

# Before the Far North District Council Hearings Committee

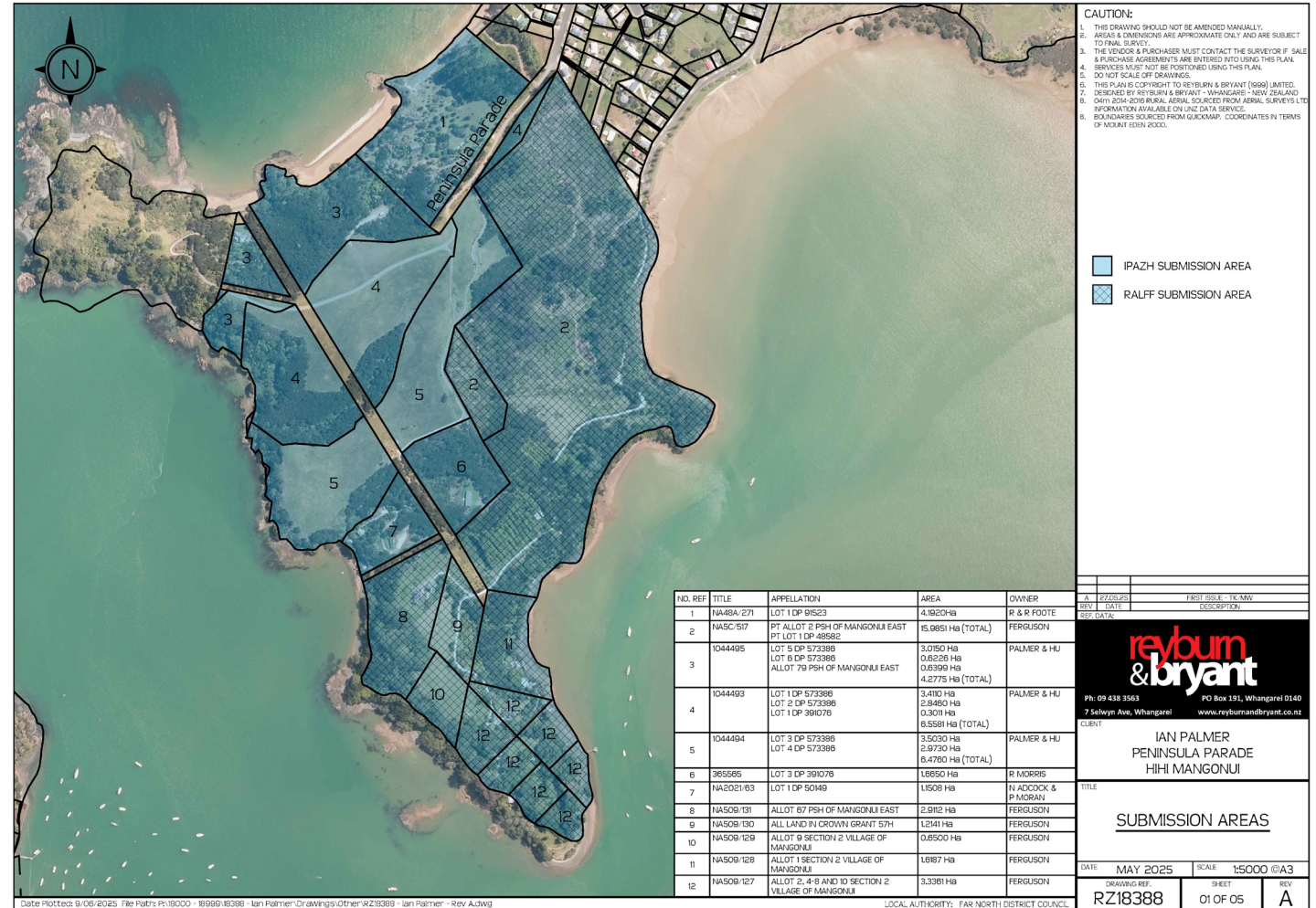
## Hearing 15C

Lay Evidence of Ian Diarmid Palmer on behalf of:

- Ian Diarmid Palmer and Zejia Hu (submission S244)
- Ferguson Family Trust (submission S57)

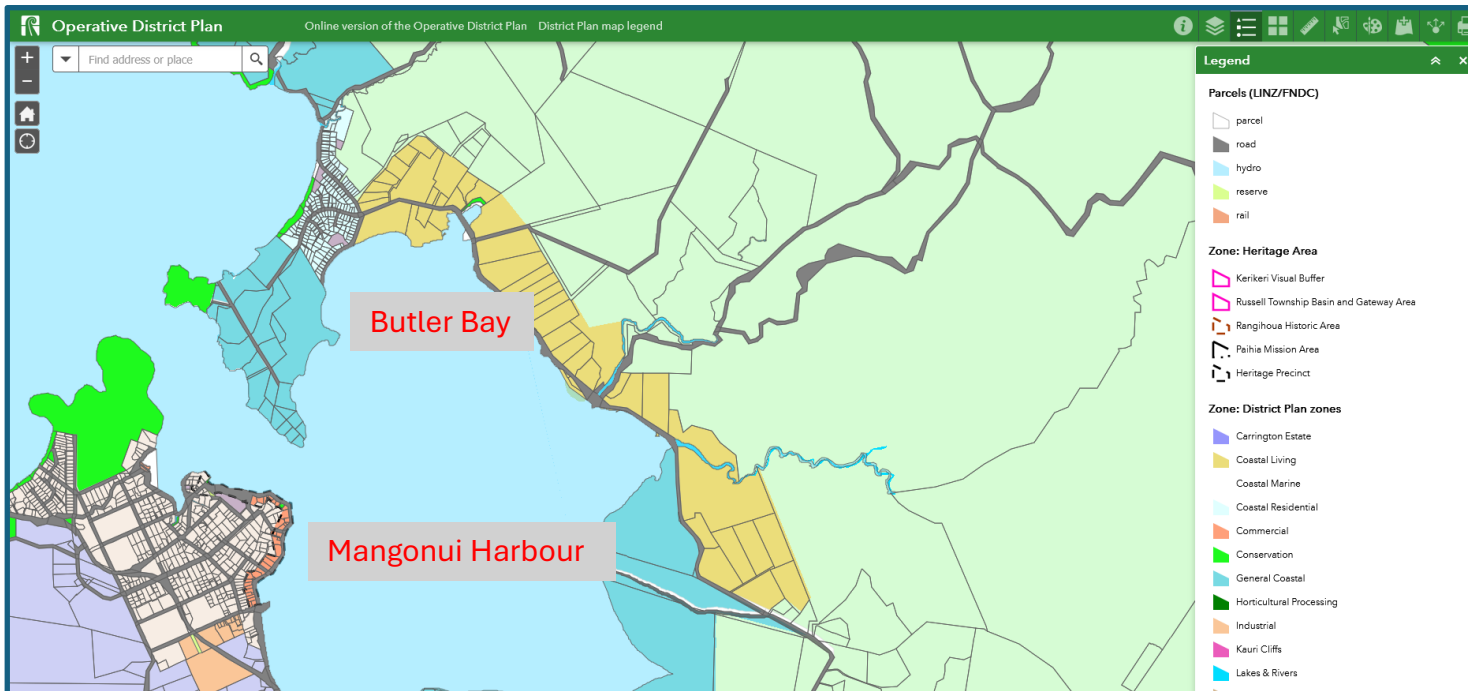
S244 & S57 propose zone  
all private land on  
Rangitoto Peninsula (RP)  
west of Hihi township  
Rural Lifestyle (RLZ)  
instead of Rural  
Production (RPROZ)

Submitters' Objective: Combine surplus  
 and environmentally degraded portions of  
 both properties for disposal by subdivision  
 and sale.



