

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Far North Council's Proposed District
Plan: Hearing Topic 14 – Urban Zones

**STATEMENT OF EVIDENCE OF DIANA JANE BELL
ON BEHALF OF HERON POINT LIMITED**

DATE: 7 JULY 2025

1. INTRODUCTION

- 1.1 My full name is Diana Jane Bell. I hold the position of Planner and Manager at The Planning Collective. I have been employed by The Planning Collective since August 2022.

2. QUALIFICATIONS AND EXPERIENCE

- 2.1 I am a full member of the New Zealand Planning Institute and a member of the Resource Management Law Association of New Zealand.
- 2.2 I hold the qualification of Bachelor of Planning from the University of Auckland.
- 2.3 I have over 20 years' experience in the field of resource management and planning in New Zealand working for both local government and in private sector consultancy.
- 2.4 Prior to joining The Planning Collective in August 2022, I was employed by AECOM as an Associate Director - Planning which also involved me holding the role of Discipline Lead – Assessment of Environmental Effects at the Supporting Growth Alliance. Prior to this I worked at Auckland Transport for three years and progressed from a senior consents planner to principal consents planner to Team Leader Consents. During this time at Auckland Transport I also worked as an Owner Interface Manager at the Supporting Growth Alliance. Before working at Auckland Transport I held the role of Senior Planner at O'Connor Planning Consultants for 11 years following my first planning role as a resource consents planner at the former Rodney District Council.
- 2.5 I have been involved in numerous land use, subdivision, coastal, residential, commercial and industrial consenting matters as well as transport and infrastructure planning. I have also project managed and provided professional planning inputs to private plan change requests and other processes for seeking rezoning of land.

3. EXPERT WITNESS CODE OF CONDUCT

- 3.1 I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023. I have complied with the Code of Conduct in preparing this evidence and agree to comply with it while giving oral evidence before the Hearing Commissioners, as if this were a hearing before the Environment Court. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express. This evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

4. BACKGROUND

- 4.1 Heron Point Limited has an interest in 47 Hihitahi Rise, Paihia (Lot 2 DP 200205 (4.64ha) and Lot 21 DP 181647 (2393m²)). Both land parcels are proposed to be zoned General Residential in the Far North Proposed District Plan (PDP) and:
- (a) All of Lot 21 and the majority of Lot 2 are identified as being within the proposed Coastal Environment Overlay.
 - (b) The majority of Lot 2 and a portion of Lot 21 are subject to an Outstanding Natural Landscape (Reference 55 – Bush-clad hills west Opua and Paihia).
 - (c) The majority of both lots are subject to the High Natural Character overlay (Reference 449 - Hill slopes around part of southern arm and between two main arms of the Haumi River Estuary. Kanuka dominant forest with some emergent native conifers (rimu, tanekaha) and some wilding pines. Localised small blocks of weeds (wattles, pampas, cherry).
 - (d) A portion of Lot 2 is subject to the Outstanding Natural Character overlay (Reference 105 - Haumi River Estuary with mangroves, intertidal flats, saltmarsh (inland) & channels. Excludes causeway & bridge. Catchment (apart from urban settlement in lower reaches and a farm in NW) is mainly woody indigenous vegetation).
 - (e) A portion of Lot 2 is subject to Coastal Flood (Zone 1:50 year scenario, Zone 2:100 year scenario and Zone 3: 100 Year + Rapid Sea Level Rise Scenario).

