

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 Incorporated

AND

IN THE MATTER Hearing Nine: Rural, Horticulture & Horticulture Processing

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

18 November 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 Incorporated (**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.
- 1.2 I set out in my evidence to Hearing 1 an introduction to the submitters, including a description of their landholdings with location maps and a table of the key outcomes that are sought.⁷
- 1.3 In my evidence below I summarise the key themes of these submissions relevant to this hearing and in particular the Rural Production Zone which the submitters properties are all zoned.
- 1.4 I propose various further amendments to the provisions as appended to the s42A Reports which I have incorporated into this evidence (my amendments in red).
- 1.5 I include at **Attachment 1** the excerpts of the submitter submission points relevant to this hearing, excluding Mataka S. The relief sought by Mataka is discussed separately under its own heading below.

2.0 QUALIFICATIONS AND EXPERTISE

- 2.1 My qualifications and expertise are set out in my evidence to Hearing 1 Strategic Direction and Part 1 /General / Miscellaneous Topics, dated 13 May 2024.⁸

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.

⁷ FNPDP Hearing One- Hearing Statement of Evidence of Peter Hall

⁸ FNPDP Hearing One- Hearing Statement of Evidence of Peter Hall.

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 My evidence relates to the Rural Production Zone.
- 4.2 As per the directions of the Hearing Panel in Minute 1, I have identified areas of agreement with the s42A Reports in my evidence below, with my evidence focussing on remaining areas of disagreement. In particular, my evidence addresses:
- i. A re-cap on the context of the submitters' properties and the key themes of the submissions relevant to this hearing.
 - ii. An overview of relevant higher order policy documents; namely the Regional Policy Statement for Northland 2016 **(RPS)** and the National Policy Statement for Highly Productive Land 2022 – updated August 2024 **(NPS:HPL)**.
 - iii. The submissions from Mataka and other landowners at Mataka Station in relation to the Rural Production Zone.
 - iv. The name of the zone being “General Rural Zone” instead of “Rural Production Zone”.
 - v. The requirement for activities to have a “functional need” in Rural Production Zone objectives and policies, without recognising that there are activities in rural areas that do not necessarily have a functional need to be there but are compatible activities and are in fact preferentially located in rural zones rather than residential, commercial or industrial zones

- vi. The obligation under Objective RPROZ-O4 for activities in the Rural Production Zone to maintain a rural character and amenity associated with a working rural environment, even where there is no such working rural land use.
 - vii. Subdivision policy RPROZ-P6 which (as recommended in the s42A Report) seeks to avoid subdivision of LUC4 land where that that is, or has the potential to be, highly productive land, and as drafted would preclude rural lifestyle living anywhere within the zone (even where environmental benefits are provided).
 - viii. Minimum lot sizes and density in the Rural Production Zone.
 - ix. The requirement for a maximum separation distance between Minor Residential Units and the principal residential unit in the Rural Production Zone.
- 4.3 In preparing this evidence, I have read the s42A Report on Rural Wide Issues and the Rural Production Zone and also Section 32 Report for the Rural Environment (May 2022) and its appended Rural Environment Economic Analysis – Update (prepared by 4Sight Consulting and M.E Consulting, dated August 2020).
- 4.4 I rely on the evidence of Mr Bob Cathcart, an experienced practitioner in land use capability assessment where stated in my evidence.

5.0 CONTEXT AND KEY THEMES OF SUBMISSIONS

- 5.1 The submitters properties are each zoned Rural Production in the Proposed Plan and are either General Coastal or a combination of General Coastal or Rural Production under the Operative Plan.
- 5.2 Although zoned Rural Production under the Proposed Plan, productive rural activities do not necessarily feature strongly on these properties, if at all.

5.3 Land cover, land use and property sizes vary considerably across the submitters' properties. I described this in my evidence⁹ to Hearing 1 on Strategic Direction and Part 1 /General / Miscellaneous Topics when introducing the submitters properties, and re-cap in given the relevance to my evidence in this hearing.

- i. **Bentzen Farm Limited** 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 majority on steeper slopes and ridges in regenerating native forest. Of relevance to this hearing, 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).
- ii. **Ōmarino** is a Management Plan subdivision undertaken by Bentzen Farm in 2008, with 17 house lots between 4 to 6 ha in area and extensive coastal revegetation (over 1 million native plants planted and pest and predator control).
- iii. **Setar Thirty Six Limited** 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.
- iv. **The Shooting Box Limited** 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. The property is a mixture of gardens and native vegetation.

⁹ Statement of Planning Evidence of Peter Raymond Hall to Hearing One on the Proposed Far North District Plan, dated 13 May 2024.

- v. **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. The properties are predominantly in native vegetation, with extensive and ongoing planting by the family.
- vi. **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. 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 a nationally significant population of kiwi.
- vii. **Matauri Trustee Limited** 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. 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.

5.4 I included maps of each these properties in my evidence to Hearing 1, and include the overview map here below for convenience:



Figure 1: Overview Plan - the Submitters Properties

- 5.5 The submitter's properties in some instances are of such a small size, ownership pattern, land cover and soil type that rural production would be impossible, included here is the Ōmarino, Shooting Box, PS Yates Family Trust and Setar properties. Further than this, rural production (be that farming or forestry) would be a highly undesirable outcome on these properties and would result in the loss of established or newly planted indigenous vegetation and native biodiversity.
- 5.6 In the case of Bentzen and Matauri, the land holding is at a farm scale, but that says nothing about its productive value nor desirability of converting it for this purpose.
- 5.7 This variation exhibited by the submitters' properties is not an outlier in rural areas of the Far North. With reference to table 37 from the Rural Environment Economic Analysis report appended to the Council's s32 Assessment, 83% of parcels in the Operative Plan's General Coastal Zone and 78% in the Operative Plan's Rural Production Zone are less than 20ha in area¹⁰. Drilling down further,

¹⁰ The Proposed Plan's Rural Production Zone incorporates the Operative Plan's Rural Production and General Coastal Zones.

69% of parcels in the General Coastal Zone and 63% of parcels in the Operative Plan's Rural Production Zone are less than 8ha – a size below which there would not normally be productive capacity. I acknowledge here the limitations of this data, including that it does not record where parcels are held together under the same ownership to form a productive unit. That said, the conclusion that can be drawn is that there are significant number of parcels in the proposed Rural Production Zone that are of a size that means they would not normally be considered productive. I have attached Table 37 at **Appendix 1** of my evidence.