Refer backup slide 26 for Site and Lot details

# Rangitoto Peninsula and surrounds - ODP



## ODP (effective 2009)

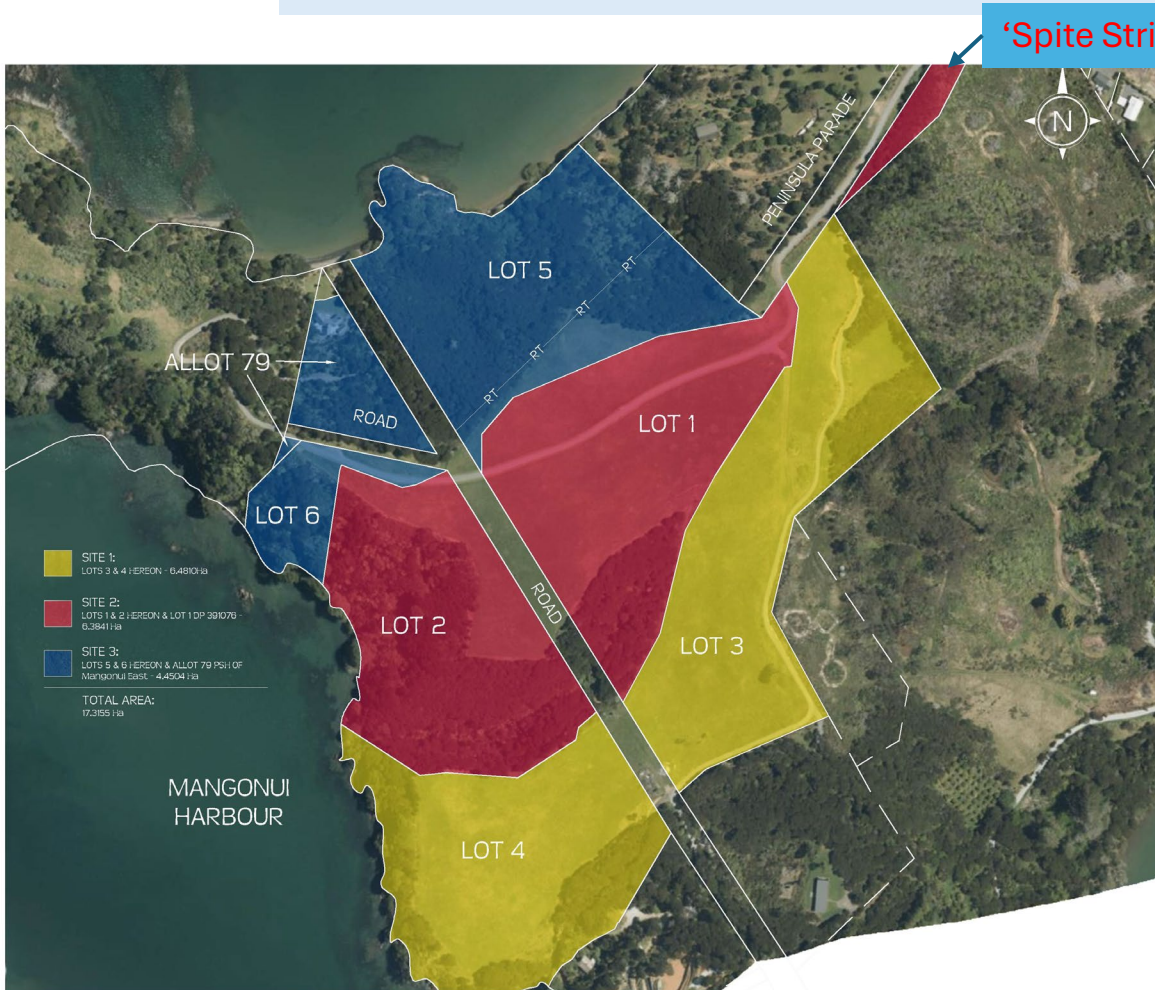
- ❑ Submitters' RP land currently zoned: 'General Coastal'
  - Subdivision Rules:
    - $\leq 20$  ha Restricted Discretionary
    - Discretionary via a Management Plan
- ❑ Eastern shore of Mangonui Harbour ('Butler Bay'): 'Coastal Living'
  - Subdivision Rules:
    - $\leq 4$ ha: Controlled
    - $\leq 0.8$ ha: Restricted Discretionary
    - $\leq 0.5$ ha: Discretionary
- ❑ only two additional lifestyle sized Sites (2-6 Ha) created since 1999





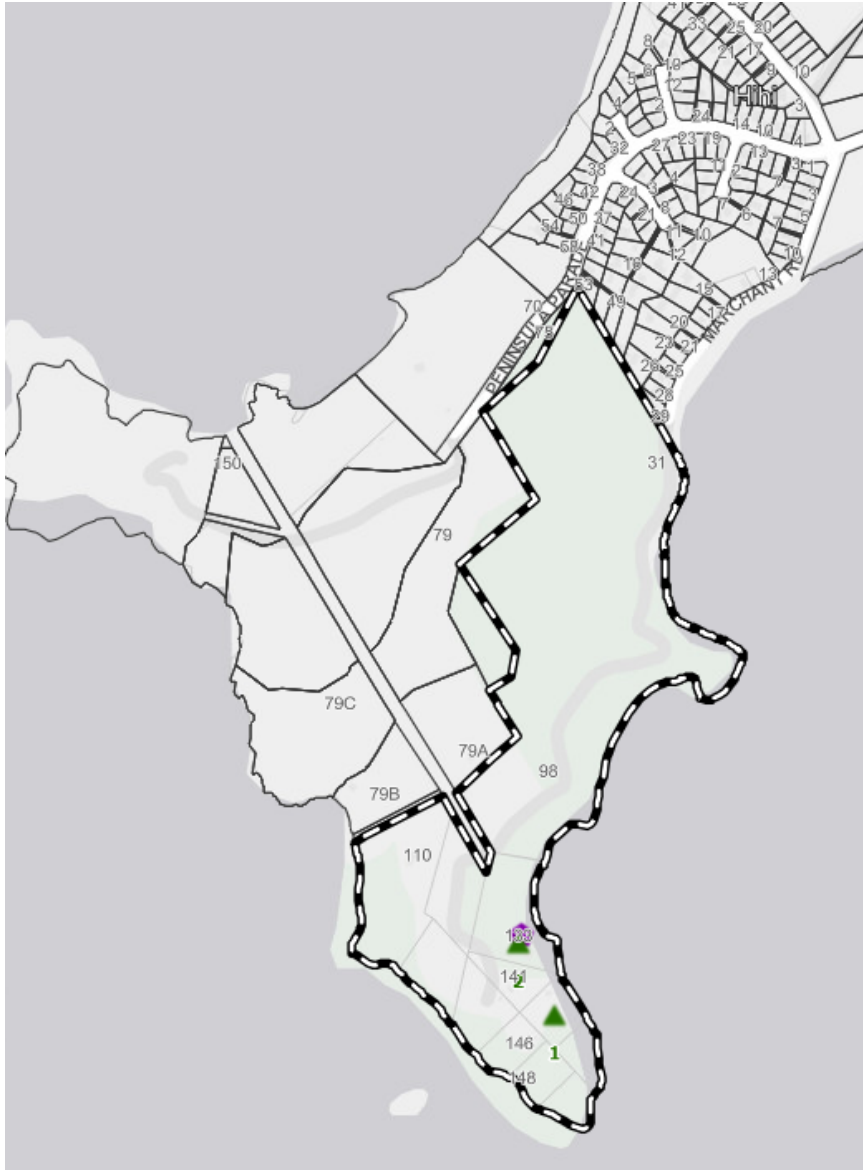


# Palmer & Hu's Property - **3 Sites (8 Lots)**



- Total area=17.31 Ha (not 15.51 Ha per S.42 Rpt)
- Conservation Covenanted Areas = 5.52 Ha (32% of total Property)

# Ferguson Family Trust Property – 6 Sites (13 Lots)



- Total area=25.72 Ha (not 31.14 Ha per S.42 Rpt)
- Heritage Listed (Cat 1) Butler Point = 5.60 Ha (22% of total Property) (also covenant on title)
- ‘Butler’s House’: Scheduled ‘Historic Building/Site’
- Pohutukawa & Magnolia: scheduled ‘Notable Trees’
- Only Access is Marchant Rd
- ‘Spite Strip’ along Peninsula Pde – can be overcome by Palmer/Hu-Ferguson collaboration



# Three of six Ferguson Titles are Heritage Listed (Cat 1) and one is Covenanted

## Covenant\* clause 9:

**“Owners agree not to effect any subdivision ..... without the prior written consent of Heritage New Zealand ....”**

\* *Heritage Covenant 11793435.1*

Maps of Extent



Extent includes the land described as Allot 1 Sec 2 Vill of Mangonui (RT NA509/128), Allots 2, 4-8, and 10 Sec 2 Vill of Mangonui (RT NA509/127), and Allot 9 Sec 2 Vill of Mangonui (RT NA509/129), North Auckland Land District, and the building and structures known as Butler House and Trading Station (Former) thereon including the main residence and the burial ground. It also includes trees including the Pohutukawa, the Magnolia, and the Olive.

Google Earth with QuickMap overlay, Dec 2016 – note that there is a misalignment between the aerial and cadastral data, and that the extent of List Entry falls entirely within the surveyed land parcels. No seabed is included.

