

Waimakariri Proposed District Plan Hearings Stream 6 – Rural Zone

Submission by George Jason Smith in Response to Officer's Report

Thank you for this opportunity to speak to my submission and respond to the Officer's report. I shall go through my points in the order they arise in the PDP and the Officer's report although this is not, in my view, their order of importance or significance.

My submission is an individual one

1. General Objectives and Policies for all Rural Zones, Introduction Officer's Report para 3.3 p12

My submission was, and remains, that the opening sentence of the chapter be altered to read:

"The purpose of the ~~chapter~~ Zone is to enable a range of primary production ...

The Officer's report states that as *"the introduction is intended to introduce the purpose of the chapter of the Proposed Plan, rather than list the activities that occur within the zone."*

The heading of this Chapter of the Plan is quoted in the heading to this paragraph, above; it establishes the General Objectives and Policies for all Rural Zones. It introduces the purpose of the chapter. Thus achieving the purpose espoused by the Officer. All the five subsequent opening paragraphs refer to the "zones".

The purpose of the chapter itself is therefore to describe and control what may happen in each zone. In my submission this is better achieved by describing what the Zone does. If we are to, take cognisance of the Chapter heading and follow the Officer's line of reasoning the opening paragraph should read: "The purpose of the chapter is to set out the objectives, policies and rules that pertain to all rural zones." To include such a paragraph would seem redundant given the RURZ Heading in the Proposed Plan. It also calls for a sentence similar to the one in my submission to then explain the purpose of the zones.

2. GRUZ-R2 Primary production Officer's Report p44

The officer's recommendation that the word "*paved*" in GRUZ-R2 (1)c. be replaced with "*formed and maintained*" appears to be based on the fact that it is used by others (the NESPF?). That their wording has the same problem is not the concern here.

My reasons for requesting this change are because:

- It assumes a static state of the road network. Rural unsealed roads are often sealed as development along them increases. If the current wording is retained the safety of future seal-extensions could be compromised.
- It fails to recognise that ice and snow can and do build up on metal roads causing similar safety issues as they do on sealed roads.

I submit that the need to protect the entire road network into the future is such that the requested change should be adopted.

Alternatively, the Panel could consider exempting forestry located on the most south-westerly* side of any road.

*That is a side lying on any compass point measured in a clockwise between South-East and West.

I also find it strange that only forests of less than 1ha are so-controlled. The problems this rule seeks to address are caused by forests of all sizes, and arguably bigger forests can cause a worse problems than small ones.

3. GRUZ-R3 Residential Unit Officer's Report p44

In my original submission I combined points on GRUZ-P2 and GURZ-R3 as they are two halves of one whole. The Officer has chosen to address them under R3 rather than P2, with which I have no difficulty.

In my view the officer has misconstrued this aspect of my submission. Also, even after the officer's recommended changes the minimum legal size of a new "buildable" rural lot is 20ha; although the amended wording does appear to open the door for expensive legal arguments in the Courts as to the meaning of "area" in this context.

Throughout the officer's report there are recurring instances of submissions seeking small lot sizes in the Rural Zone. These have all "failed" because they clash with the purpose of the Rural Zone, quoted at the beginning of Part 3 of the proposed Plan "*The purpose of the chapter [sic] is to enable a range of primary production activities, including pastoral farming, livestock, horticulture and forestry as well as other activities that rely on or support the natural resources within rural areas.*" I fully support this purpose.

The current proposal reads:

Where:

1. ~~each a residential unit shall be located on a site with a minimum net-site area of 20ha per residential unit~~

My submission is that neither the original nor the current proposals meet the purpose of the Zone. They fail because, as worded, they significantly reduce the range of primary production activities, including pastoral farming, livestock farming, horticulture and forestry as well as other activities that rely on or support the natural resources within rural area. They do this by both unnecessarily reducing the area available for these activities, and by

destroying the open pastoral aspect of the Plains, albeit to a lesser extent than we currently see in most of the eastern side of the District.

There is another way of managing this, that will provide for a range of primary production activities, including pastoral farming, livestock farming, horticulture and forestry as well as other activities that rely on or support the natural resources within rural areas, maintain of the pastoral nature of the Zone, and meet the desire of people for smaller rural-residential lots through limited subdivision, and which will, in turn, provide property owners' periodic opportunities to raise capital through subdivision.

This can be done by allowing "rural residential" lots of no less than 1ha, (or some other relatively small area) and limiting the density of these lots through imposition of a 20ha "footprint", along with a minimum frontage of approximately 400m, on each lot. A way of administering this could be through the use of covenants on the "footprints" in favour of the Council its heirs and successors, preventing any building or encroachment by any other covenant, easement or title into the covenanted area or any further subdivision of the covenanted land other than to amalgamate all or part of it with the original "subdivided lot", or if required for use by a public utility, including roads.

4. GRUZ-R4 Minor Residential Unit Officer's Report p50

This rule, as a number of other rules throughout the Plan also do, contains restrictions on the development of rural lots created before the advent of the RMA, using the words "*where the site exists and is a site or allotment that was created by subdivision and was on a subdivision consent between 1 October 1991 and 24 February 2001 (inclusive of both dates).*" I can find no justification for this exclusion in the Plan, and I can think of none.

In his report the officer states that removing the restriction to those dates "*will result in a proliferation of dwellings that are not consistent with the GRUZ character and amenity values as well as increase potential for reverse sensitivity effects.*"

There appears to be no valid reasons why the construction of Minor Residential Units should be confined to lots created during the "RMA Years", or why lots created in the RMA Years should not produce the same adverse effects. What is so special about the RMA Years that lots smaller than 4ha lots created during them are the only ones of that size that attract the ability to build Minor Residential Units? Why should, in the language of GRUZ-R4, a site or allotment, created in the 19th century, for example, attract the same right?

Indeed it can be argued that small clusters of buildings surrounded by agricultural land is a characteristic of the traditional, "pre RMA" countryside in the western parts of the District. Rural character is probably more likely to be adversely affected by the proliferation of very large ancillary buildings on small lots; buildings such as large multi-bay garages, aircraft hangars, separate enclosed swimming pools, large workshops, super-sized houses, etc.

An alternative to construction of a Minor Residential Unit to provide for extended family is to extend the main dwelling, and while this, like a minor residential unit, is covered by a building consent, there are no rules in the Plan that affect the size of the dwelling itself. Thus one effect of retention of this restriction could be to encourage very large dwellings,

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which are arguably more “out of character” than a more modest house and a Minor Dwelling Unit.

In response to the reporting officer’s concerns about reverse sensitivity I submit that this is more-likely to be a matter arising from the principal dwelling than from a smaller outbuilding. Although it can also be argued that reverse sensitivity can be a function of the number of people on a site, which would be increased by a Minor Dwelling Unit, the same risk applies to the size of the dwelling, and indeed to the number of occupants of the building. Does the PDP need to get into the business of limiting family sizes and/or multi-generational living? I also question why Minor Residential Buildings built during the RMA years will not have the same consequences.

In conclusion, Clause 5 of GRUZ-R4 is, among other things, unnecessary, discriminatory, and without sound basis. It should be removed from the Rule

A handwritten signature in black ink, appearing to read 'GRJ' with a stylized flourish extending from the bottom right.

George JasonSmith
2 October 2023