

WAIMAKARIRI DISTRICT COUNCIL

MEMO

FILE NO AND TRIM NO: DDS-14-05-12.01 / Trim 240808131697

DATE: 8 August 2024

MEMO TO: Hearing Panel – Hearing Stream 6 Rural Zones and Hearing Stream 12B Rural Rezoning

FROM: Mark Buckley
Principal Policy Planner

SUBJECT: Response to Minute 32 – Borcoskie Missed Submission Points

1. In question 9 to the Hearing Stream 12B reporting officer in our Minute 28, the hearing panel asked:

Submissions 101 and 102 (Borcoskie family) included a number of submission points on the Rural Zone provisions that have not been addressed in this report or the Rural Zone s42A report. Please address these, and in doing so, consider the appropriateness of potential amendments to the Rural Zone rules to assist submitters who find themselves located within pockets of land that are more rural lifestyle in character than rural production.

2. A response to this question was provided on 4 July 2024¹. The panel subsequently requested a further assessment of the second part of the question with reference to potential amendments to Rural Zone rules.

Policy framework

The policy framework for the relevant Rural zone comprises the following:

SD-O4 Rural Land

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 production activities, activities that directly support rural production activities 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 production activities are not limited by new incompatible sensitive activities.*

I consider that the objective prioritises rural activities over residential development within the rural zones. SD-O4(2) requires that consideration is given to sensitive activities not limiting rural production.

RURZ-O1 Rural Environment

An environment with a predominant land use character comprising primary production activities and natural environment values, where rural openness dominates over built form, while recognising:

¹ Memo forms part of S42A Report: Council Reply Report for Rural Zones Rezoning Request, Hearing Stream 12B

1. *the east of the District has a predominant character of small rural sites with a pattern of built form of residential units and structures at more regular intervals at a low density compared to urban environments; and*
2. *the remainder of the District, while having a range in the size of rural sites, has a predominant character of larger rural sites with a corresponding density of residential units and built form.*

The property is not located in the eastern part of the district and can be considered as having a predominant character of *'large rural sites with corresponding density of residential units'* The intended outcomes of this Objective is reflected in Policies RURZ-P1(3) that restricts density of housing to be consistent with character of each rural zone; RURZ-P2(1) providing for primary production activities; RURZ-P2(2)(b) amenity and character of the rural zones in maintained, and RURZ-P2(3) ensuring subdivision does not foreclose the ability of rural land to be utilised for primary production.

RURZ-O2 Activities in Rural Zones

Rural Zones support primary production activities, activities which directly support primary production, and activities with a functional need to be located within Rural Zones.

I consider the rule framework provides for rural production, including intensive primary production. This is reflected in Policy RURZ-P8(1) which avoids new sensitive activities near existing intensive primary production and RURZ-P8(2) managing new sensitive activities near other primary production activities. This objective as with SD-O4 and RURZ policies support primary production activities while limiting the impact sensitive activities have on primary production.

GRUZ-O1 Purpose of the General Rural Zone

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.

The GRUZ zone objective recognises the importance of primary production in the area while restricting land fragmentation. The effects of land fragmentation and associated sensitive activities is reflected in both GRUZ policies (GRUZ-P1 and GRUZ-P2).

GRUZ-P2 Limiting fragmentation of land

Maintain opportunities for land to be used for primary production activities within the zone by limiting further fragmentation of land in a manner that avoids sites being created, or residential units being erected, on sites that are less than 20ha, unless:

1. *associated with the development of infrastructure which reduces the size of the balance lot or sites to below 20ha;*
2. *associated with the establishment of a bonus residential unit or creation of a bonus allotment;*
3. *the erection of a residential unit is protected by a legacy provision in this District Plan; and*
4. *it is for the establishment of a minor residential unit, where the site containing a residential unit is 20ha or greater, or is protected by a legacy provision in this District Plan.*

Policy GRUZ-P2 is intended to limit land fragmentation within the GRUZ zone on the basis of loss of productive land and reverse sensitivity effects. This policy addresses the fundamental issue around the loss of productive land, which was considered one of the key issues for rural areas in the District².

² S32 Rural Zones, Chapter 1 Executive Summary

Link to Rules

Overall, I consider that the present GRUZ and Subdivision rule framework is consistent with the objectives and policies in the Proposed Plan. The Proposed Plan rules around maintaining rural production and restriction land fragmentation also implement RPS Policies 5.3.2(1)(c) ensure adverse effects from development are avoided, remedied or mitigation so that soil resources are valued for future primary production and land fragmentation does not foreclose the productivity of the soils.

