

**BEFORE THE FAR NORTH DISTRICT COUNCIL**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of the submissions and further submissions made by Bentzen Farm Limited, Setar Thirty Six Limited and Matauri Trustee Limited to the Proposed Far North District Plan.

**AND**

**IN THE MATTER** Hearing 16: Subdivision

---

**STATEMENT OF EVIDENCE OF PETER RAYMOND HALL (PLANNER)  
ON BEHALF OF BENTZEN FARM LIMITED, SETAR THIRTY SIX  
LIMITED AND MATAURI TRUSTEE LIMITED**

14 October 2025

---

## 1.0 INTRODUCTION

- 1.1 I present this evidence on behalf of Bentzen Farm Limited,<sup>1</sup> Setar Thirty Six Limited,<sup>2</sup> and Matauri Trustee Limited<sup>3</sup> together “**the submitters**”. I prepared the submissions and further submissions on behalf of the submitters.
- 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.<sup>4</sup>
- 1.3 In my evidence below I summarise the key themes of these submissions relevant to this hearing and in particular the subdivision chapter of the Proposed Far North District Plan (**PDP**).
- 1.4 I propose various further amendments to the provisions as appended to the Council Officer s42A Reports which I have incorporated into this evidence (my amendments in red).

## 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.<sup>5</sup>
- 2.2 With respect to the subdivision topic of this hearing, I have experience in preparing subdivision applications and obtaining subdivision consents throughout New Zealand, and including in Far North at Paroa Bay, Ōmarino and Wiroa Station in the Bay of Islands.
- 2.3 Of particular relevance to the evidence I present below, was my role of lead planning consultant for the Ōmarino subdivision through the 2005-2010 period. Ōmarino was an early, if not the earliest, Management Plan subdivision – providing significant environmental

---

<sup>1</sup> Submission 167, Further Submissions 066, 376 and 578.

<sup>2</sup> Submission 168, Further Submissions 069 and 377.

<sup>3</sup> Submission 243, Further Submission 582.

<sup>4</sup> FNPDP Hearing One- Hearing Statement of Evidence of Peter Hall

<sup>5</sup> FNPDP Hearing One- Hearing Statement of Evidence of Peter Hall.

benefits in exchange for a low density of coastal residential entitlements (17 house lots), including the planting of well over 1 million native plants and pest and predator control. First restoring and then protecting natural character and biodiversity, while bringing considerable economic benefits.

- 2.4 I was also involved on behalf of clients in the subdivision topic through the previous review of the Far North District Plan. This included presenting evidence to the Environment Court in 2005 on its subdivision chapter. It was the decision of that hearing<sup>6</sup>, and the subsequent mediation between parties, which shaped the Management Plan subdivision provisions which appeared in the Operative Far North District Plan and which have been largely carried over to the PDP. I worked on these provisions prior to their inclusion in the Operative Plan to reach agreement with the other planning experts at mediation, including the related assessment criteria and information requirements.

### **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 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:

---

<sup>6</sup> Bay of Island Coastal Watchdog and others v The Far North District Council [2005] A29/2005

- i. **Management Plan subdivisions**, where I set out my reasons for supporting rule SUB-R7 as notified.
- ii. **Subdivision policies SUB-P8 and SUB-P9** regarding the policies relating to rural lifestyle subdivision, where I propose an alternative approach to that recommended in the s42A Report, such that the outcomes sought by Environmental Benefit subdivision and Management Plan subdivision are clearly expressed and provided for in the policies.
- iii. **Subdivision rule SUB-R3** where I support the proposed provision for subdivision around an existing residential unit in the Rural Production Zone, subject to an amendment that the balance area be 20ha rather than 40ha, consistent with my position below.
- iv. **Environmental Benefit subdivision rule SUB-R6** where I propose that the minimum balance lot size of 40ha not apply in instances where existing titles are smaller than that.
- v. **Minimum lot sizes in the Rural Production Zone**, this being a re-cap on my evidence I presented to hearing 9 in support of the 20ha lot size for the Rural Production Zone.

## 5.0 CONTEXT AND KEY THEMES OF SUBMISSIONS

- 5.1 The submitters properties are each zoned Rural Production in the PDP. I described the submitters' properties in my evidence<sup>7</sup> to Hearing 1 on Strategic Direction and Part 1 /General / Miscellaneous Topics.
- 5.2 The key themes from the submitters' submissions to the PDP in relation to subdivision are as follows:
  1. Deletion of Policy SUB-P7 which seeks to “avoid” rural lifestyle subdivision in rural zones except in the situations specified. This is on the basis that the policy as notified does

---

<sup>7</sup> Statement of Planning Evidence of Peter Raymond Hall to Hearing One on the Proposed Far North District Plan, dated 13 May 2024.

not set out all of the circumstances where rural lifestyle subdivision in the Rural Production Zone may be appropriate, and can provide economic and environmental benefits. The submission sought that the policy be replaced with one that recognises that rural lifestyle subdivision may be a sustainable use of land resources, particularly where they are degraded and unsuited to productive use and environmental gains can be made. As a consequence, the submissions sought that Policy SUB-P9 be deleted also.

