

**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 s42A Officer's Summary Statement on the Rural Zones Rezoning
Requests on behalf of the Waimakariri District Council
Date: 11 June 2024**

Proposed Waimakariri District Plan – Rural Zones Rezoning Requests

Hearing Stream 12B - 11 June 2024

s42A Officer’s Summary Statement

Introduction

1. My name is Shelley Milosavljevic, I am a Senior Policy Planner at the Waimakariri District Council and I prepared the s42A report for the rural rezoning requests.

Procedural matter - minor error

2. Appendix B (page 84) of my s42A report refers to a submission from Z Energy [286.12] that seeks to retain the Rural Lifestyle zoning for the Rangiora Airfield and any other amendments that give effect to its submission. Appendix B of my report accepted this relief, noting that I agreed with the submitter, and no amendments to the Proposed District Plan (PDP) were recommended. The submission is not covered in the main body of my report. Given the Rangiora Airfield rezone request is now being dealt with via Hearing Stream 12F, I consider that as this submission relates to it, it should be addressed in that hearing and therefore the recommendation in my report should be deleted. I will provide an updated Appendix B in my reply report to reflect this change.

Experts available

3. Wendy Harris, Planning Manager of the District Council’s Plan Implementation Unit, is here today if you have any questions for her in relation to her memo in Appendix F of my report.
4. Also, Shane Binder, Council’s Senior Transportation Engineer, can be contacted online if there are any questions for him in relation to his memo in Appendix E of my report.

PDP’s rural zoning framework

5. The Rural Section 32 Report¹ sets out the basis for the PDP’s rural zoning framework.
6. The Environment Court’s decision² on Council’s application for immediate legal effect of provisions relating to the 20ha minimum lot size for the General Rural Zone sets out the grounds for this application and reasons for its approval.
7. The only difference between the General Rural Zone and Rural Lifestyle Zone rules relates to the 20ha minimum lot size and density within the General Rural Zone³ and the 4ha minimum lot size and density within the Rural Lifestyle Zone⁴, and also the Rural Lifestyle Zone contains a specific rule for the Rangiora A&P Showgrounds⁵. The rules contain legacy provisions for residential units and minor residential units on General Rural Zone lots less than 20ha if the lots were created prior to the notification of the PDP.

¹ https://www.waimakariri.govt.nz/_data/assets/pdf_file/0020/136109/24.-RURAL-S32-REPORT-DPR-2021..pdf

² <https://www.environmentcourt.govt.nz/assets/2021-NZEnvC-142-Waimakariri-District-Council.pdf>

³ Rules GRUZ-R3, GRUZ-R4, GRUZ-R41, GRUZ-R42

⁴ Rules RLZ-R3 & RLZ-R4

⁵ Rule RLZ-R16

Key issues in contention

8. In my opinion, the key issues remaining in contention are:
 - a. the appropriateness of **extending** the Rural Lifestyle Zone boundary line further into the General Rural Zone to:
 - i. include properties that are already 4ha; and/or
 - ii. include properties that are larger than 4ha and seek provision for 4ha subdivision;
 - b. the appropriateness of **'spot zoning'** Rural Lifestyle Zone areas within the General Rural Zone to:
 - i. include properties that are already 4ha; and/or
 - ii. include properties that are larger than 4ha and seek provision for 4ha subdivision.

Spatial extent of requests

9. **Figure 1** and **Figure 2** below provide an overview of the rural rezone requests in the context of the PDP zoning, the Greater Christchurch boundary, and Land Use Capability (LUC) 1-3 soils.
10. The majority of the submissions seek to be rezoned from General Rural Zone to Rural Lifestyle Zone.

s42A assessment framework

11. The NPS-HPL came into effect on 17 October 2022. It has the objective of protecting highly productive land for use in land-based primary production, both now and for future generations.
12. Policy 6 seeks the avoidance of rezoning of highly productive land to rural lifestyle, except as provided for in clause 3.10. I consider this policy is very directive, and the exemption criteria in clause 3.10 extensive; hence the blunt approach I took when assessing rezone requests within highly productive land. However, I note that the Panel may be of a different view on the determinant nature of the NPS-HPL (during the transitional highly productive land mapping and following the mapping done by ECan) in relation to these rezone requests.
13. I followed the assessment framework set out in Figure 3 of my s42A report when assessing rezone requests, thus any requests that I considered gave effect to the NPS-HPL (if applicable) would need to also give effect to the Canterbury Regional Policy Statement (CRPS), and following that would then need to be assessed against matters such as rural character, servicing, hazards, and consistency with PDP objectives and policies.



