



SECTION 42A REPORT

Settlement Zone

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List of Abbreviations

Table 1: List of Submitters and Abbreviations of Submitters' Names

Submitter Number	Abbreviation	Full Name of Submitter
S159	Horticulture NZ	Horticulture New Zealand
S331	MOE	Ministry of Education Te Tāhuhu o Te Mātauranga
S338	Our Kerikeri	Our Kerikeri Community Charitable Trust
S363	Foodstuffs	Foodstuffs North Island Limited
S368	FNDC	Far North District Council
S416	KiwiRail	KiwiRail Holdings Limited
S425	Twin Coast Cycle Trail	Pou Herenga Tai Twin Coast Cycle Trail Charitable Trust
S438	NZMCA	New Zealand Motor Caravan Association
S454	Transpower	Transpower New Zealand Limited
S481	Puketotara Lodge	Puketotara Lodge Limited
S482	Heavy Haulage Assoc Inc	House Movers Section of New Zealand Heavy Haulage Association Inc
S512	FENZ	Fire and Emergency New Zealand
S489	RNZ	Radio New Zealand
S521	Vision Kerikeri	Vision Kerikeri (Vision for Kerikeri and Environs, VKK)

Note: This table contains a list of submitters relevant to this topic which are abbreviated, and does not include all submitters relevant to this topic. For a summary of all submitters please refer to Section 5.1 of this report (overview of submitters). Appendix 2 to this Report also contains a table with all submission points relevant to this topic.

Table 2: Other abbreviations

Abbreviation	Full Term
FNDC	Far North District Council
NPS	National Policy Statement
NPS-IB	National Policy Statement for Indigenous Biodiversity
NPS-HPL	National Policy Statement for Highly Productive Land
NES-CF	Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017
PDP	Proposed District Plan
RMA	Resource Management Act
RPS	Regional Policy Statement
RSZ	Settlement Zone
RPROZ	Rural Production Zone
RRZ	Rural Residential Zone



1 Executive summary

1. The Far North Proposed District Plan ("PDP") was publicly notified in July 2022. The Settlement Zone ("RSZ") chapter is located under Rural, in the Area-Specific Matters section of the PDP.
2. There are 50 original submissions points were received on the RSZ chapter, including 10 submissions in support, 19 supporting in part and 7 in opposition¹. There were also 32 further submission points received on those original submissions.
3. This report should be read in conjunction with the Rural Wide Issues and the Rural Production Zone (RPROZ) report as it contains analysis and recommendations in Key Issues 1-5 that are relevant to all rural zones including the RSZ. This analysis has not been repeated in this report to reduce repetition and ensure consistent recommendations where the same issue has been raised across multiple rural zones.
4. The submissions were largely supportive of the RSZ overview, objectives and policies and SUB-S1 as it applies to the RSZ. The majority of submissions requested amendments related to RSZ rules and standards to reflect various outcomes sought by submitters.
5. This report has been prepared in accordance with Section 42A of the Resource Management Act 1991 (RMA) and outlines recommendations in response to the issues raised in submissions. This report is intended to both assist the Hearings Panel to make decisions on the submissions and further submissions on the PDP and also provide submitters with an opportunity to see how their submissions have been evaluated, and to see the recommendations made by officers prior to the hearing.
6. The key changes recommended in this report relate to:
 - a. Amendments to rules and standards to align with recommendations made in the Rural Wide Issues and RPROZ section 42A report.
 - b. Amendments to standards to better manage reverse sensitivity effects with adjoining RPROZ land and to achieve consistency with other zone standards.

2 Introduction

2.1 Author and qualifications

7. My full name is Melissa Leanne Pearson, and I am a Principal Planning and Policy Consultant at SLR Consulting New Zealand Limited, based in Auckland.

¹ 14 submissions were recorded as not stating a position.



8. I hold a Bachelor of Planning (Hons) at the University of Auckland and am a Full Member of the New Zealand Planning Institute.
9. I have 16 years' experience as a resource management practitioner in New Zealand, which has included working for both the private sector and for central and local government on a range of resource consent and policy projects. My private sector planning experience ranges from obtaining resource consents for small and large scale residential and subdivision developments in the Auckland Region, development of private plan changes in both Auckland and Waikato for residential and commercial developments and consenting and policy development experience for clients in the telecommunication, intensive primary production, and community facility sectors.
10. My public sector planning experience involves a significant amount of central government policy research and development relating to telecommunications, forestry, climate change, highly productive land, and infrastructure. My local government policy experience involves drafting of district plan provisions in the Far North, Kaipara, Waikato, Hamilton, and Queenstown Lakes districts for local authorities.
11. These projects have given me significant experience with all parts of the Schedule 1 process from both the public and private sector perspectives, including provision research and development, provision drafting, the preparation of section 32 and 42A reports, preparation of submissions and further submissions, presentation of evidence at council hearings, preparation and resolution of appeals and Environment Court mediation.
12. I have been closely involved in the development and implementation of numerous national direction instruments under the RMA (national policy statements and national environmental standards), from the policy scoping stage through to policy decisions and drafting, the preparation of section 32 evaluation reports and implementation guidance. This includes close involvement in national direction instruments relating to highly productive land.
13. I have been working with the Far North District Council (FNDC) on the PDP since 2021. My involvement in the PDP initially involved refining certain chapters in response to submissions on the draft district plan and preparing the associated section 32 evaluation reports, specifically on rural topics.
14. I was involved in the development of the RSZ chapter (as part of review work for all of the rural zone chapters) prior to notification, including peer reviewing the chapter and inputting into the section 32 report. I was engaged by FNDC to be the reporting officer for this topic in early 2024.

2.2 Code of Conduct

15. 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.

16. I am authorised to give this evidence on the Council's behalf to the Proposed District Plan hearings commissioners ("Hearings Panel").

3 Scope/Purpose of Report

17. This report has been prepared in accordance with Section 42A of the Resource Management Act to:
 - a. assist the Hearings Panel in making their decisions on the submissions and further submissions on the Proposed District Plan; 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.
18. This report responds to submissions specific to the provisions of the RSZ chapter.
19. I am aware that there are some requests for rezoning which apply to land that is currently zoned RSZ in the PDP. These rezoning requests will not be addressed in this report. Rather, each is to be considered via Hearing Streams 15A to 15D to enable a full consideration of the zone change requests and relevant submitter evidence against an agreed set of criteria, alongside other zone request changes and taking into consideration the recommended provisions for the zone chapters.
20. Wherever possible, I have provided a recommendation to assist the Hearings Panel.
21. Separate to the Section 42A report recommendations in response to submissions, Council has made a number of Clause 16(2) amendments to the PDP to achieve consistent formatting of rules and standards, including 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" after the second to last standard (when only one of the standards must be met to comply). These changes are neutral and do not alter the effect of the rules or standards, they simply clarify the intent. The Clause 16 corrections are reflected in **Appendix 1** to this Report (Officer's Recommended Provisions in response to Submissions).

4 Statutory Requirements

4.1 Statutory documents

22. I note that the Settlement Zone section 32 report provides detail of the relevant statutory considerations applicable to the rural zone chapters.



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 or introduced since notification of the Proposed Plan which must be given effect to. Those that are relevant to the RSZ chapter and the rural environment in general are discussed in section 4.1.2 below.