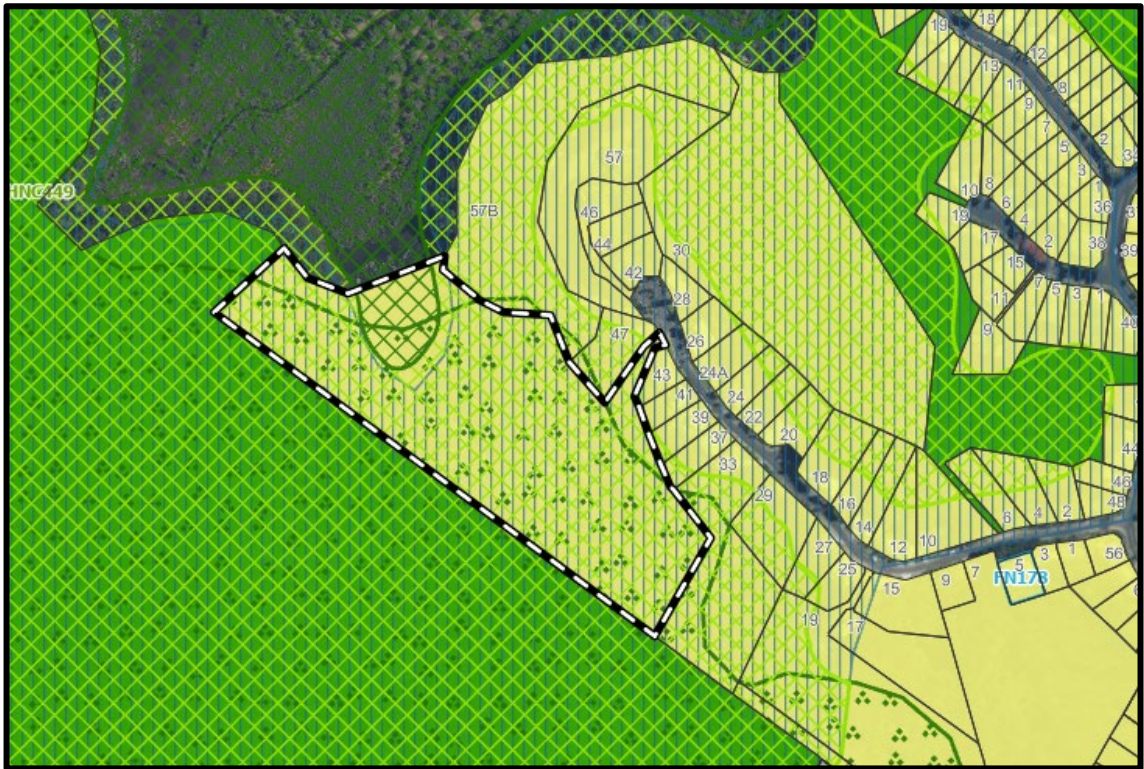


Figure 1 – Far North PDP Plan Maps for Lot 2 DP 200205 and Lot 21 DP 181647

4.2 On 19 May 2025, Far North District Council approved resource consent (2250100-RMACOM) to the following:

Activity A: 17 residential lot subdivision, with a jointly owned access lot and a lot to manage the discharge and treatment of stormwater from the site infringing minimum lot sizes as a Non-Complying Activity in Residential Zone.

Activity B: Land Use aspect breaching Setback Rules from Boundaries, Indigenous vegetation clearance permitted throughout the district, Earthworks, Fire Risk to Residential Units, Setback from smaller lakes, rivers and wetlands, Private accessways in all zones, Private accessways in urban zones as a Discretionary Activity in Residential Zone.

Activity C: NES consent for Assessing and Managing Contaminants in Soil to Protect Human Health as a Discretionary Activity.

Activity D: Cancellation of the existing consent notices in accordance with Section 221(3) of the RMA1991.

Activity E – Easement cancellation pursuant to s243(e) of the RMA1991.