2. Amendment sought to Rule SUB-R1 Boundary adjustments rule to recognise that many existing lots do not comply with the minimum lot size standards and subdivisions should also be enabled where boundary adjustments to such lots do not increase the number of lots created.
3. Support for Rule SUB-R6 Environmental Benefit Subdivision, with the proviso that the balance lot requirement of 40ha is unnecessary and will negate the effectiveness of the rule on smaller sites which may have equal or better ecological values worthy of protection.
4. Support for Rule SUB-R7 Management Plan Subdivisions.
5. Deletion of SUB-R17 Subdivision of a site containing a scheduled SNA on the basis that there are no scheduled SNAs in the PDP.
6. Amendments sought to Subdivision Rule SUB-R18 Subdivision of a site within an Outstanding Natural Landscape and Outstanding Natural Feature, such that subdivision of the balance of the site not covered by the overlay or margin should be able to occur in accordance with the standard subdivision provisions.
7. Opposition to the proposed 40ha minimum allotment size in the Rural Production Zone with a 20ha average lot size sought instead.

- 5.3 In relation to points 2, 5 and 6 above, I note that the s42A report recommends changes which positively respond to the relief sought and I do not present any evidence on these points of agreement.
- 5.4 My evidence focusses on the points of disagreement with the s42A officers report only. Although the s42A report also concurs with point 4 with its recommendation that the Management Plan subdivision rule be retained, I acknowledge not all submitters agree and so do provide some further rationale and context for the retention of the Management Plan subdivision rule. This also provides context for the conclusions of my evidence that the policy basis to support Management Plan subdivision should be strengthened in the PDP.

## **6.0 MANAGEMENT PLAN SUBDIVISIONS**

- 6.1 The s42A report supports the retention of the Management Plan subdivision rule SUB-R7 in the PDP and I agree with that conclusion.
- 6.2 Rural lifestyle subdivision where that brings environmental benefits is a highly desirable outcome in my opinion. This is what both the Environmental Benefit Subdivision rule (SUB-R6) and Management Plan Subdivision rule (SUB-R7) in the subdivision chapter are seeking to achieve.

- 6.3 The PDP otherwise directs avoidance of rural lifestyle subdivision in the Rural Production Zone in favour of retaining parcel sizes able to support farming or forestry activities. This directive assumes that existing parcel sizes or the fundamental characteristics of rural property (land cover, slope, soil type) are best suited to these rural production purposes which is not necessarily the case. By way of example, as I presented in my evidence to Hearing 9 on the Rural Production Chapter the large majority of parcel sizes in rural areas in the district are a smaller size than would normally be regarded as productive (see **Appendix 1** to this evidence)<sup>8</sup>.
- 6.4 Were there not any provision for rural lifestyle subdivision in the Rural Production Zone then the opportunity for that to be a catalyst for positive environmental and land use change would be lost, together with the positive economic benefits subdivision brings.
- 6.5 As I presented in my evidence to Hearing 1, Ōmarino is an example 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/forestry operations, and which creates a community of care to support and fund ongoing protection. Where land is not suited for farming or is marginal, then subdivision for rural lifestyle living that affords environmental benefits can be its optimum outcome. Ōmarino continues to give positive economic benefits through rates to the district (set against high value properties), provision of employment for the ongoing land and property maintenance, and local and regional spend from occupied land.

---

<sup>8</sup> With reference to table 37 from the Rural Environment Economic Analysis report appended to the Council's s32 Assessment for Rural Areas and attached here as **Appendix 1**, 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 area. Drilling down further, 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.

- 6.6 The purpose of Management Plan subdivisions is at present best expressed in the PDP in the Subdivision Management Plan Criteria in its Appendix 3 as follows:

*“The purpose of management plan subdivision or development is to facilitate the sustainable management of natural and physical resources in an integrated way. The management plan rule provides a once-off opportunity for integrated subdivision or development which results in superior outcomes to more traditional forms of subdivision, use or development. Management plans allow subdivision and development where the location, form and scale of the proposal complements sustainable environmental management consistent with the protection of natural character, landscape, amenity, heritage, and cultural values. Management plans provide flexibility to create innovative and site specific proposals”.*

- 6.7 That in my opinion is a good expression of the outcome sought by Management Plan subdivisions. As I set out below however in the next section of my evidence, this outcome also needs to be brought forward to the policy level in order to provide clear direction as to what is sought and a yardstick to measure applications against.
- 6.8 I summarise the alignment of Management Plan subdivisions with higher order and other policy directives below.