*From: New Zealand Heritage List/Rarangi Korero - Review Report for a Historic Place Butler House and Trading Station (Former), MANGONUI, (List No. 447, Category 1)*



# Rangitoto Peninsula Notified PDP – Overlays



- Outstanding Natural Landscape (ONL) and High Natural Character (HNC) confined almost entirely to the west of the 'Paper Road' and/or on Butler Point
- Coastal Environment (CE) extends over entire RP as it does over most of Butler Bay RLZ area – **No Controlled or Restricted Discretionary subdivision pathway (SUB-R20)**
- Heritage Area- Part B (HA-B) extended over entire RP except Hihi GRZ, but now recognised not justified – next slide.

# Heritage Area over Rangitoto Peninsula wasn't justified

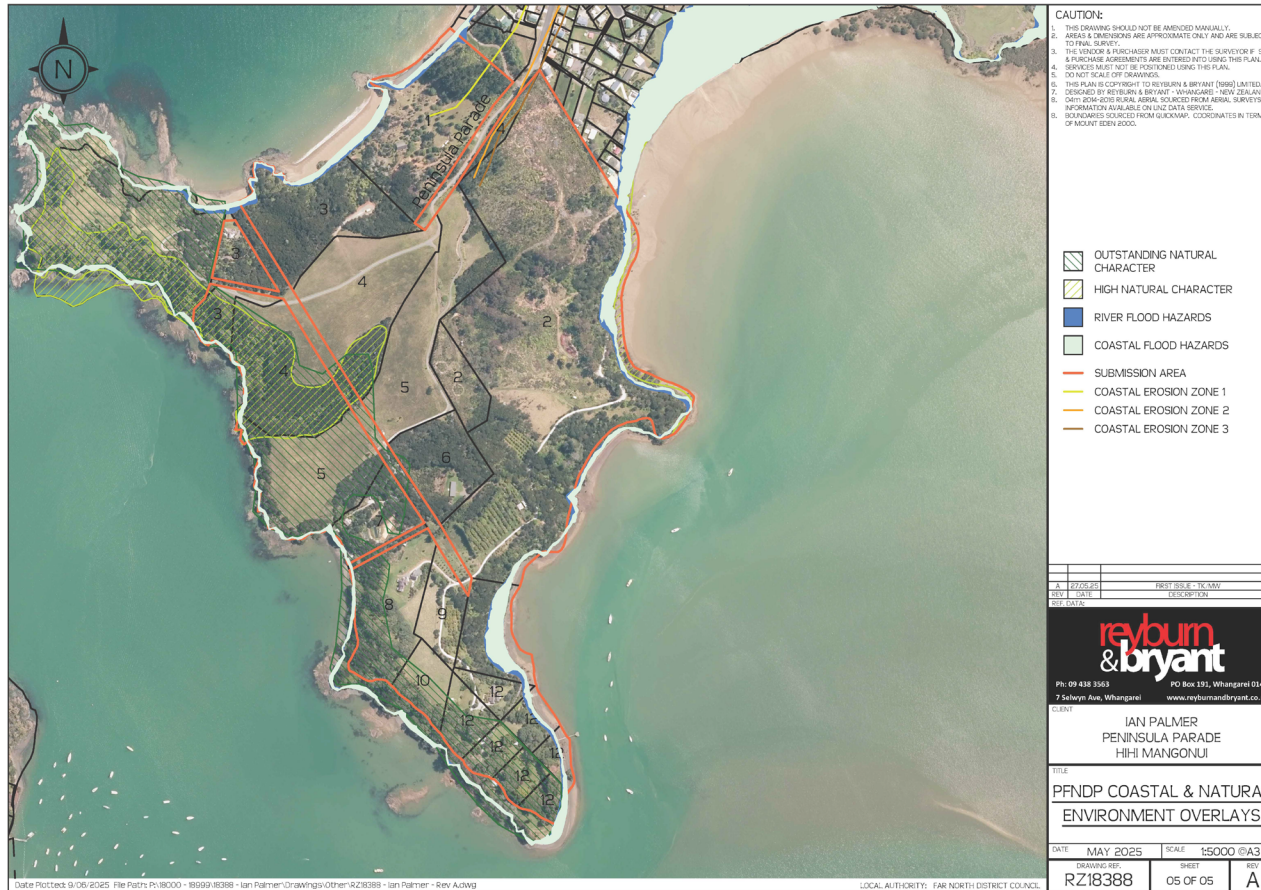


- Hearing-12 (Heritage) S-42A Rpt Writer's Right of Reply Proposes greatly reducing HA-B Overlay area

If adopted, HA-B will be confined to west of Paper Road and Butler Point



# Subdivision Potential highly constrained



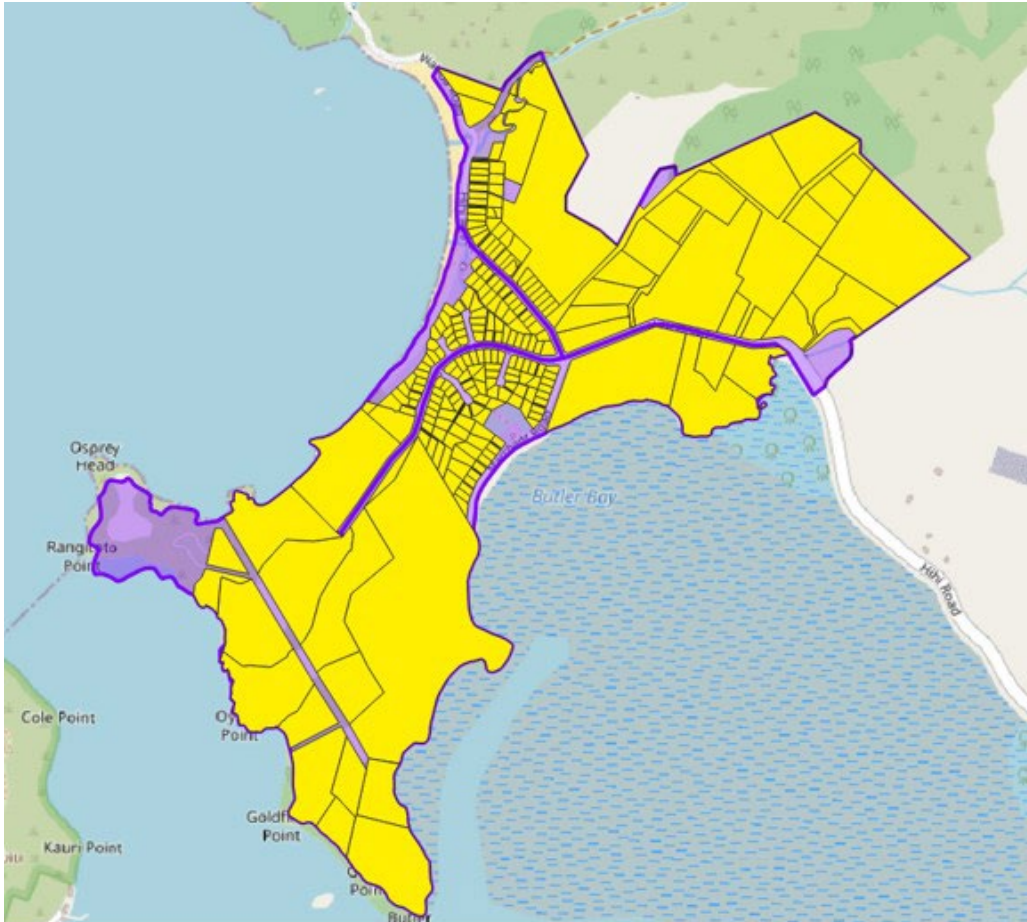
Area available to subdivide highly constrained by:

- Paper Roads
- 3<sup>rd</sup> party RoWs
- Overlays
- Heritage Listing
- Covenants
- Scheduled items
- Topography
- Location of existing dwellings & other improvements
- Road access / 'Spite Strip'

**Only NE portion abutting Hihi Township (GRZ) could realistically be subdivided**



# Rangitoto Peninsula already highly fragmented



- ❑ Stats NZ defines the Rangitoto Peninsula / Hihi area as:
  - Statistical Area (SA1) 7000040
  - (Meshblocks 4000241, 4000242 & 4011294)
  - ❖ 143 Ha
  - ❖ 234 Titles - Avg 0.61 Ha (*LINZ data*)
  - ❖ 210 dwellings (*2023 census data*)
  - very few available vacant Sites
- ❑ Rezoning Proposal area is a portion of the greater RP:
  - 50.03ha (not 78.99ha per S.42A Rpt)
  - Five Property Owners
  - 12 Sites (Avg 4.2ha) (Submitters own 9 Sites)
- ❑ Peninsula Pde & Hihi Rd are main arterials for entire RP

# Rating & Zoning Land Designations

- All Sites within proposal area are designated **Lifestyle or Residential by QV** – refer backup slide 28

## National Planning Standards

“A district plan ... must only contain the zones listed ...  
**consistent with the description of those zones**”

### Zone Descriptions

#### **Rural Production:**

“Areas used predominantly for primary production activities that rely on the productive nature of the land ...”