While subdivision and the placement of a residential unit or minor residential unit on a site less than 20ha in the General Rural Zone is not supported by the policy framework, there is ability to subdivide through a non-complying pathway.

Table 1 assesses the policy framework against rules in the Proposed Plan and identifies any likely effects associated with the change in approach to enable subdivision down to 4ha within the GRUZ Zone.

Recommendation

The policy and rule framework in the Proposed Plan provides for primary production as the main land use in the rural zones in the District. Most primary production activities that are reliant on the soils are permitted and those where there is a potential for off-site effects those activities are restricted discretionary. The location of sensitive activities, such as residential units, are controlled through setbacks in the built form standards and supported by the policy framework.

If more subdivision of the land was enabled in the GRUZ Zone, this would undermine the whole approach taken in the Proposed Plan and potentially result in substantial loss in large farming units. If higher density subdivision of the GRUZ Zone was allowed, it would set a precedent enabling other similar large farming units could also be subdivided. This would undermine the legal effect process taken by Council³.

I do not consider that there is any support in the policy framework that would enable ongoing land fragmentation of GRUZ Zone large farming blocks. Adverse outcomes and the substantial loss of rural production within the District would occur if rules were provided to enable subdivision of farmland within the GRUZ Zone down to 4ha. This will have potential long term effects on the districts ability to provide for primary production activities within the District in the future.

³ S42A Rural Zones officer report Appendix D

Table 1. Policy Framework Assessment.

Objective	S42A Rules	More Permissive Rules
<p><i>SD-O4 Rural Land</i></p> <p><i>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...</i></p> <p><i>1. activities are not limited by new incompatible sensitive activities.</i></p>	<p>GRUZ-R2 Primary Production – permitting primary production activities that are reliant on the soil.</p> <p>GRUZ-R41 Residential Unit – minimum net site is 20ha and any alteration will increase density of residential units and potential increase in reverse sensitivity effects,</p> <p>GRUZ-R42 Minor Residential Units - minimum net site is 20ha will reduce density of residential units and potential increase in reverse sensitivity effects,</p> <p>GRUZ-BFS5 Separation distance to and from intensive indoor primary production or intensive outdoor primary production activity or quarry would be comprised if there was an increase in the density of residential units in the GRUZ Zone,</p> <p>SUB-R6 Enabling more finer grained subdivision within the GRUZ Zone could increase reverse sensitivity effects on National Grid Yard and potentially compromise its operation maintenance, repair, upgrading and development.</p>	<ul style="list-style-type: none"> • Will generate further land fragmentation reducing the potential range of primary production activities that are economically viable on the land, • There would be a greater potential for reverse sensitivity effects, • Increase in land prices beyond economic return achieved through primary production, • Increase is traffic effects on undersized and gravel roads, • Increase in greenhouse gas emissions associated with disperse development resulting in greater travel distances, • Potential conflict around subdivision and protection of National Grid Yard.
<p><i>RURZ-O1 Rural Environment</i></p> <p><i>An environment with a predominant land use character comprising primary production activities and natural environment values, where rural openness dominates over built form, while recognising:</i></p>	<p>GRUZ-R3 Residential Unit – net minimum site area 20ha would result in higher density of houses in zone,</p> <p>SUB-R10 Subdivision in General Rural Zone is intended to ensure that the GRUZ environment retains the ability to be used for a range of</p>	<ul style="list-style-type: none"> • Removes character and amenity values differentiation between General Rural and Rural Lifestyle Zones, • Inconsistent with the protection of Highly Productive Land approach in the Objective within the NPS-HPL, • Lead to greater land fragmentation that is

