

# Submission 102.1 - 666 Mt Thomas Road – MJ Borcoskie Family Trust

## 1.0 Expert Evidence – Victoria (Vicki) Borcoskie

Qualified through association with this property and location for 45 years and observing the locations neighbouring properties changes during this time. I can also supply evidence of the characteristics and qualities of this land pertaining to its classification. I currently am employed by a national rural valuation firm and have previously been employed by a national building company.

## 2.0 Waimakariri Proposed District Plan Submission sent to WDC by Charlie Brown of Rhodes and Co regarding 666 Mt Thomas Road

We seek the following decisions from the Waimakariri District Council:

1. That the existing District Plan rules, as they apply to the property, remain unchanged. [\(Covered in Stream 6 Hearings\)](#)
2. Alternatively, the submitter seeks that its property is zoned RLZ and not GRUZ. [\(Stream 12B\)](#)
3. If the land is to be zoned GRZ then the rules relating to that zone need to be amended to allow for any future subdivision to be either a controlled activity or a discretionary activity, to allow more flexibility in the future, and provide a better balance as to what may be in the best interests of a particular property where its inclusion with GRUZ is more marginal than the other areas containing the best quality GRUZ land. [\(Stream 12B?\)](#)
4. If the GRUZ zoning is to remain, the rules that apply need to be clear and concise and give greater ability for that land to be used as a rural lot, including more intensive rural related uses on the property. If GRUZ land is incapable of future subdivision, then that zoning should have the widest possible meaning in terms of future use and development of that land, and that reverse sensitivity issues are adequately covered. [\(Stream 12B?\)](#)

**This submission relates to the property at 666 Mount Thomas Road ("the Property"). The specific provisions of the proposal that my submission relates to are as follows:**

This submission opposes the new rural zoning area rules of the proposed district plan which relate to the Property. It opposes the rationale behind which areas are designated General Rural Zone ("GRUZ") and which areas are designated Rural Lifestyle Zone ("RLZ"). Specifically, the submission challenges the way in which the Council has determined the boundaries of the GRUZ and RLZ and the implications this has for the Property.

The following are some reasons behind the opposition to the proposed district plan. My submissions:

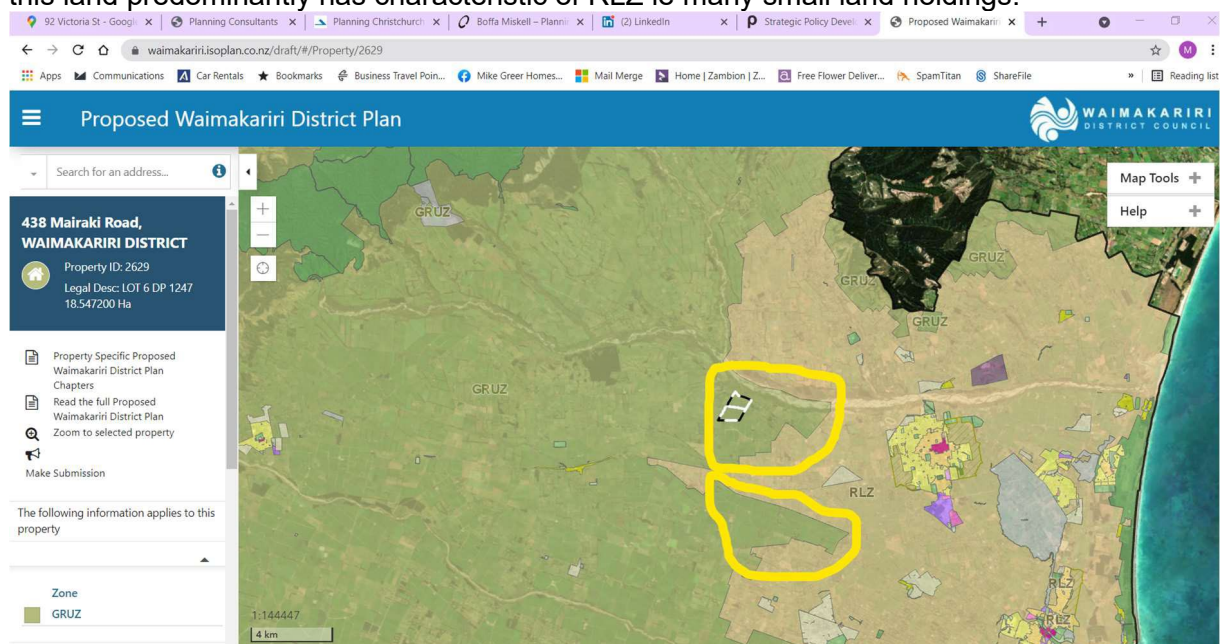
1. The Waimakariri District Council consultation summary says that the GRUZ, while it contains a number of smaller sites, intends retain the prominent character of an open, large-scale productive landscape with open grassland, pastoral farming, cropland and small areas of forestry. The submitter disagrees with this interpretation and argues the distinction is arbitrary. The Property is actually more akin to RLZ land because of its size

