

OFFICER'S REPORT FOR:

Hearings Panel

SUBJECT:

**Proposed Waimakariri District Plan: Whitua
Taiwhenua - Rural Zones Rezoning Requests**

PREPARED BY:

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REPORT DATED:

10 May 2024

DATE OF HEARING:

Hearing Stream 12B (11 - 12 June 2024)



WAIMAKARIRI
DISTRICT COUNCIL

Executive Summary

1. This report considers submissions received by the District Council in relation to the zoning of the Rural Zones, which comprise the General Rural Zone (GRUZ) and the Rural Lifestyle Zone (RLZ). The key difference in provisions between these zones is the minimum lot size proposed, which is 20ha for the GRUZ and 4ha for the RLZ. The report outlines recommendations in response to the issues that have emerged from these submissions.
2. The Rural Zones s42A Report and Subdivision (Rural) s42A Report are of particular relevance to this report given they address matters relating to the rural zones, particularly their considerations of the 4ha (RLZ) vs 20ha (GRUZ) minimum lot size matter. These reports are structured such that the Rural Zones s42A Report heard within Hearing Stream 6 considered the framework of the objectives and policies and provisions of those zones, while the Subdivision (Rural) s42A Report heard in Hearing Stream 8 considered the subdivision standards that would apply to development. The focus of this report is the rezoning sought to be rezoned as part of submissions.
3. I consider the key issues raised in submissions are:
 - i. Opposition to GRUZ zoning, primarily due to the reduced subdivision potential for land within GRUZ, compared to the RLZ and Large Lot Residential Zone (LLRZ);
 - ii. For a number of submitters properties, whether the appropriate zone for their property is RLZ or GRUZ;
 - iii. The appropriateness of the GRUZ zoning of the west and east branches of Coopers Creek above its confluences;
 - iv. The desire for rural residential development around the District's towns (peri-urban); and
 - v. The RLZ restrictions on density.
4. This report addresses each of these matters, as well as any other issues raised by submissions.
5. In response to matters raised in the submissions, I recommend one amendment, to rezone the east and west branches of Coopers Creek above their confluence from GRUZ to Natural Open Space Zone (NOSZ).
6. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that the PDP should be amended as set out in **Appendix A** of this report.
7. For the reasons set out in the Section 32AA evaluation in this report, I consider that the proposed rural zoning, with the recommended amendments, will be the most appropriate means to:
 - i. achieve the purpose of the Resource Management Act 1991 (RMA) where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives; and
 - ii. achieve the relevant objectives of the PDP, in respect to the proposed provisions.

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Interpretation

8. This report utilises a number of abbreviations for brevity as set out in **Table 1** below:

Table 1: Abbreviations

Abbreviation	Means
CRPS	Operative Canterbury Regional Policy Statement
District	Waimakariri District
District Council	Waimakariri District Council
ECan	Environment Canterbury / Canterbury Regional Council
GRUZ	General Rural Zone
HPL	Highly Productive Land (as contains LUC 1, 2, or 3 soils)
LLRZ	Large Lot Residential Zone
Lot	Allotment
LUC	Land Use Capability (soil classification)
NOSZ	Natural Open Space Zone
NPS-HPL	National Policy Statement for Highly Productive Land 2022
NPS-UD	National Policy Statement for Urban Development 2020
Operative Plan	Operative Waimakariri District Plan
ONL	Outstanding Natural Landscape
PDP	Proposed Waimakariri District Plan
RLZ	Rural Lifestyle Zone
RMA	Resource Management Act 1991
RURZ	Rural Zones
RRDS	Waimakariri Rural Residential Development Strategy 2019

1 Introduction

1.1 Purpose

9. The purpose of this report is to provide the Hearings Panel with a summary and analysis of the submissions received in relation to the zoning of the Rural Zones and recommend amendments to the PDP in response to those submissions.
10. This report is prepared under section 42A of the RMA. It considers submissions received by the District Council in relation to the PDP zoning of the Rural Zones, which comprise the GRUZ and the RLZ. The report outlines recommendations in response to the key issues that have emerged from these submissions.
11. This report discusses general issues or topics arising, the submissions and further submissions received following notification of the PDP, makes recommendations as to whether or not those submissions should be accepted or rejected, and concludes with any recommendation for changes to the PDP planning map.
12. This report is provided to assist the Hearings Panel in their role as Independent Commissioners. The Hearings Panel may choose to accept or reject the conclusions and recommendations of this report and may come to different conclusions and make different recommendations, based on the information and evidence provided to them by submitters.

1.2 Author

13. My name is Shelley Milosavljevic. My qualifications and experience are set out in **Appendix C** of this report. My role in preparing this report is that of an expert planner.
14. I was involved in the preparation of the PDP. However, I did not author the Rural Zones provisions or s32 Report, which were prepared by consultant planner Jane Whyte.
15. The Rural Zones s42A Report and Subdivision (Rural) s42A Report are of particular relevance to this report given they address matters relating to the rural zones, particularly their considerations of the 4ha (RLZ) vs 20ha (GRUZ) minimum lot size matter. The Rural Zones s42A Report heard within Stream 6 considered the framework of the objectives and policies and provisions of those zones, while the Subdivision (Rural) s42A Report heard in Stream 8 considered the subdivision standards that would apply to development. The focus of this report is the rezoning outcomes specific to land sought to be rezoned as part of submissions. Mr Buckley was the s42A Officer for both these reports which were heard in Hearing Stream 6 (October 2023) and Hearing Stream 8 (April 2024) respectively; I am the s42A Officer for this report for s42A Officer resourcing reasons. I have had regard to both of these reports when writing this report.
16. Although this is a District Council Hearing, I have read the Environment Court's Code of Conduct for Expert Witnesses Practice Note (2023 version). I have complied with that Code when preparing my written statement of evidence and I agree to comply with it when I give any oral evidence.
17. The scope of my evidence relates to the PDP zoning of the Rural Zones, which comprise the GRUZ and the RLZ. I confirm that the issues addressed in this statement of evidence are within my area of expertise as an expert planner.

18. I viewed 713 Bay Road, Oxford [371.1] from the road on 1 April 2024, and viewed 2 Riverside Road, Okuku [78.1], the Main Race Road area [11.1], and Downs Road – Isaac Road area [42.1], from the road on 9 April 2024. The reason I viewed these sites was because they are not located within HPL thus not subject to the directive NPS-HPL provisions (with the exception of 0.2% of 713 Bay Road, Oxford that is HPL).
19. Any 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. Where I have set out opinions in my evidence, I have given reasons for those opinions.
20. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

1.3 Key Issues in Contention

21. A number of submissions were received in relation to the zoning of the Rural Zones. I consider the following to be the key issues in contention in the chapter:
- i. Opposition to GRUZ zoning, primarily due to the reduced subdivision potential for land within the GRUZ, compared to RLZ and LLRZ;
 - ii. For a number of submitters properties, whether the appropriate zone for their property is RLZ or GRUZ;
 - iii. The appropriateness of the GRUZ zoning of the west and east branches of Coopers Creek above its confluence;
 - iv. The desire for peri-urban rural residential development around the District's towns; and
 - v. The RLZ restrictions on density.
22. I address each of these key issues in this report, as well as any other issues raised by submissions.

1.4 Procedural Matters

1.4.1 *Clause 8AA meetings*

23. At the time of writing this report there have not been any clause 8AA meetings in relation to submissions on this topic.

1.4.2 *Intensification planning instruments (IPIs)*

24. I note that the rural zones are not subject to the changes introduced by both Variation 1 (Residential intensification) and Variation 2 (Financial Contributions).

1.4.3 Joint Witness Statement – Urban Environment (Planning)

25. I was involved in the pre-hearing conferencing relating to the definition of the 'urban environment', as requested by Minute 20 and Minute 22. This resulted in the *'Joint Witness Statement – Urban Environment (Planning) – Day 1 - Date: 26 March 2024'*¹.
26. The reason I was involved in this conferencing was given its potential relevance to the application of Clause 3.6 of the National Policy Statement for Highly Productive Land 2022 (NPS-HPL), which relates to restricting the urban rezoning of Highly Productive Land (HPL) and provides different requirements for Tier 1 and 2 territorial authorities (as per Clause 3.6(1)-(3)) to territorial authorities that are not Tier 1 or 2 territorial authorities (as per Clause 3.6(4)).
27. Views were split within the JWS as to whether Greater Christchurch is, or is intended to be, predominantly urban in character, and this therefore whether it meets the first limb of the National Policy Statement on Urban Development's 2020 (NPS-UD) definition of 'urban environment'. I am of the view that as there are rural areas within Greater Christchurch that are not predominantly urban in character and therefore do not meet the definition of 'urban environment'.
28. On further reflection, I consider that while the extent of the NPS-UD's Christchurch 'Tier 1 urban environment' is more subjective, Clause 3.6(1)-(3) of the NPS-HPL applies to the District Council outright as Table 1 of the NPS-UD Appendix states that the Waimakariri District Council is a Tier 1 local authority.

¹ https://www.waimakariri.govt.nz/_data/assets/pdf_file/0029/161669/STREAM-12-URBAN-ENVIRONMENT-DAY-1-JWS.pdf

2 Statutory Considerations

2.1 Resource Management Act 1991

29. The PDP has been prepared in accordance with the RMA and in particular, the requirements of s74 - Matters to be considered by territorial authority, and s75 - Contents of district plans.
30. There are a number of higher order planning documents and strategic plans that provide direction and guidance for the preparation and content of the PDP. These documents are discussed in detail within the Section 32 Report: Whaitua Taiwhenua/Rural².

2.2 Section 32AA

31. I have undertaken an evaluation of the recommended amendments to provisions since the initial section 32 evaluation (s32) was undertaken in accordance with Section 32AA. Section 32AA (s32AA) states:

s32AA Requirements for undertaking and publishing further evaluations

(1) A further evaluation required under this Act—

(a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and

(b) must be undertaken in accordance with section 32(1) to (4); and

(c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and

(d) must—

(i) be published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or

(ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.

(2) To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).

32. The required s32AA evaluation for the amendment recommended is contained within the section on the applicable submission, as required by s32AA(1)(d)(ii).

2.3 Trade Competition

33. There are no known trade competition issues raised within the submissions.

² https://www.waimakariri.govt.nz/_data/assets/pdf_file/0020/136109/24.-RURAL-S32-REPORT-DPR-2021..pdf

3 Consideration of Submissions and Further Submissions

3.1 Overview

34. This report addresses a total of 84 submission points from 34 submitters and 19 further submissions primarily seeking rezoning of land within the GRUZ, and also some seeking rezoning of land within the RLZ.
35. The majority of the submitters oppose the GRUZ zoning of their properties (or other properties) and seek rezoning primarily to RLZ, and some to LLRZ, citing various reasons, including:
- subdivision and development potential,
 - primary production constraints including reverse sensitivity,
 - support for peri-urban zoned land, and
 - enabling reduction in speed limits.
36. One submission seeks the Coopers Creek west and east branches above their confluence be rezoned from GRUZ to NOSZ.
37. Two submitters seek rezoning from RLZ to LLRZ in order to be able to build a residential unit on their undersized RLZ lot.

3.1.1 Report Structure

38. Submissions are grouped into subtopics within this report. I have considered further submissions as part of my consideration of the submission to which they relate. The evaluation should be read in conjunction with the summaries of submissions and the submissions themselves.
39. **Appendix A** contains a version of the planning map with the recommended amendment in response to a submission.
40. **Appendix B** contains specific recommendations on each submission and further submission. Submissions in support are addressed in **Appendix B** only.

3.1.2 Format for Consideration of Submissions

41. For each identified topic, I have considered the submissions that are seeking changes to the PDP in the following format:
- Matters raised by submitters;
 - Assessment;
 - Summary of recommendations; and
 - Section 32AA evaluation (where amendments are recommended).
42. The sole recommended amendment is set out in **Appendix A** of this report.
43. I have undertaken a s32AA evaluation in respect to the recommended amendment in my assessment.
44. My recommendations in relation to further submissions reflect the recommendations on the relevant submissions.

3.2 Rural Zones background

3.2.1 General Rural Zone and Rural Lifestyle Zone

45. Objective SD-O4, GRUZ-O1, and RLZ-O1 are of particular relevance to set out the purpose of these zones in the context of this report³. As these proposed objectives are under consideration (from submissions as part of the PDP hearing process) I have set out below the most up-to-date versions of these in terms of any recommended amendments however I acknowledge that the Panel may reach a different decision on them thus reiterate that these versions are interim, recommended versions only.
46. Strategic directions objective SD-O4⁴ seeks that:
- “Outside of identified residential development areas and the Special Purpose Zone (Kāinga Nohoanga), rural land is managed to ensure that it remains available for productive rural activities by:*
- 1. providing for ~~rural primary~~ production ~~activities, activities that directly support rural production activities~~ rural industry and activities reliant on the natural resources of Rural Zones and limit other activities; and*
 - 2. ensuring that within rural areas the establishment and operation of ~~rural primary~~ production activities are not limited by new incompatible sensitive activities.”*
47. The GRUZ and RLZ are the two Rural Zones within the District. The General Objectives and Policies for all Rural Zones (RURZ) chapter in the PDP sets out objectives and policies that apply to both the GRUZ and RLZ chapters. In addition, there are also specific objectives and policies for the GRUZ and RLZ in their respective chapters.
48. GRUZ-O1⁵ sets out the purpose of the GRUZ as:
- ~~“Natural and physical resources and p~~Primary production activities which contribute to the District's rural productive economy and rely on the natural and physical resources of the rural environment dominate while fragmentation of land into small rural parcels is restricted.”*
49. RLZ-O1⁶ sets out the RLZ purpose as:
- “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.”*
50. The GRUZ makes up the majority of the rural area in the District and the RLZ is focused on the east of the District as can be seen on the map in **Figure 1**.

³ I have not undertaken a strategic directions primacy assessment as this report is about the appropriateness of the zoning, rather than re-testing the objectives.

⁴ Recommended amendments version from Strategic Directions s42A Report (no additional amendments proposed via Strategic Directions Reply Report)

⁵ Recommended amendments version from Rural Zones s42A Report (no additional amendments recommended via Rural Zones Reply Report)

⁶ Notified version – no amendments recommended via Rural Zones s42A Report or Reply Report



Figure 1: Map of District showing extent of Rural Lifestyle Zone (beige) and General Rural Zone (light green) zoning in the notified PDP (Source: WAIMAP)

51. The most significant difference between the two rural zones is the density of residential units and subdivision that is enabled. In the RLZ, the minimum area lot size is 4ha and in the GRUZ the minimum area lot size is 20ha. These minimum lot sizes reflect the predominant character of each zone whilst providing for primary production activities and other rural activities.
52. I consider that, based on objective and policy direction of PDP, both GRUZ and RLZ are forms of rural environments albeit with different dwelling densities and different abilities to undertake primary production. The Rural Character Assessment 2018⁷ (page 6) notes the difference in rural character of smaller and larger rural lots:

“Small rural lots – 4ha to 10ha. Combination of residential and small scale primary production operations, woodlots, horticulture, livestock etc. In locations with a high density of small rural lots, the resulting rural character can be at the ‘residential’ end of the rural character scale

⁷ Rural Character Assessment 2018 - Prepared by Boffa Miskell Ltd
https://www.waimakariri.govt.nz/_data/assets/pdf_file/0021/136137/18.-FINAL-RURAL-CHARACTER-ASSESSMENT-BOFFA-MISKELL-6-JUNE-2018.PDF

rather than 'productive' rural land due to the relatively high density of buildings, fences, shelterbelts and small enclosed paddocks.

Productive Rural – 10ha+. Large lots/land parcels that support large scale or extensive primary production. Productive rural landscapes are associated with a low density of dwellings and buildings, large paddocks and farming equipment/buildings, lower density of shelterbelts, and plantation forestry."

53. The Rural Character Assessment 2018⁸ (page 6) notes that:

"Inevitably the subdivision pattern (lot size, lot density, extent of subdivision) has a strong influence on the land use activities and landcover patterns and therefore the subsequent rural character of an area. For example, an area dominated by small rural lots is typified by small paddocks, fenced and vegetated boundaries and road frontages, entranceway features and gates, long driveways, dwellings and out buildings. In contrast, larger lots associated with productive farmland are typified by large paddocks, with a lower frequency of boundary planting, fences, buildings and dwellings."

54. I therefore consider that while smaller rural lots (more common within RLZ) and larger rural lots (more common within GRUZ) typically results in different subdivision patterns, both contribute to the rural character of the rural environment.

3.2.2 Immediate legal effect of rules

55. In July 2021, the District Council applied to the Environment Court seeking immediate legal effect under s86D of the RMA⁹ for the provisions requiring a minimum lot size of 20ha within the GRUZ. The application seeking the ruling, identified that rural subdivision and development is a key strategic issue for the District and that there had been constant pressure for rural subdivision since the Operative Plan became operative¹⁰.

56. The District Council's application was founded on the following key matters:

(a) the strategic importance of the proposed Rules in retaining the essential rural qualities of productivity and character;

(b) the finite and vulnerable nature of the rural land resource, with the effects of 4 ha subdivision being almost invariably irreversible;

(c) historic pressure for 4 ha subdivision and residential development throughout virtually all the proposed Rural Zone, with demand increasing in recent times;

(d) the order sought would serve to create a "pause" to allow submissions to be heard and decided in the current environment. If the rules are not approved in their present form, future applications will proceed under whatever minima are decided. In the meantime, the

⁸ Rural Character Assessment 2018 - Prepared by Boffa Miskell Ltd

https://www.waimakariri.govt.nz/_data/assets/pdf_file/0021/136137/18.-FINAL-RURAL-CHARACTER-ASSESSMENT-BOFFA-MISKELL-6-JUNE-2018.PDF

⁹ Environment Court Decision No. [2021] NZEnvC 142. Date issued: 17 September 2021. Paragraph [1].

¹⁰ Environment Court Decision No. [2021] NZEnvC 142. Date issued: 17 September 2021. Paragraph [3].

*effectiveness and benefits of the increased minimum lot size will not be diluted by development.*¹¹

57. The Environment Court order was granted, and the following rules had immediate legal effect on the date that the PDP was notified (18 September 2021):

- GRUZ-R41 – Residential unit,
- GRUZ-R42 – Minor residential unit,
- Definitions for 'minor residential unit' and 'residential unit', and
- SUB-R10¹² - Subdivision: General Rural Zone.

58. Because of the Environment Court order, since the notification of the PDP, subdivision within the GRUZ under 20ha is a non-complying activity. Submissions on rule SUB-R10 are addressed in the Rural Subdivision s42A Report¹³.

59. A memo (provided in **Appendix F**) prepared by Wendy Harris, Planning Manager of Plan Implementation Unit at the District Council, along with her speaking notes¹⁴ from Hearing Stream 8, set out the background for the rural subdivision consent applications that were in progress at the time that PDP was notified.

3.2.3 Rural Zone s42A Report and Subdivision (Rural) s42A Report recommendations

60. Section 3.8 of the Subdivision (Rural) s42A Report¹⁵ and section 3.22 of the Rural Zones s42A Report¹⁶ included consideration of submissions seeking the minimum lot size for GRUZ be amended from 20ha to 4ha. These reports both did not recommend any amendments to the 20ha minimum lot size within GRUZ principally on the basis that it would limit primary production opportunities, however I acknowledge that the Panel may come to a different decision on these matters.

3.2.4 National Policy Statement for Highly Productive Land

61. The NPS-HPL is applicable to most of the submissions addressed within this report and is a significant determining factor for rezoning requests. The NPS-HPL came into effect on 17 October 2022¹⁷, approximately one year after submissions on the PDP closed, therefore submissions do not address this higher order document. Mr Buckley prepared a memo¹⁸ on the

¹¹ Environment Court Decision No. [2021] NZEnvC 142. Date issued: 17 September 2021. Paragraph [9].

¹² Environment Court Decision No. [2021] NZEnvC 142. Date issued: 17 September 2021. Paragraph [B].

¹³ https://www.waimakariri.govt.nz/_data/assets/pdf_file/0032/160997/STREAM-8-SUBDIVISION-RURAL-SECTION-42A-REPORT.pdf

¹⁴ https://www.waimakariri.govt.nz/_data/assets/pdf_file/0019/162091/STREAM-8-SPEAKING-NOTES-WENDY-HARRIS-S42A.pdf

¹⁵ https://www.waimakariri.govt.nz/_data/assets/pdf_file/0032/160997/STREAM-8-SUBDIVISION-RURAL-SECTION-42A-REPORT.pdf

¹⁶ https://www.waimakariri.govt.nz/_data/assets/pdf_file/0013/142240/STREAM-6-RURAL-ZONE-SECTION-42A-REPORT.pdf

¹⁷ I also note that the Exposure Draft for the NPS-HPL was released 23 September 2021, and the PDP was notified five days earlier on 18 September 2021.

¹⁸ https://www.waimakariri.govt.nz/_data/assets/pdf_file/0022/137137/MEMO-TO-HEARING-PANEL-ON-NPS-HPL-BY-WDC.pdf

NPS-HPL in June 2023 in response to a question from the Panel regarding Council's intended approach to giving effect to the NPS-HPL and how it applies to the District.

62. The NPS-HPL requires regional councils to map highly productive land (HPL) as per Clause 3.4 within three years of the NPS-HPL taking effect. The Canterbury Regional Policy Statement (CRPS) has not yet been updated with this mapping. During this transitional period, Clause 3.5(7) of the NPS-HPL outlines how HPL should be identified until the CRPS is updated to contain maps identifying HPL (as per Clause 3.4), as follows:

"(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."

63. The PDP does not contain a Rural Production Zone. **Figure 2** Figure 2 below shows the extent of the Land Use Capability (LUC) 1, 2 and 3 soils within the District.

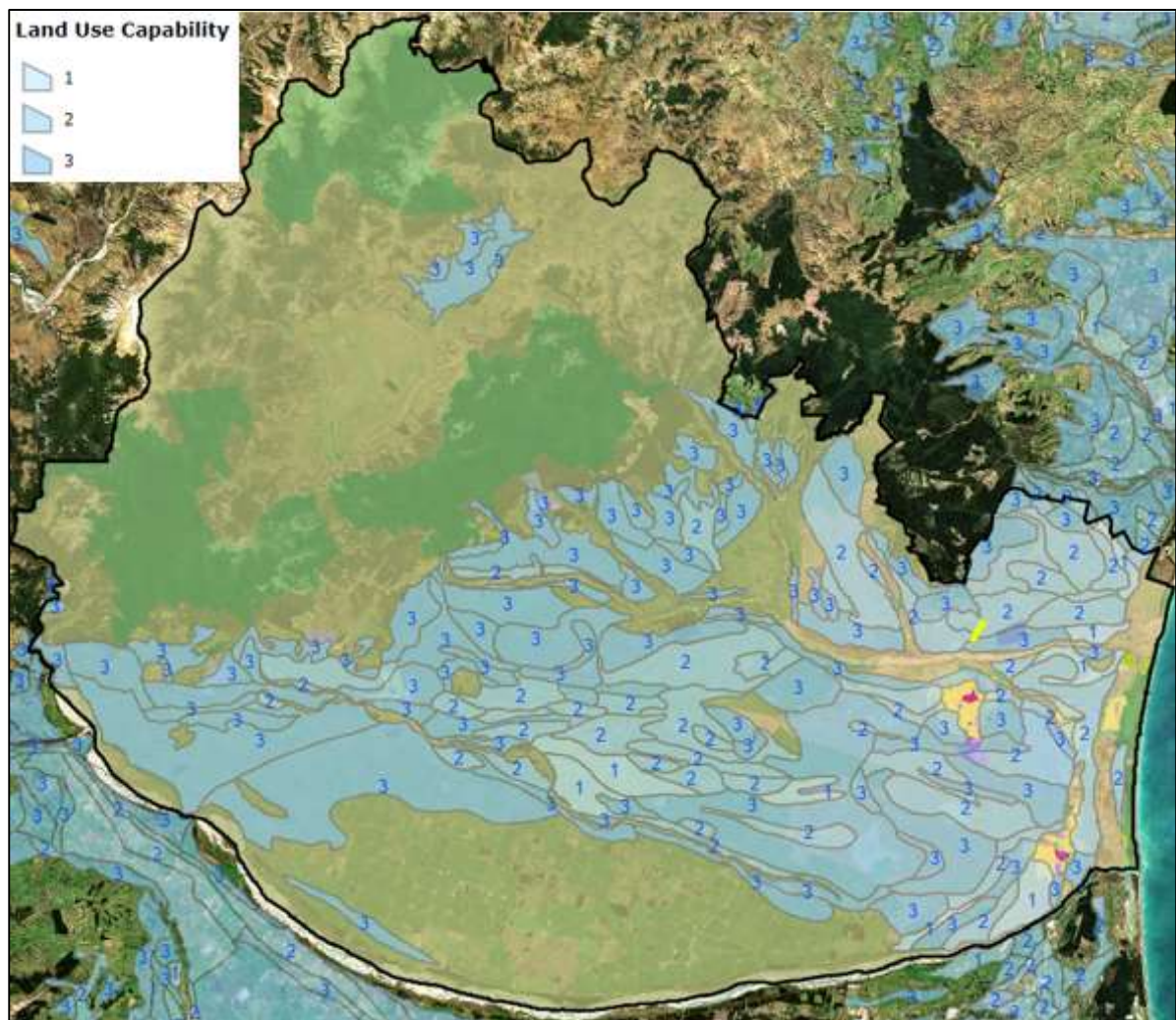


Figure 2: Map of District showing LUC 1-3 soils (Source: WAIMAP)

64. I consider Objective 1, Policy 4, Policy 5, Policy 6, Policy 7, and Policy 8 of the NPS-HPL are of particular relevance to the matters addressed in this report.
65. Objective 1 of the NPS-HPL seeks that:
- "Highly productive land is protected for use in land-based primary production, both now and for future generations".*
66. Policy 4 of the NPS-HPL seeks that:
- "The use of highly productive land for land-based primary production is prioritised and supported."*
67. Policy 5 seeks that:
- "The urban rezoning of highly productive land is avoided, except as provided in this National Policy Statement."*
68. Policy 6 seeks that:
- "The rezoning and development of highly productive land as rural lifestyle is avoided, except as provided in this National Policy Statement."*
69. Clause 3.7(1) directs that the rezoning of HPL to RLZ must be avoided, except as provided for within Clause 3.10. Clause 3.10 sets out exemptions for rezoning HPL from GRUZ to RLZ subject to permanent or long-term constraints that mean the use of the HPL for land-based primary production is not able to be economically viable for at least 30 years, and that such constraints cannot be addressed through any reasonably practicable options that would retain the HPL's productive capacity (e.g., changing farming practices) (Clause 3.6(2)). Clause 3.10(4) also states that the size of a landholding with HPL is not of itself a determinant of a permanent or long-term constraint.
70. Clause 3.10 also requires that the subdivision, use or development of HPL would avoid significant loss of productive capacity of HPL (Clause 3.6(1)(b)(i)), that it avoids fragmentation of large and geographically cohesive areas of HPL (Clause 3.6(1)(b)(ii)), and avoids or mitigates potential reverse sensitivity effects on surrounding primary production (Clause 3.6(1)(b)(iii)).
71. Clause 3.10 also requires that the benefits outweigh the long-term costs, taking into account both tangible and intangible values (Clause 3.10(1)(c)).
72. Policy 7 seeks that:
- "The subdivision of highly productive land is avoided, except as provided in this National Policy Statement."*
73. Policy 8 seeks that:
- "Highly productive land is protected from inappropriate use and development."*

74. In terms of the transitional provisions¹⁹ for identifying HPL under Clause 3.5(7) of the NPS-HPL and the 'exemptions' to what is considered HPL provided in Clause 3.5(7)(b), none of the rezone requests addressed within this report are specifically for areas identified for future urban development (as per Clause 3.5(7)(b)(i)), or subject to a Council initiated, or an adopted, notified plan change (as per Clause 3.5(7)(b)(ii)). Therefore, in terms of this report, rezone requests that are within both the GRUZ and LUC 1, 2, or 3 are considered HPL under the transitional provisions of Clause 3.5 and the NPS-HPL therefore applies. Most of the rezone requests addressed in this report contain HPL, either partly or fully, as can be seen in more detail in **Appendix D**.

3.2.5 Canterbury Regional Policy Statement

75. I consider the following provisions of the CRPS to be of particular relevance to the rural rezone requests addressed in this report:

- i. Objective 5.2.1 (which applies to the entire District) seeks development that (amongst other matters) *"enables rural activities that support the rural environment including primary production"*²⁰..";
- ii. Policy 5.3.2 (which applies to the 'wider region' thus the portion of the District outside Greater Christchurch) seeks that (among other things) development avoids, remedies or mitigates adverse effects that would compromise or foreclose *"the productivity of the region's soil resources, without regard to the need to make appropriate use of soil which is valued for existing or foreseeable future primary production, or through further fragmentation of rural land"*²¹; and
- iii. Policy 5.3.12, relates to rural production and applies to the 'wider region' thus the portion of the District outside Greater Christchurch. I have provided it in full below as I consider it is of most relevance to this topic:

"5.3.12 Rural production (Wider Region)

Maintain and enhance natural and physical resources contributing to Canterbury's overall rural productive economy in areas which are valued for existing or foreseeable future primary production, by:

1. avoiding development, and/or fragmentation which;

a. forecloses the ability to make appropriate use of that land for primary production;

and/or

b. results in reverse sensitivity effects that limit or precludes primary production.

2. enabling tourism, employment and recreational development in rural areas, provided that it:

¹⁹ Until mapped by the Regional Council as per Clause 3.4 of the NPS-HPL

²⁰ Objective 5.2.1(2)(e)

²¹ Objective 5.2.1(1)(c)

a. is consistent and compatible with rural character, activities, and an open rural environment;

b. has a direct relationship with or is dependent upon rural activities, rural resources or raw material inputs sourced from within the rural area;

c. is not likely to result in proliferation of employment (including that associated with industrial activities) that is not linked to activities or raw material inputs sourced from within the rural areas; and

d. is of a scale that would not compromise the primary focus for accommodating growth in consolidate, well designed and more sustainable development patterns. and;

3. ensuring that rural land use intensification does not contributed to significant cumulative adverse effects on water quality and quantity.”

76. Chapter 6 addresses development within Greater Christchurch and of most relevance is Policy 6.3.9 which requires that rural residential development be identified within a Rural Residential Development Strategy; which is relevant to the submissions in this report seeking LLRZ zoning.
77. Chapter 15 (Soils) addresses versatile soils, which the CRPS defines as LUC 1 and 2 only. Objective 15.2.1 seeks the maintenance of soil quality, including productive capacity. **Section 3.2.4** above outlines how the NPS-HPL applies to LUC 1, 2 and 3 soils within the GRUZ and as such the provisions of Chapter 15, as they relate to versatile soils, are superseded by the NPS-HPL. Therefore, within the District, Chapter 15 only applies to LUC 1 and 2 soils located outside the GRUZ. Thus Chapter 15 is not of relevance to the GRUZ rezone submissions addressed in this report.
78. I note that the CRPS has not yet been amended to give effect to the NPS-HPL, however it is still a relevant higher order document to give effect to. The NPS-HPL specifically recognises that Regional Policy Statement's prepared prior to the NPS-HPL will need to be reviewed, for a at a minimum mapping of HPL.

