

BEFORE THE FAR NORTH DISTRICT COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the submissions and further submission made by Bentzen Farm Limited, Setar Thirty Six Limited, The Shooting Box Limited, Matauri Trustee Limited, P S Yates Family Trust, and Mataka Residents Association

AND

IN THE MATTER Hearing One: Strategic Direction and Part 1 /General / Miscellaneous Topics.

**STATEMENT OF EVIDENCE OF PETER RAYMOND HALL (PLANNER)
ON BEHALF OF BENTZEN FARM LIMITED (SETAR THIRTY SIX
LIMITED, MATAURI TRUSTEE LIMITED, P S YATES FAMILY TRUST,
AND MATAKA RESIDENTS ASSOCIATION**

13 May 2024

1.0 EXECUTIVE SUMMARY

- 1.1 I present this evidence on behalf of Bentzen Farm Limited,¹ Setar Thirty Six Limited,² The Shooting Box Limited,³ Matauri Trustee Limited,⁴ P S Yates Family Trust⁵, and Mataka Station Residents Association (**Mataka**),⁶ together “**the submitters**”. I prepared the submissions and further submissions on behalf of the submitters except for the Mataka’s primary submission, which was prepared by others, however, I support the outcomes sought in that submission and prepared its further submission. I include at **Attachment 1** the excerpts of these submissions relevant to this hearing.
- 1.2 I set out in this evidence an introduction to the submitters that I am appearing on behalf of today and throughout the course of the balance of hearings. To give the Panel an overview of future evidence to be presented, I summarise in a table at **Attachment 2** the key outcomes that are sought by the submitters in this and subsequent hearings.
- 1.3 In respect to the subject hearing, my evidence addresses one matter in Part 1 Introduction and General, where I consider an additional small amendment would greatly clarify the application of the overlays where they apply only in part to properties, as is typically the case.
- 1.4 In respect to the Strategic Direction objectives, I am generally very supportive of them as drafted; however also support two changes as sought by the submitters.
- 1.4.1 Firstly, in my opinion a new Strategic Objective should be added to the Rural Environment section as SD-RE-02, to specifically recognise and provide for the importance of non-primary production activities in the rural environment to the

¹ Submission 167, Further Submissions 066, 376 and 578.

² Submission 168, Further Submissions 069 and 377.

³ Submission 187, Further Submissions 067, 383 and 579.

⁴ Submission 243, Further Submission 582.

⁵ Submission 333, Further Submission 068, 384 and 580.

⁶ Submission 230, Further Submission 143 and 581.

social, economic and cultural well-being of the district. In my opinion, this addition appropriately recognises the diversity of existing and potential new land uses in Rural Environments and is particularly necessary given the scope of activities, zones, lot sizes, productive potential and land cover within the Rural Environment (including the Rural Production, Rural Lifestyle, Rural Residential and Settlement zones). That addition, in my view, still sits comfortably with the very important current proposed objectives protecting primary production activities and highly productive land.

- 1.4.2 Secondly, I support the recognition of ‘restoration’ as well as ‘protection’ of natural character in natural environment strategic direction SD-EP-O5. This is because this better gives effect to the New Zealand Coastal Policy Statement 2010 (**NZCPS**), in particular policies 13 and 14. I also note in my evidence, that this addition better recognises the key importance of restoration of natural character of the coastal to the Far North as a strategic issue. As will be expanded on in later hearings, the ability for appropriate subdivision, use, and development to be a catalyst for positive change to achieve such restoration outcomes is a matter of considerable importance in the district. The properties at Mataka Station and Ōmarino I discuss further below are exemplars of positive land use change, with subdivision and development providing significant environmental benefits through restoration and ongoing protection.

2.0 QUALIFICATIONS AND EXPERTISE

- 2.1 My full name is Peter Raymond Hall.
- 2.2 I hold the qualifications of Bachelor of Planning from the University of Auckland and am a full member of the New Zealand Planning Institute. I have over 30 years’ planning experience. During this time, I have had positions in local government (the former Auckland City Council) and as a consultant planner.

- 2.3 I am a director of Peter Hall Planning Limited, a planning consultancy I established in 2019. Immediately prior to that I was a Director, member of the Board and Partner at Boffa Miskell Limited, a national firm of consulting planners, ecologists and landscape architects. I am based in Tāmaki Makaurau.
- 2.4 I have undertaken a wide range of consenting and planning policy work throughout New Zealand.
- 2.5 Over the last number of years, I have prepared submissions and presented evidence to hearing panels across a range of topics to various District Plan reviews, including the Auckland Unitary Plan, the Hamilton District Plan, the Waikato District Plan, the New Plymouth District Plan and the Thames Coromandel District Plan.
- 2.6 I have had extensive experience in providing planning advice, preparing resource consent applications and appearing before Council and Environment Consent hearings for sensitive rural coastal development projects. Typically, these projects transition former marginal or unproductive farmland or pine forests into new sustainable land uses, including through subdivision for rural lifestyle lots, which brings with it greatly improved biodiversity outcomes. These projects include the Tara Iti and Te Ārai Links developments north of Auckland, Te Punga Station on the Coromandel, Wiroa Station and Ōmarino in the Bay of Islands.
- 2.7 I also provide advice clients on properties at a smaller scale, including, in relation to the Far North in recent years, planning advice and obtaining consents for subdivision and development in the coastal environment and outstanding landscapes such as Ōmarino, Pāroa Bay Station, Mataka Station and the Matauri Trustee Limited Opounui Farm property. This work has provided me with a very good understanding of the planning issues in the district and I am very familiar with the Far North Operative District Plan (**Operative Plan**) provisions and the differences between those and the equivalent provisions in the Far North Proposed District Plan (**Proposed Plan**) that my clients have submitted on through this process.

- 2.8 My practice has also included providing advice and preparing plan changes to secure development outcomes in relation to Treaty settlement land, including Tainui Group Holdings in relation to its Superhub and Inland Port at Ruakura, Kirikiriroa Hamilton and, working with development partners, Te Uri o Hau in relation to the Te Ārai North Precinct north of Auckland and Ngāti Manuhiri in relation to the Te Ārai South Precinct.
- 2.9 Bentzen Farm Limited, who I am also presenting this evidence on behalf of, took an active role in the previous review of the Far North District Plan, being a submitter and a party to the Environment Court proceedings. I appeared on behalf of Bentzen Farm Limited before the Environment Court in 2005 in relation to the subdivision provisions of the then Proposed Plan, and specifically in relation to rural and coastal subdivision, including Management Plan subdivision provisions. Following an interim decision by the Environment Court supporting the Management Plan technique⁷, I worked with the planners representing other parties to development the provisions which are now included in the Operative Plan.

