



FAST TRACK APPROVALS Act 2024(FTAA 2024) TECHNICAL ADVICE

Carter Group Ōhoka Substantive Application

File No	FTAA-2606-1253
Date	9 October 2026
Memo To	Kate Barry-Piceno Ōhoka Residential Subdivision Expert Panel Chair
From	Mark Buckley, Principal Policy Planner
Subject	Policy Assessment on Carter Group Ōhoka Substantive Application

1. INTRODUCTION

1.1 Purpose of the Memo

This memo is my assessment of the Ōhoka Residential Subdivision Fast Track Application (the application). It focuses on the applicant's review of the Objectives and Policies in the Partially Operative District Plan as well as the Assessment of Environmental Effects and supporting appendices that form part of their assessment. I have also relied on the statutory and non-statutory documents listed below to form part of my assessment, and previous assessments and decisions that relate to the proposed development of the site.

My assessment covers those matters that relate to whether the proposed development is well-functioning, meets the policy direction of various statutory and non-statutory documents, is required to meet housing demand within Greater Christchurch, and provides a regional or national benefit.

The purpose of this report is to assess the planning implications of the proposal, place the technical evidence in its planning context, and make a recommendation to the Panel against the Fast Track Act 2024. For completeness, this report has been prepared without assessing the implications of the Planning Act, and soon to be amendments to the Resource Management Act 1991, or associated changes to national direction, including any transitional implications for this application.

1.2 Documents reviewed

At this stage I have considered the substantive application material made available for the Ōhoka Residential Subdivision Fast Track Application, including:

- Ōhoka Residential Subdivision Application Form,
- Appendix 42 - Statutory Documents Provisions Assessment,
- Ōhoka Residential Subdivision AEE,
- Appendix 26 - Scheme plans,
- Appendix 23a – Urban Design Assessment,
- Appendix 43 – Proposed District Council consent conditions, and
- Supporting technical appendices.

I have also had regard to the project description, Council's earlier responses to the Panel Convener, and relevant statutory and policy documents applying to urban growth, subdivision, infrastructure, transport, and natural hazards in the Waimakariri District and wider Canterbury context.

In undertaking the policy assessment, I have had regard to earlier statutory processes being the Private Plan Change (RPC031) and the submission and supporting information on the Proposed District Plan for Waimakariri District Council. Particular regard was given the independent hearing panel decision reports of:

- Independent Hearing Panel - Private Plan Change RCP031, and
- Independent Hearings Panel Recommendation Report 35 – Hearing Stream 12D – Maps – Rezoning – Ōhoka PDP and Variation 1.

Statutory and non-statutory documents were also considered in the assessment, including:

- National Policy Statement on Urban Development 2022 (NPS-UD),
- Greater Christchurch Spatial Plan 2024, Greater Christchurch Partnership (GCSP),
- Canterbury Regional Policy Statement, 2021. Canterbury Regional Council (RPS)
- Waimakariri Partially Operative District Plan. Waimakariri District Council (PODP).
- Greater Christchurch Housing Development Capacity Assessment, August 2026 Update. Greater Christchurch Partnership (HCA).

Council Documents associated with the Proposed District Plan, including:

- Section 42A Report Strategic Directions, 2023.
- Section 42A Report Urban Form and Development, 2023.
- Section 42A Report Rural Zones, 2023
- Section 42A Officer Report Ōhoka Rezoning, 2023.
- Stuart Ford on behalf of Waimakariri District Council on Private Plan Change RCP031. PC 31 Ōhoka – Productivity Assessment and comment on the NPS-HPL - Technical specialist report to contribute towards Council's section 42A hearing report.

- Beca Limited, 2024. Ōhoka Greenhouse Gas Emission Review. A report for Waimakariri District Council.
- Council s42A Officer's Reply on Ōhoka 12D Rezoning on behalf of the Waimakariri District Council (2024).

In preparing this memo I have read the summary of Mr Yeoman and Mr Willis regarding the similarities between the Private Plan Change application and the submission as part of the district plan review. I agree with Mr Yeoman and Mr Willis that the proposals, while assessed under different planning processes, are substantially the same as the Ōhoka Residential FTAA application. For this reason, I consider the assessments of RCP031 and PODP 12D Rezoning are relevant to an assessment of the proposal¹.

1.3 Key areas discussed in this memo

This memorandum provides technical planning advice to assist the Fast Track Expert Panel in its consideration of the applicant's substantive application for the proposed Ōhoka Residential Subdivision FTAA application. The assessment focuses on the PODP planning assessment of statutory and non-statutory documents, and whether the proposed development aligns with the objectives and policies of those documents.

In my assessment of the application there are four key planning issues associated with the Ōhoka FTAA proposal:

1. **Well-Functioning** – does the proposed development meet the test of a well-functioning urban environment.
2. **Provision of Significant Development Capacity** – does the proposed development provide significant development capacity within the district and on a regional basis.
3. **Policy alignment of Proposed Development with Partially Operative District Plan** – when assessed against the policy provisions, does the proposed development align with the PODP outcomes.
4. **Greater Christchurch Spatial Plan** – does the proposed development align with the outcomes and direction of the spatial plan.

These issues are covered within the following technical advice.

2. QUALIFICATIONS

I hold the qualifications of Bachelor and Master of Science in Earth Science (Waikato University). I have over 30 years of experience working as a Planner for Local and Central Government, as a consultant and a research scientist. I have experience as a policy planner across Regional Plans, Conservation Management Strategies and Management Plans, and the Waimakariri Partially Operative District Plan.

My work experience includes, amongst other matters:

- Research Environmental Scientist,
- Preparation and processing of regional and district resource consents,
- Author and technical support on various regional and district plans:

¹ Panel Minute 1 para [25(f)]

- Bay of Plenty Regional Council Water and Land Plan;
- Bay of Plenty Regional Council On-site Effluent Treatment Regional Plan; and
- Waimakariri Proposed District Plan.
- Preparation of Local Government policy, and various sections within the Rotorua District Annual Plan and Long-Term Plan,
- Management Planner, Department of Conservation:
 - Wellington Conservation Management Strategy;
 - East Coast Hawkes Bay Conservation Management Strategy;
 - Nga Whakahaere Conservation Management Strategy; and
 - Te Hauturu-o-Toi Management Plan.

I have been employed by the Waimakariri District Council since November 2019 as a Principal Policy Planner within the Development Planning Unit Team. I was the Section 32 author for the Natural Character of Freshwater Bodies, Special Purpose Zone (Pegasus Resort), Financial Contributions Variation 2, and Airport Noise Qualifying Matter Variation 1.

I was also the Section 42A author for Strategic Directions, Urban Form and Development, Rural Zones, Rural Subdivision, and Large Lot Residential Rezoning as part of the Proposed District Plan.

I was involved in the Cater Group Private Plan Change (RCP031) application to Waimakariri District Council as an expert, providing an assessment of the applicants Greenhouse Gas information with respect to the proposed Ōhoka Development.

3. CODE OF CONDUCT

I confirm that I have read and agree to comply with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023. This technical advice has been prepared in accordance with that Code. In particular, unless I state otherwise, the opinions I express are within my area of expertise, and I have not omitted to consider material facts that might alter or detract from the opinions that I express.

4. SECTION 85 FAST-TRACK APPROVALS ACT 2024 – RECOMMENDED DECISION

Section 85 of the Fast-track Approvals Act 2024 is the central decision-making provision for the Panel when determining the substantive application. My understanding is that the Panel must decide whether to approve the approvals sought, approve them subject to conditions, or decline the application, having considered the application material, comments, reports, advice, and the relevant statutory directions applying to the approvals before it.

In my opinion, the substantive application does not meet the purpose of the FTAA. That conclusion is reached because, on the information reviewed to date, the proposal has not demonstrated that urban development of this scale at Ōhoka is appropriate in this location, integrated with the district's planned settlement pattern, aligns with the policy framework of

the Greater Christchurch Spatial Plan and the Waimakariri Partially Operative District Plan.