<p>1. <i>the east of the District has a predominant character of small rural sites with a pattern of built form of residential units and structures at more regular intervals at a low density compared to urban environments; and</i></p> <p>2. <i>the remainder of the District, while having a range in the size of rural sites, has a predominant character of larger rural sites with a corresponding density of residential units and built form.</i></p>	<p>primary production activities, retains natural environmental values and has a sense of openness,</p> <p>SUB-S1 Allotment size differentiation between the rural zones aligns with the character and building density of the two parts of the districts.</p>	<p>inconsistent with the approach taken in Policy 1 of the NPS-HPL in recognising the finite characteristics and long-term value of land-based primary production,</p> <ul style="list-style-type: none"> Increased building density in GRUZ Zone resulting in change of built form pattern in the zone.
<p>RURZ-O2 Activities in Rural Zones</p> <p><i>Rural Zones support primary production activities, activities which directly support primary production, and activities with a functional need to be located within Rural Zones.</i></p>	<p>GRUZ-R2 The ability for a range of primary production activities would be greatly reduced with more intensive residential unit density,</p> <p>GRUZ-R11 The establishment of certain rural industries where off-site effects may be more than minor would be greatly constrained,</p> <p>GRUZ-R15 the potential type of rural tourism activities that can establish on farm land would be greatly reduced due to differing character and amenity values,</p> <p>GRUZ-R17 Ability of large scale intensive indoor primary production to establish without reserve sensitivity effects would be greatly reduced,</p> <p>GRUZ-R18 Ability of large scale intensive outdoor primary production to establish without reserve sensitivity effects would be greatly reduced.</p>	<ul style="list-style-type: none"> Increase in reverse sensitivity effects on existing primary production activities, Restricts areas available for intensive primary production, Reduction in rural production capacity of the wider district and resulting loss in employment opportunities, Lead to greater land fragmentation placing more strain on the provisions of Council services due to spread out nature of development.
<p>RURZ-P1 Amenity values and character</p> <p><i>Recognise the contribution of amenity values to</i></p>	<p>GRUZ-R3 Residential Unit – net minimum site area 20ha meets the character and amenity values of the GRUZ Zone. Any amendment to</p>	<ul style="list-style-type: none"> Would result in loss in general rural character and amenity values, Increased density of buildings across the

<p><i>maintaining the character of the zones, and maintain amenity values in Rural Zones by:</i></p> <ol style="list-style-type: none"> 1. <i>requiring separation between buildings on adjoining properties to maintain privacy and a sense of openness;</i> 2. <i>retaining generally low levels of signs, noise, traffic, odour, outdoor lighting, and built form from activities while recognising that in association with primary production and rural industry, which are part of the character of each rural zone that:</i> <ol style="list-style-type: none"> a. <i>there may be seasonal, short term or intermittent odour, noise, dust, traffic and outdoor lighting effects; and</i> b. <i>large buildings may have a functional need.</i> 3. <i>restricting the density of residential units and minor residential units that can be established on a site consistent with the character of each rural zone, unless a development right has been protected through a legacy provision or is associated with a bonus allotment.</i> 	<p>the residential unit and minor residential unit density would change the character and amenity values for the zone, and potentially increasing reverse sensitivity effects associated with signs, noise, traffic, odour and lighting effects.</p>	<p>GRUZ Zone,</p> <ul style="list-style-type: none"> • Increase in traffic on gravel roads resulting in more dust and increased traffic safety risks, and as a result could lead to more reverse sensitivity issues, • Increased traffic effects on gravels roads (dust and rutting) could require Council to seal more rural roads or having a higher maintenance budget, • Would increase levels of outdoor lighting, noise, signs and traffic within the GRUZ Zone.
<p><i>RURZ-P2 Rural land</i></p> <p><i>Maintain the availability and life supporting capacity of land in recognition of its importance for undertaking primary production, and to maintain or enhance natural environment values in Rural Zones, including by:</i></p> <ol style="list-style-type: none"> 1. <i>providing for primary production activities;</i> 2. <i>providing for those activities that directly support primary production, or those</i> 	<p>Increased fragmentation of land would reduce the range of potential primary production activities that could economically occur on rural land (GRUZ-R2),</p> <p>Earthworks for farm quarries in GRUZ Zone (EW-R10) would be limited through potential reverse sensitivity effects.</p>	<ul style="list-style-type: none"> • Would reduce the availability of large land parcels for a range of primary production activities, • Would reduce any potential for farm quarries to establish in areas where reverse sensitivity effects would be more prevalent, • Restricts areas where major hazard facilities to establish.

