.nz/explore-data/land-cover/>

⁶ Sourced from Waimakariri Irrigation Limited website - <https://www.wil.co.nz/>

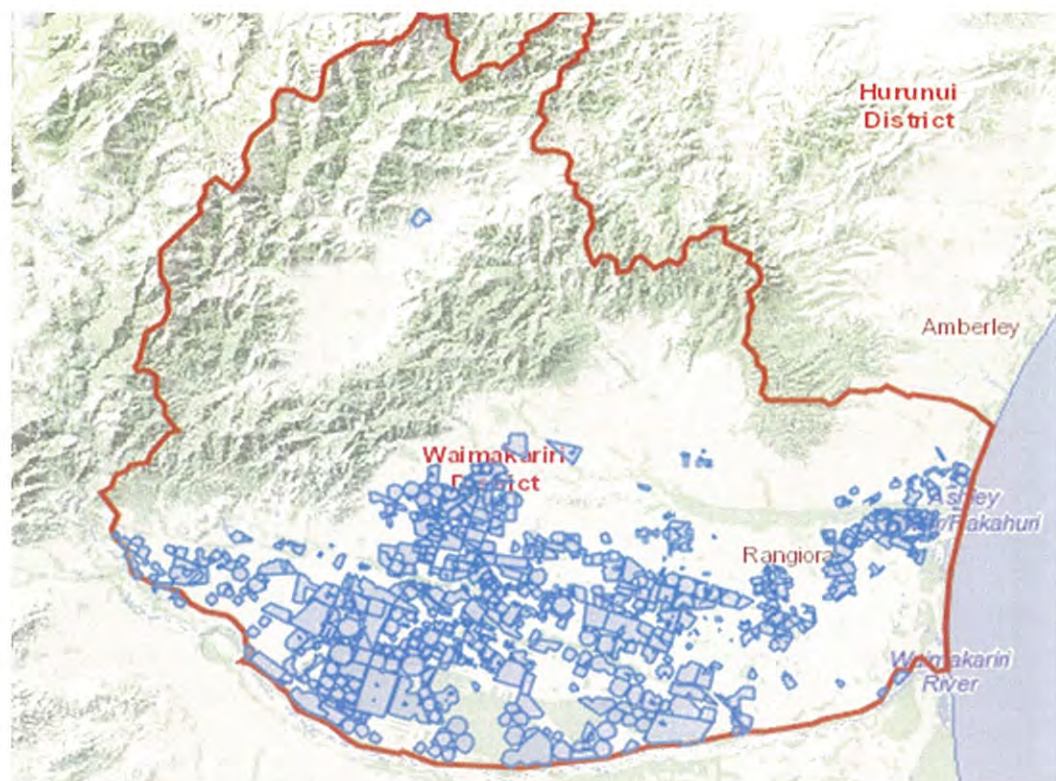
the Waimakariri and Eyre Rivers. In turn this has resulted in a significant change in land use from dryland sheep and beef farming and forestry to intensive dairying.

24. A report written by LandWaterPeople (**LWP Report**)⁷ stated that 1,700ha of the irrigated area is utilised by lifestyle properties in the Waimakariri catchment, and that this is often not fully utilised. The LWP Report is unclear as to the relative proportions of irrigation on lifestyle properties that is derived from irrigation schemes and private supply or the amount of irrigation that is used for commercial agricultural production. Whilst the irrigation used on lifestyle properties will increase herbage production,⁸ generally lifestyle properties will not utilise irrigation as efficiently as larger commercially operated farms. In my opinion, lifestyle properties will generally have less efficient irrigation systems (meaning poorer water distribution), they will water less frequently and poorer soil fertility and pasture quality will mean a lesser response from water applied.

⁷Waimakariri land and water solutions programme: Economic assessment of the current state – Draft Report prepared for Environment Canterbury. See <https://landwaterpeople.co.nz/wp-content/uploads/2018/02/Waimakariri-land-and-water-solutions-programme-Economic-assessment-of-the-current-state.pdf>

⁸ Herbage Production is defined as the production or growth of pasture or crops on the land.

