

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

BRIEF OF EVIDENCE OF PAULINE FIONA ASTON

FOR SURVUS LTD AND ANDREW MCALLISTER

(Submission nos.250 and 8)

31 August 2023

QUALIFICATIONS AND EXPERIENCE

1. My name is Pauline Fiona Aston (MA Cambridge University, England; M.Phil Town Planning, University College London; MNZPI; MRMLA). I have 40 years resource management and planning experience.
2. I am Principal of Aston Consultants Resource Management and Planning, and have operated my own consultancy practice, based in Christchurch, since 1995.
3. I confirm that I have prepared this evidence in accordance with the Code of Conduct for Expert Witnesses_Code of Conduct for Expert Witnesses contained in Part 9 of the Environment Court Practice Note 2023. The issues addressed in this statement of evidence are within my area of expertise except where I state that I am relying on the evidence or advice of another person. The data, information, facts and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions I have expressed.
4. Aston consultants works extensively in the Greater Christchurch area, with numerous clients with interests in subdivision, land development and land use planning matters. I am familiar with the Greater Christchurch planning environment, including the Proposed and Operative Waimakariri District Plans.

SCOPE AND SUMMARY

5. My evidence is in response to matters raised in the Council officer memos (The Memos) regarding the National Policy Statement – Highly Productive Land (NPS-HPL)¹, specifically as they affect/have implications for the submissions by Survus (no. 250) and Andrew McAllister (no. 8).
6. The particular matters of concern relate to application of the NPS-HPL to proposals for Large Lot Residential rezoning, both in the General Rural Zone and Rural Lifestyle Zone; and the timing and appropriate Waimakariri District Council response to the Canterbury Regional Council mapping of HPL.

¹ NPS-HPL officer memorandums dated 22/7/23 and revised version dated 26/7/23

7. I agree with the Memos that the Rural Lifestyle Zone (RLZ) is exempted from the NPS-HPL. In my opinion, the RLZ clearly comes within the bounds of clause 3.5.7, specifically b) (ii) subject to a Council initiated, or an adopted, notified plan change to rezone it from general rural or rural production to urban or rural lifestyle.
8. The National Planning Standard definition of RLZ is:
Areas used predominantly for a residential lifestyle within a rural environment on lots smaller than those of the General rural and Rural production zones, while still enabling primary production to occur.
9. The PDP RLZ generally accords with the eastern portion of the District where rural lifestyle blocks (around 4 ha) are prevalent and there is limited productive potential due to a combination of land fragmentation, small land parcels and potential reverse sensitivity effects, as confirmed by the Council's own rural production advisors (MacFarlane Rural Business 2018). In my opinion, this area is appropriately identified in the PDP as RLZ, notwithstanding the zoning was applied before the NPS-HPL was enacted. The RLZ does enable primary production to occur, but due the 'small site' character, residential living in a rural setting is the main focus. This is consistent with the PDP RLZ description and objectives and policies (reproduced in **Appendix A**).
10. 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(b) 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.
11. My understanding is that ECAN intends to notify mapping of HPL as part of the Proposed Canterbury Regional Policy (PRPS) in late 2024. The Memos state that if the RPS mapping includes some PDP notified RLZ land, then the Council could vary the PDP after the PRPS is notified. A variation should not be necessary given NPS-HPL cls.3.5.3 and 3.5.4 which require district councils to insert the RPS HPL maps into district plans once the RPS maps are operative. This unlikely to be until around later 2026. The PWDP process should be completed well ahead of this.