3.3 Rural rezoning request assessment framework

79. Figure 3 below sets out the assessment framework for considering these rezone requests.

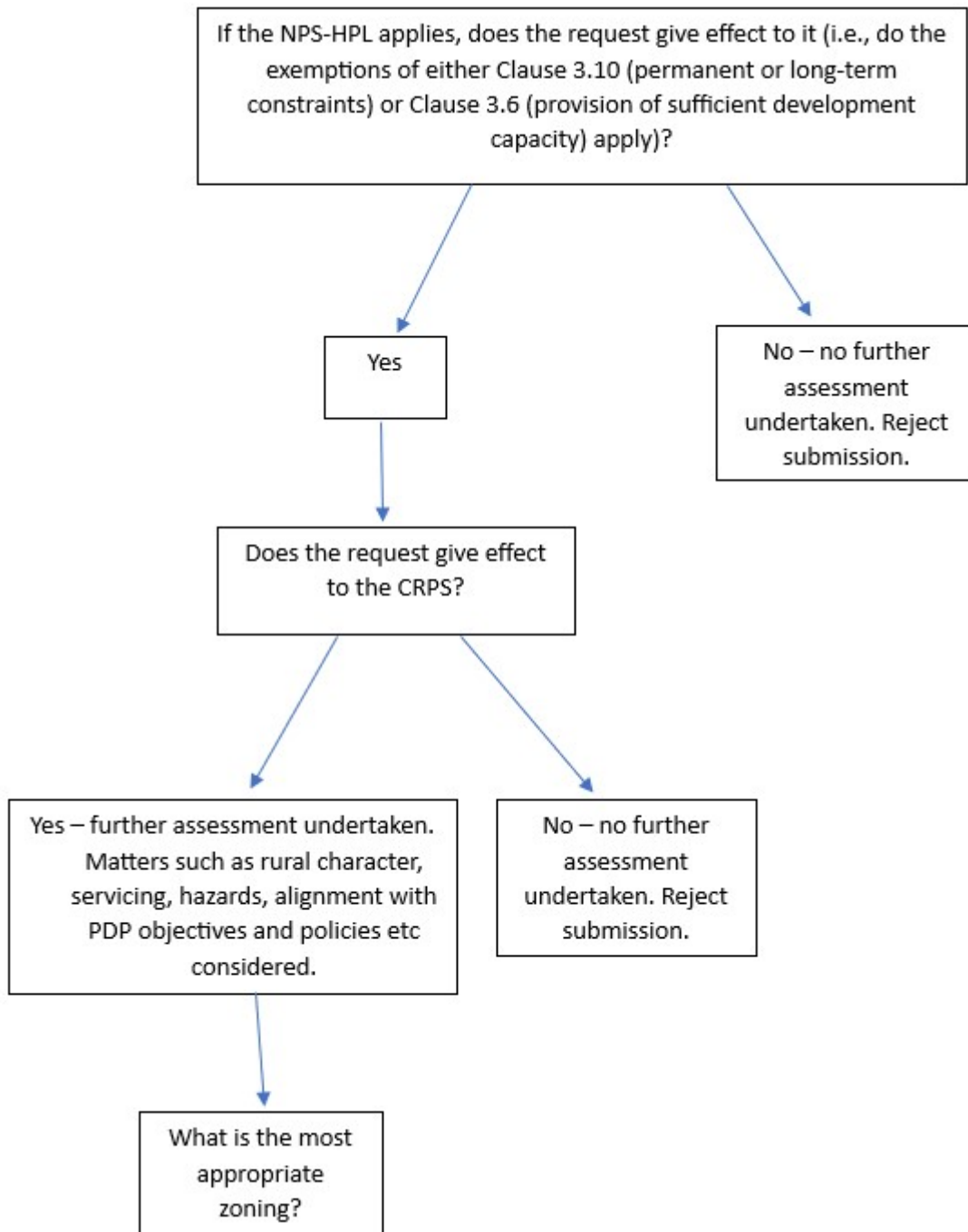


Figure 3: Assessment framework

80. As a result of this framework, the analysis of submissions in this report are grouped as follows:

- a. Submissions that seek to rezone land from GRUZ to RLZ where the land is completely land that is considered HPL in the transitional provisions of the NPS-HPL;
- b. Submissions that seek to rezone land from GRUZ to RLZ where the land is partially land that is considered HPL in the transitional provisions of the NPS-HPL;
- c. Submissions that seek to rezone land from GRUZ to RLZ where the land is completely outside land that is considered HPL in the transitional provisions of the NPS-HPL; and
- d. Other submissions seeking:
 - i. Deletion of dual rural zones approach;
 - ii. Peri-urban rural development;
 - iii. Provision for residential units on undersized lots within RLZ; and
 - iv. Rezoning of Coopers Creek branches from GRUZ to NOSZ.

81. I note that if the Panel were not to agree with this assessment framework in that the NPS-HPL and CRPS are determinative, then matters such as rural character, servicing, and hazards would be relevant additional matters for consideration.

3.4 Submissions seeking rezone from General Rural Zone to Rural Lifestyle Zone located fully within Highly Productive Land

3.4.1 *Matters raised by submitters*

82. Sixty submission points from 14 submitters seek GRUZ to RLZ rezoning of sites that are fully located on HPL.
83. below details the location and LUC soil rating of each site related to these submissions.
84. Key reasons for these requests to rezone from GRUZ to RLZ are:
- i. the lower subdivision potential within GRUZ compared to RLZ;
 - ii. that primary production is not possible due to nearby lifestyle properties creating potential for reverse sensitivity issues;
 - iii. rural character, and the distinction between GRUZ and RLZ, is arbitrary and imbalanced;
 - iv. RLZ is more appropriate given denser, 'finer grained' development within surrounding area, noting that many GRUZ sites are less than 20ha and there are sites within RLZ that are over 20ha; and
 - v. a site or area does not have GRUZ rural character or primary production capability.

Table 2: Submitters seeking rezoning fully located within HPL

Submission Point	Submitter name	Location of rezone request	LUC rating 1, 2 or 3	Is the site HPL under NPS-HPL ²²	Reference to figure/map in Appendix D
1.1, 76.1	Nathan Schaffer	593 & 581 Marshmans Rd, Ashley	LUC 2 & 3	Yes	Figure D1
102.1	M J Borcoskie Family Trust	666 Mount Thomas Rd, Fernside	LUC 3	Yes	Figure D2
101.1	Borcoskie M J & R M	438 Mairaki Rd, Fernside	LUC 3	Yes	Figure D3
209.1 – 209.31 ²³ inclusive	Robert Adolf and Fiona Mary Buhler	680 South Eyre Rd, Swannanoa	LUC 3	Yes	Figure D4
64.1	Carolyn Rossiter	129 North Eyre Rd, Swannanoa	LUC 3	Yes	Figure D5
229.1	Andrea Martin	49 Terrace Rd, Cust	LUC 2	Yes	Figure D6
421.1	Alistair and Noeline Odgers	1624, 1552, 1586, 1590, and 1592 Tram Rd, Swannanoa	LUC 1 & 3	Yes	Figure D7
69.1	Geoffrey Maxwell	356 Carrs Rd, Loburn	LUC 2 & 3	Yes	Figure D8
417.1, 417.2	Murray McDowell	685 Depot Rd, Burnt Hill	LUC 3	Yes	Figure D9
379.1	Stan and Sue McGaffin	1055 Downs Rd, West Eyreton	LUC 3	Yes	Figure D10
292.1, 292.2, 292.3, 292.4, 292.5	Daniel Hamish Patrick Cosgrove	852 Oxford Rd, Fernside	LUC 3	Yes	Figure D11
26.1	Matthew Richardson	83 Bradys Rd, Loburn	LUC 2 & 3	Yes	Figure D12
24.1	John Larsen	177 Woodfields Rd, Swannanoa	LUC 1 & 3	Yes	Figure D13

²² NPS-HPL - Clause 3.5(7): "(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."

²³ Robert Adolf and Fiona Mary Buhler [209.1, 209.2, 209.3, 209.4, 209.5, 209.6, 209.7, 209.8, 209.9, 209.10, 209.11, 209.12, 209.13, 209.14, 209.15, 209.16, 209.17, 209.18, 209.19, 209.20, 209.21, 209.22, 209.23, 209.24, 209.25, 209.26, 209.27, 209.28, 209.29, 209.30, 209.31]

Submission Point	Submitter name	Location of rezone request	LUC rating 1, 2 or 3	Is the site HPL under NPS-HPL ²²	Reference to figure/map in Appendix D
305.1	Marie Bax	128 Baynons Road, Clarkville	LUC 3	Yes	Figure D14

85. A further submission from Stan and Sue McGaffin [FS131] supports their own submission point [379.1]. A further submission from Christchurch International Airport Limited [FS80] opposes Marie Bax's submission [305.1] as the site is located within its Annual Average and Outer Envelope Updated Contours and the Operative Contour (which relate to airport noise).

86. No evidence has been provided by any of the above submitters to support their requests.

3.4.2 Assessment

3.4.2.1 Requests to rezone from GRUZ to RLZ

87. The rezone requests listed in

88. Table 2 are all fully located within HPL. Therefore, Policy 6 of the NPS-HPL applies, which seeks avoidance of the rezoning and development of highly productive land as rural lifestyle, except as provided for in Clause 3.10 of the NPS-HPL (via Clause 3.7).
89. As outlined in Section 3.2.4 above, Clause 3.10 of NPS-HPL sets out the exemption criteria for such GRUZ to RLZ HPL rezonings. In summary, it requires the following:
- i. That the site must be subject to permanent or long-term constraints that mean the use of the HPL for land-based primary production is not able to be economically viable for at least 30 years, and that such constraints cannot be addressed through any reasonably practicable options that would retain productive capacity (e.g., changing farming practices) (Clause 3.6(2)). It states that the size of a landholding is not of itself a determinant of such a constraint (Clause 3.10(4)); and
 - ii. That the subdivision, use or development of HPL would avoid significant loss of productive capacity of HPL (Clause 3.6(1)(b)(i)); and
 - iii. That it avoids fragmentation of large and geographically cohesive areas of HPL (Clause 3.6(1)(b)(ii)); and
 - iv. That it avoids or mitigates potential reverse sensitivity effects on surrounding primary production (Clause 3.6(1)(b)(iii)); and
 - v. That the benefits outweigh the long-term costs, considering both tangible and intangible values (Clause 3.10(1)(c)).
90. I consider this would require a substantial site-specific evaluation that demonstrates how all these conjunctive exemptions are met. However, none of these submitters have provided any evidence regarding these Clause 3.10 matters. While some mention reverse sensitivity issues arising from surrounding lifestyle blocks as a reason for requesting the rezoning, none provide an evaluation of reasonably practicable options for addressing this issue as per Clause 3.10(2). In my opinion this is not to a level of information and assessment that would satisfy the conjunctive requirements of Clause 3.10. Without such evidence, I consider these requests do not give effect to the NPS-HPL. As per my assessment framework in **Figure 3**, I will not assess these submissions further and I recommend they are rejected.

3.4.2.2 Requests to rezone from GRUZ to LLRZ

91. Eyrewell Dairy Ltd [300.1, 300.3, 300.4, 300.5, 300.6, 300.7, 300.8, 300.9, 300.10, 300.11, & 300.13] and Stan and Sue McGaffin [379.1] both seek rezoning from GRUZ to RLZ or LLRZ and are fully located on HPL. I assess the LLRZ aspect of their request here.
92. Clause 1.3 of the NPS-HPL classifies LLRZ as an 'urban' zone. Policy 5 of the NPS-HPL therefore applies, which seeks avoidance of urban rezoning of highly productive land, unless Clause 3.6 of the NPS-HPL applies.
93. Clause 3.6 of the NPS-HPL provides an exemption for the urban rezoning of HPL if it is required to provide sufficient development capacity to meet demand for housing or business land. Table 1 of the NPS-UD Appendix identifies the District Council as a Tier 1 local authority, therefore I consider the subclauses (1), (2), (3), and (5) of Clause 3.6 apply, which provide for the urban rezoning of HPL if it is required to provide sufficient development capacity to meet demand for housing or business land to give effect to the NPS-UD.

94. Neither submitter has provided any evidence to support their request, including anything that supports the application of the exemption for providing sufficient development capacity in Clause 3.6. I do not consider that either rezoning request is required to provide sufficient capacity to meet demand for housing land²⁴ to give effect to the NPS-UD as per Clause 3.6(1)(a) of the NPS-HPL. As these subclauses (a), (b) and (c) are conjunctive and I do not consider subclause 3.6(1)(a) has not been met, I did not undertake the evaluation of whether there are other reasonably practicable and feasible options for providing development capacity in the same areas (Clause 3.6(1)(b), and also whether the benefits outweigh the costs (Clause 3.6(1)(c)). I therefore do not consider these requests meet the exemption of Clause 3.6 of the NPS-HPL.
95. Therefore, I consider the requests by Eyrewell Dairy Ltd [300.1-300.11, & 300.13] and Stan and Sue McGaffin [379.1] do not give effect to the NPS-HPL. As per **Figure 3**, I have not undertaken any further assessment and recommend these submissions are rejected.

3.4.3 Summary of recommendations

96. I recommend the following submission points be **rejected**:

- i. Eyrewell Dairy Ltd [300.1, 300.3, 300.4, 300.5, 300.6, 300.7, 300.8, 300.9, 300.10, 300.11, & 300.13], Stan and Sue McGaffin [379.1], Nathan Schaffer [1.1 & 76.1], M J Borcoskie Family Trust [102.1], Borcoskie M J & R M [101.1], Robert Adolf and Fiona Mary Buhler [209.1, 209.2, 209.3, 209.4, 209.5, 209.6, 209.7, 209.8, 209.9, 209.10, 209.11, 209.12, 209.13, 209.14, 209.15, 209.16, 209.17, 209.18, 209.19, 209.20, 209.21, 209.22, 209.23, 209.24, 209.25, 209.26, 209.27, 209.28, 209.29, 209.30, 209.31], Carolyn Rossiter [64.1], Andrea Martin [229.1], Alistair and Noeline Odgers [421.1], Geoffrey Maxwell [69.1], Murray McDowell [417.1 & 417.2], Daniel Hamish Patrick Cosgrove [292.1, 292.2, 292.3, 292.4, 292.5], Matthew Richardson [26.1], John Larsen [24.1], and Marie Bax [305.1].

97. My recommendations in relation to further submissions are outlined in **Appendix B** and reflect my recommendations on submissions.

3.5 Submissions seeking to rezone from General Rural Zone to Rural Lifestyle Zone located partly within Highly Productive Land

3.5.1 Matters raised by submitters

98. Nine submission points from seven submitters seek rezoning of land from GRUZ to RLZ on sites that are partly located on HPL.

3.5.1.1 Rezoning requests by Margaret and John Cotter [103.1] & Chris and Jenny Rose [67.1]

99. **Table 3** below sets out the location, LUC details, and reasons for the rezoning request of Margaret and John Cotter [103.1] & Chris and Jenny Rose [67.1]. The reason I have grouped these submissions together is that the areas of their requests are identical.

²⁴ https://www.waimakariri.govt.nz/_data/assets/pdf_file/0018/162540/STATEMENT-OF-EVIDENCE-ECONOMICS-YEOMAN-RESPONSE-TO-MINUTE-20-EXPERT-CONFERENCING-AND-23-NEW-RESIDENTIAL-DEVELOPMENT-AREAS-MINIMUM-DENSITY-STREAMS-8-AND-12-3-MAY-2024-.pdf

Table 3: Location, LUC and reasons for rezone request of Margaret and John Cotter [103.1] & Chris and Jenny Rose [67.1]

Submission points & Submitter names	Margaret and John Cotter [103.1] & Chris and Jenny Rose [67.1] (both submissions had identical rezone request).
Location of rezone request	<ul style="list-style-type: none"> • North side of Oxford Road, west from Rangiora to the Cust River (Kennedy Hill Road) to match the zoning on the south side of Oxford Road. • Refer to zoning map shown in Figure 4 below. • Located outside Greater Christchurch. 100.
LUC rating 1-3 (HPL)	<ul style="list-style-type: none"> • 80.3% LUC 2 & 3. • 19.7% primarily LUC 4 and some non-classified as part of Rakahuri / Ashley River). • Refer to LUC map shown in Figure 5 below.
Does area containing LUC 1-3 meet HPL definition in Clause 3.5(7)	Yes
Reasons for request	<ul style="list-style-type: none"> • 4ha lots are predominant character on Oxford Road. • GRUZ contains pockets of 10-20ha lots (with no subdivision potential) yet are surrounded by 4ha lots. • Precludes GRUZ boundary adjustments to increase land for primary production.

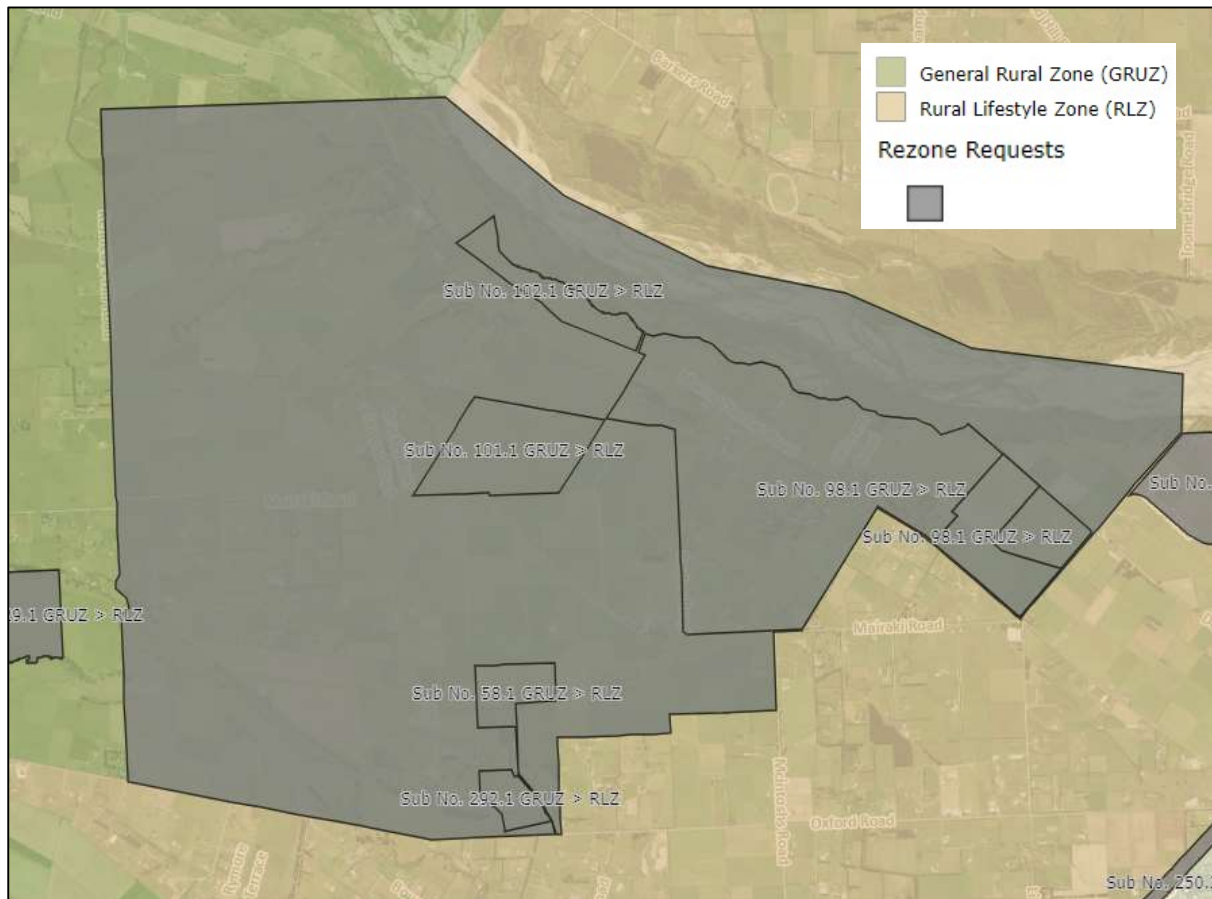


Figure 4: Zoning map for inferred rezoning request²⁵ on north side of Oxford Road, west from Rangiora to the Cust River (Kennedy Hill Road) [Chris and Jenny Rose - 67.1 & Margaret and John Cotter – 103.1] (Source: WAIMAP)

²⁵ I note that this inferred rezoning request area includes a portion of the Rakahuri / Ashley River however this is a mapping inconsistency and should not include this given the river function.

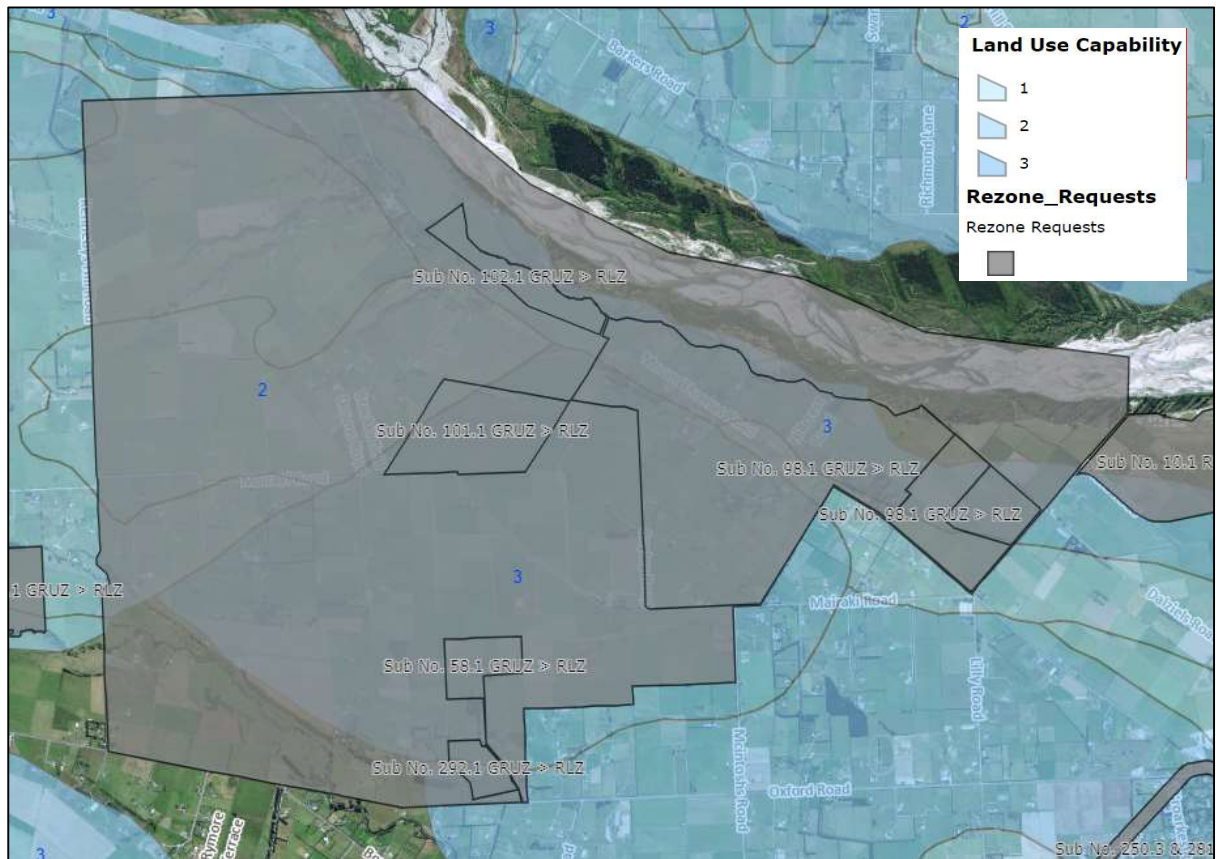


Figure 5: LUC map for inferred rezone request on north side of Oxford Road, west from Rangiora to the Cust River (Kennedy Hill Rd) [Chris and Jenny Rose - 67.1 & Margaret and John Cotter – 103.1] (Source: WAIMAP)

3.5.1.2 Elizabeth Camm rezone request [14.1]

101. Table 4 below sets out the location, LUC details, and reasons for the rezone request of Elizabeth Camm [14.1].

Table 4: Location, LUC and reasons for rezone request of Elizabeth Camm [14.1]

Submission point & Submitter name	Elizabeth Camm [14.1]
Location of rezone request	<ul style="list-style-type: none"> • 12 Doyles Road, Loburn. • For zoning map refer to Figure 6 below. • Located outside Greater Christchurch.
LUC rating 1-3 (HPL)	<ul style="list-style-type: none"> • Total area of property is 8.09ha however it is split zoned both RLZ and GRUZ. The GRUZ portion of this property comprises 4.72ha, and of this GRUZ portion, 3.75ha (79%) is LUC 3 (thus HPL) and 0.97ha (21%) is LUC 6 (thus non-HPL). • For LUC map refer to Figure 7 below.
Does area containing LUC 1-3 meet HPL definition in Clause 3.5(7)	Yes
Reasons for request	<ul style="list-style-type: none"> • Property is split zoned – partly within RLZ and partly GRUZ. GRUZ part of the property adjoins the legal, unformed part of Doyles Road. • Reduced subdivision potential of GRUZ compared to RLZ.



Figure 6: Zoning map - 12 Doyles Road, Loburn [Elizabeth Camm - 4.1] (Source: WAIMAP)



Figure 7: LUC map - 12 Doyles Road, Loburn [Elizabeth Camm - 4.1] (Source: WAIMAP)

3.5.1.3 Rezone request by Eyrewell Dairy Ltd [300.1, 300.3, 300.4, 300.5, 300.6, 300.7, 300.8, 300.9, 300.10, 300.11, 300.13]

102. Table 5 below sets out the location, LUC details, and reasons for the rezone request of Eyrewell Dairy Ltd [300.1, 300.3, 300.4, 300.5, 300.6, 300.7, 300.8, 300.9, 300.10, 300.11, 300.13].

Table 5: Location, LUC and reasons for rezone request of Eyrewell Dairy Ltd [300.1, 300.3, 300.4, 300.5, 300.6, 300.7, 300.8, 300.9, 300.10, 300.11, 300.13]

Submission point & Submitter name	Eyrewell Dairy Ltd [300.1, 300.3, 300.4, 300.5, 300.6, 300.7, 300.8, 300.9, 300.10, 300.11, 300.13]
Location of rezone request	<ul style="list-style-type: none"> 650 Two Chain, Rd, Swannanoa. Refer to Zoning map in Figure 8. Submission also notes that the Waimakariri River or Eyre River could form a natural RLZ boundary to the south of site.
LUC rating 1-3 (HPL)	<ul style="list-style-type: none"> 95.4% LUC 2 & 3. 4.6% LUC 4. Refer to LUC map in Figure 9.
Does area containing LUC 1-3 meet HPL definition in Clause 3.5(7)	Yes
Reasons for request	<ul style="list-style-type: none"> RLZ adjoins site to the north and west. The site better fits the RLZ description as it's located in the east of the District and the adjoining sites represent denser / finer grained development. The Waimakariri River and Eyre River forms a natural boundary to the south of site to which the RLZ could be extended to. Financial implications of the 20ha minimum lot size on the operation of the site's primary production activity. Lots under 20ha can still provide for rural production.

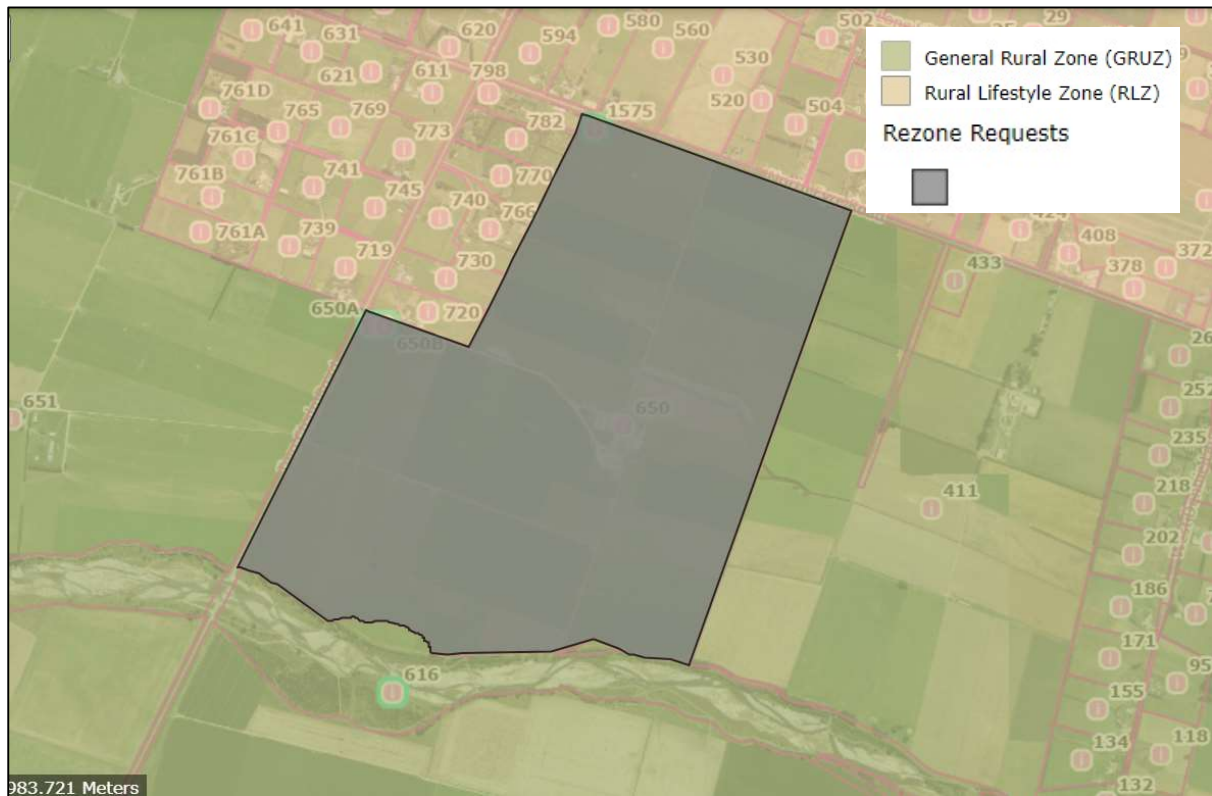


Figure 8: Zoning map – 650 Two Chain Road, Swannanoa [Eyrewell Dairy Ltd 300.1, 300.3, 300.4, 300.5, 300.6, 300.7, 300.8, 300.9, 300.10, 300.11, 300.13] (Source: WAIMAP)



Figure 9: 650 Two Chain, Road, Swannanoa [Eyrewell Dairy Ltd - 300.1, 300.3, 300.4, 300.5, 300.6, 300.7, 300.8, 300.9, 300.10, 300.11, 300.13] (Source: WAIMAP)

3.5.1.4 Murray McDowell rezone request [415.1, 415.3, 415.5]

103. Table 6 below sets out the location, LUC details, and reasons for the rezone request of Murray McDowell [415.1, 415.3, 415.5].