Figure 3: Waimakariri Water Zone – Irrigated Land Area

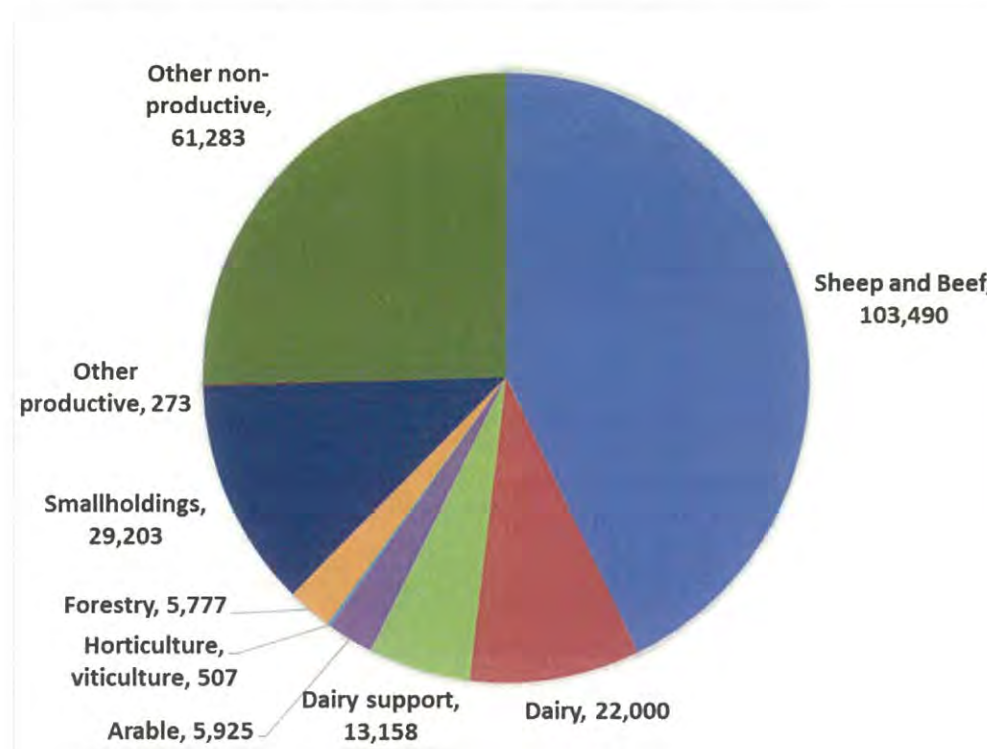


Source: Canterbury Maps – Waimakariri Land and Water Solutions Programme⁹

25. The map displayed in Figure 3 above shows the boundary for the Waimakariri Land and Water Programme boundary and is often referred to as the Waimakariri Water Zone. This boundary is based on water catchments and differs slightly from the Canterbury Water Management Strategy (**CWMS**) boundary.
26. The majority of rural land in the District is still used for sheep and beef farming. However, an estimation of land use in the Waimakariri Water Zone undertaken by ECan in 2015 (as illustrated by Figure 4) shows a significant area is now utilised for dairy farming and dairy support. Figure 4 also shows that the area of land designated as a smallholding in 2015 was only 17% lower than that utilised for dairy and dairy support. The LWP Report described smallholdings as being less than 20ha. Other non-productive land includes native forest, scrub, water and urban areas. The LWP Report did not describe what 'other productive land' included, but I presume it could include the likes of factories, quarries and service businesses.

⁹ <https://apps.canterburymaps.govt.nz/WaimakStoryMap/Waimak.html>

Figure 4: Estimated Land Use in Waimakariri Zone (Ecan)



Note: Total area (Hectares) not effective area.

Source: Waimakariri land and water programme: Economic assessment of the current state¹⁰

Draft Report prepared for Environment Canterbury by LWP in July 2017.