5. AREA OF AGREEMENTS

Inconsistent with Urban Growth Direction

The applicant's assessment of statutory and non-statutory policy provisions is that the proposed development is inconsistent with the policy direction of the main Canterbury planning documents. The applicant's AEE states:

The proposal would expand the Ōhoka settlement beyond areas identified for urban growth in the Canterbury Regional Policy Statement, the Greater Christchurch Spatial Plan, and the Waimakariri district planning framework. In that respect, the proposal is inconsistent with aspects of the planned settlement pattern for Greater Christchurch.²

I agree, given all three documents referenced above are used to determine where urban growth occurs within the Greater Christchurch area, and the proposed development is inconsistent with the planned settlement pattern for Greater Christchurch. While assessed under different legislation, it should be recognised that both the RPC031 Independent Hearing Panel³ and the PDP IHP Hearing Panel⁴ have both stated that the proposed development before them does not align with the growth direction within the GCSP⁵.

Greater Christchurch Spatial Plan

The applicant's assessment of the Greater Christchurch Spatial Plan within the AEE document is correct when it states "*The GCSP does not identify the site as a location for future growth*"⁶. The applicant also states, "*The relevant overarching direction of the GCSP is to 'focus growth through targeted intensification in urban and town centres and along public transport corridors'*". In my opinion the proposed development does not intensify urban or town centres, or is located along a public transport corridor.

The GCSP meets the requirements of a future development strategy under the National Policy Statement on Urban Development. The GCSP sets out how well-functioning urban environments will be achieved, and how sufficient housing and business development capacity will be provided to meet expected demand over the next 30 years.

The applicant then assesses the proposed development against the GCSP six opportunities for the desired future state of Greater Christchurch, noting that these cascade down from the overall growth direction stated above. The applicant's assessment states that the "*proposal is consistent with specific directions⁷ in the GCSP...*"⁸ with analysis of five "specific" directions relating to natural hazards, cultural values, primary production, sufficient development capacity, and network of green spaces.

The applicant has not commented on the following matters

- 4.3 Focus and incentivise intensification of housing to areas that

² AEE para [11]

³ Para [380]

⁴ Para [18] refers to paragraph [139] of s42A Officers Right of Reply report and stated in bullet point 10.

⁵ Noting RCP031 was assessed against the Our Space document and the draft GCSP.

⁶ AEE para [655]

⁷ The approach in the GCSP is an overall direction, then opportunities with each opportunity having a number of directions.

⁸ AEE Para [656]

support the desired pattern of growth,

- 5.2 A well-connected centres network that strengthens Greater Christchurch's economic competitiveness and performance, leverages economic assets, and provides people with easy access to employment and services,
- 5.4 Urban growth occurs in locations that do not compromise the ability of primary production activities to expand or change, including adapting to a lower emissions economy, and
- Overarching Direction of 'Focus growth through targeted intensification in urban and town centres and along public transport corridors.

I do not agree with the assessment that the proposal is generally consistent with all of the GCSP. While it can be considered to be consistent with some of the Directions, such as 2.1 and focusing and incentivise growth in areas free from significant risks from natural hazards, and Directions 1 protecting and restoring historic heritage and areas of significance to Māori, I don't agree with their other assessments of the GCSP directions.

This includes that the proposed development is "*adjacent⁹ to, near¹⁰, or within a ...Major town*", and that the proposed development would "*be accessible to ...Core Public Transport Routes*". While these relate to broad locations for new residential development, the GCSP states:

*"Further to this, broad locations for new residential development to provide additional capacity should align with the direction in the Spatial Plan and desired pattern of growth. Identifying broad locations for residential development, should be guided by the Spatial Strategy including the six opportunities, directions and the overarching directions that shape the desired pattern of growth"*¹¹

The applicant's assessment does not appear to acknowledge that new development areas should align with the desired pattern of growth, being areas that are adjacent or near to major towns, rather than 9km away.

Rural Environment

I agree with the applicant's statutory policy assessment that the proposed development is inconsistent with SD-O5 for the Rural Environment. The objective states that "*Outside of identified residential development areas, rural land is managed to ensure that it remains available for rural activities*". The applicant states: "*The proposal is contrary to this objective as it would preclude the continued primary production use of the site*"

Objective SD-O5 aligns with SD-O3(1) which requires urban development and infrastructure that is consolidated and integrated with urban areas. The applicant states that the proposed development is an "*...expansion of Ōhoka and represents consolidation of, an integration with, an existing urban environment...*".

Noting my previous comments on the similarities, with previous planning processes. I noted that the hearings panel recommendation was not supported in the RCP031 decision which stated that "*We find that the full proposal does not create a consolidated urban form for*

⁹ Near or next to something. Oxford English Dictionary, Third Edition, 2009.

¹⁰ At or to a short distance. Oxford English Dictionary, Third Edition, 2009.

¹¹ Page 63 GCSP

*Ōhoka as it extends towards Mandeville, blurring the margins of both settlements*¹².

The applicant's assessment of the Rural Lifestyle provisions states "*The proposal is contrary to the expectations of the Rural Lifestyle Zone*". The assessment noted that the "*open rural character would change substantially with 36 residential allotments*"¹³. When compared to the existing farming operation, I agree subdivision of the property down to 4ha lifestyle blocks would change the rural character, however I consider that this change is anticipated by the zoning in the PODP and aligns with the character detailed in Policy RLZ-P1.

RLZ-P1 Character of the Rural Lifestyle Zone

Maintain the character in the Rural Lifestyle Zone which comprises:

- 1. a highly modified landscape strongly influenced by fine grained patterns and processes of human induced activity, including a predominance of small rural lots with a resulting pattern of residential units, buildings, fencing, amenity and domestic planting mixed with smaller scale primary production activities;*
- 2. a dominance of human modified open space and vegetation, including paddocks and trees over buildings; and*
- 3. a zone supporting activities reliant on the natural and physical resources of the Rural Lifestyle Zone.*

In my opinion from a form and function perspective a subdivision of 879 residential allotments, 9,000m² commercial centre¹⁴, and a 250-unit retirement village would significantly change the character of the existing rural production activity or any 4ha rural lifestyle lots.

I do not agree with conflating the character of Rural Lifestyle Zones with that of a General Residential Zone and a Local Centre Zone. This was also reflected in the Hearing Panel decision for RCP031 which stated:

*The key area of disagreement between the relevant experts is focussed on the proposed location of RCP031 in the surrounding Ōhoka setting and the resultant impacts on rural village character. We do not accept the applicant's position that the proposed densities represent that of a village scale when considered in the context of the existing rural village character of Ōhoka. Having carefully considered the evidence, we prefer the evidence of the s42A authors that the proposal would fail to 'maintain' the rural village character of Ōhoka due to the significant increase to the size and population of the settlement, and the increased 'suburban' densities.*¹⁵

Strategic Directions

I agree with parts of the assessment of the proposed development given in paragraph [371] of the AEE. These include the following points, which I consider have not conclusively been addressed in the application:

¹² Para [304]

¹³ The 36 "*residential*" allotments is actually 4ha Rural Lifestyle Zone properties that are zoned rural and still enable primary production.

¹⁴ Noting that section 2.11 of the Savy report (Appendix 39) states that given the building height limit of 10m, that a commercial buildings could be 3 storeys.

¹⁵ Para [298]

- *Unplanned growth can strain existing infrastructure.*
- *Reliance on cars can become ingrained in areas of Greater Christchurch where urban areas develop, and this leads to increased vehicle emissions. Continuing to increase vehicle travel by car increases congestion, which has implications for health, safety, amenity, productivity and the environment.*
- *Unplanned urban growth can affect people's access to employment, services, green spaces and public transport.*

It should be noted that the applicant does not directly assess Policy 1 of the NPS-UD in their Statutory Documents Provisions Assessment. However, while the AEE does acknowledge these above statements, it then goes on to provide counter agreements as to why it does meet the provisions of Policy 1. My assessment of these is presented below in Section 6.