CONTEXT – SURVUS AND McALLISTER SUBMISSIONS

12. Survus submission 250 seeks the following relief with respect to the Large Lot Residential Zone (LLRZ):

Large Lot Residential Development

1. Rezone the Proposed Plan LLR Overlay areas LLRZ.
 2. Make additional provision for LLR development and zone suitable areas or otherwise apply a LLR Overlay. These could include but not be limited to township edge locations; rural residential areas in the Waimakariri Rural Residential Development Plan 2019; and areas adjoining existing Small Settlement or LLR zones.
 3. Provide for LLR densities of between 1 to 7 households per ha, with average densities to be determined on a case by case basis, having regard to the local circumstances.
 4. Amend the relevant LLR provisions, including Objectives and policies, to facilitate the above.
13. McAllister submission 8 seeks:
1. Include 1275 Tram Road ('Block B') in the LLRO for Swannanoa; and
 2. Support growth to the west (of Swannanoa) – i.e. the proposed LLRO covering 1401, 1419 and 1379 Tram Road ('Block A').
14. Block A is within the PDP LLR Overlay (LLRO) but Block B isn't (see Figure 1 below). Block A comprises 2 x 4 ha blocks, each with a dwelling, and a small woodlot (7.71 ha), owned by the Council. Block B comprises a 21.21 ha with a dwelling, which adjoins Swannanoa School and an existing fully developed LLRZ. There is a current subdivision consent for Block A (RC 195150) to create 4 x 4ha lots and 1 x 5.8 ha lot.
15. Given that the McAllister submission sought inclusion within the LLRO rather than LLR zoning, as an abundance of caution, his rezoning request also relies on and supports the Survus 250 submission.
16. The Survus submission 250 gives scope for other landowners with land in suitable LLR locations to seek that their land be rezoned LLR. Evidence is also being prepared for rezoning of land at 25 Ashley Gorge Road Oxford to LLR. This land is zoned General Rural Zone and is within the LLR Overlay (see Figure 2 below). It comprises a 49.7 ha block adjoining the northern boundary of Oxford township.

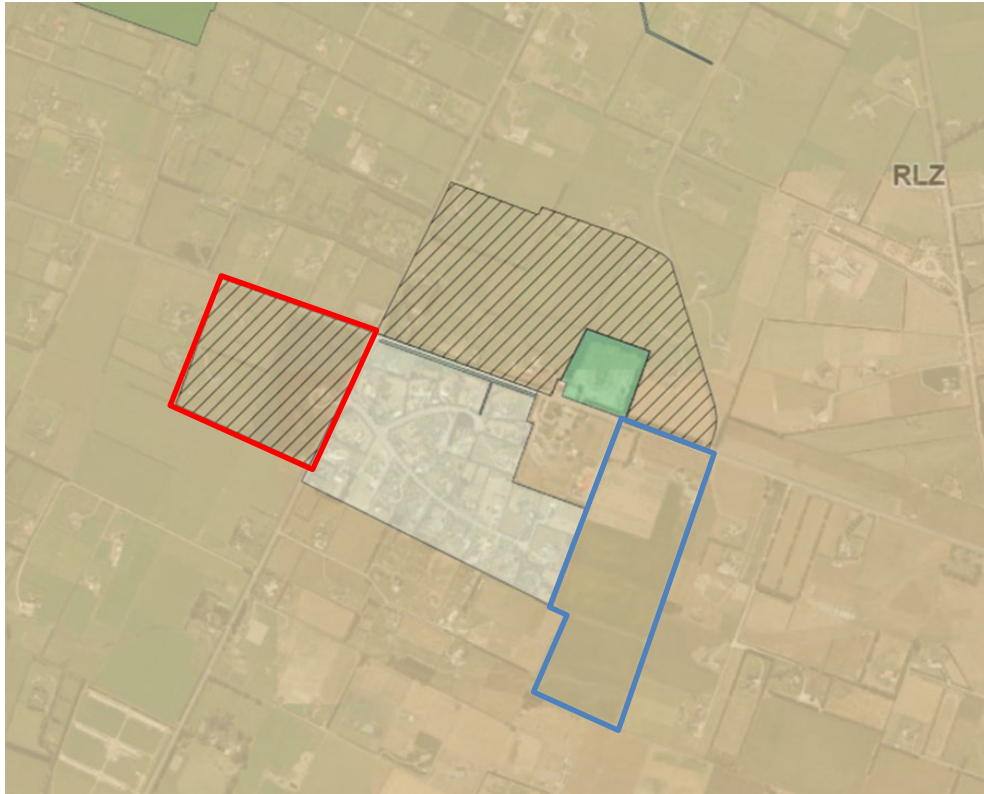


Figure 1: PWDP planning map, Swannanoa. Black hatched – LLR Overlay, Light grey – LLRZ. Block A outlined in red, Block B outlined in blue



Figure 2: PWDP planning map Oxford. Black & white line – 25 Ashley George Road; Hatched black - Large Lot Residential Overlay;

RURAL LIFESTYLE ZONE

17. I agree with the Officers Report (OR) that the Rural Lifestyle Zone (RLZ) is exempted from the NPS-HPL. In my opinion, the RLZ clearly comes within the bounds of clause 3.5.7, specifically

b) (ii) subject to a Council initiated, or an adopted, notified plan change to rezone it from general rural or rural production to urban or rural lifestyle.

