



## SECTION 42A REPORT QUAIL RIDGE

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**Appendix 1: Recommended amendments to Quail Ridge chapter**

**Appendix 2: Recommended decisions on submissions to Quail Ridge chapter**



## List of Abbreviations

### Submitters

<b>Submitter Number</b>	<b>Abbreviation</b>	<b>Full Name of Submitter</b>
S368	FNDC	Far North District Council
S512	FENZ	Fire and Emergency New Zealand
S482	Heavy Haulage Assoc Inc	House Movers Section of New Zealand Heavy Haulage Association Inc

### Others

<b>Abbreviation</b>	<b>Full Term</b>
FNDC	Far North District Council
NPS	National Policy Statement
PDP	Proposed District Plan
RMA	Resource Management Act



## **1 Executive summary**

1. The Far North PDP was publicly notified in July 2022. Quail Ridge Chapter is located in Part 3: Area Specific Matters and is one of the 12 chapters within the Special Purpose Zones section of the PDP.
2. 9 original submissions (with 14 individual submission points) and 8 further submissions (with 11 individual submission points) were received on the Quail Ridge topic. 7 original submission points indicated support in part with changes requested, whilst 2 original submission points opposed the provisions.
3. The submissions can largely be categorised into several key themes:
  - a) Specific recognition of the National Grid
  - b) Specific recognition of Emergency Services
  - c) Relocatable buildings as a permitted activity
  - d) Stormwater provisions
  - e) Pets provisions
  - f) Height in relation to boundary provisions
4. This report has been prepared in accordance with Section 42A of the Resource Management Act ("RMA") and outlines recommendations in response to the issues raised in submissions. This report is intended to assist the Hearings Panel to make recommended decisions on the submissions and further submissions on the PDP to provide submitters with an opportunity to see how their submissions have been evaluated, and to explain the recommendations made by officers prior to the hearing.
5. The key changes recommended in this report relate to:
  - a) Inclusion of an additional matter of control in the impermeable surface coverage rule, to ensure adverse effects of stormwater runoff on adjacent or downstream properties are assessed.

## **2 Introduction**

### **2.1 Author and qualifications**

6. My full name is Kenton Robert Owen Baxter, and I am a Policy Planner in the District Planning Team at Far North District Council.
7. I hold the qualification of a Master of Planning and a Bachelor of Environmental Management and Planning obtained from Lincoln University.
8. I am an intermediate member of the New Zealand Planning Institute.



9. I have five years' experience in planning and resource management including policy development, formation of plan changes and associated s.32 assessments; s.42a report preparation and associated evidence; and the preparing of resource consent applications. This experience has been gained from working for both local government and in the private sector.

## **2.2 Code of Conduct**

10. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

11. I am authorised to give this evidence on the Council's behalf to the PDP hearings commissioners ("Hearings Panel").

## **3 Scope/Purpose of Report**

12. This report has been prepared in accordance with Section 42A of the RMA to:

- a) assist the Hearings Panel in making their recommended decisions on the submissions and further submissions on the PDP; and
- b) provide submitters with an opportunity to see how their submissions have been evaluated and the recommendations being made by officers, prior to the hearing.

13. This report responds to submissions on Quail Ridge.

14. When submissions pertain to matters covered in other chapters, the report addresses them in connection with the Quail Ridge chapter. It does not address specific details of these matters if they are more appropriately addressed in another chapter.

15. Submissions on Engineering Standards are being considered at Hearing 8. As a result, this Report does not consider submissions on the Quail Ridge Zone provisions where the submissions relate to the Engineering Standards.

16. The submissions on Standard 4 where it relates to setbacks from waterbodies are being considered in the Coastal Environment and the Natural Character topic. Reporting officers for the PDP have collectively discussed and agreed that:

- a) It is more efficient to consider and respond to submissions on setbacks from MHWS as part of the Coastal Environment topic and setbacks from freshwater bodies as part of the Natural Character topic;



- b) It is more efficient for controls on buildings in relation to MWSH and freshwater bodies to be addressed through consistent rules and standards in the Coastal Environment topic and the Natural Character topic respectively.
  - c) Reference to setbacks from waterbodies in QR-S4 will be deleted as a clause 16 correction because they were inserted in error, and they duplicate the standards of the Natural Character chapter.
17. As a result, this Report does not consider submissions on Standard QR-S4 (Setbacks) where it relates to setbacks from water bodies. However, parts of Standard QR-S4 that relate to water bodies will be deleted as a clause 16 correction. This is shown in Appendix 2 (Recommended amendments to Provisions). Deleting these matters from the zone chapters will provide for better integration and consistency with recommendations in the Coastal Environment and Natural Character topics.
18. I am not aware of any requests for new zones, which apply to land that is currently zoned Quail Ridge in the PDP.
19. Wherever possible, I have provided a recommendation to assist the Hearings Panel.
20. Separate from, and in addition to the recommendations in this Section 42A report, Council has made a number of amendments to the PDP, including this chapter, in accordance with c16(2) of the RMA. These are minor corrections arising from drafting errors to ensure consistent formatting of rules and standards. This includes inserting semi colons between each standard, followed by "and" after the second to last standard (where all of the standards must be met to comply) or "or" (when only one of the standards must be met to comply). These changes are neutral in effect and do not alter the intent of the rules or standards, they simply ensure consistent formatting. The c16 corrections are reflected in Appendix 1 to this Report (Officer's Recommended Provisions in response to Submissions).