6. AREAS OF DISAGREEMENT

Housing Capacity Assessment

The Greater Christchurch Partnership has recently released the Greater Christchurch Housing Development Capacity Assessment (HCA). The HCA is directed under the NPS-UD to demonstrate housing sufficiency in existing and new urban areas; for both standalone and attached dwellings; and in the short, medium and long term.

I note that the HCA Assessment was recently updated in August 2026 as an 'in stream' update to the wider HCA prepared in 2024. I have considered both this latest update and the original assessment.

I consider that it is important to note the disclaimer and limitations section in section 2 of the 2026 assessment. In particular, I note that this 2026 update is not considered as a full update of the methodologies and assumptions of the HCA, with the stated purpose being:

*"This 2026 update has been prepared during a period of significant Government resource management reform, including proposed changes to national planning legislation, spatial planning and urban development requirements. The future role, scope and format of Housing Capacity Assessments may change as through RMA Reform. Accordingly, this assessment focuses on meeting current legislative requirements while providing an updated evidence base to inform future planning and growth management decisions."*¹⁶

Appendix 1 provides the key tables from the HCA for projected housing demand based off population growth, and the plan enabled housing capacity based off the recently rezoned development area.

The tables in appendix 1 show that the long-term demand within Greater Christchurch is for 84,200 new dwellings, and there is potentially 713,105 plan enabled new dwellings over the long term in Greater Christchurch.

In my opinion, based on the potential identified housing capacity, the proposed development is not required to meet either the short/medium term housing capacity or the

¹⁶ Section 4 'Purpose' page 11

short to long term housing capacity for Greater Christchurch.

The applicant has stated that there is strong demand for housing in Ōhoka¹⁷ and therefore their proposed development will meet a significant demand.

This approach was not supported by the recommendations of the Proposed District Plan IHP stating, *"We agree that it has not been demonstrated that there is a specific demand for housing in this particular location of the District, nor that the NPS-UD requires that a council must provide housing at this level of granularity"*.¹⁸

2026 Housing Capacity Assessment (August 2026) also states¹⁹:

"As discussed in earlier sections of this report, housing demand is influenced by many dynamic factors, which require careful consideration before concluding a long-term sufficiency issue. The overall function of the Greater Christchurch 'one' housing market, requires emphasis when reporting results. A shortfall in one spatial location does not necessarily signal a housing sufficiency issue across the Greater Christchurch area. Further, the shortfall may be for a specific typology or price point to meet a demographic. Careful consideration of demand projections is required to ensure sufficiency is not only viewed as one aggregated sufficiency number, but equally related to overall demographic need (for example affordable price points) and where supply is most enabled."

In my opinion the above statement in the HCA aligns with the purpose of the Fast Track Legislation that is to *"facilitate the delivery of infrastructure and development projects with significant regional or national benefits"*.²⁰

Based on the assessment of the HCA that there is sufficient housing capacity to more than meet demand up to 30 years within the Greater Christchurch area, I consider that the statement that the proposed development is required to meet local demand in Ōhoka does not meet the purpose of the FTAA.

Well-Functioning

The applicant has assessed the proposed development against the Strategic Directions and Urban Form and Development policy provisions. In my opinion the assessment of SD-02 Well-functioning Urban Environments, fails to clearly identify how it meets this Objective:

SD-02 Waimakariri District contains well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

The assessment is based upon the list of attributes that as a minimum contribute towards a well-functioning urban environment as listed in the NPS-UD Policy 1 as set out below.

Policy 1(a) Variety of Housing

The applicant states²¹ that the proposed development would provide a greater variety of housing at higher density compared to the current stock in the area. I do not agree with this statement, given the previous and current zoning of the Ōhoka area has enabled

¹⁷ Para [308] AEE

¹⁸ Para [19] Report 35 Ohoka

¹⁹ Section 8 page 37

²⁰ Fast Track Approvals Act 2024, s 3.

²¹ Para 355 AEE

development down to 600m², this demand for urban lifestyle in Ōhoka has not been reflected in the size of the subdivisions since 2005²².

Within the Greater Christchurch context, a variety of homes²³ implies different housing typology (apartments, walk-up apartments, terrace housing, duplex/ semi-detached and stand-alone housing)²⁴. This aligns with Objective RESZ-O5(2) of the PODP through providing for a variety of residential unit densities, such as duplex and terraced housing. Outside of the retirement village, the applicant is not proposing to provide any variation in housing typology beyond stand-alone dwellings.

Accessibility to Employment

The applicant has stated that the proposed development provides good accessibility for people between housing, jobs, community services natural spaces, and open spaces. While I agree that the proposed development may provide good accessibility to open spaces²⁵, I don't agree that it provides good accessibility to jobs or community services in line with NPD-UD Policy 1, and SD-O3, and UFD-P2(b) PODP.

There is a presumption in the application that the proposed development provides an "acceptable level of accessibility for future generations" and that driving distances are reasonable.

This view was not reflected in the RPC031 Independent Hearing Panel report, which stated²⁶:

"Having considered the evidence below we are not satisfied that RCP031 is located such that it has good accessibility for all people between housing, jobs, community services, including by way of public or active transport. The site is removed from the main townships of Rangiora and Kaiapoi within Waimakariri District, and future residents will still need to travel some distance to work either within the District or Greater Christchurch, with limited opportunities for public transport connections. "

This was also reflected in the decision of the IHP on the proposed Ōhoka development to the Proposed District Plan, stating:

"While the development internally may be well-connected and accessible, we concur that it is not well-connected or accessible in respect to the rest of the District/Region. We agree that future residents would likely be mostly reliant on private vehicles even with the offered bus service. In respect of the bus service, we consider that there was outstanding uncertainty as to whether the provisions offered by the submitters were enforceable and there was also uncertainty about what would happen once the ten-year period had passed. We also agree with the s42A report author and Council experts that the area is not accessible to other urban areas by bicycle, given the distances to those areas and the reliance on rural roads. Further, we also agree that the reliance on private vehicles is not consistent with the NPS-UD in respect of supporting reductions in GHG.²⁷"

²² Since 2005 there has only been 13 new lots created through subdivision within the Ohoka Settlement Zone. These new lots have ranged in size from 2,000m² up to 7,300m². Noting that since 2005 land owners have had the ability to subdivide down to 600m² but have chosen not to do so.

²³ Section 4.4 GCSP

²⁴ Figure 11 GCSP

²⁵ Also reflected in the RCP031 Independent Hearing Panel report para [113].

²⁶ RCP031 Independent Hearing Panel para [111]

²⁷ Para 22 Report 35 PODP

Accessibility for Aged Residents

As identified in the Retirement Villages Association (RVA) submission on Variation 1 and 2 to the Proposed District Plan, there is a shortage of appropriate accommodation and care options in the future giving the aging population. The RVA in their submission provided comments on the suitability of accommodation stating “*Unsuitable accommodation could also include housing that is of such a distance from key services and amenities that it limits their access to their community and care needs*”²⁸ I note that the proposal is for independent lifestyle living with the retirement village, without the provision of healthcare and support services and accordingly I consider it likely that the proposed retirement village living would be unsuitable based on the RVA’s submission.

Community Services

With respect to community services, the applicant states that the proposed development:

*“This sort of offering provides good accessibility to many, but not all, community services. In respect of the community services that are unlikely to be provided in Ōhoka, it is likely that residents would plan their daily/weekly trip-making and include more trip linking. For example, the journey to work is also linked to a journey to a retail destination, prior to returning home.”*²⁹

I agree with the position of the applicant, in that the proposed development is unlikely to provide much if any community services other than some commercial activities that may support the local community.

Given the increasing age of the population expected to occur (Figure 1 below), having a proposed development that is isolated from community support services, public transport and has no commitment towards provision of healthcare services, providing housing in an isolated environment does not meet the GCSP direction 4.5 of having a thriving neighbourhood.