3.0 CODE OF CONDUCT

- 3.1 I have read the Code of Conduct for Expert Witnesses issued as part of the Environment Court Practice Notes 2023. I agree to comply with the code and am satisfied the matters I address in my evidence are within my expertise. I am not aware of any material facts that I have omitted that might alter or detract from the opinions I express in my evidence.

4.0 SCOPE OF EVIDENCE

- 4.1 I will first provide an outline of the submitters and their interest in the proceeding and outcomes they wish to achieve through the Proposed Plan process. While this is intended to serve as a

⁷ Decision No A 29/2005 Bay of Island Coastal Watchdog and others (interim decision)

general introduction for the Panel, it should also be useful context for the submitters' relief sought in Hearing 1.

- 4.2 Maps showing the location and extent of these submitters' properties are at **Attachment 3**. With the exception of Matauri Trustee Limited (which has property north of Matauri Bay), the properties all are in, or adjoin, the Bay of Islands.
- 4.3 With reference to the submission excerpt table at **Attachment 1**, I will then set out my planning rationale for supporting the relief sought in submissions, including any changes I consider are appropriate.
- 4.4 I have read the Council's comprehensive and helpfully set out s42A reports for Hearing 1 and will respond to any matters raised there in my evidence. My evidence will focus on areas of disagreement between myself and the Council's reporting officers.
- 4.5 The specific changes to the provisions sought in my evidence are included as tracked changes to the s42A report writer's changes at **Attachment 4**.

5.0 INTRODUCTION TO THE SUBMITTERS AND PROPERTIES

Bentzen Farm Limited (Bentzen Farm)

- 5.1 Bentzen Farm owns 561 ha of land in the Eastern Bay of Islands at Parekura Bay on Manawaora Road, comprising three titles. The property has farm pasture on the valley floors with the balance on steeper slopes and ridges in regenerating native forest. Part of the property was previously in pines and is now regenerating natives.
- 5.2 Bentzen Farm has undertaken an extensive programme of riparian planting of waterways, and installation of water troughs for stock and fencing. While historically the wharf at Waipiro Bay in Parekura Bay provided access to a viable sheep and beef farm, those days are long past, with the principal purpose of the stock now being pasture management, and much of the former farm regenerating.

- 5.3 The farm predominantly has a Land Use Capability Mapping of LUC 6 (Moderately steep to steep hill slopes) and LUC 7 (Steep to very steep deeply weathered greywacke hill country), with narrow flats of valley floors adjacent streams being LUC 4 (Flat to gently undulating floodplains, low terraces)⁸.
- 5.4 Bentzen also has an interest in Ōmarino, which was formerly part of the farm and comprises an additional 141ha on the coastal edge of the property. Ōmarino was a Management Plan subdivision undertaken by Bentzen Farm, with 17 house lots and extensive coastal revegetation, which was approved by an Environment Court Consent Order in 2006 and then implemented.
- 5.5 Each separate title at Ōmarino is subject to Land Covenants on the title which require adherence to the Ōmarino Management Plan Design Guidelines and the approval of an internal Design Approval Committee.
- 5.6 Ōmarino was an early, if not the earliest, Management Plan subdivision – providing significant environmental benefits in exchange for a low density of coastal residential entitlements (17 house lots), including the planting of over 1 million native plants and pest and predator control. First restoring and then protecting natural character and biodiversity, while bringing considerable economic benefits.
- 5.7 As I discuss further below, the realisation of these entitlements is at the heart of Bentzen Farm’s submission to the Proposed Plan in relation to Ōmarino; where the ‘trade-off’ inherent in Management Plan subdivisions is not recognised and facilitated by the Proposed Plan where, despite considerable investment in ecological restoration, the entitlements to build houses on the identified house site are at risk through consent requirements of the Coastal and Outstanding Natural Landscape overlays.
- 5.8 Under the Proposed Plan, both Bentzen Farm and Ōmarino are in the Rural Production Zone with the Coastal Environment overlay

⁸ Source: Manaaki Whenua Land Care Research Land Use Capability Mapping Online Tool

extending up the interior high ridges. The bush clad interior ridges are subject to High Natural Character overlays as are pockets of older growth vegetation on the Ōmarino side (excluding the plantings done with the establishment of the subdivision). The northern facing bays and headlands of Ōmarino itself is identified as an Outstanding Natural Landscape, as are the higher bush clad interior slopes of the farm.



Ōmarino, Bay of Islands (Source: Ōmarino)

Setar Thirty Six Limited (Setar)

- 5.9 Setar owns one of three private titles on Moturua Island off the coast of Ōmarino, beyond the Rawhiti Inlet. These private titles range in size between 4.5ha and 5.7ha, with the large balance areas of the island classified as a Scenic Reserve.
- 5.10 These three small private titles are zoned Rural Production in the Proposed Plan, despite clearly having no rural production values, being occupied by houses on small, grassed clearings with native bush behind. The properties are all within the Outstanding Natural Landscape Overlay, with the High Natural Character Overlay applying to the bush clad land behind the cleared house curtilages.
- 5.11 The Setar property comprises 5.3ha. On the property are a number of buildings which have been carefully designed to blend with their coastal and natural environment, with the complex of building

designed by Bossley Architects Limited, receiving local architecture awards and international recognition for design and recognition of environment.



Moturua Island Complex, Setar Thirty Six Limited (Source: Bossley Architects)

The Shooting Box Limited (Shooting Box)

- 5.12 Shooting Box owns a 5.1ha property, comprising two titles, at 20 Kokinga Point Road, Rawhiti in the Eastern Bay of Islands. The titles comprise 4.2 hectares and 9,715 m².
- 5.13 The property has frontage to Wairiki Beach, which is within the Omakiwi Cove. It is occupied by a house on the flat behind the beach, with a manager's dwelling set further inland. The property is otherwise a mixture of gardens and native vegetation.
- 5.14 The property is in the Rural Production Zone and the Coastal Environment in the Proposed Plan. It is subject to a High Natural Character and Outstanding Natural Landscape overlay.