## **4 Statutory Requirements**

### **4.1 Statutory documents**

21. I note that the Quail Ridge Section 32 report provides a detailed record of the relevant statutory considerations applicable to the Quail Ridge Chapter.
22. I also note that the s42A report for Hearing 1 (Strategic Direction), sets out the relationship between the sections of the RMA and "higher order documents" i.e. relevant iwi management plans, other relevant plans and strategies.
23. It is not necessary to repeat the detail of the relevant RMA sections and full suite of higher order documents here. Consequently, no further



assessment of these documents has been undertaken for the purposes of this report.

24. However, it is important to highlight the higher order documents which have been subject to change since notification of the Proposed Plan, which are relevant to the Quail Ridge Chapter.

#### 4.1.1 Resource Management Act

25. The Government elected in October 2023, has repealed both the Spatial Planning Act 2023 and Natural and Built Environment Act 2023 on the 22<sup>nd</sup> of December 2023 and has reinstated the RMA as Zealand’s primary resource management policy and plan making legislation. The Government has indicated that the RMA will ultimately be replaced, with work on replacement legislation to begin in 2024. The government has indicated that this replacement legislation will be introduced to parliament this term of government (i.e. before the next central government election in 2026). However, at the time of writing, details of the new legislation and exact timing are unknown. The RMA continues to be in effect until new replacement legislation is passed.

#### 4.1.2 National Policy Statements

##### 4.1.2.1 National Policy Statements Gazetted since Notification of the PDP

26. There are no new NPSs or changes to operative NPSs that are of particular relevance to the submissions received on the Quail Ridge chapter. The relevant NPSs were addressed as part of the Statutory Context within the Quail Ridge Section 32 Report.

##### 4.1.2.2 National Policy Statements – Announced Future Changes

27. In October 2023 there was a change in government and several announcements have been made regarding work being done to amend or replace various National Policy Statements (summarised in Table 1 below). The below NPS are not anticipated to be of general relevance to the submissions received on the Quail Ridge topic but have been included for completeness.

**Table 1 Summary of announced future changes to National Policy Direction (as indicated by current Government, as at March 2024)**

National Statement	Policy	Summary of announced future changes	Indicative Timing
National Policy Statement for Freshwater Management (NPS-FM)		<ul style="list-style-type: none"> <li>Changes to hierarchy of obligations in Te Mana o Te Wai provisions</li> <li>Amendments to NPS-FM, which will include a robust and full consultation process</li> </ul>	<p>End of 2024</p> <p>2024 - 2026</p>



National Statement	Policy	Summary of announced future changes	Indicative Timing
		with all stakeholders including iwi and the public	
National Policy Statement on Indigenous Biodiversity (NPS-IB)		<ul style="list-style-type: none"> <li>• Amendments to the NPS-IB</li> <li>• Work to stop/cease implementation of new Significant Natural Areas</li> </ul>	2025 - 2026
National Policy Statement for Urban Development (NPS-UD)		<ul style="list-style-type: none"> <li>• Amendments to NPS-UD, including requirements for Tier 1 and 2 Council to 'live zone' enough land for 30 years of housing growth, and making it easier for mixed use zoning around transport nodes.</li> </ul>	By end of 2024
National Policy Statement for Renewable Electricity Generation (NPS-REG)		<ul style="list-style-type: none"> <li>• Amendments to NPS-REG, to allow renewable energy production to be doubled</li> </ul>	By end of 2024
National Policy Statement for Electricity Transmission (NPS-ET)		<ul style="list-style-type: none"> <li>• Amendments to NPS-ET, but at this stage direction and amendments are unclear.</li> </ul>	By end of 2024
National Policy Statement for Highly Productive Land (NPS-HPL)		<ul style="list-style-type: none"> <li>• Amendments to the NPS-HPL in light of needing to enable housing growth and remove consenting barriers. Possible amendments to the definition of 'Highly Productive Land' to enable more flexibility</li> </ul>	2024 - 2025
Proposed National Policy Statement for Natural Hazards (NPS-NH)		<ul style="list-style-type: none"> <li>• No update on progress has been provided by current government.</li> </ul>	Unknown

#### 4.1 Council's Response to Current Statutory Context

28. The evaluation of submissions and recommendations in this report are based on the current statutory context (that is, giving effect to the current National Policy Statements). I note that the proposed amendments and replacement National Policy Statements do not have legal effect until they are adopted by Government and formally gazetted.