4.1.1 Resource Management Act

25. The Government elected in October 2023, repealed both the Spatial Planning Act 2023 and Natural and Built Environment Act 2023 on 22 December 2023 and reinstated the RMA as New 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 when and if this 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. The PDP was prepared to give effect to the National Policy Statements that were in effect at the time of notification (27 July 2022). This section provides a summary of the National Policy Statements, relevant to Strategic Direction that have been gazetted since notification of the PDP. As District Plans must be "prepared in accordance with" and "give effect to" a National Policy Statement, the implications of the relevant National Policy Statements on the PDP must be considered.
27. The National Policy Statement for Indigenous Biodiversity (NPS-IB) took effect on 4 August 2023. This was after the PDP was notified (27 July 2022), but while it was open for submissions. The objective of the NPS-IB is to maintain indigenous biodiversity so there is at least no overall loss in indigenous biodiversity. The objective is supported by 17 policies. These include Policy 1 and Policy 2 relating to the principles of the Treaty of Waitangi and the exercise of kaitiakitanga by tangata whenua in their rohe. The approach to give effect to the NPS-IB was considered in detail through the Ecosystem and Indigenous Biodiversity in Hearing 4.
28. The NPS-HPL took effect on 17 October 2022, The NPS-HPL has a single objective: "*Highly productive land is protected for use in land-based primary production, both now and for future generations*". The objective is supported by nine policies and a set of implementation requirements setting out what local authorities must do to give effect to the objective and policies of the



NPS-HPL, including restrictions on the urban rezoning, rural lifestyle rezoning, subdivision of highly productive land (HPL) and requirements to protect HPL from inappropriate use and development.

29. The NPS-HPL has recently been amended, with changes gazetted on 16 August 2024, resulting in the removal of consenting barriers for new infrastructure, including renewable energy projects, indoor primary production and greenhouses. Driving amendments, was the agriculture, horticulture and renewable energy sectors' concerns surrounding the NPS restricting activities needing to be located on highly productive land. These amendments came into effect on 14 September 2024. The extent to which the rural zones require amendment to give effect to the NPS-HPL is considered in Key Issue 2 in the Rural Wide Issues and RPROZ s42A report.
30. I note that the direction in the NPS-HPL with respect to protecting HPL is not directly relevant to the RSZ chapter as there no land zoned RSZ which meets the definition of HPL in the NPS-HPL. As the land zoned RSZ was notified in the PDP prior to the NPS-HPL coming into effect (and is therefore subject to a Council initiated notified plan change to rezone it to settlement), it is not eligible to be considered as HPL under the transitional definition of HPL in clause 3.5(7).

4.1.2.2 National Policy Statements – Announced Future Changes

31. In October 2023 there was a change in government and several announcements have been made regarding work being done to amend various national direction instruments. None of these announcements are likely to have a direct impact on the RSZ.
32. Of relevance to the rural chapters of the PDP, further amendments to the NPS-HPL have been signalled for 2025 but have not yet been actioned, including the need to enable housing growth and remove associated consenting barriers. The Government has signalled these amendments will be consulted on in early 2025 as part of a wider national direction programme. This work may include changes to the definition of 'Highly Productive Land' to enable more flexibility for urban development.

4.1.3 National Environmental Standards

33. The National Environment Standards for Commercial Forestry 2017 (NES-CF), which amend the NES-PF, came into effect on 3 November 2023. In addition to regulating the effects of plantation forestry, the NES-CF now regulates "exotic continuous-cover forestry", which is commercial forestry not intended to be harvested (i.e. carbon forestry). As such, the NES-CF now applies to all types of forestry deliberately established for commercial purposes (permanent indigenous forestry is not regulated under the NES-CF). In addition to bringing exotic continuous-cover forestry within scope, the changes in the NES-CF:



- a. Allow plan rules to be more stringent or lenient to manage afforestation relating to both types of forestry.²
- b. Introduce a range of operational changes, including a new permitted activity standard for managing forestry slash at harvest and new requirements around management of wilding trees.

4.1.4 National Planning Standards

34. 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 RSZ provisions proposed and recommended in this report follow this guidance. In particular, some of the National Planning Standard definitions have been used in the RSZ chapter, refer to the discussion of definitions in Key Issue 5 of the Rural Wide Issues and RPROZ section 42A report.
35. The National Planning Standards also direct that, if used, the Settlement zone must be placed in either the Rural, Residential or the Commercial and mixed use zone chapters³. In the case of the PDP it has been placed in the Rural section.
36. Also of relevance is the National Planning Standard description of the Settlement Zone as follows:

Settlement	Areas used predominantly for a cluster of residential, commercial, light industrial and/or community activities that are located in rural areas or coastal environments.
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4.1.5 Treaty Settlements

37. 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.

4.1.6 Iwi Management Plans

38. Section 74 of the RMA requires that a local authority must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority.
39. When the PDP was notified in July 2022, Council had 14 hapū/iwi management planning documents which had been formally lodged with Council, as listed in the PDP section 32 overview report. Council took these management plans, including the broader outcomes sought, into account in

² Regulation 6(4A) of the NES-CF.

³ Section 5, Direction 22 of the National Planning Standards.



developing the PDP. Of the 14 hapū/iwi management planning documents, only two have been revised since notification of the PDP –

- a. Ngā Tikanga mo te Taiao o Ngāti Hine' the Ngāti Hine Environmental Management Plan
 - b. Ahipara Takiwā Environmental Management Plan
40. A summary of the key issues that are relevant to the rural environment covered in these two hapū/iwi management planning documents is contained in Section 4.1.6 of the Rural Wide Issues and RPROZ section 42A report and is not repeated here.

4.2 Section 32AA evaluation

41. 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.
42. The section 32AA 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.
43. The section 32AA further evaluation for recommended amendments to the PDP also contains a level of detail that corresponds to the scale and significance of the anticipated effects of the changes that have been made. Recommendations on editorial, minor and consequential changes that do not change the policy intent are not evaluated under section 32AA of the RMA in this report.

4.3 Procedural matters

4.3.1 Pre-hearing meetings

44. Due to the clarity of submissions, no correspondence or meetings with the majority of submitters needed to be undertaken. However, I contacted RNZ on 30 September 2024 to determine more precise locations of their two facilities in the Far North District. Further information about the locations of



the facilities was provided on 1 October 2024 and this information has been factored into my recommendations below.

4.3.2 Proposed Plan Variation 1

45. FNDC notified Proposed Plan Variation 1 (Minor Corrections and Other Matters) for public submissions on 14 October 2024. The submission period closes on 14 November 2023. Proposed Plan Variation 1 makes minor amendments to correct minor errors, amend provisions that are having unintended consequences, remove ambiguity and improve clarity and workability of provisions. This includes amendments to the zoning of some properties, and the Coastal flood hazard areas.
46. Plan Variation 1 does not propose any amendments that are directly relevant to the RSZ topic.