Table 6: Location, LUC and reasons for rezone request of Murray McDowell [415.1, 415.3, 415.5]

Submission point & Submitter name	Murray McDowell [415.1, 415.3, 415.5]
Location of rezone request	<ul style="list-style-type: none"> • Area between Eyre River bridge and Waimakariri Gorge bridge. • For zoning map refer to Figure 10 below. • Located outside Greater Christchurch.
LUC rating 1-3 (HPL)	<ul style="list-style-type: none"> • 94.9% LUC 3. • 5.1% LUC 4 and 6. • For LUC map refer to Figure 11 below.
Does area containing LUC 1-3 meet HPL definition in Clause 3.5(7)	Yes
Reasons for request	<ul style="list-style-type: none"> • Notes safety concerns due to a number of incidents on Depot Road, which has 2,700 vehicle movements daily. • Considers rezoning this area from GRUZ to RLZ would better enable a speed limit reduction during a review to the speed limit bylaw, which would enhance its community of 214 lifestyle properties. • Notes that Council has a duty to this community to support, strengthen their amenity value by reviewing speed limits. Notes that currently up to 4% of daily vehicle movements are farm machinery which are regulated to a speed limit of 50km/hr max which slows other traffic to this speed also. • Considers a speed limit reduction in the future would not see a significant adverse effect on the efficient operation of Depot Road. Notes that Speed Limit Bylaw 2009 was current bylaw at time of submission.



Figure 10: Zoning map for inferred rezone request area between Eyre River bridge and Waimakariri Gorge bridge [Murray McDowell – 415.1, 415.3, 415.5] (Source: WAIMAP)



Figure 11: LUC map for area between Eyre River bridge and Waimakariri Gorge bridge [Murray McDowell – 415.1, 415.3, 415.5] (Source: WAIMAP)

3.5.1.5 Keswick Farm Dairies rezone request [98.1]

104. **Table 7** below sets out the location, LUC details, and reasons for the rezone request of Keswick Farm Dairies [98.1].

Table 7: Location, LUC and reasons for rezone request of Keswick Farm Dairies [98.1]

Submission point & Submitter name	Keswick Farm Dairies [98.1]
Location of rezone request	<ul style="list-style-type: none"> • 307 Dalziels Road and 334 Mount Thomas Road. • Also, broader surrounding area shown in Figure 12 and Figure 13 below. • Located outside Greater Christchurch. • For zoning map refer to Figure 12 below.
LUC rating 1-3 (HPL)	<ul style="list-style-type: none"> • 89.4% LUC 2 & 3. • 10.6% LUC 4. • For LUC map refer to Figure 13.
Does area containing LUC 1-3 meet HPL definition in Clause 3.5(7)	Yes
Reasons for request	<ul style="list-style-type: none"> • Reduced subdivision potential of GRUZ compared to RLZ. • Farming has challenges with restrictions to practices along with reverse sensitivity resulting from land fragmentation. • The site is surrounded by lifestyle blocks, and allotments to the south and east of the site are within RLZ. The Ashley River is a natural barrier for the zone and there is a distinct transition from lifestyle allotments to farmland to the west of the site. • The land to the north of Dalziel Road is subject to flood risk thus unlikely to be suitable for intensive subdivision.



Figure 12: Zoning map - 307 Dalziels Road and 334 Mount Thomas Road [Keswick Farm Dairies – 98.1] (Source: WAIMAP)

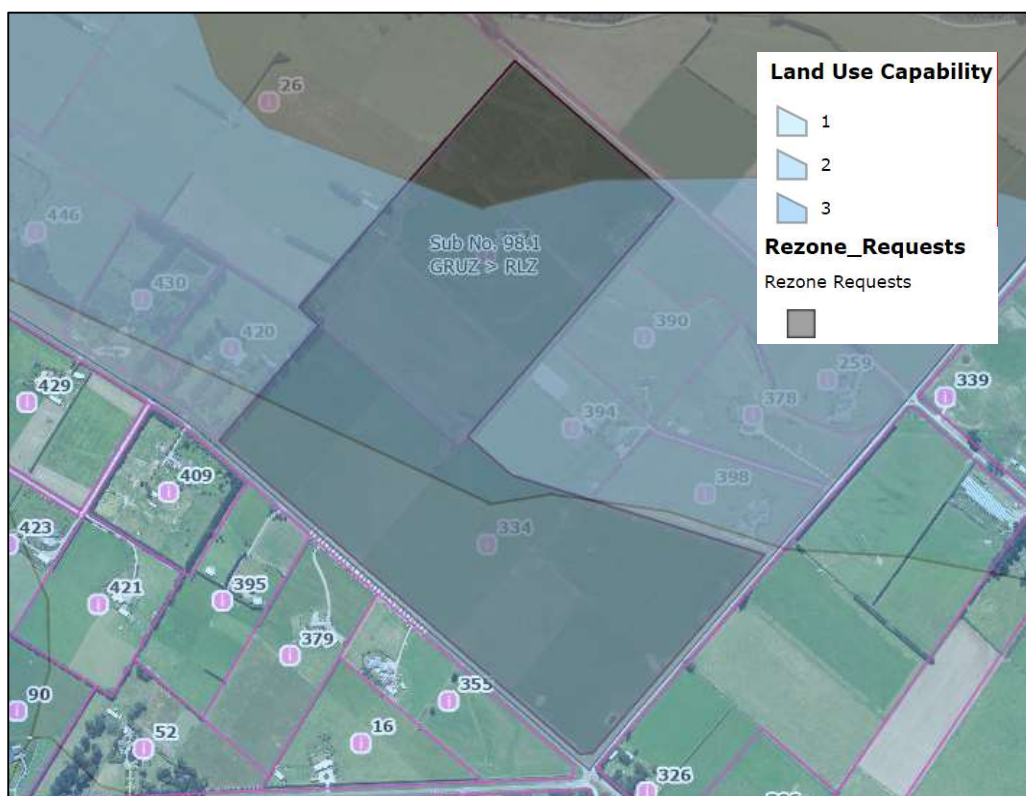


Figure 13: LUC map - 307 Dalziels Road and 334 Mount Thomas Road [Keswick Farm Dairies – 98.1] (Source: WAIMAP)

3.5.1.6 John Waller [89.1]

105. **Table 8** below sets out the location, LUC details, and reasons for the rezone request of John Waller [89.1]. A further submission from Survus Consultants [FS103] supports John Waller's submission [89.1].

Table 8: Location, LUC and reasons for rezone request of John Waller [89.1]

Submission point & Submitter name	John Waller [89.1]
Location of rezone request	<ul style="list-style-type: none"> Request seeks to rezone areas with 4ha blocks not as GRUZ. As this is a District-wide request it would include areas both within and outside Greater Christchurch. No maps provided below due to the general, District-wide nature of this request.
LUC rating 1-3 (HPL)	<ul style="list-style-type: none"> District-wide thus a mixture of LUC ratings.
Does area containing LUC 1-3 meet HPL definition in Clause 3.5(7)	Yes
Reasons for request	<ul style="list-style-type: none"> Reduced subdivision potential of GRUZ compared to RLZ. Property will be surrounded by 4ha blocks. Eastern areas have more fertile soils than west but are not in GRUZ.

3.5.1.7 Peter Anthony and Marie Elizabeth Ann Norgate [371.1]

106. Table 9 below sets out the location, LUC details, and reasons for the rezone request of Peter Anthony and Marie Elizabeth Ann Norgate [371.1].

Table 9: Location, LUC and reasons for rezone request of Peter Anthony and Marie Elizabeth Ann Norgate [371.1]

Submission point & Submitter name	Peter Anthony and Marie Elizabeth Ann Norgate [371.1]
Location of rezone request	<ul style="list-style-type: none"> • 713 Bay Road, Oxford. • For zoning map refer to Figure 14 below. • Located outside Greater Christchurch.
LUC rating 1-3 (HPL)	<ul style="list-style-type: none"> • 0.2% LUC 3 (equates to 246m²). • 99.8% LUC 4. • For LUC map refer to Figure 15 below.
Does area containing LUC 1-3 meet HPL definition in Clause 3.5(7)	Yes
Reasons for request	<ul style="list-style-type: none"> • Adjacent properties are small lots. • Land is marginal and unsuited for production due to its size and topography. • Reduced subdivision potential of GRUZ compared to RLZ.



Figure 14: Zoning map - 713 Bay Road, Oxford [Peter Anthony and Marie Elizabeth Ann Norgate - 371.1] (Source: WAIMAP)

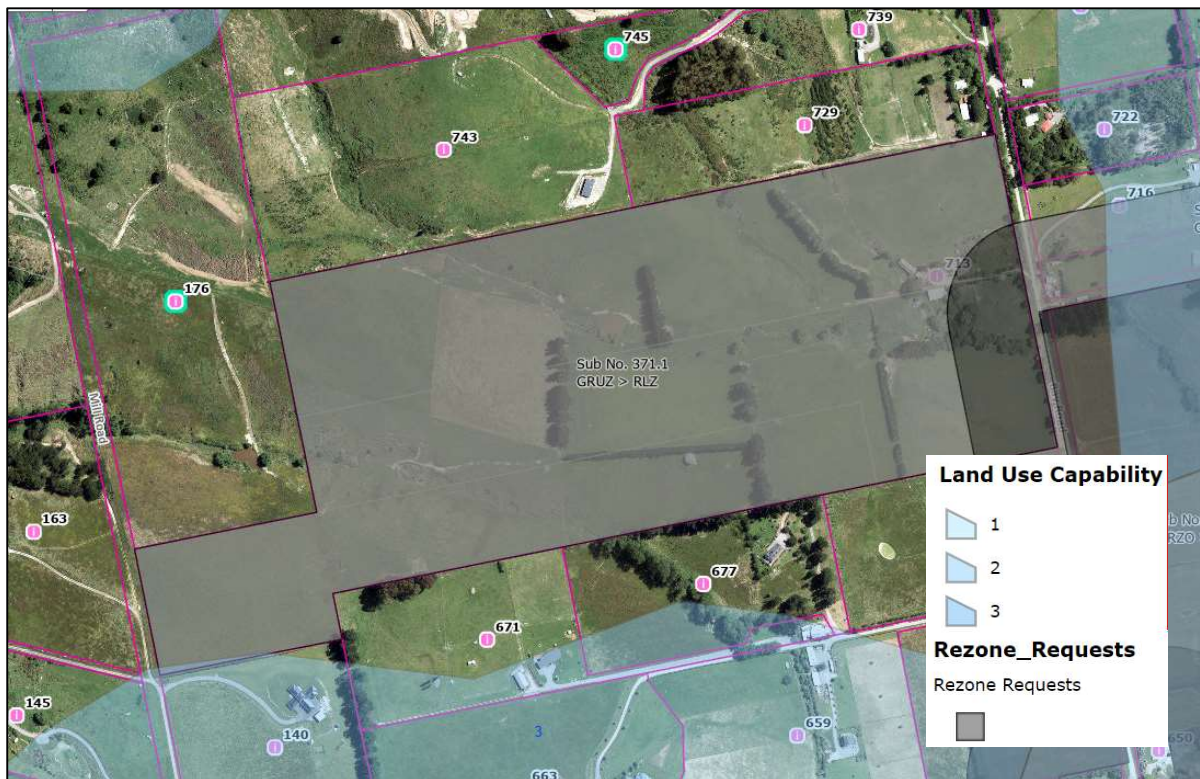


Figure 15: LUC map - 713 Bay Road, Oxford [Peter Anthony and Marie Elizabeth Ann Norgate - 371.1] (Source: WAIMAP)

3.5.2 Assessment

107. For the purpose of avoiding duplication, the following assessment applies to all the above rezone requests that are partly located within HPL.

3.5.2.1 NPS-HPL

108. As shown in **Table 3** to **Table 9** and **Figure 4** to **Figure 15** above, these rezone requests are all partly located within HPL. Submission points [98.1], [415.1], [415.3], [415.5], [14.1], [103.1] and [67.1] range from 79% to 94.9% HPL thus are on a majority HPL. John Waller's request [89.1] is on a District-wide scale so HPL is not quantifiable as such. The request by Peter Anthony and Marie Elizabeth Ann Norgate [371.1] is only 0.2% HPL, equating to 246m², thus comprises a very negligible HPL area (refer to **Figure 15** above).

109. Clause 3.4 of the NPS-HPL details how regional councils should map HPL thus I consider it may provide some direction on how to consider part HPL rezone requests:

“(1) Every regional council must map as highly productive land any land in its region that:

- (a) is in a general rural zone or rural production zone; and*
- (b) is predominantly LUC 1, 2, or 3 land; and*
- (c) forms a large and geographically cohesive area.”*

“(5) For the purpose of identifying land referred to in subclause (1):

- (a) mapping based on the New Zealand Land Resource Inventory is conclusive of LUC status, unless a regional council accepts any more detailed mapping that uses the Land Use Capability classification in the New Zealand Land Resource Inventory; and*
- (b) where possible, the boundaries of large and geographically cohesive areas must be identified by reference to natural boundaries (such as the margins of waterbodies), or legal or non-natural boundaries (such as roads, property boundaries, and fence-lines); and*
- (c) small, discrete areas of land that are not LUC 1, 2, or 3 land, but are within a large and geographically cohesive area of LUC 1, 2, or 3 land, may be included; and*
- (d) small, discrete areas of LUC 1, 2, or 3 land need not be included if they are separated from any large and geographically cohesive area of LUC 1, 2, or 3 land.”*

110. I do not consider that any of the LUC 1, 2, and 3 areas within these rezone sites (shown in **Figure 5** to **Figure 15** above) are ‘small, discrete areas of LUC 1, 2, or 3’ as per Clause 3.4(5)(d) as they are part of larger LUC 1, 2, and 3 areas. Thus, I consider these areas would likely remain HPL if mapped by Environment Canterbury, as per Clause 3.4(1)(c) as they form “part of a large and geographically cohesive area”. However, I acknowledge that I while there is uncertainty around exactly how Environment Canterbury will map HPL as per Clause 3.4 of the NPS-HPL and potentially these areas may end up not being mapped as HPL, but at this point I am considering them as HPL as they meet the criteria in Clause 3.5(7).

111. I consider that Policy 6 of the NPS-HPL applies to the parts of these sites with HPL. Policy 6 seeks avoidance of the rezoning and development of HPL as rural lifestyle, except as provided for in Clause 3.10 of the NPS-HPL. Clause 3.10 sets out the criteria for such rezonings, and primarily relates to whether the site is subject to permanent or long-term constraints that mean land-based primary production is not able to be economically viable for at least 30 years.

112. None of these submitters have provided any evidence regarding permanent or long-term constraints in accordance with Clause 3.10. While some mention reverse sensitivity issues arising due to surrounding lifestyle blocks as a reason for requesting the rezoning, none provide an evaluation of reasonably practical options for addressing this issue as per Clause 3.10(2). Without such evidence, I cannot see how the exemptions of Clause 3.10 would apply and as such I consider that the parts of these rezone areas that are HPL do not give effect to the NPS-HPL.
113. The NPS-HPL is not relevant to the non-HPL parts, and I note that this is a very high proportion (99.8%) of the site subject to the rezoning request by Peter Anthony and Marie Elizabeth Ann Norgate [371.1].

3.5.2.2 CRPS

114. As per the assessment framework set out in **Figure 3**, the portions of land within these rezone requests that are located within HPL did not pass through the NPS-HPL 'gateway test', however the NPS-HPL does not apply to the portions of these areas that are not within HPL, thus these areas must be assessed against the CRPS. To be clear, the following CRPS assessment relates to the portions of these rezone request areas that are not within HPL.
115. To form a basis for this assessment, I will firstly set out the primary production potential of these non-HPL areas based on their LUC class.

3.5.2.2.1 Primary production potential

116. The majority of the non-HPL areas are LUC 4²⁶ (refer to **Table 3** to **Table 9** and also **Figure D18** in **Appendix D**). The Manaaki Whenua - Our Environment – Land Use Capability map²⁷ describes LUC 4 soils as: "*LUC Class 4 - Arable. Significant limitations for arable use or cultivation, very limited crop types, suitable for occasional cropping, pastoralism, tree crops and forestry. Some Class 4 is also suitable for viticulture and berry fruit*". I therefore consider that these areas still have primary production potential. I note that there are a number of large farm holdings located on LUC 4 soils within the District currently (e.g., the Eyrewell area), as is evident in **Figure 16** below by the number of centre pivot circles in the aerial imagery.

²⁶ Source: Canterbury Maps – Land Resource Inventory (Landcare Research) layer

<https://mapviewer.canterburymaps.govt.nz/>

²⁷ https://ourenvironment.scinfo.org.nz/maps-and-tools/app/Land%20Capability/Iri_luc_main

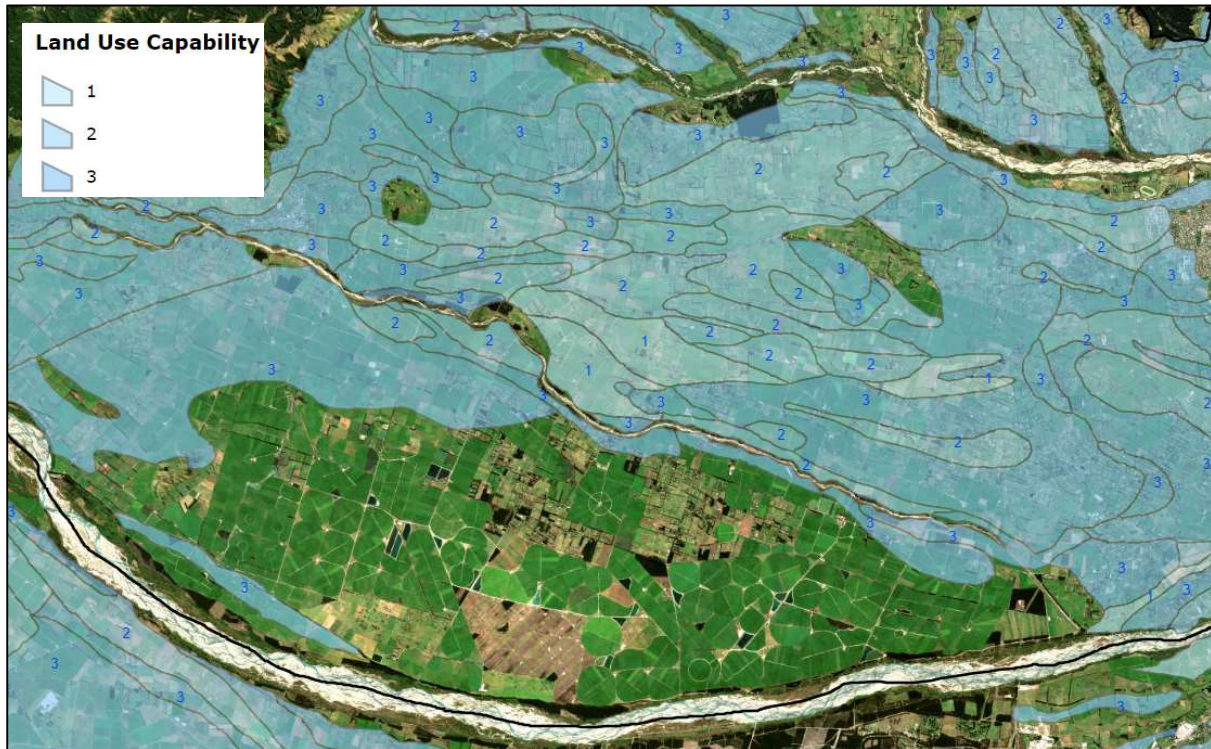


Figure 16: Aerial imagery indicating primarily agricultural land use within Eyrewell area which is outside LUC 1, 2, or 3 soils (Source: WAIMAP – aerial imagery 2022)

117. I note that a very marginal portion of two of these rezone request areas (Depot Road area - Murray McDowell [415.1, 415.3, 415.5] & 12 Doyles Road, Loburn - Elizabeth Camm [14.1]) are LUC 6 (refer to Error! Reference source not found. **Table 4** and **Table 6** above and **Figure D18** in **Appendix D**). The Manaaki Whenua - Our Environment – Land Use Capability map²⁸ describes LUC 6 soils as: “Non-arable. Slight to moderate limitations to pastoral use, suitable for pasture, tree crops and forestry and in some cases vineyards. Erosion is generally the dominant limitation”. I therefore consider that these areas could potentially have some primary production potential, albeit much more limited than LUC 1 to LUC 5 land.

118. I also note that in absence of HPL mapping as per the requirements of Clause 3.4 of the NPS-HPL, in particular subclause (3) which states that non LUC 1, 2, or 2 land may be mapped as HPL if the land “is, or has the potential to be (based on current uses of similar land in the region), highly productive for land-based primary production in that region, having regard to the soil type, physical characteristics of the land and soil, and climate of the area”, there is potential that these areas may end up being mapped as HPL following more detailed mapping by ECan, particularly given they adjoin LUC 3 land. Therefore, while they are not HPL under the transitional/interim definition under Clause 3.5(7), such land may be HPL under Clause 3.4 when mapped by ECan²⁹. Given the objective of the NPS-HPL is to protect HPL, I consider it important to keep in mind the fact that such land could ultimately end up being mapped as HPL.

²⁸ https://ourevironment.scinfo.org.nz/maps-and-tools/app/Land%20Capability/Iri_luc_main

²⁹ *Blue Grass Ltd & Ors v DCC* [2024] NZEnvC 83

3.5.2.2.2 CRPS assessment

119. None of the requests included an assessment of relevant CRPS objectives and policies. I consider the following provisions would be relevant.
120. Objective 5.2.1 (which applies to the entire District) seeks development that *"enables rural activities that support the rural environment including primary production..."*. I consider that rezoning these areas RLZ would not support primary production as it would enable 4ha lifestyle blocks. The Rural Production Advice – Rural Land Zoning Report³⁰ prepared by Macfarlane Rural Business states that *"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."* (Section 6, page 21).
121. Policy 5.3.12 (which applies to the 'wider region' thus the portion of the District outside Greater Christchurch) aims to *"maintain and enhance natural and physical resources contributing to Canterbury's overall rural productive economy in areas which are valued for existing or foreseeable future primary production..."*. I consider that Policy 5.3.12 applies to LUC 4 soils, and potentially the marginal portions of LUC 6 soils³¹ as they are a physical resource that has value as while it does not constitute HPL it does have some productive capacity (as outlined above in **paragraphs 116 and 117**), and as outlined in **paragraph 118**, there is potential that such areas may ultimately end up being mapped as HPL by ECan. I therefore consider that overall these rezonings would be contrary to 5.3.12(1), which seeks to avoid development, and/or fragmentation which *"(a) forecloses the ability to make appropriate use of that land for primary production"*.
122. I also consider that allowing RLZ in this area would enable 4ha lifestyle blocks which could create reverse sensitivity effects for the remaining adjoining properties undertaking primary production, which would be contrary to Policy 5.3.12(1)(b): *"results in reverse sensitivity effects that limit or precludes primary production."* The Rural s32 Report (Section 4, page 30) states that: *"It is evident that on a district-wide basis the ability to subdivide rural land to a minimum site size of 4 ha alters the character of the District away from more extensive rural activities to patterns of housing and built form consistent with a rural lifestyle. While rural production activities may still occur, the more fragmentation of larger parcels that occurs, the more it forecloses the opportunities for a diverse range of rural production activities to establish"*.
123. Policy 5.3.2 (which applies to the 'wider region' thus the portion of the District outside Greater Christchurch) seeks that (among other things) development avoids, remedies or mitigates adverse effects that would compromise or foreclose *"the productivity of the region's soil resources, without regard to the need to make appropriate use of soil which is valued for existing or foreseeable future primary production, or through further fragmentation of rural land"*. As noted above, I consider rezoning these areas RLZ would enable 4ha lifestyle blocks which would fragment rural land.

³⁰ https://www.waimakariri.govt.nz/_data/assets/pdf_file/0020/136145/26.-Waimakariri-District-Plan-Review-v2.pdf

³¹ Within rezone requests relating to Depot Road area - Murray McDowell [415.1, 415.3, 415.5] & 12 DoYLES Road, Loburn - Elizabeth Camm [14.1]

124. The request from John Waller [89.1] is a District-wide request thus could apply to locations within Greater Christchurch, where the provisions of Chapter 6 of the CRPS apply also. I consider that this request is contrary to Objective 6.2.1 which seeks to enable development that *"maintains the character and amenity of rural areas and settlements..."*.

125. For these reasons, in my opinion these requests do not give effect to the CRPS.

3.5.2.3 Conclusion

126. I consider these requests partly do not give effect to the NPS-HPL, and do not give effect to the CRPS thus should be rejected.

3.5.2.4 Depot Road speed limit reduction

127. The submission by Murray McDowell [415.1, 415.3, 415.5] was primarily focused on the reduction of speed limits on Depot Road (via RLZ zoning) and therefore I asked Mr Shane Binder, District Council's Senior Transportation Engineer, for comment on this matter. Mr Binder's evidence is provided in **Appendix E**. In summary, Mr Binder advises that several factors influence speed limits however enabling 4ha development via RLZ rezoning along Depot Road would not influence these relevant factors. He states that: *"The density of development would have to be substantially greater in order to impact the speed environment along the corridor and justify a speed limit reduction through the present speed management process"*. Based on this advice, I do not support the speed limit reduction purpose of this rezone request.

3.5.3 Summary of recommendations

128. I recommend the following submission points be **rejected**:

- i. Margaret and John Cotter [103.1], Chris and Jenny Rose [67.1], Elizabeth Camm [14.1], Murray McDowell [415.1, 415.3, 415.5], Keswick Farm Dairies [98.1], John Waller [89.1], Peter Anthony and Marie Elizabeth Ann Norgate [371.1].

129. My recommendations in relation to further submissions are outlined in **Appendix B** and reflect my recommendations on submissions.

3.6 Submissions seeking rezone from General Rural Zone to Rural Lifestyle Zone located outside Highly Productive Land

3.6.1 Matters raised by submitters

130. Three submissions seek rezoning of land from GRUZ to RLZ where their subject areas are located fully outside LUC 1-3 soils and therefore is not considered to be HPL as per Clause 3.5(7) of NPS-HPL.
131. Kevin Douglas Braden [11.1] opposes the 20ha minimum lot size within GRUZ and notes that his property at 253 Main Race Road is surrounded by 4ha lots. He considers 4ha lots are needed to provide for people to live and work in the area.
132. Margaret Jennifer Spencer-Bower [42.1] opposes the GRUZ zoning of the area from Isaac Road through to Downs Road in Swannanoa due to its reduced subdivision potential and consequent loss of property values. She notes that much of the surrounding area has already been subdivided into lifestyle blocks. She also notes that back when building staff accommodation, the District Council required that each house be located on an area that could potentially be subdivided into a 4ha lot in case they needed to be sold³². However, under the GRUZ 20ha minimum lot size, this would no longer be possible.
133. Nicola Anne Watherston [78.1] seeks her 115.8ha property at 2 Riverside Road, Okuku be rezoned from GRUZ to RLZ in order to enable 4ha lot subdivisions. She considers that the GRUZ zoning of her property is an unjust planning anomaly given it is surrounded by approximately sixty (60) 4ha lots. She accepts the PDP's principle of maintaining 'rural ambience' however considers 4ha lots with river and mountain views could create and maintain 'rural ambience'.
134. **Table 10** below details the locations relating to these submissions and confirms their non-HPL status.

Table 10: Submitters seeking rezoning outside HPL

Submission Point & Submitter name	Location of rezone request	LUC rating	Does area meet HPL definition in Clause 3.5(7)	Appendix D reference to map showing LUC 1-3 extent
Kevin Douglas Braden [11.1]	Main Race Road, Eyrewell Forest (located outside Greater Christchurch)	LUC 4	No	Figure D15
Margaret Jennifer Spencer-Bower [42.1]	Area at Isaac Road through to Downs Road, Swannanoa (located outside Greater Christchurch)	LUC 4	No	Figure D15

³² I note that where the submitter refers to building staff accommodation so that each house was able to be subdivided into 4ha, my interpretation of this is that it refers to the 'delineated area' requirements of Rule 31.1.1.3 of the Operative Plan whereby a house would need to be on its own 4ha minimum area in order to ensure the 1 house per 4ha minimum density on larger sites.

Submission Point & Submitter name	Location of rezone request	LUC rating	Does area meet HPL definition in Clause 3.5(7)	Appendix D reference to map showing LUC 1-3 extent
Nicola Anne Watherston [78.1]	2 Riverside Road, Okuku (located outside Greater Christchurch)	LUC 4	No	Figure D16

135. None of the requests provided any evidence relating to primary production, NPS-HPL, rural character, nor did they consider the relevant provisions of the CRPS.

136. I note that the submissions from Kevin Douglas Braden [11.1] and Margaret Jennifer Spencer-Bower [42.1] did not provide a map with the specific area to be rezoned to RLZ identified. Accordingly, I have shown the inferred areas in the following figures from the written description in the submissions. **Figure 17** below shows the inferred location and extent of these requests.