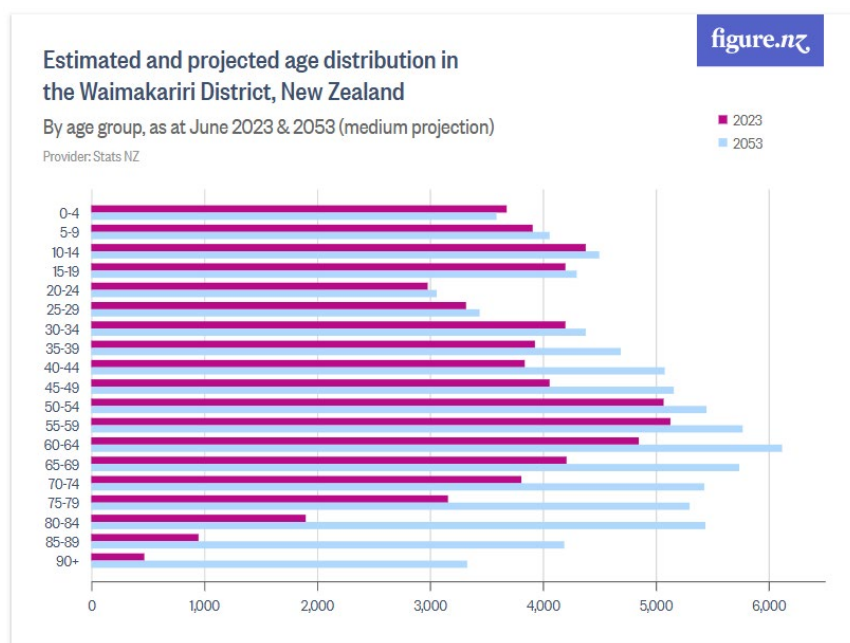


Figure1. Age profile for Waimakariri between 2023 and 2053.³⁰

²⁸ Para [34] Retirement Village Association submission on Proposed District Plan Variation 1.

²⁹ AEE para [364]

³⁰ Taken from Population Demographics, Inform Profile- Waimakariri District.

The applicant states that there is good accessibility to community services through the provision of a proposed local centre comprising commercial activities.

While the proposed development will provide some commercial activities that service the local community, I have not had the benefit of understanding a proposal for a community hub and the provision of community support services³¹ and therefore have no certainty that other services such as medical centres will establish.

As the proposed development is not adjacent or near an existing major town, nor has access to public transport, there will be a self-reliance on private motor vehicles to access community services.

It is unclear what actual community services and what age-related health and wellbeing services will be provided in the proposed development.

Greenhouse Gas Emissions

NPS-UD Policy 1 and UFD-P2(e) require that new residential developments support reductions in Greenhouse Gas Emissions (GHG emissions). The applicant states that the proposed development will support reductions in greenhouse gas emissions through providing a secure property in Ōhoka rather than leading to people settling for a 4ha lifestyle block in order to live in the area and therefore reducing emissions.

Based on an initial geospatial assessment Ōhoka area does not have enough land for 1,120 four-hectare properties to cater for the equivalent number of properties that are proposed for the development³². This is also counter to the argument that people would choose to live in an urban setting in Ōhoka rather than live on a rural lifestyle property.

This conclusion was also reached by the Independent Hearing Panel's recommendation on RCP031 which also acknowledged that the proposed development in front of them did not support the reduction in GHG emissions:

"We find that the RCP031 is unlikely to support reductions in greenhouse gas emissions to any significant degree. Based on the evidence we have heard, we find that RCP031 will perpetuate the reliance on private motor vehicles for travel by future residents to Rangiora, Kaiapoi, and Christchurch for work, education and community services."

I am not aware of any comparison that has been made against other recently zoned greenfield locations within the district.

I am aware of a report prepared by BECA for the District Council as part of the Proposed District Plan assessment of the proposed Ōhoka Development, looked at GHG emissions for other development areas in the district as part of the Proposed District Plan hearing for this development. They found that estimated annual emissions for the Ōhoka development are significantly higher than other sites in the district (Figure 2). As stated in accessibility for employment above, the IHP for the Proposed District Plan stated: *"Further, we also agree that the reliance on private vehicles is not consistent with the NPS-UD in respect of supporting reductions in GHG"* .

³¹ Appendix 2 page 15 states that 20% of the indicative floorspace will be community and health related services, however there is no commitment or assessment as to whether they would be provided.

³² Equivalent area extends from two Chain Road in the west, to Main Drain Road in the North, to Tram Road in the south, and Kaiapoi in the east.

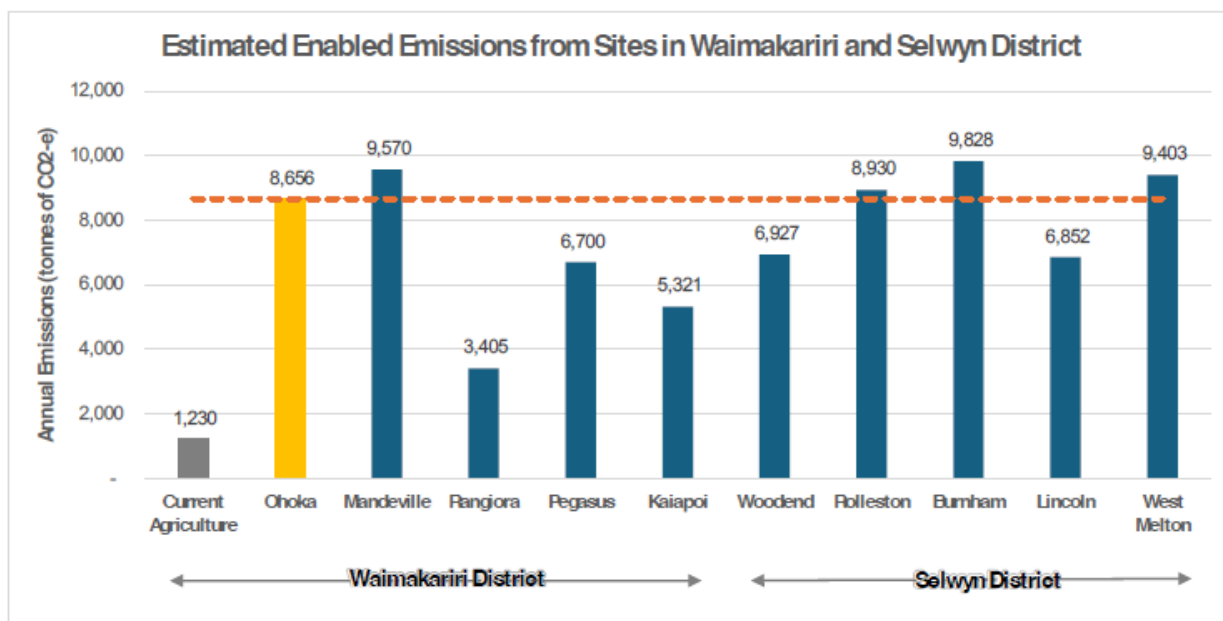


Figure 2. Estimated emissions from the proposed development compared to other developments located near other town centres.³³

Rural Environment

In 2020 the District Council undertook an assessment of appropriate zoning for land in the district based on present and future land use. The zoning assessment took into account existing land use; zone effectiveness reviews; rural production capacity and future trends; rural character; rural subdivision analysis; analysis of drivers and barriers to land use change; rural residential development; statutory documents; stakeholder and community consultation³⁴. Taking into account all of the aforementioned information the District Council released the zoning maps as part of the Proposed District Plan.

The Section 32 Report for Rural areas identifies a number of key RMA issues. The chief of these is managing development in rural areas to ensure rural production is maintained while minimising reverse sensitivity effects. This is reflected in the objectives and policies of the PODP. The applicant has assessed the proposed development against SD-O5 Rural environment objective, stating that while it is contrary to the objective, production is constrained and *“the low return on capital renders it uneconomical”*³⁵. The applicant also states that *“... the relevant baseline for assessing the loss of productive rural land, is the highest and best use of the site under district plan provisions”*³⁶. It is not clear where this ‘baseline’ comes from as neither the NPS-HPL or the PODP requires highest and best use assessments within any of their policies and therefore this is not a relevant test.