29. Sections 55(2A) to (2D) of the RMA sets out the process for changing District Plans to give effect to National Policy Statements. A council must amend its District Plan to include specific objectives and policies or to give effect to specific objectives and policies in a National Policy Statement if it so directs. Where a direction is made under Section 55(2), Councils must directly insert any objectives and policies without using the Schedule 1 process, and must publicly notify the changes within five working days of making them. Any further changes required must be done through the RMA schedule 1 process (such as changing rules to give effect to a National Policy Statement).



30. Where there is no direction in the National Policy Statement under Section 55(2), the Council must amend its District Plan to give effect to the National Policy Statement using the RMA schedule 1 process. The amendments must be made as soon as practicable, unless the National Policy Statement specifies a timeframe. For example, changes can be made by way of a Council recommendation and decision in response to submissions, if the submissions provide sufficient 'scope' to incorporate changes to give effect to the National Policy Statements.
31. I have been mindful of this when making my recommendations and believe the changes I have recommended are either within scope of the powers prescribed under Section 55 of the RMA or within the scope of relief sought in submissions.

#### **4.1.1 National Environmental Standards**

32. There are no new National Environmental Statements that are of particular relevance to the submissions received on the Quail Ridge chapter.

#### **4.1.2 National Planning Standards**

33. The National Planning Standards determine the sections that should be included in a District Plan, including the Strategic Direction chapters, and how the District Plan should be ordered. The Quail Ridge provisions proposed and recommended in this report follow the National Planning Standards.

#### **4.1.3 Treaty Settlements**

34. There have been no further Deeds of Settlement signed to settle historic Treaty of Waitangi Claims against the Crown, in the Far North District, since the notification of the PDP.

#### **4.1.4 Iwi Management Plans – Update**

35. Ngā Tikanga mo te Taiao o Ngāti Hine' the Ngāti Hine Environmental Management Plan was in draft form at the time of the notification of the PDP. This was updated, finalised and lodged with the Council in 2022, after notification of the PDP in July 2022. In respect of the Quail Ridge Chapter, the Ngāti Hine Environmental Management Plan does not provide any specific direction as the Quail Ridge zone sits outside the Ngāti Hine rohe.
36. The Ahipara Takiwā Environmental Management Plan was updated in 2023, after notification of the PDP in July 2022. In respect of the Quail Ridge Chapter, the environmental management plan does not provide any specific direction as the Quail Ridge zone sits outside the implicated rohe.





## **4.2 Section 32AA evaluation**

37. This report uses 'key issues' to group, consider and provide reasons for the recommended decisions on similar matters raised in submissions. Where changes to the provisions of the PDP are recommended, these have been evaluated in accordance with Section 32AA of the RMA.
38. The s32AA further evaluation for each key issue considers:
- a) Whether the amended objectives are the best way to achieve the purpose of the RMA.
  - b) The reasonably practicable options for achieving those objectives.
  - c) The environmental, social, economic and cultural benefits and costs of the amended provisions.
  - d) The efficiency and effectiveness of the provisions for achieving the objectives.
  - e) The risk of acting or not acting where there is uncertain or insufficient information about the provisions.
39. The s32AA further evaluation contains a level of detail that corresponds to the scale and significance of the anticipated effects of the changes that have been made.

## **4.3 Procedural matters**

40. Due to the clarity of submissions, no correspondence or meetings with submitters needed to be undertaken and there are no procedural matters to consider for this hearing.

# **5 Consideration of submissions received**

## **5.1 Overview of submissions received**

41. A total of 9 original submissions and 8 further submissions were received on the Quail Ridge chapter.
42. The main submissions on the Quail Ridge chapter came from:
- a) Transpower New Zealand Ltd ("Transpower" / S454) seeking an amendment to ensure critical infrastructure, such as transmission facilities is provided for within the Quail Ridge Special Purpose zone.
  - b) FENZ (S512) who generally support the provisions but seek that emergency service facilities are permitted and exempt from certain requirements. They also seek that internal roads have a wider minimum width within the Quail Ridge Country Club.