and the surrounding smaller parcels of land which represent the type of land described as RLZ in the proposed plan.

2. It is a contradiction to redefine the GRUZ and then require resource consents for intensive indoor and outdoor farming activities. The rules are not consistent for a rural zone because many sites within the GRUZ are in substance RLZ land. There is no benefit whatsoever to the GRUZ zone in the proposal when the activity rules are essentially the same as RLZ. This being said, the zoning should be made on a case by case basis.
3. The submitter does not believe the soils of the land in its area are of a type to justify the GRUZ designation and would be better reflected as RLZ land. The attachment shows that the land is not an area with open large scale production available.
4. The attachment below highlights that the property is surrounded by small parcels of land that are more in the nature of RLZ land, despite being zoned GRUZ. The Council will impose rates within the GRUZ which includes these smaller blocks to the detriment of the farmers whom operate in GRUZ.
5. Many of the sites adjacent to or within close proximity of the Property are small and have homes on them. They are not economic farming units and are more representative of RLZ land than GRUZ. The Property on its own is not an economic unit. It would be classified as GRUZ.
6. Given the fact that the Property is surrounded by smaller properties, reverse sensitivity issues will arise, and it is unlikely the submitter will be able to use the land as intended by the GRUZ designation. There appears to be no activity rules provided in the proposed district plan to mitigate these factors.
7. The imbalance and arbitrary nature of defining the RLZ and GRUZ areas is likely to lead to subsequent benefits to those within the RLZ to the detriment of the GRUZ.

### 3.0 In General: Classification of RLZ and GRUZ

Figure 1: High level view of Proposed WD Plan and its boundaries. Highlighted anomalies of land closer to Rangiora township being proposed and categorised as GRUZ where much of this land predominantly has characteristic of RLZ ie many small land holdings.



#### 4.0 666 Mt Thomas Road Location and Predominant Characteristics

Figure 2 below: 666 Mt Thomas Road location and surrounding land parcels.