18. The Memos acknowledge that the Rural Lifestyle Zone in the PDP was made in advance of the NPS-HPL and therefore it was not a decision cognisant of the final NPS-HPL, but despite this was prepared under the rural lifestyle zone descriptor in the National Planning Standards (NPS), that was not redefined in the NPS-HPL.

19. The RLS is described in the NPS as

Areas used predominantly for a residential lifestyle within a rural environment on lots smaller than those of the General rural and Rural production zones, while still enabling primary production to occur.

20. The RLZ generally accords with the eastern portion of the District where rural lifestyle blocks (around 4 ha) are prevalent and there is very limited productive potential due to a combination of land fragmentation, small land parcels and potential reverse sensitivity effects, especially where land adjoins or is close to existing settlement areas. The District Plan Review Background Report 'Rural Production Advice – Rural Land Zoning'² (MacFarlane Rural Business November 2018) concluded:

In summary, there are very few agricultural or horticultural farming practises that would justify a farming business of 4ha (with the exception of very intensive vegetable production or glasshouse operations), even if they are operated to the highest level. The reality is that most properties under 10ha have been purchased for lifestyle purposes and the majority of the household income is derived off farm. Furthermore, once the house and amenities are deducted from the total area, the effective farming area on a 4ha property could be as low as 2ha. Whilst in theory a group of 4ha properties could be operated in conjunction to achieve scale, this is unlikely to be successful

² See https://www.waimakariri.govt.nz/_data/assets/pdf_file/0020/136145/26.-Waimakariri-District-Plan-Review-v2.pdf

given owners will often have differing priorities and the fact that the small paddock sizes will limit operational efficiency.

21. In my opinion, generally the eastern portion of the District is appropriately identified in the PDP as RLZ, notwithstanding the zoning was applied before the NPS-HPL was enacted. The RLZ does enable primary production to occur, but due the 'small site' character, residential living in a rural setting is the main focus. The minimum lot size for subdivision and a residential unit is 4 ha. This is consistent with the PDP RLZ description and objectives and policies (reproduced in **Appendix A**), in particular:

RLZ-O1

Purpose of the Rural Lifestyle Zone

Primary production activities and activities reliant on the natural and physical resources of the rural environment occur while recognising that the predominant character is small rural sites with a more intensive pattern of land use and buildings than the General Rural Zone.

RLZ-P2

Activities in the Rural Lifestyle Zone

Retain opportunities for land within the zone to be used for primary production activities while maintaining the predominant character of small rural lots by avoiding new sites being created, or residential units being erected on sites, that are less than 4ha, unless:

22. The McAllister blocks (A and B) are both exempted from the NPS-HPL because they are zoned RLZ in the PDP. Block A is exempted on two grounds – in my opinion, it is also exempt because it is subject to the LLRO Zone (see discussion below regarding the LLR Overlay Zone).

GENERAL RURAL ZONE AND OVERLAYS INCLUDING LARGE LOT RESIDENTIAL OVERLAY ZONE

23. I accept that land within the PWDP General Rural Zone is subject to the NPS-HPL - except that land within the PDP LLROZ is, in my opinion exempt. It is exempted under Clause 3.5.7 because it is identified for future urban development. The relevant clauses are set out below.

(7) Until a regional policy statement containing maps of highly productive land in the region is operative, each relevant territorial authority and consent authority must apply this National Policy

Statement as if references to highly productive land were references to land that, at the commencement date:

(a) is

(i) zoned general rural or rural production; and

(ii) LUC 1, 2, or 3 land; but

(b) is not:

(i) identified for future urban development; or

(ii) subject to a Council initiated, or an adopted, notified plan change to rezone it from general rural or rural production to urban or rural lifestyle.

identified for future urban development means:

(a) identified in a published Future Development Strategy as land suitable for commencing urban development over the next 10 years; or

(b) identified:

(i) in a strategic planning document as an area suitable for commencing urban development over the next 10 years; and

(ii) at a level of detail that makes the boundaries of the area identifiable in practice

24. My understanding is that the Waimakariri District Council has not, to date, produced a Future Development Strategy as defined in the NPS-Urban Development (NPS-UD) for the District. However, the eastern portion of the District is within the Greater Christchurch area. The Draft Greater Christchurch Spatial Plan is stated as satisfying the requirements of a future development strategy under the National Policy Statement on Urban Development.³ Oxford is outside the Greater Christchurch Area

³ see <https://greaterchristchurch.org.nz/assets/Documents/greaterchristchurch-/Draft-GCSP/Greater-Christchurch-Spatial-Plan.pdf> p23

Map 1: The geographic area of Greater Christchurch

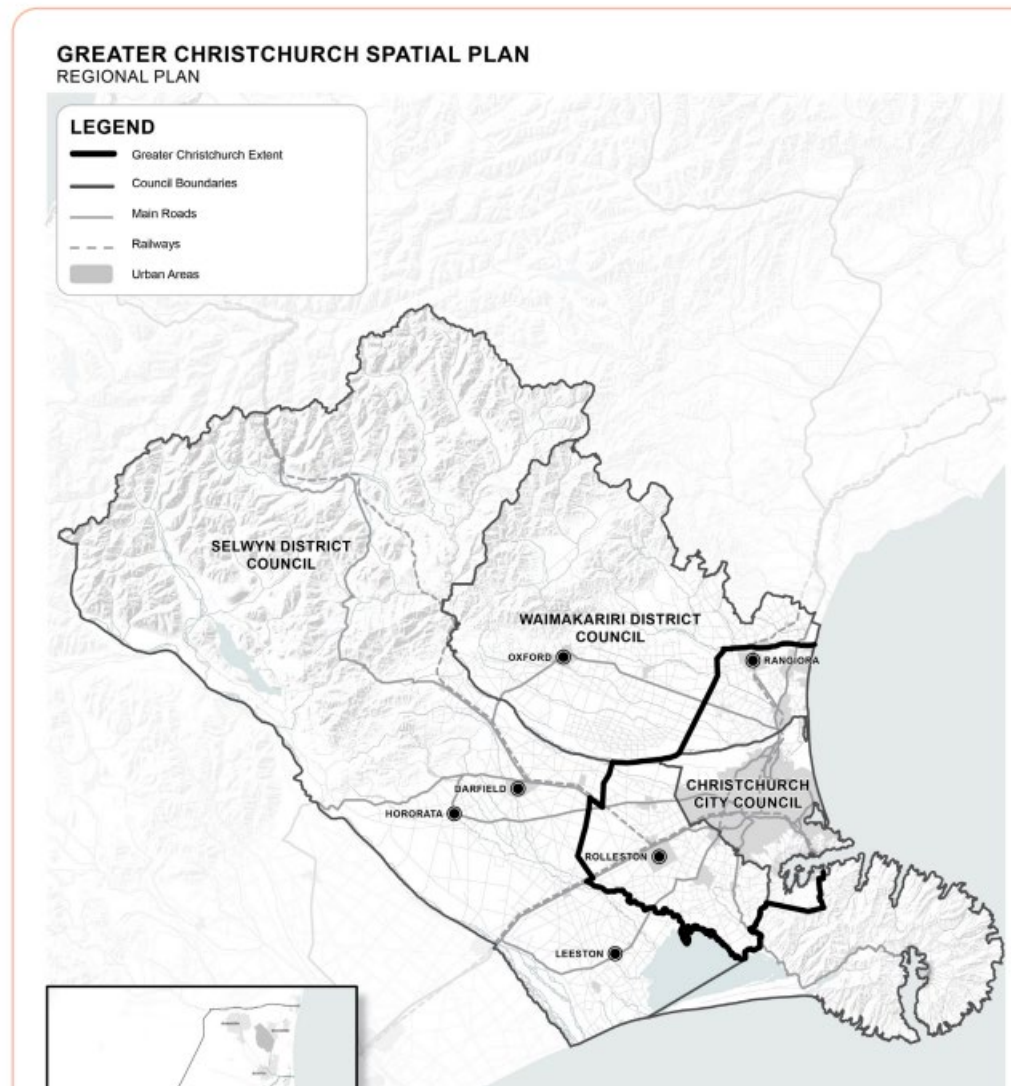


Figure 3: Map 1 Draft Greater Christchurch Spatial Plan

25. However, the Waimakariri Rural Residential Strategy 2019 (WRRS) does identify growth direction for rural residential development in various settlements, including Oxford. These are:

This Strategy provides the framework for the future provision of land zoned for rural residential purposes in the Waimakariri District... this Strategy does not rezone land in its own right. It identifies growth locations that are considered suitable for rezoning and the District Plan Review is then the vehicle for implementation. (pp 3-4).

26. The definition of 'identified for future development' only applies to areas identified as 'suitable for commencing urban development over the next 10 years' in a Future

Development Strategy or other strategic planning document. In decisions on the Selwyn Proposed District Plan, the Hearings Panel considered 'Suitable' in this context should be based on whether the area has been clearly identified for urban development/rezoning in the short to medium term (up to 10 years).

27. The WRRS 2019 rural residential growth directions are growth locations for rural residential development across the whole Waimakariri District to meet a projected demand of approximately 385 rural residential households over the next 10 years. (page 3)
28. The growth directions are arguably not at a level of detail that makes the boundaries of the area identifiable in practice. However, they have been translated into the cadastrally based LLRO zones in the PDP.

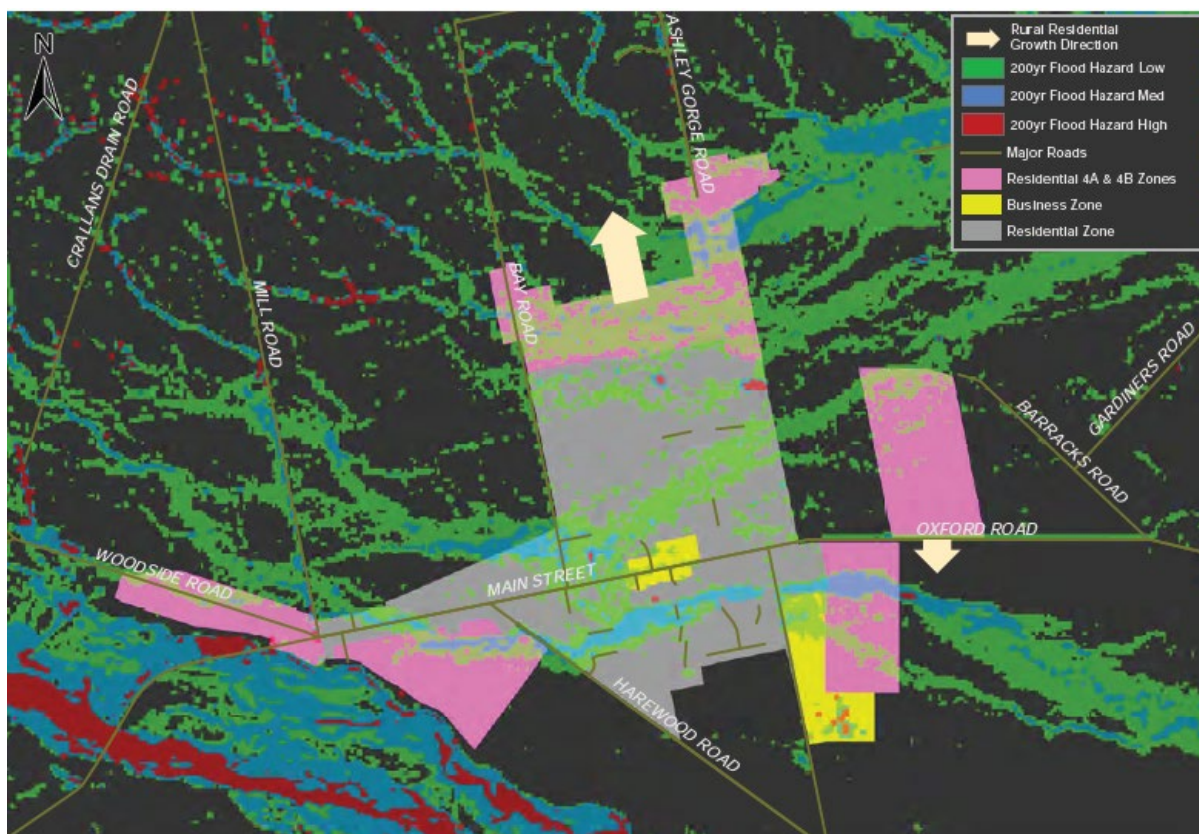


Figure 6: Oxford rural residential growth directions

Figure 4: Figure 6, Waimakariri Rural Residential Strategy – Oxford

29. It would be an illogical outcome for the LLRO zones to be excluded from the Clause 3.5.7 exemptions because this reflects strategic planning work on suitable LLR areas, and is inconsistent with the approach for Future Development Areas in the PDP which

are also identified in the PDP at a cadastral scale and exempted under Clause 3.5.7 (because these areas are identified in the Canterbury Regional Policy Statement and Draft Spatial Plan for future urban development at a cadastral scale).

30. The PDP is also a strategic planning document in any case. Strategic is defined as:

relating to the identification of long-term or overall aims and interests and the means of achieving them (Oxford English Dictionary)

31. The PDP “sets out a framework for the integrated and sustainable management of natural and physical resources” (Chapter 1 Purpose) over the life of the District Plan, which is 10 years + (it must be reviewed every ten years). It is a forward looking document, which projects out 10-15 years into the future regarding projected housing and business land needs, and sets the appropriate land use response. Upfront is the ‘Strategic Directions’ chapter which “provides the overarching objectives to provide high level direction for the District Plan”. The strategic objectives are “informed by the WDDS (Waimakariri Development Strategy 2048), which is a document that addresses a range of matters related to growth and development. They also give effect to higher order documents as required by the RMA.” (Chapter 2 Strategic Directions).

32. Although not specifically mentioned in the PDP, the LLRO zones are informed by the WRRS 2019.