- 5.8 Against this backdrop, the key themes from the submitters' submissions to the Proposed Plan in relation to rural zones, which I apply below under the topic headings are as follows:
- i. The Rural Production Zone must be suitably broad so as to accommodate a range of rural production *and* non-rural production uses. Not to do so would deny the existing make-up of the zone, as well as its potential.
 - ii. Opportunities for subdivision should be recognised within the Rural Production Zone, accepting that these should not be at the expense of the productive capacity of highly productive land in particular. Such opportunities can lead to significant environmental enhancements, being the catalyst and injection of capital necessary for this (Ōmarino and Mataka being excellent examples).
- 5.9 For the main, in my view, the general thrust of the objectives of the Rural Production Zone captures these outcomes (subject to the changes I recommend below). However, in the implementation of these objectives through the policies relating to land use and subdivision the tilt swings too far towards rural production activities, and fails to recognise the existing diversity within the zone and opportunities for environmental enhancement.

6.0 RELEVANT HIGHER ORDER POLICY DIRECTIVES

Regional Policy Statement for Northland

- 6.1 The Regional Policy Statement for Northland (RPS) 2016 recognises in its description of “Issues” that land is Northland’s most significant economic asset, and that subdivision, use and development, particularly residential, can have the effect of making it difficult for existing and future productive uses and infrastructure to operate (reverse sensitivity) or develop (sterilising the land)¹¹.
- 6.2 The objective that follows is at 3.6 “Economic activities – reverse sensitivity and sterilisation”. According to its title, and relevant to the subject hearing, this policy has a particular emphasis on reverse sensitivity effects in relation to primary production activities and sterilisation of land with regionally significant mineral resources or infrastructure.
- 6.3 Objective 3.6 is achieved only by Policy 5.1 in the RPS¹².
1. Policy 5.1.1 directs that subdivision, use and development should be located, designed and built in a planned and co-ordinated manner which, amongst other things, should not result in incompatible land uses in close proximity and avoids the potential for reverse sensitivity. It also directs that subdivision, use and development ensures that plan changes and subdivision to / in a primary production zone, do not materially reduce the potential for soil-based primary production on land with highly versatile soils¹³, or if they do, the net public benefit exceeds the reduced potential for soil-based primary production activities.
 2. Policy 5.1.3 directs the avoidance of adverse effects, including reverse sensitivity effects of new subdivision, use and development, particularly residential development on primary

¹¹ Page 19, RPS, Issue 2.3 Economic potential and social wellbeing

¹² Page 38, RPS.

¹³ Highly versatile soils are described in the RPS on page 89 as Land Use Capability Classes 1c1, 2e1, 2w1, 2w2, 2s1, 3e1, 3e5, 3s1,3s2, 3s4 - as mapped in the New Zealand Land Resource Inventory.

production activities in primary production zones (including within the coastal marine area).

- 6.4 Beyond the general directive provided by objective 3.6 that the viability of land and activities important for Northland's economy is protected from the negative impacts of new subdivision, use and development (with particular emphasis on reverse sensitivity and sterilisation of land with regionally significant mineral resources or infrastructure), there is not a strong policy direction in the RPS on protecting rural land for rural production activities – other than versatile soils.

National Policy Statement: Highly Productive Land

- 6.5 The NPS:HPL is of particular relevance to this hearing. Its application to the Proposed District Plan is discussed extensively through the s42A report and I agree with that analysis and its application, except where identified below.

7.0 MATAKA RESIDENTS' ASSOCIATION INC

- 7.1 The submissions from Mataka and other landowners at Mataka Station are addressed at paragraphs 166 -168 of the Council's section 42A report. These submissions seek as an alternative relief to the introduction of a Special Purpose Zone for Mataka, that the Rural Production Zone (which the property is zoned) include provisions to recognise the existing resource consents for Mataka Station, which provide for dwellings and building/structures on the lots as well as the continuation of farming activities.
- 7.2 In response, the s42A report notes that the merits of including a Special Purpose Zone will be considered by the reporting officer in the rezoning topic (Hearing 15B) currently scheduled for September 2025. That aside, the s42A report states that it is not necessary or appropriate for the Rural Production Zone chapter to specifically recognise any of these areas through specific Rural Production Zone provisions (noting also that the reporting officer for the Coastal Environment topic has recommended a new controlled activity rule as

part of CE-R1 that provides for a residential unit on a defined building platform, where the defined building platform has been identified through an expert landscape assessment and approved as part of an existing subdivision consent as is the case at Mataka).

7.3 As set out in the legal submissions presented on behalf of the Mataka Residents' Association Inc¹⁴, Mataka intends to appear at the Special Purpose Zone hearing next year to seek a special zone that will seek amendments to the notified version of the Proposed District Plan (regardless of the direction that the overlays or provisions appear to be heading at this stage based on the recommendations of council officers).

7.4 The inclusion of a Mataka Special Purpose Zone is the preferred outcome, however the alternative relief of various amendments to overlays and the Rural Production Zone remains. Rather than presenting that at this hearing, a comprehensive presentation will be made to the Special Purpose Zone hearing next year.

8.0 “RURAL PRODUCTION ZONE” OR “GENERAL RURAL ZONE”

8.1 The submissions sought that the name of the zone be changed from “Rural Production Zone” to “General Rural Zone”. This was in recognition of large parts of the district that are zoned Rural Production Zone but are not suitable for rural production and certainly not retained for rural production purposes. In contrast, “General Rural Zone” more accurately reflects the wider range of activities that occur in the rural environments of the Far North.

8.2 As noted above, the submitters' properties represent some of this significant diversity in property size, land-use capability, location and land cover present in the Far North. A “General Rural Zone” would recognise the broader range of land uses which occur in rural parts of the district; including bush blocks, smaller titles, residential activity and land holding which are unsuitable for rural production uses.

¹⁴ Legal Submissions of Joanna Beresford on behalf of Mataka Residents' Association (and others) to Hearing 4, dated 2 August 2024.

8.3 Both “Rural Production Zone” are “General Rural Zone” are National Planning Standards Zones, described as below¹⁵. They are very similar with the difference underlined.

General rural zone	Rural production zone
<p><i>Areas used predominantly for primary production activities, including intensive indoor primary production. The zone may also be used for a range of activities that support primary production activities, including associated rural industry, and other activities that require a rural location.</i></p>	<p><i>Areas used predominantly for primary production activities <u>that rely on the productive nature of the land and</u> intensive indoor primary production. The zone may also be used for a range of activities that support primary production activities, including associated rural industry, and other activities that require a rural location.</i></p>

8.6 This submission point is addressed in detail at paras 64 to 66 in the s42A report. It concludes that the retention of the name ‘Rural Production Zone’ for the majority of the rural environment in the Far North District “*is appropriate and preferable over a change to ‘General Rural’ at this stage of the PDP process*”¹⁶.

8.7 The 42A report accepts the point made by the submitters that much of the Rural Production Zone in the Far North District is not as productive in nature as land defined as ‘highly productive land’ under the NPS-HPL nor is it currently used for primary production activities. The 42A report agrees that a range of other activities need a rural location (which is reflected in both the Rural Production Zone and General Rural Zone descriptions above) and either currently exist, or may establish in the future, in the Rural Production Zone. However,

¹⁵ Section 8 Zone Framework Standard, National Planning Standards 2019

¹⁶ Section 42A Report, para 66.

following the analysis made at paragraph 65 a.-f. the 42A report still considers that naming the zone ‘Rural Production’ is appropriate.