#### **Rural Lifestyle:**

“Areas used predominantly for a residential lifestyle within a rural environment on lots smaller than those of the General rural and Rural production zones, while still enabling primary production to occur.”

## Rating Valuation Rules

“property category must be based on the highest and best use, or the use for which the property would be sold ...”

### Property Category Descriptions

#### **Pastoral:**

“land where the main farming use is a use such as grazing or fattening of livestock”

(Primary Production categories include cropping, dairying, forestry, horticulture & pastoral)

#### **Lifestyle Land:**

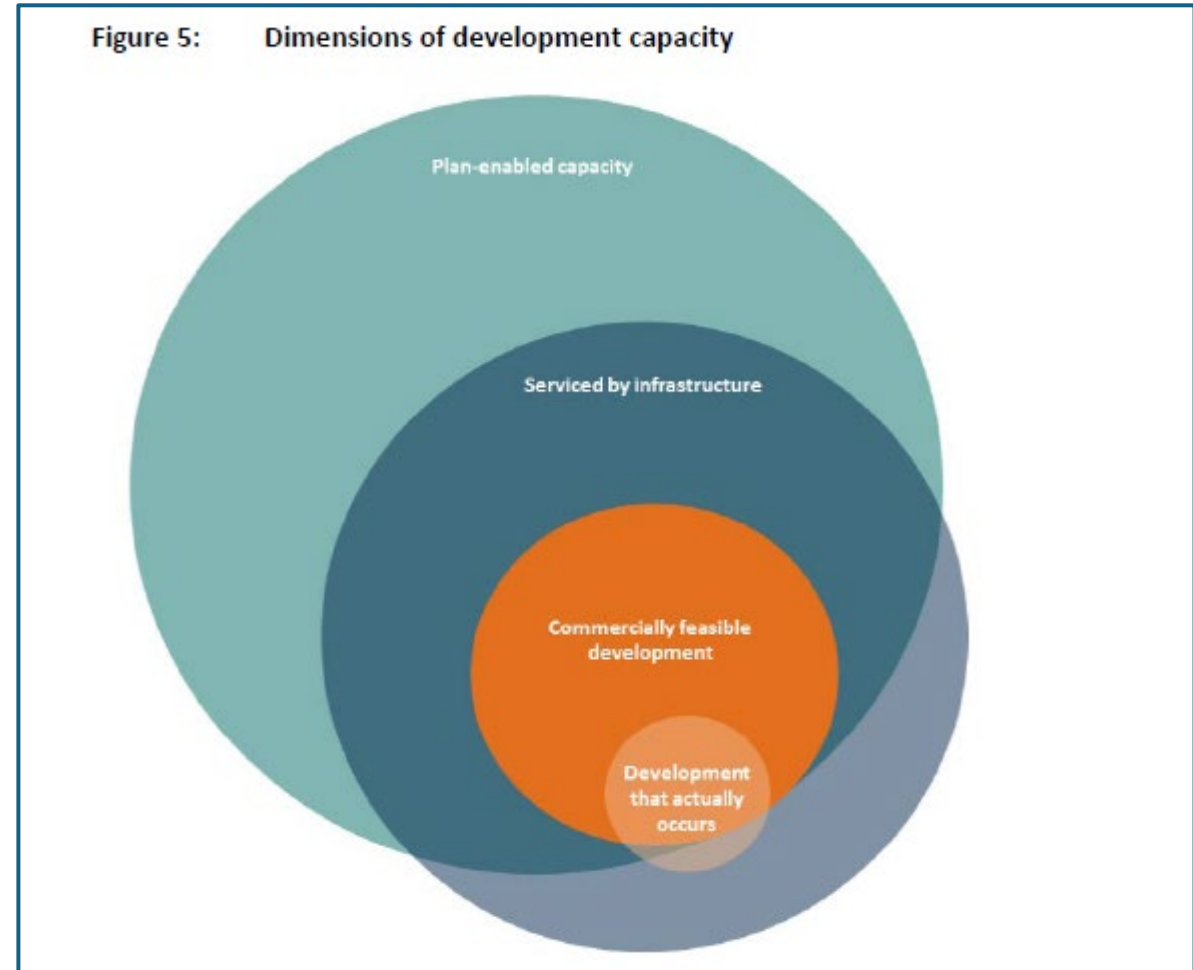
“generally in a rural area, where the predominant use is for a residence ... principal use of the land is non-economic in the traditional farming sense ....”

- Expert’s Advice: “Rating categories offer insight into nature of the land & associated use which is directly relevant to zoning”
- **Entire area is consistent with NPS description of RLZ, but not with description of RPROZ → If the Glove Fits?**

***A cat is either black or white. It can’t be black for one purpose but white for another purpose.***

# Plan-Enabled Capacity (PEC)

- ❑ S-42A Rpt uses Plan-Enabled Capacity (PEC) to assess how many additional Sites, hence additional dwellings, our proposal may lead to, but:
  - ❖ PEC notoriously exaggerates realisation of new sites & dwellings, as documented by MBIE
  - ❖ More so in a rural setting where it ignores:
    - ❖ practical constraints – *slide 10*
    - ❖ landowners' inclinations to preserve rural environment and lifestyle
- ❑ Generally accepted that PEC is calculated for Controlled subdivision pathway (rather than Discretionary)
- ❑ But for CE Overlay there is no Controlled or Restricted Discretionary subdivision pathway due SUB-R20!



“National Policy Statement on Urban Development Capacity: Guide on Evidence and Monitoring”, MBIE 2017



# PEC Calculations

❑ If you're going to use PEC at least get the arithmetic right:

❑ S.42A Rpt PEC calculations all erroneous:

❖ wrong areas for four of five properties: total area assumed 78.99ha, actual =50.03ha – *backup slide 26*

❖ Ignored SUB-R20 (Coastal subdivision =>Discretionary)

❑ If argue Zone Minimum Lot sizes creates expectation then apply Controlled Minimum Lot<sup>\*</sup> size per Notified PDP SUB-S1: 4ha:

➤ PEC =13, versus 12 existing Sites so max theoretical additional Sites=1 – *backup slide 29*

❑ If ignore convention & calculate PEC by Discretionary minimum Lot Size (2ha):

➤ PEC=24 – *backup slide 29*

▪ But this ignores PEC exaggerations and practical constraints - *slides 10 & 13*

▪ actual outcome will be at the unrestricted discretion of FNDC

➤ **Overstated S.42A Rpt PEC invalidates one of the two primary justifications for rejecting proposal**

\* By "Lot" presumably mean Site - see S-556 for Hearing-16

# Report Writer's Minimum 'Lot' Size Proposed Change

S.42A Hearing-9 Rural Lifestyle Rpt (**Nov 4<sup>th</sup>, 2024**):

➤ Lower Minimum Lot Size for Controlled subdivision in RLZ from 4 to 2 Ha (SUB-S1)

❑ **Impact: Increases RLZ PECs by 188 (+200%)** – *backup slide 32*

❖ not revealed until **Sept 1<sup>st</sup>, 2025** (p.6, Appendix 3, S.42A Hearing 15C Rpt)

❖ not discussed in S.32AA analysis in either Hearing 9 or 15C S.42A Rpts

❑ No S.32AA evaluation of alternatives; eg raising minimum Site area for a dwelling (RLZ-R3) from 2 to 4Ha to match minimum Site size

❑ Providing increased PEC in RLZ characterised as positive in context of Report Writer's proposal, but negative in context of Submitters' proposal – ***you can't have it both ways!***

❑ Submitters would have objected:

❑ in Original or Further Submission if proposal known then

❑ in Expert Evidence if we knew it was going to be used against us

➤ **Our proposal came before Report Writer's proposal, so shouldn't attribute PEC increase resulting from Report Writer's proposal to our proposal**

# Sufficiency of Rural Lifestyle Sites

S.42A Statement 1 (Rezoning Submissions – Overview Rpt, para 34 , p9):