Figure 17: District-wide view of rezoning requests [11.1] and [42.1] shown by orange arrow (inferred), and [78.1] shown by blue arrow (Source: WAIMAP)

137. **Figure 18** below shows the inferred extent and locational context of rezone requests [11.1] and [42.1], which are adjacent to each other. **Figure 19** below shows the extent and locational context of rezone request [78.1]

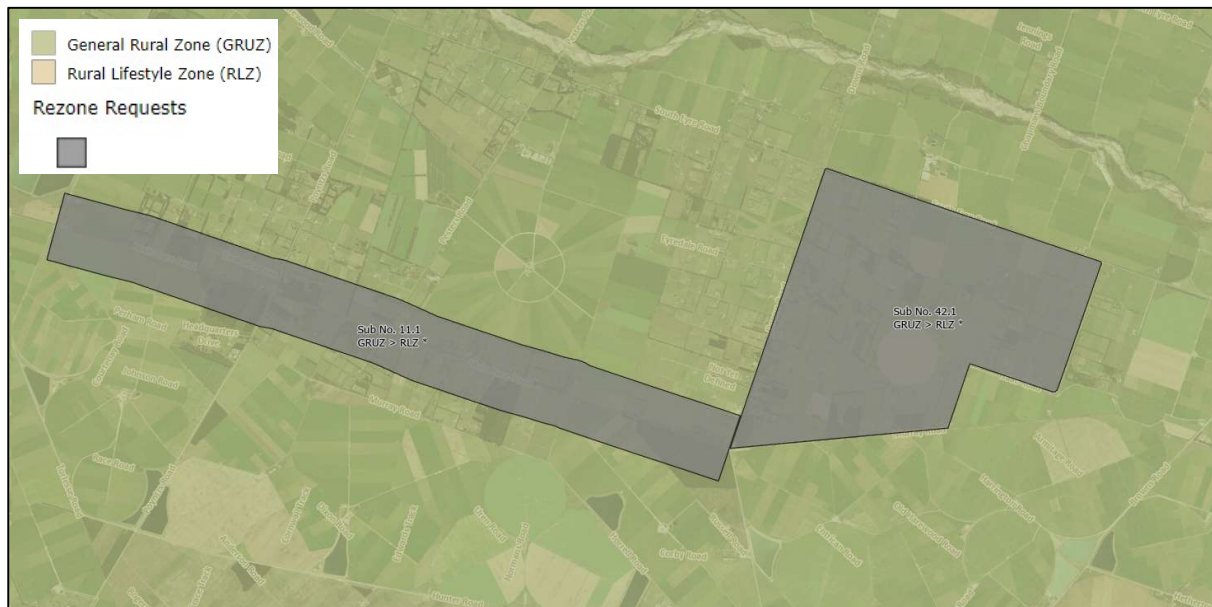


Figure 18: Close up view of inferred rezone requests of Kevin Douglas Braden [11.1] (Main Race Road, Eyrewell Forest) (on left) and Margaret Jennifer Spencer-Bower [42.1] (Isaac Road through to Downs Road, Swannanoa) (on right) (Source: WAIMAP)

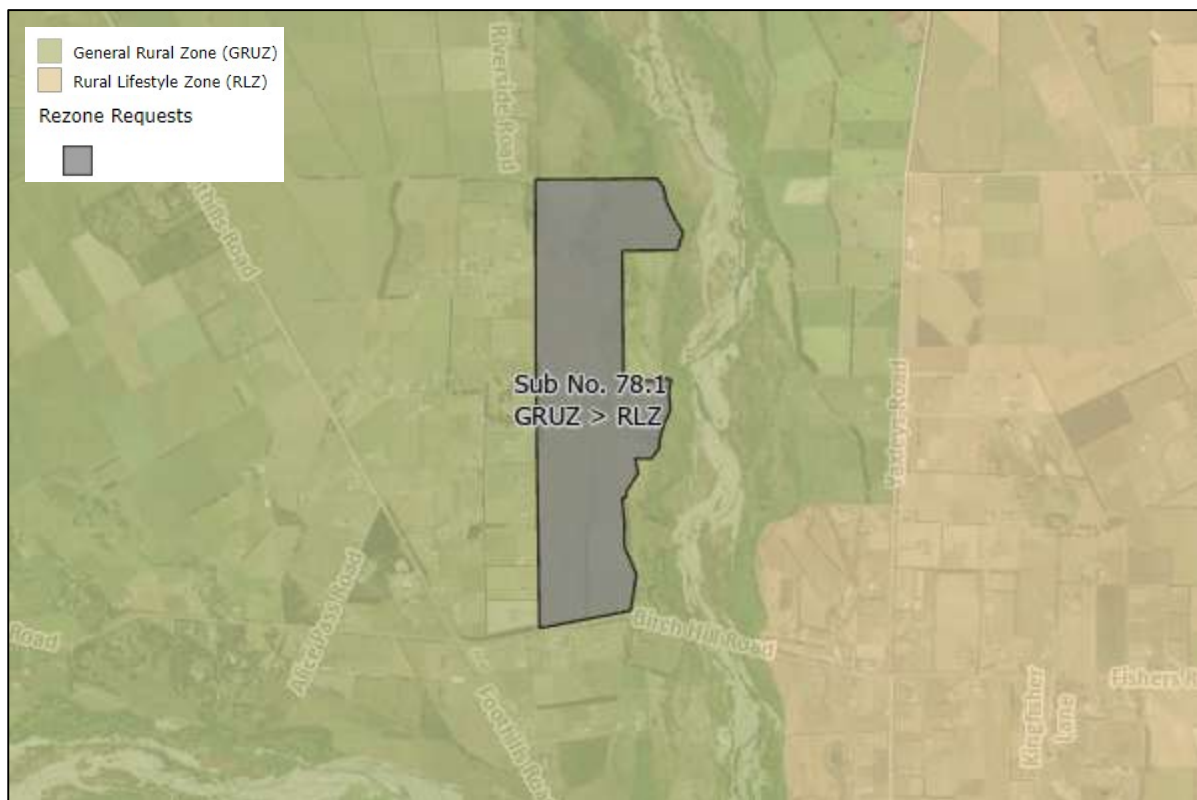


Figure 19: Close up view of rezone request of Nicola Watherston [78.1] (2 Riverside Road, Okuku) (Source: WAIMAP)

3.6.2 Assessment

138. For the purpose of avoiding duplication, the following assessment applies to all the above (three) rezone requests that are fully located outside HPL.

3.6.2.1 NPS-HPL

139. As these sites are all located outside HPL and do not meet the NPS-HPL definition for HPL in Clause 3.5(7), the NPS-HPL does not apply.

3.6.2.2 CRPS

140. To form a basis for this CRPS assessment, I will firstly set out the primary production potential of these non-HPL areas based on their LUC class.

3.6.2.2.1 Productive potential of LUC 4

141. These areas are all within LUC 4 soils³³ (refer to **Figure D18** in **Appendix D**). The Manaaki Whenua - Our Environment – Land Use Capability map³⁴ describes LUC 4 soils as: “*LUC Class 4 - Arable. Significant limitations for arable use or cultivation, very limited crop types, suitable for occasional cropping, pastoralism, tree crops and forestry. Some Class 4 is also suitable for viticulture and berry fruit*”. As I outlined in **Section 3.5.2.2** above, I therefore consider that LUC 4 soils still have primary production potential.

142. I note that there are a number of existing farms located on LUC 4 soils within the District currently (e.g., the Eyrewell area), as is evident in **Figure 20** below by the number of centre pivot irrigation circles in the aerial imagery. Mr Buckley states in paragraph 895 of his Rural Zones s42A Report, that LUC 4 soils “*have a very high drainage capacity due to their stony texture. The high drainage constraint is alleviated through irrigation, which potentially reduces the impact of the soil constraint enabling the land to be used for dairy production*”, therefore given the irrigation present in this area, I consider it would have high productive potential, as is proven by the number of existing farms. This reinforces the need to carefully consider the context that the HPL mapping (as per Clause 3.4 of the NPS-HPL) that has not yet occurred.

³³ Source: Canterbury Maps – Land Resource Inventory (Landcare Research) layer

<https://mapviewer.canterburymaps.govt.nz/>

³⁴ https://ourenvironment.scinfo.org.nz/maps-and-tools/app/Land%20Capability/lri_luc_main



Figure 20: Aerial imagery indicating primarily agricultural land use within the Eyrewell area which is outside LUC 1, 2, or 3 soils (Source: WAIMAP – 2022 aerial imagery)

3.6.2.2.2 Lot sizes of surrounding properties

143. The primary reason these submitters request RLZ is that their areas are surrounded by 4ha lots already. **Figure 21**, **Figure 22**, and **Figure 23** below show the rezone requests and the property boundaries surrounding them to provide an indication of the size of surrounding properties.



Figure 21: Rezone request of Kevin Douglas Braden [11.1] with surrounding property boundaries showing to provide lot size context (Source: WAIMAP)

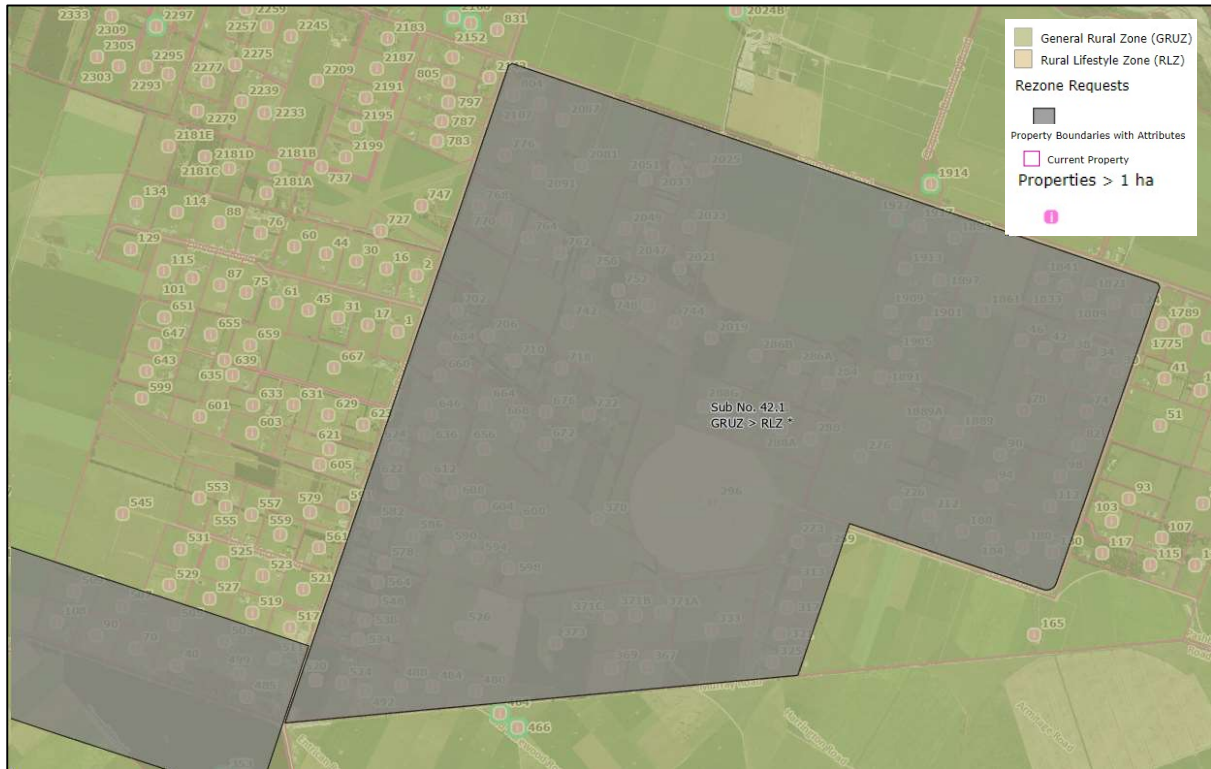


Figure 22: Rezone request of Margaret Jennifer Spencer-Bower [42.1] with surrounding property boundaries showing to provide lot size context (Source: WAIMAP)

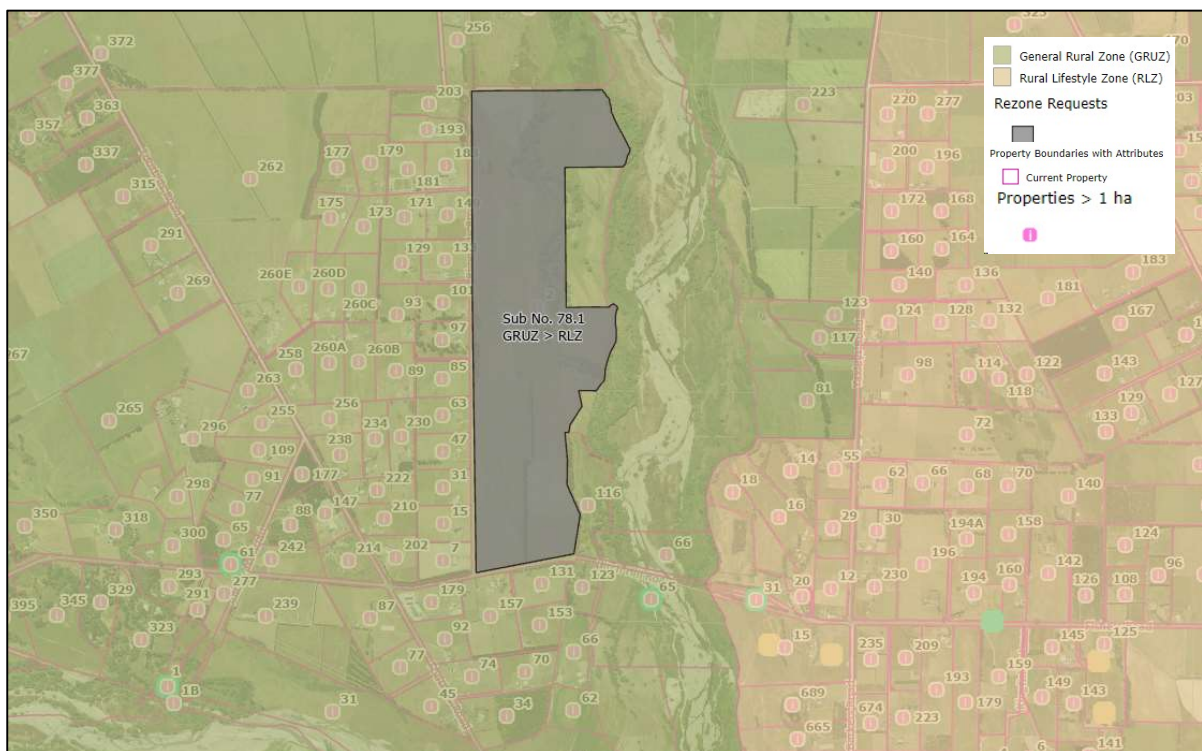


Figure 23: Rezone request of Nicola Watherston [78.1] 2 Riverside Road, Okuku with surrounding property boundaries showing to provide lot size context (Source: WAIMAP)

144. I concur that these rezone request areas are surrounded by a large proportion of smaller, approximately 4ha, lots, however they also adjoin some larger properties.

3.6.2.2.3 CRPS assessment

145. Objective 5.2.1 (which applies to the entire District) seeks development that *"enables rural activities that support the rural environment including primary production..."*. I consider that rezoning these areas RLZ would not support primary production as it would enable 4ha lifestyle blocks, which as outlined in **paragraph 120** above, would be unlikely to support most forms of primary production. Furthermore, as set out in **paragraph 122** above, increased fragmentation of larger parcels limits rural production opportunities.

146. I also note that Kevin Douglas Braden [11.1] supports his submission by contending that more properties are needed for people to live and work in the rural area (Eyrewell) and thereby support primary production. However, in my opinion, enabling 4ha lots via RLZ zoning would likely result in an increase in 4ha lots and consequentially decreased primary production opportunities (as outlined in **paragraph 120** above) and therefore could potentially result in a decline in primary production employment opportunities for rural areas. Analysis of aerial imagery in this general Eyrewell area shows a number of smaller properties, some without a dwelling on them, that could potentially be available to meet any worker accommodation demand and both the ODP³⁵ and the PDP³⁶ provide for residential units and minor residential units in the Rural Zones.

147. I acknowledge that being largely surrounded by 4ha lots could potentially result in reverse sensitivity issues for primary production activities. However, these requested rezoning areas also adjoin some larger properties. Therefore, I consider that as rezoning these areas RLZ would enable 4ha lifestyle blocks, this could add potential for reverse sensitivity issues for these larger adjoining properties. Thereby broadening or spreading the extent of reserve sensitivity issues for existing primary production activities; which would be contrary to CRPS Policy 5.3.12(1)(b): *"avoiding development, and/or fragmentation which;....results in reverse sensitivity effects that limit or precludes primary production"*. However, I also note that there is a resource consent pathway for such properties surrounded by 4ha lots if an application passes the minor effects test of s104D(1)(a).

148. Policy 5.3.12 (which applies to the 'wider region' thus the portion of the District outside Greater Christchurch) aims to *"maintain and enhance natural and physical resources contributing to Canterbury's overall rural productive economy in areas which are valued for existing or foreseeable future primary production..."*. I consider that Policy 5.3.12 applies to LUC 4 soils as they are a physical resource that has value as while it does not constitute HPL it does have productive capacity (as outline above). I consider that such rezonings would be contrary to 5.3.12(1)(a), which seeks to avoid development, and/or fragmentation which *"(a) forecloses the ability to make appropriate use of that land for primary production"*.

149. Policy 5.3.2 (which applies to the 'wider region' thus the portion of the District outside Greater Christchurch) seeks that (among other things) development avoids, remedies or mitigates adverse effects that would compromise or foreclose *"the productivity of the region's soil resources, without regard to the need to make appropriate use of soil which is valued for existing or*

³⁵ Via ODP rule 31.1.1.1 and definition of 'dwellinghouse'

³⁶ Via PDP rules GRUZ-R3, GRUZ-R4, RLZ-R3, and RLZ-R4

foreseeable future primary production, or through further fragmentation of rural land". As noted above, I consider rezoning these areas RLZ would enable 4ha lifestyle blocks which would fragment rural land.

150. Therefore, in my opinion, these requests do not give effect to the CRPS.

3.6.3 Summary of recommendations

151. I recommend the following submission points be **rejected**:

- i. Kevin Douglas Braden [11.1], Margaret Jennifer Spencer-Bower [42.1], and Nicola Anne Watherston [78.1].

3.7 Submissions on dual rural zones approach

3.7.1 Matters raised by submitters

152. Evans Corporate Trustee Limited as trustee for the Evans No 4 Trust - Richard Shaun Evans Director [203.2] seeks the GRUZ and RLZ be retained where the land use is rural. A further submission from Survus Consultants [FS103] opposes this on the basis that the PDP's notification caused substantial cost and uncertainty about whether subdivision applications lodged prior to the PDP's notification will be granted. The submitter has not provided any technical evidence to support this submission.
153. Survus Consultants [205.2] opposes the separation of the rural zone into two zones and seeks deletion of the planning map regarding the GRUZ and RLZ. This relates to their request for an exemption from the GRUZ subdivision rules and special standards for rural subdivision applications lodged before notification of the PDP. Their reasons for this are that it is unlikely these properties (shown in **Figure 24** below) will ever be used for primary production due to their size and location, the additional 161 lots sought will not materially affect production potential or rural character, and there is already a precedent. The submitter has not provided any technical evidence to support this submission.

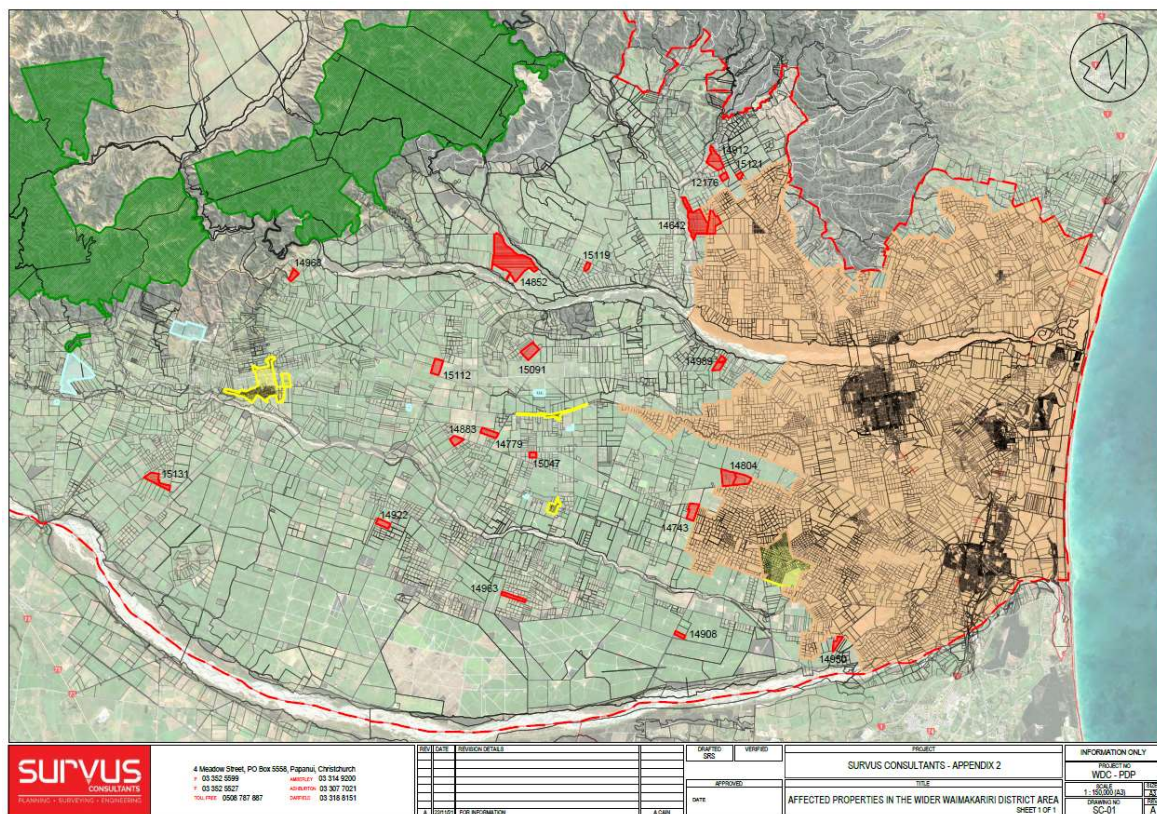


Figure 24: Survus Consultants [205.2] map – red areas show properties represented by submitter that had subdivision consent applications lodged prior to notification of PDP and oppose zoning framework (Source: WAIMAP)

154. This submission point is supported by 15 further submissions³⁷ on the basis that the PDP's notification caused substantial cost and uncertainty about whether subdivision applications lodged prior to the PDP's notification will be granted.

3.7.2 Assessment

3.7.2.1 Survus Consultants

155. Survus Consultants [205.2] opposes the GRUZ and RLZ framework, primarily the 20ha subdivision limit within the GRUZ, and seeks its related mapping is deleted. For the purpose of this rezone assessment, I consider the submitter is essentially seeking the return to a one-rural zone framework with the minimum lot size of 4ha, as per the Operative Plan, which would be RLZ within the PDP.

156. The specific relief sought in [205.2] is that the rural zone layers be deleted in a general sense, not specifically in relation to those properties in **Figure 24**; however, its reasons are specific to these properties (refer to **paragraph 153** above for reasons). The submitter does not provide any rural production or rural character evidence to support this statement.

157. As a large proportion of the GRUZ is HPL, the request would not give effect to Policy 6 of the NPS-HPL, and no evidence has been provided in relation to the applicability of the exemptions in Clause 3.10 of the NPS-HPL, and given the general, District-wide nature of this request I do not think this would be possible as the Clause 3.10 exemptions require a detailed site specific assessment of constraints.

158. The Rural Section 32 Report³⁸ sets out the basis for having two rural zones and some key excerpts include:

- i. The purpose of having a dual rural zone approach is *"...retaining primary productive potential and maintaining the character and amenity values."* (Section 7.1);
- ii. *"Further fragmentation of land below 20 hectares is sought to be avoided in the General Rural Zone so as to retain the potential for a wide range of rural productive activities to occur."* (Section 7.2);
- iii. *"This differs from the status quo by placing greater emphasis within the General Rural Zone on the potential for land to be used for rural productive activities. The other key difference is that by having two separate zones the key differences in character between the east and the west of the District are recognised and addressed within the provisions."* (Section 7.2); and

³⁷ FS34 Alan & Sharron Davie-Martin; FS97 Darryl Brown; FS27 Gerard Bassett; FS106 Herman Wezenberg; FS107 John & Annette Waller; FS40 John & Annette Waller; FS96 John A Bassett; FS122 Mallory Olorenshaw; FS68 Mark & Yvonne Webb; FS127 Robert & Linda Falconer; FS124 Roel Wobben; FS54 Scott & Marcia Larsen; FS114 Sis Johnston; FS111 Susan Mary Sullivan; FS55 Terry & Louise Davis – all support [205.2] and seek it is allowed in full.

³⁸ https://www.waimakariri.govt.nz/data/assets/pdf_file/0020/136109/24.-RURAL-S32-REPORT-DPR-2021..pdf

- iv. *"The proposed provisions recognise that there is a different predominant rural residential character in the east of the District to the west and reflects this through providing two rural zones."* (Section 8.2).

159. Regarding the approach of 'spot zoning' of RLZ within GRUZ, I concur with Mr Buckley in paragraph 26 of his Hearing Speaking Notes for Rural Zones³⁹ for Hearing Stream 6 that the Waimakariri District – Rural Character Assessment (2018) prepared by Boffa Miskell Ltd⁴⁰ *"did not spot zone clusters of 4ha properties within GRUZ and did not spot zone larger properties within RLZ. Spot zoning of clusters, particularly rural lifestyle sized blocks within the GRUZ could potentially lead to greater fringe development around those spot zones as a result of ongoing reverse sensitivity conflicts"*. I also consider that such spot zoning could also set a precedent for future sub-20ha lot subdivision within the GRUZ based on adjacent RLZ density, leading to future fragmentation of productive rural land.

160. I therefore consider this request would not give effect to CRPS Objective 5.2.1, Policy 5.3.12, or 5.3.2.

161. The submitter has not provided any evidence that counters the findings of the *'Rural Character Assessment (2018)'* prepared by Boffa Miskell Ltd and *'Rural Production Advice – Rural Land Zoning (2018)'*⁴¹ report prepared by Macfarlane Rural Business, which informed the PDP's dual rural zone approach.

162. A memo (provided in **Appendix F**) prepared by Wendy Harris, Planning Manager of Plan Implementation Unit at the District Council, along with her speaking notes⁴² from Hearing Stream 8, set out the background for the subdivision consent applications that were in progress at the time that PDP was notified and the GRUZ rules relating to density had immediate legal effect (as outlined in **section 3.2.2** above). The subdivision resource consent applications relating to the sites in **Figure 24** can still be processed at the applicant's request and the context of the site's location would be a consideration within that process.

163. I do not agree with the submitters overarching request in [205.2] to delete the rural zone mapping layer as I consider it does not give effect to the NPS-HPL and CRPS.

3.7.2.2 Evans Corporate Trustee Limited as trustee for the Evans No 4 Trust - Richard Shaun Evans Director [203.2].

164. While the submitter supports the GRUZ and RLZ and seeks it is retained, it restricts this to where the land use is rural. I consider that if the rural zoning framework was amended to only be GRUZ or RLZ where the land use was rural, this would result in a number of 'spot zones' scattered throughout parts of the District.

³⁹ https://www.waimakariri.govt.nz/_data/assets/pdf_file/0017/144008/STREAM-6-COUNCIL-OFFICERS-SPEAKING-NOTES-FOR-RURAL-ZONES-S42A.pdf

⁴⁰ https://www.waimakariri.govt.nz/_data/assets/pdf_file/0021/136137/18.-FINAL-RURAL-CHARACTER-ASSESSMENT-BOFFA-MISKELL-6-JUNE-2018.PDF

⁴¹ https://www.waimakariri.govt.nz/_data/assets/pdf_file/0020/136145/26.-Waimakariri-District-Plan-Review-v2.pdf

⁴² https://www.waimakariri.govt.nz/_data/assets/pdf_file/0019/162091/STREAM-8-SPEAKING-NOTES-WENDY-HARRIS-S42A.pdf

165. Such 'spot zones' could potentially compound reverse sensitivity issues for primary production as existing non-rural land uses could likely then be permitted to operate at a broader level (e.g., an industrial activity within the GRUZ if rezoned to an Industrial Zone could potentially expand its operation over and above its existing use rights (as per s10 of the RMA), or its consented land use). I therefore do not agree with the request to limit the GRUZ and RLZ zoning to only where the land use is rural.

3.7.3 Summary of recommendations

166. I recommend the following submission point be **rejected**:
- i. Survus Consultants [205.2].
167. I recommend the following submission point be **accepted in part**:
- i. Evans Corporate Trustee Limited as trustee for the Evans No 4 Trust - Richard Shaun Evans Director [203.2].
168. My recommendations in relation to further submissions are outlined in **Appendix B** and reflect my recommendations on submissions.

3.8 Submissions on peri-urban rural development

3.8.1 *Matters raised by submitters*

169. Wayne H Dyer [12.1] seeks provision for 0.5ha to 2.0ha sized lots within a peri-urban rural zone near, and surrounding, urban zones / towns to provide a transition between urban to rural. The submitter considers this would provide amenity and social benefits and recognise productive agriculture land by building on unproductive areas. Mr Dyer suggests using these areas to tidy up irregular development areas and make better use of sites bordering urban zones / towns.

3.8.2 *Assessment*

170. I note that this submission is included in this report however as it essentially relates to LLRZ rezoning I discussed it with Mr Buckley, s42A Reporting Officer for the rezone requests seeking LLRZ zoning (Hearing Stream 12C), and he concurred with my assessment and recommendation.

3.8.2.1 *NPS-HPL*

171. The District's eastern towns are surrounded by RLZ, which cannot be considered HPL as per Clause 3.5(7)(a)(i) and therefore the NPS-HPL does not apply to these areas.
172. However, the District's western towns, Oxford and Cust, are surrounded by GRUZ and LUC 1, 2, or 3 land (refer to **Figure 2** above) thus are considered HPL as per Clause 3.5(7)(a) and the NPS-HPL does apply to these areas (except where Clause 3.5(7)(b) applies which relates to land being identified for future urban development or urban or RLZ District Council initiated rezoning).
173. I consider the most applicable zoning the submitter is requesting is LLRZ, which provides for lots at an average of 0.5ha (0.25ha minimum). The definition of 'urban' in Clause 1.3 of the NPS-HPL classifies LLRZ as an 'urban' zone at sub-clause (a). Policy 5 of the NPS-HPL therefore applies, which seeks avoidance of urban rezoning of highly productive land, unless Clause 3.6 of the NPS-HPL applies.
174. Clause 3.6 of the NPS-HPL provides an exemption for the urban rezoning of HPL if it is required to provide sufficient development capacity to meet demand for housing or business land. Table 1 of the NPS-UD Appendix⁴³ identifies the Waimakariri District Council as a Tier 1 local authority therefore I consider the subclauses (1), (2), (3), and (5) of Clause 3.6 apply and provide for the urban rezoning of HPL if it is required to provide sufficient development capacity to meet demand for housing or business land to give effect to the NPS-UD.
175. Given that the NPS-HPL came into force on 17 October 2022 (after the time for lodging submissions and further submissions) the submitter has not provided an assessment setting out the applicability of these Clause 3.6 exemptions and given the generic, District-wide nature of this request I think this would be challenging given detailed site-specific assessment is required to prove the applicability of the Clause 3.6 exemptions. Therefore, I consider the submitters request as it relates to peri-urban development within the District's western towns of Oxford and Cust, does not give effect to the NPS-HPL.