- 8.8 I agree with some, but not all of the analysis set out in 65 a.-f. the 42A report, in particular, that the National Planning Standard description of the zones does not sufficiently separate these zones to be fully definitive here.
- 8.9 I do not necessarily agree with the rationale in the s42A Report that Rural Production Zone be retained because that zone name was used in the Operative Plan - the Proposed Plan process is the opportunity to change it if desirable.
- 8.10 While some but not all of the submitters have sought rezoning, that does not deal with the wider issue.
- 8.11 From the perspective of district plan accessibility it is helpful to have the names of zones reflect of the types of landuses that might be anticipated within certain zones. Overall, all, it is my opinion the question of “what’s in a name” does not necessarily matter, *provided that* the objectives, policies and other provisions of the Rural Production Zone are correct. By that I mean that the objectives, policies and other provisions of the zone:
- i. Recognise that a range of other activities need and derive particular benefit from a rural location.
 - ii. While not being rural productive land uses, these other uses are not necessarily incompatible with primary production activities.
 - iii. Non-productive land uses can give rise to environmental benefits and also maintain rural character and amenity.
- 8.12 My evidence therefore focusses on seeking to ensure a better balance in the provisions to ensure these outcomes.

9.0 FUNCTIONAL NEED

9.1 Objective PROZ-02 and Policy RPROZ-P5, which deal with land use in the Rural Production Zone, require activities to have a “functional need” to be in the zone.

9.2 As per the s42A report version of this objective and policy, with my emphases added:

*“RPROZ-02 The Rural Production zone is used for primary production activities, ancillary activities that support primary production, lawfully established existing activities and other compatible activities that have a **functional need** to be in a rural environment”.*

....

RPROZ-P5 Avoid land use that:

a. is incompatible with the purpose, character and amenity of the Rural Production zone;

*b. does not have a **functional need** to locate in the Rural Production zone and is more appropriately located in another zone;*

c. would result in the loss of availability and productive capacity of highly productive land, including consideration of the cumulative effects of such losses;

d. would exacerbate natural hazards; and

e. cannot provide appropriate on-site infrastructure.

9.3 In the case of Objective PROZ-02 above, only those compatible activities that have a “functional need” to be in a rural environment are provided for.

9.4 Policy RPROZ-P5 above is even more directive and specifies that land use be avoided that does not have a “functional need” to locate in the Rural Production Zone and is more appropriately located in another.

- 9.5 In my opinion, “functional need” is the wrong test here for activities that may not necessarily be rural productive activities themselves, but are either supportive of such activities or otherwise compatible.
- 9.6 An overview of the activities provided for in the Rural Production Zone shows that such activities include Residential Activity, Visitor Accommodation, Home Business, Educational facility, Recreational activity, Catteries and dog boarding kennels, Cemeteries / Urupā (all permitted), Papakāinga Housing (RDA), and Community facilities (DA).
- 9.7 While all such activities are a necessary adjunct to rural communities, and are certainly compatible with a rural environment, it is arguable whether all in each case would necessarily have a “functional need” to be there.
- 9.8 The term “functional need” is defined in the Proposed District Plan as follows (the same in the National Planning Standards 2019) (emphasis added):
- “Functional Need: means the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment”.*
- 9.9 The planning concept of “functional need” comes from infrastructure and coastal planning, where exceptions are made for infrastructure and facilities to locate within sensitive environments, that may be prohibitive of other activities, because their function provides really no other option (ports in the coastal marine area, linear infrastructure such as electricity transmission lines and towers etc).
- 9.10 Applying this to rural environments, the concept can be applied to rural production activities – those only able to operate in a rural environment.
- 9.11 It becomes problematic however, and a question of case-by-case interpretation, when applying “functional need” to those other

complementary and compatible activities I set out above¹⁷. For example, can a visitor accommodation activity only occur in a rural environment where there is other zoned land available for this purpose? Equally, rural lifestyle subdivision with environmental benefit as is provided for in the Rural Production Zone in the subdivision chapter, arguably does not have a functional need to be there when there is land in the Rural Lifestyle zone and the Rural Residential zone. These activities may derive particular benefits from a rural location but arguably do not have a functional need to be there.

9.12 In my opinion, the “Overview” of the Rural Production Zone in the Proposed Plan strikes a better balance here, recognising that there are both activities with a functional need in the zone, but also other a need to accommodate other activities that may occur in a rural environment, subject to them being *complementary to* the function, character and amenity values of the surrounding environment.

9.13 This recognition needs to be carried through to the objectives and policies and in particular objective RPROZ-O2 and policy RPROZ-P5. I have marked up changes to this objective and policy below (using the s42A report version, with my changes in red).

“RPROZ-O2 - The Rural Production zone is used for primary production activities, ancillary activities that support primary production, lawfully established existing activities and other compatible activities ~~that have a functional need to be in a rural environment~~.

9.14 Policy RPROZ-P5 being an “avoidance” policy requires particular attention. It directs that land use is avoided that does not have a functional need to locate in the Rural Production zone and is more appropriately located in another zone. I recommend the deletion of the functional need requirement for land use from this avoidance

¹⁷ I note also that the concept of compatible activities is given further definition in Rural Production Zone Policy RPROZ-P2 which enables “a range of compatible activities that support primary production activities, including ancillary activities, rural produce manufacturing, rural produce retail, visitor accommodation, small-scale educational facilities and home businesses”

policy as follows (using the s42A report version, with my changes in red):

“Avoid land use that:

a. is incompatible with the purpose, character and amenity of the Rural Production zone;

~~*b. does not have a functional need to locate in the Rural Production zone and is more appropriately located in another zone;*~~

c. would result in the loss of availability and productive capacity of highly productive land, including consideration of the cumulative effects of such losses;

d. would exacerbate natural hazards; and

e. cannot provide appropriate on-site infrastructure.

32AA Evaluation

9.15 Because the change that I have recommended above is firstly a change to objective RPROZ-O2, the section 32 evaluation must examine the extent to which the objective is the most appropriate way to achieve the purpose of the RMA 1991. In my opinion, with the deletion of the functional need requirement, the section 5 RMA purpose of managing the natural and physical resources of rural areas and providing for social, economic and cultural well-being from that is maintained. This is because there remains in the objective a clear expression of the outcome anticipated for the Rural Production Zone (ie it is used for primary production activities and activities that support these), while also providing for other compatible activities, which as I set out above are key to rural areas and rural life (providing social, economic and cultural well-being), but may not necessarily have a functional need to be there – as that term is defined.