*“..... it is best practice to align zoning with projected demand, using tools like the HBA\* and following NPS-UD requirements. The NPS-UD mandates a competitiveness margin to avoid supply constraints.”* **WE AGREE**

S.42A Statement 2 (Hearing 15C: Rezoning Submissions Rpt, para 52, p13):

*“.... **PDP provisions as notified .... provide more than sufficient capacity for short, medium** and long-term growth (over 30 years) across the Far North **rural environment** ... The substantial surplus of PEC [plan-enabled capacity] in both rural areas and other settlements demonstrates that additional rezonings are not required to meet anticipated demand.”* **WE DO NOT AGREE!**

❑ **Statement 2 is in direct conflict with the conclusions of the HBA\* Rpt**

❖ **HBA\* Rpt re PECs/Sites suitable for detached housing during the ten-year term of the PDP :**

- Notified PDP halves Rural PECs relative to ODP (3,450 v 7,740) – *refer backup slide 30*
- **Forecasts deficiency of 530 Sites relative to demand** - *refer backup slide 31*

➤ **Invalid S.42A Rpt contentions concerning sufficiency of Sites in the RLZ invalidates second of two primary justifications for rejecting proposal.**

\* HBA Rpt= ‘Housing and Business Development Capacity Assessment’, commissioned by FNDC and authored by Lawrence McIlarth of ‘m.e. Consulting’, Doc Ref: FNDC 002.23, dated 18/7/2024



# Consultation with Iwi and neighbours

❑ S.42A Rpt negativity due lack of consultation with Iwi or neighbours

➤ In Response we have subsequently consulted:

- ❖ Letters hand delivered and emailed to Ngati Ruaiti (Waiaua Marae) and Matarahurahu (Kenana Marea) Sept 10<sup>th</sup>, 2025 (via Tiger Tukariri kaumatua/rangatira of both hapu)
  - ❖ No formal replies
  - ❖ Mixed informal responses
  - ❖ Raising the matter with Iwi is itself divisive
    - ❖ Multiple Iwi / hapu contest each other's mana whenua status
    - ❖ Some consider the land in question to be stolen Māori Land due the Crown's actions in the 19<sup>th</sup> C.
    - ❖ Risks conflating what should be confined to the Waitangi Tribunal to this proceedings
  - ❖ Palmer whanau has a close and collaborative relationship with the two hapu re kaitiaki of the Rangitoto Historic Reserve that is landlocked by Palmer/Hu property
- ❖ Letters emailed to three other landowners subject to proposed zone change Sept 7<sup>th</sup>, 2025
  - ❖ Two positive responses
  - ❖ One no reply *(by property owners who's regard for RMA rules could be characterised by Hamlet's famous phrase in Shakespear's Hamlet Act I, Scene IV)*

# Assessment Criteria for ‘rezoning’ as Rural Lifestyle

Hearing Panel’s Final Minute 14 (Dec 2<sup>nd</sup>, 2024): rezoning proposals to be assessed against nine criteria:

1. Strategic direction
2. Alignment with zone outcomes
3. Higher order direction
4. Reasons for the request
5. Assessment of site suitability and potential effects of rezoning
6. Infrastructure (three waters) servicing
7. Transport infrastructure
8. Consultation and further submissions
9. Section 32AA evaluation

Our Expert Evidence submitted by Thomas Keogh of Reyburn & Bryant on June 9<sup>th</sup>, 2025 addressed all of the above and concluded:

***“The proposed rezoning from RPZ to RLZ is appropriate and justified. It better reflects the existing land use and development pattern, responds to the land’s physical constraints, and aligns with the objectives of the PFNDP, RPS, and NZCPS, and is consistent with Part 2 of the RMA. The change promotes sustainable management, enables active land stewardship, and ensures environmental and cultural values are protected through existing overlay provisions.”***

# Evaluation Framework

- ❑ S.42A Rezoning Submissions – Overview Report – Appendix 2 (July 28<sup>th</sup>, 2025):
  - Rezoning proposals to be evaluated against four *‘Guiding Principles/Criteria’*
  - If satisfy all four, Reporting Officer to recommend acceptance

Table 6 Rural Zoning Evaluation Framework		
Category	Guiding Principles / Criteria	Staff Recommendation
<b>Category 1: Certain / suitable for a change in rural zoning</b>  Suitable for RLZ, RRZ or RSZ development and ‘live’ upzoning, achieves appropriate rural outcomes	<p>A. <b>Location:</b> Does not contain land that is highly productive under the NPS-HPL, is not located in an area recommended to be Horticulture Precinct, would create a logical and defensible zone boundary and:</p> <ul style="list-style-type: none"> <li>i. <b>For RLZ</b> – adjoins an existing area of RLZ, RRZ or RSZ or an urban zone, is close to key transport routes, has good access to services in nearby urban areas or settlements, <u>is not</u> in a location that is intended to transition to an urban or settlement zone over time;</li> <li>ii. <b>For RRZ</b> – same as for RLZ except the location <u>is</u> intended to transition to an urban or settlement zone over time;</li> <li>iii. <b>For RSZ</b> - Must have at least 15 houses clustered around a central point (not ribbon development), must not have reticulated wastewater servicing, may have existing commercial activities or existing community infrastructure; and</li> </ul> <p>B. <b>Land use and subdivision pattern:</b> Existing land uses and subdivision pattern are consistent with the purpose of the zone (aligned with the objectives, policies and intended outcomes for the zone); and</p> <p>C. <b>Site suitability:</b> No identified significant natural hazard risks, no effects on natural environment values, is resilient to the current and future effects of climate change, the rezoning is generally compatible with surrounding land uses and reverse sensitivity effects can be appropriately managed; and</p> <p>D. <b>Growth demand:</b> Clear evidence of growth pressure/insufficient development capacity that the requested rezoning would address. In</p>	Accept for live RLZ, RRZ or RSZ zoning

Evaluation Framework only provided after we’d submitted our expert evidence.

We nevertheless assert our proposal meets all four Criteria .....>

# Criteria A: Location

- **S.42A Report mostly positive other than no traffic management study provided:**

## ➤ **Responses:**

1. Proposal **entirely** meets the Location Criteria as specified (previous slide)
2. All Sites within area concerned clearly satisfy NPS description of Rural Lifestyle and none satisfy the description of Rural Production
3. To paraphrase statement in S.42A Hearing-9 Rpt, para 183, p38:  
*‘Providing more capacity for subdivision adjacent to Residential and not adjacent to RPROZ that is actually used for primary production may reduce pressure on other land zoned RPROZ and HZ and support reductions in potential reverse sensitivity effects on primary production activities’*

Re inference that a Traffic Management study should have been provided:

- Any new Site’s road access would be upper end of Peninsula Pde which currently accesses only three residences (including Palmer/Hu) – *refer slides 10 & 11*
- In 2023 FNDC took responsibility for, and spent \$40k upgrading this section of Peninsula Pde
- No additional access to Marchant Rd (Ferguson’s access Rd)
- Peninsula Pde and Hihi Rd are main RP arterial access roads servicing 210 dwellings
- Proposed zoning adds minimal additional Sites hence minimal change to traffic volumes

## ➤ **Traffic Management Study not warranted**



# Criteria B: Land use and subdivision pattern

- **S.42A Report negativity:**
- “... represents a significant opportunity for **further** intensification.”
  - **Response:** Minimal further intensification if calculate PEC appropriately and consider other subdivision constraints
- “The size and non-productive use of the land parcels may not sit comfortably in the Rural Production Zone, however this is a common occurrence across the Rural Production Zone due to a **legacy of permissive subdivision rules in the ODP** ... and not in of itself a reason to upzone the land.”

## ➤ Responses:

### ➤ “**legacy of permissive subdivision rules**” not applicable in this case:

- Since 1850 RP always intended, and always has been, subdivided as residential & lifestyle sized allotments
- Cadastral history is of progressive amalgamations rather than progressive fragmentation
- Largest current RP Site (Ferguson’s NA5C/517) derived from some or all of eight prior titles

*Refer backup slides 33-36*

### ➤ M.E Consulting’s 2020 ‘Rural Environment Economic Analysis – Update’ (S.32 Rural Environment Rpt Appendix 2), Executive Summary p xiv:

- “We consider it may be appropriate to create a Rural Lifestyle Zone where such development has already occurred in the Rural Production Zone, outside the Kerikeri Irrigation Regions (and aquifers) and where highly versatile soils are avoided.”