- c) Heavy Haulage Assoc Inc (S482) seek to make relocated buildings a permitted activity.
  - d) The BOI Watchdogs ("BOI Watchdogs" / S354) seek to remove pet restrictions within the Quail Ridge zone.
  - e) John Andrew Riddell ("John Riddell" / S431) supports the height in relation to boundary standard.
  - f) Puketotara Lodge Ltd ("Puketotara Lodge" / S481) Seeks to add additional assessment criteria to the impermeable surface coverage rule.
  - g) Trent Simpkin ("Trent Simpkin" / S283) seeks to amend the impermeable surface coverage rule to make it permitted subject to criteria and/or increase the maximum impermeable surface coverage.
43. The key issues identified in this report are set out below:
- a) Key Issue 1: Specific recognition of the National Grid
  - b) Key Issue 2: Specific recognition of Emergency Services
  - c) Key Issue 3: Relocatable buildings as a permitted activity
  - d) Key Issue 4: Stormwater provisions
  - e) Key Issue 5: Pets provisions
  - f) Key Issue 6: Height to Boundary provisions
44. Section 5.2 constitutes the main body of the report and considers and provides recommendations on the decisions requested in submissions. Due to the moderate number of submissions received, each original submission point raised in the submissions can be addressed. This part of the report groups similar submission points together under key issues or provisions. This approach provides a concise response to, and recommended decision on, submission points.

## 5.2 Officer Recommendations

- 45. A copy of the recommended plan provisions for the Quail Ridge chapter is provided in **Appendix 1 – Recommended provisions** to this report.
- 46. A full list of submissions and further submissions on the Quail Ridge chapter is contained in **Appendix 2 – Recommended Decisions on Submissions** to this report.
- 47. Additional information can also be obtained from the Summary of Submissions (by Chapter or by Submitter) [Summary of submissions](#)



[volumes](#), the associated Section 32 report on this chapter [Quail Ridge Section 32](#), the overlays and maps on the ePlan [PDP Maps](#).

### 5.2.1 Key Issue 1: Specific recognition of the National Grid

#### Overview

Provision(s)	Officer Recommendation(s)
New Objectives, Policies and Rules	<ul style="list-style-type: none"> <li>Reject – Retain as notified</li> </ul>

#### Analysis of Submissions on Key Issue 1

##### Matters raised in submissions

48. Transpower (S454.140) requests provisions within the Quail Ridge Special Purpose zone to ensure critical infrastructure, such as transmission facilities are provided for.

##### Analysis

49. Since making their submission, Transpower has contacted Council to advise that they no longer wish to pursue the submission points seeking changes to the zone chapters to recognise transmission facilities, including submission S454.140. Transpower understands that the Infrastructure Chapter of the PDP provides the provisions for Infrastructure (and for protection of Infrastructure) on a district-wide basis, therefore no changes to the zone provisions are necessary.

##### Recommendation

50. For the above reasons, I recommend submission S454.140 is rejected and the approach to deal with it in the Infrastructure Chapter is appropriate.

### 5.2.2 Key Issue 2: Specific recognition of Emergency Services

#### Overview

Provision(s)	Officer Recommendation(s)
Entire Chapter	<ul style="list-style-type: none"> <li>Do not insert changes to provide for emergency services</li> </ul>

#### Analysis of Submissions on Key Issue 2

##### Matters raised in submissions

51. FENZ (S512.071) requests a new permitted activity rule for emergency service facilities and for these activities to be exempt from standards relating to setback distances and vehicle crossings. FENZ note that fire



stations are currently located in a range of zones in the Far North District and that the PDP currently only includes rules for emergency service facilities in some zones with different activity status. FENZ considers that emergency service facilities should be provided for as permitted activities across all zones in the PDP to ensure new fire stations can be efficiently developed as appropriate. This is a plan-wide request from FENZ with multiple submission points on the PDP seeking the same relief.

52. FENZ (S512.118) requests a new standard and/or matter of discretion across all zones on infrastructure servicing (including for emergency response transport/access and adequate water supply for firefighting). FENZ acknowledge that some PDP zones include provisions relating appropriate infrastructure servicing and that NH-R5 requires adequate firefighting water supply for vulnerable activities. However, FENZ consider that an additional standard on infrastructure servicing for emergency response/firefighting water supply within all individual zone chapters may be beneficial.

53. FENZ (S512.047) seek to amend the minimum width standard for internal accessways under rule QR-R6 from 3.5m to 4m to provide for emergency service vehicles. This amendment is in accordance with SNZ PAS 4509:2008. The requested amendment is as follows:

*"CON-3 - Internal roads shall have a minimum width of 3.5 4.0m seal, with passing bays as necessary."*

54. The submitter's reasons for this request are because FENZ requires minimum width of 4.0m for emergency responder access.

55. In addition, the activity references 'TRAN-R6 Quail Ridge on site access, parking and access'. The TRAN-R6 included in transport chapter does not cover minimum widths for emergency responder access.

56. FENZ (S512.092) request that an advice note is inserted into the setback standard QR-S4 that refers to the Building Code in relation to firefighting requirements. As follows:

*"Building setback requirements are further controlled by the Building Code. This includes the provision for firefighter access to buildings and egress from buildings. Plan users should refer to the applicable controls within the Building Code to ensure compliance can be achieved at the building consent stage. Issuance of a resource consent does not imply that waivers of Building Code requirements will be considered/granted"*

57. The submitter considers that the purpose of this would be to explain that building setback requirements are further controlled by the Building Code, including the provision for firefighter access to buildings and egress from buildings.