**Regional Policy Statement for Northland**

- i. The provision for Management Plan subdivisions is consistent with and gives effect to the Regional Policy Statement for Northland (**RPS**). Policy 4.7.1 “Promote active management” from the RPS directs that plan provisions and the resource consent process, recognise and promote the positive effects of certain conservation and restoration activities that contribute to active management, including through subdivision.



*New Zealand Coastal Policy Statement*

- ii. The Management Plan opportunity also applies to the Coastal Environment. In my experience, including through an examination of Land Use Classification mapping, the opportunity for rehabilitation of degraded landscapes and restoration of biodiversity applies particularly to the coastal environment. Here, on less productive land, alternative outcomes such as conversion from farming to forestry are not a desirable landscape outcome, and in fact discouraged in Outstanding Natural Landscapes<sup>9</sup>. The provision for Management Plans also in Coastal Environments gives effect to Policy 14 “*Restoration of Natural Character*” of the New Zealand Coastal Policy Statement (NZCPS) which seeks to “*Promote restoration or rehabilitation of the natural character of the coastal environment*” by a variety of means including by “*(b) providing policies, rules and other methods directed at restoration or rehabilitation in regional policy statements, and plans*”.

*PDP Strategic Direction and Far North 2100*

- iii. As noted in the Strategic Directions Overview of the PDP, that section helps the Council achieve the community outcomes set out in the District's Strategy titled Far North 2100. This strategy is based on the Council and Community vision of 'He Whenua Rangatira — a district of sustainable prosperity and wellbeing'. The document recognises that 65% of land cover is agriculture, forestry, and horticulture with just under 30% supporting indigenous vegetation. It notes that rugged hill and mountain ranges present challenges in terms of access and land management. Ways to protect the natural environment include ensuring that “*landowners and Kaitiaki reap the benefits from protecting and creating areas of natural vegetation that support native flora and fauna....*”, and also “*the active management of indigenous biodiversity including*

---

<sup>9</sup> Afforestation for commercial forestry being a non-complying activity with ONL and ONF under rule NFL-R5 (s42A Officers Right of Reply version to Hearing 4).

*protecting indigenous vegetation, significant natural areas and outstanding natural landscapes and features from the adverse effects of human activity and introduced species including predators*". In my opinion, the provision of rural lifestyle subdivision through the Management Plan subdivision is a way of implementing these outcomes.

- 6.9 Council officers support in the s42A report a 1ha average lot size for Management Plan subdivisions in the Rural Production Zone and 5,000m<sup>2</sup> in the Rural Lifestyle zone. I agree with this recommendation. These thresholds are an appropriate size for rural residential subdivision in rural areas including, based on my experience, being a suitable area within which land area can be provided for onsite wastewater disposal. As a discretionary activity, the appropriateness of a particular density and lot layout presented with a Management Plan subdivision would be assessed at subdivision stage, and assessed against the full suite of actual and potential effects and policy matters. Given the stated purpose of the Management Plan subdivision as I set out above, rural residential lots would normally be balanced with either a large balance lot reserved for conservation or other such purposes or, as is the case at Ōmarino, an approach to land management and ownership whereby the entire property is managed as a whole, with individual property boundaries subservient to that purpose. Such matters would be assessed with the application.

## **7.0 SUBDIVISION POLICIES SUB-P8 AND SUB-P9 RELATING TO RURAL LIFESTYLE SUBDIVISION**

- 7.1 Subdivision policy SUB-P8 provides the basis for the Management Plan and Environmental Benefit subdivision rules in the Rural Production Zone.
- 7.2 The s42A report recommends that policy SUB-P8 be amended in response to submissions as follows:

***"SUB-P8 Avoid rural lifestyle subdivision in the Rural Production zone unless the subdivision:***

- a. will protect areas of significant indigenous vegetation or significant habitats of indigenous fauna a qualifying SNA in perpetuity as required in SUB-R6 and result in the SNA being added to the District Plan SNA schedule; and
- b. achieves the environmental outcomes required in SUB-R7; or
- c. is around an existing residential unit, as provided for by SUB-R3.
- d. ~~will not result in the loss of versatile soils<sup>26</sup> for primary production activities.~~