# Criteria C: Site Suitability

- **S.42A Report negativity:**
- “... *not convinced (based on the evidence provided) that the rezoning would have little impact on natural environment values, particularly the landscape values of the Peninsula protected by the Outstanding Natural Landscape and High Natural Character overlays.*”
  - **Responses:**
    - ❑ only viable area for subdivision is outside all Overlays except ‘Coastal’
      - ❖ S.32 Rural Environment Rpt, p26: “...RPS now identifies the coastal environment and this is best managed through a Coastal Environment overlay rather than a zone”
      - ❖ Overlay rules apply irrespective of zoning (eg all subdivision in Coastal Environment: Discretionary)
- “.... *particularly when upzoning enables significant subdivision potential*”
  - **Response:** Minimal subdivision potential if calculate PEC appropriately and consider other subdivision constraints
- “... *significant assumption to assume that natural environmental values will be better managed through allowing more intensive land use and fragmented land ownership.*”
  - **Response:**
    - ❑ Most of the viable area for subdivision is weed and pest infested (in contrast with rest of Submitters’ property) can only be addressed by ‘**Active Management**’
      - ❖ Operative RPS strongly promotes ‘Active Management’ for sound reasons relevant to this proposal – *refer backup slide 37*
      - ❖ Concept adopted as a Strategic Direction in the PDP (SD-EP-O3) and as Policy (IB-P7)
    - **More intensive land use and fragmented ownership enables Active Management**

# Criteria D: Growth Demand

- **S.42A Report negativity:**
- “..... *there is no clear need for additional Rural Lifestyle capacity.*”

## ➤ Responses:

1. HBA Rpt concludes otherwise – *slide 16 and backup slides 30 & 31*
2. HBA Rpt also recognises remote working trend (p82):
  - *“In the Far North context, the ability to work remotely is likely to support the district’s relative attractiveness as a destination for knowledge workers looking to relocate to more rural parts of New Zealand.”*
3. S.32 Rpt’s supporting economic analysis also concludes otherwise:
  - *Page xiii: “The analysis of projected demand for additional households, has identified growth of 1,490 households or 41% [of total increase] expected to be rural lifestyle...”*
  - *Page xiv: “The General Coastal Zone also reflects demand for rural lifestyle lots.”*
4. Our proposal will contribute very few additional Sites whereas Report Writer’s proposal (RLZ Minimum Lot size reduction) would add many
5. Limited propensity for Butler Bay land to be subdivided to create Lifestyle sized new Sites – *refer slides 3 & 4*
6. Personal communication with Real Estate Agent who specializes in Lifestyle Property (David Baguley, Sept 8<sup>th</sup> 2025): *‘There would be good demand for a RP subdivided Site’*



# Conclusions

- ❖ Area consistent with NPS description of Rural Lifestyle; inconsistent with Rural Production  
– *If the glove fits?*
- ❖ Area better suited to Rural Lifestyle zoning than Butler Bay land
- ❖ Area will still be subject to Coastal Environment Rules (any subdivision => Discretionary)
- ❖ Expert Evidence: Satisfied Hearing Panel's Nine listed Criteria for rezoning
- ❖ This Hearing evidence: Satisfies Report Writer's four criteria for recommending rezoning
- ❖ S.42A Rpt rationale for rejecting proposal based largely on inappropriate premises
- ❖ Proposal is consistent with Part 2 of the RMA
- ❖ Rejection of proposal would be contrary to Government policy re RMA reform

# Back-up Slides

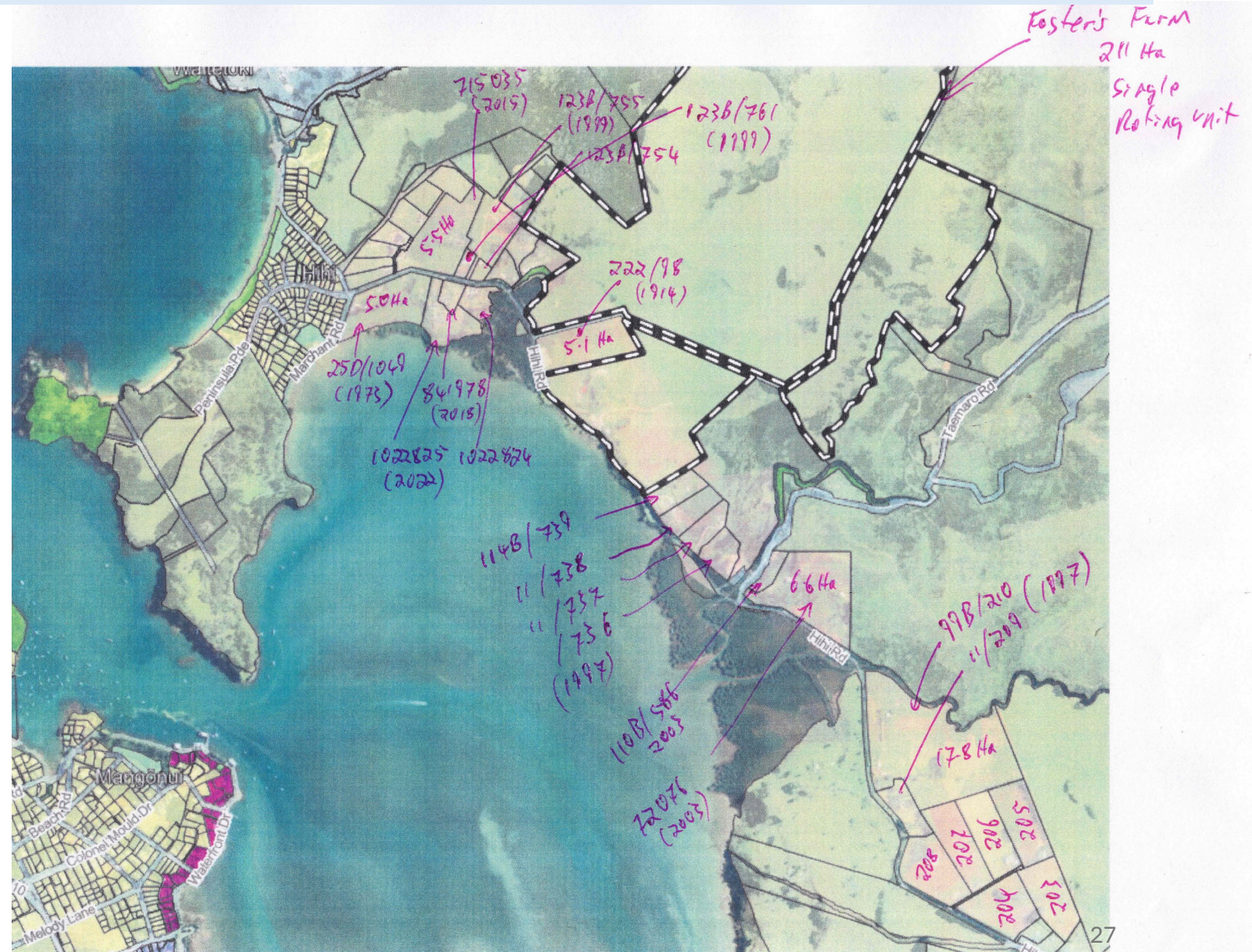
# Rangitoto Peninsula Land subject to S244 & S57 Zoning Proposal

NO. REF	TITLE	APPELLATION	AREA	OWNER
1	NA48A/271	LOT 1 DP 91523	4.1920Ha	R & R FOOTE
2	NA5C/517	PT ALLOT 2 PSH OF MANGONUI EAST PT LOT 1 DP 48582	15.9851 Ha (TOTAL)	FERGUSON
3	1044495	LOT 5 DP 573386 LOT 6 DP 573386 ALLOT 79 PSH OF MANGONUI EAST	3.0150 Ha 0.6226 Ha 0.6399 Ha 4.2775 Ha (TOTAL)	PALMER & HU
4	1044493	LOT 1 DP 573386 LOT 2 DP 573386 LOT 1 DP 391076	3.4110 Ha 2.8460 Ha 0.3011 Ha 6.5581 Ha (TOTAL)	PALMER & HU
5	1044494	LOT 3 DP 573386 LOT 4 DP 573386	3.5030 Ha 2.9730 Ha 6.4760 Ha (TOTAL)	PALMER & HU
6	365565	LOT 3 DP 391076	1.6650 Ha	R MORRIS
7	NA2021/63	LOT 1 DP 50149	1.1508 Ha	N ADCOCK & P MORAN
8	NA509/131	ALLOT 67 PSH OF MANGONUI EAST	2.9112 Ha	FERGUSON
9	NA509/130	ALL LAND IN CROWN GRANT 57H	1.2141 Ha	FERGUSON
10	NA509/129	ALLOT 9 SECTION 2 VILLAGE OF MANGONUI	0.6500 Ha	FERGUSON
11	NA509/128	ALLOT 1 SECTION 2 VILLAGE OF MANGONUI	1.6187 Ha	FERGUSON
12	NA509/127	ALLOT 2, 4-8 AND 10 SECTION 2 VILLAGE OF MANGONUI	3.3361 Ha	FERGUSON