58. The submitter's considers that setbacks play a role in reducing spread of fire as well as ensuring FENZ personnel can get to a fire source or other emergency.
59. An advice note is requested as a means of raising awareness with plan users (e.g. developers) early on in the resource consent process that there is further control of building setbacks and firefighting access through other New Zealand legislation.
60. FENZ (S512.048) support the timing of water supply facilities to be operational before residential units are occupied. They request that an advice note is added to standard QR-S10 which relates to providing plans and specifications for stormwater, water supply and wastewater facilities. The requested advice note is as follows:

*"Note: plans and specifications must show how on site alternative firefighting water supplies comply with SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice."*

## **Analysis**

61. In terms of the Quail Ridge chapter in the notified PDP there is no reference to emergency services. In relation to the submission from FENZ seeking a permitted activity rule for emergency service facilities in the Quail Ridge Special Purpose Zone, I note that the PDP:
  - a) Defines an emergency service facility as "means fire stations, ambulance stations, police stations and associated ancillary facilities". The relief sought from FENZ is therefore broader than the solely the development of fire stations which is the key focus of their submission point.
  - b) Enables emergency service facilities to be established as a permitted activity in certain zones (including the Light Industrial and Mixed-Use Zones with no conditions and the Rural Production Zone subject to the condition that the GFA does not exceed 150m<sup>2</sup>) while requiring resource consent for these facilities in other zones where there is greater potential for adverse effects on the surrounding environment (e.g. a discretionary activity in the Residential Zone).
62. Under the notified Quail Ridge Zone rules, an emergency service facility would require resource consent as a discretionary activity under QR-R13 (activities not otherwise listed in this chapter). In my opinion, this activity status is appropriate as the objectives and policies for the Quail Ridge Special Purpose zone recognise and provide for the development and use of a retirement village. The retirement village development is guided by a master plan and emergency service facilities are not anticipated in the zone or consistent with the purpose of the zone. Further, there is Rural Production Zoned land located within 1.5km where a small emergency service facility can be established as a permitted activity, should this be



considered to be necessary. Emergency service facilities can also be established as a permitted activity in the Kerikeri Mixed use zone which is within 3km of the Quail Ridge zone and the Waipapa Light Industrial Zone which is within 2.5km. These are more appropriate locations in my opinion as this would be in closer proximity to a larger population of people that may need emergency services. Accordingly, I recommend that this submission point from FENZ is rejected.

63. In terms of the submission from FENZ requesting a new standard for infrastructure servicing for emergency response transport/access and water supply for firefighting, I consider that this relief is already adequately, and most efficiently, addressed through the following district-wide provisions in the PDP:

- a) Rule NH-R5 and NH-R6 (Wildfire) in the natural hazard chapter which includes specific requirement for new buildings and alternations to existing buildings used for a vulnerable activity to have water supply for firefighting purposes that complies with SNZ PAS 4509:2008 New Zealand Fire Fighting Water Supplies Code of Practice.
- b) Rule TRAN-R2 (vehicle crossing and access, including private accessways) in the Transport chapter which includes a permitted activity standard for vehicle crossing and access for fire appliances to comply with SNZ PAS 4509:2008 New Zealand Fire Fighting Water Supplies Code of Practice.

64. I do not agree that rule QR-R6 should be amended to include a minimum width of 4m for internal accessways within the Quail Ridge Special Purpose zone. Although this amendment is to ensure the PDP rule framework is in accordance with SNZ PAS 4509:2008, the Quail Ridge Country Club is nearing construction completion, and most internal accessways have been developed with a minimum width of 3.5m. To amend the minimum width of internal accessways to 4m is not considered appropriate, given it differs from the ODP rule framework which has been used to develop the majority of internal accessways. Also, FENZ vehicular access width is regulated under clause C5 of the New Zealand Building Code, and on this basis, it is unnecessary to also regulate it under the District Plan.

65. In terms of the advice note that FENZ request be added to QR-S4 regarding setbacks, I acknowledge that it is important for plan users to be aware of and refer to the applicable controls within the Building Code to ensure compliance can be achieved at the building consent stage. However, I am not aware of any specific examples of resource consents that have been issued for building setback infringements, that lead to non-compliance with building code requirements for firefighter access to buildings and egress from buildings.

66. I do not support the requested change to the PDP because:



- a) there are a number of different pieces of legislation and standards outside of the District Plan that apply to a range of activities, that the District Plan does not include advice notes for all of these different pieces of legislation. To do so would be inefficient and cumbersome.
- b) the plan format, which complies with the National Planning Standards, seeks to avoid the use of advice notes within rules or standards wherever possible.
- c) there are other, more efficient methods to advise applicants of the Building Code requirements during resource consent preparation (for example, pre-application advice).