9.16 Compared with the notified version of RPROZ-P5, the amendments I have proposed are the most appropriate way to achieve the objectives. Notable here is objective RPROZ-O3 which deals with

land use (and subdivision) in the Rural Production Zone. In this regard, the policy as I have amended it continues to protect highly productive land from sterilisation as directed by objective RPROZ-O3 a. and by retaining the compatibility obligation at policy RPROZ-P5 a, ensures the objective at RPROZ-O3 c. is met.

- 9.17 My amendment to RPROZ-P5 in respect to functional need follows my amendment to objective RPROZ-O2, and effectively achieves the directive of that amended objective. The land use rules which follow this policy set out a much broader range of activities than just those allowed by functional need, as I have set out in my evidence above. Not providing for these activities would come at significant cost to rural communities (travel time to towns, cost community life without social infrastructure in rural areas, income through the provision of visitor accommodation) and would potentially forgo the benefits of environmental enhancements were rural lifestyle subdivisions with environmental benefits not provided for in the rural environment because they did not have a functional need.

10.0 RURAL CHARACTER AND AMENITY

- 10.1 Objective RPROZ-O4 is as follows (my **emphasis** added):

*“RPROZ-O4 The rural character and amenity **associated with a rural working environment** is maintained”.*

- 10.2 The submitters sought the deletion and replacement of this objective on the basis that fails to recognise that character and amenity of the zone is not only defined by a working rural environment.
- 10.3 On re-reading the objective, and also in conjunction with policy RPROZ-P4, I do not think the intent of the objective is to only define rural character as being that associated with a working rural environment. By way of example here the submitters properties of Moturua Island (Setar), Ōmarino and at Rawhiti (Shooting Box and PS Yates) have a rural character, but definitely not one associated with a working rural environment – having none of that land use on

these properties, all being residential properties with lawns and predominantly in coastal native vegetation.

- 10.4 Policy RPROZ-P4 goes further and provides a more fulsome description of rural character and amenity of the Rural Production Zone which goes beyond just that associated with a working rural environment, as follows:

“RPROZ - P4 Land use and subdivision activities are undertaken in a manner that maintains or enhances the rural character and amenity of the Rural Production zone, which includes:

a. a predominance of primary production activities;

b. low density development with generally low site coverage of buildings or structures;

c. typical adverse effects such as odour, noise and dust associated with a rural working environment; and

d. a diverse range of rural environments, rural character and amenity values throughout the district”.

- 10.5 Importantly, and consistent with the diversity represented by the submitters' properties, Policy RPROZ-P4 accepts that there are a diverse range of rural environments, rural character and amenity values throughout the district, albeit with a predominance of primary production activities.

- 10.6 I believe therefore that a correct reading of objective RPROZ-O4 is that it is *amenity* associated with rural working environment that is maintained (ie there cannot be a higher expectation of amenity), with rural character in general otherwise maintained, and not being limited to a rural working environment.

- 10.7 A minor revision to objective RPROZ-O4 would assist to clarify this as follows (my changes in **red**) :

*“RPROZ-O4 ~~The~~ **r**Rural character and **the** amenity associated with a rural working environment is maintained”.*

11.0 SUBDIVISION POLICY RPROZ-P6

11.1 The definition of highly productive land was a topic of the submitters' submissions and in particular the submitters opposed the proposed inclusion of LUC4 in the definition of highly productive land.

11.2 The s42A report recommends that this definition is amended and I agree with the amendments proposed there. In my opinion, the amended definition of highly productive land allows that resource to be appropriately managed and properly gives effect to the NPS:HPL during this transitional time, (i.e. before the mapping has been done by the Regional Council).

11.3 The Rural Production Zone Subdivision Policy RPROZ-P6 is as follows as recommended in the s42A report:

“RPROZ-P6 Avoid subdivision that:

a. results in ~~the~~ any potential cumulative loss of the availability or productive capacity of highly productive land for use by farming or forestry activities;

b. cannot demonstrate that the proposed lots will retain the overall productive capacity of highly productive land over the long term;

c. fragments land into parcel sizes that are no longer able to support farming or forestry activities, taking into account:

i. the type of farming or forestry proposed;

ii. the potential loss of LUC 4 land that is, or has the potential to be, highly productive; and

iii. whether smaller land parcels can support ~~more productive forms of the proposed~~ farming or forestry activity due to the presence of highly productive land.

d. provides for rural lifestyle living unless there is an environmental benefit”.

11.4 My concern with Policy RPROZP6 is three-fold:

- i. The inclusion (or re-introduction by way of the s42A Report) of LUC 4 land into the avoidance policy for subdivision.
- ii. The necessity and suitability of the policy as an interim policy in relation to LUC 4, ahead of the regional mapping of highly productive land.
- iii. The application of the avoidance policy to rural lifestyle living with environmental benefits to land that is not highly productive land. This sets up a policy test that in my opinion would be impossible to pass, thereby removing the ability to do rural lifestyle living with environmental benefits in the Rural Production Zone outside of LUC 1, 2 and 3 land.

Dealing with these in turn below.

Subdivision of LUC 4 Land

- 11.5 Policy RPROZ-P6 as recommended in the s42A report seeks to avoid fragmentation of land into parcel sizes that are no longer able to support farming or forestry activities, taking into account, *“the potential loss of LUC 4 land that is, or has the potential to be, highly productive”*.
- 11.6 Mr Cathcart concludes that for LUC Class 4 units that in assessing land use capability, it is assumed that all known technology and management practices will be implemented. Contrary to this 42A recommended policy it is, therefore, highly unlikely that any review of land use capability will increase the actual or potential productivity of Class 4 land to the extent that it is considered highly productive land¹⁸. In relation to the Northland Region, Mr Cathcart notes that a review of all 23 Northland Class 4 LUC Units occupying 25% of the region, identifies no obvious units that may be candidates for an upgrade to a ‘highly productive land’ status¹⁹.
- 11.7 Mr Cathcart has extensive experience in land use capability assessment in Northland and I rely on his conclusion here.

¹⁸ Para 1.3 Evidence of Mr Cathcart to Hearing 9 on behalf of Bentzen Farm Limited

¹⁹ Para 8.9 Ibid

11.8 While the ‘avoidance’ test of RPROZ-P6 should be applied to subdivision of Highly Productive Land (with the provisos of RPROZ-P6 and as Highly Productive Land is now proposed to be defined), this should not apply also to LUC 4 land or its potential.

Interim Inclusion of LUC 4 Land in the ‘Avoidance’ Policy

11.9 I understand from the s42A report that the inclusion of LUC 4 land into RPROZ-P6 is essentially a question of timing and risk. The 42A Report records that the inclusion of LUC 4 land into policies RPROZ-P6 (and RPROZ-P7) is to provide additional protection for LUC 4 land and reduce the potential for additional fragmentation in advance of the regional mapping process for Highly Productive Land²⁰. That mapping of Highly Productive Land is on hold by the Northland Regional Council, given uncertainty about future changes to the NPS:HPL²¹.