5 Consideration of submissions received

5.1 Overview of submissions received.

47. There are 50 original submissions points on the RSZ chapter, including 10 submissions in support, 19 supporting in part and 7 in opposition⁴. There are also 32 further submission points received on those original submissions.
48. The main submissions on the RSZ chapter came from:
 - a. Central and local government, namely FNDC (S368), MOE (S331) and FENZ (S512).
 - b. Infrastructure providers, such as Transpower (S454), KiwiRail (S416) and RNZ (S489).
 - c. Non-governmental organisations, such as Kapiro Conservation Trust (S442) and Our Kerikeri (S338).
 - d. Individual submitters, such as Ian Ray (Joe) Carr ('Joe Carr', S397), Lynley Newport (S100), Yvonne Sharp (S90), Chris Sharp (S313) and John Andrew Riddell (S431).
49. The key issues identified in this report are set out below:
 - a. Key Issue 1: General submissions on the RSZ chapter
 - b. Key Issue 2: RSZ Overview, Objectives and Policies
 - c. Key Issue 3: RSZ Rules
 - d. Key Issue 4: RSZ Standards

⁴ 14 submissions were recorded as not stating a position.



e. Key Issue 5: Subdivision SUB-S1 and the Settlement Zone

50. Section 5.2 constitutes the main body of the report and considers and provides recommendations on the decisions requested in submissions. In some cases, due to the repetition of submission content, it is not efficient to respond to each individual submission point raised in the submissions. Instead, this part of the report groups similar submission points together under key issues. This thematic response assists in providing a concise response to, and recommended decision on, submission points.
51. Key Issues 1-5 of the Rural Wide Issues and RPROZ chapter respond to submission that have implications for the RSZ e.g. deciding on the suite of rural zones for the Far North District, giving effect to the NPS-HPL, plan-wide submissions impacting the RSZ and definitions. The analysis in Key Issues 1-5 of the Rural Wide Issues and RPROZ section 42A report should be read alongside this report and is not repeated here for efficiency and to reduce replication across these reports.

5.2 Officer Recommendations

52. A copy of the recommended plan provisions for the RSZ chapter is provided in **Appendix 1 – Recommended provisions to the Settlement Zone**.
53. A full list of submissions and further submissions on the RSZ chapter is contained in **Appendix 2 – Recommended Decisions on Submissions** to this report.

5.2.1 Key Issue 1: General Submissions on RSZ chapter

Overview

Provision(s)	Officer Recommendation(s)
RSZ-S1	Consequential addition of a note to address RNZ concerns

Analysis of Submissions on Key Issue 1: General Submissions on RSZ chapter

Matters raised in submissions

Radio New Zealand (RNZ)

54. RNZ (S489.042) have requested the insertion of a note applying to RSZ land within 1,000m of RNZ's facilities. The requested advice note from RNZ is as follows:

"There is a risk that significant tall structures (i.e., higher than 40m) within 1,000m of Radio New Zealand's Facilities at Waipapakauri or Ōhaeawai, could present a safety risk from electro magnetic coupling. Developers of such structures should consult with Radio New Zealand at the planning stage to ensure such risks are avoided."



Foodstuffs

55. Foodstuffs (S363.020) request the insertion of a new rule to provide for supermarkets as a permitted activity in the RSZ chapter as they consider that the lack of an enabling activity status for supermarkets fails to recognise the operational requirements of supermarkets or the benefits they provide to the wider community. Foodstuffs considers that this will unnecessarily restrict future plans to development new or existing facilities in RSZ over the 10 year lifespan of the PDP.
56. Foodstuffs (S363.026) notes that RSZ-R1 manages new buildings or structures, and extensions or alterations to existing buildings or structures. However, Foodstuffs considers that the bulk and scale of a building should be managed separately to the scale of activities and that RSZ-R1 is confusing these two effects. Foodstuffs seek to amend to amend RSZ-R1 to provide for an increase in the scale of buildings to a level that they content is appropriate to the RSZ. I note that the submission does not include any proposed wording to address their concerns or any indication of what is considered to be an appropriate building scale in the RSZ.
57. Foodstuffs (S363.027, S363.028) also request that RSZ-R8 (commercial activity) is amended to provide for supermarkets within an appropriate gross floor area (GFA) limit that is consistent across all settlements. Foodstuffs considers that a supermarket is a 'commercial activity' as defined in the PDP. Foodstuffs are concerned that RSZ-R8 only provides for some commercial activities as a permitted activity (retail and office activities) and that any activity that fails to comply with the low GFA thresholds is a discretionary activity. Foodstuffs considers that this approach is inappropriate, inefficient and ineffective as the supermarkets are essential services for small communities and RSZ is the only rural zone eligible for this type of activity.
58. Finally, Foodstuffs raises concerns that RSZ-R8 provides for retail and office activities at a larger scale as a permitted activity within Moerewa (400m²), but a smaller GFA threshold of 300m² is applied to other settlements. Foodstuffs considers that there is no clear justification or section 32 support for a smaller limit in other settlements other than Moerewa.

Analysis

Radio New Zealand

59. I appreciate that RNZ have raised some clear safety concerns relating to Electro Magnetic Coupling (EMC). I agree that a note could be a way to ensure landowners are alerted of the risks of radiation from the masts that can induce dangerous Electro Magnetic Radiation (EMR) levels into nearby tall metallic objects through EMR coupling.
60. However, I consider that the note could be more specific as to when EMR coupling effects are likely to occur, related to how far the structure is from the mast and the vertical height of the structure, and when notification of



RNZ is required so not all development needs to consult RNZ. I have contacted RNZ and they have confirmed that, in the RSZ, EMR risks are only concerning if buildings or structures are over 40m in height. This differs from the situation in the RPROZ as RSZ is further away from the facilities, so the height at which there is an EMR risk is higher.

61. I also consider that the note is best placed under RSZ-S1 given that this is the standard that manages the maximum height of buildings and structures. I have recommended amendments to RSZ-S1 accordingly. I note that this approach is consistent with the recommendations that I have made to the RPROZ provisions to resolve the same issue.

Foodstuffs

62. I acknowledge that Foodstuffs are requesting more permissive provisions for supermarkets throughout the PDP and the RSZ is the only rural zone potentially suitable for a supermarket to establish. I agree that communities can benefit from having convenient access to the retail goods that supermarkets provide, particularly where those settlements are in more isolated locations. However, the rural and coastal settlements of the Far North district are very diverse, as described in Section 4.1 of the Settlement section 32 report as follows:

"The Far North District has a range of Rural and Coastal Settlements that vary significantly in size, but also vary in terms of their function and the range of services they provide to their communities. Larger settlements such as Moerewa, Houhora Heads/Pukenui and Okaihau have 100-300 houses and provide a range of commercial and community services, whereas smaller settlements such as Waimamaku may only have 15-20 houses and no other services or businesses."

63. Given this variety across the RSZ, I disagree that there should be a consistent permitted activity pathway for supermarkets in every settlement as clearly this will not be appropriate for the character of some (if not the majority) of Far North's settlements. I agree with Foodstuffs that supermarkets would fall into the definition of 'commercial activity' and are therefore restricted to 300m² premises in all settlements other than Moerewa (which allows up to 400m²) as a permitted activity under RSZ-R8. In my view, a full-scale supermarket that is larger than these GFA caps would be out of character for any of the Far North settlements and a discretionary activity pathway for supermarkets larger than these caps is wholly appropriate.
64. With respect to providing for slightly larger retail premises in Moerewa compared to other settlements in RSZ-R8, I note that Section 3.2.1 of the Settlement section 32 report explains that *"Moerewa is large enough to qualify for separate urban zoning to make distinctions between different activities but has been zoned Settlement as it is not connected to reticulated services"*. As such, Moerewa is a unique settlement in the context of the Far



North district and the 400m² acknowledges that a slightly larger small-scale general store/mini supermarket is appropriate as a permitted activity⁵ with minimal adverse effects on the character of the town or functionality of surrounding streets with respect to traffic. However, even in Moerewa, I do not consider it appropriate to provide a permitted pathway for a supermarket larger than 400m² in RSZ-R8 and I am unclear from the Foodstuffs submission as to what scale of permitted activity GFA threshold would be considered sufficient to address their concerns.