67. I do not agree that an additional note should be added to QR-S10 that highlights plans and specifications must show how on-site alternative fire fighting water supplies comply with SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice. As this is addressed within the district wide rule NH-R5.

**Recommendation**

68. For the above reasons I recommend that submission points S512.071, S512.047, S512.118, S512.092 and S512.048 are rejected.

**Section 32AA evaluation**

69. No change to the provisions is recommended at this stage. On this basis, no evaluation under Section 32AA is required.

**5.2.3 Key Issue 3: Relocatable buildings as a permitted activity**

**Overview**

Provision(s)	Officer Recommendation(s)
Rules	<ul style="list-style-type: none"> <li>• Retain as notified</li> </ul>

**Analysis of Submissions on Key Issue 3**

**Matters raised in submissions**

70. Heavy Haulage Assoc Inc (S482.021) request a new permitted activity rule for relocatable buildings, subject to standards. The requested standards for the permitted activity rule includes providing a pre-inspection report. Where the permitted activity standard is not met, relocated buildings would become a restricted discretionary activity. The submitter's reasons for this request are that they consider that the definition of "building" does not clearly include relocated buildings and the existence of a separate definition of relocated buildings in the PDP appears to create a distinction between "buildings" and "relocated buildings". The submitter considers that it is not clear that the permitted activity status applied in most zones to "new



buildings and structures" also applies to the relocation of buildings. The submitter considers that the controls on constructed buildings and relocated buildings should be identical, as the effects are essentially the same. The submitter considers that this is in accordance with the RMA as expressed in the Environment Court decision of *New Zealand Heavy Haulage Association Inc v The Central Otago District Council* (Environment Court, C45/2004, Thompson EJ presiding).

### **Analysis**

71. There are no permitted activity rules within the Quail Ridge zone. All activities require resource consent, as a controlled activity at minimum. This is because the development is subject to the Quail Ridge Concept Master Plan, therefore any development on the site needs to be assessed through a resource consent application against the requirements of this Master Plan. The provisions have largely been rolled over from the Operative District Plan into the new format as per the Quail Ridge s.32 report.
72. I consider that relocatable buildings will be adequately provided for under the controlled activity rule for new buildings or structures in the Quail Ridge Special Purpose Zone (QR-R1). It is my view that "new buildings or structures" includes relocatable buildings even if they are not new in terms of the date they were built. The key point is that the building is "new" to the site it is relocated to or constructed on. An older relocated dwelling can be new in the context of its location on in the Quail Ridge Special Purpose zone when it is relocated to the zone, or moved from one part of the zone to another. The latter is specifically provided for under condition CON-2.
73. In response to the submission proposing a new permitted rule for relocatable dwellings, I disagree that such a rule is suitable for the Quail Ridge zone. This zone provides for the development and use of a retirement village and is guided by a master plan tailored to this environment. As there are currently no permitted activities within the Quail Ridge zone, introducing a permitted activity for relocated buildings would be unsuitable and would undermine the intended purpose and structure of the zone.

### **Recommendation**

74. For the above reasons, I recommend submission S482.021 from House Movers Section of NZ Haulage Association is rejected, and the rules are retained as notified.

### **Section 32AA evaluation**

75. No change to the provisions is recommended at this stage. On this basis, no evaluation under Section 32AA is required.

## **5.2.4 Key Issue 4: Stormwater provisions**

### **Overview**





Provision(s)	Officer Recommendation(s)
Rule QR-R2	<ul style="list-style-type: none"><li>• Insert additional matter of control.</li></ul>

## Analysis of Submissions on Key Issue 4

### Matters raised in submissions

76. Puketotara Lodge (S481.020) seek additional matters of discretion to be added to the impervious surface coverage rules in all zones, which is Rule QR-R2 in the Quail Ridge Zone. The submitters reasons for this are to effectively control stormwater discharge effects, especially between or adjacent to sites. They note that while the Operative Far North District Plan has stormwater management rules and discretion for impermeable surface area, the PDP lacks a specific "stormwater management" rule. To address this perceived gap, Puketotara Lodge requests the following additional matters of discretion for impermeable surface coverage rules in all zones:
- a) Avoiding nuisance or damage to adjacent or downstream properties;
  - b) The extent to which the diversion and discharge maintains pre-development stormwater run-off flows and volumes;
  - c) The extent to which the diversion and discharge mimics natural run-off patterns
77. Trent Simpkin (S283.028) requests that rule QR-R2 is amended to increase the impermeable surface coverage maximum to be based on the size of lots. The submitter also seeks to amend QR-R2 to add a new condition (PER-2) which would state that if a TP10 report is provided by an engineer the activity is permitted. The submitter considers that the impermeable surfaces rule is frequently not complied with in home design due to low thresholds, necessitating many homes to still seek resource consent. The submitter notes that all activities breaching impermeable surface rules require a TP10/Stormwater report and therefore considers that if this is provided it should not need to go through the resource consent process.