The Assessment of Economic Costs (Appendix 39)³⁷ makes reference to a *“Farm Report”* that does not appear to be part of the application.

While a report provided from Reefside³⁸ discusses highly productive land and land use

³³ Ohoka Greenhouse Gas Emission Review. Beca Limited, 2024.

³⁴ A list of all relevant documents is in Table 1 of the s32 report – Rural, Waimakariri District Council.

³⁵ SD-O5 assessment Appendix 42

³⁶ AEE para [379]

³⁷ Savvy report

³⁸ Appendix 16 of application

capacity, it does not assess alternative rural production activities in any detail. The Assessment of Economic Costs stated that the three rural production options assessed “..were not economically viable over the long term...”³⁹.

In my opinion this does not align with the assessment undertaken by Stuart Ford on behalf of the District Council for the Private Plan Charge (RCP031), who stated that “*It is my conclusion, taken from (section) 3.1.4 Viability, that this site does not meet the requirement that it is not able to be economically viable for at least 30 years*”⁴⁰.

The assessment of SD-O5 in Statutory Assessment focuses on the fact that the site only contains a small area of versatile soils and therefore primary production is constrained.

The assessment on primary production does not consider the wider activities listed in the definition for primary production, which are present on numerous sites within the Mandeville/Ōhoka area and are on smaller parcels of land.

I have not had the benefit of reviewing a policy assessment of UFD-P9(2) and RURZ-P8(2) on the reverse sensitivity effects of the proposed development on the surrounding rural properties where a range of primary production activities are permitted or enabled as a restricted discretionary activity.

7. OVERALL POSITION /CONCLUSIONS

Based on the information reviewed to date and my assessment of this against the relevant planning framework objectives and policies, significant planning concerns remain regarding the appropriateness of the proposal in this location, the scale of urbanisation proposed for Ōhoka, the integration of the development with the district’s planned settlement pattern, and the ability to appropriately manage infrastructure, transport, natural hazard, and rural character effects and the lack of community services.

The proposed Ōhoka Residential Development that formed part of the private plan change (RCP 031) and the submissions on the PODP and Variation 1, are essentially the same. Both proposing a large area of residential development, with a commercial centre and a retirement village/school that is incongruous with the present size of the rural settlement. Both of these processes (RCP 031 and PODP/Variation 1) have assessed a similar type of development⁴¹ in the same location, and have been rejected by an independent hearing panel on both occasions.

The applicant has based their argument on there being a significant shortfall in urban style housing in Ōhoka, despite the fact that intensive subdivision that has been enabled for the past 20 years. Noting that a perceived urban style housing shortfall in Ohoka does not meet the purpose of the NPS-UD or the FTAA.

In my opinion, the applicant has not proven that the proposed development will be a well-functioning urban environment. They fail to provide a variety of different typologies; that there is good accessibility for people between jobs; community services and public transport; and that it supports the reduction in GHG emissions. The proposed location is basically an urban style development in a rural environment that is neither adjacent nor near any major town and is not well serviced with infrastructure, unlike the other development areas that adjoin existing major towns and have the ability to integrate into existing infrastructure.

³⁹ Savvy, Assessment of Economic Cost, Page 39 paragraph 2.

⁴⁰ Stuart Ford. Productivity Assessment

⁴¹ Noting that the housing numbers vary slightly with each application.

Subject to the outcome of specialist reviews, my recommendation is that the Panel should decline the application as it does not meet the purpose of the FTAA of providing significant regional or national benefits.

Appendix 1. Greater Christchurch Housing Capacity Assessment 2026

Area	Short-Medium Term	Long Term	Total
Waimakariri	4,850	8,400	13,250
Christchurch	15,950	31,630	47,584
Selwyn	12,450	21,000	33,450
Greater Christchurch	31,450	52,750	84,200

Table 1. Dwelling Projections for Greater Christchurch area.

GCP Urban Capacity	Short & Medium Term 2025 – 2035	Short, Medium & Long Term 2025 – 2055
Waimakariri	87,667	88,515
Christchurch	484,000 (535,000 ⁴²)	485,300 (536,300)
Selwyn	139,290	139,290
Total	710,957 (761,957)	713,105 (764,105)

Table 2. Plan enabled urban capacity for Greater Christchurch area.

⁴² Ignoring qualifying matters

Appendix 2 Rural Assessment

PC 31 Ohoka – Productivity Assessment and comment on the NPS-HPL - Technical specialist report to contribute towards Council's section 42A hearing report.

1 Introduction

The Waimakariri District Council (WDC) has received a private plan change request (PC31) to change the Operative Waimakariri District Plan to rezone approximately 156 hectares of Rural zoned land to Residential 3, 4A and 8 Zone and Business 4 Zone at Ohoka. WDC have invited Stuart Ford of The AgriBusiness Group (TAG) to provide specialist advice to them in terms of comment on PC 31's s32, a supporting assessment of the potential loss of productive land, comment on the impact of the National Policy Statement on Highly Productive Land (NPS-HPL) and identified relevant submissions. This output is a technical report that will support the Council's s42A report to an independent hearing panel.

I have had access to:

- PC 31 Plan Change documentation, including Appendix A: Assessment of Potential Loss of Productive Land
- Access to the Operative Waimakariri District Plan and Planning Maps
- Submissions on PC31 by R Luisetti, Waimakariri District Council, L Grofski-Duck, L McConchie, D B Leslie, L Rau and R Pegler.

1.1 Description of the property.

The property is listed as approximately 156 ha which is bound by Mill Road, Whites Road and Bradleys Road Ohoka which is made up of 152.5 ha owned by Sherraine Holsteins which is an operative dairy farm and some lifestyle blocks.

Figure 1 shows the location and surrounds of the site. The areas to the south, south west, east and north east of the site are in lifestyle blocks while the area to the north and west are in pastoral land use.

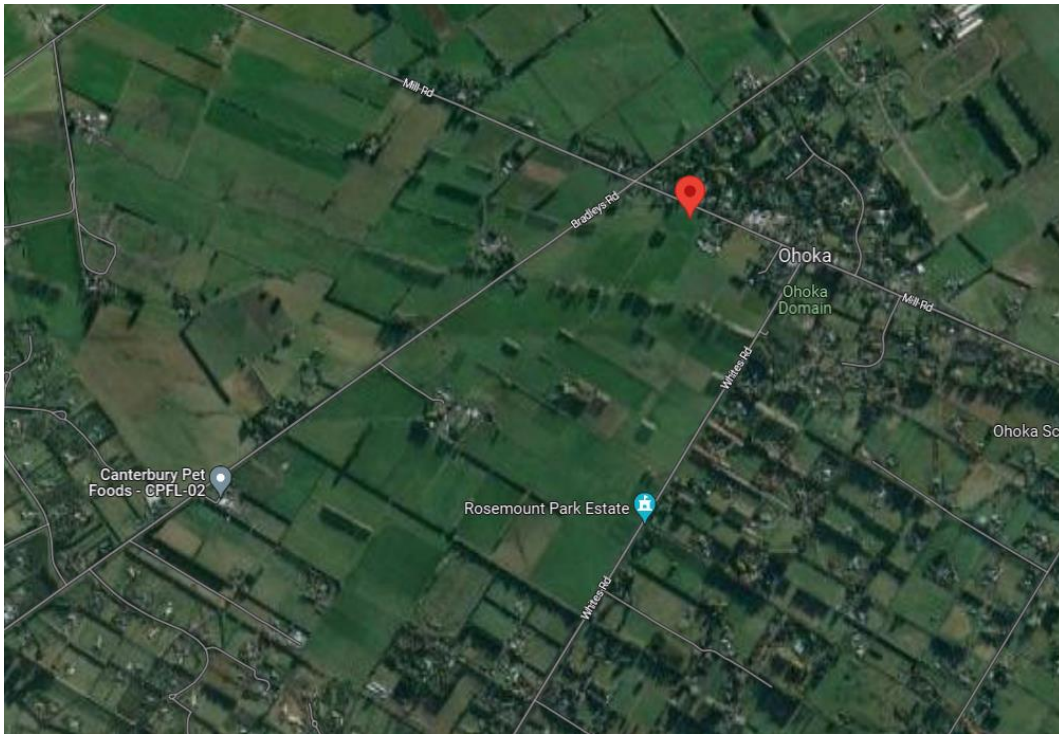


Figure 1: Location and surrounding areas of the site.