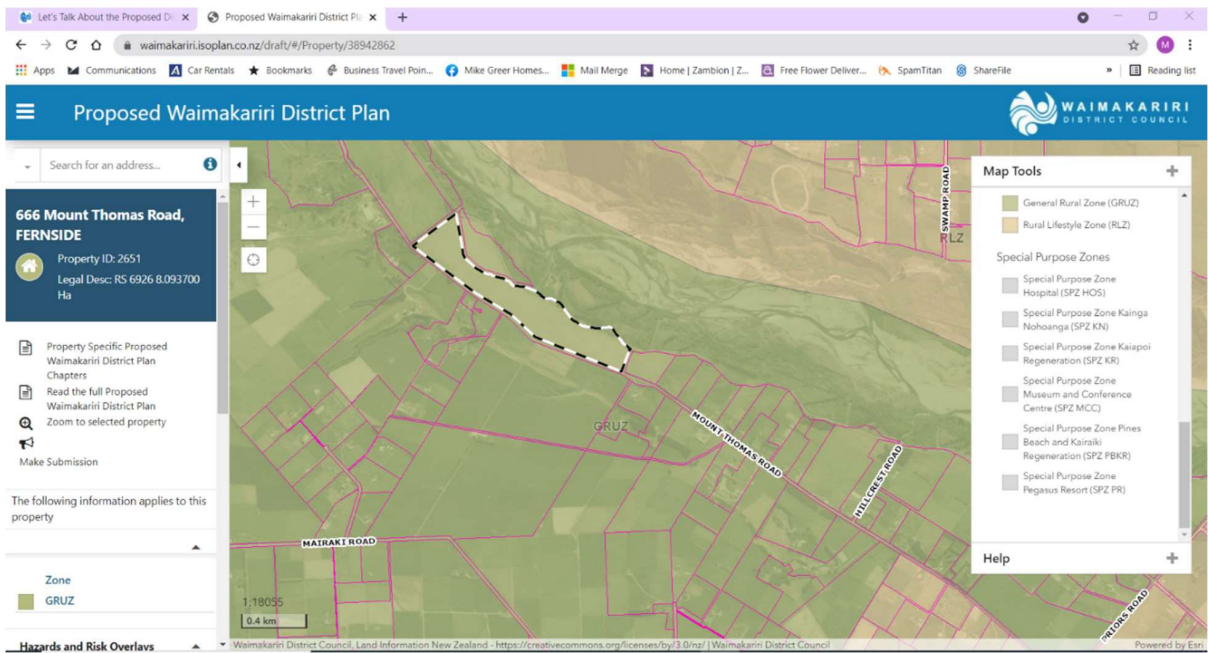


Figure 3: 666 Mt Thomas Road highlighted areas showing 4ha lifestyle blocks adjacent to property.