11.10 While there is a pathway to map LUC 4 land as Highly Productive Land under the NPS:HPL²², as set out in the evidence of Mr Cathcart, the suitability of LUC 4 land as highly productive land is very unlikely.

11.11 With the mapping yet to be completed, there is of course uncertainty, however in my opinion there is not the risk of significant fragmentation of LUC 4 land in the meantime. In this regard, I consider that there are now a limited number of pathways under the Proposed Plan to achieve subdivision in the Rural Production Zone (each with their own controls and limitations on subdivision); namely:

1. As a 40ha (or 20ha as sought by the submitters) subdivision under rule SUB-R3 as a controlled activity – a size which is suitable for farming²³ or forestry activities.

²⁰ Para 126 s42A Report

²¹ Para 45 s42A Report

²² Section 3.4 of the NPS:HPL also states a clause (3) that regional councils may map land that is in a general rural zone or a rural production zone, but is not LUC 1, 2, or 3 land, as highly productive land if the land is, or has the potential to be (based on current uses of similar land in the region), highly productive for land-based primary production in that region, having regard to the soil type, physical characteristics of the land and soil, and climate of the area.

²³ Farming as defined in the Proposed Plan (with s42A Report amendments shown) means “*the use of land for the purpose of agricultural, pastoral, horticultural or apiculture activities, including accessory buildings, but excludes mining, quarrying, plantation forestry activities, intensive indoor primary production, intensive outdoor primary production and processing activities.*”

2. An 8ha subdivision as a fully discretionary activity under standard SUB-S1 that would still need to support farming or forestry activities according to the Rural Production policies.
3. As an Environmental Benefit Subdivision under rule SUB-R6, with a maximum of 3 lots able to be created on an individual title using either legal protection of indigenous vegetation or wetlands.
4. As a Management Plan Subdivision under rule SUB-R7, with its inherent restrictions due to cost and commitment to environmental and other enhancements.

11.12 These limitations, coupled with the real-world limitations on subdivision (owner willingness, costs, ability to access, suitability of general location and building sites, environmental site constraints, profitability of farming etc) mean that I do not perceive the same level of risk of subdivision as that identified in the s42A Report.

11.13 In addition, despite being presented as an interim policy position (pending mapping), the wording of policy RPROZ-P6 is such that the avoidance test would continue to apply to LUC 4 land, even if the regional mapping excludes such land as being highly productive.

Rural Lifestyle Subdivision with Environmental Benefits (including of LUC 4 Land)

11.14 The structure of the policy is such that rural lifestyle subdivision with environmental benefits in the Rural Production Zone could never be achieved – even outside of highly productive land.

11.15 In this regard, sub-clauses c and d both apply, or in other words sub-clause d, which has the exception for rural lifestyle living where there is an environmental benefit, is still subject to sub-clause c.

11.16 Sub-clause c says that subdivision is to be avoided where it fragments land into parcel sizes that are no longer able to support farming or forestry. Rural lifestyle subdivision by its nature will

Note: this definition is a subset of primary production”.

always fragment land in this manner and so could never pass the avoidance test of sub-clause c. Nor would rural lifestyle subdivision pass the qualifiers at sub-clause c i-iii, it not being farming nor forestry. As such sub-clause c nullifies the provision for rural lifestyle subdivision where that has environmental benefit.

11.17 Rural lifestyle subdivision where that brings environmental benefits is a highly desirable outcome in my opinion. This is what the Environmental Benefit Subdivision rule (SUB-R6) or Management Plan Subdivision rule (SUB-R7) in the subdivision chapter are seeking to achieve.

11.18 As I presented in my evidence to Hearing 1, Mataka Station 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. Where land is not suited for farming or marginal, then subdivision for rural lifestyle living that affords environmental benefits can be its optimum outcome.

11.19 While there is a clear directive to avoid rural lifestyle subdivision of highly productive land under the NPS:HPL (except in certain circumstances (Policy 6 and clause 3.8)), no such directive applies to land that is not highly productive. Nor is there a strong policy directive under the RPS (see analysis above). Also, as recommended in the Council's s42A report writer's right of reply in Hearing 4 for Ecosystems and Indigenous Biodiversity (new Policy IB-PX), subdivision and associated land use is to be *enabled* where this results in the restoration, enhancement and legal protection of indigenous biodiversity in accordance with the Environmental Benefit Subdivision rule (SUB-R6) or Management Plan Subdivision rule (SUB-R7) and *considered* where this will achieve positive, secure and long-term benefits for indigenous biodiversity through active and ongoing restoration and enhancement activities.

- 11.20 If these outcomes are not provided for in the Rural Production Zone, then it not clear where they will be (being by far the zone that incorporates the largest land area in the district and has the greatest potential for biodiversity gains through private initiatives).
- 11.21 I recommend that the policy be recast to provide for rural lifestyle subdivision where that has environmental benefit (outside of areas of highly productive land, as it is proposed to be defined in the s42A report). This aligns with the provision of this outcome in Environmental Benefit Subdivision rule (SUB-R6) or Management Plan Subdivision rule (SUB-R7). A positive ‘provide for’ rather than ‘avoid...unless’ structure as I have recommended, also aligns with the policy direction from the Ecosystems and Indigenous Biodiversity Chapter of the Proposed Plan.

Recommended Amendments to Rural Production Zone Subdivision Policy RPROZ-P6

- 11.22 Based on the analysis above, I recommend amending the Rural Production Zone Subdivision Policy RPROZ-P6 as follows (my amendments to the s42A report version shown in red to the s42A Report version):

“RPROZ-P6 Avoid subdivision of highly productive land that:

- a. results in ~~the~~ any potential cumulative loss of the availability or productive capacity of highly productive land for use by farming or forestry activities;*
- b. cannot demonstrate that the proposed lots will retain the overall productive capacity of highly productive the land over the long term;*
- c. fragments the land into parcel sizes that are no longer able to support farming or forestry activities, taking into account:*
 - i. the type of farming or forestry proposed;*
 - ii. the potential loss of LUC 4 land that is, or has the potential to be, highly productive; and*

iii. *whether smaller land parcels can support ~~more~~
~~productive forms of~~ the proposed farming or forestry
activity due to the presence of highly productive land.*

d. *provides for rural lifestyle living ~~unless there is an environmental~~
~~benefit~~".*

Add a new policy RPROZ-PX as follows:

RPROZ-PX

*Provide for the subdivision of land that is not highly productive land,
that:*

a. *supports farming or forestry activities; and*

b. *enables rural lifestyle living, only where there is an
environmental benefit.*

11.23 My changes to Policy RPROZ-P6 and the new RPROZ-PX (to be numbered) seek to achieve the following:

- i. Split out the policy to distinguish the subdivision in highly productive land from other land in the Rural Production Zone, with a different policy approach for each.
- ii. Ensure that subdivision policies that apply to highly productive land, as now defined in the s42A Report, give effect to the NPS:HPL (including that the subdivision of highly productive land is avoided, except as provided in the NPS:HPL²⁴, including by ensuring that the proposed lots will retain the overall productive capacity of the subject land over the long term²⁵ and that the use of highly productive land for rural lifestyle living is avoided²⁶).
- iii. For land that is not highly productive, provide for subdivision that supports farming and forestry and for rural lifestyle living where there is an environmental benefit (to secure the

²⁴ NPS:HPL Policy 7

²⁵ NPS:HPL Clause 3.8

²⁶ NPS:HPL Policy 6.

positive outcomes envisaged by the Environmental Benefit Subdivision rule (SUB-R6) or Management Plan Subdivision rule (SUB-R7)).

