

Before an Independent Hearings Panel appointed by the Waimakariri District Council
under: the Resource Management Act 1991 in the matter of: Hearing Stream Seven

Lay Statement of Ken Fletcher

Introduction:

1. I live in Oxford and have done so since 1999. I am an economist and an Independent Resource Management Commissioner. I am a submitter on both the PDP (#99) and Variation 1.
2. As an economist I have made a Statement of Expert Evidence relevant to stream 7 and Stream 8. This Statement is not expert evidence but my submission as a layperson to Hearing Stream 8.

Background

3. We live in Oxford and have done so since 1999. Last year my wife and I bought a 1.15ha block of land on the outskirts of Oxford, zoned Res 4A in the ODP and LLR in the PDP. We have since applied for and been granted a non-complying resource consent to subdivide it into 4 lots of 2800m², and we are in the process of implementing this consent. We are not seeking to have our site rezoned, to the best of my knowledge there are no submissions affecting our site, and there is no scope for it to be rezoned through these proceedings. We will be including no-subdivision covenants on our subdivision.
4. We both work from home (my wife is writing, producing and self-publishing children's picture books), and that brings with it some specific requirements in terms of our home. We spent three years looking for a property that would meet our needs and eventually concluded building was the best option.
5. We did not particularly want a 2800m² property. My wife is a horticulturalist (among other skills) and we have always had a large, productive garden. Something in the 1000-1800m² range would have been ideal. But we could not find one.
6. It was our search for an appropriately sized section that highlighted to me the hole in the supply of residential sections. Looking at the hole as an economist led to the conclusion that the operative zoning structure was the cause of the hole – that the zone provisions and market reality effectively precluded the creation of new residential sections in the 1000-4000m² range. This realisation led me to engage with the PDP and Variation 1. My submission on Variation 1 was clearer in terms of stating the problem and possible solutions. I have included the relevant parts as Appendix 1 to this submission.

Large Lot Residential Minimum Lot Size

7. Part of my submission (submission point 99.1) has been taken as seeking a change in the density of the proposed Large Lot Residential Zone (LLRZ) in the Urban Subdivision s42A report at para 325 (3rd bullet point). This mis-states my view.

8. The relevant part of my relief as requested is

3. The current LLR zones on the northern and eastern edges of the town should be enabled for lot sizes in the range (say) 2000m² to 5000m², with the expansion area to the north (currently zoned rural with a LLR overlay) enabled for lots between (say) 2000m² and 5000m²

4. Remove the Average 5000m² requirement for LLR areas on the town periphery, and replace it with a maximum lot size of 5000m², with a minimum lot size of (say) 2000m².

In the alternative, provide for lots of 2000-5000m², with an average lot size of less than 5000m² to be a restricted discretionary activity (Sub-S1) viz.

Activity status when compliance not achieved:

1. In the (Oxford) LLR zones, subdivision down to a minimum lot size of 2000m², with an average lot size of less than 5000m² RDIS

9. My suggestions to change the density provisions of the LLRZ should be seen as one potential way to address the issue of the skewed supply of residential sections that my expert evidence addresses – the ODP and PDP will not produce larger residential sections (1000-40000m²). It should be considered in the context of that issue, and not be seen as a standalone submission.

10. My expert evidence sets out the problem and consequences of the proposed residential zone structure, and suggest possible ways to address it. The choice of which of those ways is most appropriate, and the detail of the provisions, is as much a planning matter as an economic one. My view is that an additional zone within the structure is the most efficient and effective method, but I acknowledge that changing the minimum lot size or the status of non-compliance with the lot size minimum may achieve a similar effect.

Oxford Minimum Lot Size

11. In my discussion with the Panel as part of the Stream 1 & 2 hearing, I raised the issue of the PDP seemingly being drafted to meet the requirements of Greater Christchurch and having no regard to how the rest of the district may be different from that within Greater Christchurch. In my Statement to that hearing I highlighted some of the ways that Oxford is different from the other urban areas of the district, and that the PDP as notified needs to recognise the distinctiveness of Oxford but does not do so. I have included the relevant extract from my Hearing 1 & 2 statement as Appendix 2.