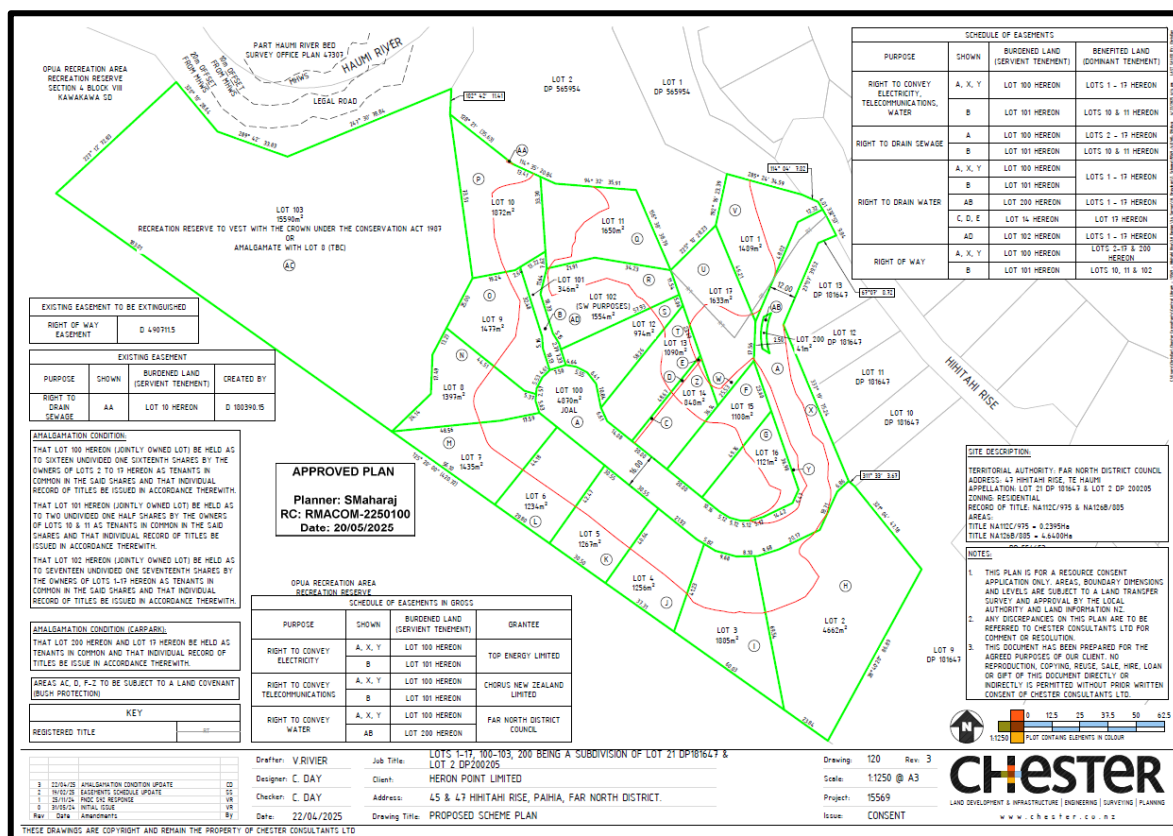


Figure 2 – Approved Scheme Plan

5. FURTHER SUBMISSION

5.1 Heron Point Limited made a further submission (FS547) to a number of submission points (FS547.083 – FS547.106) relevant to the General Residential zone provisions which are the subject of Hearing 14 – Urban Zones (General Residential Zone and Mixed Use & Industrial Zones).

General Residential Subdivision

5.2 FS547.063 – FS547.074 supported the retention of a minimum lot size 600m² in the General Residential zone as a controlled activity. The Council officer recommends the retention of this provision and as such this is supported.

5.3 FS547.075 – FS547.082 supported the submission point to amend SUB-S1 to provide for subdivision with a 300m² min lot size as a Restricted Discretionary activity rather than Discretionary. This is not supported by the Council officer. It is my opinion that Restricted Discretionary activity status is more suitable for such an activity in that matters of discretion and assessment criteria can provide, and direct, assessment of key matters. It is noted that the PDP utilises a restricted discretionary framework for two residential units in the General Residential zone.

General Residential Objectives and Policies

- 5.4 FS547.083 relates to GRZ-O2 and supported amendments that included reference to achieving a quality well-functioning urban form. The amendments suggested by the Council officer, while slightly different, address this further submission point.
- 5.5 FS547.084, FS547.087, FS547.088, FS547.089 related to the inclusion of private infrastructure being included within the objectives (GRZ-O4, GRZ-P1, GRZ-P2, GRZ-P3 and policies as a potential infrastructure solution rather than just relying on public networks. These points were rejected with the reason being *the inclusion of private infrastructure in urban zones lacks certainty, is not consistent with the requirements of the NPS-UD and would go against this premise. There are several risks involved with the requested amendment*'. I disagree, including private infrastructure, provides flexibility; the risks identified in the s42A report are all matters to be worked through when assessing a proposal and ultimately whether consent is granted. The NPS UD simply require the provision of infrastructure to be aligned / integrated with urban development. Whilst there is a definition of *development infrastructure*, which refers to network infrastructure, this is not the term used in Clause 3.2, for example or the relevant objectives and policies. Notably Policy 10 that relates to Tier 1, 2 and 3 local authorities states at *(b) engage with providers of development infrastructure and additional infrastructure to achieve integrated land use and infrastructure planning*. [emphasis added].
- 5.6 FS547.085 and FS547.086 seeks to retain GRZ-O5 and GRZ-O6 as notified. The Council officer recommends the retention of these objectives as notified and as such this is supported.
- 5.7 FS547.101 and FS547.111 relate to Policy GRZ-P3 and supported suggested amendments was rejected with the residential intensity key issue
- 5.8 FS547.090 -100 and FS547.108 supported the acknowledgement of the importance of providing a mix of housing densities and typologies through the delivery of housing supply in GRZ-P3 through the works *enabling multi-unit development*. The Council officer has slightly changed the wording to providing for a *range of residential development* as requested by Kainga Ora; I consider this wording appropriate and support this change.
- 5.9 FS547.102 and FS547.112 relate to GRZ-P6 which recognises that on-site water storage may be required in some cases and supported the policy as notified. The Council officer recommends the retention of this policy as notified and as such this is supported. This aligns with my comments at paragraph 5.5 above in relation to infrastructure.

- 5.10 FS547.103 and FS547.113 relate to GRZ-P7 which recognises that small scale renewable energy generation can have benefits for residential development and supported the policy as notified. The Council officer recommends the retention of this policy as notified and as such this is supported.
- 5.11 FS547.104-FS547.105 (recorded in the s42A report as FS547.106) were neutral on the submission seeking an increase in the impermeable surface threshold to at least 60% under Rule GRZ-R2, rather than the 50%; but requested that the provisions should ensure the management of downstream effects. The Council offer has recommended amendment to the matters of discretion to ensure the assessment of downstream effects; these changes are supported.
- 5.12 Similar to paragraph 5.11 above, FS547.106 seeks to ensure that the impervious surface provisions manage downstream effects. The Council offer has recommended an amendment to the matters of discretion to ensure the assessment of downstream effects; this is supported.

Diana Jane Bell

7 July 2025