65. With respect to the Foodstuffs requested amendments to RSZ-R1, I have assumed that the two types of effects that Foodstuffs consider to be conflated are the potential built dominance, shading and privacy effects typically managed by bulk and location controls and the effects associated with the scale of an activity e.g. traffic movements, hours of operation, overall footprint, which are typically controlled with a GFA cap. I disagree that the drafting of RSZ-R1 confuses these two types of effects or how they are managed. RSZ-R1 provides for a new building or structure, or extension or alteration to an existing building or structure, **if it accommodates a permitted activity** (my emphasis added). To be permitted under RSZ-R1, a retail activity such as a supermarket would need to comply with the listed standards under RSZ-R1, which includes bulk and location controls such as maximum height limits and height in relation to boundary standards. However, it must also accommodate a permitted activity for the building itself to be permitted, so a supermarket would have to comply with the GFA caps under RSZ-R8 as well. The relationship between the RSZ-R1 building and structure rules, and the other land use rules and the standards, has been mirrored across all of the rural zones and has not been raised as an issue for other activities. I consider that it works well as a drafting approach and see no reason to make further amendments in response to the Foodstuffs submission.

Recommendation

66. For the reasons set out above, I recommend that the submissions by Radio New Zealand and Foodstuffs are accepted in part and rejected as set out in **Appendix 2**.
67. I recommend that that a note is added to RSZ-S1 as follows:

"NOTE:

If a resource consent application is made for an infringement of RSZ-S1 and the proposed building or structure is greater than 40 metres in height and within 1,000 metres of the Waipapakauri transmitter at Spains Road, Awanui, Part Lot 4 DP 43276 or the Ōhaeawai transmitter at State Highway 12, Ohaeawai Part Te Riu Block XII Omapere Survey District SO 43051, consultation will be required with Radio New Zealand to manage potential adverse electromagnetic coupling effects."

⁵ Noting that there is already a small 4-Square supermarket in Moerewa.



Section 32AA evaluation

68. I consider that the addition of an advice note to RSZ-S1 is an efficient way of recognising the potential EMR coupling risk resulting from over height buildings and structures close to radio transmitters, without imposing an additional consenting burden on surrounding landowners. It effectively alerts landowners to the risk and facilitates communication with RNZ to mitigate any potential issues without the need to involve FNDC directly in a regulatory capacity. As such, I consider this amendment appropriate in terms of section 32AA of the RMA.

5.2.2 Key Issue 2: RSZ Overview, Objectives and Policies

Overview

Provision(s)	Officer Recommendation(s)
RSZ Overview	Retain as notified
RSZ Objectives	Retain as notified
RSZ Policies	Minor change to chapeau of RSZ-P5, otherwise retain as notified

Analysis of Submissions on Key Issue 2: RSZ Overview, Objectives and Policies

Matters raised in submissions

69. Lynley Newport (S100.001) supports retaining the Overview in the RSZ chapter as notified in the PDP.
70. Joe Carr (S397.002, S397.003, S397.004) supports retaining the Overview, Objectives and Policies in the RSZ chapter as notified in the PDP.

Analysis

71. As both these submissions are in support, I do not recommend any amendments to the overview, objectives and policies of the RSZ. I have also reviewed these provisions in light of the recommendations made in Key Issues 1-5 of the Rural Wide Issues and RPROZ section 42A report. The only consequential amendment required to align with new or amended definitions or other rural chapters is a minor amendment to the chapeau of RSZ-P5. This is to match the recommended format for equivalent 'consideration' policies in other rural zones for the reasons set out in Key Issue 10 of the Rural Wide Issues and RPROZ section 42A report.

Recommendation

72. For the above reasons, I recommend that the RSZ overview, objectives and policies are retained as notified and that the submission points from Lynley Newport and Joe Carr are accepted. I note that **Appendix 2** responds to other submissions on the RSZ overview, objectives and policies that were addressed in Key Issue 4 of the Rural Wide Issues and RPROZ section 42A report, e.g. from MOE (S331) and Transpower (S454). No amendments to



the RSZ overview, objectives and policies are required as a result of these plan wide submissions.

73. I recommend that that chapeau of RSZ-P5 is amended to use the same wording as RPROZ-P7 in the Rural Wide Issues and RPROZ section 42A report and earlier section 42A reports.

Section 32AA evaluation

74. The rationale for the amended chapeau wording of RSZ-P5 has been assessed under section 32AA in other PDP reports with similar 'consideration policies' (e.g. CE-P10 in Hearing Stream 4), where it was concluded that the amendments will achieve a more efficiently drafted chapeau that more effectively explains the intended purpose of the policy.

5.2.3 Key Issue 3: RSZ Rules

Overview

Provision(s)	Officer Recommendation(s)
RSZ-R1, RSZ-R2, RSZ-R3, RSZ-R4, RSZ-R5, RSZ-R6	Minor amendments to clarify intent and align with the Rural Wide Issues and RPROZ section 42A report
RSZ-R7 to RSZ-R15	Retain as notified
RSZ-R16	Consequential amendment to expand scope of activity to include intensive outdoor primary production
Advice note 2	Minor amendment to correct error and align with Coastal Environment section 42A report
New advice note 3	Consequential amendment to refer to Mineral Extraction Zone objectives and policies
New advice note 4	Consequential amendment to align with the NES-CF

Analysis of Submissions on Key Issue 3: RSZ Rules

Matters raised in submissions

General comments

75. NZMCA (S438.016, S438.017) supports the rules in the RSZ chapter in part but request amendments to provide for camping grounds as discretionary activities across comparable zones. NZMCA considers that camping grounds would have similar effects in the RSZ as they would in the General Residential zone and a discretionary activity status in both these zones would ensure compatible treatment of camping grounds across comparable zones in the PDP.
76. I note that no submissions were received on rules RSZ-R6, RSZ-R7 and RSZ-R9 to RSZ-R16 inclusive.



RSZ-R1

77. FNDC (S368.009) supports RSZ-R1 in part but raises concerns with the rule as it is currently drafted. FNDC considers that, to breach this rule as notified, the activity becomes discretionary which was not the intent if the activity itself is permitted, controlled or restricted discretionary. FNDC request that PER-1 of RSZ-R1 is amended to include controlled and/or restricted discretionary activities in addition to permitted activities.

RSZ-R2

78. The only submissions received on RSZ-R2 – Impermeable surfaces have been considered and responded to in Key Issue 4 of the Rural Wide Issues and RPROZ section 42A report.

RSZ-R3

79. FNDC (S368.083) supports RSZ-R3 in part and requests amendments to exclude a 'minor residential unit' from this rule as it is intended that RSZ-R10 provides for a minor residential unit in addition to a principal residential unit on a site. To achieve this, FNDC request an additional exemption from PER-1 as follows:

PER-1 does not apply to:

- i. a single residential unit located on a site less than 3,000m².*
 - ii. A minor residential unit constructed in accordance with rule RPPROZ-R10.*
80. Joe Carr (S397.005) supports RSZ-R3 in part but considers the permitted residential activity threshold of 3,000m² is too high and out of context with the long established and well accepted lot sizes found at Okaihau. Joe Carr requests the following amendments to RSZ-R3:
- a. Lower the permitted Residential Activity PER-1 threshold to 1,500m².
 - b. Introduce a restricted discretionary status with an allowable threshold of 1,000m² with matters of discretion restricted to the availability of land for disposal of effluent and stormwater on the site without adverse effects on adjoining waterbodies (including groundwater and aquifers) or on adjoining sites.
 - c. Introduce a discretionary (DIS-I) status activity with a minimum lot size of 600m². The activity status where compliance not achieved with this DIS-1 should be non-complying.