- 7.3 The policy as notified and as proposed to be amended in the s42A should be improved in my opinion to give better direction.
- 7.4 Firstly, what is lacking in this policy is a clear and certain expression of the outcome sought by Management Plan and Environmental Benefit subdivisions and the policy course of action to achieve that outcome.
- 7.5 In my opinion, in line with the policy direction I set out above this should be expressed in the positive, rather than the ‘avoid...unless’ prescription of this policy as drafted. Without such an expression of what a Management Plan and Environmental Benefit subdivision should achieve, future applicants, decision makers and the wider community have no way of knowing the expectation of the District Plan and what is sought to be achieved.
- 7.6 I therefore propose that the policy be recast as a ‘provide for’ policy rather than an ‘avoid...unless’ policy. This then sets up a framework to clearly express the outcome that the District Plan is seeking to achieve in providing for rural residential subdivisions in the Rural Production Zone.
- 7.7 I note here also that proposed new Policy SUB-PX already deals with the circumstances where subdivision should be avoided in the Rural Production Zone, with that directing subdivision be avoided where that results in any potential cumulative loss of the availability or productive capacity of highly productive land, fragments land into parcel sizes that are no longer able to support farming or forestry

activities or where it results in rural lifestyle subdivision unless provided for in SUB-P8.

- 7.8 There is therefore already an avoidance directive established by Policy SUB-PX, with the policy pathway for rural lifestyle subdivision provided only by SUB-P8. In light of this, there is no need to repeat in SUB-P8 an avoidance directive, but instead set up a positive directive as to what forms of rural lifestyle subdivision the District Plan is seeking to 'provide for' – namely those with environmental benefits.
- 7.9 Secondly, policy SUB-P8 as proposed to be amended in the s42A report adopts the undesirable policy drafting approach of referencing requirements of rules. This mixes policy with methods and should be avoided in policy drafting in my experience.
- 7.10 As drafted, policy SUB-P8 directs that rural lifestyle subdivision be avoided unless it will protect areas of significant indigenous vegetation or significant habitats of indigenous fauna in perpetuity "*as required in SUB-R6*"; achieves the environmental outcomes "*required in SUB-R7*", or is around an existing residential unit, "*as provided for by SUB-R3*".
- 7.11 The effect of these references to effectively compliance with rules is to put applicants and decision makers in a 'policy loop' they are unable to get out of. In other words, in not achieving compliance with any aspect of the rules referenced, the policy can not be met and therefore the form of subdivision would be required to be avoided as it is directed in the drafting. By the very nature of some subdivision applications, some or all of the particular provisions of the rule may not be met – triggering a discretionary or non-complying resource consent application as the case may be. It then falls to assessing the proposal against the policy itself, in other words what is actually trying to be achieved by the District Plan in providing for this form of subdivision. As drafted, this would not occur, with the test of appropriateness only being the requirements of the rules.
- 7.12 This situation is amplified in the case of Management Plans under policy SUB-P8, the policy requires that it "*achieves the environmental*

*outcomes required in SUB-R7”, yet with no environmental outcomes specifically expressed in rule SUB-R7.*

- 7.13 In redrafting policy SUB-P8, I have referred to the Operative District Plan objective 13.3.6 and policy 13.4.12 which I have footnoted below<sup>10</sup>. These were the policy basis for the Operative District Plan’s version of the Management Plan subdivision rule, and although that same form of rule has been carried over into the PDP, it has become somewhat ‘stranded’ without a strong policy basis for the reasons I set out above. There are some worthwhile directives from this Operative District Plan objective and policy such as establishing the clear expectation that management plan subdivision provides for a more intensive, innovative development and subdivision which recognises specific site characteristics, with superior environmental outcomes.
- 7.14 I note that this theme was also made by John Andrew Riddell in his submission (S431.064) which sought a new policy to support management plan subdivisions. The submitters I am presenting evidence on at this hearing supported that submission point in part through further submissions, subject to refinement to ensure the exact outcomes of Management Plan subdivisions are properly reflected.
- 7.15 The recognition in the Operative Plan that Management Plan subdivision results in a more intensive form of development than may otherwise be allowed is an important point here. In short, achieving superior environmental outcomes costs money, with both initial capital outlay and ongoing upkeep. That cost can be met by land sales and ongoing contributions from landowners through mechanisms such as residents associations. I have presented evidence earlier on the 1 million + native plants which were planted at

---

<sup>10</sup> ODP Objective 13.3.6 *“To encourage innovative development and integrated management of effects between subdivision and land use which results in superior outcomes to more traditional forms of subdivision, use and development, for example the protection, enhancement and restoration of areas and features which have particular value or may have been compromised by past land management practices.”*

ODP Policy 13.4.12 *“That more intensive, innovative development and subdivision which recognises specific site characteristics is provided for through the management plan rule where this will result in superior environmental outcomes”.*

Ōmarino as a Management Plan subdivision, which is maintained by a full-time property manager. Greater density provided for by Management Plan subdivision can provide the capital injection and opportunity for continued income to provide for conservation outcomes which is simply not available through status-quo farming operations.