33. Strategic Objective 2 includes specific strategic direction for the form and location of urban development including LLR development:

SD-O2

Urban development

Urban development and infrastructure that:

1. is consolidated and integrated with the urban environment;
2. that recognises existing character, amenity values, and is attractive and functional to residents, businesses and visitors;
3. utilises the District Council’s reticulated wastewater system, and potable water supply and stormwater infrastructure where available;
4. provides a range of housing opportunities, focusing new residential activity within existing towns, and identified development areas in Rangiora and Kaiapoi, in order to achieve the housing bottom lines in UFD-O1;

5. supports a hierarchy of urban centres, with the District's main centres in Rangiora, Kaiapoi, Oxford and Woodend being:
 - a. the primary centres for community facilities;
 - b. the primary focus for retail, office and other commercial activity; and
 - c. the focus around which residential development and intensification can occur.
 6. provides opportunities for business activities to establish and prosper within a network of business and industrial areas zoned appropriate to their type and scale of activity and which support district self-sufficiency;
 7. provides people with access to a network of spaces within urban environments for open space and recreation;
 8. supports the transition of the Special Purpose Zone (Kāinga Nohoanga) to a unique mixture of urban and rural activities reflecting the aspirations of Te Ngāi Tūāhuriri Rūnanga;
 9. provides limited opportunities for Large Lot Residential development in identified areas, subject to adequate infrastructure; and
 10. recognise and support Ngāi Tūāhuriri cultural values through the protection of sites and areas of significance to Māori identified in SASM-SCHED1.
34. Policy LLRZ-P5 is specific to the LLRZ Overlays, and clearly anticipates that they will be developed for LLR purposes, subject to an Outline Development Plan being developed and incorporated into the District Plan.

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.

35. The purpose of the ODP (SUB-P6) is to ensure an integrated and comprehensive approach to development of each LLRZO including with regard to roading, servicing, 3 Waters, connectivity and active transport, provision of appropriate recreation and community facilities, and management of any potential adverse environmental effects, including reverse sensitivity.
36. Treating the PDP LLRO zones as exempt from the NPS-HPL is consistent with the approach taken by the Panel in its decisions on submissions on the Proposed Selwyn District Plan (PSDP). The PSDP has an Urban Growth Overlay (UGO) which applies to areas identified on Map A of the Canterbury Regional Policy Statement as Future Development Areas and preferred rural residential sites identified in the Selwyn Rural

Residential Strategy 2014. The Panel considered that all of these UGO areas were exempt from the NPS-HPL.