2 The applicant's assessment.

The applicants evidence as to the loss of productive land is provided by Mr V Mthamo of Reeftide Environmental and Projects Ltd. It was furnished in November 2021 which means that it was written prior to the adoption of the NPS-HPL. While he notes the requirements of the proposed NPS-HPL which determined that the HPL includes Land Use Capability (LUC) classes 1, 2 and 3, he notes that it wasn't legislation at the time of writing and so he has considered the application on the basis of Environment Canterbury's Regional Policy Statement which refers to the soils as being highly versatile and defines them as LUC 1 and 2 only which effectively excludes a large proportion of the property from his analysis.

He then proceeds to list the constraints, as he sees them, to the productive potential of the land.

2.1 Land use.

Mr Mthamo describes the land use of the dairy farming operation as a 111 ha milking platform on which 170 cows are peak milked and a 41 ha support block which runs the heifer replacements and the bulls and winters all of the milking herd. He also notes that the milking herd spend time on a feed pad during autumn, winter and spring to avoid compaction. While I am happy to use his description of the farming system, I would suggest that the main reason for the use of the feed pad would be to avoid pugging of the soil during wet periods and to achieve a higher utilisation of the supplementary feed fed to them during these periods rather than to avoid compaction of the soil.

It is my opinion that the productive capacity of land should be determined by reference to *Federated Farmers of New Zealand (Inc) Mackenzie Branch v Mackenzie District Council* where it is stated that "The viability of a farm should be assessed objectively rather than on a landowner's subjective view".

Although the current land use should be taken into account when assessing the productive capacity of land that assessment should be made on an objective view of the highest and best use of the land regardless of what the current owner is achieving or thinks that the productive potential of the land is.

2.1.1 Groundwater

Mr Mthamo lists the highest ground water readings within the plan change area as being between 0.6 and 0.645m below ground level from two bores. I am aware that some deeper bores are subject to increased water pressure which means that their static water level would be enhanced by this factor which would mean that their readings would not be a reliable measure of the actual groundwater levels.

I am not sure exactly what we are to take from Mr Mthamo's listing of the highest ground water readings and posit that it may have been more appropriate for him to list the average groundwater readings on the site which would have given us a more realistic idea of the extent of any constraint on the land's productivity that can be attributed to groundwater levels if any.

2.1.2 Area Soils

Mr Mthamo lists the range of soils that are present on the land and reports some of their characteristics in his Tables 2 and 3. He notes that the majority of the soils are classified as being poorly drained. He then comments on the permeability of the soils which is listed in his Table 2 and then makes the comment that most were trending towards the slower scale. There is nothing in his table which would indicate that any of the soils, which are all labelled as Moderate to Slow apart from 6.2 ha which is 10% of the area, are "trending towards" the Slower scale and he doesn't explain exactly what that scale is.

He then comments that poor drainage has a significant impact on the soils productive potential but doesn't clarify exactly how much it would affect the productive potential of the property or even whether in commenting on this site whether it would affect it positively or negatively. I would note that presumably the use of the feed pad for the majority of the season would have eliminated the constraint of drainage on the property.

2.1.3 Versatility of the soils/ LUC

Mr Mthamo then relies on the information that is available on Canterbury Maps, S-Maps and the LRIS portal to map and table the locations and areas of LUC Classes on the site. The data which is available on LUC in the New Zealand Land Resources Inventory Series (LRIS) portal is mapped at the 1:50,000 level. We are of the opinion that this level of mapping is not appropriate for blocks the size of the one being considered here. It is Dr Reece Hills opinion that *"the NZLRI information provides excellent physical base data for planners (a planning tool) but is not fit for purpose as a plan (map) unless undertaken at the correct scale."*

I am positive that an area the size of the site deserves to be mapped at a much finer scale than the 1:50,000 scale used by the LRIS and Mr Mthamo which would better define the limitations and therefore the constraints on the property in order to allow us to carry out an assessment of the land's productive potential.

Mr Mthamo recognises this fact in his Section 6 Short Coming of the LUC Classification System yet he hasn't sought to rectify the considerable shortcomings of using the 1:50,000 scale mapping by carrying out a more detailed assessment of the soils classification and then converting that to a LUC classification.

2.1.4 Available and Proportions of Productive land.

In this section Mr Mthamo comes to the conclusion when discussing the area of non – productive land that *“The exact area of these and tracks etc has not been delineated as part of the desktop study but will likely be the order of 10-25%...”*. It is my opinion that his estimate of the area of non productive land being between 10 and 25% is not helpful in determining the area that is available for productive purposes because it expresses too great a spread to be able to afford us any comfort in its accuracy. It is my experience with similar dairy farms in Canterbury that when they quote the area of the milking platform they include the whole area of the property which is used for that purpose while understanding that up to 10% of the area is taken up with buildings, fenced off streams, races etc.

2.1.5 Effect of the Community Drinking Water Exclusion Zone

I have carried out a search of the ECan website to try and determine exactly what “limitations” there are under the Community Drinking Water Protection Zone to “intensive agricultural activity” but cannot locate any reference to the fact that ECan has developed any rules on this activity at all. I wonder at the validity of Mr Mthamo’s removal of an area that is designated if there are no restrictions.

2.1.6 Scale of Reduction in High Productive Soils

Mr Mthamo diminishes the amount of land by comparing it to the total amount of land of each LUC class within the WDC. He justifies it by citing the High Court case of *Jay Gock and Fay Gock v Auckland Council* [2019] NZHC 276 where the High Court said *“The Environment Court, in assessing whether the relevant areas of premium soils were significant for their ability to sustain food production, had erred by failing to take into account the insignificant area of such soils involved in the present case (100 ha) in the context of the total area of such soils in the Auckland region (63,000 ha).”*

What the High Court was saying was that the Environment Court had erred in not *“taking into account the insignificant area of such soils”* and what they did was refer the decision back to the Environment Court. In the Environment Court’s 2020 decision when considering the issue of what would be an appropriate quantitative comparator that could be used in determining the significance of the Elite and Prime soils they concluded that *“....simple (single) quantitative measure of regional significance, such as a regional percentage figure, is not considered a sufficient or appropriate criterion by itself....”*. The Environment Court traversed a range of potential metrics and settled on the fact that none gave them sufficient confidence in its single use and that they should be used in conjunction with each other.

2.1.7 Effects of High Groundwater

Mr Mthamo’s discussion on the effects of high groundwater only reference his earlier report of the highest groundwater readings in two wells. Nowhere does he discuss the likely impact of the average groundwater levels. Therefore I am of the opinion that the discussion is theoretical and he doesn’t apply it to the site in question.

2.1.8 Effects of poor drainage.

Again the discussion on poor drainage is highly theoretical and doesn’t relate to the site directly. He states that *“Poor management and excessively poor drainage as some crops do not do well in these soils”*. I am of the opinion that there is no evidence that support Mr Mthamos suggestion that the soils on the site are soils that could be classified as excessively poorly drained. In his Table 3

Mr Mthamo indicates that 87.5% of the soils are Poorly drained and that only 10.5% of the soils are Very Poorly Drained which at the most could possibly fit onto Mr Mthamo's definition of excessively poor drainage.