# Butler Bay RLZ Titles and Large Farm Single Rating Unit

Title references  
and creation dates  
for relevant titles





# Rating versus Zoning Land Designations

Rating versus Zoning Land Designations									
	Address	Owner	Titles	Land Area (Ha)	Rating Unit	Current Land Use (per FNDC Rating Information Database)	Best and Highest Land Use		Notified PDP Zone
							RU Category Code (per QV)	RU Category Description (per QV)	
Rangitoto Peninsula (west of Hihi township)	70 Peninsula Pde	Reece Bevan Foote and Raewyn Vida Foote	NA-48A/271	4.19	85/7302	29-Lifestyle-Vacant	LV	Lifestyle-Vacant	Rural Production
	79A Peninsula Pde	Robert John Benthams Morris	365565	1.67	85/7304	21-Lifestyle-Single Unit	LI201B	Lifestyle-2010/2019	Rural Production
	79B Peninsula Pde	Philippa Balfour Moran and Neil Duncan Adcock	NA-2021/63	1.15	85/7200	21-Lifestyle-Single Unit	LI199C	Lifestyle-1990's	Rural Production
	75 Peninsula Pde	Ian Diarmid Palmer and Zejia Hu	1044493	6.56	85/7306	29-Lifestyle-Vacant	LV	Lifestyle-Vacant	Rural Production
	79 Peninsula Pde	Ian Diarmid Palmer and Zejia Hu	1044494	6.48	85/7307	29-Lifestyle-Vacant	LV	Lifestyle-Vacant	Rural Production
	150 Peninsula Pde	Ian Diarmid Palmer and Zejia Hu	1044495	4.28	85/7308	91-Residential-Single Unit(Other than bach)	RD200A	Residential Dwelling 2000/2009	Rural Production
	95 Marchant Rd	David Hugh Rishworth, William Gerald Lindo Ferguson and Laetitia Jan Ferguson (=Ferguson Family Trust)	NA509/127,128,129,130, 131 & 5C/517	25.72	85/7400	20-Lifestyle-Multi Use	LIXXXB	Lifestyle-Mixed Age (dwellings)	Rural Production
SE of Hihi Township	376 Hihi Rd	Glen Tony Foster & Stephanie Lee Foster	NA135D/101, 572/302, 34A/877 & 119D/1	211.08	85/3700	12-Primary Industry-Stock Fattening	PFE	Pastoral-Fattening-Uneconomic-Separate	Part Rural Production & Part Rural Lifestyle

# Calculation of PECs

<b>Estimated Plan-Enabled Capacity (PEC) Calculations for the Rangitoto Peninsula</b>								
	Owners	Titles	Existing Site Count	Site Area (Ha) (per Title and/or DP survey)	PEC for Notified PDP <u>Controlled</u> Min Lot* Size for Rural Lifestyle <u>if No Coastal Overlay</u>		PEC for Notified PDP <u>Discretionary</u> Min Lot* Size for Rural Lifestyle <u>with Coastal Overlay</u>	
			Minimum Lot* Size (Ha):		4		2	
					Total	Potential Additional Sites	Total	Potential Additional Sites
<b>If each Owner amalgamated all of its land</b>	Footes		1	4.192	1	0	2	1
	Morris		1	1.665	1	0	1	0
	Moran & Adcock		1	1.1508	1	0	1	0
	Palmer & Hu		3	17.3116	4	1	8	5
	Ferguson Family Trust		6	25.7152	6	0	12	6
	<b>Totals</b>		<b>12</b>	<b>50.0346</b>	<b>13</b>	<b>1</b>	<b>24</b>	<b>12</b>
<b>* Note: PEC values calculated on the basis that the minimum <u>Lot</u> [sic] sizes are intended to be applied to Site areas not Lot areas (PEC's would be much lower if minimum Lot sizes are to be strictly applied to Lot areas, because some existing titles are comprised of multiple lots for historic reasons and new titles that straddle 'paper roads' will have to be comprised of</b>								



# HBA Assessment Results - 1

Table E1: Summary of capacity results

SHORT TERM (3 YEARS)											
Short term	Plan enabled capacity		Feasible Capacity			Potential Development Capacity			Additional Demand (2023-2026) excl margin		
	Detached	Attached	Detached	Attached	Total	Detached	Attached	Total	Detached	Attached	Total
Kerikeri-Waipapa	1,555	2,720	285	585	870	285	370	655	485	50	535
Settlements	5,240	11,585	465	395	860	410	40	450	325	35	360
Kaikohe	690	2,560	-	-	-	-	-	-	25	5	30
Kaitaia	605	1,975	-	-	-	-	-	-	25	5	30
Rural	7,740	725	25	-	25	25	-	25	215	25	240
	15,830	19,565	775	980	1,755	720	410	1,130	1,075	120	1,195
MEDIUM TERM (10 YEARS)											
Medium term	PEC		Feasible Capacity			Potential Development Capacity			Additional Demand (2026-2033) excl margin		
	Detached	Attached	Detached	Attached	Total	Detached	Attached	Total	Detached	Attached	Total
Kerikeri-Waipapa	1,545	3,715	875	255	1,130	875	255	1,130	995	105	1,100
Settlements	4,910	17,690	325	2,730	3,055	325	560	885	665	70	735
Kaikohe	790	3,815	-	-	-	-	-	-	55	5	60
Kaitaia	675	2,400	-	-	-	-	-	-	55	5	60
Rural	3,450	575	-	65	65	-	5	5	445	45	490
	11,370	28,195	1,200	3,050	4,250	1,200	820	2,020	2,215	230	2,445

ODP→

Notified PDP ->

## Notified PDP:

- halves Rural PECs
- Results in minimal Rural Feasible Capacity

## HBA Assessment Results - 2

Table 4-8: Additional demand (incl. margin) versus Potential supply (Sufficiency)

		Potential Devt Capacity			Additional Demand (incl margin)			Shortage/Surplus		
		Detached	Attached	Total	Detached	Attached	Total	Detached	Attached	Total
Kerikeri-Waipapa (s Short term (3 years)		285	370	660	585	60	645	-300	310	15
Kerikeri-Waipapa (s Medium Term (10 years)		875	255	1,135	1,195	125	1,320	-320	130	-185
Kerikeri-Waipapa (s Long term (30 years)		1,255	620	1,875	1,690	180	1,870	-435	440	5
Settlements	Short term (3 years)	410	40	450	390	40	430	-385	50	-430
Settlements	Medium Term (10 years)	325	560	880	795	85	880	-305	60	-880
Settlements	Long term (30 years)	1,060	180	1,240	1,125	120	1,245	-1,050	35	-1,245
Kaikohe	Short term (3 years)	0	0	0	30	5	35	-30	-5	-35
Kaikohe	Medium Term (10 years)	0	0	0	65	5	70	-65	-5	-70
Kaikohe	Long term (30 years)	0	110	110	95	10	105	-95	100	5
Kaitaia	Short term (3 years)	0	0	0	30	5	35	-30	-5	-35
Kaitaia	Medium Term (10 years)	0	0	0	65	5	70	-65	-5	-70
Kaitaia	Long term (30 years)	0	55	55	95	10	105	-95	45	-50
Rural	Short term (3 years)	25	0	25	260	25	285	-235	-25	-260
Rural	Medium Term (10 years)	0	5	5	530	55	585	-530	-50	-580
Rural	Long term (30 years)	810	50	860	750	80	830	60	-30	30
Total	Short term (3 years)	720	410	1,130	1,295	135	1,430	-575	275	-300
Total	Medium Term (10 years)	1,200	820	2,020	2,650	275	2,925	-1,450	545	-905
Total	Long term (30 years)	3,125	1,015	4,140	3,755	400	4,155	-630	615	-15

ODP→  
Notified PDP ->

**Notified PDP generates substantial shortage of new Rural Sites relative to demand**

## Increase in PEC if adopt FNDC's Recommended change to the Notified PDP's SUB-S1 (Minimum Lot size for RLZ)

- ❑ Hearing-9 S.42A Rural Lifestyle Rpt, released **Nov 4<sup>th</sup>, 2024** recommended (p38, para 185):
  - Lower Minimum Lot Size for Controlled subdivision in Rural Lifestyle zone from 4 to 2 Ha
  - Impact of change documented in Appendix 3 to Hearing 15C S.42A Rpt released **Sept 1<sup>st</sup>, 2025**