RSZ-R4

81. FENZ (S512.042) supports retaining RSZ-R4 (Visitor accommodation) as notified in the PDP as it contains a matter of discretion relating to water supply for firefighting. The other elements of this submission point relating to a similar matter of discretion being applied to other activities in other rural zones has been addressed in Key Issue 4 of the Rural Wide Issues and RPROZ section 42A report.
82. FNDC (S368.026) support RSZ-R4 in part and request a correction to clause (f) of the matters of discretion as follows: "*wastewater treatment and disposal*".

RSZ-R5

83. John Andrew Riddell (S431.143) requests that PER-4 of RSZ-R5 is amended to apply the hours of operation to when the business is open to the public.
84. Northland Planning and Development 2020 Limited (S502.059) support RSZ-R5 in part, but request that the maximum GFA of an accessory building that can be used by a home business in PER-2 is deleted.

RSZ-R8

85. Our Kerikeri (S338.017), Vision Kerikeri (S522.039), Kapiro Conservation Trust (S449.019) and Carbon Neutral NZ Trust (S529.018) raise concerns that the RSZ does not provide for small local shops or similar facilities. These submitters consider that a combined dairy/café in larger settlements would be beneficial as it could allow local people to walk to obtain everyday needs instead of driving to an urban centre. The submitters consider the appropriateness of small shops/cafes is dependent on where there is a suitable location available where it would not create additional traffic problems or other adverse effects on local communities or small roads leading into settlements. It is not clear from the submissions as to which RSZ provisions this relief applies to, however these points are considered in relation to RSZ-R8 – Commercial activities in the analysis below.

RSZ-R10

86. Lynley Newport (S100.003) supports providing for a minor residential unit within the RSZ and requests that RSZ-R10 is retained as notified in the PDP.

Analysis

General comments

87. My understanding of the NZMCA submission is that the submitter is of the understanding that the default activity rule RSZ-R13 captures camping grounds, as these are not specifically listed in the rules table. I also understand that NZMCA agree with the discretionary activity status of



camping grounds and the actual intent of their submission is to obtain an equivalent activity status for camping grounds in the General Residential Zone (where camping grounds are currently non-complying). As such, I do not consider that any amendments are required to the RSZ rules to address this submission. The appropriateness of amending the activity status of camping grounds in the General Residential Zone will be addressed in Hearing Stream 14, currently scheduled for July 2025.

88. Although no submissions were received on RSZ-R6 and RSZ-R16, I consider that some minor amendments are required to some of these rules to align with wording changes recommended in the Rural Wide Issues and RPROZ section 42A report, namely:
 - a. The title of RSZ-R6 should be amended to read 'educational facility' to align with the definition of 'educational facility' and the activity status should be amended to restricted discretionary if the permitted conditions are not complied with.
 - b. The scope of RSZ-R16 should be expanded to include 'intensive outdoor primary production'.
89. I also recommend that a consequential amendment is made to Advice Note 2 for integration and consistency with recommendations in the Coastal Environment and Natural Character topics (under clause 10(2)(b) of Schedule 1), for the reasons set out in Key Issue 26 of the Rural Wide and RPROZ section 42A report.
90. Finally, I recommend that two new advice notes are inserted relating to mineral extraction activities and the NES-CF that align with equivalent notes recommended to be inserted into the RSZ chapter under clause 10(2)(b) of Schedule 1, for the reasons set out in Key Issues 14 and 23 of the Rural Wide and RPROZ section 42A report.

RSZ-R1

91. I agree with FNDC that RSZ-R1 as currently drafted does not account for buildings or structures required for controlled or restricted discretionary activities. I have recommended an amendment to RSZ-R1 to remedy this issue, as set out in the recommendations below.
92. I also note that minor amendments are required to RSZ-R1 to specifically refer to relocated buildings for the reasons set out in Key Issue 4 of the Rural Wide Issues and RPROZ section 42A report. I have recommended that these amendments are made in the recommendations section below.

RSZ-R2

93. I consider that minor amendments to RSZ-R2 – Impermeable surfaces are required for the reasons set out in Key Issue 4 of the Rural Wide Issues and



RPROZ section 42A report. I have recommended that these amendments are made in the recommendations section below.

RSZ-R3

94. I agree with the submission from FNDC that minor residential units should be excluded from RSZ-R3 for clarity. I consider that this was the original intention of the rule, otherwise the minor residential unit rule (RSZ-R10) would have no purpose and would never be utilised. This amendment is also consistent with other recommendations to equivalent rules in other rural zones e.g. RPROZ.
95. With respect to the submission from Joe Carr, I note that this submitter is requesting a much more permissive residential activity rule, which would allow one residential unit per 1,500m² as a permitted activity (as opposed to the notified permitted threshold of 3,000m²), as well as lower thresholds for both restricted discretionary and discretionary activities. Firstly, I consider it very important that the residential activity provisions in the RSZ align with the minimum lot sizes for the RSZ in SUB-S1 to ensure that the subdivision provisions are not undermined by more permissive residential activity provisions. In my experience, once a residential unit is constructed there is often increased pressure to subdivide around that residential unit on the basis that there are no tangible environmental effects from new legal boundaries being drawn and new titles issued. If residential activity provisions allow for more residential units to be constructed on a site than the number of lots provided for in the subdivision rules, it is very difficult for Council staff to reject subdivision applications and the residential activity provisions often become the accepted number of lots able to be subdivided by default.
96. As such, I do not recommend decoupling the residential activity provisions from the minimum lot sizes in SUB-S1. My recommendations on minimum lot sizes are considered in Key Issue 6 below and will address submissions on SUB-S1 but also submissions requesting alignment between more permissive minimum lot sizes and RSZ-R3.

RSZ-R4

97. I acknowledge that FENZ support the retention of RSZ-R4, and I agree this provision should be retained as notified, with a minor correction to the wording of clause (f) of the matters of discretion, as requested by FNDC to clarify intent.

RSZ-R5

98. John Andrew Riddell requests amendments to PER-4 of RSZ-R5 with respect to the hours of operation of home businesses. I agree that not all home businesses will be 'open to the public' and therefore limiting operation hours for small, work from home businesses with no face-to-face customers is likely to be overly restrictive. However, I have concerns with an open-ended



condition, as suggested by John Andrew Riddell, that states that the hours of operation should match when the business is open to the public without any indication of suitable opening hours for a public facing business. For a permitted activity condition to be effective, it needs to be measurable against a specific limit. As such, I recommend retaining the operating hours in PER-4 of RSZ-R5 but clarifying that these hours only restrict when a business can be open to the public, not the hours a business can operate.

99. I acknowledge the concerns of Northland Planning and Development 2020 Limited and that they are seeking more flexibility from RSZ-R5, particularly when utilising existing accessory buildings. I agree that, in some cases, the controls on number of persons engaged in the home business and the requirement to undertake all activities within a building or have the activities screened will manage off-site effects on neighbouring properties. However, the intent of the GFA limit on accessory buildings is to put a check point in place to assess the scale and nature of the home business. There may be some commercial or industrial activities that only employ a few people but create adverse effects such as noise, dust, traffic movements etc that do not fit well in the rural environment. Having no GFA limits on accessory buildings increases the likelihood that a full scale commercial or industrial activity is able to set up in the RSZ when it is better located in an urban zone. As such, I do not recommend removing the GFA limit from RSZ-R5.

RSZ-R8

100. I acknowledge the concerns raised by Our Kerikeri, Vision Kerikeri, Kapiro Conservation Trust and Carbon Neutral NZ Trust that the RSZ chapter does not specifically provide for a small shop, dairy or café. Although these terms are not mentioned specifically in the RSZ rules table, I consider that these activities fall under the broader definition of 'commercial activities'. This means that they are enabled as a permitted activity under RSZ-R8, provided they can comply with the GFA caps for retail activities in PER-1 (400m² in Moerewa and 300m² in all other settlements). In my view, these GFA cap for retail activities are sufficiently large enough to accommodate a small shop, dairy or café and, as such, no amendments are required to address these submissions.