12. The global application of a 500m² minimum lot size of the proposed General Residential Zone (GRZ) across the urban centres of the district is a specific example of the PDP taking a uniform, district-wide approach that does not take account of the difference in character of Oxford from the eastern urban areas. To summarise the difference in terms of lot size, Oxford retains the character of a country town with larger lot sizes and an expansive, open character, while the eastern urban centres are more densely urbanised, with predominantly smaller lots, and have the characteristics of commuter satellite suburbs.
13. Oxford has retained its expansive character despite the 600m² minimum lot size enabled that has influenced recent infill and greenfield developments. This may be because 600m² of the ODP does not neatly fit into the 1000m² and 2000m² lots that make up much of the Res2 zoned area. Infill subdivision as a permitted activity is inevitably limited one to two additional lots, and the rational convergence of lot size to the minimum allowed is curtailed. Reducing the permitted minimum lot size to 500m² will weaken this brake on the market force and result in Oxford's gradual loss of its distinctive character and become just another suburban landscape.
14. Oxford has been excluded from the district's residential growth targets required as a result of the NPS-UD¹. Oxford is not subject to the MDRS requirements of Variation 1. No justification has been made for why Oxford should have greater density than allowed for in the ODP.
15. It is notable that in the s32 residential background analysis the only mention of Oxford was the map references identifying the Res2 zoning within Oxford². The description of the Res2 character elements makes no mention of Oxford and does not appear to have given Oxford any consideration at all. It states that Res2 sites are "generally 500m² to 1000m²", so does not give any recognition that the writer was aware of the actual size of Oxford's larger Res2 sites³. The focus areas for more detailed assessment only covered the eastern urban areas and there was no analysis of Oxford at all⁴. In the entire report, other than the one map, there is no reference to Oxford at all!
16. The 500m² minimum lot size has been imposed upon Oxford as part of the district-wide application of increased residential density without any consideration of Oxford as

¹ Strategic Directions s42A report at 76

² Residential Character and Intensification Guide, August 2018 at 2.10.1

³ Residential Character and Intensification Guide, August 2018 at 2.10.2

⁴ Residential Character and Intensification Guide, August 2018 2.14-2.19

distinct from the eastern urban centres, and without any justification as to why it is appropriate.

17. The Subdivision – Urban s42A report acknowledges that the implementation of Variation 1 results in the GRZ zone only applying to Oxford⁵. If that remains so, the only justification for a 500m² minimum lot size in Oxford – district-wide consistency – disappears.
18. There has been no justification for a 500m² minimum lot size in Oxford. Implementing one will only accelerate the change in the distinctive character of Oxford, and increasingly transform it into a smaller version of the eastern urban centres. It appears that Oxford, and its differences from the eastern urban areas, has been given no consideration at all in the development of the residential zoning provisions.
19. I stand by my submission that the minimum lot size in Oxford should not be lowered to 500m² and should remain at 600m² as per the ODP.



Ken Fletcher

13 April 2024

⁵ Stream 8-Residential Subdivision s42A Report at 327. Note that I have not been able to access Mr McLennan's Residential s42A Report referred to in para 327. As a Stream 7 report it may not yet be publicly available.

Appendix 1

Extracts from Submission on Variation 1

Submission

The introduction of the MDRS brings into sharp focus the effect that the operative plan has had in limiting the range of lot sizes brought about through the interaction of the subdivision rules and the operation of the market. This is continued in the proposed plan and made more so through Variation 1. While I have no issue with the provision of medium density housing per se, it has the effect of limiting even more the range of lot sizes being made available, and thereby greatly limiting the range and variety of residential types sizes and densities, contrary to the strategic directions, objectives and policies.

The interaction of the market and the rules needs to be taken into account. The current and proposed rules interact with economics in such a way to drive the range of residential lot sizes brought to the market towards two points the minimum size enabled in the general residential and MDRS zones, and the required average lot size in the large lot residential zone. Thus residential lot sizes in the MDRS and GRZ zones congregate in the region just above the minimum lot size (600m² in the operative plan and 500m² in the proposed plan) - typically 600-700m² depending on size of lot being subdivided, and around the required 5000m² average in the LLRZ zone. There is almost nothing subdivided to produce lots in the 800-2500m² range, or between 2500 & 4000m².

The MDRS of Variation 1 will increase the demand for larger (800-2000m²) lot sizes, while doing nothing to provide for such lot sizes, other than for multi-unit/multi-storey developments. Indeed, it is likely to reduce the supply of such site as they are more suited to redevelopment to multi-unit developments.

The current provisions do not recognise that anything greater than 1000m² is a large lot in today's residential land market.

Relief Sought

Introduce provisions that will in fact produce a range of lot sizes being made available through subdivision. There are several ways this could be achieved, including

redefining the Large Lot Residential Zone to be anything greater than 1000m and allowing subdivision to this size as a restricted discretionary (or no more than discretionary) activity. this would then apply to all land zoned Res4a or 4b in the current plan;

creating a new zone (LLRZ1) that allows subdivision down to 1000m² (or 2000m²) as a controlled or restricted discretionary activity, and apply this to land currently zoned Res 4A or 4B; and renaming the proposed LLRZ to be LLRZ2 and applying this zoning to land rezoned from rural, with subdivision down to 2500m² available as a discretionary activity;

enabling subdivision of LLRZ land to (say) 2500m² as a restricted discretionary activity, and below that size being discretionary.