### Analysis

78. The notified PDP QR-R2 Quail Ridge impermeable surface coverage rule is a controlled activity. Impermeable surface coverage in the Quail Ridge zone must not exceed 42% otherwise it becomes a discretionary activity. Matters of control are as follows:
1. *the extent to which impermeable surfaces contribute to total catchment impermeability.*
  2. *the extent to which low impact design principles have been used.*
  3. *the visual and amenity related effects of the additional impermeable surfaces.*



4. *the degree to which mitigation measures are proposed and their likely effectiveness.*
5. *the extent of potential adverse effects on cultural, spiritual, heritage and/or amenity values of any affected waterbodies.*

79. The maximum impermeable surfaces of 42% for a controlled activity was deemed appropriate when the Quail Ridge zone was created. This is because of the nature and scale of residential buildings, accessways, carparking and landscaping as shown on the master plan.
80. The request from Puketotara Lodge relates to additional matters of discretion, however I have inferred that the submitter intended to refer to matters of control in relation to QR-R2 given its activity status. My view is that the requested matter to avoid nuisance or damage to adjacent or downstream properties is not effectively covered by the matters of control as notified. To address this gap, I recommend an additional matter of control is added to QR-R2 as follows:

*The extent to which adverse effects of stormwater runoff from new impermeable surfaces on adjacent or downstream properties are avoided, remedied, or mitigated.*

81. The other two matters of control requested by Puketotara Lodge are in my view either unnecessarily specific or potentially problematic to assess (e.g. maintaining pre-development stormwater flows, mimicking natural run-off patterns). A 42% impermeable surface site coverage was considered appropriate at the time this special purpose zone was created, and since then the zone has been largely developed. If this coverage is exceeded, it becomes a discretionary activity, which means the Council is not restricted in what can be assessed as part of the application. Overall, I consider that the notified matters of control along with the additional recommended matter of control provide sufficient scope to assess a range of stormwater aspects where appropriate to do so and effectively manage stormwater in the manner sought by Puketotara Lodge. In making this recommendation, I note that impervious surface rules and stormwater management is a wider issue for the PDP that will be considered by other reporting officers for the zone topics.
82. In response to the request by Trent Simpkin to amend the impermeable surface coverage maximum to be based on the size of the lots, I consider the current maximum impermeable surface of 42% in the Quail Ridge zone to be appropriate for the master-planned development. This impermeable surface threshold was considered appropriate when the special purpose zone was created. The submitter also requests that impermeable surface breaches are a permitted activity if a TP10 report is provided. I disagree with this request as there are no permitted activities in the Quail Ridge zone chapter. While a TP10 report may address stormwater management components associated with additional impermeable surfaces, if it is a



permitted activity the report cannot be adequately reviewed by a Council engineer and there is no ability to question aspects of the report. Also, additional matters associated with impermeable surfaces, such as visual and amenity effects, may not be adequately addressed by a TP10 report. Based on these considerations, I consider that controlled activity status is appropriate.

### **Recommendation**

83. For the above reasons, I recommend that:

- a) Submission point S283.028 is rejected.
- b) Submission point S481.020 is accepted in part and QR-R2 is retained with amendments, as follows:

#### ***Activity status: Controlled***

#### ***Where:***

#### ***CON-1***

*The impermeable surface coverage of the Quail Ridge zone is no more than 42%.*

#### ***Matters of control are limited to:***

- 1. the extent to which impermeable surfaces contribute to total catchment impermeability;*
- 2. the extent to which low impact design principles have been used;*
- 3. the visual and amenity related effects of the additional impermeable surfaces;*
- 4. the degree to which mitigation measures are proposed and their likely effectiveness;*
- 5. the extent of potential adverse effects on cultural, spiritual, heritage and/or amenity values of any affected waterbodies; and*
- 6. The extent to which adverse effects of stormwater runoff from new impermeable surfaces on adjacent or downstream properties are avoided, remedied, or mitigated.*

### **Section 32AA evaluation**

84. A section 32AA evaluation for the recommendation to include reference to the updated engineering standards is provided below:



**Effectiveness and efficiency**

85. The recommended additional matter of control provides a more appropriate method of achieving objectives for the zone. An assessment of stormwater runoff in relation to adverse effects on adjacent or downstream properties can be provided along with the notified matters of control to manage stormwater runoff in an integrated manner.

**Costs/Benefits**

86. The recommended amendment will impose costs on those developing impervious surfaces to the extent that they are required to assess the additional matter of control and design stormwater disposal systems that can address this matter.