He then goes onto conflate poor drainage with waterlogged soils without justifying his use of the term waterlogged with the site therefore that discussion is highly theoretical. For example he earlier described the fact that the farm currently grows approximately 10 ha of maize per year. By reference to his Appendix A Overseer Results we find that they harvest 22 Tonnes of maize silage per ha per year off that area. Maize is a very deep rooting plant and the yield that they are getting off it is a very good yield which would not be contemplated by a farmer who knew that his soil was excessively poorly drained or waterlogged.

2.1.9 Moisture Availability and Irrigation

In this section Mr Mthamo acknowledges the fact that irrigation is required on the site and that is provided by two consented takes one of which, the smaller at between 16- 22.8 l / s, has restrictions on the rate of take depending on the flow in the Ohoka stream. He notes that there are no available statistics that are able to determine the probability of the Ohoka stream being below the flow rates stated. If there are no statistics available on the Ohoka stream then that would suggest that the flow rate is not monitored or measured which would then pose the question of exactly what is the trigger which would require that the irrigation take should be reduced. He then goes on to explain that the period of peak irrigation demand is in the months of January and February which *"is likely to coincide with the periods of the lowest Ohoka Stream flows."*

I am aware that the impact of restrictions on irrigation availability are dependent on the severity of the restrictions, the timing, the length and the available water within the soil profile at the time of the restriction.

Mr Mthamo is incorrect in his statement that *"When these restrictions come into effect during the peak growing period for any crops the productivity is significantly impacted"*. In my opinion the impact would be determined by a range of factors if a restriction were to occur, it is not automatic.

2.1.10 Canterbury Land and Water Regional Plan (CLWRP)

In this section of the report Mr Mthamo states that under policy 4.38 of the CLWRP *"restricts increases in nitrogen loss from farming activities to no more than a total of 5kg/ha/yr above the Baseline GMP Loss Rate."*

He then goes onto discuss the implication of an Overseer nutrient budget supplied by the client.

A Baseline GMP Loss Rate, is based on a properties nitrogen baseline which is the properties nitrogen loss averaged over 2009-2013.

The Overseer budget is not helpful in determining the Baseline GMP loss for the farm because it was done in the 2020 year and therefore is not an indication of the property's nitrogen loss averaged over 2009-2013.

The purpose of using the Overseer model is to as accurately as possible model exactly the soils, climate, farming infrastructure and system which is present on the farm. The Overseer model presented differs from the description of the farm given in Mr Mthamos' introduction with the following being some of the key inconsistencies ;

- The productive block is given as 146.2 ha and it is not separated into a milking platform (110 ha) and dairy support block (41 ha).

- The milking herd size is given as peak cows being 1 per ha which would mean that there are 146 peak cows milked which is different from the 170 stated by Mr Mthamo.

These two differences alone would make a very large difference to any assessment of nutrient losses from the property.

Mr Mthamo has not stated what the Baseline GMP loss rate for the farm is and the Overseer file which is attached to his statement has some major inconsistencies with the farming system which he described.

2.2 Summary

In summary we find that Mr Mthamo's statement relies on the Environment Canterbury's Regional Policy Statement definition of versatile soils rather than the NPS-HPL to identify the range of LUC classification which could guide his assessment of the productive capacity of the site. He fails to convince us of the veracity of the constraints that he has identified because:

- In my view an assessment of the productivity of land should be carried out on its highest and best use which may not necessarily be its current use.
- The majority of the constraints he has identified are theoretical and he hasn't proven the connection between his theoretical constructs and what is possible on the site.
- The LUC classification is based on a 1 to 50,000 scale map which is too coarse for a property of this size.
- For the majority of his constraints, he has presented a worst possible example rather than an average situation.
- He has not stated what the properties Baseline GMP loss rate is and the example that he has included is not helpful in determining what it is.

3 Productivity and Viability

The productivity of the land is determined by a number of factors including the nature of the soils, the availability of irrigation and the scale of the operation. The viability¹ of the land is determined by the ability of the land to return sufficient profits from the farming of the land to offer the owners a sufficient return.

3.1 Productivity

3.1.1 Soils

In Figure 2 I have included a screen shot of the data held in Manaaki Whenua Landcare Research's SMap online portal of the soils of New Zealand².

¹ We use the definition for viability that is used in the Cambridge dictionary which is "*the ability of a business, product, or service to compete effectively and to make a profit*".

² <https://smap.landcareresearch.co.nz/maps-and-tools/app/>

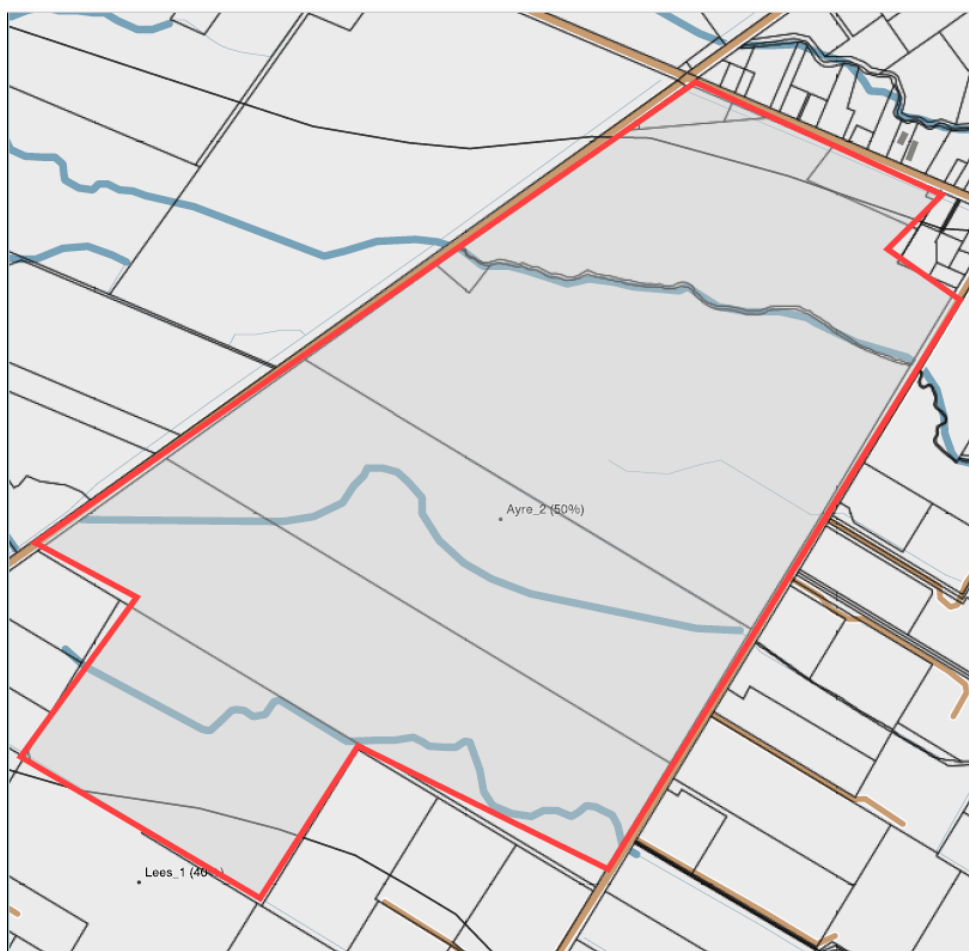


Figure 2: SMap data for the site.

The areas and proportions of the soils are shown in **Table 1**.

Table 1: Soils present and area and proportion of the site.

Soil Sibling	Area (ha)	Proportion (%)
Ayre_2a.1	74.3	47.6%
Ayre_1a.1	32.1	20.6%
Lees_1a.1	31.4	20.1%
Payn_6a.1	16.4	10.5%
Assorted	1.9	1.2%

The assorted soils are represented by the Pah_31a.1 soil sibling.

Definitions of the key soil physical properties that are listed in the SMap soils report are shown in Table 2.

Table 2: Physical properties of the soil types present as listed in SMap.