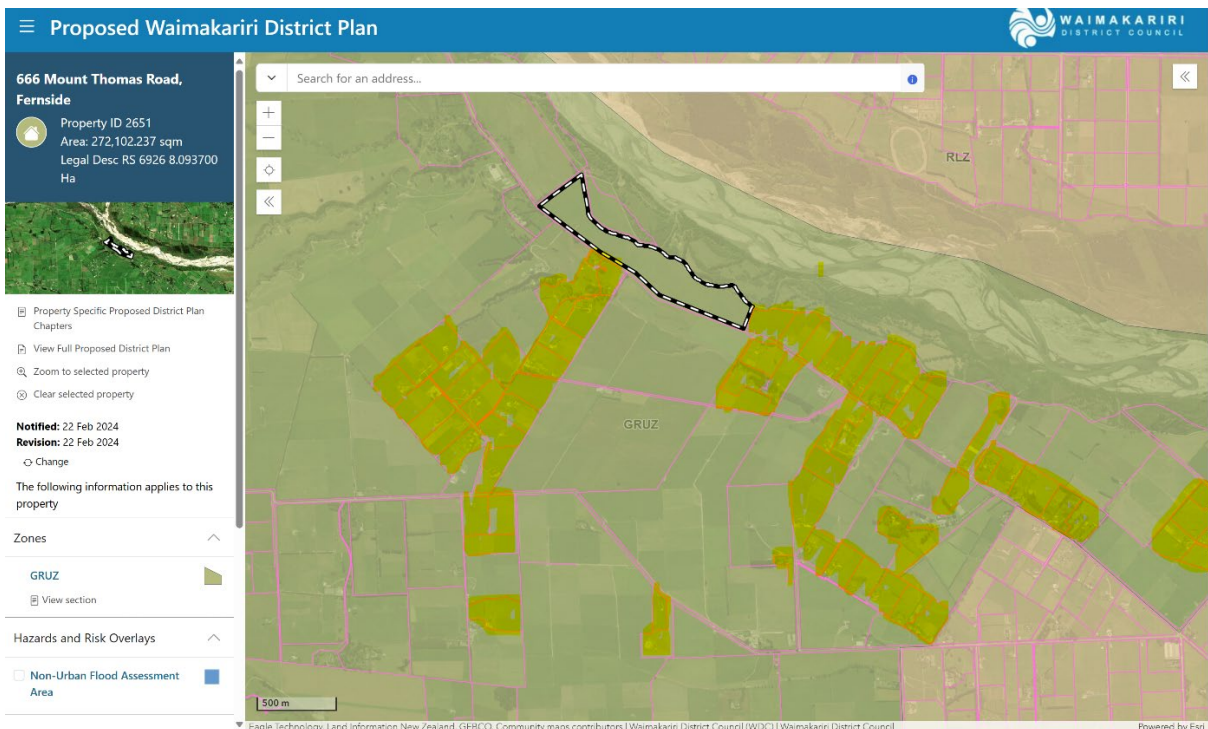
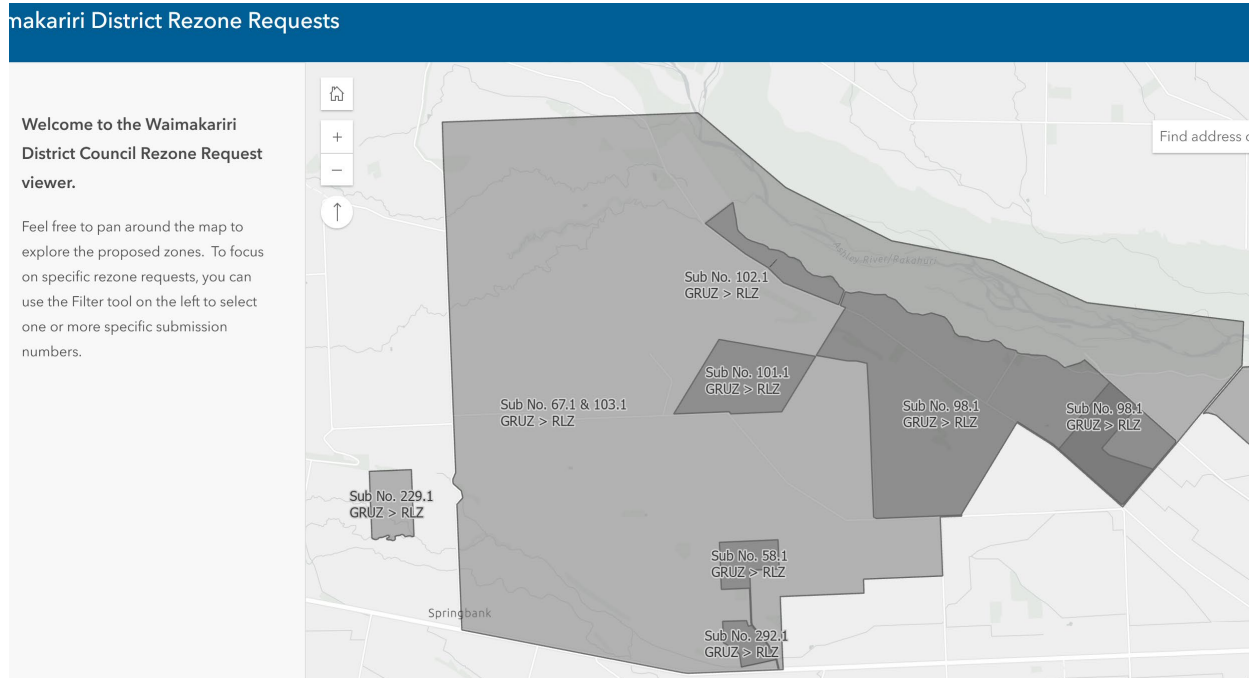


Figure 2 and Figure 3 illustrate that 666 Mt Thomas Road “The Property” is more akin to RLZ land because of its size and the surrounding smaller parcels of land which represent the type of land described as RLZ in the proposed plan.

As described in the PDP “the prominent character of an open, large-scale productive landscape with open grassland, pastoral farming, cropland and small areas of forestry,” is not the predominant feature of this area.

There have been many other submissions that have questioned the designation of this area as GRUZ, as primary production is not the predominant land use as seen in the above maps, and which RLZ seems more appropriate.

From the below Waimakariri District Rezone Requests map it can be concluded that 8 submissions have been received in this area with submitter believing that the GRUZ classification is not akin to the location characteristics.