Appendix 3 = Memo dated July 30<sup>th</sup>, 2025 from Maggie Hong (Consultant) & Lawrence McIlarth (Director) of 'm.e. Consulting to Melissa Pearson, Principal Consultant, SLR Consulting (p6, Table 5):

Zone Name	PEC Detached		Change	% Change
	PDP	Recommended provision		
General Residential	6,292	6,292	0	-
Horticulture	71	-	-71	-100%
Kororāreka Russell Township	189	189	0	-
Rural Lifestyle	94	282	188	200%
Rural Production	1,866	1,866	0	-
Rural Residential	2,397	2,397	0	-
Settlement	294	294	0	-
Total	11,203	11,320	117	1%

## Rangitoto Peninsula residential/lifestyle scale subdivision started in 1850

- August 1850: Captain Butler's request to purchase 50 acres of RP denied: "*As the margin of the harbour will probably at no distant time be required for the location of many other settlers ..*" Instead granted two small lots around his existing 'improvements'
- May 1852: First public auction of suburban sized allotments in Far North held in Mangonui - included seven small lots on Butler Point

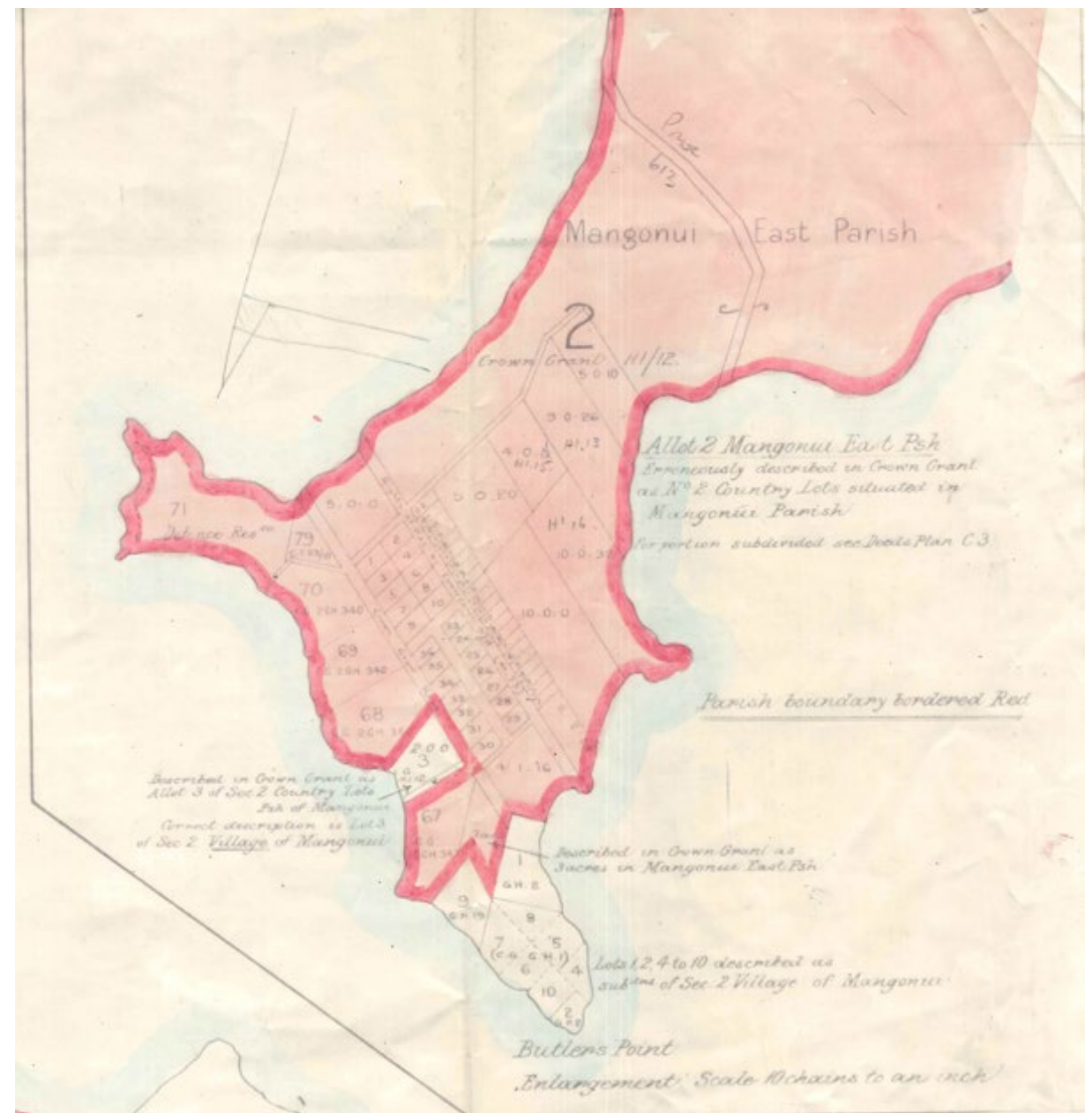


1850 Cadastral Plan of Rangitoto Peninsula (From Archives NZ R18461577)



Rangitoto Peninsula subdivisions from 1850 to 1889 resulted in substantial fragmentation that prevailed until mid 1960s amalgamations

- By 1889 RP subdivisions had created >70 allotments
- RP land held in 34 titles when land transitioned from deeds system to Land Transfer system in ~1928



1932 Cadastral plan of Rangitoto Peninsula (from Archives NZ R25054936)

Following mid-1960s amalgamations there were 11 privately owned Titles/Sites (comprised of 21 lots) west of the nascent Hihi township (12 Sites from 1981 until today).

- Amalgamations in mid 1960s **reduced** titles to 11
- Since 1981 the number of Sites has remained constant (only boundary reconfigurations) =12 (avg 4.17 Ha)



1969 Cadastral plan of Rangitoto Peninsula (from Archives NZ R398192)

Largest current RP Site (Ferguson's NA5C/517) derived from 10 parcels associated with eight prior titles

1965 Amalgamation that gave rise to Current Ferguson Family Trust Title NA5C/517									
Current Primary Parcel Apellation	Parcel Count	Original Subdivision Lot Deed or Application	Immediate Predecessor Title or Deed	Area figures Sourced from	Acres	Roods	Perches	Total in Acres	Total Hectares
Part Allotment 2 Parish of mangonui East	1	Adverse Posession Application 8307	NA509/144 & 509/153	Marchant's Lawyer's Letter to Registrar dated May 21st 1965	0	3	2.2	0.76	0.309
	2	Adverse Posession Application 8304	NA509/132 & 509/133	NA3A/1151	-3	-3	-34.0	-3.96	-1.60
	3	31H	NA509/132	Per the CT	9	0	26	9.16	3.708
	4	32H	NA509/133	Deed 32H	4	0	1	4.01	1.621
	5	233H	NA509/133	SO1535C1	10	0	0	10.00	4.047
	6	33H	NA509/133	SO1535C1	10	0	32	10.20	4.128
	7	86H	NA509/134	Per the CT	4	1	16	4.35	1.760
	8	96H	NA509/143	Per the CT	1	3	36	1.98	0.799
	9	Part of RoW per Deed 97H	97H	Calculated by road dimensions (770*100 links)	0.77			0.77	0.312
Part Lot 1 DP48582	10	281H,131H, +?	NA3A_1150	Transfer A66114 March 3rd 1965 (Foster Sisters to Marchant)	2	1	2.2	2.26	0.92
Total per above:								39.53	16.00
Actual per Title NA5C/517 "more or less":								39.50	15.99



# Active Management

- The Operative NRC Regional Policy Statement (RPS) includes profound observations and support for 'Active Management' that are directly applicable to our zoning application; eg at S.315, pp50-51:

*“Appropriate subdivision, use and development can be the most effective means to achieve on-going management and improvement of these resources and can provide opportunities to address ongoing impacts / risks and result in net positive effects that may not otherwise occur. Landowners and community groups are generally best placed to undertake Active Management because:*

- *Councils have limited resources and do not have the capacity for the day-to-day on-site management that is often required, particularly for managing pest plants and animals;*
- *While rules may go some way to maintaining special areas, maintenance enhancement cannot be compelled by rules and relies on motivated people;*
- *Landowners have the ability to make decisions on how to use their land;*
- *Landowners, iwi, hapū and communities are better placed to use local knowledge, networks and resources; and*
- *Communities and iwi, hapū have a better idea of what they want and / or need regarding the matters listed.”*