27. During the last decade there has been a large increase in lifestyle blocks¹¹ in the Waimakariri District as people have chosen to commute to Christchurch.¹² Table 1 and Figure 1 in Ms Downie's affidavit illustrate the growth in lots created between 4ha – 7.99ha in size from 2006 to 2020 in the Operative Rural Zone, and in particular the growth of this lot size in 2020.¹³
28. When comparing the Map attached as Exhibit C to Ms Downie's evidence with Figures 1 and 2 above, it is evident that the 4ha - 7.00ha lots within the Proposed Rural Zone contain significant areas of deeper soils.
29. Whilst not specifically referring to the Waimakariri District, the "Our Land 2021" report¹⁴ noted that highly productive land (LUC 1 – 3) became more fragmented between 2002 – 2019 especially through residential development

¹⁰ Report is available at Waimakariri land and water solutions programme - *Economic assessment of the current state* | LWP (landwaterpeople.co.nz) . <https://landwaterpeople.co.nz/wp-content/uploads/2018/02/Waimakariri-land-and-water-solutions-programme-Economic-assessment-of-the-current-state.pdf>

¹¹ When I refer to "lifestyle blocks" in my affidavit I am generally describing smaller land parcels (below 8ha) which are primarily used for residential purposes (unless I note otherwise).

¹² Report by KPMG 'Waimakariri District Council Rural Futures Analysis, Future Agri-Food Scenario Planning for a Prosperous District' May 2018 at p4.

¹³ Affidavit of Ms Downie at para 38.

¹⁴ *Our Land 2021: New Zealand's Environmental Reporting Series*, prepared by the Ministry for the Environment and Stats NZ, published April 2021 and available at Our Land 2021 | Ministry for the Environment

of land sized 2 – 8ha.¹⁵ The largest increase in fragmentation (2 – 8ha with a house) occurred in Canterbury.¹⁶

30. Further, a report written by KPMG in May 2018 made the following observation:¹⁷

“Over the last decade or so the Waimakariri District has seen land use evolve as a result of a single rural land zoning that has permitted subdivision of land down to 4 hectares for lifestyle blocks. As a consequence much previously productive land is no longer used for commercial purposes and many people living on the land are commuting into Christchurch for employment and entertainment purposes.”

Factors that impact upon productivity

31. The type of farm system that is adopted on farms and its productivity is primarily determined by the topography, climate, soil type, altitude and access to irrigation. However, regardless of these factors, the establishment and implementation of a commercial farming business will also require a minimum land area to be economically viable. Proximity to further processors and markets and management expertise and profitability of different enterprises will also impact on the choice of farm system implemented by the landowner.
32. The impact different parameters have on the type of farm system is further described as follows:
- (a) **Topography:** Flat land is generally easier to manage, particularly with machinery, and it can be more straight forward to develop infrastructure such as irrigation and fencing.
 - (b) **Altitude, Climate and Irrigation:** The seasonal rainfall, temperatures and wind speed has a significant impact on plant growth regardless of farm system. Of these, rainfall is generally the most important, particularly on shallower free draining soils. The expansion of irrigation to approximately 37,000ha within the Waimakariri District has compensated for seasonal lack of rainfall on shallower soils in some areas, significantly improving the productive capability of the areas that are irrigated. I have discussed irrigation in the context of lifestyle

¹⁵ *Our Land 2021: New Zealand's Environmental Reporting Series*, prepared by the Ministry for the Environment and Stats NZ, published April 2021 and available at [Our Land 2021 | Ministry for the Environment](#) at p20

¹⁶ *Our Land 2021: New Zealand's Environmental Reporting Series*, prepared by the Ministry for the Environment and Stats NZ, published April 2021 and available at [Our Land 2021 | Ministry for the Environment](#) at p20

¹⁷ KPMG 'Waimakariri District Council Rural Futures Analysis, Future Agri-Food Scenario Planning for a Prosperous District', May 2018 at p4



properties (less than 8ha) above.¹⁸ Climatic temperatures also impact production with colder temperatures through the late autumn and early spring lowering soil temperatures and reducing plant growth.

Generally, the soil temperatures will increase earlier in the spring and reduce later in the autumn in farms closer to the coast. Out of season frosts can also impact production of some crops and will limit the altitude they can be grown at.