⁴³ <https://environment.govt.nz/assets/publications/National-Policy-Statement-Urban-Development-2020-11May2022-v2.pdf>

3.8.2.2 CRPS

176. As per my assessment framework in **Figure 3**, I will consider the CRPS for the parts of this submission where the NPS-HPL does not apply.
177. The CRPS defines 'rural residential activities' within Greater Christchurch as "*residential units outside the identified Greenfield Priority Areas and Future Development Areas at an average density of between 1 and 2 households per hectare.*" The submitter requests peri urban lots of 0.5ha to 2.0ha which equates to 2 households per hectare (for 0.5ha lots) to 0.5 households per hectare (for 2.0ha lots). I note that while 2.0ha lots would not be within the rural residential density of 1-2 households per hectare these could be included under 'rural residential activities' given the definition states the density is an 'average density', not a minimum.
178. Policy 6.3.9 requires that rural residential development within Greater Christchurch is identified within a Rural Residential Development Strategy. The Waimakariri Rural Residential Development Strategy (2019)⁴⁴ (RRDS) does not identify any areas on the edge of towns (peri-urban) for rural residential development, it only identifies expansion of existing rural residential areas. Therefore, the parts of the rezone request located within Greater Christchurch would not give effect to CRPS Policy 6.3.9.
179. In terms of the towns located outside of Greater Christchurch (Oxford and Cust), Policy 5.3.1 applies. It seeks that "*limited rural residential development occur in a form that concentrates, or is attached to, existing urban areas and promotes a coordinated pattern of development*". The request would give effect to this policy.
180. The RRDS only identifies expansion of existing rural residential areas. Future rural residential locations on the direct edges of main towns outside of the Infrastructure Boundary were excluded from the RRDS as such development would foreclose more intensive long-term urban development (page 10 RRDS). I concur that peri-urban rural residential development would limit future urban expansion of towns and would be inconsistent with the RRDS.

3.8.3 Summary of recommendations

181. I recommend the following submission point be **rejected**:
- i. Wayne H Dyer [12.1].

⁴⁴ https://www.waimakariri.govt.nz/data/assets/pdf_file/0035/69686/Rural-Residential-Development-Strategy.pdf

3.9 Submissions on provision for residential units on undersized lots within RLZ

3.9.1 Matters raised by submitters

182. Two submitters seek provision for residential units on undersized RLZ lots.

183. I note that these submissions are included in this report however as they essentially relate to LLRZ rezoning I discussed them with Mr Buckley, s42A Reporting Officer for the rezone requests seeking LLRZ zoning (Hearing Stream 12C), and he concurred with my assessments and recommendations.

3.9.1.1 Peter Robert Raleigh Mulligan – 19 & 23 Jacksons Road, Ohoka [370.1]

184. Peter Robert Raleigh Mulligan [370.1] has two lots located in the RLZ at 19 Jacksons Road, Ohoka (Lot 2 DP 81869 comprising 3.537ha, which contains a residential unit) and 23 Jacksons Road, Ohoka (Lot 3 DP 81869 comprising 1.072ha, which contains no residential unit). These lots are amalgamated in one certificate of title (CB47B/271). The submitter seeks that the PDP be amended to provide for the erection of a residential unit on sites and allotments less than 4ha to enable him to erect a residential unit on Lot 3 DP 81869.

3.9.1.2 Roger Reeves and Karen De Lautour – 786 Mill Road, Ohoka [231.1 & 231.2]

185. Roger Reeves and Karen De Lautour [231.1 & 231.2] seek amendment of the planning map (and/or relevant RLZ rules) to make a site-specific exemption for 786 Mill Road, Ohoka, which is 2.4ha, to permit residential units on sites created by subdivision before 2001 that are less than 4ha in net site area.

3.9.2 Assessment

3.9.2.1 Peter Robert Raleigh Mulligan – 19 & 23 Jacksons Road, Ohoka [370.1]

186. The Rural Zone s42A Report⁴⁵ assessed this submission in relation to its application to rule RLZ-R3 and recommended it be rejected however omitted a reason for this. The reasoning was consequently set out in the Rural Zone Reply Report⁴⁶ (paragraphs 138-140) which stated that “such a site size would not be consistent with the NPS⁴⁷ RLZ zone description and rather, would be more closely aligned with the LLRZ, which would necessitate re-zoning”. The Rural Zone Reporting Officer also recommended in Table B32 of Appendix B⁴⁸ of the Rural Zone s42A Report that this submission also be considered in Hearing Stream 12 for rezoning requests.

187. Firstly, to provide some background, Peter Robert Raleigh Mulligan [370.1] sought land use consent under the Operative Plan in 2018 to erect a dwelling on Lot 3 DP 81819. This was assessed as a non-complying activity as this allotment is amalgamated with Lot 2 DP 81819 (which has an

⁴⁵ https://www.waimakariri.govt.nz/_data/assets/pdf_file/0013/142240/STREAM-6-RURAL-ZONE-SECTION-42A-REPORT.pdf

⁴⁶ https://www.waimakariri.govt.nz/_data/assets/pdf_file/0027/159705/STREAM-6-RURAL-ZONES-S42A-AUTHORS-RIGHT-OF-REPLY.pdf

⁴⁷ National Planning Standard <https://environment.govt.nz/publications/national-planning-standards/>

⁴⁸ https://www.waimakariri.govt.nz/_data/assets/pdf_file/0015/142242/APPENDIX-B-RECOMMENDED-RESPONSES-TO-SUBMISSIONS-and-FS-RURAL-ZONE-SECTION-42A-REPORT.pdf

existing dwelling) and therefore they are considered a single site and thus the new dwelling would be a second dwelling. This application was declined as it did not meet the s104D gateway tests.

188. I concur with the determination that these two amalgamated lots comprise a single site, and consider the lots would therefore meet the definition of 'site' in the PDP – "*b. an area of land which comprises two or more adjoining legally defined allotments in such a way that the allotments cannot be dealt with separately without the prior consent of the council;*".

189. In terms of the rezoning aspect of this submission, I note that the submission does not directly mention rezoning or seek amendments to the planning map however it could be interpreted to be seeking this as it requests "*to change the rural lifestyle site from 4ha to 1ha and for the change to apply to both sites and allotments*". I consider this lot size would be most like the minimum lot size of the LLRZ which under SUB-S1 of the PDP (notified version) is 2,500m² with a minimum average of 5,000m² for lots within the subdivision.

3.9.2.1.1 NPS-HPL

190. This site is within RLZ thus cannot be considered HPL as per Clause 3.5(7)(a)(i) and therefore the NPS-HPL does not apply.

3.9.2.1.2 CRPS

191. The site is located within Greater Christchurch (as per Map A of the CRPS) and is therefore required under CRPS Policy 6.3.9 to be identified within a Rural Residential Development Strategy to be considered for rural residential development. The site is not identified within the District Council's RRDS⁴⁹. I therefore consider this request, as it relates to an indirect request to rezone the site to LLRZ, does not give effect to Policy 6.3.9.

3.9.2.2 Roger Reeves and Karen De Lautour – 786 Mill Road, Ohoka [231.1 & 231.2]

192. The submission states that the site was created via subdivision "*well before 1 October 1991*", which is the current 'cut-off' date under RLZ-R3(3) of the notified PDP. As such, this site is not subject to this legacy clause exemption and therefore construction of a residential unit on this undersized site would be a non-complying activity.

193. To provide some background, in accordance with District Council Policy⁵⁰ relating to temporary residential dwellings on rural lots in response to the Canterbury earthquakes, this site was granted land use consent in 2012 (RC125096) to establish a temporary dwelling that was required to be removed by 2016. The applicant then applied for a land use consent (RC125123) to establish a dwelling on an undersized lot and retain its temporary dwelling as its secondary dwelling. This application was declined on the basis that it would affect plan integrity and be contrary to the objectives and policies of the Operative Plan.

194. In terms of the rezone request element of this submission, I consider the site's 2.4ha size would be most akin to the LLRZ density and therefore will assess it as such.

⁴⁹ https://www.waimakariri.govt.nz/_data/assets/pdf_file/0035/69686/Rural-Residential-Development-Strategy.pdf

⁵⁰ Policy S-CP-0440

3.9.2.2.1 NPS-HPL

195. This site is within RLZ thus cannot be considered HPL as per Clause 3.5(7)(a)(i) and therefore the NPS-HPL does not apply.

3.9.2.2.2 CRPS

196. The site is located within Greater Christchurch (as per Map A of the CRPS) and is therefore required under CRPS Policy 6.3.9 to be identified within a Rural Residential Development Strategy to be considered for rural residential development. The site is not identified within the District Council's RRDS⁵¹. I therefore consider this request, as it relates to an indirect request to rezone the site to LLRZ, does not give effect to Policy 6.3.9.

3.9.3 Summary of recommendations

197. I recommend the following submission points be **rejected**:

- i. Roger Reeves and Karen De Lautour [231.1 & 231.2] and Peter Robert Raleigh Mulligan [370.1].

⁵¹ https://www.waimakariri.govt.nz/data/assets/pdf_file/0035/69686/Rural-Residential-Development-Strategy.pdf

3.10 Submission to rezone Coopers Creek from GRUZ to NOSZ

3.10.1 Matters raised by submitters

198. George JasonSmith [270.16] notes that a section of both the east and west branches of Coopers Creek upstream of their confluence are within GRUZ and thus excluded from the Open Space Zone, despite being adjacent to the Open Space Zone and other sections of these branches being within the Open Space Zone. He seeks that these east and west branches of Coopers Creek be rezoned from GRUZ to Open Space Zone for their entire lengths above their confluence.

3.10.2 Assessment

199. **Figure 25** below shows the west and east branches of Coopers Creek that the submitter is referring to.

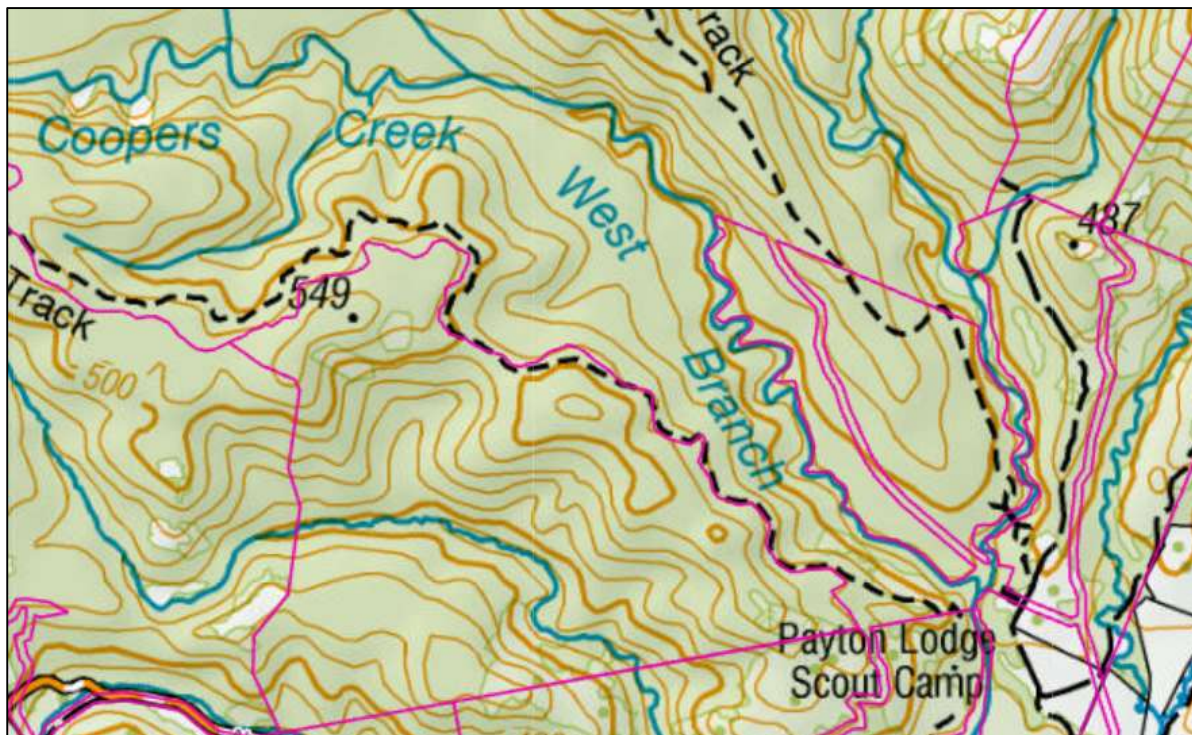


Figure 25: Topographical map showing Coopers Creek west branch, and adjacent east branch (Source: WAIMAP)

200. **Figure 26** below shows the zoning of these two branches of Coopers Creek under the notified PDP. **Figure 27** below shows the extent of the GRUZ zoning of the Coopers Creek east and west branches.



Figure 26: Coopers Creek east and west branches within GRUZ zoning, not Natural Open Space Zone (NOSZ) (Source: Proposed Waimakariri District Plan e-Plan)

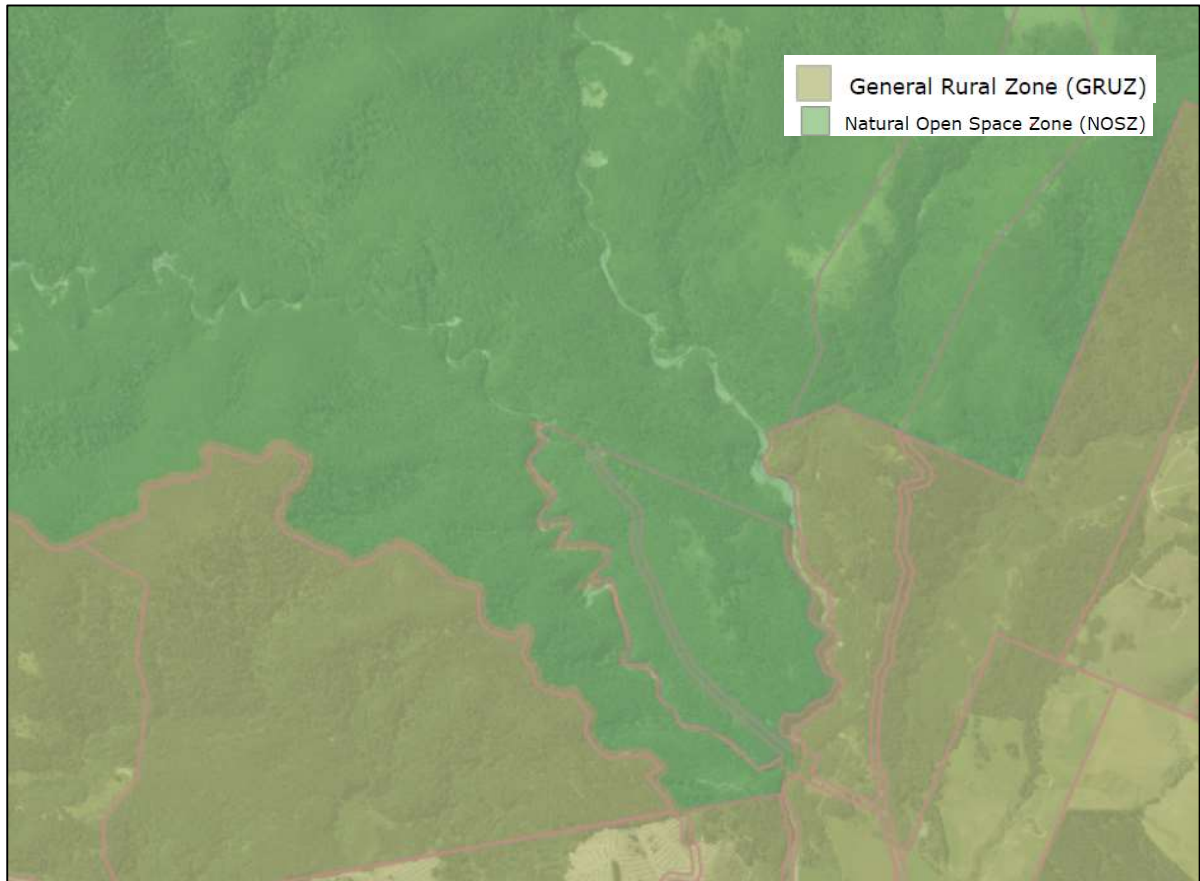


Figure 27: Extent of GRUZ and NOSZ zoning of Coopers Creek east and west branches
(Source: WAIMAP)

201. **Figure 28** below shows the extent of this rezone request. I note that while the submitter refers to the Open Space Zone, I consider he is meaning the NOSZ as this is the adjoining open space zone in this area.

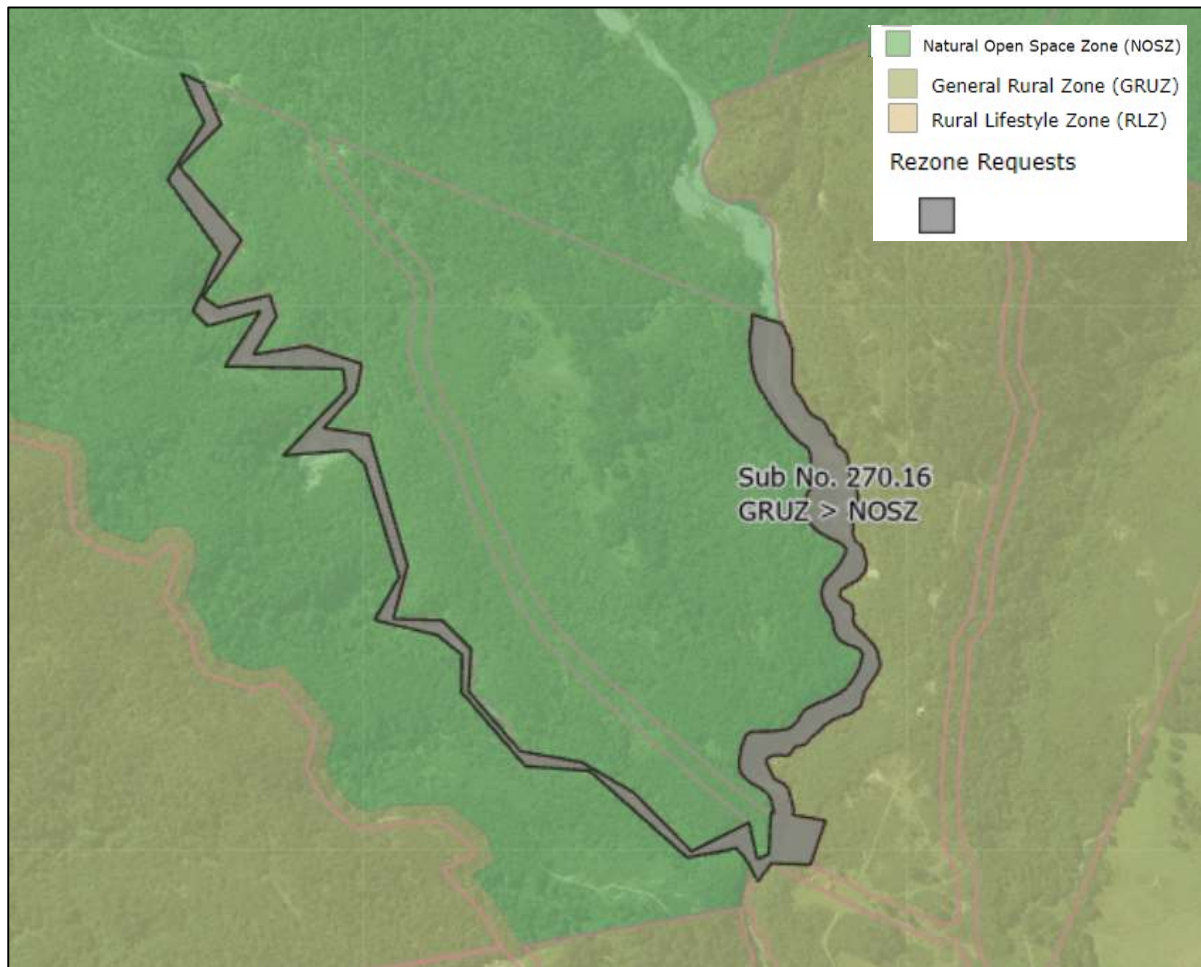


Figure 28: Extent of George JasonSmith [270.16] rezoning request (Source: WAIMAP)

202. The area is Crown-owned conservation land. The west (true right) branch is bounded on both sides by conservation land and NOSZ. While the east (true left) branch adjoins conservation land that is within the NOSZ to the west, and to the east it adjoins GRUZ land that is privately owned.
203. The area is located within the PDP's Puketeraki Range and Oxford Foothills Outstanding Natural landscape (ONL).

3.10.2.1 NPS-HPL

204. Both sections of these branches of Coopers Creek are within LUC 6 soils (refer to **Figure D17** and **Figure D18** in **Appendix D**), thus as per Clause 3.5(7)(a)(ii), the NPS-HPL does not apply.

3.10.2.2 CRPS

205. Policy 5.2.1(2) seeks that development "*enables people and communities, including future generations, to provide for their social, economic and cultural well-being and health and safety*". Given the branches are part of Crown-owned conservation land, I consider the request to rezone them from GRUZ to NOSZ would give still effect to this policy.
206. Given the conservation status of the land, and also noting their river function, I do not consider these branches of Coopers Creek could contribute to Canterbury's overall rural productive economy and therefore Policy 5.3.12 and Policy 5.3.2 are not relevant.

207. Chapter 12 contains provisions relating to the protection of ONLs (Objective 12.2.1 and Policy 12.3.2), which are of some relevance and are given effect to via the provisions of the Natural Features and Landscapes Chapter of the PDP. As the request is located outside Greater Christchurch the provisions of Chapter 6 do not apply.

208. Overall, I consider this request gives effect to the CRPS to the limited extent that it is relevant.

3.10.2.3 Most appropriate zone

209. Both the Rural s32 report and Open Space and Recreation Zones s32 report⁵² do not discuss the zoning of these branches.

210. The purpose of the GRUZ (as set out in the GRUZ Introduction – PDP notified version) is “to provide for primary production activities, those activities that support rural activities and those activities that rely on the natural resources that exist within the zone”. GRUZ-O1 (PDP notified version) seeks that “Natural and physical resources and primary production activities which contribute to the District's rural productive economy dominate while fragmentation of land into small rural parcels is restricted”.

211. The purpose of the NOSZ (as set out in the NOSZ Introduction – PDP notified version) is to provide for areas where the natural environment is retained. NOSZ-O1 (PDP notified version) sets out the predominant character, amenity values, role and function of the NOSZ. It includes characteristics of undeveloped natural open space (1), natural character (5), and indigenous biodiversity (6); which I consider aligns with the character of these branches of Coopers Creek.

212. Therefore, given these branches are located within or adjoining conservation land, I do not consider they could provide for primary production activities, and given they are Crown-owned, located on conservation land, and adjoin the NOSZ on one side (east / true left branch) or both sides (west / true right branch), I consider that the NOSZ is the most appropriate zone.

3.10.3 Summary of recommendations

213. I recommend the following submission point be **accepted**:

- i. George JasonSmith [270.16]

3.10.4 Section 32AA assessment

214. In my opinion, the amendment of the zoning of the branches of Coopers Creek above their confluence as shown in **Figure 28** is more appropriate in achieving the objectives of the PDP than the notified provisions. In particular, I consider that:

- i. Given the conservation status of the land, and also noting the branches river function, I do not consider they could contribute to primary production;
- ii. Given they are located on or adjoining conservation land and adjoin the NOSZ on one side (east / true left branch), or both sides (west / true right branch), I consider that the NOSZ is the most appropriate zone; and

⁵² https://www.waimakariri.govt.nz/data/assets/pdf_file/0013/136111/26.-OPEN-SPACE-AND-RECREATION-ZONES-S32-REPORT-DPR-2021.pdf

- iii. Consequently, NOSZ zoning would be more efficient and effective than the notified GRUZ zoning in achieving the objectives of the Proposed Plan (specifically NOSZ-O1 and GRUZ-O1) as the NOSZ provisions would be of more relevance to the character and use of these branches.

4 Conclusions

215. Submissions have been received in support, opposition and seeking amendments to the PDP in relation to the zoning of the Rural Zones. I have considered all the submissions and reviewed all relevant statutory and non-statutory documents and recommend that the PDP be amended as set out in **Appendix A** of this report.


216. For the reasons set out in the Section 32AA evaluation included throughout this report, I consider that the proposed provisions with the recommended amendments are the most appropriate means to achieve the relevant objectives of the PDP.

Recommendations:

I recommend that:

1. The Hearing Commissioners accept, accept in part, or reject submissions, and associated further submissions, as outlined in **Appendix B** of this report; and
2. The PDP is amended in accordance with **Appendix A** of this report.

Signed:

Name and Title		Signature
Report Author	Shelley Milosavljevic <i>Senior Policy Planner – Waimakariri District Council</i>	

**Appendix A. Recommended Amendments to Rural Zones
boundaries on Planning Map**

I recommend that the land shown by the grey outline below be rezoned from GRUZ to NOSZ, being the true left and true right branches of Coopers Creek above their confluence and located near 266 and 268 Mountain Road, Coopers Creek.



Figure A1: Area recommended to be rezoned from GRUZ to NOSZ via submission of George JasonSmith [270.16] (Source: WAIMAP)

Appendix B. Recommended Responses to Submissions and Further Submissions

The recommended responses to the submissions made on this topic are presented in Table B1 below.

Table B1: Recommended responses to submissions and further submissions relating to Rural Zone rezoning requests