P S Yates Family Trust

- 5.15 The P S Yates Family Trust owns the properties on the Kokinga Point headland at 1 & 23 Kokinga Point Road, Rawhiti in the Bay of Islands. The properties comprise 7.99ha at 23 Kokinga Point Road and 4.36ha at 1 Kokinga Point Road, and adjoin the Shooting Box Limited property.
- 5.16 The properties are in the Rural Production Zone and the Coastal Environment in the Proposed Plan. They are subject to a High and Outstanding Natural Character and Outstanding Natural Landscape overlays.
- 5.17 The property at 23 Kokinga Point Road is occupied by a dwelling on the peninsula and manager's house. These buildings occupied grassed cleared areas, with landscaping around and native vegetation beyond that.
- 5.18 As with the Shooting Box properties, despite being zoned Rural Production Zone, the existing lot sizes and predominantly native vegetation cover do not make them at all suitable for rural production purposes.

Mataka Residents Association Incorporated (Mataka)

- 5.19 Mataka Station is an ecological farm estate on the Purerua Peninsula at the northern end of the Bay of Islands. Mataka Station comprises a 30-lot residential development with sheep and cattle farming and a large private conservation estate totalling 1150ha. Its development followed subdivision in 2001, 2002 and 2005.
- 5.20 Land Covenants are registered on the Certificates of Title to all properties on Mataka Station. The Land Covenants and associated rules govern features such as common access, the maintenance of roads and other common facilities. Each owner is required to belong to the Association and to comply with its rules. Those rules are comprehensive and establish a private management scheme for Mataka Station.

- 5.21 A key requirement of the covenant-based management scheme for Mataka Station is that all new buildings on a site must comply with strict design guidelines, which include a condition that approval must be sought from the design committee prior to altering the location of an identified building platform.
- 5.22 Mataka Station has considerable cultural and historic significance, including the Maunga Matakā and being adjacent to Rangihoua Pā.
- 5.23 Mataka operates a farming operation and over recent years the owners at Mataka have invested substantially in upgrading the farm infrastructure. The property includes some 20 kms of high-quality metal roads with extensive water management structures and approximately 300 kms of fences.
- 5.24 The dedicated conservation estate of Mataka Station is now over 350ha including substantial new planting by the developers and by subsequent owners. Large valleys within Mataka Station are covered by native manuka and kanuka trees providing a natural home for kiwi, and a nursery for other species of native trees.
- 5.25 The kiwi population of Mataka Station is one of the most significant in New Zealand. The two main measures used at Mataka Station to protect kiwi are the control of dogs and the use of a long-term consistent predator program. Dogs are generally not permitted and tightly controlled, and the predator program makes extensive use of bait stations, traps and shooting to control predators.
- 5.26 110 kms of fences divide the conservation areas from the farm, protecting the growing conservation estate.
- 5.27 The landform at Mataka Station predominantly comprises moderately steep to steep hill slopes on greywacke (Land Use Classification (LUC) 6), with some land being LUC 7 (Steep to very steep coastal greywacke hill country) and the coastal cliffs being LUC 8 (Very steep and precipitous slopes and cliffs). There are some small pockets of :LUC 4 (Gently rolling to strongly rolling greywacke).

- 5.28 The lots at Mataka are a minimum of 20ha, with an identified exclusive use area and the balance used for the farm or conservation land.
- 5.29 Although pre-dating the Management Plan subdivision provisions of the Operative Plan, Mataka shares the same essential characteristics: where the location, form and scale of the scheme complements sustainable environmental management consistent with the protection of natural character, landscape, amenity, heritage, and cultural values, and provides superior outcomes to more traditional forms of subdivision. As with Ōmarino, with subdivision and development, has come considerable economic and environmental benefits, which would not have been possible under the status quo farming land use.
- 5.30 With approximately 2/3rds of the sites as yet un-built, the consenting requirements of the various overlays which apply over the property (Coastal, High Natural Character and Outstanding Natural Landscape) imposes considerable unnecessary cost and risk to current and future owners who have purchased lots in reliance on the consented Mataka scheme. Satisfactory resolution of this is a key objective of Mataka in the Proposed Plan process.



Mataka Station

Matauri Trustee Limited (Mautauri)

- 5.31 Matauri owns the 339ha coastal property known as Opounui Farm at Wainui Road, Matauri Bay, Kaeo. The two largest titles which make up 95% of the property span Wainui Road, with farming, outbuildings and a farm airstrip occupying that inland side of the property. A homestead is on the property at Parua Bay, with a well-established network of roads and farm tracks, waterways and farm dams.
- 5.32 The property was purchased by the late Sir Douglas Myers in the 1970s and 1980s, and is now held by Matauri for the benefit of his family.
- 5.33 Since the 1970s, extensive conservation work has been undertaken on the property with pest and predator control, wetland and bush fencing and native bush restoration. The high part of the property to the north of Wainui Road is in native bush, with areas of pine plantation which have been recently harvested to be replanted in native vegetation.
- 5.34 With reference to LUC classification, the coastal side of the property is a mix between LUC 6 (Strongly rolling to steep hills on weathered greywacke) and LUC 7 (Steep to very steep coastal greywacke hill country). The flat terrace around the airstrip inland of the Wainui Road side of the property is classified as LUC 4 (Flat to undulating slopes on deeply weathered basalt).
- 5.35 Under the Proposed Plan, the farm is in the Rural Production Zone and, in large part, in the Coastal Environment. It is subject to overlays including High Natural Character around parts of the coastal margins and Outstanding Natural Landscape around a wide section of the coastal side of the property.
- 5.36 In 2021 Matauri obtained a resource consent for boundary adjustments of the existing titles, in 2022 for an addition to the homestead and in 2023 for the construction of two new dwellings on the property. The objective of this was to provide houses for the

family members so that they and their families can continue their beneficial association with the property.



Opounui Farm: View looking towards the west

6.0 OVERVIEW OF SUBMISSIONS IN RELATION TO HEARING 1

- 6.1 Although the submitters whom I am appearing for have separate interests, there are three key themes in the Strategic Directions topic in particular which their submissions respond to. These are:
- (a) Support for the Strategic Direction objectives relating to economic and social prosperity, being landowners of significant properties with a considerable interest in the wellbeing of the District.
 - (b) Seeking that appropriate recognition be provided to non-primary production activities in the Rural Environment the Strategic Direction section of the Proposed Plan's. The submitter's properties are all different examples of the need to recognise, and in fact encourage, a diversity of activities in the Rural

Environment at a strategic level of the District Plan, without diluting the importance of protecting primary production activities. In the case of Setar, Shooting Box and the P S Yates Family Trust, despite being zoned Rural Production in the Rural Environment, primary production is not its current land use and nor would it be a sustainable alternative land use. As I expand on in my evidence, this situation is not uncommon.