RSZ-R10

101. I acknowledge that Lynley Newport supports retention of RSZ-R10 and I recommend that it is retained as notified.

Recommendation

102. For the reasons set out above, I recommend that the submissions on the RSZ rules are accepted, accepted in part and rejected as set out in **Appendix 2**.
103. I recommend that Advice Note 2 above the Rules table is amended as follows:



This zone chapter does not contain rules relating to setbacks to waterbodies and MHWS for buildings or structures or setbacks to waterbodies and MHWS for earthworks and indigenous vegetation clearance. The Natural Character chapter contains rules for activities within wetland, lake and river margins and the Coastal Environment chapter contains rules for activities within the coastal environment. The Natural Character chapter and the Coastal Environment chapter should be referred to in addition to this zone chapter.

- 104. I recommend that new Advice Notes 3 and 4 are inserted relating to mineral extraction objectives and policies and the NES-CF to align with equivalent notes in the RPROZ chapter.
- 105. I recommend that RSZ-R1 is amended as follows⁶:

RSZ-R1	New buildings or structures, <u>relocated buildings</u> or extensions or alterations to existing buildings or structures	
Settlement Zone	<p>Activity Status: Permitted</p> <p>Where:</p> <p>PER-1</p> <p>The new building or structure, <u>relocated building</u> or extension or alteration to an existing building or structure, will accommodate a permitted, <u>controlled or restricted discretionary</u> activity.</p> <p>PER-2:</p> <p>The new building or structure, <u>relocated building</u> or extension or alteration to an existing building or structure complies with standards:</p> <p>RSZ-S1 Maximum height;</p> <p>RSZ-S2 Height in relation to boundary;</p> <p>RSZ-S3 Setback (excluding from MHWS or wetland, lake and river margins);</p> <p>RSZ-S4 Setback from MHWS;</p>	<p>Activity status where compliance not achieved with PER-2: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <p>a. the matters of discretion of any infringed standard.</p> <p>Activity status where compliance not achieved with PER-1: Discretionary</p>

⁶ Note that the recommended the deletion of RSZ-S4 and insertion of new RSZ-SX are addressed in Key Issue 4 below.



	RSZ-S5 Outdoor living space; RSZ-S6 Outdoor storage; and RSZ-S7 Landscaping and screening-; <u>RSZ-SX Sensitive activities setback from intensive indoor and outdoor primary production activities; and</u> <u>RSZ-SY Sensitive activities setback from buildings or structures used to house, milk or feed stock (excluding buildings or structures used for an intensive indoor or outdoor primary production activity).</u>	
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106. I recommend that matter of discretion c) in RSZ-R2 relating to impermeable site coverage is amended as follows:

'c. the availability of land for disposal of effluent and stormwater on the site without adverse effects on adjoining waterbodies (including groundwater and aquifers) or on adjoining sites or downstream sites'

107. I also recommend that RSZ-R2 relating to impermeable site coverage also includes additional matter g) as follows:

'g. extent of potential adverse effects on cultural, spiritual, heritage and/or amenity values of any affected waterbodies.'

108. I recommend that an exemption from PER-1 is added into RSZ-R3 as follows:

'This rule PER-1 does not apply to:

- i. a single residential unit located on a site less than 3,000m².*
- ii. a minor residential unit constructed in accordance with rule RSZ-R10.'*

109. I recommend that RSZ-R4(f) is amended to read "wastewater treatment and disposal".

110. I recommend that the wording of PER-4 in RSZ-R5 is amended to clarify that the permitted condition relating to operating hours only applies to the hours that a business is open to the public.



111. I recommend that the title of RSZ-R6 is amended to read '*Educational facilities*' and the activity status is amended to restricted discretionary (when permitted conditions are not complied with) and new matters of discretion are inserted as per the recommendations in Key Issue 4 of the Rural Wide Issues and RPROZ section 42A report.
112. I recommend that title of RSZ-R16 is amended to read '*Intensive indoor and outdoor primary production*'.

Section 32AA evaluation

113. I consider that my recommended amendments to Advice Note 2 are consequential resulting from recommendations in the Coastal Environment section 42A report. Similarly, I consider that my recommended insertion of two new advice notes relating to mineral extraction activities and the NES-CF are consequential resulting from recommendations in the Rural Wide Issues and RPROZ section 42A report. As such, it is my view that no evaluation for these recommended amendments is required under section 32AA of the RMA.
114. I consider that the amendments to RSZ-R1, RSZ-S3, RSZ-R4 and RSZ-R5 are minor amendments to clarify intent and do not change the intention of the rules from what was originally notified. On this basis, in my view, no evaluation for these recommended amendments is required under section 32AA of the RMA.
115. I consider that the rationale for amending RSZ-R2, RSZ-R6 and RSZ-R16 with respect to section 32AA has been clearly set out for the equivalent RPROZ rules in the Rural Wide Issues and RPROZ section 42A report and is not repeated here.

5.2.4 Key Issue 4: RSZ Standards

Overview

Provision(s)	Officer Recommendation(s)
RSZ-S1, RSZ-S2, RSZ-S6	Retain as notified
RSZ-S3	Minor amendment to insert exemption for fences and walls
RSZ-S7	Amendment to focus standard on shared boundaries with the RPROZ
New standard RSZ-SX	Insert setback standard for sensitive activities from existing intensive indoor and outdoor primary production activities
New standard RSZ-SY	Insert setback standard for sensitive activities from buildings for housing, milking or feeding stock



Analysis of Submissions on Key Issue 4: RSZ Standards

Matters raised in submissions

General

116. Ventia Ltd (S424.011⁷) requests that an equivalent standard to RPROZ-S7 is inserted into the RSZ to protect Mineral Extraction Overlays.

RSZ-S2

117. Yvonne Sharp (S90.003) and Chris Sharp (S313.003) oppose RSZ-S2 – Height in relation to boundary (HIRB) and request that it is amended to be consistent with the sunlight standard in the ODP. The submitters consider that the PDP has changed the ODP sunlight standard without any justification in the section 32 report to support the change. The submitters are therefore concerned that it is not known if the ODP rules are working or if the degree of change proposed is warranted.
118. John Andrew Riddell (S431.185) supports standard RSZ-S2 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.

RSZ-S3

119. Northland Planning and Development 2020 Limited (S502.060) supports RSZ-S3 in part but requests that the standard is not applied to fences and retaining walls less than 1.8m in height. The submitter notes that RSZ-R7 requires a solid fence with minimum height of 1.8m along a road boundary which is not occupied by buildings. The submitter requests the following amendments to RSZ-S3:

".....

This standard does not apply to:

- i. uncovered decks less than 1m in height above ground level; or*
- ii. fences and retaining walls less than 1.8m in height.*
- iii. underground wastewater infrastructure; or*
- iv. water tanks less than 2.7m in height above ground level; or*
- v. a building or structure exceeding this standard for a maximum distance of 10m along any one boundary other than a road or public boundary.*

⁷ Note that this submission was incorrectly allocated to the Mineral Extraction overlay topic in the Summary of Submissions. It has been assessed here as it clearly relates to a request for a new standard in the RSZ.