- (c) **Soil Type:** As previously described, soil type has a significant impact on farm systems, particularly the ability to operate intensive cropping and horticultural enterprises. Key aspects to soil include:
- (i) soil depth;
 - (ii) water holding capacity;
 - (iii) fertility; and
 - (iv) soil structure.

33. As with other districts within the Canterbury Plains, the Waimakariri District has a diverse range of farm systems due to the flat contour, access to irrigation and varying soil types, providing flexibility in farm type. Often more than one system will be operated on an individual farm. With the exception of:

- (a) bush clad or forestry land in the hills to the west and north of the District; and
- (b) land immediately adjacent to the rivers and streams that flow through the District and wetlands and dunes near the coast;

the majority of land in the Proposed Rural Zone can be considered productive agricultural land. The type of farming undertaken on individual farms will be impacted by the parameters described in paragraphs 31 and 32 above. However, reduction in land parcel size for the use of lifestyle properties (less than 8ha) will limit the ability to fully optimise the productive capability of the land, as documented in paragraphs 54 and 55 below.

¹⁸ See paragraph 24 above.



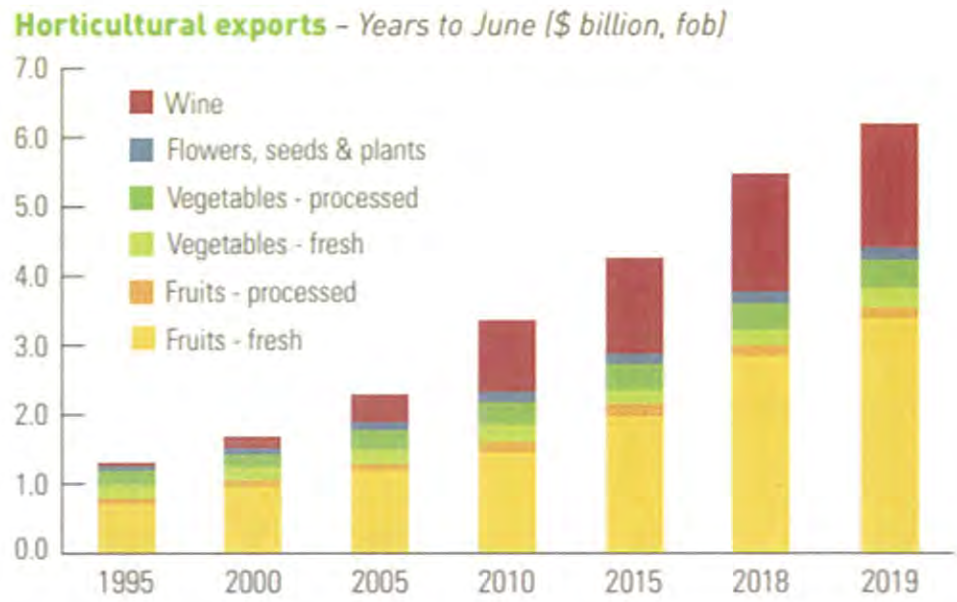
Proximity to markets

34. Being adjacent to the South Island's largest city and in close proximity to both international air and seaports, the Waimakariri District is well placed to supply both domestic and international markets with fresh produce, horticultural and arable products. With the continued growth of population and affluence in Asian countries, the demand for quality food products from New Zealand is expected to increase. This provides opportunities for New Zealand livestock, arable, vegetable and horticultural producers. The Waimakariri District is well placed to take advantage of this projected growth in demand given the diversity of farm systems across the District. Other areas in Canterbury that have irrigation, particularly the Ashburton District, have demonstrated the enormous potential of the Canterbury farming area to adapt and change to market demands. Examples of this include the expansion of the dairy, specialty seed and vegetable industries.
35. Generally, high value crops such as seed and arable production and processed vegetables require better soil types as well as access to irrigation. Farm size and expertise is also important so that the latest technology and operational efficiencies can be adopted. Often there is also a necessity to adopt a cropping and/or herbage rotation, as it is not sustainable to grow the same crop in one paddock year after year. For example, potatoes can only be grown in the same paddock once every six years. This also requires a certain amount of land area.
36. Recently, and with the availability of irrigation water, there has been an expansion in specialty seed production and processed vegetables in both the Ashburton and Selwyn Districts. In my view, the same activities could occur on the soils in Waimakariri District. However, and as I have noted above and in paragraphs 49 to 50 below, these activities rely on a minimum land area to be financially viable. The minimum land area required for different productive uses, in my opinion, is summarised in Table 1 at paragraph 50 below.¹⁹
37. Figure 5 illustrates the increase in New Zealand's horticultural exports between 1995 and 2019. In future, horticultural exports could also provide a high value farming opportunity to the Canterbury region, including the Waimakariri District.