- (c) Seeking that the restoration of the natural character of the coastal environment be elevated as a strategic objective. Both because it's a New Zealand Coastal Policy Statement obligation, and because it's a highly desirable outcome for the District. Mataka and Ōmarino are examples where ecological restoration has only been able to be achieved in conjunction with appropriate subdivision and development which acts as a catalyst for positive environmental and economic change from previous uneconomic farming operations, and which creates a community of care to support and fund ongoing protection.

7.0 SUBMISSION POINTS ON PART 1 INTRODUCTION AND GENERAL

Application of overlays

- 7.1 The submitters sought that a new clause be added to the General Approach Section titled "*Applications Subject to Multiple Provisions*" specifying that if an overlay is shown on the planning maps, the overlay provisions only apply to the portion of the property covered by the overlay.
- 7.2 With the submitters' properties subject to multiple overlays, ensuring a correct and clear application of them is specified in the Plan is an important issue.
- 7.3 In my opinion, it is important that the default position of the plan is that the overlay applies only to that part of the site it is mapped over, to avoid misinterpretation that it has effect over a site as a whole. Coastal, Outstanding Natural Landscape and Natural

Character Overlays are all cases in point where, by their nature, they follow natural features (bush lines, ridges etc) rather than cadastral property boundaries.

- 7.4 The Council s42A report⁹ addresses these submission points, noting that the issue is already provided in the “Applications subject to Multiple Provisions” section of the General Approach, where it states:

“Where a rule for an overlay, zone or precinct controls an activity by reference to a proportion or percentage of the site, the control will be limited to that part of the site to which the overlay or zone applies.”

- 7.5 While I agree with the intent of this response, I do not consider that it fully addresses the issue and could be further clarified in the Plan. Building on this clause referenced in the s42A report, I would recommend the addition of the following words or similar (my amendment underlined):

“Where a rule for an overlay, zone or precinct controls an activity by reference to a proportion or percentage of the site, the control will be limited to that part of the site to which the overlay or zone applies. Where an overlay is shown on the Planning Maps, the overlay provisions only apply to the portion of a site covered by the overlay”.

- 7.6 The reason I have added this additional clause is because the first part of the clause referred in the s42A report deals with a slightly different situation: the application of a rule which has reference to a proportion or percentage of the site.

- 7.7 Firstly, overlay rules do not necessarily have clauses referencing a proportion or percentage of the site – they simply apply where they are mapped. It is that characteristic which should be made clear in the Proposed Plan. Secondly, my use of ‘provisions’ is deliberate, as it is not just ‘rules’ which are relevant to overlays as per the

⁹ Section 42A Report: Part 1 and General/ Miscellaneous at page 20, paragraphs 94-95.

wording referred to in the s42A report; it is also objectives and policies.

8.0 SUBMISSION POINTS ON PART 2 STRATEGIC DIRECTION

- 8.1 The submitters support Objectives SD-SP-O1 - SD-EP-O5 relating to economic and social wellbeing. In my view, these appropriately recognise and encourage opportunities for social and economic prosperity in the Far North. I have read the changes proposed in the s42A report in response to the submission points of others and generally consider these to be improvements.
- 8.2 The principal issues where I disagree with the reporting officers relate to the strategic direction for the Rural Environment and the strategic direction Environmental Prosperity in Objective SD-EP-O5.

Strategic Direction: Rural Environment

- 8.3 The submitters seek the addition of a new Strategic Direction relating to the Rural Environment to ensure it also recognises and provides for non-primary production activities as follows:

“The importance of non-primary production activities in the rural environment to the social, economic and cultural well-being of the district is recognised and provided for”.

- 8.4 I support the addition of this new Strategic Direction and consider it is necessary to capture the full diversity of existing land uses and future opportunities in the rural environment of the Far North.

Reasoning / analysis – land uses in rural environments

- 8.5 The rural environment covers a total of 78.6% of the district’s land area¹⁰. In the Proposed Plan, the Rural Zones comprise the Rural Production, Rural Lifestyle, Rural Residential and Settlement Zones. The Horticulture Zone is a Special Purpose Zone for the sake of

¹⁰ Page 5, section 2.2.1 Rural Environment Update “Rural Environmental Economic Analysis Update” by 4Sight Consultant in Association with ME Consulting (August 2020), sets out the basis of this definition of rural environment with reference to the Operative Plan zones.

adherence to the National Planning Standards as I understand it, but still rural.

- 8.6 The two objectives for the Rural Environment in the Proposed Plan relate to primary production activities being able to operate efficiently and effectively, and recognising the contribution they make (objective SD-RE-O1) and the protection of highly productive land from inappropriate development (SD-RE-O2).
- 8.7 The contribution that primary production activities makes to the wellbeing of the district is clear, as is the importance of protecting highly productive land. Both should be recognised as key strategic objectives for the District. However, in my opinion, in focussing only on primary production activities and highly productive land, they fall short of providing strategic direction for the full range of activities that occur in and potentially may occur in the Rural Environment.
- 8.8 The header for these strategic objectives is the “Rural Environment” with the overview stating that *“This Chapter sets out the overarching direction for the district’s rural environment”*. In my opinion the focus only on primary production activities and highly productive land does not provide sufficient direction here. This section then provides direction to other chapters of the Proposed Plan which the submitters have submissions on and which I will be providing evidence on, including the Rural and Subdivision chapters.
- 8.9 The Rural Environment strategic objectives as currently cast are unnecessarily and, in my view undesirably, narrow in their focus. They fail to recognise the diversity of other activities which occur in rural areas and the potential for new ones. These include opportunities for rural-residential subdivision, tourism, education activities, conservation and recreation. Such activities are typical of rural areas (and in fact provided for in the proposed Rural Zone and Subdivision Chapters of the Proposed Plan). With the right activity in the right place, they can readily exist together with rural production activities. The strategic objectives, in focussing only on primary production and highly productive land, also fail to recognise the full range of zones that are set out in the Proposed Plan for the

rural environment, including also the Rural Lifestyle, Rural Residential and Settlement Zones.