## 5.0 666 Mt Thomas Road – Soil Types

Figure 4: Canterbury Maps Environmental Classification of 666 Mt Thomas Road Soil Type

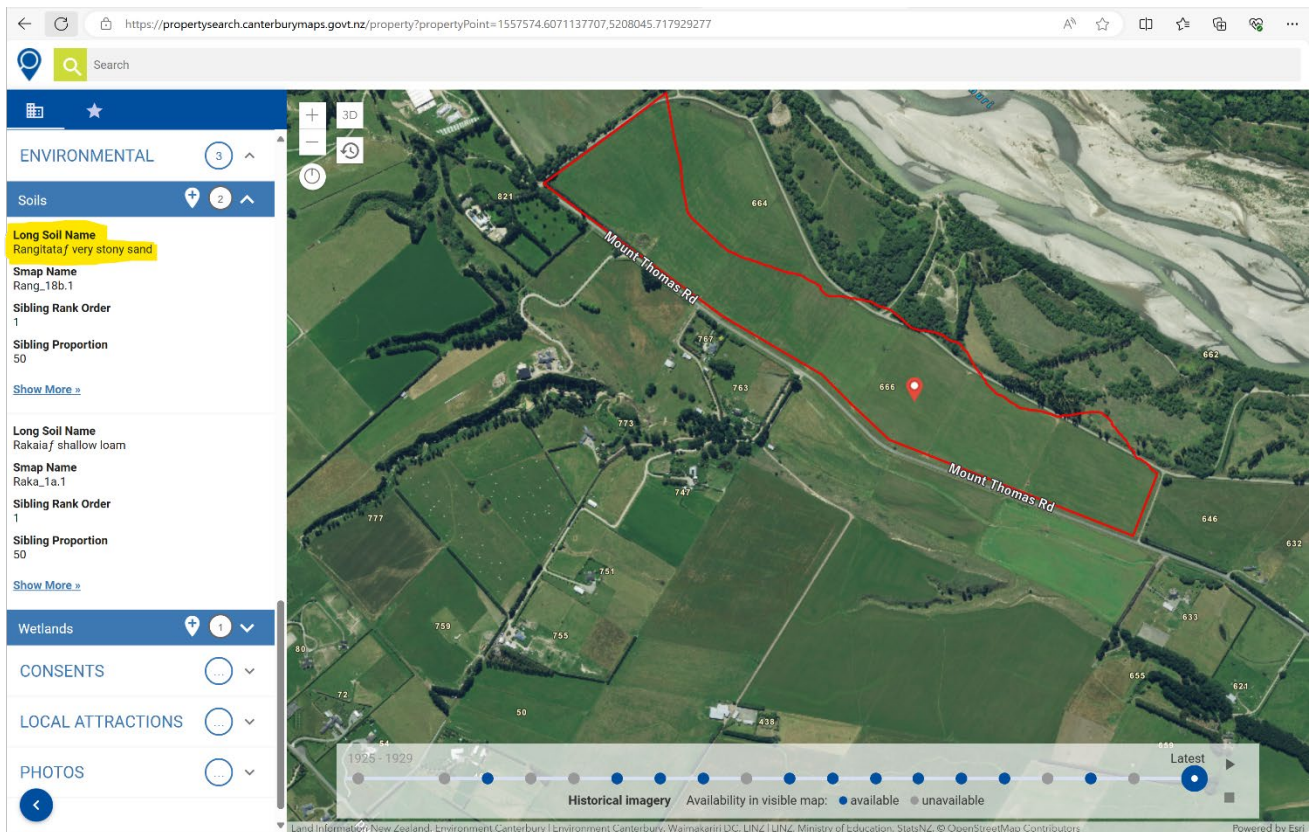


Figure 4 above classifies the soil type of 666 Mt Thomas Road as **Rangitata, very stony sand**.

Stony sand is not akin with highly productive land as it has less nutrients for crop growth. From research, currently 666 Mt Thomas Road is LUC 3 classified, however the characteristics of this soil type are more marginal than other land in this classification. It is questionable as to why it is classified as LUC3. Definition: NZLUC Class 3 - Land with moderate limitations for arable use, but suitable for cultivated crops, pasture or forestry.