Appendix 2

Extract from Statement to Hearing 1 & 2

Description of the District

The district description states

Some 80% of the population is located in the eastern part of the [District](#) which contains the largest towns of Kaiapoi, Rangiora and Woodend/Pegasus. Oxford is the largest town in the west of the [District](#).

This, while correct, does not capture the gulf that separates Oxford from the other named centres, and this is generally the case throughout the Plan. The Plan variously identifies Oxford, along with Rangiora and Kaiapoi as a Key Activity Centreⁱ, as having a Principal Shopping Streetⁱⁱ, and as one of the four main centres (including Woodend)ⁱⁱⁱ. Oxford is stated to be one of "...the larger [urban environments](#)..." along with Rangiora, Kaiapoi and Woodend/Pegasus^{iv}.

Reading the plan gives the impression that Oxford is one and the same as Rangiora, Kaiapoi and Woodend/Pegasus, just "in the west". The reality is very different.

- Rangiora, Kaiapoi and Woodend/Pegasus are all within 10km of each other. Oxford is 30-40km from all of them.
- Rangiora/Kaiapoi and Woodend/Pegasus all have 10,000-plus population, Oxford has about 2,200^v.
- Rangiora, Kaiapoi and Wooded/Pegasus all have public transport linking them to each other and to Christchurch. Oxford has no public transport.
- Rangiora, Kaiapoi and Woodend/Pegasus have two all-year round public swimming pools, and an indoor sports stadium, funded by rates. Oxford has neither.
- Between them, Rangiora, Kaiapoi and Woodend/Pegasus have numerous primary schools and two secondary schools. Oxford has an Area School.
- Oxford is still dominated by the classic Kiwi half- and quarter-acre lots, despite post-earthquake development of sub-1000m² developments and infill subdivisions. It retains the character of the classic NZ country town.
- Oxford has a considerably higher self-sufficiency ratio than the wider district, with over 40% of resident labour force working in Oxford ward, and over 55% working within the district^{vi}.
- Although Oxford is experiencing the same population growth pressures as the rest of the district (15% growth 2013-2018 and 28% growth 2006-2018^{vii}), Oxford is the only Waimakariri main centre that has not had areas of residential or commercial land expansion identified in the proposed plan.
- Although the plan includes Oxford as an urban environment (along with every hamlet village and town in the district!), despite being nowhere near the 10,000-population threshold^{viii}, Oxford is not prima facie an urban environment under the NPS-UD,

unlike Rangiora, Kaiapoi and Woodend/Pegasus. It is unclear, but the plan appears to consider the entire district not zoned rural to be part of one single housing and labour market. This is the only way the Plan description of the urban environment can be reconciled with the NPS-UD definition.

- Oxford is not subject to the Medium Density Residential Zone provisions.
- Oxford is not included within Greater Christchurch area and is not covered in the Greater Christchurch Spatial Plan^{ix}.
- Oxford is not covered by Map A of the RPS.
- WDC 2021 housing demand assessment has excluded Oxford because it is not within the Greater Christchurch Partnership area^x. The NPS-UD does not require a housing demand assessment for Greater Christchurch, but to urban environments within Tier 1 districts. Waimakariri is the tier 1 district, not Greater Christchurch. Although Oxford is nominally excluded under the NPS-UD definition, the proposed plan interpretation of Urban Environment brings Oxford back into the scope of NPS-UD.
- WDC is now updating its future development strategy (Our District, our Future, July 2018) in conjunction with the Greater Christchurch partners as a joint future development strategy^{xi}. As Oxford is outside the scope of Greater Christchurch, Oxford is excluded from the District Future Development Strategy.

The planning fixation on Greater Christchurch and Map A of the RPS leads to unintended consequences for areas like Oxford that are outside Greater Christchurch, as demonstrated by the previous submission from Ashley Industrial Services. The plan writers and the s42A report assumes that, being outside Greater Christchurch, Oxford will not have any areas of new development and/or that reverse sensitivity effects could not apply in Oxford. The plan is about the Waimakariri District and applies to the whole district. It is not about the Greater Christchurch area.

Oxford Is a Key Activity Centre, it is one of the District's four main centres, it does have a Principal Shopping Street and is one of the larger urban environments, along with Rangiora, Kaiapoi and Woodend/Pegasus/Ravenswood, as stated in the proposed plan. But Oxford is very clearly not like Rangiora, Kaiapoi, and Woodend/Ravenswood/Pegasus. Oxford retains much of the character and flavour of a country town, while the other centres are better characterised as commuter towns and satellites of Christchurch.