¹⁹ Table 1 is taken from the Rural Production Advice – Rural Land Zoning report (Table 2 page 15), produced for the Waimakariri District Council by myself in 2018.



Figure 5: New Zealand Vegetable and Horticultural Export Trends²⁰



Source: Statistics New Zealand

3

38. Dairy farming is generally considered the most intensive and profitable form of pastoral farming subject to appropriate topography, altitude and climate (including access to irrigation). With the introduction of irrigation, dairy farming and the associated support land has grown significantly, replacing lower returning livestock enterprises in the Waimakariri District. There has also been considerable transition of forestry land to irrigated pastoral land south of the Eyre River.
39. A minimum lot size of 20ha will limit the area of land subdivided and utilised for lifestyle residential purposes. This means that the type of farm system implemented will be determined more by parameters such as topography, climate, soil type, irrigation, altitude and landowner preference and management skill, rather than being restricted by a sub-optimal land size. Should subdivision to 4ha remain an option, it is likely that the proliferation of lifestyle properties will continue and these areas will become too expensive per hectare and not of sufficient size to establish an economic farming business.
40. The Canterbury Plains are considered one of the most productive farming areas in New Zealand and history has shown the Canterbury region's ability to adapt farming systems to meet market demand and, more recently, environmental requirements. The more intensive-capable areas of New

²⁰ See <https://www.freshfacts.co.nz/files/freshfacts-2019.pdf>

Zealand also provide support to the larger, less intensive pastoral regions by completing the supply chain to market. For example, many hill and high country properties are good at breeding livestock but cannot grow them to acceptable market weights. Instead, they are transferred to the more intensive areas such as the Waimakariri District for finishing.

41. As New Zealand is predominantly mountainous the preservation of productive and adaptable farmland is important. In comparison to other countries, New Zealand has a favourable temperate climate suitable for the production of agricultural and horticultural produce but has limited land area, particularly flat land suitable for cropping or intensive livestock systems. The Canterbury Plains provides the largest flat irrigated area in New Zealand, enabling flexibility in land use and the ability to change farm system depending on the market demand and profitability. It is my opinion that 4ha (or even sub-8ha) development will erode the District's productive potential. As described in paragraph 54, smaller lifestyle blocks (less than 8ha) tend to be less productive than larger commercially farmed properties and, therefore, it would be expected that continual subdivision of farms for lifestyle properties will erode the District's total rural productive capacity.

Pressure on rural productive land

42. The Canterbury Plains have a range of soil types and the Waimakariri District is typical of this, as shown in Figure 1.
43. Many towns were established in areas of good soil given the suitability for growing pasture and crops. Due to urban sprawl and the increased desire for lifestyle properties (less than 8ha), significant areas of productive land are now used for residential purposes. This is particularly prevalent in areas close to larger cities such as Christchurch. For example, the Lincoln area south of Christchurch has seen extraordinary residential growth, with houses and lifestyle properties now occupying some of the best soils in New Zealand. This is also evident in the District, particularly in the Proposed Rural Lifestyle Zone. A land fragmentation report by Statistics NZ stated:²¹

“Land fragmentation is an increasing concern in Aotearoa New Zealand, driven by urban expansion onto rural land on the fringes of urban areas, and increased demand for food production”.

²¹ <https://www.stats.govt.nz/indicators/land-fragmentation> - updated 15 April 2021