<p><i>activities with a functional need to be located within Rural Zones, where:</i></p> <ol style="list-style-type: none"> <i>a. adverse effects on soil and highly productive land are minimised;</i> <i>b. the amenity values and character of Rural Zones are maintained; and</i> <i>c. to the extent practicable, adverse effects are internalised within the site where an activity is being undertaken.</i> <p><i>3. ensuring subdivision and subsequent development is managed so that it does not foreclose the ability for rural land to be utilised for primary production activities including not diminishing the potential for rural land to meet the reasonably foreseeable needs of future generations.</i></p>		
<p><i>RURZ-P8 Reverse sensitivity</i></p> <p><i>Minimise the potential for reverse sensitivity effects by:</i></p> <ol style="list-style-type: none"> <i>1. avoiding the establishment of any new sensitive activity near existing intensive indoor primary production activities, intensive outdoor primary production activities, waste management facilities, quarrying activities, mining activities, and rural industry in circumstances where the new sensitive activity may compromise the operation of the existing activities;</i> <i>2. managing the establishment of new sensitive activities near other primary production activities;</i> <i>3. ensuring adequate separation distances</i> 	<p>Increased land fragmentation would significantly reduce that ability for new intensive indoor (GRUZ-R17) and outdoor (GRUZ-R18) primary production activities to establish in an area, as typical 4ha lots are between 200 to 280m in width, making it difficult for those activities to achieve a 300m separation from existing sensitive activities (GRUZ-BFS5) ,</p> <p>The ability to provide for a new major hazard facility or addition to a major hazard facility (HS-R2) would be greatly reduced as a result of any increase in neighbouring properties and reduced ability to achieve adequate separation from sensitive activities in order to ensure that off-site effects are minimised.</p>	<ul style="list-style-type: none"> • Further land fragmentation will increase the potential for reverse sensitivity, • Land availability for intensive indoor and outdoor primary production would be greatly restricted to larger land parcels in order to achieve separation distances, • Land fragmentation will reduce potential sites available for waste management, quarrying and mining activities.

<p><i>between existing sensitive activities and new intensive indoor primary production activities, intensive outdoor primary production activities, quarrying activities, mining and rural industry; and</i></p> <p>4. <i>avoiding quarry, landfill, cleanfill area, mining activities adjacent to urban environments where the amenity values of urban environments would be diminished.</i></p>		
<p>GRUZ-O1 Purpose of the General Rural Zone</p> <p><i>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.</i></p>	<p>Increased fragmentation of the GRUZ Zone into smaller land parcels would greatly affect the range of primary production activities that could economically occur under GRUZ-R2.</p>	<ul style="list-style-type: none"> • Enabling increased fragmentation of GRUZ Zoned land would be inconsistent with Policy 4 of the NPS-HPL.
<p>GRUZ-P2 Limiting fragmentation of land</p> <p><i>Maintain opportunities for land to be used for primary production activities within the zone by limiting further fragmentation of land in a manner that avoids sites being created, or residential units being erected, on sites that are less than 20ha, unless:</i></p> <ol style="list-style-type: none"> <i>1. associated with the development of infrastructure which reduces the size of the balance lot or sites to below 20ha;</i> <i>2. associated with the establishment of a bonus residential unit or creation of a bonus allotment;</i> <i>3. the erection of a residential unit is protected by a legacy provision in this District Plan; and</i> <i>4. it is for the establishment of a minor</i> 	<p>Any amendment would mean that SUB-R10 Subdivision in General Rural Zone would need to change from 20ha to 4ha, and would result in an increase in land fragmentation,</p> <p>SUB-S1 Allotment sizes would need to change resulting in no differentiation between RLZ and GRUZ zones,</p> <p>The increased fragmentation of GRUZ Zoned land could contribute towards the ongoing loss of indigenous biodiversity under ECO-R2 due to development pressure.</p>	<ul style="list-style-type: none"> • It would be inconsistent with Policy 7 of the NPS-HPL, • It would result in increased fragmentation of large farms within the GRUZ Zone, • It would be inconsistent with the 20ha content of the policy in that it would enable fragmentation, • It would be inconsistent with RPS Policy 5.3.2(1)(c) in that you would get increased fragmentation of rural land and result in the productivity of the region's soil resources being foreclosed for future primary production, • It would be inconsistent with RPS Policy 5.3.3(2) where the amenity values, quality of the environment and the character of the area would be significantly altered, • It would be inconsistent with RPS Policy

<p><i>residential unit, where the site containing a residential unit is 20ha or greater, or is protected by a legacy provision in this District Plan.</i></p>		<p>5.3.12(1)(a) and (b),</p> <ul style="list-style-type: none"> • Increased fragmentation of GRUZ Zoned land would increase land prices making it less affordable for expansion of primary production activities, • Fragmentation of larger GRUZ Zoned land holdings would reduce the range of primary production activities that could potentially operate on the site reducing the economic viability for the land to be farmed.
<p><i>RLZ-O1 Purpose of the Rural Lifestyle Zone</i></p> <p><i>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.</i></p>		<ul style="list-style-type: none"> • Would result in no differentiation in land use between GRUZ and RLZ zones, • Intensive pattern of development could potentially result in increase in reverse sensitivity effects.