Reasoning / analysis – viability of properties for rural production

- 8.10 The Rural Environment Strategic Objectives also do not recognise the diversity of land cover, accessibility, productive potential and lot sizes, that exist across the district, where primary production activity is not viable and protection of highly productive land not at issue.
- 8.11 The submitter's properties are examples of this (including Setar on Moturua Island, Ōmarino and the Yates and Shooting Box properties, being well below the size that would normally constitute a productive block, being inaccessible and having an existing cover of native vegetation such that conversion to say, forestry, would be neither economically nor environmentally sustainable.
- 8.12 The submitters' properties are by no means the outliers in the Rural Environment for the Far North. I refer here to the Council's Section 32 Report for the Rural Environment (May 2022) and its attachment report titled "*Rural Environmental Economic Analysis Update*" by 4Sight Consultants in Association with ME Consulting (August 2020).
- 8.13 Based on the data in Table 37¹¹ of the 4Sight Consultant/ME Consulting report, 68% of parcels in the Rural Environment are less than 8ha in size, and 57% are less than 4ha in size¹². The Rural Environment here includes the Operative Plan's Coastal Living, General Coastal, Rural Living, and Rural Production Zones, all now within the ambit of the Proposed Plan's Rural Environment and its Strategic Objectives.

¹¹ Page 125, "Rural Environmental Economic Analysis Update" by 4Sight Consultant in Association with ME Consulting (August 2020), as Attachment 1 to the FNDC Section 32 Report for Rural Environments (May 2022)

¹² The significance of these 8ha and 4ha thresholds I have used is that the 4Sight Consultants/ ME Consulting Report concludes at section 4.1.4 that to achieve a range of annual household returns (per annum), Kiwifruit orchards would need to have a productive area of between 7ha and 16ha respectively, and that a 4ha lot size is "highly unviable for other farming activities seeking a return".

- 8.14 This data supports my conclusions above: that the Rural Environment is a 'broad church' and the Strategic Objectives as currently cast fail to recognise this.

Comments on Section 42A Report

- 8.15 The Council's s42A report on Strategic Objectives disagrees and at paragraphs 223 – 226 considers that the strategic objectives do not necessarily need to cover all components of the Plan and that the suggested objective seeking recognition of non-primary activities weakens the other objectives for the rural environment and the key issues the Plan is responding to.
- 8.16 In responding to these points, I refer to the Strategic Directions Overview of the Proposed Plan. This section notes that the District Plan helps Council achieve the community outcomes set out in the District's Strategy titled Far North 2100. This strategy is based on the Council and Community vision of 'He Whenua Rangatira — a district of sustainable prosperity and wellbeing'.
- 8.17 While the drivers of change' from Far North 2100 highlight the need to protect versatile soils from the adverse effects of development and human activity, that is not all there is for the rural environment. The document recognises that 65% of land cover is agriculture, forestry, and horticulture with just under 30% supporting indigenous vegetation. It notes that rugged hill and mountain ranges present challenges in terms of access and land management. Other ways to protect the natural environment are set out on page 20, including ensuring that *"landowners and Kaitiaki reap the benefits from protecting and creating areas of natural vegetation that support native flora and fauna. This includes the tourism benefits such as dark sky reserves and 'off-line' nature retreats"*. *"Making use of the strategic advantage of the environment, climate, soils culture and people of the Far North"* is included under the heading *"Promoting resilient economic growth for sustainable prosperity"*. For the rural environment, I would consider this to be wider than primary production activities. I note also on page 22, *"the active management of indigenous biodiversity including protecting*

indigenous vegetation, significant natural areas and outstanding natural landscapes and features s from the adverse effects of human activity and introduced species including predators". Clearly an outcome for the rural environment, which can be facilitated by non-primary production activities.

8.18 This Strategic Directions Overview also importantly states that, for the purposes of preparing, changing, interpreting, and implementing the District Plan, all other objectives and policies in all other chapters of the District Plan are to be read and achieved in a manner consistent with these Strategic Directions. It is important therefore that the scope of the subsequent chapters of the Proposed Plan is adequately supported by these Strategic Directions. In the case of the Rural Environment, this includes the Rural Production, Rural Lifestyle, Rural Residential and Settlement zones, plus the diversity of land uses I refer to above.

8.19 Amongst other things, the Strategic Directions overview notes that the Strategic Directions are intended to demonstrate are "3. *Integrated management through the grouping of environmental considerations which combine to achieve strategic outcomes; and avoiding strategic objectives becoming isolated within various chapters of the District Plan*" and "5. *A prosperous economy through enabling a wide range of rural and urban business activities in the right locations*".

8.20 With reference to these stated intentions, I restate my view that the limited focus of the strategic objectives for the Rural Environment, as currently drafted, do not support integrated management of that area, nor enable a wide range of rural activities in the right locations.

8.21 I also do not agree with the view expressed in the s 42A report that inclusion of the proposed additional objective sought weakens the other objectives for the rural environment. Both the important protective objectives in relation to primary production and highly productive land, and the proposed objective in relation to non-primary production activities can comfortably sit side by side in the

Strategic Directions chapter and necessarily so for the reasons I have set out above.

- 8.22 In section 32AA RMA terms, the new objective sought in the submission is the most appropriate way to achieve the purpose of the Act. In this respect, it ensures that the Strategic Objectives for the Rural Environment strikes a better balance: both enabling people and communities to provide for their social, economic, and cultural well-being (RMA section 5(2) by recognising the full range of current and potential uses in the rural environment, while still promoting a resource management regime that sustains the potential of natural and physical resources, safeguards life-supporting capacity and avoids, remedies, or mitigates any adverse effects of activities on the environment.

Strategic Direction: Environmental Prosperity

- 8.23 The submitters support Strategic Objective SD-EP-O5 relating to Environmental Prosperity, but seek it be amended as follows:

The natural character of the coastal environment and outstanding natural features and landscapes are managed to ensure their long-term protection for future generations, including their restoration.

- 8.24 In response, the s42A report at paragraph 254 considers the second part of the objective provides a sufficient link back to the NZCPS.¹³
- 8.25 I disagree with the s42A report in this regard, and support the specific recognition of the concept of ‘restoration’ in this objective.
- 8.26 Policy 13 of the NZCPS relates to the ‘preservation’ of natural character. Policy 14 of the NZCPS seeks to promote the ‘restoration or rehabilitation’ of the natural character of the coastal environment – an important outcome for the Far North in my opinion.

¹³ I note that the s42A report has acknowledged and corrected the typographical error noted in the submissions to strategic direction Objective SD-EP-O6.

8.27 The term ‘protection’ only in Objective SD-EP-O5 as drafted does not capture this important strategic outcome. In my understanding of these as ecological terms, if preservation focuses on preventing and protecting from ongoing degradation, then restoration seeks to reverse the damage caused.

8.28 The outcomes at Ōmarino are an example of this, whereby the land was first ‘restored’ through extensive native planting and then ‘protected’ through on-going pest and predator control and land covenants over planted areas. The two concepts are different and not fully captured under ‘long term protection’ as concluded in the s42A report.

