

**BEFORE THE WAIMAKARIRI DISTRICT PLAN REVIEW HEARINGS PANEL**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of the Proposed Waimakariri District Plan

**SUMMARY EVIDENCE OF PAULINE FIONA ASTON**

**FOR SURVUS LTD**

(Submission no.250)

10 October 2023

## CONTEXT

1. The Survus submission 250 gives scope for landowners with land in suitable LLR locations to seek that their land be rezoned LLR including 25 Ashley Gorge Road Oxford ('the Site'). This land is zoned General Rural Zone and is within the LLR Overlay Zone. It comprises a 49.7 ha block adjoining an existing LLRZ at the northern boundary of Oxford township.

## STATUS OF SITE UNDER NPS-HPL

2. I disagree with the Memos that PDP General Rural Zone Large Lot Residential Overlay Zones (LLROZs) are subject to the NPS-HPL. In my opinion they are exempt under cl. 3.5.7 bi) because these areas are identified in a strategic planning document as an area suitable for commencing urban development over the next 10 years at a level of detail that makes the boundaries of the area identifiable in practice. The PDP is a strategic planning document which provides direction for the form and location of urban development including LLR development over the life of the PDP – the next 10-15 years, including identifying areas suitable for LLR development by way of the LLRO zone.

3. I accept that the PDP may not be entirely consistent with the definition of strategic planning document in the NPS-HPL as below because it is a statutory planning document prepared under the Resource Management Act 1991, rather than a non statutory document :

**strategic planning document** means any non-statutory growth plan or strategy adopted by local authority resolution

4. An alternative interpretation is that the LLRO Zones are exempt under cl. 3.5.7 b(ii) because they are subject to a Council initiated, or an adopted, notified plan change to rezone this land from general rural or rural production to urban or rural lifestyle. The definition of 'urban' as a description of a zone in the NPS-HPL includes a LLRZ. The PDP zones the Operative DP R4A and R4B rural residential zones LLRZ; and areas identified in the Waimakariri Rural Residential Strategy 2019 as preferred rural residential growth directions as LLROZ. Both are LLR zones. The principal difference between them is that the relevant underlying Rural Zone rules apply to the LLROZ until an Outline Development Plan for a particular LLROZ is included in the District Plan, in accordance with:

LLRZ-P5 Large Lot Residential Zone Overlay

For any Large Lot Residential Zone Overlay, ensure an ODP is developed in accordance with SUB-P6 and incorporated into the District Plan.

SUB-P6 is intended to ensure a coordinated and integrated approach to development of the LLRZO areas, including in terms of 3 waters, roading and active transport, connectivity and consideration of impacts on natural, cultural and heritage features, strategic infrastructure surface and groundwater and reverse sensitivity effects.

5. The clear intent of the NPS-HPL, as further explained in NPS Guide to Implementation December 2022 ('the Guide')<sup>1</sup>, is to exempt land which has been the subject of Council initiated and approved strategic and district planning processes such that there is a high level of certainty that the land will be developed for urban use in the next 10 years. That is the case with the LLRO zones. The Guide notes that the NPS-HPL '*should not undermine the work undertaken by territorial authorities and their communities to get to this point in the process*'. The RRDS growth directions are:

Growth locations for rural residential development across the whole of the Waimakariri District to meet projected demand of approximately 385 rural residential households over the next 10 years (page 3).

#### **OFFICERS REPORT – NSP-HPL CLAUSE 3.6**

6. The s42A report refers to the cl. 3.6 criteria:

Large lot residential density does not provide sufficient development capacity (section 3.6(1)(a) or at least sufficient development capacity (section 3.6(1)(b) under the NPSUD, as the density is one residential unit per 5000m<sup>2</sup>. Large lot residential development does not meet section 3.6(1)(c) either as LLRZ properties within the district do not provide much in the way of potential primary production.

7. I disagree with these comments. NPSUD cl. 3.2 (1) states sufficient development capacity must meet expected demand for housing in existing and new urban areas; and for both standalone dwellings and attached dwellings. Policy 1 requires that planning decisions contribute to well-functioning urban environments, which are

urban environments that, as a minimum: have or enable a variety of homes that:

- (i) meet the needs, in terms of type, price, and location, of different households; ....

PDP SD-02.9, '*provides limited opportunities for Large Lot Residential development in identified areas, subject to adequate infrastructure*'. This is necessary to go at least some way towards meeting expected demand for lower density LLR housing. Cl. 3.6.1(c) requires a relative assessment of the costs and benefits of urban rezoning compared with the costs associated with the loss of HPL on a case by case basis, not just the costs associated with loss of HPL. The CBA is likely to vary depending on the particular circumstances. In any case, the rezoning does not need to be assessed against the cl. 3.6 criteria) if the Panel accepts my evidence that the LLRO zones are not HPL.

---

<sup>1</sup> See <https://environment.govt.nz/assets/publications/NPS-Highly-Productive-Land-Guide-to-implementation.pdf> , in particular pp 15-17