87. These costs are considered to be reasonable in the context of the benefits of the amendment, which include the management of stormwater runoff from impervious surfaces in a manner that manages effects on adjacent or downstream properties.

**Risk of acting or not acting**

88. The risk of accepting the recommended amendments is low as there is sufficient information to act on the submission.

**Recommendation about most appropriate option**

89. For the above reasons, the recommended amendments are considered to be more appropriate in achieving the purpose of the RMA than the notified version of the PDP.

**5.2.5 Key Issue 5: Pets provisions**

**Overview**

Provision(s)	Officer Recommendation(s)
Rule QR-R9	<ul style="list-style-type: none"> <li>• Retain as notified.</li> </ul>

**Analysis of Submissions on Key Issue 5**

**Matters raised in submissions**

90. BOI Watchdogs (S354.026) request that rule QR-R9 is deleted as this rule relates to the restricting of pets. The submitter’s reasons for this relief are that they have observed animal ownership and pet limits in the zone and request FNDC to review their legality and reasonableness. The submitters consider that the policy allows retirees to bring a dog into the village but does not permit them to replace it once it dies, and it grants the village manager the authority to revoke someone's right to a dog at any time.



**Analysis**

- 91. The notified PDP rule QR-R9 is a controlled activity and relates to domestic pets within the Quail Ridge Zone. Before the occupation of a residential unit, a mechanism to control the number of domestic pets in the area must be put in place. This control must adhere to standard QR-S9 for controlling domestic pets. The standard outlines that a mechanism must be supplied to Council effectively limiting the number of domestic pets on the site and their possible movement into the adjacent scenic reserve. The “mechanism” referred to in the standard includes a “pets policy” referred to under policy QR-P6.b. Under standard QR-S9, the pets policy is required to address signage to be erected at the entry and exit of adjacent reserves advising of the prohibition of dogs in this area. The terms and conditions of the pet policy are also to be incorporated into a license to occupy for every resident as conditions of the license.
  
- 92. The pet policy was provided by the developer and approved by Council through the first stage of the Quail Ridge development. It has since been referred to in resource consent decisions for subsequent stages of the Quail Ridge development.
  
- 93. In response to this submission requesting the deletion of rules restricting pets, I do not agree that this is appropriate. I do not recommend any changes to these rules as pets are allowed within the Quail Ridge zone subject to appropriate restrictions. Although the zone is largely developed if further stages are proposed or variations to existing stages are made, it is important Council can still enforce the pet policy. No restrictions on pets would be inappropriate and could have negative outcomes on environmental values particularly given the proximity of the zone to the adjacent reserves area.

**Recommendation**

- 94. For the above reasons, I recommend that submission point 354.026 is rejected and rule QR-R9 is retained as notified.

**5.2.6 Key Issue 6: Height in relation to boundary provisions**

**Overview**

Provision(s)	Officer Recommendation(s)
Standard QR-S3	<ul style="list-style-type: none"> <li>• Retain as notified</li> </ul>

**Analysis of Submissions on Key Issue 6**

**Matters raised in submissions**

- 95. John Riddell (S431.199) supports standard QR-S3 and seeks to retain the notified PDP approach to vary the required height in relation to boundary depending on the orientation of the relevant boundary.



## **Analysis**

96. The notified PDP has included variable required heights in relation to the boundary, depending on the orientation of the relevant boundary, across all zones where this rule is required, including the Quail Ridge Zone. This is to reflect variances in sunlight direction and better protect neighbouring properties' access to sunlight.

97. In response to this submission, I agree that the notified PDP approach to the height in relation to boundary standard is appropriate given there are different sunlight conditions in relation to the orientation of the boundaries.

## **Recommendation**

98. For the above reasons, I recommend that submission point S431.199 on QR-S3 is accepted and QR-S3 is retained as notified.

## **6 Conclusion**

99. This report has provided an assessment of submissions received in relation to the Quail Ridge chapter. The primary amendments that I have recommended relate to:

a) Inclusion of an additional matter of control in the impermeable surface coverage rule, to ensure adverse effects of stormwater runoff on adjacent or downstream properties are assessed.

100. Section 5.2 considers and provides recommendations on the decisions requested in submissions. I consider that the submissions on the Quail Ridge chapter should be accepted, accepted in part, rejected or rejected in part, as set out in my recommendations of this report.

101. I recommend that provisions for the Quail Ridge chapter matters be amended as set out in the Quail Ridge chapter of the Officer Recommendation version of the ePlan and in Appendix 1 below for the reasons set out in this report.

102. I consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA (especially for changes to objectives), the relevant objectives of this plan and other relevant statutory documents, for the reasons set out in the Section 32AA evaluations undertaken.



**Recommended by:** Kenton Baxter – Policy Planner, Far North District Council.

**Approved by:** James R Witham – Team Leader District Plan, Far North District Council.

**Date:** 20 May 2024