ECAN HPL MAPPING

37. The Memos⁴ consider that

the wording of submissions provide sufficient scope to enable the necessary response to the NPS-HPL to be undertaken now (i.e. ahead of the mapping to be undertaken by the Regional Council) and given sufficient engagement with the Regional Council should not require a variation to the PDP unless the Regional Council HPL mapping includes any proposed RLZ land. These recommended changes can be reviewed and reported on again, once the proposed change to the RPS has been publicly notified at the end of 2023.

38. My understanding is that ECAN intend to include the mapped HPL areas in the review of the RPS, to be notified at the end of 2024 not 2023. The memo reference to 'end of 2023' should be 'end of 2024'. I have discussed this with Mr Matt Bacon (Council planning manager) who confirms that this is also his understanding.

39. If the RPS mapping includes some PDP notified RLZ land, then the Officer memo suggests the Council could vary the PDP after the RPS Review is notified. A variation should not be necessary given NPS-HPL clause 3.5.3 and 3.5.4

(3) As soon as practicable, and not later than 6 months, after a regional policy statement that includes maps of highly productive land becomes operative, each relevant territorial authority must identify the highly productive land in its district, and must do so using maps that are exactly equivalent to those in the relevant regional policy statement.

(4) The inclusion of the maps of highly productive land in district plans is an amendment subject to section 55(2) of the Act (which means the territorial authority must make the amendment without using a process in Schedule 1 of the Act).

40. The District Plan mapping is to occur after the RPS mapping is made operative, not notified. My understanding is that the RPS Review will be a full review of all chapters. It is likely to take the full statutory two years to progress through the submissions and hearings processes to the release of decisions on submissions which would be late 2026 if notified in late 2024. The PWDP process should be completed well ahead of this.

⁴ Amended officer NPS-HPL memo paragraph 13

Appendix A: Proposed Waimakariri District Plan – Large Lot Residential Zone

RLZ - Rural Lifestyle Zone

Introduction

The purpose of the Rural Lifestyle Zone is to provide for primary productive activities, those activities that support rural activities and those that rely on the natural resources that exist in the zone, while recognising that the predominant character is derived from smaller [sites](#).

The Rural Lifestyle Zone, focused in the east of the [District](#), recognises that this area comprises the densest [residential unit](#) and development [site](#) pattern in the rural areas of the [District](#). This rural area is defined by its fine grained pattern of development and human induced characteristics.

The provisions in this chapter are consistent with the matters in Part 2 - [District](#) Wide Matters - Strategic Directions and give [effect](#) to matters in Part 2 - [District](#) Wide Matters - Urban Form and Development.

As well as the provisions in this chapter, [district](#) wide chapter provisions will also apply where relevant.

Objectives

RLZ-O1

Purpose of the Rural Lifestyle Zone

Primary production activities and activities reliant on the natural and physical resources of the rural environment occur while recognising that the predominant character is small rural sites with a more intensive pattern of land use and buildings than the General Rural Zone.

Policies

RLZ-P1

Character of the Rural Lifestyle Zone

Maintain the character in the Rural Lifestyle Zone which comprises:

1. a highly modified landscape strongly influenced by fine grained patterns and processes of human induced activity, including a predominance of small rural lots with a resulting pattern of residential units, buildings, fencing, amenity and domestic planting mixed with smaller scale primary production activities;
2. a dominance of human modified open space and vegetation, including paddocks and trees over buildings; and
3. a zone supporting activities reliant on the natural and physical resources of the Rural Lifestyle Zone.

RLZ-P2

Activities in the Rural Lifestyle Zone

Retain opportunities for land within the zone to be used for primary production activities while maintaining the predominant character of small rural lots by avoiding new sites being created, or residential units being erected on sites, that are less than 4ha, unless:

1. associated with the development of infrastructure which reduces the size of the balance lot or site to below 4ha;
2. associated with the establishment of a bonus residential unit or creation of a bonus allotment;
3. the erection of a residential unit is protected by a legacy provision in this Plan; and
4. is the establishment of a minor residential unit, where the site containing a residential unit is 4ha or greater, or is protected by a legacy provision in this Plan.