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
1.1	Nathan Schaffer	General	Rezone 593 and 581 Marshmans Road to Rural Lifestyle Zone.	3.4	Reject	See body of report.	No
102.1	M J Borcoskie Family Trust	General	Request that the existing District Plan rules, as they apply to 666 Mount Thomas Road, remain unchanged. Alternatively, rezone 666 Mount Thomas Road to Rural Lifestyle Zone. If 666 Mount Thomas Road remains General Rural Zone, the rules need to allow for future subdivision as a controlled or discretionary activity, to take into account the best interests of a property where its inclusion within the zone is more marginal than the other areas containing the best quality land. Rules need to be clear and give greater ability for rural use, including more intensive uses. If future subdivision is not possible, future use and development should be enabled, and reverse sensitivity issues should be adequately covered.	3.4	Reject	See body of report.	No
103.1	Margaret and John Cotter	General	Extend Rural Lifestyle Zone along the north side of Oxford Road, west from Rangiora to the Cust River (Kennedy Hill Rd) to match the zoning on the south side of Oxford Road. Reinstate boundary adjustment provisions from the Operative District Plan. Assess subdivision applications on individual merit.	3.5	Reject	See body of report.	No
11.1	Kevin Douglas Braden	General	Allow 10 acre (4ha) subdivision in Mainrace Road because already subdivided around 253 Mainrace Road and to provide for living and working in the area.	3.6	Reject	See body of report.	No
12.1	Wayne H Dyer	General	Include smaller rural zones adjacent to or surrounded by urban zones, work with land owners and identify suitable areas, rather than stand-alone developments, and recognise productive agricultural land by building on unproductive areas.	3.8	Reject	See body of report.	No
14.1	Elizabeth Camm	General	Rezone 12 Doyles Road, Loburn to Rural Lifestyle Zone.	3.5	Reject	See body of report.	No
203.2	Richard Shaun Evans as Director of the Evans Corporate Trustee Limited as trustee for the Evans No 4 Trust	General	Retain the General Rural Zone and Rural Lifestyle Zone where the land use is rural.	3.7	Accept in part	See body of report.	No
FS103	Survus Consultants		<i>Oppose – Disallow. The plan's notification has caused substantial cost and uncertainty about whether our clients' applications that were lodged prior to the notification of the PDP, will be granted. The plan changes were presented to the Environment Court without prior consultation with the rural community and there is no clear reasoning as to why the line between the GRUZ and RLZ line</i>	3.7	Reject	See body of report.	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
			<i>was drawn where it is shown on the maps. Delete General Rural Zone and Rural Lifestyle Zone maps and provisions for rural subdivision and residential development. Amend provisions to reflect the submission's issues and amend objectives and policies to support the relief sought.</i>				
209.1	Robert Adolf and Fiona Mary Buhler	General	Amend Proposed District Plan to either rezone 680 South Eyre Road to Rural Lifestyle or amend General Rural Zone provisions to recognise and protect existing lawfully established intensive farms from reverse sensitivity effects from intensification or activities sensitive to animal effluent odour discharges. This should include all buffers/setbacks in Operative District Plan for sensitive activities and associated matters of consideration (Rule 31.19.1.1,3 and 4 and Rule 32.1.3(m)). Amend objectives and policies to include specific aim for General Rural and Rural Lifestyle Zones that protects lawfully established rural activities and their infrastructure from the reverse sensitivity effects of the intensification or introduction of odour sensitive activities into surrounding areas.	3.4	Reject	See body of report.	No
209.10	Robert Adolf and Fiona Mary Buhler	RLZ-R5	Rezone 680 South Eyre Road to Rural Lifestyle Zone (RLZ) or amend General Rural Zone (GRUZ) provisions to recognise and protect existing lawfully established intensive farms from reverse sensitivity effects from intensification or activities sensitive to animal effluent odour discharges, such as residential and other activities. This should include all buffers/setbacks in Operative District Plan for sensitive activities and associated matters of consideration (Rule 31.19.1.1,3 and 4 and Rule 32.1.3(m)). Amend objectives and policies to include specific aim for GRUZ and RLZ that protects lawfully established rural activities and their infrastructure from the reverse sensitivity effects of the intensification or introduction of odour sensitive activities into surrounding areas.	3.4	Reject	See body of report.	No
209.11	Robert Adolf and Fiona Mary Buhler	RLZ-R6	Rezone 680 South Eyre Road to Rural Lifestyle or amend General Rural Zone provisions to recognise and protect existing lawfully established intensive farms from reverse sensitivity effects from intensification or activities sensitive to animal effluent odour discharges, such as residential and other activities. This should include all buffers/setbacks in Operative District Plan for sensitive activities and associated matters of consideration (Rule 31.19.1.1,3 and 4 and Rule 32.1.3(m)). Amend objectives and policies to include specific aim for General Rural and Rural Lifestyle Zones that protects lawfully established rural activities and their infrastructure from the reverse sensitivity effects of the	3.4	Reject	See body of report.	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
			intensification or introduction of odour sensitive activities into surrounding areas.				
209.12	Robert Adolf and Fiona Mary Buhler	RLZ-R7	Rezone 680 South Eyre Road to Rural Lifestyle Zone (RLZ) or amend General Rural Zone (GRUZ) provisions to recognise and protect existing lawfully established intensive farms from reverse sensitivity effects from intensification or activities sensitive to animal effluent odour discharges, such as residential and other activities. This should include all buffers/setbacks in Operative District Plan for sensitive activities and associated matters of consideration (Rule 31.19.1.1,3 and 4 and Rule 32.1.3(m)). Amend objectives and policies to include specific aim for GRUZ and RLZ that protects lawfully established rural activities and their infrastructure from the reverse sensitivity effects of the intensification or introduction of odour sensitive activities into surrounding areas.	3.4	Reject	See body of report.	No
209.13	Robert Adolf and Fiona Mary Buhler	RLZ-R8	Rezone 680 South Eyre Road to Rural Lifestyle Zone (RLZ) or amend General Rural Zone (GRUZ) provisions to recognise and protect existing lawfully established intensive farms from reverse sensitivity effects from intensification or activities sensitive to animal effluent odour discharges, such as residential and other activities. This should include all buffers/setbacks in Operative District Plan for sensitive activities and associated matters of consideration (Rule 31.19.1.1,3 and 4 and Rule 32.1.3(m)). Amend objectives and policies to include specific aim for GRUZ and RLZ that protects lawfully established rural activities and their infrastructure from the reverse sensitivity effects of the intensification or introduction of odour sensitive activities into surrounding areas.	3.4	Reject	See body of report.	No
209.14	Robert Adolf and Fiona Mary Buhler	RLZ-R9	Rezone 680 South Eyre Road to Rural Lifestyle Zone (RLZ) or amend General Rural Zone (GRUZ) provisions to recognise and protect existing lawfully established intensive farms from reverse sensitivity effects from intensification or activities sensitive to animal effluent odour discharges, such as residential and other activities. This should include all buffers/setbacks in Operative District Plan for sensitive activities and associated matters of consideration (Rule 31.19.1.1,3 and 4 and Rule 32.1.3(m)). Amend objectives and policies to include specific aim for GRUZ and RLZ that protects lawfully established rural activities and their infrastructure from the reverse sensitivity effects of the intensification or introduction of odour sensitive activities into surrounding areas.	3.4	Reject	See body of report.	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
209.15	Robert Adolf and Fiona Mary Buhler	RLZ-R10	Rezone 680 South Eyre Road to Rural Lifestyle Zone (RLZ) or amend General Rural Zone (GRUZ) provisions to recognise and protect existing lawfully established intensive farms from reverse sensitivity effects from intensification or activities sensitive to animal effluent odour discharges, such as residential and other activities. This should include all buffers/setbacks in Operative District Plan for sensitive activities and associated matters of consideration (Rule 31.19.1.1,3 and 4 and Rule 32.1.3(m)). Amend objectives and policies to include specific aim for GRUZ and RLZ that protects lawfully established rural activities and their infrastructure from the reverse sensitivity effects of the intensification or introduction of odour sensitive activities into surrounding areas.	3.4	Reject	See body of report.	No
209.16	Robert Adolf and Fiona Mary Buhler	RLZ-R17	Amend Proposed District Plan to either rezone 680 South Eyre Road to Rural Lifestyle Zone (RLZ) or amend General Rural Zone (GRUZ) provisions to recognise and protect existing lawfully established intensive farms from reverse sensitivity effects from intensification or activities sensitive to animal effluent odour discharges, such as residential and other activities. This should include all buffers/setbacks in Operative District Plan for sensitive activities and associated matters of consideration (Rule 31.19.1.1,3 and 4 and Rule 32.1.3(m)). Amend objectives and policies to include specific aim for GRUZ and RLZ that protects lawfully established rural activities and their infrastructure from the reverse sensitivity effects of the intensification or introduction of odour sensitive activities into surrounding areas.	3.4	Reject	See body of report.	No
209.17	Robert Adolf and Fiona Mary Buhler	GRUZ-O1	Rezone 680 South Eyre Road to Rural Lifestyle Zone (RLZ) or amend General Rural Zone (GRUZ) provisions to recognise and protect existing lawfully established intensive farms from reverse sensitivity effects from intensification or activities sensitive to animal effluent odour discharges, such as residential and other activities. This should include all buffers/setbacks in Operative District Plan for sensitive activities and associated matters of consideration (Rule 31.19.1.1,3 and 4 and Rule 32.1.3(m)). Amend objectives and policies to include specific aim for GRUZ and RLZ that protects lawfully established rural activities and their infrastructure from the reverse sensitivity effects of the intensification or introduction of odour sensitive activities into surrounding areas.	3.4	Reject	See body of report.	No
209.18	Robert Adolf and Fiona Mary Buhler	GRUZ-P1	Rezone 680 South Eyre Road to Rural Lifestyle Zone (RLZ) or amend General Rural Zone (GRUZ) provisions to recognise and protect existing lawfully established intensive farms from reverse	3.4	Reject	See body of report.	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
			sensitivity effects from intensification or activities sensitive to animal effluent odour discharges, such as residential and other activities. This should include all buffers/setbacks in Operative District Plan for sensitive activities and associated matters of consideration (Rule 31.19.1.1,3 and 4 and Rule 32.1.3(m)). Amend objectives and policies to include specific aim for GRUZ and RLZ that protects lawfully established rural activities and their infrastructure from the reverse sensitivity effects of the intensification or introduction of odour sensitive activities into surrounding areas.				
209.19	Robert Adolf and Fiona Mary Buhler	GRUZ-P2	Rezone 680 South Eyre Road to Rural Lifestyle Zone (RLZ) or amend General Rural Zone (GRUZ) provisions to recognise and protect existing lawfully established intensive farms from reverse sensitivity effects from intensification or activities sensitive to animal effluent odour discharges, such as residential and other activities. This should include all buffers/setbacks in Operative District Plan for sensitive activities and associated matters of consideration (Rule 31.19.1.1,3 and 4 and Rule 32.1.3(m)). Amend objectives and policies to include specific aim for GRUZ and RLZ that protects lawfully established rural activities and their infrastructure from the reverse sensitivity effects of the intensification or introduction of odour sensitive activities into surrounding areas.	3.4	Reject	See body of report.	No
209.2	Robert Adolf and Fiona Mary Buhler	RLZ-O1	Rezone 680 South Eyre Road to Rural Lifestyle Zone (RLZ) or amend General Rural Zone (GRUZ) provisions to recognise or protect existing lawfully established intensive farms from reverse sensitivity effects from intensification or activities sensitive to animal effluent odour discharges, such as residential and other activities. This should include all buffers/setbacks in Operative District Plan for sensitive activities and associated matters of consideration (Rule 31.19.1.1,3 and 4 and Rule 32.1.3(m)). Amend objectives and policies to include specific aim for GRUZ and RLZ that protects lawfully established rural activities and their infrastructure from the reverse sensitivity effects of the intensification or introduction of odour sensitive activities into surrounding areas.	3.4	Reject	See body of report.	No
209.20	Robert Adolf and Fiona Mary Buhler	GRUZ-R3	Rezone 680 South Eyre Road to Rural Lifestyle Zone (RLZ) or amend General Rural Zone (GRUZ) provisions to recognise and protect existing lawfully established intensive farms from reverse sensitivity effects from intensification or activities sensitive to animal effluent odour discharges, such as residential and other activities. This should include all buffers/setbacks in Operative District Plan for sensitive activities and associated matters of	3.4	Reject	See body of report.	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
			consideration (Rule 31.19.1.1,3 and 4 and Rule 32.1.3(m)). Amend objectives and policies to include specific aim for GRUZ and RLZ that protects lawfully established rural activities and their infrastructure from the reverse sensitivity effects of the intensification or introduction of odour sensitive activities into surrounding areas.				
209.21	Robert Adolf and Fiona Mary Buhler	GRUZ-R4	Rezone 680 South Eyre Road to Rural Lifestyle Zone (RLZ) or amend General Rural Zone (GRUZ) provisions to recognise and protect existing lawfully established intensive farms from reverse sensitivity effects from intensification or activities sensitive to animal effluent odour discharges, such as residential and other activities. This should include all buffers/setbacks in Operative District Plan for sensitive activities and associated matters of consideration (Rule 31.19.1.1,3 and 4 and Rule 32.1.3(m)). Amend objectives and policies to include specific aim for GRUZ and RLZ that protects lawfully established rural activities and their infrastructure from the reverse sensitivity effects of the intensification or introduction of odour sensitive activities into surrounding areas.	3.4	Reject	See body of report.	No
209.22	Robert Adolf and Fiona Mary Buhler	GRUZ-R5	Rezone 680 South Eyre Road to Rural Lifestyle Zone (RLZ) or amend General Rural Zone (GRUZ) provisions to recognise and protect existing lawfully established intensive farms from reverse sensitivity effects from intensification or activities sensitive to animal effluent odour discharges, such as residential and other activities. This should include all buffers/setbacks in Operative District Plan for sensitive activities and associated matters of consideration (Rule 31.19.1.1,3 and 4 and Rule 32.1.3(m)). Amend objectives and policies to include specific aim for GRUZ and RLZ that protects lawfully established rural activities and their infrastructure from the reverse sensitivity effects of the intensification or introduction of odour sensitive activities into surrounding areas.	3.4	Reject	See body of report.	No
209.23	Robert Adolf and Fiona Mary Buhler	GRUZ-R6	Rezone 680 South Eyre Road to Rural Lifestyle Zone (RLZ) or amend General Rural Zone (GRUZ) provisions to recognise and protect existing lawfully established intensive farms from reverse sensitivity effects from intensification or activities sensitive to animal effluent odour discharges, such as residential and other activities. This should include all buffers/setbacks in Operative District Plan for sensitive activities and associated matters of consideration (Rule 31.19.1.1,3 and 4 and Rule 32.1.3(m)). Amend objectives and policies to include specific aim for GRUZ and RLZ that protects lawfully established rural activities and their infrastructure from the reverse sensitivity effects of the	3.4	Reject	See body of report.	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
			intensification or introduction of odour sensitive activities into surrounding areas.				
209.24	Robert Adolf and Fiona Mary Buhler	GRUZ-R7	Rezone 680 South Eyre Road to Rural Lifestyle Zone (RLZ) or amend General Rural Zone (GRUZ) provisions to recognise and protect existing lawfully established intensive farms from reverse sensitivity effects from intensification or activities sensitive to animal effluent odour discharges, such as residential and other activities. This should include all buffers/setbacks in Operative District Plan for sensitive activities and associated matters of consideration (Rule 31.19.1.1,3 and 4 and Rule 32.1.3(m)). Amend objectives and policies to include specific aim for GRUZ and RLZ that protects lawfully established rural activities and their infrastructure from the reverse sensitivity effects of the intensification or introduction of odour sensitive activities into surrounding areas.	3.4	Reject	See body of report.	No
209.25	Robert Adolf and Fiona Mary Buhler	GRUZ-R9	Rezone 680 South Eyre Road to Rural Lifestyle Zone (RLZ) or amend General Rural Zone (GRUZ) provisions to recognise and protect existing lawfully established intensive farms from reverse sensitivity effects from intensification or activities sensitive to animal effluent odour discharges, such as residential and other activities. This should include all buffers/setbacks in Operative District Plan for sensitive activities and associated matters of consideration (Rule 31.19.1.1,3 and 4 and Rule 32.1.3(m)). Amend objectives and policies to include specific aim for GRUZ and RLZ that protects lawfully established rural activities and their infrastructure from the reverse sensitivity effects of the intensification or introduction of odour sensitive activities into surrounding areas.	3.4	Reject	See body of report.	No
209.26	Robert Adolf and Fiona Mary Buhler	GRUZ-R9	Rezone 680 South Eyre Road to Rural Lifestyle Zone (RLZ) or amend General Rural Zone (GRUZ) provisions to recognise and protect existing lawfully established intensive farms from reverse sensitivity effects from intensification or activities sensitive to animal effluent odour discharges, such as residential and other activities. This should include all buffers/setbacks in Operative District Plan for sensitive activities and associated matters of consideration (Rule 31.19.1.1,3 and 4 and Rule 32.1.3(m)). Amend objectives and policies to include specific aim for GRUZ and RLZ that protects lawfully established rural activities and their infrastructure from the reverse sensitivity effects of the intensification or introduction of odour sensitive activities into surrounding areas.	3.4	Reject	See body of report.	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
209.27	Robert Adolf and Fiona Mary Buhler	GRUZ-R10	Rezone 680 South Eyre Road to Rural Lifestyle Zone (RLZ) or amend General Rural Zone (GRUZ) provisions to recognise and protect existing lawfully established intensive farms from reverse sensitivity effects from intensification or activities sensitive to animal effluent odour discharges, such as residential and other activities. This should include all buffers/setbacks in Operative District Plan for sensitive activities and associated matters of consideration (Rule 31.19.1.1,3 and 4 and Rule 32.1.3(m)). Amend objectives and policies to include specific aim for GRUZ and RLZ that protects lawfully established rural activities and their infrastructure from the reverse sensitivity effects of the intensification or introduction of odour sensitive activities into surrounding areas.	3.4			
209.28	Robert Adolf and Fiona Mary Buhler	GRUZ-R17	Rezone 680 South Eyre Road to Rural Lifestyle Zone (RLZ) or amend General Rural Zone (GRUZ) provisions to recognise and protect existing lawfully established intensive farms from reverse sensitivity effects from intensification or activities sensitive to animal effluent odour discharges, such as residential and other activities. This should include all buffers/setbacks in Operative District Plan for sensitive activities and associated matters of consideration (Rule 31.19.1.1,3 and 4 and Rule 32.1.3(m)). Amend objectives and policies to include specific aim for GRUZ and RLZ that protects lawfully established rural activities and their infrastructure from the reverse sensitivity effects of the intensification or introduction of odour sensitive activities into surrounding areas.	3.4	Reject	See body of report.	No
209.29	Robert Adolf and Fiona Mary Buhler	GRUZ-BF55	Rezone 680 South Eyre Road to Rural Lifestyle Zone (RLZ) or amend General Rural Zone (GRUZ) provisions to recognise and protect existing lawfully established intensive farms from reverse sensitivity effects from intensification or activities sensitive to animal effluent odour discharges, such as residential and other activities. This should include all buffers/setbacks in Operative District Plan for sensitive activities and associated matters of consideration (Rule 31.19.1.1,3 and 4 and Rule 32.1.3(m)). Amend objectives and policies to include specific aim for GRUZ and RLZ that protects lawfully established rural activities and their infrastructure from the reverse sensitivity effects of the intensification or introduction of odour sensitive activities into surrounding areas.	3.4	Reject	See body of report.	No
209.3	Robert Adolf and Fiona Mary Buhler	RLZ-P1	Rezone 680 South Eyre Road to Rural Lifestyle Zone (RLZ) or amend General Rural Zone (GRUZ) provisions to recognise protect existing lawfully established intensive farms from reverse sensitivity effects from intensification or activities sensitive to animal effluent odour discharges, such as residential and other	3.4	Reject	See body of report.	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
			activities. This should include all buffers/setbacks in Operative District Plan for sensitive activities and associated matters of consideration (Rule 31.19.1.1,3 and 4 and Rule 32.1.3(m)). Amend objectives and policies to include specific aim for GRUZ and RLZ that protects lawfully established rural activities and their infrastructure from the reverse sensitivity effects of the intensification or introduction of odour sensitive activities into surrounding areas.				
209.30	Robert Adolf and Fiona Mary Buhler	General	Rezone 680 South Eyre Road to Rural Lifestyle Zone (RLZ) or amend General Rural Zone (GRUZ) provisions to recognise and protect existing lawfully established intensive farms from reverse sensitivity effects from intensification or activities sensitive to animal effluent odour discharges, such as residential and other activities. This should include all buffers/setbacks in Operative District Plan for sensitive activities and associated matters of consideration (Rule 31.19.1.1,3 and 4 and Rule 32.1.3(m)). Amend objectives and policies to include specific aim for GRUZ and RLZ that protects lawfully established rural activities and their infrastructure from the reverse sensitivity effects of the intensification or introduction of odour sensitive activities into surrounding areas.	3.4	Reject	See body of report.	No
209.31	Robert Adolf and Fiona Mary Buhler	General	Rezone 680 South Eyre Road to Rural Lifestyle Zone (RLZ) or amend General Rural Zone (GRUZ) provisions to recognise and protect existing lawfully established intensive farms from reverse sensitivity effects from intensification or activities sensitive to animal effluent odour discharges, such as residential and other activities. This should include all buffers/setbacks in Operative District Plan for sensitive activities and associated matters of consideration (Rule 31.19.1.1,3 and 4 and Rule 32.1.3(m)). Amend objectives and policies to include specific aim for GRUZ and RLZ that protects lawfully established rural activities and their infrastructure from the reverse sensitivity effects of the intensification or introduction of odour sensitive activities into surrounding areas.	3.4	Reject	See body of report.	No
209.4	Robert Adolf and Fiona Mary Buhler	RLZ-P2	Rezone 680 South Eyre Road to Rural Lifestyle Zone (RLZ) or amend General Rural Zone (GRUZ) provisions to recognise protect existing lawfully established intensive farms from reverse sensitivity effects from intensification or activities sensitive to animal effluent odour discharges, such as residential and other activities. This should include all buffers/setbacks in Operative District Plan for sensitive activities and associated matters of consideration (Rule 31.19.1.1,3 and 4 and Rule 32.1.3(m)). Amend objectives and policies to include specific aim for GRUZ and RLZ	3.4	Reject	See body of report.	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
			that protects lawfully established rural activities and their infrastructure from the reverse sensitivity effects of the intensification or introduction of odour sensitive activities into surrounding areas.				
209.5	Robert Adolf and Fiona Mary Buhler	RLZ-BFSS	Rezone 680 South Eyre Road to Rural Lifestyle Zone (RLZ) or amend General Rural Zone (GRUZ) provisions to recognise and protect existing lawfully established intensive farms from reverse sensitivity effects from intensification or activities sensitive to animal effluent odour discharges, such as residential and other activities. This should include all buffers/setbacks in Operative District Plan for sensitive activities and associated matters of consideration (Rule 31.19.1.1,3 and 4 and Rule 32.1.3(m)). Amend objectives and policies to include specific aim for GRUZ and RLZ that protects lawfully established rural activities and their infrastructure from the reverse sensitivity effects of the intensification or introduction of odour sensitive activities into surrounding areas.	3.4	Reject	See body of report.	No
209.6	Robert Adolf and Fiona Mary Buhler	RLZ-R1	Rezone 680 South Eyre Road to Rural Lifestyle Zone (RLZ) or amend General Rural Zone (GRUZ) provisions to recognise and protect existing lawfully established intensive farms from reverse sensitivity effects from intensification or activities sensitive to animal effluent odour discharges, such as residential and other activities. This should include all buffers/setbacks in Operative District Plan for sensitive activities and associated matters of consideration (Rule 31.19.1.1,3 and 4 and Rule 32.1.3(m)). Amend objectives and policies to include specific aim for GRUZ and RLZ that protects lawfully established rural activities and their infrastructure from the reverse sensitivity effects of the intensification or introduction of odour sensitive activities into surrounding areas.	3.4	Reject	See body of report.	No
209.7	Robert Adolf and Fiona Mary Buhler	RLZ-R2	Rezone 680 South Eyre Road to Rural Lifestyle Zone (RLZ) or amend General Rural Zone (GRUZ) provisions to recognise and protect existing lawfully established intensive farms from reverse sensitivity effects from intensification or activities sensitive to animal effluent odour discharges, such as residential and other activities. This should include all buffers/setbacks in Operative District Plan for sensitive activities and associated matters of consideration (Rule 31.19.1.1,3 and 4 and Rule 32.1.3(m)). Amend objectives and policies to include specific aim for GRUZ and RLZ that protects lawfully established rural activities and their infrastructure from the reverse sensitivity effects of the intensification or introduction of odour sensitive activities into surrounding areas.	3.4	Reject	See body of report.	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
209.8	Robert Adolf and Fiona Mary Buhler	RLZ-R3	Rezone 680 South Eyre Road to Rural Lifestyle Zone (RLZ) or amend General Rural Zone (GRUZ) provisions to recognise and protect existing lawfully established intensive farms from reverse sensitivity effects from intensification or activities sensitive to animal effluent odour discharges, such as residential and other activities. This should include all buffers/setbacks in Operative District Plan for sensitive activities and associated matters of consideration (Rule 31.19.1.1,3 and 4 and Rule 32.1.3(m)). Amend objectives and policies to include specific aim for GRUZ and RLZ that protects lawfully established rural activities and their infrastructure from the reverse sensitivity effects of the intensification or introduction of odour sensitive activities into surrounding areas.	3.4	Reject	See body of report.	No
209.9	Robert Adolf and Fiona Mary Buhler	RLZ-R4	Rezone 680 South Eyre Road to Rural Lifestyle Zone (RLZ) or amend General Rural Zone (GRUZ) provisions to recognise and protect existing lawfully established intensive farms from reverse sensitivity effects from intensification or activities sensitive to animal effluent odour discharges, such as residential and other activities. This should include all buffers/setbacks in Operative District Plan for sensitive activities and associated matters of consideration (Rule 31.19.1.1,3 and 4 and Rule 32.1.3(m)). Amend objectives and policies to include specific aim for GRUZ and RLZ that protects lawfully established rural activities and their infrastructure from the reverse sensitivity effects of the intensification or introduction of odour sensitive activities into surrounding areas.	3.4	Reject	See body of report.	No
226.1	McAlpines Limited	General	Retain Rural Lifestyle zoning for the land marked E on Attachment 1 of full submission (map).	N/A – Only addressed here	Accept	Agree with submitter. I note that rezone requests by this submitter within this wider area are addressed in Hearing Stream 12A 'Commercial / Industrial Rezone requests'.	No
229.1	Andrea Martin	General	Rezone 49 Terrace Road, Cust as Rural Lifestyle Zone of 4has.	3.4	Reject	See body of report.	No
231.1	Roger Reeves & Karen De Lautour	RLZ-R3	Amend RLZ-R3(3): "A site with a minimum net site area less than 4ha exists and it is a site or an allotment that was created by a subdivision and was on a subdivision consent between 1 October 1991 and before 24 February 2001 (inclusive of both dates) one residential unit may be erected ..." Amend map and/or rules to make a site specific exemption for 786 Mill Road, Ohoka.	3.9	Reject	See body of report.	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
			Amend relevant objectives and policies as required to support the rule amendment.				
24.1	John Larsen	General	Rezone 177 Woodfields Road, Swannanoa, from General Rural Zone to Rural Lifestyle Zone (RLZ). This allows for subdivision of the land down to 4ha in the future, allows for the RLZ boundary to be tidied up, and is appropriate for the area as property is surrounded by 4ha lots.	3.4	Reject	See body of report.	No
26.1	Matthew Richardson	General	Rezone 83 Bradys Road to Rural Lifestyle Zone and have the same zoning as neighbours, which are all 4ha sites and is a consistent transition with existing farms on the road being zoned General Rural to protect their current unsubdivided status.	3.4	Reject	See body of report.	No
260.1	Andrea and William 'Rob' Thomson	General	Retain Rural Lifestyle zoning for 20 Jeffs Drain Road Ohoka, and subsequent parcels and amend zone description, objectives and policies to recognise rural lifestyle living as the predominant use and that the role, function, character and amenity is compromised by incompatible activities.	N/A - Only addressed in this table	Accept	Agree with submitter.	No
231.2	Roger Reeves & Karen De Lautour	GRUZ-R3	Amend GRUZ-R3(5): "a site with a minimum net site area less than 4ha exists and it is a site or an allotment that was created by subdivision and was on a subdivision consent between 1 October 1991 and before 24 February 2001 (inclusive of both dates) one residential unit may be erected..." Amend relevant objectives and policies as required to support the rule amendment.	3.9	Reject	See body of report.	No
370.1	Peter Robert Raleigh Mulligan	RLZ-R3	Allow 1ha section subdivisions for both sites and allotments to enable the erection of a residential unit on less than 4ha.	3.9	Reject	See body of report.	No
270.16	George JasonSmith	General	Amend to include the east and west branches of Coopers Creek in the Open Space Zone for their entire lengths above their confluence. All related Rules, Objectives, Policies, Standards, and Matters for Discretion be amended accordingly.	3.10	Accept	See body of report.	Yes
286.12	Z Energy	General	Retain Rural Lifestyle Zone for Rangiora Airfield and any other amendments that give effect to this submission.	N/A - Only addressed in this table	Accept	Agree with submitter.	No
292.1	Daniel Hamish Patrick Cosgrove	General	Allow subdivisions and boundary adjustments to at least 4ha, as per the blocks which surround 852 Oxford Rd, Rangiora.	3.4	Reject	See body of report.	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
292.2	Daniel Hamish Patrick Cosgrove	SUB-R2	Allow subdivisions and boundary adjustments to at least 4ha, as per the blocks which surround 852 Oxford Road, Rangiora.	3.4	Reject	See body of report.	No
292.3	Daniel Hamish Patrick Cosgrove	SUB-S1	Allow subdivisions and boundary adjustments to at least 4ha, as per the blocks which surround 852 Oxford Road, Rangiora.	3.4	Reject	See body of report.	No
292.4	Daniel Hamish Patrick Cosgrove	SUB-R10	Allow subdivisions and boundary adjustments to at least 4ha, as per the blocks which surround 852 Oxford Road, Rangiora.	3.4	Reject	See body of report.	No
292.5	Daniel Hamish Patrick Cosgrove	SUB-R1	Allow subdivisions and boundary adjustments to at least 4ha, as per the blocks which surround 852 Oxford Road, Rangiora.	3.4	Reject	See body of report.	No
300.1	Eyrewell Dairy Ltd	General	Amend the planning maps to zone 650 Two Chains Road (legally described as Part Lot 1 Deposited Plan 2829) either Large Lot Residential Zone or Rural Lifestyle Zone.	3.4	Reject	See body of report.	No
300.10	Eyrewell Dairy Ltd	GRUZ-R3	Seeks that the Rural Lifestyle Zone rules (RLZ-R3) or Large Lot Residential Zone rules apply instead.	3.4	Reject	See body of report.	No
300.11	Eyrewell Dairy Ltd	GRUZ-R41	Seeks that the Rural Lifestyle Zone rules (RLZ-38) or Large Lot Residential apply instead.	3.4	Reject	See body of report.	No
300.13	Eyrewell Dairy Ltd	SUB-R10	Seeks that SUB-S1 for Rural Lifestyle Zone or Large Lot Residential Zone apply instead.	3.4	Reject	See body of report.	No
300.3	Eyrewell Dairy Ltd	RURZ-O1	Rezone and map 650 Two Chain Road (legally described as Part Lot 1 Deposited Plan 2829) either Large Lot Residential or Rural Lifestyle Zone to recognise east of district location and predominant character of small rural sites with residential units and structures at a low density compared to urban environments.	3.4	Reject	See body of report.	No
300.4	Eyrewell Dairy Ltd	RURZ-O2	Rezone and map 650 Two Chain Road (legally described as Part Lot 1 Deposited Plan 2829) either Large Lot Residential or Rural Lifestyle Zone to recognise east of district location and predominant character of small rural sites with residential units and structures at a low density compared to urban environments.	3.4	Reject	See body of report.	No
300.5	Eyrewell Dairy Ltd	RURZ-P1	Rezone and map 650 Two Chain Road (legally described as Part Lot 1 Deposited Plan 2829) either Large Lot Residential or Rural Lifestyle Zone to recognise east of district location and predominant character of small rural sites with residential units and structures at a low density compared to urban environments.	3.4	Reject	See body of report.	No
300.6	Eyrewell Dairy Ltd	RURZ-P2	Rezone and map 650 Two Chain Road (legally described as Part Lot 1 Deposited Plan 2829) either Large Lot Residential or Rural Lifestyle Zone to recognise east of district location and	3.4	Reject	See body of report.	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
			predominant character of small rural sites with residential units and structures at a low density compared to urban environments.				
300.7	Eyrewell Dairy Ltd	GRUZ-O1	Amend the planning maps to zone the land at 650 Two Chains Road (legally described as Part Lot 1 Deposited Plan 2829) either Rural Lifestyle Zone (RLZ) or Large Lot Residential Zone. Seek that the RLZ objectives and policies (RLZ-O1 and RLZ P1-P2) or LLRZ apply instead.	3.4	Reject	See body of report.	No
300.8	Eyrewell Dairy Ltd	GRUZ-P1	Amend the planning maps to zone the land at 650 Two Chains Road (legally described as Part Lot 1 Deposited Plan 2829) either Rural Lifestyle Zone (RLZ) or Large Lot Residential Zone. Seek that the RLZ objectives and policies (RLZ- O1 and RLZ P1-P2) or LLRZ apply instead.	3.4	Reject	See body of report.	No
300.9	Eyrewell Dairy Ltd	GRUZ-P2	Amend the planning maps to zone the land at 650 Two Chains Road (legally described as Part Lot 1 Deposited Plan 2829) either Rural Lifestyle Zone (RLZ) or Large Lot Residential Zone. Seek that the RLZ objectives and policies (RLZ-O1 and RLZ P1-P2) or LLRZ apply instead.	3.4	Reject	See body of report.	No
306.2	Robert Kimber	General	Retain Rural Lifestyle zoning for 166 Jeffs Drain Road, Ohoka and the subsequent parcels created by LT Plan 564981.	N/A – Only addressed in this table	Accept	Agree with submitter.	No
371.1	Peter Anthony and Marie Elizabeth Ann Norgate	General	Rezone 713 Bay Road, Oxford to Rural Lifestyle Zone.	3.5	Reject	See body of report.	No
379.1	Stan and Sue McGaffin	General	Rezone 1055 Downs Rd, West Eyreton to either Rural Lifestyle Zone or Large Lot Residential Zone to enable 4ha lot subdivision.	3.4	Reject	See body of report.	No
FS131	Stan & Sue McGaffin		<i>Support – Allow. We purchased our 10 acre property over 30 years ago and it was always our intention to split the land into 3 10 acre blocks as our superannuation fund. Now in our late sixties and early seventies we would like to give up work but our plans have been put into doubt by this sudden change. The land on our northern boundary is Rural 1 and can be split into 2 acre blocks and there is a large dairy farm on the southern boundary. Tram Rd is only a 3 minute drive away, the very well regarding West Eyreton Primary School is also only a three minute drive away, High school buses pick up at the West Eyreton hall corner and we are 6kms from Cust Village which provides many amenities including Garage/dairy, cafe, hairdresser, hotel and rose nursery. If the Council would prefer smaller lifestyle blocks, we would be happy to</i>	3.4	Reject	See body of report.	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
			<i>go with whatever the Council feels would be most suitable for the area.</i>				
415.1	Murray McDowell	General	Rezone a corridor between Eyre River bridge and Waimakariri Gorge bridge Rural Lifestyle Zone to allow future speed limit adjustments.	3.5	Reject	See body of report.	No
415.2	Murray McDowell	General	Support the Rural Lifestyle Zone corridor west of Rangiora through to the east of Cust.	3.5	Reject	See body of report.	No
415.3	Murray McDowell	General	Rezone a corridor between Eyre River bridge and Waimakariri Gorge bridge Rural Lifestyle Zone to allow future speed limit adjustments.	3.5	Reject	See body of report.	No
415.5	Murray McDowell	GRUZ-P2	Rezone a corridor between Eyre River bridge and Waimakariri Gorge bridge Rural Lifestyle Zone to allow future speed limit adjustments.	3.5	Reject	See body of report.	No
417.1	Murray McDowell	GRUZ-P2	Rezone 685 Depot Road, Burnt Hill Oxford to Rural Lifestyle Zone to complete the empty pocket of land and preserve character and charm.	3.4	Reject	See body of report.	No
417.2	Murray McDowell	General	Rezone 685 Depot Road Burnt Hill Oxford from General Rural Zone to Rural Lifestyle Zone to enable the completion of the intended subdivision and preserve character and charm.	3.4	Reject	See body of report.	No
42.1	Margaret Jennifer Spencer-Bower	GRUZ-O1	Oppose rezoning of property at Isaac Road through to Downs Road, Swannanoa General Rural Zone with 20ha minimum subdivision lot size.	3.6	Reject	See body of report.	No
64.1	Carolyn Rossiter	General	Rezone 129 North Eyre Road to Rural Lifestyle Zone.	3.4	Reject	See body of report.	No
67.1	Chris and Jenny Rose	General	Extend Rural Lifestyle Zone along the north side of Oxford Road, west from Rangiora to the Cust River (Kennedy Hill Rd) to match the zoning on the south side of Oxford Road. Reinstate boundary adjustment provisions from the Operative District Plan. Assess subdivision applications on individual merit.	3.5	Reject	See body of report.	No
69.1	Geoffrey Maxwell	General	Rezone 356 Carrs Road Loburn as Rural Lifestyle Zone and amend 4ha minimum to a minimum 4ha average for subdivision in the Rural Lifestyle Zone.	3.4	Reject	See body of report.	No
76.1	Nathan Schaffer	General	Rural Lifestyle Zone boundary should run across the boundary of Ashley Forest - land has been subdivided and larger sites are penalised. Including 593 Marshmans Rd and 581 Marshmans Rd by boundary change is wrong and needs amendment.	3.4	Reject	See body of report.	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
78.1	Nicola Anne Watherston	SUB-S1	Zone 2 Riverside Road as Rural Lifestyle Zone – 4ha.	3.4	Reject	See body of report.	No
98.1	Keswick Farm Dairies	General	Rezone 307 Dalziels Road (Lot 1 DP 30260) and 334 Mount Thomas Road (Lot 1 DP 61711) to enable subdivision, due challenges with reverse sensitivity and restrictions to farming practices. Refer to Figure 4 of original submission. Seeks a broader rezoning of the surrounding area from General Rural Zone to Rural Lifestyle Zone that reflects the land use patterns of existing lifestyle allotments. Refer to Figure 5 of original submission.	3.5	Reject	See body of report.	No
101.1	Borcoskie M J & R M	General	Request that the existing District Plan rules, as they apply to 438 Mairaki Road, remain unchanged. Alternatively, rezone 438 Mairaki Road Rural Lifestyle Zone. If 438 Mairaki Road remains General Rural Zone, the rules need to allow for future subdivision as a controlled or discretionary activity, to take into account the best interests of a property where its inclusion within the zone is more marginal than the other areas containing the best quality land. Rules need to be clear and give greater ability for rural use, including more intensive uses. If future subdivision is not possible, future use and development should be enabled, and reverse sensitivity issues should be adequately covered.	3.4	Reject	See body of report.	No
205.2	Survus Consultants	General	Delete maps regarding the General Rural Zone and Rural Lifestyle Zone.	3.7	Reject	See body of report.	No
FS34	Alan & Sharron Davie-Martin		<i>The plan's notification has caused substantial cost, uncertainty and whether our application that was lodged prior to the notification of the PDP, will be granted. Allow in full. Oppose the separation of the rural zone into two new zones. Exemption from the GRUZ rules, for applications that was lodged prior to 18 September 2021 and that the construction of a residential be permitted without a land use resource consent.</i>	3.7	Reject	See body of report.	No
FS97	Darryl Brown		<i>Support – allow in full. The plan's notification has caused substantial cost, uncertainty and whether our application that was lodged prior to the notification of the PDP, will be granted. Oppose the separation of the rural zone into two new zones. Exemption from the GRUZ rules, for applications that was lodged prior to 18 September 2021 and that the construction of a residential be permitted without a land use resource consent.</i>	3.7	Reject	See body of report.	No
FS27	Gerard Bassett		<i>Support – allow in full. The plan's notification has caused substantial cost, uncertainty and whether our application that was lodged prior to the notification of the PDP, will be granted. Oppose</i>	3.7	Reject	See body of report.	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
			<i>the separation of the rural zone into two new zones. Exemption from the GRUZ rules, for applications that was lodged prior to 18 September 2021 and that the construction of a residential be permitted without a land use resource consent.</i>				
FS106	Herman Wezenberg		<i>Support – allow in full. The plan's notification has caused substantial cost, uncertainty and whether our application that was lodged prior to the notification of the PDP, will be granted. Oppose the separation of the rural zone into two new zones. Exemption from the GRUZ rules, for applications that was lodged prior to 18 September 2021 and that the construction of a residential be permitted without a land use resource consent.</i>	3.7	Reject	See body of report.	No
FS107	John & Annette Waller		<i>Support – allow in full. plan's notification has caused substantial cost, uncertainty and whether our application that was lodged prior to the notification of the PDP, will be granted. Oppose the separation of the rural zone into two new zones. Exemption from the GRUZ rules, for applications that was lodged prior to 18 September 2021 and that the construction of a residential be permitted without a land use resource consent.</i>	3.7	Reject	See body of report.	No
FS40	John & Annette Waller		<i>Support – allow in full. The plan's notification has caused substantial cost, uncertainty and whether our application that was lodged prior to the notification of the PDP, will be granted. Oppose the separation of the rural zone into two new zones. Exemption from the GRUZ rules, for applications that was lodged prior to 18 September 2021 and that the construction of a residential be permitted without a land use resource consent.</i>	3.7	Reject	See body of report.	No
FS96	John A Bassett		<i>Support – allow in full. The plan's notification has caused substantial cost, uncertainty and whether our application that was lodged prior to the notification of the PDP, will be granted. Oppose the separation of the rural zone into two new zones. Exemption from the GRUZ rules, for applications that was lodged prior to 18 September 2021 and that the construction of a residential be permitted without a land use resource consent.</i>	3.7	Reject	See body of report.	No
FS122	Mallory Olorenshaw		<i>Support – allow in full. The plan's notification has caused substantial cost, uncertainty and whether our application that was lodged prior to the notification of the PDP, will be granted. Oppose the separation of the rural zone into two new zones. Exemption from the GRUZ rules, for applications that was lodged prior to 18 September 2021 and that the construction of a residential be permitted without a land use resource consent.</i>	3.7	Reject	See body of report.	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
FS68	Mark & Yvonne Webb		Support – allow in full. The plan's notification has caused substantial cost, uncertainty and whether our application that was lodged prior to the notification of the PDP, will be granted. Oppose the separation of the rural zone into two new zones. Exemption from the GRUZ rules, for applications that was lodged prior to 18 September 2021 and that the construction of a residential be permitted without a land use resource consent.	3.7	Reject	See body of report.	No
FS127	Robert & Linda Falconer		Support – allow in full. The plan's notification has caused substantial cost, uncertainty and whether our application that was lodged prior to the notification of the PDP, will be granted. Oppose the separation of the rural zone into two new zones. Exemption from the GRUZ rules, for applications that was lodged prior to 18 September 2021 and that the construction of a residential be permitted without a land use resource consent.	3.7	Reject	See body of report.	No
FS124	Roel Wobben		Support – allow in full. The plan's notification has caused substantial cost, uncertainty and whether our application that was lodged prior to the notification of the PDP, will be granted. Oppose the separation of the rural zone into two new zones. Exemption from the GRUZ rules, for applications that was lodged prior to 18 September 2021 and that the construction of a residential be permitted without a land use resource consent.	3.7	Reject	See body of report.	No
FS54	Scott & Marcia Larsen		Support – allow in full. The plan's notification has caused substantial cost, uncertainty and whether our application that was lodged prior to the notification of the PDP, will be granted. Oppose the separation of the rural zone into two new zones. Exemption from the GRUZ rules, for applications that was lodged prior to 18 September 2021 and that the construction of a residential be permitted without a land use resource consent.	3.7	Reject	See body of report.	No
FS114	Sis Johnston		Support – allow in full. The plan's notification has caused substantial cost, uncertainty and whether our application that was lodged prior to the notification of the PDP, will be granted. Oppose the separation of the rural zone into two new zones. Exemption from the GRUZ rules, for applications that was lodged prior to 18 September 2021 and that the construction of a residential be permitted without a land use resource consent.	3.7	Reject	See body of report.	No
FS111	Susan Mary Sullivan		Support – allow in full. The plan's notification has caused substantial cost to prepare and submit the application. The uncertainty has caused significant stress as we prepare for retirement, compounded by my husband incurring significant injuries in a recent accident. We have had no indication whether our application that was lodged prior to the notification of the PDP,	3.7	Reject	See body of report.	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
			<i>will be granted. Oppose the separation of the rural zone into two new zones. Exemption from the GRUZ rules, for applications that was lodged prior to 18 September 2021 and that the construction of a residential be permitted without a land use resource consent.</i>				
FS55	Terry & Louise Davis		<i>Support – allow in full. The plan's notification has caused substantial cost, uncertainty and whether our application that was lodged prior to the notification of the PDP, will be granted. Oppose the separation of the rural zone into two new zones. Exemption from the GRUZ rules, for applications that was lodged prior to 18 September 2021 and that the construction of a residential be permitted without a land use resource consent.</i>	3.7	Reject	See body of report.	No
89.1	John Waller	General	Retain right to subdivide to 4ha for existing owners until they sell. Rezone areas with 4ha blocks not as General Rural Zone.	3.7	Reject	See body of report.	No
FS103	Survus Consultants		<i>Support - Allow in part. The PDP's notification has caused substantial cost and uncertainty about whether our clients' applications that were lodged prior to the notification of the PDP, will be granted. Survus lodged subdivision applications prior to the notification of the PDP of which the land use for a dwelling was a Permitted Activity. Support the amendment of GRUZ-R3(5) which will allow residential dwellings to be constructed for applications lodged prior to the PDP notified.</i>	3.7	Reject	See body of report.	No
305.1	Marie Bax	General	Rezone 128 Baynons Road, Clarkville (Lot 3DP 36137) to Rural Lifestyle Zone for consistency with the surrounding properties.	3.4	Reject	See body of report.	No
FS80	Christchurch International Airport Limited		<i>Oppose – Reject. The site is within the Annual Average and Outer Envelope Updated Contours and the Operative Contour. Reject the proposed rezoning in so far as it relates to land within the options for Proposed Plan Contours as shown in CIAL's submission [254].</i>	3.4	Reject	See body of report.	No
421.1	Alistair and Noeline Odgers	General	Rezone 1624, 1552, 1586, 1590 and 1592 Tram Road as Rural Lifestyle Zone.	3.4	Reject	See body of report.	No