## 6.0 NPS-HPL and 666 Mt Thomas

The STREAM-12B-RURAL-REZONE-REQUESTS-S42A-REPORT states:

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)).

**I assert that 666 Mt Thomas Road as a land area of approximately 27 ha with physical attributes of low-quality sandy soil, and characteristics of a long and narrow piece of land, with neighbouring residential lifestyle blocks and a public water way reserve, has permanent or long-term physical and location constraints which mean that it is not economically viable.**

**Significant loss of productive capacity and fragmentation of a large and geographically cohesive area of HPL will not be caused if rezoned from HPL to RLZ, and potential reverse sensitivity effects of surrounding primary production will not exist.**

| Property Information |  |
|----------------------|--|
| Street Address       | 666 Mount Thomas Road  |
| Locality             |  |
| Legal Descriptions   | RS 6204 6926 31041-3<br>BLK V RANGIORA SD<br>BLK VIII MAIRAKI SD |
| Rating Area (ha)     | 26.91160011  |
| Valuation No         | 2159101400   |

## 7.0 Reverse Sensitivity Issues

Due to the nature of agricultural farming and the proximity to smaller land holders intensive farming practices may potentially be restricted by the WDC. In the submission sent to WDC on the MJ Borcoskie Family Trusts behalf many of these concerns were highlighted. This submission is included in section 2.0. If property 666 Mt Thomas Road is to be GRZ these points need to be addressed to give GRUZ the widest possible land based primary production potential.

The NPS-HPL Policy 4 states “The use of highly productive land for land-based primary production is prioritised and supported.” With this in mind the needs of primary producers in the GRUZ should be prioritised over smaller land holders who are more akin with the RLZ.”

The NPS-HPL Policy 9: Reverse sensitivity effects are managed so as not to constrain land-based primary production activities on highly productive land. This policy will also need to be adhered to.

As stated in the reasons for opposing the land classification to GRUZ with the MJ Borcoskie Family Trust submission from Charle Brown of Rhodes and Co, “It is a contradiction to redefine the GRUZ and then require resource consents for intensive indoor and outdoor farming activities. The rules are not consistent for a rural zone because many sites within the GRUZ are in substance RLZ land. There is no benefit whatsoever to the GRUZ zone in the proposal when the activity rules are essentially the same as RLZ. This being said, the zoning should be made on a case by case basis.”

NPS-HPL states:

### 3.4 Mapping highly productive land

- (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.

8 National Policy Statement for Highly Productive land 2022

**The land surrounding the 666 Mt Thomas Road property has been fragmented by subdivisions with most of the land now used as Rural Lifestyle properties, not in line with 3.4.1.C “a large and geographically cohesive area”.** It is also divided by roading.

It is believed that intensive land based primary production on property 666 Mt Thomas Road may have reverse sensitivity issues in the future due to neighbouring subdivisions and the neighbouring river public reserve.

The STREAM-12B-RURAL-REZONE-REQUESTS-S42A-REPORT states:

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.

As the Hearing Panel have highlighted in their questions to the author of this report, “Given most of these submitters are lay people who have not used professionals to prepare their submissions...”, are unsubstantial land holders at a significant cost, individually expected to “provide an evaluation of reasonably practical options for addressing this issue as per Clause 3.10(2).”? This issue of neighbouring subdivisions is relevant to a large area of the district, and many properties with adjacent farmland to subdivisions. Could the WDC provide this service to their rate payers as they have allowed this situation to arise?

## **8.0 Resource Management Act Reform**

The coalition New Zealand government has signalled that the RMA will be reformed. The first of these reforms was released on 23 April 2024 including five initiatives. In a further release on 23 May, RMA Reform Minister Chris Bishop said the Government is committed to unlocking development and investment while ensuring the environment is protected.