11.24 As a consequence of this change above, ‘consideration policy’ RPROZ-P7 would need to be amended as follows (my mark ups in red to the s42A Report version):

“Consider the following matters where relevant when assessing and managing the effects of land use and subdivision in the Rural Production Zone.....:

....

e. for subdivision or non-primary production activities:

- i. scale and compatibility with rural activities;*
- ii. potential reverse sensitivity effects on primary production activities and existing infrastructure;*
- iii. the potential for loss of highly productive land ~~or LUC 4 land that is, or has the potential to be productive,~~ land sterilisation or fragmentation*

....”

Section 32AA Evaluation

11.25 Compared to the s42A version of RPROZ-P6, my recommended splitting of the policy between an ‘avoid’ directive and a ‘provide for’ directive is the most appropriate way to achieve the objectives, because:

- i. The direct implementation of the objective that subdivision protects highly productive land from sterilisation (objective RPROZ-O3) is retained in the avoidance part of the policy – that being a very effective policy response in s32 terms.*
- ii. The policy provides a more nuanced approach to the fact that not all land in the Rural Productive Zone is highly productive,*

nor is it necessarily suited for productive purposes. As I set out above, the Proposed Plan should provide an alternative subdivision outcome for such land, including rural lifestyle living with environmental benefits. As currently drafted, the policy would effectively preclude such benefits, and thereby forgo the environmental benefits that subdivision, as a catalyst for land use change, injection of capital and ongoing source of income for environmental protection, can bring. That comes with an environmental cost for land that has limited productive potential, or where its conversion to land use with productive potential (such as forestry) would come with environmental costs in the form of loss of native biodiversity. In this regard, a policy that clearly provides for rural lifestyle living, where that is not on highly productive land, and where that comes with environmental benefits, is required and more efficiently and effectively gives effect to the objectives of the Proposed Plan (including notably the proposed recommended Policy IB-PX from the s42A author Right of Reply from Hearing 4).

- iii. As I describe above, there is not the risk of significant fragmentation of LUC 4 land in the meantime and before highly productive land is mapped by the Regional Council.

12.0 MINIMUM LOT SIZE AND DENSITY

- 12.1 I support a 20ha controlled activity minimum lot size in the Rural Production Zone.
- 12.2 I have read the Section 32 Economics Report referred to in the s42A Report²⁷. As set out in the executive summary, the report considers the implications of rural residential and rural lifestyle intensification within the Far North District and the economic implications of this on the District's rural environment. The report identifies that the current policy framework of the District Plan is not effective in addressing the loss of highly versatile soils and does not appear to be a constraint to

²⁷ "Rural Environmental Economic Analysis – Update", prepared by 4Sight Consulting in association with M.E Consulting, dated August 2020.

avoiding further rural residential or lifestyle intensification in the Rural Production Zone²⁸. The report responds to the question as to how can rural residential and rural lifestyle intensification be more effectively managed? The report also recommends that 40ha be used as the basis for minimum lot size in the Rural Production Zone to better support and maintain economically viable primary production properties.

- 12.3 Economic viability and parcel size is dealt with at section 4.1 of the Economics Report. The analysis adopted identifies the productive property area that would be required to achieve a range of annual household returns (per annum), namely a return of between \$45,000 and \$100,000 per annum (being the lower and upper limit tested). Based on this analysis it is concluded that a 20ha lot size in the Rural Production and General Coastal Zone is not expected to sustain an economically viable farming property (unless there are other sources of income not captured). The conclusion follows an analysis at section 4.1.1 of the Economics Report that in order to get a return of between \$45,000 and \$100,000 per annum, kiwifruit orchards would need to have a productive area of between 7ha and 16ha respectively, vineyards would need to have a productive area of between 11ha and 25ha respectively, dairy farming properties would need to have a productive area of between 46ha and 103ha respectively, and sheep and beef properties would need to have a productive area of between 242ha and 538ha respectively. Accepting even the inherent limitations of the assumed annual return approach as are acknowledged in the report²⁹ (all farms are different, levels of debt, applicability of latest technology, assumptions about separate titles operating as separate farms), there is no clear rationale as to why 40ha should be regarded as a minimum productive size.
- 12.4 The Economics Report itself notes that *“there is no clear relationship between minimum lot sizes in the rural environment zones (subdivision rules) and the rural property sizes present in the district. That is, rural productive properties generally far exceed the*

²⁸ Executive Summary, Ibid

²⁹ Economics Report 4.1.3

minimums (with the exception of horticulture) but may be made up of several parcels (that may or may not have a relationship with the minimum subdivision rules).”³⁰

- 12.5 I have some concerns about relying on economic modelling that generates a theoretical minimum productive land unit as the determinant of subdivision lot size that will apply for all rural production activities. In my view better planning outcomes will be achieved if economic inputs are considered along with real world factors and the overall issues and objectives for rural land in the District
- 12.6 Mr Cathcart in his evidence notes a range of other real-world factors, that might apply in determining minimum lot sizes, with these ultimately being driven by the market and the type of farming undertaken³¹. He considers that this assessment should include the land use classification as this influences how land might be used and therefore what might be viable for a commercial venture.
- 12.7 In addition to these factors, broader planning considerations should apply in setting a minimum lot size for the Rural Production Zone:
- i. Ensuring lot sizes are rural in nature and not at an urban or rural lifestyle scale. 20ha achieves this outcome.
 - ii. Maintaining rural character and amenity as per Objective RPROZ-O4 and Policy RPROZ-P4. As above, 20ha ensures a low density of development, characterised by openness or vegetation rather than built form. At this density, land is not serviced as is urban land and so does not feature the roads, footpaths street lighting, and density of development associated with an urban character.
 - iii. Being of sufficient size as to not give rise to reverse sensitivity effects through allowing sufficient space to provide a buffer against primary production activities (in doing so achieving the reverse sensitivity objectives of Objective

³⁰ Economics Report 4.1.1.

³¹ Evidence of Bob Cathcart on behalf of Bentzen Farms Limited

RPROZ-O3 and Policy RPROZ-P3). 20ha allows sufficient space as a buffer between potentially incompatible activities.

- iv. Being a manageable land unit, where with bush blocks or mixed bush blocks, smaller may be preferable.
- v. Allowing opportunities for existing unprofitable smaller blocks of at least 40ha to be subdivided to provide for retirement income, enable people to continue to live on the land and in doing so support populations in rural communities , where , .