Peter Raymond Hall

13 May 2024

Attachment 1

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in striketrough)
PART 1 – INTRODUCTION AND GENERAL PROVISIONS HOW THE PLAN WORKS General approach			
<p>General Approach</p> <p>Section titled “Applications Subject to Multiple Provisions”</p>	<p>Support subject to amendments</p>	<p>As described in the National Planning Standard 2019, an overlay spatially identifies distinctive values, risks or other factors which require management in a different manner from underlying zone provisions.</p> <p>It follows that the provisions relating to the overlay only apply to that part of a site so mapped.</p> <p>While this may be the intent of the overlays, in some instances in the Proposed Plan for overlay provisions, reference is made to ‘the site’; the potential implication being that the overlay provisions apply to the site as a whole.</p> <p>In many instances, overlays apply to part of but not the whole of the site. Applying the provisions to the site as a whole in these situation would not serve the resource management purpose of the overlay.</p> <p>In addition to the above, the following part of the explanation is necessary to specify that overlay chapters do not contain all the provisions relating to an activity. For example, residential activity may not be provided for in the overlay, but is provided for in the underlying zoning:</p> <p><i>“Some of the Overlay chapters only include rules for certain types of activities (e.g. natural character,</i></p>	<p>Add a new clause specifying that if an overlay is shown on the Planning Maps, the overlay provisions only apply to the portion of the property covered by the overlay.</p>

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in striketrough)
		<p><i>natural features and landscapes or coastal environment). If your proposed activity is within one of these overlays, but there are no overlay rules that are applicable to your activity, then your activity can be treated as a permitted activity under the Overlay Chapter unless stated otherwise. Resource consent may still be required under other Part 2: District-wide Matters chapters and/or Part 3: Area-Specific chapters (including the underlying zone)".</i></p>	
PART 2 – DISTRICT-WIDE MATTERS STRATEGIC DIRECTION			
Strategic direction: Objectives SD-SP-O1 - SD-EP-O5	Support	These strategic objectives are supported, in particular the encouragement of opportunities for fulfilment of the community's cultural, social, environmental, and economic wellbeing.	Retain Strategic Objectives SD-SP-O1 - SD-EP-O5
Strategic direction Rural environment	Support subject to amendments	The Far North is predominantly a rural environment. This environment incorporates a diverse range of activities, supported by a range of zones, including rural lifestyle, rural residential and settlement. Significant areas of the rural environment are not defined by rural production activities, nor are they suitable for this purpose (including lifestyle areas, unsuitable soils, some coastal land and bush blocks). Without detracting from the strategic importance expressed in Strategic objectives SD-RE-O1 and SD-RE-O2, it is appropriate that the strategic objectives also recognise and enable the broader range of activities which occur in rural zones. This strategic objective is necessary to provide a strategic policy basis for the	Add the following new Strategic Objective. <u><i>SD-RE-O2 The importance of non-primary production activities in the rural environment to the social, economic and cultural well-being of the district is recognised and provided for.</i></u>

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
		various rural environment zone objectives and policies which follow in the Plan	
Strategic direction Environmental prosperity Objective SD-EP-05	Support subject to amendments	The long term protection of the values set out in this strategic objective may not necessary mean their restoration. The natural character of the coastal environment is in most cases degraded, and opportunities for its restoration or rehabilitation should be promoted as required by policy 14 of the NZCPS 2010.	Amend Strategic Objective SD-EP-05 as follows: <i>The natural character of the coastal environment and outstanding natural features and landscapes are managed to ensure their long-term protection for future generations, <u>including their restoration.</u></i>
Strategic direction Environmental prosperity Objective SD-EP-06	Support subject to amendments	The objective follows the section 6(c) matter of national importance, though is realised in limited terms in the Proposed Plan as notified, with some methods included to implement it. Nevertheless, there are methods included in for example the Ecosystems and indigenous biodiversity section of the Plan. Subject to the deletion of Significant Natural Areas as sought in this submission (for the reasons set out below), the objective is supported with the typo amendment as noted.	Amend Strategic Objective SD-EP-06 as follows: <i>Areas of significant indigenous vegetation and significant habitats of indigenous fauna are <u>are</u> protected for current and future generations.</i>

Attachment 2

Hearing	Topics	Submitters/Further Submitters	Summary of Key Issues for Submitters at Hearing
Hearing 1: Introduction, General Provisions	Strategic Direction, Tangata Whenua Part 1 (excluding interpretation/ definitions), including Introduction, How the Plan Works, and National Direction Instruments, General / Miscellaneous	Bentzen Farm Limited Setar Thirty Six Limited P S Yates Family Trust The Shooting Box Limited Matauri Trustee Limited Mataka Residents' Association Inc	Recognition at strategic level of non-primary production activities in the Rural Environment (ie housing and conservation) and restoration in the Coastal Environment. Support economic and social prosperity strategic objectives.
Hearing 4: Natural Environment Values & Coastal Environment	Ecosystems and Indigenous Biodiversity, Natural Character, Natural Features and Coastal Environment.	Bentzen Farm Limited Setar Thirty Six Limited P S Yates Family Trust The Shooting Box Limited Matauri Trustee Limited Mataka Residents' Association Inc	Enable building on approved building platforms in overlays. Oppose various significant natural area policies and rules. Reasonable provision for buildings, earthworks and vegetation clearance in overlays. Reasonable provision for farming in overlays Mapping refinements to overlays as sought in the submissions. Recognition of the Mataka scheme in overlays.
Hearing 6: General District Wide Matters	Noise Earthworks	Bentzen Farm Limited Setar Thirty Six Limited P S Yates Family Trust The Shooting Box Limited Matauri Trustee Limited	Helicopter Noise Rules – allow for use other than emergency use and proper reference to appropriate noise standards. Reasonable provision for earthworks.
Hearing 9: Rural, Horticulture & Horticulture Processing	Rural Lifestyle and Rural Production Zones	Bentzen Farm Limited Setar Thirty Six Limited P S Yates Family Trust The Shooting Box Limited Matauri Trustee Limited	Recognition of non-rural production land uses in Rural Production Zones (including houses), density of dwellings in the Rural Production Zone, and general support for Rural Lifestyle Zone provisions. Amendments to policy references to Highly Productive Land to align with NPS: Highly Productive Land.
Hearing 17: Subdivision and Variation plan change	Subdivision Variation matters (not yet defined)	Bentzen Farm Limited Setar Thirty Six Limited P S Yates Family Trust The Shooting Box Limited Matauri Trustee Limited	Retain 20ha lot operative plan's subdivision entitlement in the Rural Production Zone. Retain management plan subdivision provisions. Amend avoidance policies to provide limited opportunities for rural lifestyle subdivision in rural areas, while ensuring certain outcomes are maintained. Amendments to environmental benefit subdivision policies and rules. Amendments to provisions relating to subdivision in overlays to provide better recognition that on many sites the overlay or margin is a small component of a larger site.
Hearing 18: Interpretation & Mapping	Interpretation (Definitions, Glossary and Abbreviations), Mapping requests (not topic specific)	TBC	Mapping of overlays (if not covered in Hearing 4)
Hearing 19: Rezoning	Rezoning	Bentzen Farm Limited Setar Thirty Six Limited P S Yates Family Trust The Shooting Box Limited Mataka Residents' Association Inc	A new Special Purpose Zone or precinct is sought for Mataka Station to reflect the Mataka scheme. A new Special Purpose Zone is sought for Ōmarino, or in the alternative, a Rural Lifestyle Zone. Rural Lifestyle zones sought for P S Yates Family Trust, The Shooting Box Limited, and Setar Thirty Six (and its adjoining) properties.