Figure 1: PDP zoning (GRUZ – light green, RLZ - beige), rezone requests (grey)⁶, Greater Christchurch boundary (dotted line)⁷

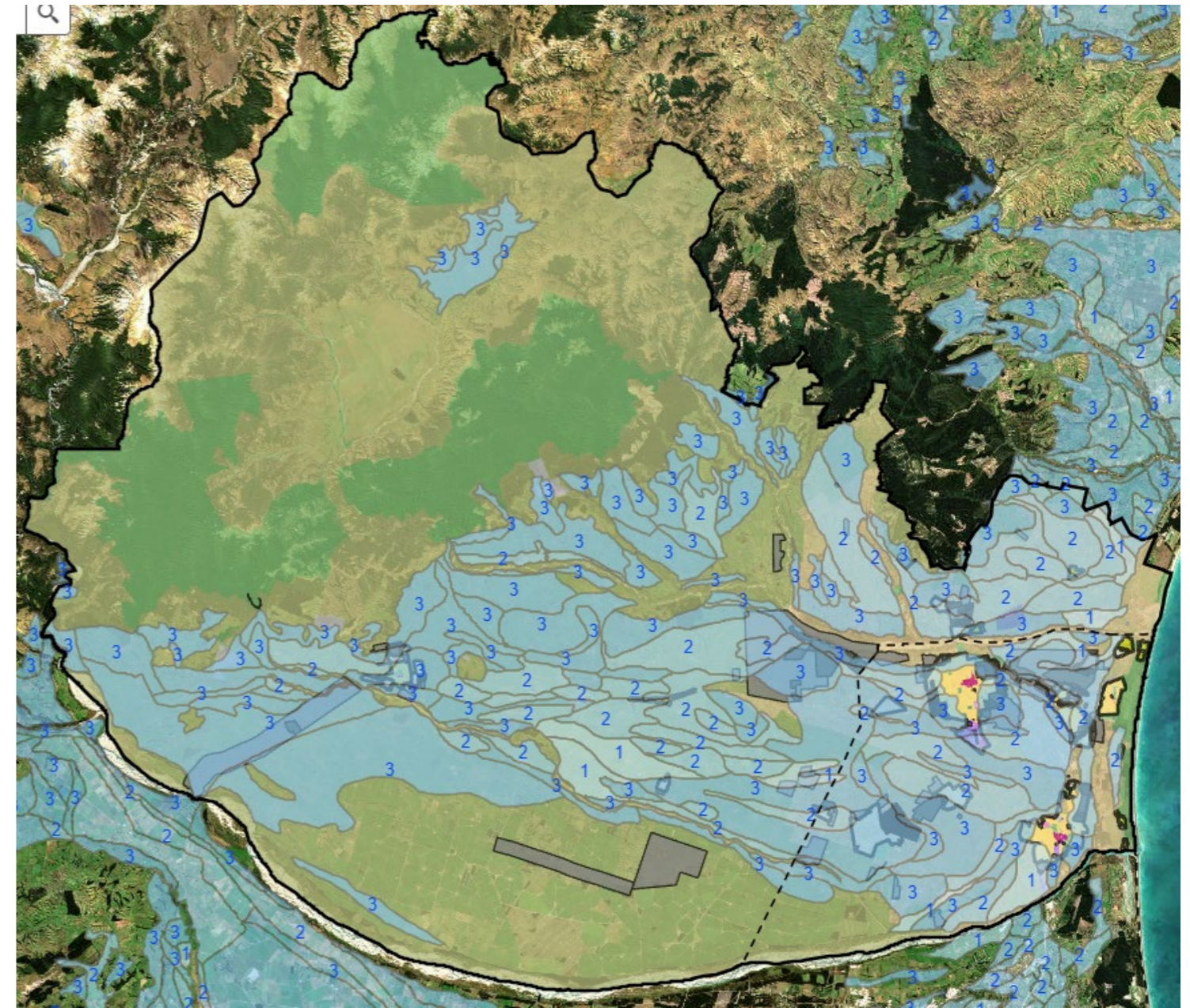


Figure 2: PDP zoning (GRUZ – light green, RLZ - beige), rezone requests (grey), Greater Christchurch boundary (dotted line), LUC 1-3 (blue)⁸

⁶ Note some rezone request areas are inferred as submitters referred to a general area, not specific properties.

⁷ Relates to where CRPS Chapter 5 and Chapter 6 provisions apply - Chapter 6 provisions apply to Greater Christchurch only, while Chapter 5 provisions apply to either the entire District (or region) or the area of the District (or region) outside Greater Christchurch

⁸ GRUZ zoning with LUC 1-3 is highly productive land under NPS-HPL transitional mapping provisions.