12.8 As is sought by the submitters, I also consider that this minimum lot size is better as an **average** rather than absolute minimum. My reasons for this are that in allowing or ‘overs’ and ‘unders’ in lot sizes, property boundaries can better follow natural or physical boundaries such as fence lines, ridge lines, areas of vegetation. Smaller lots can be clustered so as to preserve larger balance lots for farming or forestry or for conservation purposes. Costs and impacts of internal roading and access can be minimised also by clustering in this manner and services can be more efficiently shared. The averaging technique of course maintains the same overall density, thus meeting the outcome of retaining a rural character.

12.9 I consider that the 20ha average minimum lot size strikes a better balance taking into account the real world factors identified by Mr Cathcart and the planning factors discussed above. I note also here that the matters of control for such a subdivision under SUB-R1 provide scope for the Council to impose conditions, including on “a. the design and layout of allotments, and the ability to accommodate permitted and/or intended land uses” and “h. adverse effects arising from land use incompatibility”³².

12.10 As a consequential change, Rural Production Zone rule RPROZ-R3 which deals with the density of residential units would need to be changed as follows with my amendments to the s42A report version shown in red to the s42A Report version). With these changes, I have also reduced on a pro-rata basis the number of units from six to

³² Rule SUB-R1 “matters of control”.

three, with the proposed reduction in minimum lot size from 40ha to 20ha.

RPROZR3	Residential Activity	
Rural Production zone	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The site area per residential unit is at least 40ha <u>20ha</u>.</p> <p>PER-2 The number of residential units on a site does not exceed six <u>three</u>.</p> <p>PER-1 does not apply to:</p> <ul style="list-style-type: none"> i. a single residential unit located on a site less than 40ha <u>20ha</u>. ii. <u>a minor residential unit constructed in accordance with rule RPROZ-R19.30</u> 	<p>Activity status where compliance not achieved with PER-1 or PER-2: Discretionary</p> <p>Where:</p> <p>DIS-1 The site area per residential unit is at least 8ha.</p> <p>DIS-2 The number of residential units on a site does not exceed two.</p> <p>Activity status where compliance not achieved with DIS 1 or DIS 2: Non-complying</p>

Section 32AA Evaluation

12.11 In this section 32AA evaluation, I have compared the option benefits and costs of the 20ha minimum lot size and the 40ha minimum lot size for controlled activity subdivision in the Rural Productive Zone.

12.12 The benefits are that 20ha is the status quo³³ and retaining the status quo has benefits of retaining existing expectations and entitlements for property owners with lots less than 80ha that subdivision potential is enabled. The benefits are also that the smaller lots size of 20ha provides for a more manageable property size, including on land which is not suitable for rural production activities.

³³ Operative Plan Rule 13.7.2.1 20ha is the minimum lot size as a controlled activity in the Rural Production Zone and as a restricted discretionary activity in the General Coastal Zone.

- 12.13 Both 20ha and 40ha retain a rural character and are effective in managing potential effects reverse sensitivity.
- 12.14 The cost of increasing the threshold below which subdivision is provided for reduces opportunities for people to subdivide, and thereby continue to live on land which may not be productive.
- 12.15 Based on the Economics Report and the evidence of Mr Cathcart, productive potential relative to parcel size differs depending on the type of farming proposed and ultimately is determined by the market. For some types of farming (kiwifruit orchards/vineyards) lots sizes less than 20ha may in fact be productive according to the Economics Report, meaning subdivision below 20ha does not necessarily mean loss of productive potential. Nor does subdivision at 40ha guarantee productive potential, or significantly more likely guarantee productive potential. In this regard, I conclude that in terms of loss of productive potential the costs of one size over another fall to be relatively neutral.
- 12.16 Overall, I conclude that the costs of increasing the controlled activity minimum lot size from 20ha to 40ha outweigh any benefits.

13.0 MINOR RESIDENTIAL UNITS

- 13.1 The submitters sought that minor residential units be included as a permitted activity in the Rural Production Zone, instead of a controlled activity in the Proposed Plan as notified.
- 13.2 I note that this relief is supported in the s42A report, with the activity status for minor residential units recommended to be a permitted activity in rule RPROZ-R19. I agree with this recommendation and the reasons set out, including that the provision of minor residential units in a Rural Production Zone provides an additional pathway for people to live in the rural environment and give landowners the ability to provide for their particular circumstances. The matters sought to be managed by the rules (density, access, size etc) are easily controlled by standards. The Council is able to ascertain compliance with these matters at building consent stage, with the requirement for a

controlled activity resource consent unnecessary. This permitted activity approach, with standards, is consistent with how minor residential units are provided for in the remainder the rural zones.

- 13.3 The submitters also sought to delete the requirement that the separation distance between the minor residential unit and the principal residential unit does not exceed 15m. The s42A does not recommend making this change, stating the importance that that the minor residential unit remains spatially connected to the principal residential unit, and if clustered together, minimise the potential for reverse sensitivity effects on surrounding primary production activities³⁴ and rural amenity³⁵.
- 13.4 In my opinion, the 15m maximum separation distance is unnecessary and, in some part, runs counter to the benefit created by the rule.
- 13.5 Of note here is the many varied reasons for minor residential units in the rural environments. In my experience, these include housing for extended family including retired people on the farm (where proximity to the primary dwelling is normal and desirable), through to housing for farm workers or property caretakers (where separation for privacy reasons or in fact just to maintain a degree of independence between occupants is desirable). In addition, on large properties, minor residential units, can sometimes be located at entranceways for security, or close to sheds and equipment, and not necessarily close to the primary dwelling.

32AA Evaluation

- 13.6 With the removal of the 15m maximum separation distance rule, the remaining provisions are still the most appropriate to achieve the objectives. In particular, that land use in the Rural Production zone protects primary production activities from reverse sensitivity effects (RPROZ-O3) and maintains rural character and amenity (RPROZ-O4).