RSZ-S7

120. Yvonne Sharp (S90.004) and Chris Sharp (S90.005) oppose RSZ-S7 (landscaping and screening) and request that it is deleted on the basis that it is excessively restrictive. They note that some properties, such as those located in Doves Bay, vary considerably in elevation and position and that the proposed standard is inappropriate for a number of these sites. The submitters state that the community in Doves Bay enjoys an open friendly lifestyle with the ability for those that wish a higher degree of privacy to create it. They consider that the proposed landscaping and screening standard will impede and reduce community interaction.
121. Brian Francis Steere (S508.001) also opposes RSZ-S7 and requests that it is deleted as it is not appropriate for the Opito Bay community. Brian Francis Steere states that requiring 1.8m fences or landscaping would destroy the community feel and the nature of Opito Bay. Residents always have the option of building a fence or can plant screens that ensure privacy if desired. Brian Francis Steere also considers many properties are south facing and shading from overgrown boundary trees can be hazardous and dangerous as these shaded areas grow moss and mould on driveways.

Analysis

122. I note that no submissions were received on RSZ-S1, RSZ-S4, RSZ-S5, or RSZ-S6.
123. Regarding the request from Ventia Ltd for a Mineral Extraction Zone setback standard to align with RPROZ-R7, I note that there is no land zoned Settlement within 100m of a Mineral Extraction Zone and the locations of these two zones are largely separate across the Far North District, as is appropriate for incompatible land uses. I also consider it unlikely that any additional land within 100m of a Mineral Extraction Zone will be zoned Settlement in the future. As such, I do not consider that a standard specifying a 100m setback for sensitive activities from a Mineral Extraction Zone boundary is necessary in the RSZ.

RSZ-S2

124. With respect to the submissions from Yvonne Sharp, Chris Sharp and John Andrew Riddell, I can confirm that the HIRB standard (RSZ-S2) is intended to replace the sunlight standard for the Rural Production Zone (8.6.5.1.2) and the Coastal Residential Zone (10.8.5.1.5)⁸ in the ODP, both of which impose a 2m+45° recession plane on all boundaries, regardless of orientation. The key difference in RSZ-S2 is that the recession plane is more permissive on the northern boundary of a site (2m+55°), which naturally has better access to sunlight, and is more restrictive on the southern boundary (2m+35°) where there is a greater chance of shading and loss of

⁸ Being the two ODP zones that the RSZ replaces in the PDP.



access to sunlight. On the eastern and western boundaries of a site, RSZ-S2 is exactly the same as the ODP rule i.e. 2m+45°.

125. I also note that the exemption in RSZ-S2(v) relating to the HIRB standard not applying to *'a building or structure that exceeds this standard for a maximum distance of 10m along any one boundary other than a road boundary, provided the maximum height of the building where it exceeds the standard is 2.7m'*, is the same as under the Coastal Residential Zone standard 10.8.5.1.5.
126. I acknowledge that the Settlement Zone section 32 report did not specifically address this change, however the move to amending HIRB standards to better manage effects dependent on the boundary orientation is a change that has been made consistently across the PDP. I consider that the move is positive as it provides a more permissive standard along northern boundaries where buildings higher and closer to the boundary are less likely to result in shading and better protects neighbouring buildings adjacent to southern boundaries where the risk of shading is greater. Tailoring HIRB standards to the orientation of site boundaries is a very common approach nationally to manage access to sunlight and shading and, in my experience, results in better outcomes for neighbouring properties, particularly when an applicant is building right up to the HIRB limit.
127. As such, I do not recommend any amendments to RSZ-S2 as a result of these submissions and acknowledge the support of John Andrew Riddell in retaining RSZ-S2 as notified.

RSZ-S3

128. I agree with Northland Planning and Development 2020 Limited that there should be an exemption for fences and walls from RSZ-S3. I am unclear as to why this exemption was not in the RSZ as notified given that there is an exemption for fences and walls in the setback standards in most of the other rural zones⁹, as well as in the corresponding urban zones i.e. General Residential and Mixed Use. For consistency I recommend that the wording should be the same as the other zone chapters, i.e. *'fences or walls no more than 2m in height above ground level'*.

RSZ-S7

129. I agree with the submitters in opposition to RSZ-S7 relating to requirements for fencing and landscaping along boundaries. In my view RSZ-S7 as notified is likely to have perverse outcomes for rural and coastal settlements, particularly with respect to the character and amenity of settlements, traffic safety effects associated with high fences or planting along road boundaries and disconnect between the front of properties and the streetscape. I agree that, if there is a desire for additional privacy, landowners should be allowed

⁹ Not in the Horticulture or Horticulture Processing Facilities Zones.



to erect higher fences or establish planting if they wish, but they should not be required to do so.

130. I have discussed the origins of RSZ-S7 with other reporting officers in the Far North District Council policy team to understand why it was included. It appears that the basis for including RSZ-S7 in the PDP was to introduce some type of screening requirements between sites to recognise that a range of land uses are enabled in the RSZ, from residential through to commercial. The equivalent standards in the PDP are MUZ-S8 and MUZ-S9 in the Mixed Use Zone, which appear to have been the model for RSZ. However, I do not agree that the same approach to landscaping and screening in the Mixed Use Zone should be taken in the RSZ for the following reasons:
- a. The majority of sites in the RSZ are (and will likely continue to be) used for residential activities and will maintain a residential character. In my view there is very little risk of the RSZ becoming over developed and urban to the point where mandatory front yard landscaping is necessary.
 - b. Many settlements are located on state highways and/or rural roads with higher speed limits. Mandatory high fences and landscaping in these locations may impede sight distances for people exiting their properties.
 - c. I agree with the submitters that a requirement for 1.8m high fencing or landscaping on road boundaries can have detrimental effects on the public/private interface between private property and the road as it reduces the opportunities for community interaction, passive surveillance and an engaging, diverse streetscape.
131. However, I consider that RSZ-S7(2) may still have a useful function in terms of managing the zone interface between the RSZ and the RPROZ, if it is redrafted. In my view there may have been an error in the drafting of RSZ-S7(2) in that it was probably intended to apply to the boundary of a site that *does* adjoin the RPROZ, rather than applying to all boundaries *except* a boundary with the RPROZ. In terms of managing reverse sensitivity effects and protecting settlements from the adverse effects of primary production activities, I consider that 1.8m high fences or landscaping can assist with physically blocking views of primary production activities but also partially managing effects such as dust, odour and noise. This in turn can reduce the likelihood of complaints from residential neighbours living in the RSZ and protect primary production activities in the RPROZ from reverse sensitivity effects. I recommend that RSZ-S7 is redrafted to this effect in my recommendations below.

New standards

132. I note that there are no specific submissions seeking reciprocal setback rules to protect primary production activities involving animals from sensitive



activities in the RSZ, however there are general submissions seeking stronger reverse sensitivity provisions to protect primary production activities and productive land generally¹⁰. In my view this is relevant to the RSZ as most rural and coastal settlements are surrounded by RPROZ land and some settlement properties are likely to share boundaries with properties that are being used for existing primary production activities. I consider these submissions provide scope to recommend two new standards to protect existing intensive indoor and outdoor primary production activities as well as other primary production activities involving buildings housing animals. These standards match the two standards that I recommend adding into the RPROZ, for the reasons set out in Key Issue 26 of the Rural Wide Issues and RPROZ section 42A report. The recommended wording for these new setback standards is included in the recommendations below – I also note that consequential amendments are required to RSZ-R1 to ensure that these new setback standards are applied to buildings/structures containing sensitive activities.