Overview Map



Ōmarino Property Location



(Bentzen Farm Property Location Overpage)

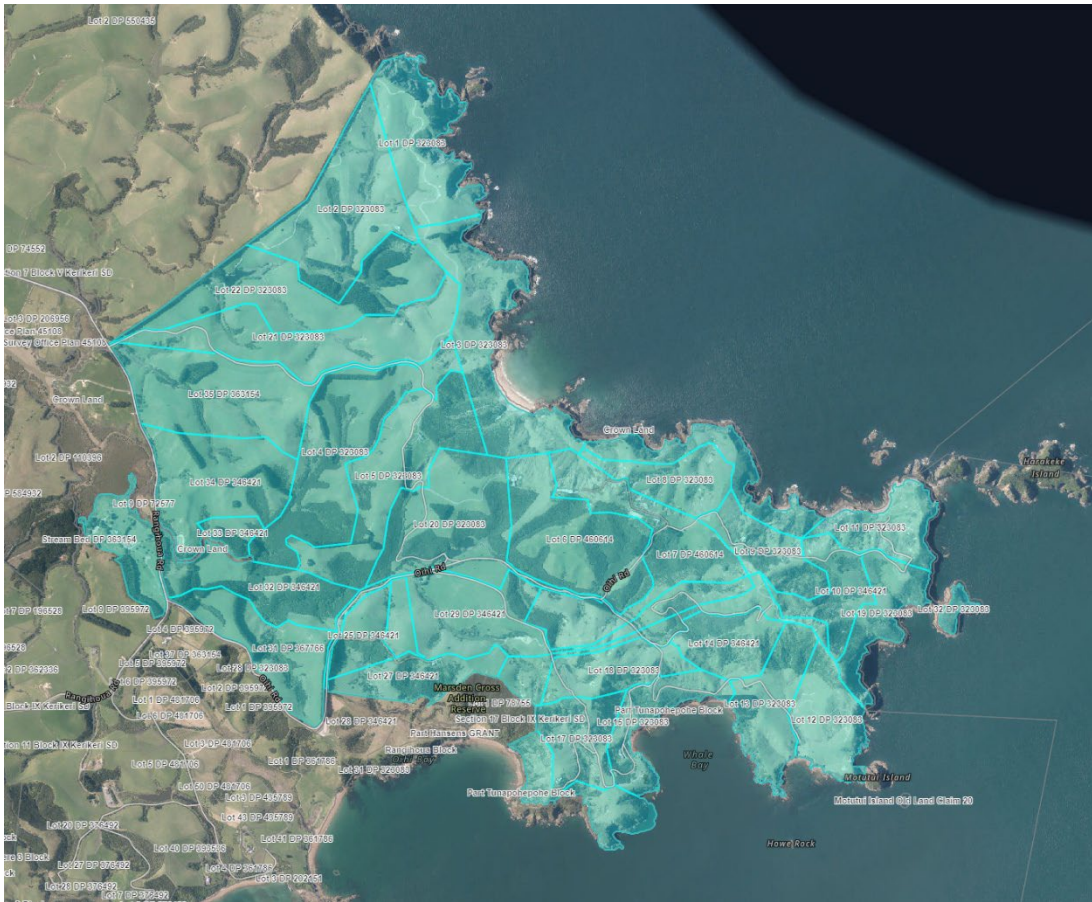
Setar Thirty Six Property Location (Moturua Island)