Appendix C. Report Author's Qualifications and Experience

I hold a Bachelor of Applied Science in Environmental Management and Master of Applied Science in Environmental Management. I am a Full Member of the New Zealand Planning Institute (2019).

I have eleven years' experience working as a planner for local government and consultancies. My work experience includes District Plan preparation, policy analysis, public and stakeholder consultation and engagement, processing of resource consent applications, preparation of resource consent applications, and environmental monitoring.

I have worked at the Waimakariri District Council since 2014 and have been involved in the District Plan review process since it commenced.

Appendix D. Maps showing Land Use Capability 1-3 Class ratings of submission sites fully within HPL, fully outside HPL, and LUC 1-8 ratings for entire District



Figure D1: 593 Marshmans Road, Sefton [Nathan Schaffer - 1.1, 76.1] (Source: WAIMAP)

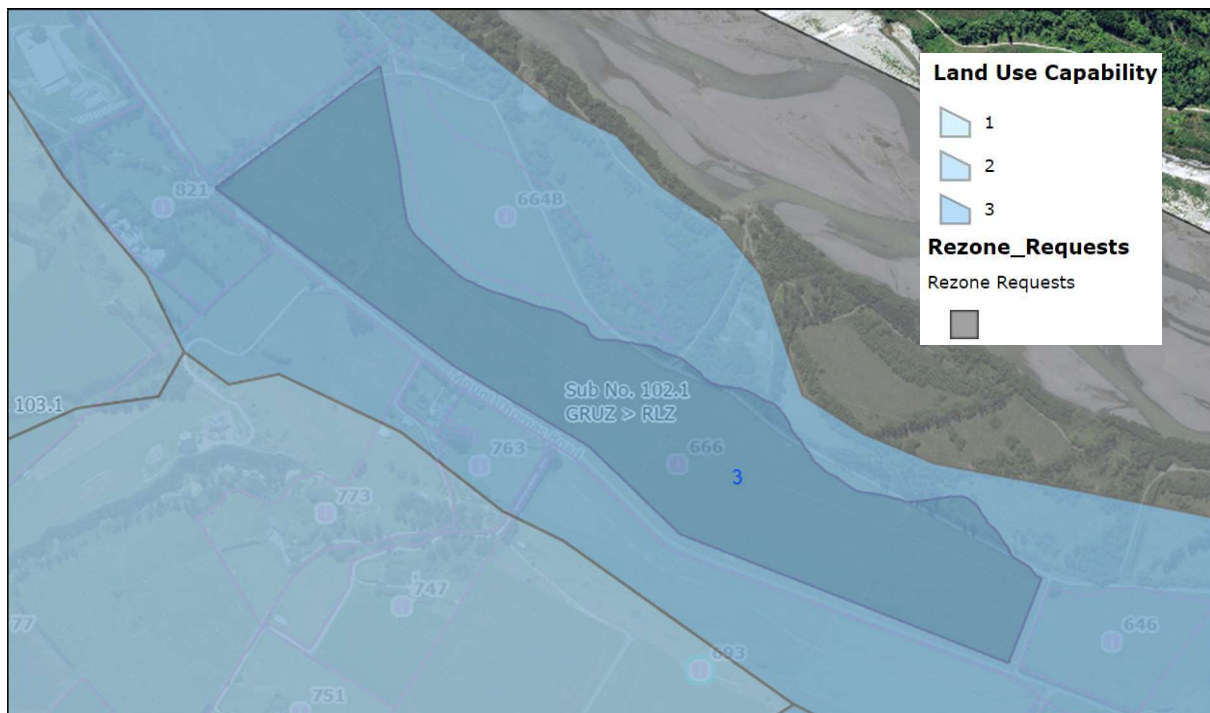


Figure D2: 666 Mount Thomas Road, Fernside [M J Borcoskie Family Trust - 102.1] (Source: WAIMAP)

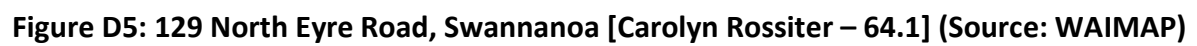


Figure D3: 438 Mairaki Road, Fernside [Borcoskie M J & R M - 101.1] (Source: WAIMAP)



Figure D4: 680 South Eyre Road, Swannanoa [Robert Adolf and Fiona Mary Buhler - 209.1 – 209.31⁵³ inclusive] (Source: WAIMAP)

⁵³ Robert Adolf and Fiona Mary Buhler [209.1, 209.2, 209.3, 209.4, 209.5, 209.6, 209.7, 209.8, 209.9, 209.10, 209.11, 209.12, 209.13, 209.14, 209.15, 209.16, 209.17, 209.18, 209.19, 209.20, 209.21, 209.22, 209.23, 209.24, 209.25, 209.26, 209.27, 209.28, 209.29, 209.30, 209.31]



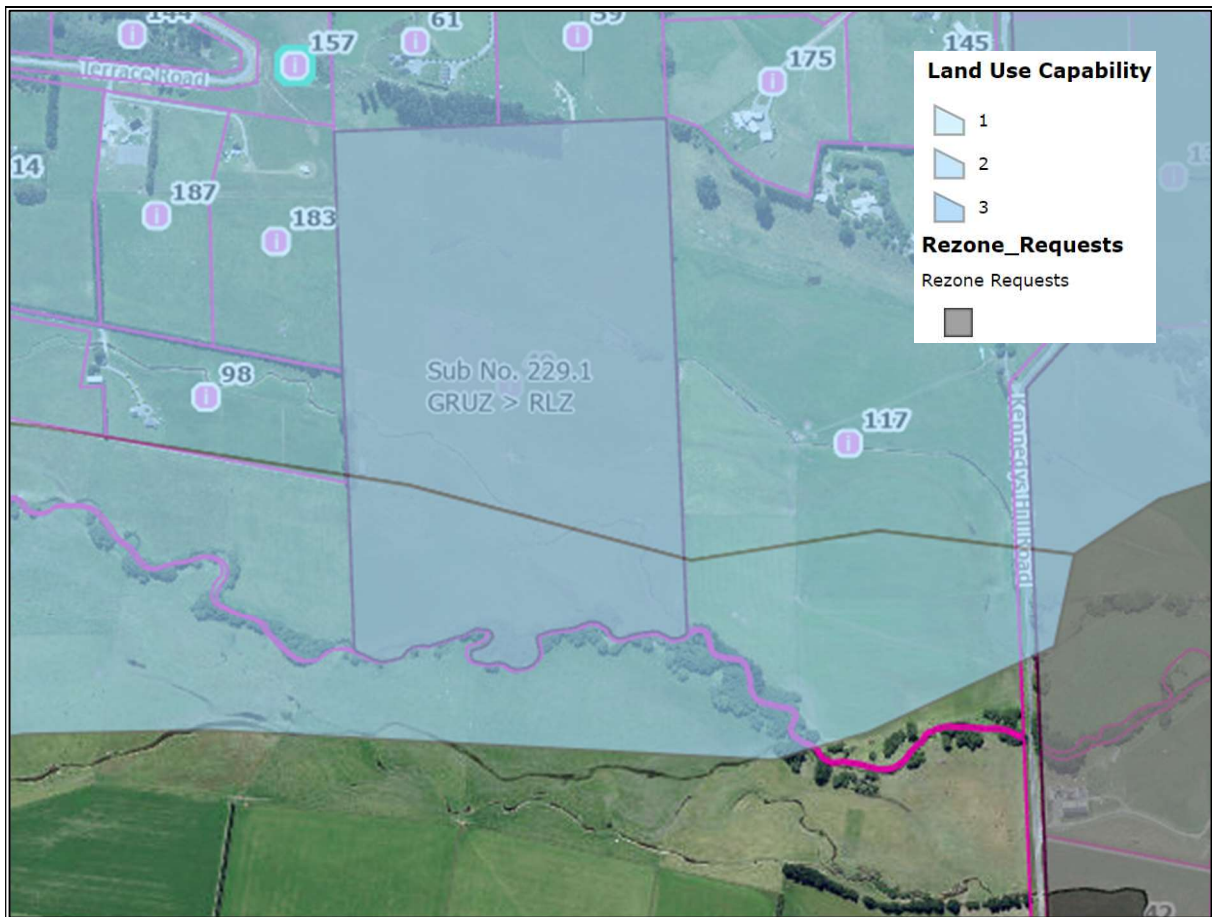


Figure D6: 49 Terrace Road, Cust [Andrea Martin - 229.1] (Source: WAIMAP)

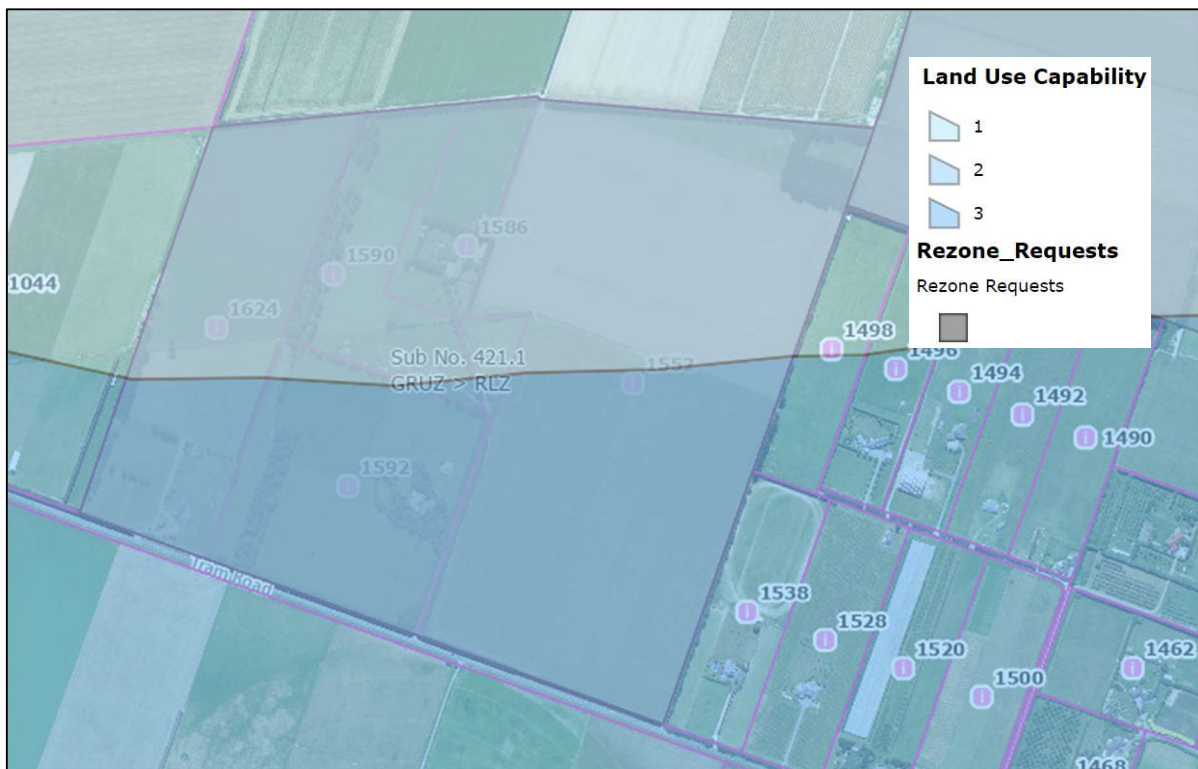


Figure D7: 1624, 1552, 1586, 1590, and 1592 Tram Road, Swannanoa [Alistair and Noeline Odgers - 421.1] (Source: WAIMAP)

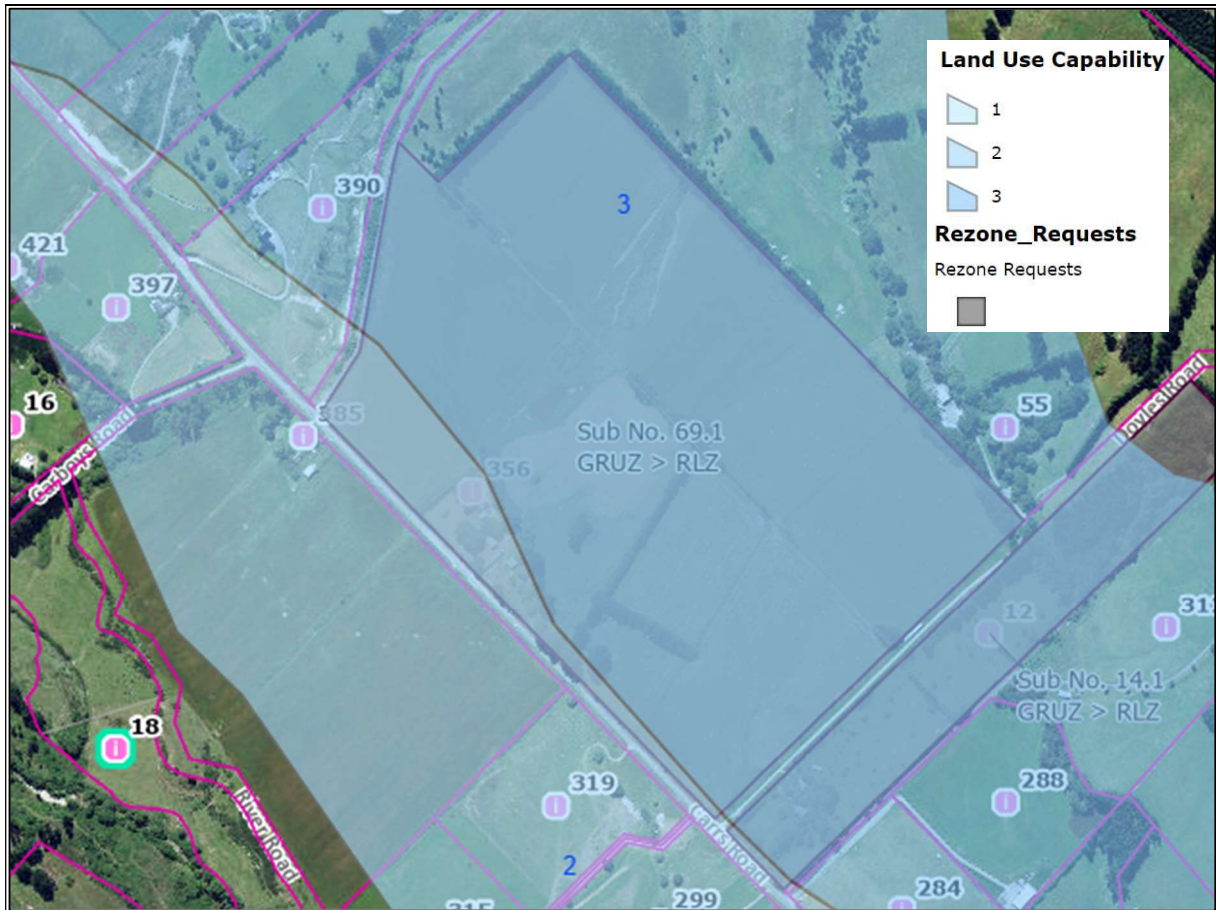


Figure D8: 356 Carrs Road, Loburn [Geoffrey Maxwell - 69.1] (Source: WAIMAP)

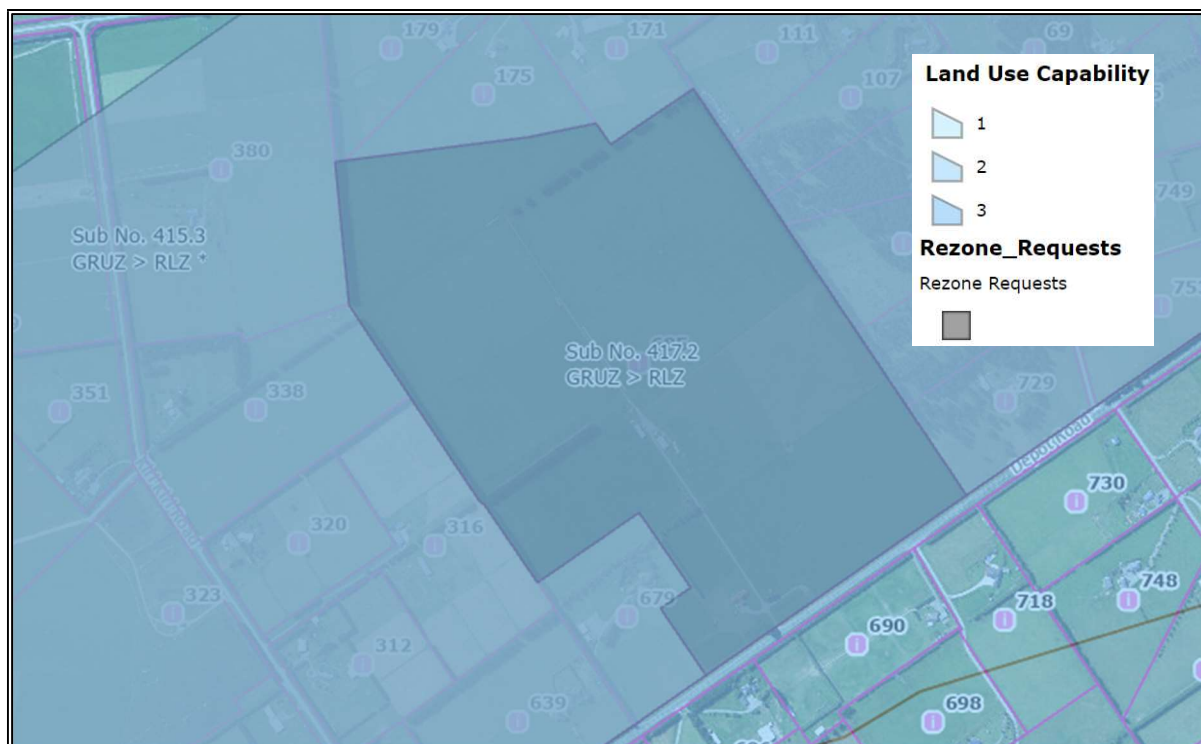


Figure D9: 685 Depot Road, Burnt Hill [Murray McDowell - 417.1, 417.2] (Source: WAIMAP)



Figure D10: 1055 Downs Road, West Eyreton [Stan and Sue McGaffin – 379.1] (Source: WAIMAP)



Figure D11: 852 Oxford Road, Rangiora [Daniel Hamish Patrick Cosgrove - 292.1, 292.2, 292.3, 292.4, 292.5] (Source: WAIMAP)

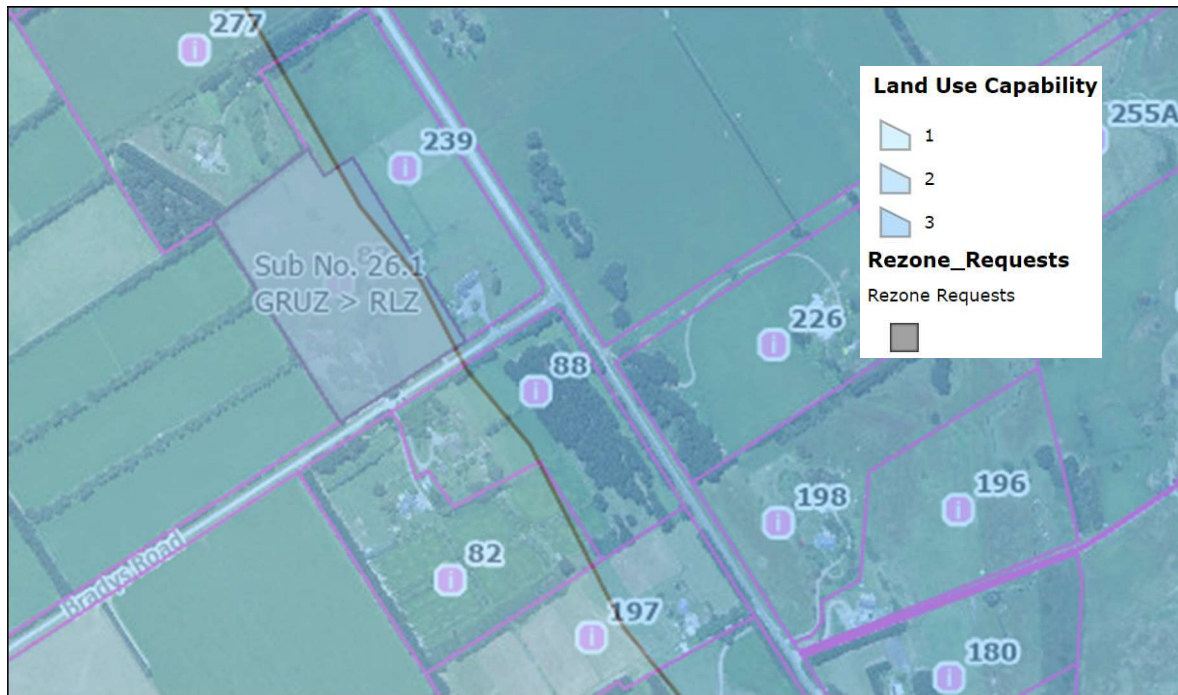


Figure D12: 83 Bradys Road, Loburn [Matthew Richardson – 26.1] (Source: WAIMAP)