Recommendation

133. For the reasons set out above, I recommend that the submissions on the RSZ standards are accepted, accepted in part and rejected as set out in **Appendix 2**. I do not recommend any amendments to RSZ-S1, RSZ-S2, RSZ-S5 or RSZ-S6.
134. I recommend that RSZ-S3 is amended so that the standard does not apply to *fences or walls no more than 2m in height above ground level*. I also recommend that RSZ-S3 is amended as set out in Key Issue 4 of the Rural Wide Issues and RPROZ section 42A report to address setbacks from the KiwiRail designation only¹¹.
135. I recommend that RSZ-S7 is amended as follows:

RSZ-S7	Landscaping and screening	
Settlement Zone	1. Where a site adjoins a <u>Rural Production Zone</u> , road boundary , at least 50% of that part of the site which is not occupied by buildings, structures or driveways <u>the shared boundary</u> shall be screened or landscaped with either: <ol style="list-style-type: none"> i. a solid fence or wall of a 	Where the standard is not met, matters of discretion are restricted to: <ol style="list-style-type: none"> a. the streetscape and amenity of the surrounding area; b. topographical or other site constraints making compliance with this standard impractical; c. the amenity of adjoining properties; including that

¹⁰ E.g. NRC (S359.019), Te Waka Pupuri Putea Trust (S477.015).

¹¹ I do not recommend including the same setbacks from commercial forestry and unsealed roads as recommended for RPROZ-S3 as these situations are less applicable in the RSZ.



	<p>minimum height of 1.8m; or</p> <p>ii. be landscaped with plants or trees with a minimum height of 1m at planting which will achieve a continuous screen of 1.8m in height and 1.5m in width within five years; or</p> <p>iii. be screened with a combination of (a) and (b) above.</p> <p>2. Where a internal boundary adjoins any site that is not zoned Rural Production it shall be screened or landscaped with either:</p> <p>i. be fenced with a solid fence or wall of a minimum height of 1.8m; or</p> <p>ii. be landscaped with plants or trees of a minimum height of 1m at planting which will achieve a continuous screen of 1.8m in height and 1.5m in width within five years; or</p> <p>iii. be screened with a combination of (i) and (ii) above.</p>	<p>on the outdoor living space;</p> <p>d. the scale of the building or structures and their distance from the boundary;</p> <p>e. the ability to mitigate any <u>potential reverse sensitivity effects resulting from adverse visual effects</u> of reduced, alternative or no screening through the use of alternative methods; and</p> <p>f. the design, layout and use of the site which may compensate for reduced, alternative or no screening.</p>
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136. I recommend that a new standard is inserted for a reciprocal setback that protects existing intensive indoor and outdoor primary production activities from new sensitive activities as follows:

<u>RSZ-SX</u>	<u>Sensitive activities setback from intensive indoor and outdoor primary production activities</u>
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Settlement zone	All buildings and structures used for new sensitive activities will be setback 300m from any hardstand areas, treatment systems, buildings housing animals and any other structures associated with an intensive indoor or outdoor primary production activity located on an adjoining site under separate ownership.	Where the standard is not met, matters of discretion are restricted to: a. <u>Potential reverse sensitivity effects and measures taken to mitigate these effects, such as landscaping or screening</u> b. <u>Whether there are alternative options for the location of the sensitive activity</u>
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137. I recommend that a new standard is inserted for a reciprocal setback that protects existing primary production activities involving buildings or structures that are used to house, milk or feed stock from new sensitive activities as follows:

RSZ-SY	<u>Sensitive activities setback from buildings or structures used to house, milk or feed stock (excluding buildings or structures used for an intensive indoor or outdoor primary production activity)</u>	
Settlement Zone	All buildings and structures used for new sensitive activities will be setback 100m from any buildings or structures used to house, milk or feed stock (excluding buildings or structures used for an intensive indoor or outdoor primary production activity) located on an adjoining site under separate ownership.	Where the standard is not met, matters of discretion are restricted to: a. <u>Potential reverse sensitivity effects and measures taken to mitigate these effects, such as landscaping or screening</u> b. <u>Whether there are alternative options for the location of the sensitive activity</u>

Section 32AA evaluation

138. I consider that the omission of an exemption for fence and walls from RSZ-S3 was an error and the recommended insertion of the exemption ensures consistency with equivalent setback rules in other rural zones. I consider that the other amendments to RSZ-S3 to address the KiwiRail submission have been assessed with respect to section 32AA in Key Issue 4 of the Rural



Wide Issues and RPROZ section 42A report and that evaluation is not repeated here.

- 139. I consider that the amendments to RSZ-S7 will more effectively achieve a positive public/private interface between private property and the road, increase opportunities for community interaction, improve passive surveillance and support the creation of an engaging, diverse streetscape compared to the notified version of the standard. As such, I consider the recommended amendments will appropriately achieve the objectives of the RSZ with respect to section 32AA of the RMA.
- 140. The recommendation to include two new standards to better manage reverse sensitivity effects at the boundary between the RSZ and RPROZ/HZ has been evaluated for the RPROZ chapter in Key Issue 26 in the Rural Wide Issues and RPROZ section 42A report. I consider that analysis is equally applicable to these new standards in the RSZ. As such, the section 32AA evaluation for the amendments to standards is not repeated here.

5.2.5 Key Issue 5: Subdivision SUB-S1 and the Settlement Zone

Overview

Provision(s)	Officer Recommendation(s)
SUB-S1	Retain as notified

Analysis of Submissions on Key Issue 5: SUB-S1 and the Settlement Zone

Matters raised in submissions

- 141. Willowridge Developments Limited (S250.012) support retaining the minimum lot size for the RSZ in SUB-S1 as notified in the PDP. There were four further submissions in opposition to this original submission, however these further submissions opposed the parts of the submission that related to the RPROZ and RLZ, not RSZ. There were no other submissions on the minimum lot sizes for the RSZ under SUB-S1.

Analysis

- 142. As there is only one submission in support of SUB-S1 as it relates to the RSZ (and no further submissions in opposition to this aspect of RSZ), I do not recommend any changes to the minimum lot size for the RSZ in SUB-S1. For the reasons I set out in Key Issue 3 above, also I do not recommend decoupling the residential activity RSZ-R3 from the minimum lot sizes in SUB-S1.



Recommendation

143. For the above reasons, I recommend that the minimum lot sizes in SUB-S1 for the RSZ are retained as notified in the PDP and that the submission from Willowridge Developments Limited is accepted, as set out in **Appendix 2**.

Section 32AA evaluation

144. I do not recommend any amendments to SUB-S1 as it relates to the RSZ and therefore no further evaluation is required under section 32AA of the RMA.

6 Conclusion

145. This report has provided an assessment of submissions received in relation to the RSZ chapter. The primary amendments that I have recommended relate to:
- a. Amendments to rules and standards to align with recommendations made in the Rural Wide Issues and Rural Production Zone (RPROZ) section 42A report.
 - b. Amendments to standards to better manage reverse sensitivity effects with adjoining RPROZ land and to achieve consistency with other zone standards.
146. Section 5.2 considers and provides recommendations on the decisions requested in submissions. I consider that the submissions on the RSZ chapter should be accepted, accepted in part, rejected or rejected in part, as set out in my recommendations of this report and in **Appendix 2**.
147. I recommend that provisions for the RSZ chapter be amended as set out in the RSZ chapter in **Appendix 1** below for the reasons set out in this report. The consequential amendments made to the RSZ as result of the recommendations in the Rural Wide Issues and RPROZ s42A report are also contained in **Appendix 1**.

Recommended by: Melissa Pearson, Principal Planning Consultant, SLR Consulting

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

Date: 4 November 2024