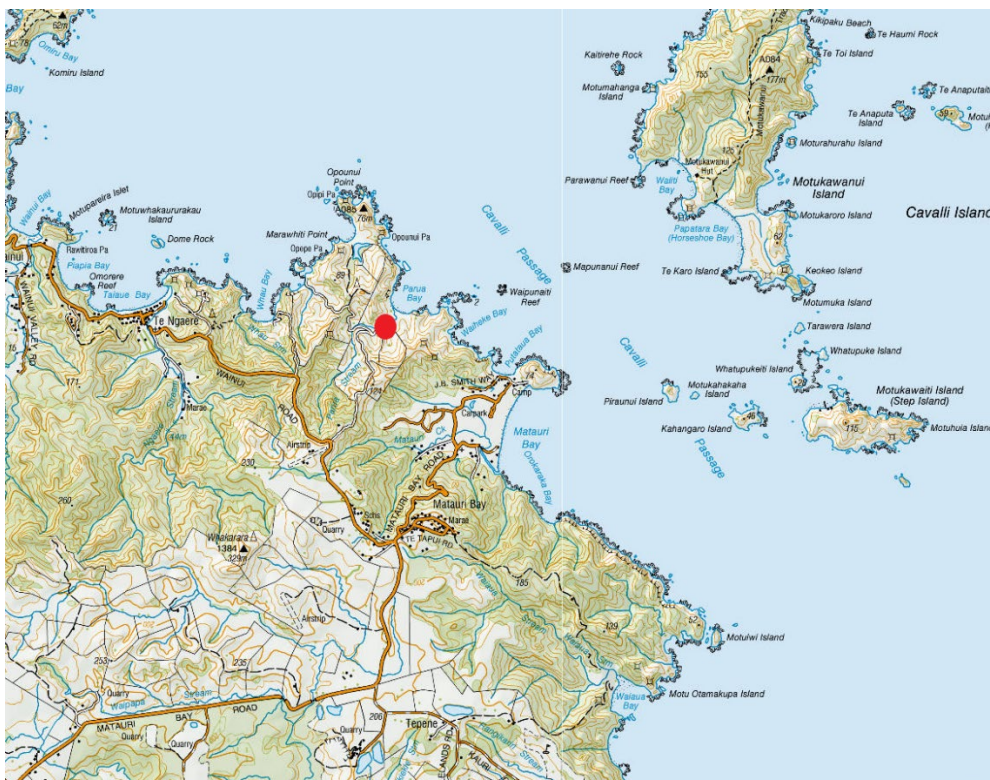
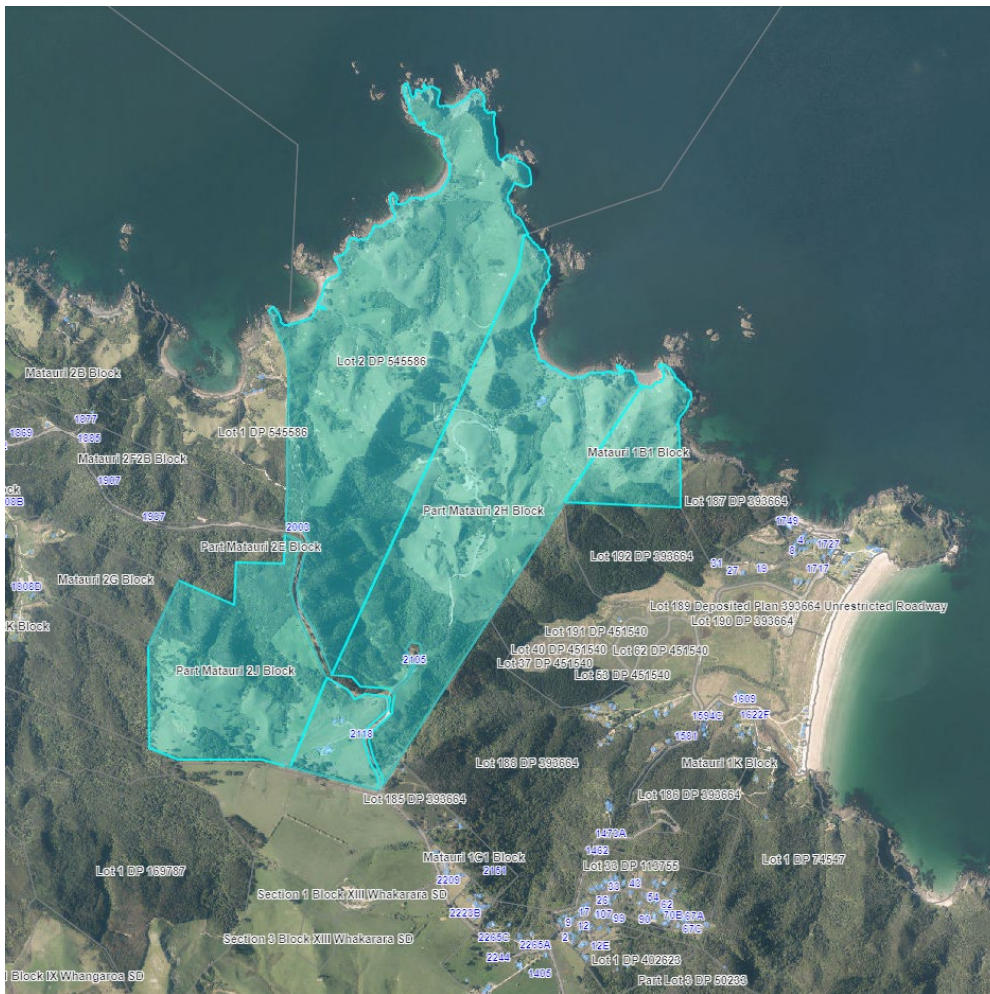
The Shooting Box Limited Property Location



Mataka Station Property Location



Matauri Trustee Limited Property Location



Attachment 4

Section 42A Report Writing Officer’s recommended amendments to the provisions of the Proposed District Plan are shown in blue underline and ~~strikeout~~.

Amendments recommended in the evidence of Peter Hall on behalf of the submitters¹ are shown in red underline and ~~strikeout~~.

1. Amendments to General Approach Chapter

Applications Subject to Multiple Provisions

...

Where a rule for an overlay, zone or precinct controls an activity by reference to a proportion or percentage of the site, the control will be limited to that part of the site to which the overlay or zone applies. Where an overlay is shown on the Planning Maps, the overlay provisions only apply to the portion of a site covered by the overlay.

.....

2. Amendments to Strategic Direction Chapter – Rural Environment

Overview

This Chapter sets out the overarching direction for the district’s rural environment.

~~For the purposes of preparing, changing, interpreting and implementing the District Plan all other objectives and policies in all other chapters of this District Plan are to be read and achieved in a manner consistent with these strategic objectives.~~

Objectives	
SD-RE-O1	Primary production activities are able to operate efficiently and effectively and the contribution they make to the economic and social well-being and prosperity of the district is recognised.
SD-RE-O2	Protection of highly productive land from inappropriate development to ensure its production potential for generations to come.
<u>SD-RE-O3</u>	<u>The importance of non-primary production activities in the rural environment to the social, economic and cultural well-being of the district is recognised and provided for.</u>

¹ Bentzen Farm Limited, Setar Thirty Six Limited, The Shooting Box Limited, Matauri Trustee Limited, P S Yates Family Trust, and Mataka Residents Association

3. Amendments to Strategic Direction Chapter – Natural Environment

Overview

This Chapter sets out the overarching direction for the district’s natural environment, including environmental prosperity.

~~For the purposes of preparing, changing, interpreting and implementing the District Plan all other objectives and policies in all other chapters of this District Plan are to be read and achieved in a manner consistent with these strategic objectives.~~

Natural Environment (Environmental prosperity)

Objectives	
SD- NEEP- O1	A culture of stewardship in the community that increases the district's biodiversity and environmental sustainability.
SD- NEEP- O2	Collaborative relationships with iwi and hapū in order to support tangata whenua to carry out their obligation and responsibility as kaitiaki.
SD- NEEP- O3	Active management of ecosystems to protect, maintain and increase indigenous biodiversity for future generations.
SD- NEEP- O4	Land use practices reverse <u>mitigate</u> climate change by enabling carbon storage and reducing carbon emissions.
SD- NEEP- O5	The natural character of the coastal environment and outstanding natural features and landscapes are managed to ensure their long-term protection for future generations, including their restoration.
SD- NEEP- O6	Areas of significant indigenous vegetation and significant habitats of indigenous fauna are protected for current and future generations.