³⁴ Para 641, s42A Report

³⁵ Para 647 s42A Report

- 13.7 Other standards in RPROZ-R19 (which I conclude should remain) are more effective in managing any potential effects on rural amenity and character - notably the allowance for only one, the minimum size of the associated lot being 1ha, and the maximum size of the minor residential dwelling being 65m²+18m² for the attached garage). By controlling scale and site size in this way, rural amenity is effectively maintained. Furthermore, the requirement that minor residential units shares vehicle access with the principal residential unit, avoids the proliferation of accessways, and ensures an association between the minor residential unit and the principal residential unit, just not immediate proximity.
- 13.8 The alternative of retaining the 15m separation maximum in the rules and obtaining a resource consent where exceeded (a discretionary activity as per the s42A Appendix 1.1 Rural Production Zone provisions), imposes costs on building on something that should be a reasonably straightforward addition to rural properties.
- 13.9 If the risk of subdivision around minor residential units due to lack of proximity to the principal residential unit be of concern, then in my opinion the subdivision policies and rules are sufficiently rigorous to allow the Council to decline such an application where it did not meet the subdivision standards.
- 13.10 Reverse sensitivity should not be a concern, and is self-regulated on rural sites, where a farming activity would not site a minor residential unit in a manner that would stifle that very activity.
- 13.11 Based on the above, I recommend the following amendment to rule RPROZ-R19 to delete standard Per 4 requiring the 15m maximum separation distance, with consequential renumbering (my amendments to the s42A report version shown in red to the s42A Report version):

RPROZR19	Minor residential unit	
<p>Rural Production zone</p>	<p>Activity status: Controlled <u>Permitted</u></p> <p>Where:</p> <p><u>CONPER-1</u> The number of minor residential units on a site does not exceed one.</p> <p><u>CONPER-2</u> The site area per minor residential unit is at least one hectare.</p> <p><u>CONPER-3</u> The minor residential unit shares vehicle access with the principal residential unit.</p> <p><u>CONPER-4</u> The separation distance between the minor residential unit and the principal residential unit does not exceed 15m.</p> <p><u>CONPER-54</u> The minor residential unit: 1. does not exceed a GFA of 65m²; and 2. with an optional attached garage or carport that does not exceed GFA of 18m², where the garage or carport is used for vehicle storage, general storage and laundry facilities.</p>	<p>Activity status where compliance not achieved with <u>PER-3</u> or <u>PER-4</u> <u>CON-3</u>: Discretionary</p> <p>Activity status where compliance not achieved with <u>CON PER-1</u>, <u>CON PER-2</u>, <u>CON-4</u> or <u>CON PER-54</u>: Non complying</p>

Peter Raymond Hall

18 November 2024

Appendix 1

Table 37: Matrix of Total Far North District Property Parcels by Size Bracket and Estimated Operative Zone (2017/2018)

	Up to 1,000sqm	1,001 - 2,000sqm	2,001 - 2,500sqm	2,501 - 3,000sqm	3,001 - 3,500sqm	3,501 - 4,000sqm	4,001 - 5,000sqm	5,001 - 8,000sqm	8,001sqm - 1ha	1-2ha	2-4ha	4-6ha	6-8ha	8-12ha	12-20ha	20ha +	Total
Count of Parcels by Size and Approximate Zone Location																	
Coastal Living	239	191	69	53	77	88	160	224	210	240	145	70	18	17	14	15	1,830
General Coastal	160	204	59	31	31	68	88	155	98	254	283	315	131	176	188	449	2,690
Minerals	-	-	-	-	1	1	-	2	1	6	10	4	2	3	7	12	49
Rural Living	172	284	154	184	362	186	289	203	73	138	94	45	17	13	8	14	2,236
Rural Production	1,329	1,045	472	318	316	356	778	1,378	728	2,305	2,567	1,619	929	1,390	2,013	5,051	22,594
South Kerikeri Inlet Zone	-	1	-	-	-	-	-	1	-	6	4	4	1	1	5	2	25
Waimate North	2	1	-	1	-	3	-	5	4	7	16	4	5	8	5	4	65
Total Rural Environment	1,902	1,726	754	587	787	702	1,315	1,968	1,114	2,956	3,119	2,061	1,103	1,608	2,240	5,547	29,489
Total Special Zone Area (Excl Outside and Coastal Marine)	550	294	99	58	47	52	78	170	64	180	180	88	46	70	113	623	2,712
Total Urban Environment	9,548	4,713	524	249	205	139	230	248	92	197	94	25	11	12	6	5	16,298
Total Far North District	12,000	6,733	1,377	894	1,039	893	1,623	2,386	1,270	3,333	3,393	2,174	1,160	1,690	2,359	6,175	48,499
Share of Parcels by Zone for Each Parcel Size																	
Coastal Living	2%	3%	5%	6%	7%	10%	10%	9%	17%	7%	4%	3%	2%	1%	1%	0%	4%
General Coastal	1%	3%	4%	3%	3%	8%	5%	6%	8%	8%	8%	14%	11%	10%	8%	7%	6%
Minerals	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Rural Living	1%	4%	11%	21%	35%	21%	18%	9%	6%	4%	3%	2%	1%	1%	0%	0%	5%
Rural Production	11%	16%	34%	36%	30%	40%	48%	58%	57%	69%	76%	74%	80%	82%	85%	82%	47%
South Kerikeri Inlet Zone	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Waimate North	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Total Rural Environment	16%	26%	55%	66%	76%	79%	81%	82%	88%	89%	92%	95%	95%	95%	95%	90%	61%
Total Special Zone Area (Excl Outside and Coastal Marine)	5%	4%	7%	6%	5%	6%	5%	7%	5%	5%	5%	4%	4%	4%	5%	10%	6%
Total Urban Environment	80%	70%	38%	28%	20%	16%	14%	10%	7%	6%	3%	1%	1%	1%	0%	0%	34%
Total Far North District	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Share of Parcels by Parcel Size for each Zone																	
Coastal Living	13%	10%	4%	3%	4%	5%	9%	12%	11%	13%	8%	4%	1%	1%	1%	1%	100%
General Coastal	6%	8%	2%	1%	1%	3%	3%	6%	4%	9%	11%	12%	5%	7%	7%	17%	100%
Minerals	0%	0%	0%	0%	2%	2%	0%	4%	2%	12%	20%	8%	4%	6%	14%	24%	100%
Rural Living	8%	13%	7%	8%	16%	8%	13%	9%	3%	6%	4%	2%	1%	1%	0%	1%	100%
Rural Production	6%	5%	2%	1%	1%	2%	3%	6%	3%	10%	11%	7%	4%	6%	9%	22%	100%
South Kerikeri Inlet Zone	0%	4%	0%	0%	0%	0%	0%	4%	0%	24%	16%	16%	4%	4%	20%	8%	100%
Waimate North	3%	2%	0%	2%	0%	5%	0%	8%	6%	11%	25%	6%	8%	12%	8%	6%	100%
Total Rural Environment	6%	6%	3%	2%	3%	4%	7%	4%	10%	11%	7%	4%	5%	8%	19%	100%	
Total Special Zone Area (Excl Outside and Coastal Marine)	20%	11%	4%	2%	2%	2%	3%	6%	2%	7%	7%	3%	2%	3%	4%	23%	100%
Total Urban Environment	59%	29%	3%	2%	1%	1%	1%	2%	1%	1%	1%	1%	0%	0%	0%	0%	100%
Total Far North District	25%	14%	3%	2%	2%	3%	5%	3%	7%	7%	4%	2%	3%	5%	13%	100%	

Source: M.E based on FNDC data. Special Zone includes roads, lakes, conservation and special purpose zones. Urban includes residential (including coastal residential), commercial, industrial, recreation, horticulture processing.

Source: "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)