“Resource Management (RM) Bill 1 proposes targeted changes that can take effect quickly and give certainty to councils and consent applicants, while the Government develops new legislation to replace the Resource Management Act 1991 (RMA),” Mr Bishop says. [First RMA amendment Bill introduced to Parliament | Beehive.govt.nz](#)

Previous to this Chris Bishop (the Minister of Housing, Minister for Infrastructure, Minister Responsible for RMA Reform, Minister for Sport and Recreation, Leader of the House, and Associate Minister of Finance.) signalled on Q + A with Jack Tame in late May 2023 that “Councils must zone for 30 years of growth into the market right now to create abundant development opportunities to drive down the cost of land both at our city fringe and inside our cities to make housing more affordable. There will be a much more ambitious programme than what is currently on the table.”

He also stated that “Greenfields is essentially farmland. Some of it is literally productive farmland. NPS of highly productive farmland, National is going to open it up so that land use under class 3 (10%) is going to be opened up for housing. It will be the choice of the landowner. NPS currently makes it very difficult. It is proposed to remove class 3 out of the highly productive land restrictions, allow it to be converted to housing.” “Treasury and the experts that have looked at that and told the government if you have a very restrictive NPS on highly productive land you will compromise housing affordability. Housing affordability is the most pressing issue in NZ, and we need to deal with it.”

Under this economic environment of proposed Resource Management Act Reform, it seems unwise to forge ahead with new zoning when the NZ Government is likely to require councils to plan for 30 years of urban growth. The areas closest to main centres, as property 666 Mt Thomas Road are likely to be areas for growth, as they as already predominantly rural lifestyle dwellings.

## **9.0 20ha Land-based Primary Production**

The premise that land parcels of 20ha can be productive economic farming units is flawed. I agree with John Wallers submission that blocks of this size are unable to be made a living from, and those that own them earn a living from alternative occupations that are not land based production.

## 10.0 PDP Outdated Reports

The reports that the WDC Draft District Plan are based on are 5 years old, much has changed in this time. Ie Boffa Miskell report dated June 2018

## 11.0 Environment Court Decision to Immediately Eliminate Subdivision to 4ha

It seems unconscionable, that WD Council can overnight through applying for Environment Court to remove landowners' ability to subdivide their land, and in effect reduce the value of their land. As outlined by John Waller in his evidence, many landowners were relying on this option to retire on. If this had happened in the house property market, there would have been an uproar.

From a rural land valuation perspective, there may be instances where financial institutions have loaned against properties valuations based on subdivision potential and overnight these values have plummeted due to the Environment Court decision. From the minutes of the Environment Court Application the proposed zoning map was not tabled.

**I request that each parcel of land be considered on its individual characteristics as to whether it can be subdivided into 4ha blocks, not collectively with overarching principles as outlined in the body of the Stream 12B Rural Rezone Requests S42A Report.**

## 12.0 Summary

1. This submission and evidence seeks that property **666 Mt Thomas Road** be zoned as RLZ as it is surrounded by properties that are 4ha in size, and intensive farming activities may impinge on the enjoyment of others whose properties are more akin to RLZ than GRUZ in this area.
2. Zoning should be made on a case-by-case basis, it is a contradiction to redefine the GRUZ and then require resource consents for intensive indoor and outdoor farming activities. The rules are not consistent for a rural zone because many sites within the GRUZ are in substance RLZ land. There is no benefit whatsoever to the GRUZ zone in the proposal when the activity rules are essentially the same as RLZ.
3. I have illustrated that 666 Mt Thomas Road, Rangitata, sandy soil is not considered highly productive land and of a type to justify the GRUZ designation and would be better reflected as RLZ land. The parcel of land is not an area with open large scale production available.
4. As highlighted in maps 666 Mt Thomas Road is surrounded by small parcels of land that are more in the nature of RLZ land, despite being zoned GRUZ. There are concerns that the Council will impose rates within the GRUZ which includes these smaller blocks to the detriment of the farmers whom operate in GRUZ. I would like the Hearing Panel to address this with the WDC and within the PDP.



5. Given the fact that the Property is surrounded by smaller properties, reverse sensitivity issues will arise and it is unlikely the submitter will be able to use the land as intended by the GRZ designation. There appears to be no activity rules provided in the proposed district plan to mitigate these factors.
7. The imbalance and arbitrary nature of defining the RLZ and GRUZ areas is likely to lead to subsequent benefits to those within the RLZ to the detriment of the GRUZ.