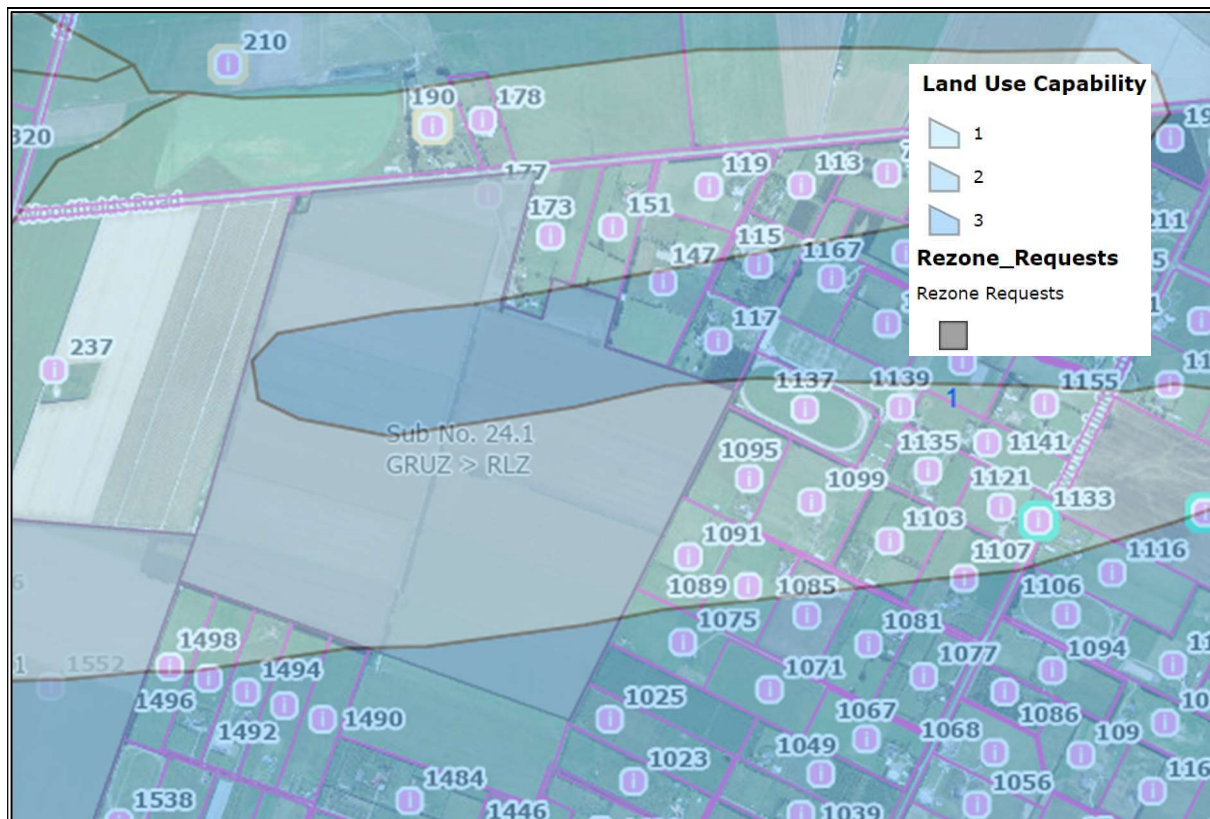


Figure D13: 177 Woodfields Road, Swannanoa [John Larsen - 24.1] (Source: WAIMAP)

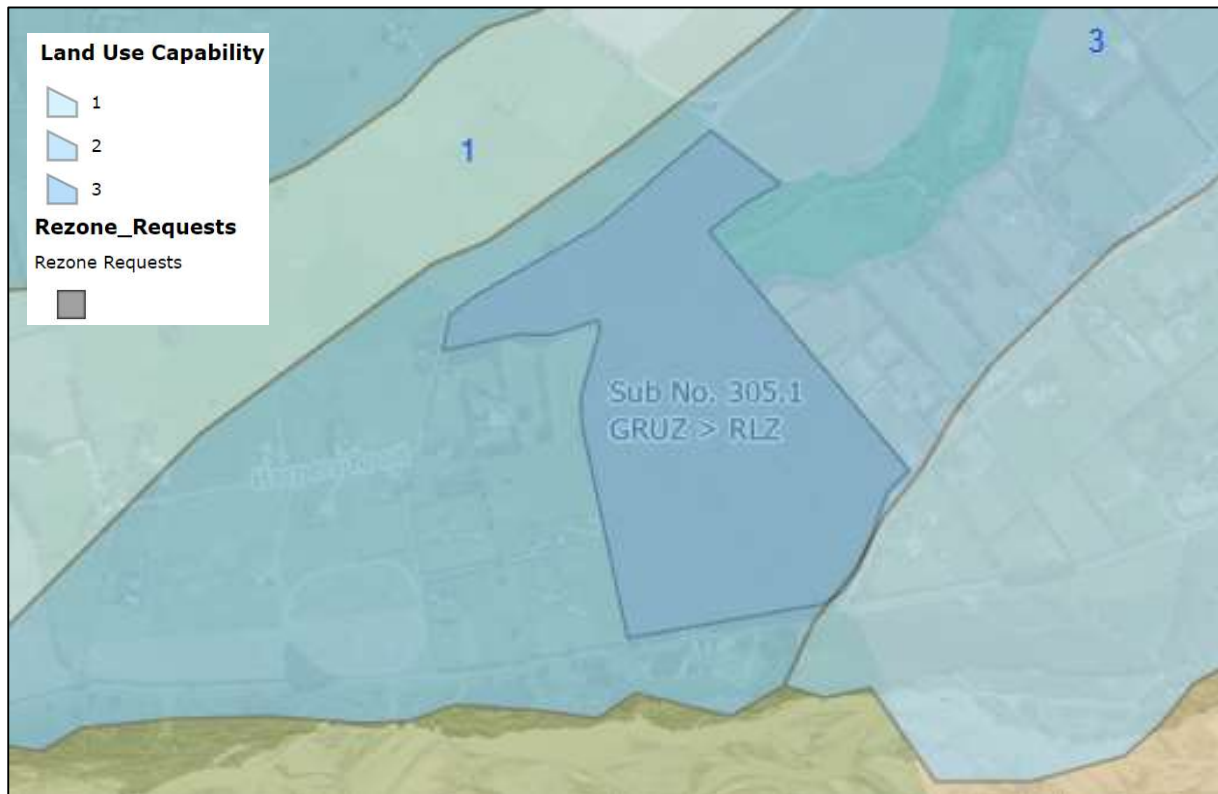


Figure D14: 128 Baynons Road, Clarkville [Marie Box - 305.1] (Source: WAIMAP)

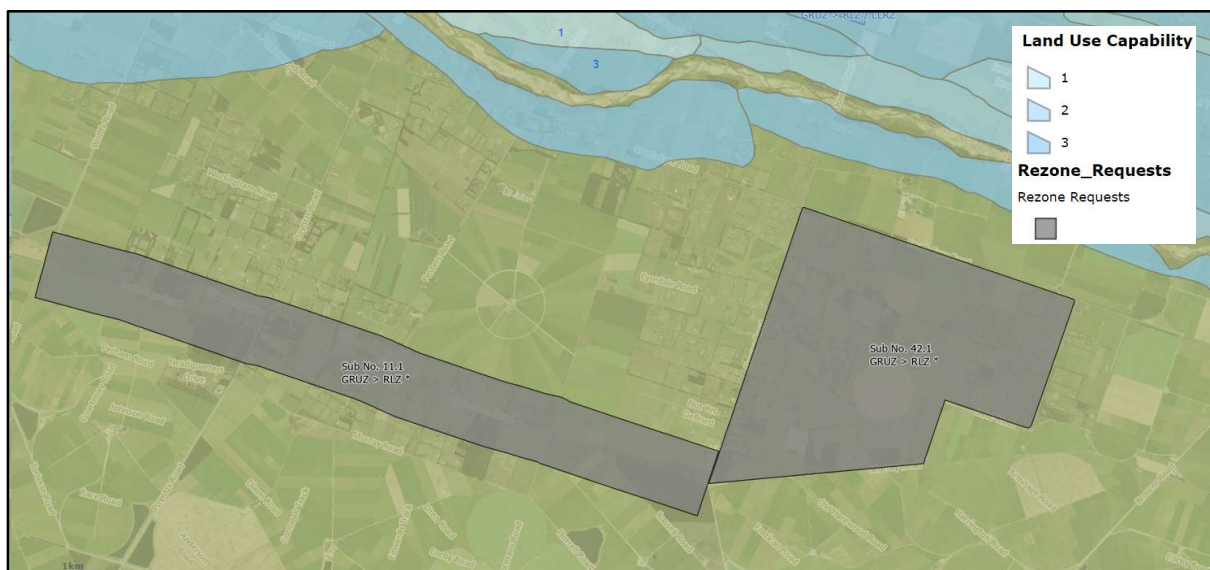


Figure D15: Main Race Road, Eyrewell Forest [Kevin Douglas Braden – 11.1] and Isaac Road to Downs Road, Swannanoa [Margaret Jennifer Spencer-Bower – 42.1] (Source: WAIMAP)

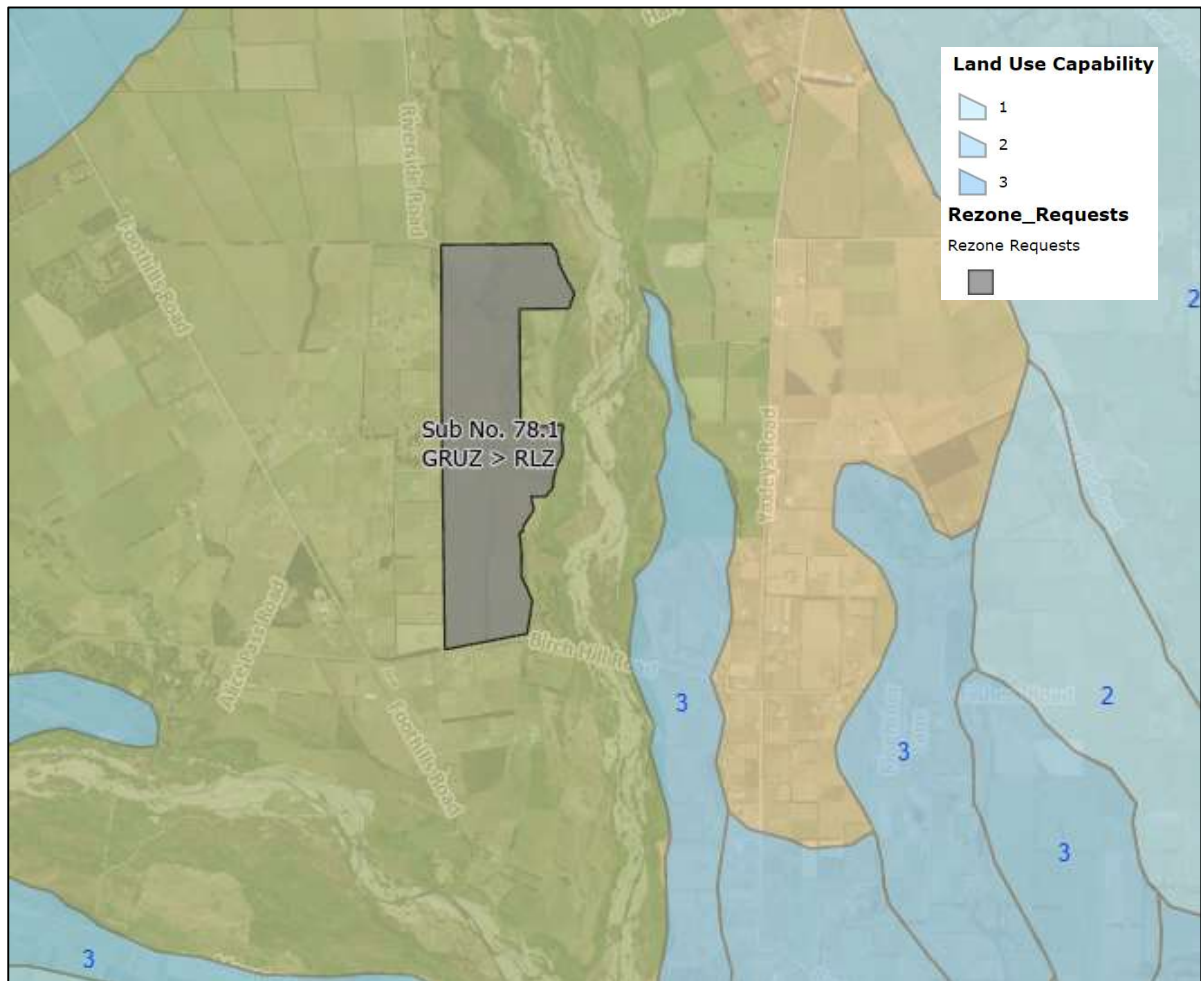


Figure D16: Nicola Anne Watherston [78.1] – 2 Riverside Road, Okuku (Source: WAIMAP)

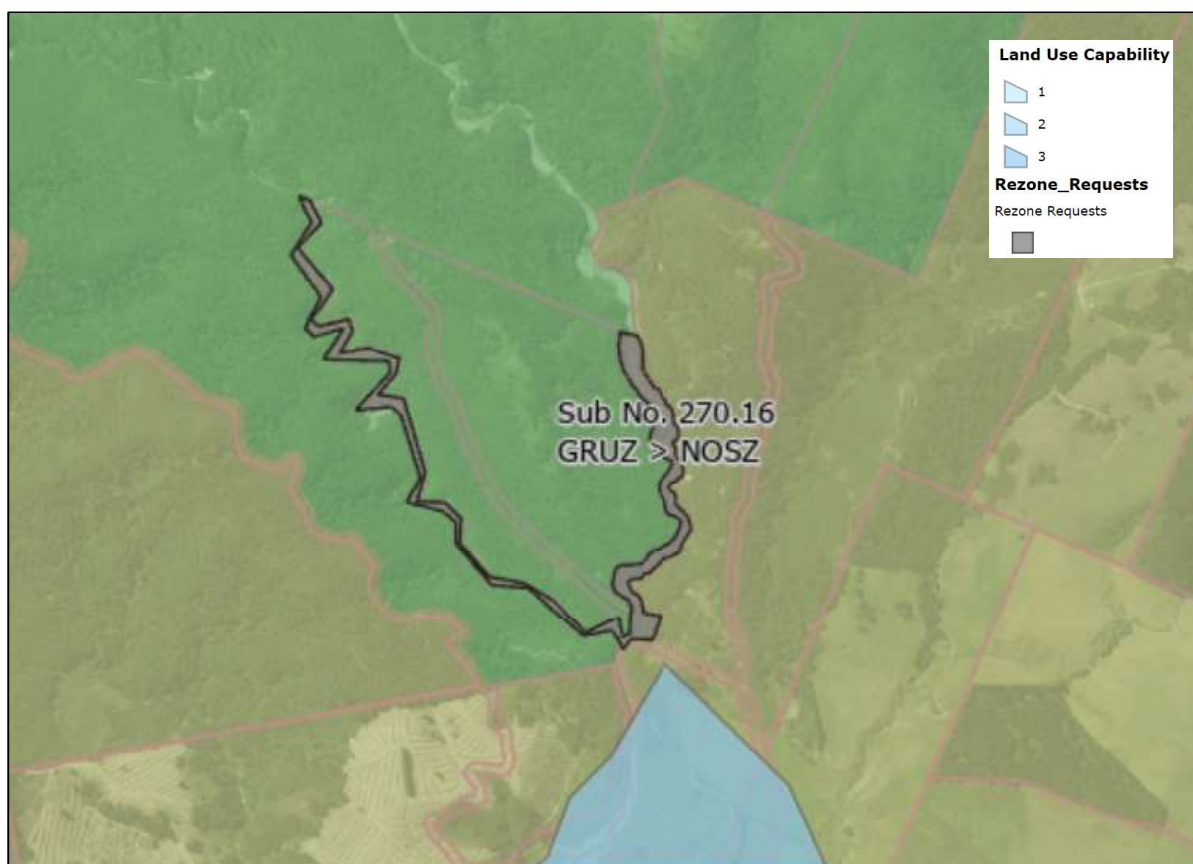


Figure D17: George JasonSmith [270.16] (Source: WAIMAP)

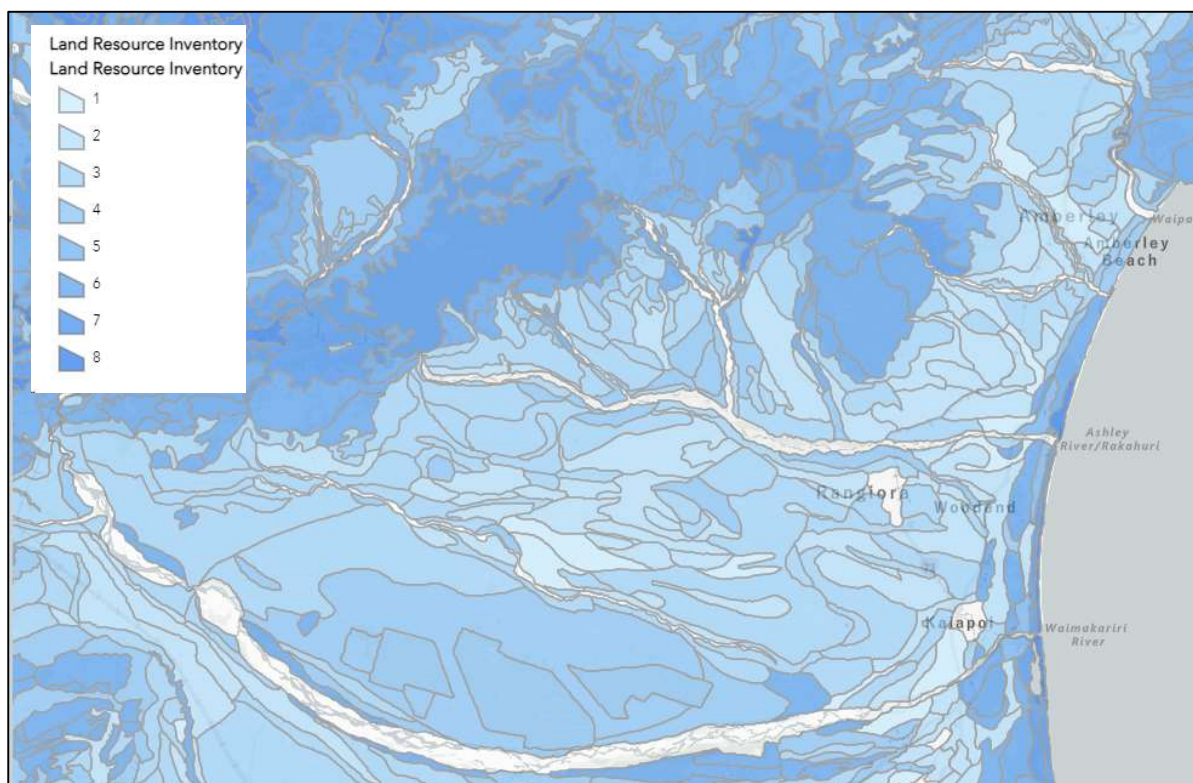


Figure D18: Map showing all LUC classifications of soils within District (Source: Canterbury Maps)

Appendix E. Evidence of Shane Binder (Transport)

**Before the Hearings Panel
At Waimakariri District Council**

Under Schedule 1 of the Resource Management Act 1991

In the matter of the Proposed Waimakariri District Plan

Between **Various**

Submitters

And **Waimakariri District Council**

Respondent

**Statement of evidence of Shane Binder on behalf of Waimakariri District
Council (Transport)**

Date: 27 March 2024

INTRODUCTION:

- 1 My full name is Shane Isaac Binder. I am employed as the Senior Transportation Engineer for Waimakariri District Council.
- 2 I have prepared this statement of evidence on behalf of the Waimakariri District Council (**Council**) in respect of technical related matters arising from the submissions and further submissions on the Proposed Waimakariri District Plan (**PDP**).
- 3 Specifically, this statement of evidence relates to submission by Murray McDowell [415.1, 415.3, 415.5] which seeks to rezone a corridor between the Eyre River bridge and Waimakariri Gorge bridge from General Rural Zone to Rural Lifestyle Zone to enable a speed limit reduction on Depot Road and therefore improve road safety.
- 4 I am authorised to provide this evidence on behalf of the Council.

QUALIFICATIONS AND EXPERIENCE

- 5 My qualifications include a Bachelor of Science degree in Civil Engineering from the Pennsylvania State University (USA), and a Master of Science degree in Civil Engineering from the University of Colorado (USA), both with specialisations in transport.
- 6 I am a Chartered Professional Engineer (CPEng), a Professional Engineer (Colorado and Washington State, USA), and a Road Safety Professional (Level 1) certified by the Institute of Transportation Engineers. I am a Chartered Member of Engineering New Zealand. I am also a member of the Transportation Group of Engineering New Zealand and am on the steering committee of the Safety Practitioners Sub-group.

- 7 I have more than 22 years' experience as a professional traffic engineer and road safety specialist, both in New Zealand and abroad. I have had the position of Waimakariri District Council Senior Transportation Engineer for more than three years. In this role I manage the District's transport planning, strategy, and engineering functions, including road safety, traffic modelling, parking, and public transport elements.

Code of conduct

- 8 I have read the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023. I have complied with the Code of Conduct in preparing my evidence and will continue to comply with it while giving oral evidence before the Environment Court. My qualifications as an expert are set out above. Except where I state I rely on the evidence of another person, I confirm that the issues addressed in this statement of evidence are within my area of expertise, and I have not omitted to consider material facts known to me that might alter or detract from my expressed opinions.

SUMMARY

- 9 My full name is Shane Isaac Binder. I am employed as the Senior Transportation Engineer for Waimakariri District Council.
- 10 I have prepared this statement of evidence on behalf of the Waimakariri District Council (**Council**) in respect of technical related matters arising from the submissions and further submissions on the Proposed Waimakariri District Plan (**PDP**).
- 11 Specifically, this statement of evidence relates to submission by Murray McDowell [415.1, 415.3, 415.5] which seeks to rezone a corridor between the Eyre River Bridge and Waimakariri Gorge Bridge from General Rural Zone to Rural Lifestyle Zone to enable a speed limit reduction on Depot Road and therefore improve road safety.

12 I am authorised to provide this evidence on behalf of the Council.

INVOLVEMENT WITH THE PROPOSED PLAN

13 I have been involved in the PDP since March 2021, providing advice when requested on general transport rules and activity standards.

SCOPE OF EVIDENCE

14 My evidence only covers matters raised by the submitter [415] and in relation to transport, specifically speed limit adjustments for Depot Road.

SPEED LIMIT ADJUSTMENTS FOR DPEOT ROAD

15 Murray McDowell [415.1, 415.3, 415.5] seeks to rezone a corridor between the Eyre River bridge and Waimakariri Gorge bridge from General Rural Zone to Rural Lifestyle Zone to enable a speed limit reduction on Depot Road and therefore improve road safety.

16 In response to his submission, I note the following:

16.1 Speed limits are now generally set via the Land Transport Rule: Setting of Speed Limits 2022¹ and the speed management plan process; as such, the Speed Limit Bylaw 2009 is no longer used in this process. However, the Council elected members have opted to defer any changes to speed limits pending future guidance from Government on changes to the Setting of Speed Limits Rule 2022.


¹ <https://www.nzta.govt.nz/resources/rules/setting-of-speed-limits-2022/>

- 16.2 I continue to support either a reduction in the speed limit along Depot Road to reduce crash severity or a substantial upgrade to the road to reduce the crash likelihood at its existing speed limit.
- 16.3 There are several factors that influence the “safe and appropriate” speed limits on a roadway (and as noted, this process is presently under review by Government). These are detailed in the *Waka Kotahi Speed Management Guide: Road to Zero edition 2022*². In summary, they include:
- 16.3.1 The maximum speeds for surviving crashes
 - 16.3.2 The “movement” and “place” functions of the roadway in question
 - 16.3.3 The relative road safety risk on the roadway
 - 16.3.4 The level of safety infrastructure to reduce this risk
- 16.4 I consider that changing the zoning to provide for smaller allotments of 4ha (enabled within the Rural Lifestyle Zone) would not influence the “place” function of Depot Road, or any of the other relevant factors. The density of development would have to be substantially greater in order to impact the speed environment along the corridor and justify a speed limit reduction through the present speed management process.
- 16.5 Further I understand this would also require the market to respond to an upzoning with a large quantity of infill development along Depot Road before it would be taken into consideration in setting a speed limit.

² <https://www.nzta.govt.nz/assets/resources/speed-management-guide-road-to-zero-edition/speed-management-guide-road-to-zero-edition.pdf>

16.6 As a result, speaking strictly on the justification provided in this submission, I cannot support it based on present evidence and legal processes.

Date: 27 March 2024

A handwritten signature in blue ink, reading "Graham D. Bird", written over a horizontal dotted line.

Appendix F. Memo from Wendy Harris

**Before the Hearings Panel
At Waimakariri District Council**

Under	Schedule 1 of the Resource Management Act 1991
In the matter of	the Proposed Waimakariri District Plan
Between	Various
	Submitters
And	Waimakariri District Council
	Respondent

**Council Officer's Response to written questions on
Rural Subdivisions on behalf of Waimakariri District Council**

Date: 30 April 2024

INTRODUCTION:

- 1 My full name is Wendy Harris. I am employed as the Planning Manager of the Plan Implementation Unit for Waimakariri District Council. I have over 30 years experience as a Planner including over 17 years working in and leading Council teams which process resource consent applications. I am a full member of the NZ Planning Institute.
- 2 The purpose of this document is to respond to questions asked by the Hearings Panel at the hearing for Rural Subdivision. The Panel requested more information about the rural subdivision applications that were being processed but decisions hadn't been issued when the Proposed Plan was notified. In particular, information was requested about the activity status of these applications and the current status of the applications.
- 3 I am authorised to provide this evidence on behalf of the District Council.

ACTIVITY STATUS:

- 4 When these subdivision applications were lodged, their activity status's under the Operative District Plan ranged from Controlled to Non complying Activities as follows:

Activity Status	Number of Applications
Controlled	6
Restricted Discretionary	7
Discretionary	13
Non complying	2

- 5 The applications that were Controlled Activities were for subdivision applications only and the proposals complied with all of the relevant standards, so no associated land use consents were required.

- 6 The applications that were restricted discretionary, discretionary or non complying fell into two categories. Firstly, a few subdivision proposals didn't comply with the subdivision standards. For example, if a 4ha lot couldn't contain a 120m x 120m internal square, the subdivision application became a non complying activity. Secondly, many of the proposals infringed other standards in the District Plan which triggered the need for an associated land use consent. Common infringements were the location of a vehicle crossing not complying with the required separation distance from other vehicle crossings (discretionary activity), and lots being proposed with a non-reticulated water supply (restricted discretionary activity). These infringements were both subdivision and land use rules in the plan, recognising the interrelated issues of creating rural lots that would likely contain a dwelling. For example, consent was needed as a subdivision rule to use a non-reticulated water supply, with a corresponding land use rule also being triggered (but not always applied for).
- 7 Under the Operative District Plan, a dwelling on a rural lot of 4 hectares or more is a Permitted Activity. As a result, applications that didn't trigger any of the common infringements didn't seek consent to erect a dwelling, as this wasn't needed. Where they did need land use consent, the matters of control direct decision makers to consider the objectives and policies of the plan, particularly impacts on rural character and productivity .
- 8 When the Proposed Plan was notified, the rural subdivision and density rules in the General Rural Zone had immediate legal effect. As a result, all of the subdivisions in progress also required consent under the Proposed Plan as a non-complying activity as they sought to create lots less than 20 hectares. Regardless of whether immediate legal effect occurred, the RMA requires that decision makers consider the objectives and policies of both an operative and proposed plan.
- 9 Section 88A of the RMA indicates that applications lodged prior to a Proposed Plan being notified retain the activity status that applied at the time the application was first lodged. This suggests that the applications would retain the various activity status's set out in paragraph 4.
- 10 However, the density rule in the Proposed Plan means that a land use consent is required to erect a dwelling on lots less than 20 hectares Land owners want this ability and

therefore, where subdivisions have progressed, the applicants have applied for land use consent to erect a dwelling on each lot. The land use consent is a non complying activity.

BUNDLING:

- 11 When Council processes subdivision and associated land use consent applications, the applications are usually bundled (i.e. the subdivision and land use applications are considered, assessed and decided together). When this happens, the overall activity status is the most restrictive of the activity status's of the subdivision and land use applications.
- 12 While the subdivision applications retain the same activity status as when they were first lodged (prior to notification of the Proposed Plan), the land use applications for dwellings on lots less than 20 hectares are non complying activities. As a result, when the applications are bundled, they are considered together and have an overall status as a non complying activity. Even if not bundled, the land use consents would be non-complying, which Council understand introduces a level of unacceptable uncertainty where a new dwelling is proposed (ie while the subdivision might be granted through a lower activity status, there is the possibility that a future land use consent is not).

CURRENT STATUS OF THE APPLICATIONS:

- 13 After the Proposed Plan was notified, Council contacted the agents for all of the subdivision applications advising that consideration of the applications would need to include assessment against the objectives and policies of the Proposed Plan, and inviting the agents to provide their own assessment and any additional information in support of the application, if they wished to do so. A few provided assessments, but most didn't. Survus Consultants were representing the majority of the applicants and they requested that those applications be put on hold.
- 14 There was uncertainty about how the applications would be processed in relation to notification, and whether applications would be granted or declined. As a result, in agreement with one of the applicants, a draft notification report was prepared for their subdivision application. It recommended that the application be publicly notified *"for the reason that the adverse effects on rural character and amenity, as well as the*

fragmentation of land and reducing opportunities for land to be used for a range of primary productive uses, will result in effects on the environment which will be more than minor.”

- 15 A copy of the draft notification report was emailed to the agents for all of the subdivision applications for their information. The email also advised that if their client/s wished to proceed with their subdivision, a notification report would be prepared which would be specific to the details of the particular application, the application site and surrounding area. A few applicants wished to proceed. Two applications were granted on a non-notified basis. One was publicly notified, submissions were received in opposition, the S42A report recommended that the application be declined and at that point, the applicant requested that the application be put on hold. It remains on hold. Council is currently in discussion with two other applicants about progressing their applications. The other applicants haven't requested that Council continue with processing their applications.
- 16 As applications have progressed, regular emails have been sent to all of the agents updating them and providing copies of notification reports, S42A reports and decisions to assist them in advising their clients about how applications similar to their own have processed.
- 17 These applications were lodged in 2021. It's unusual for applications to be on hold for this length of time. However, given that submissions were lodged seeking amendments to the Proposed Plan specifically to provide a pathway for these consents, Council considered it was reasonable for the applications to remain on hold until decisions on the Proposed Plan are released, although applicants can at any time request that Council continue to process their application.

Date: 2 May 2024



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