Soil Name	Ayreburn	Ayreburn	Leeston	Paynter	Pahau
SMap Name	Ayre_2a.1	Ayre_1a.1	Lees_1a.1	Payn_6a.1	Pahau_31a.1
Depth Class	Moderately Deep (45 - 90cm)	Deep (>1m)	Shallow (20 to 45 cm)	Deep (>1m)	Moderately Deep (45 - 90cm)
Rooting Depth	70 – 100cm	unlimited	shallow	50 to 100 cm	unlimited
Depth to stony layer	Moderately deep	Not present	Shallow	Not present	Moderately deep
Texture profile	Clay	Clay	Clay	Peat over clay.	Silt over clay
Topsoil stoniness	Stoneless	Stoneless	Slightly stony	Stoneless	Stoneless
Drainage class	Poorly drained	Poorly drained	Poorly drained	Very poorly drained	Imperfectly drained.
Profile Available Water ³ (0 to 100 cm)	127 mm	147 mm	111 mm	224 mm	103 mm

The Ayreburn soils which make up 68% of the site are relatively deep clay soils that are stoneless but poorly drained with a relatively high profile available water which are suitable for both pastoral and arable land uses. The Leeston soils which make up 20% of the site are shallow clay soils that are slightly stony, poorly drained with a relatively high profile available water these soils are suited to pastoral land uses. The Paynter soils are deep peat over clay soils which are stoneless, very poorly drained with an exceptionally high profile available water these soils are suitable for pastoral land uses.

3.1.2 Land Use Capability

The data which is available on LUC in the New Zealand Land Resources Inventory Series (LRIS) portal is mapped at the 1:50,000 level and it is shown in Figure 3. We are of the opinion that this level of mapping is not generally appropriate for blocks the size of the one being considered here but in the absence of more detailed mapping have used the 1:50,000 data.

The dark green Class 2 land consists of 4 ha or 3% of the site and the light green which is the Class 3 land consists of 152 ha or 97% of the land.

In the NPS-HPL all land which is classified as LUC 1,2 and 3 is automatically considered to be HPL.

³ Profile Available Water is a measure of the volume of water that is able to be stored in the soil profile.

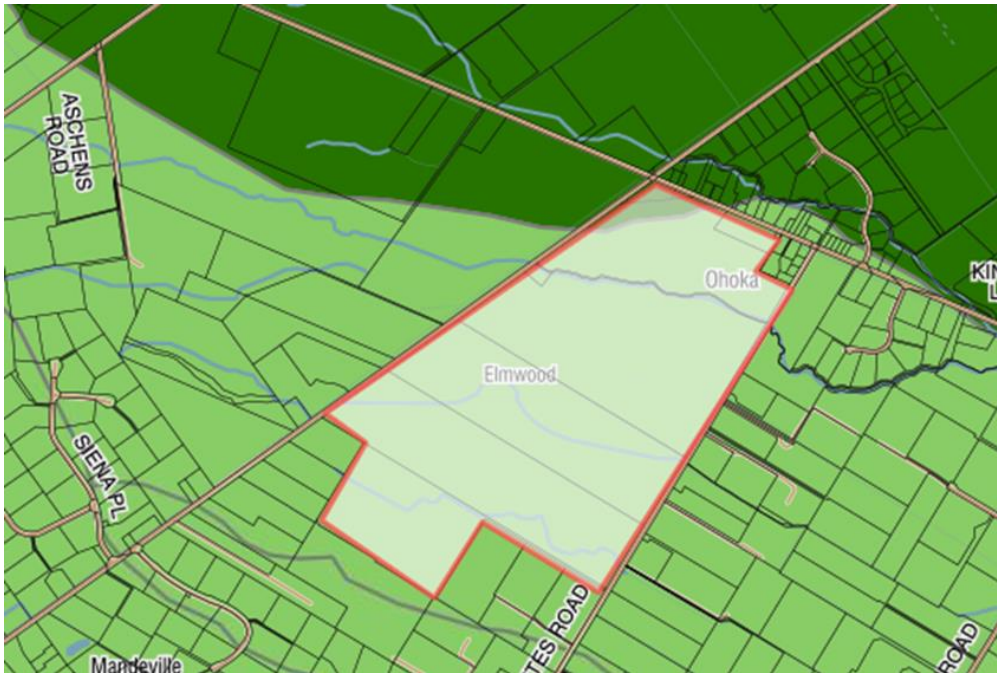


Figure 3: LUC classes of the subject land. Light green is Class 3 the darker green is Class 2.

3.1.3 Land use potential.

It is my opinion that the highest and best use of the land as a primary productive land use is for dairy farming. I have reached that conclusion after considering a range of factors including the size of the site, the soil type including the drainage, the availability of irrigation and the LUC classes of land available.

While the potential for intensive horticultural land use has been considered it has been rejected for a number of important reasons including:

- The fact that the land has poor drainage means that it is less suitable as a site for the establishment of intensive horticulture.
- The cold winters limit the potential range of horticultural crops.
- The site is remote from any post harvest packaging and processing facilities which would add large additional growing costs.
- The potential for reverse sensitivity from neighbours that are situated in a lifestyle area would mean that investors in intensive horticultural activities are most likely to seek alternative production areas where there isn't the threat of reverse sensitivity becoming a production issue.

3.1.4 Viability

In order to test the commercial viability of the site I have tested it by applying two financial models of farm systems to the 146 ha which are shown in the Overseer report as the effective area of farm land. The two financial models that I have tested it on are the two most common dairy farm systems within the Waimakariri District which are the DairyNZ System 3 which imports 10% of the total feed used from external sources and the DairyNZ System 4 which imports 25% of the total feed used from external sources. I have set the production per cow at 436 kg milksolids per cow which is the average production of dairy farms in the Waimakariri District which is taken from the LIC's New Zealand Dairy Statistics 202-21. This means that the stocking rate is 3.1 cows / ha for

System 3 and 3.5 cows / ha for System 4. The system 4 stocking rate is just above the average stocking rate for the Waimakariri District which is 3.48 cows / ha and below it for the System 3. This would indicate to me that the System 4 is the most dominant system in the District.

The financial models that I have used have been taken from some recent work that I have completed for ECan which is designed to provide an economic model that will be used in their planning for the development of their new Land and Water Regional Plan. These models have been peer reviewed internally within The AgriBusiness Group and externally by ECan.

The key financial metrics of both of these models are shown in Table 3.

Table 3: Financial performance of System 3 and System 4 (\$)

	System 3	System 4
Gross Farm Revenue	1,619,167	1,839,963
Farm Operating Expenses	1,018,437	1,170,369
Earnings Before Interest and Tax	600,730	669,594

In order to be judged as commercially viable the figures which you can see in Table 3 which represent the Earnings Before Interest and Tax (EBIT) should provide a sufficient amount to provide for interest, taxation and a return for management. It is my opinion that there is a sufficient amount in the EBIT row for both systems to consider the land as being commercially viable from a production perspective. These financial results are reflective of the average results of dairy farms within the Waimakariri District.

4 Consideration of the HPS-HPL

I have been asked to comment on relevant matters in the NPS-HPL to the productivity and viability findings in this report.

Clause 3.10 Exemption for highly productive land subject to permanent or long-term constraints the NPS-HPL states that:

- (1) *Territorial authorities may only allow highly productive land to be subdivided, used, or developed for activities not otherwise enabled under clauses 3.7, 3.8, or 3.9 if satisfied that:*
there are permanent or long-term constraints on the land that mean the use of the highly productive land for land-based primary production is not able to be economically viable for at least 30 years;

It is my conclusion, taken from 3.1.4 Viability, that this site does not meet the requirement that it is not able to be economically viable for at least 30 years.

5 Comment on submissions.

I have read the submissions of R Luisetti (67), Waimakariri District Council (216), L Grofski-Duck (254), L McConchie (289), D B Leslie (382), L Rau (395) and R Pegler (502) which all oppose PC 31 because of the loss of highly productive land.

I am in agreement with their comments that the land is able to be used for a wide range of potential land uses and I believe that my evidence above supports their opposition.