Oxford is the largest town in the west of the district, but it has not yet joined Bilbo, Frodo and the elves and gone into the west. Oxford has a different character and flavour from the other district main centres, and this needs to be recognised in the proposed plan. The only place where this can be done is in the District Description

The s42A report claims that the Description of the District is about the physical features of the district in objective terms, and that character is subjective^{xii}. While the detail of character may be subjective, that there are significant differences in character between centres is objective fact. Where those centres are otherwise lumped together in the detail of the plan, that there is a significant difference needs to be acknowledged and stated upfront in the plan. The only place to do that is in the Description of the District.

Urban Centres v Urban Environment

At 3.9.1 the Urban Form s42A report recommends the introduction of a new definition, Urban Centres, that includes Rangiora, Kaiapoi and Woodend/Pegasus but not Oxford, and

then proposed using Urban Centres in place of Urban Environment in SD-O2, UFD-P1 and UFD-P2. The effect of that is to remove any objective or policy provisions allowing new residential development in Oxford.

The s42A report states (para 167) (emphasis added)

The intent of the Urban Form and Development objectives and policies are to encourage any future residential, industrial and commercial development to occur on land that adjoins **Rangiora, Kaiapoi and Woodend** in line with objectives 6.2.2(4) and 6.2.2(5), and Policy 6.3.1(4) of the RPS.

That is not what the notified urban form objectives and policies are doing. As notified, they are about residential capacity development in **the district**⁶, with a particular carve out for that occurring in Rangiora and Kaiapoi⁷. Submissions seek to extend the carve out to Woodend/Pegasus. Any move to restrict new residential development to just the carve out areas is an error and out of scope.

The planning fixation of Greater Christchurch and Map A again results in Oxford falling out of the Plan. The latest WDC Future Development Strategy has Oxford population growing by 67% 2018-2048⁸. The s42A report would preclude any new residential development in Oxford to accommodate that growth.

Oxford is different from Rangiora, Kaiapoi and Woodend/Pegasus and this needs to be clearly acknowledged in the Plan at a high level. The only place to do this is in the description of the district. If this is not done the planning fixation of Greater Christchurch will result in Oxford being forgotten in this plan development process and will result in Oxford truly going into the West.

I stand by my submission that the Description of the District should be amended to read

Oxford, ~~is~~ the largest town in the west of the District has a different character to Rangiora, Kaiapoi and Woodend/Pegasus.

ⁱ Definitions: KEY ACTIVITY CENTRE - means the centres of Rangiora, Kaiapoi and Oxford *which are focal points for employment, community activities and the transport network; and* which are suitable for more intensive mixed-use development.

ⁱⁱ Definitions: PRINCIPAL SHOPPING STREET - means an area identified in the [District Plan](#) as a principal shopping street in Rangiora, Oxford or Kaiapoi.

ⁱⁱⁱ SD-O3 Urban Development (5) supports a hierarchy of urban centres, with the District's main centres in Rangiora, Kaiapoi, Oxford and Woodend being: ...

⁶ SD-O3, UFD-O1, UFD-P1, UFD-P2(2), UFD-P3 to UFD-P5 and UFD-P7 to UFD-P10

⁷ UFD-P2(1) and UFD-P6

⁸ Our District, our Future, July 2018, pp44-45

^{iv} General Objectives for all Residential Zones, Introduction

^v 2018 Census

^{vi} Oxford: An economic profile for Oxford and the Wider Waimakariri District, 2015, p 11

^{vii} <https://www.stats.govt.nz/tools/2018-census-place-summaries/oxford>

^{viii} Definitions: URBAN ENVIRONMENT - means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that:

a) is, or is intended to be, predominantly urban in character; and

b) is, or is intended to be, part of a housing and labour market of at least 10,000 people.

For Waimakariri [District](#), the urban environment described in (a) and (b) comprises the towns of Rangiora, Kaiapoi, Woodend (including Ravenswood), Pegasus, Oxford, Waikuku, Waikuku Beach, The Pines Beach, Kairaki, Woodend Beach, the small towns of Ashley, Sefton, Cust, Ohoka, Mandeville, and all Large Lot Residential Zone areas

^{ix} Our Space 2018-2048, Greater Christchurch Settlement Pattern Update, July 2019

^x S42A Urban Form and Development at 74

^{xi} Email from Anne Babbage, WDC planner, 9/5/23

^{xii} S42A Overarching and Part 1 Matters at 66