7.16 My recommended amendments to Policy SUB-P8 are set out below in red:

*“SUB-P8 ~~Avoid~~ Provide for rural lifestyle subdivision in the Rural Production zone ~~unless where~~ the subdivision:*

- a. will protect areas of significant indigenous vegetation, or significant habitats of indigenous fauna or natural wetlands a qualifying SNA in perpetuity as required in SUB-R6 and result in the SNA being added to the District Plan SNA schedule; and*
- b. ~~achieves the environmental outcomes required in SUB-R7~~Provides a management plan which enables a more intensive and innovative form of subdivision, use and development and which results in superior environmental outcomes, including through, where relevant:*
  - i. the protection of natural character, landscape, amenity, heritage or cultural values; and/or*
  - ii. the restoration, enhancement and legal protection of indigenous biodiversity; or*
- c. is around an existing residential unit where one rural lifestyle allotment is created and the balance allotment is of sufficient size to satisfy policy RPROZ-P6, as provided for by SUB-R3.*
- d. ~~will not result in the loss of versatile soils<sup>26</sup> for primary production activities.~~*

7.17 This policy redraft:

1. Aligns sub part a. with the features sought to be protected in Rule SUB-R6 for Environmental Benefit Subdivision (ie areas of significant indigenous vegetation, significant habitats of indigenous fauna or natural wetlands).
2. Clearly specifies the outcomes sought to be provided for by a Management Plan subdivision as I describe above.
3. Removes cross references to rules within policy, thereby avoiding an inescapable loop where those rules are not met, and allowing the policy to provide the course of action to achieve or implement the stated objective.
4. Is consistent with the s42A Right of Reply amendments policies on the Ecosystems and Indigenous Biodiversity chapter to Hearing 4 which proposed a new policy **IB-PX** that subdivision and associated land use is 'enabled' where it results in the restoration, enhancement and legal protection of indigenous biodiversity vegetation in accordance with the Management Plan and Environmental Benefits subdivision rules.

7.18 Finally, policy SUB-P9 which seeks to avoid rural residential subdivision in the Rural Lifestyle zone *“unless the development achieves the environmental outcomes required in SUB-R7”*, (ie is a management plan subdivision) is also incorrect for the reasons I set out above.

7.19 I recommend the following changes to SUB-P9:

**SUB-P9** ~~Avoid subdivision rural lifestyle subdivision in the Rural Production zone and R~~ Provide for rural residential subdivision in the Rural Lifestyle zone unless the development where the subdivision achieves the environmental outcomes required in the management plan subdivision rule SUB-R7 provides a management plan which enables a more intensive and innovative form of subdivision, use and

development and which results in superior environmental outcomes, including through, where relevant:

- i. the protection of natural character, landscape, amenity, heritage, or cultural values; and/or
- ii. the restoration, enhancement and legal protection of indigenous biodiversity.

7.20 Apart from the issue of 20ha rather than 40ha minimum lot size which I presented on in Hearing 9, the changes I have set out above do not require any further s32AA analysis: principally because they do not fundamentally change the policy or rule approach for subdivision in the Rural Production or Rural Lifestyle Zone, just sharpen that up to provide a better hierarchy and clearer directive between proposed policies and rules.

## **8.0 SUBDIVISION AROUND EXISTING RESIDENTIAL UNIT SUB-R3**

8.1 The s42A report recommends an amendment to Rule SUB-R3 to provide for subdivision around an existing residential unit in the Rural Production zone as a controlled activity, allowing for the creation of one rural lifestyle allotment between 2000m<sup>2</sup> and 2ha, where the balance allotment is at least 40ha.

8.2 I support this recommendation noting that this provision allows for housing outcomes and potentially income on rural land not necessarily suitable for this purpose, while retaining the Council's objective to maintain land parcels which in the opinion of the reporting officers are capable of productive use. Consistent with my evidence to Hearing 9 on the rural topic, and as I summarise again below, I would however recommend this base balance area be amended from 40ha to 20ha, as follows:

### **CON-3**

1. Subdivision around an existing residential unit in the Rural Production zone where:



a. The residential unit has been legally established or building consent granted on or before the **DATE OF CL10 DECISIONS ON PDP1**;

b. one rural lifestyle allotment is created;

c. allotment size is between 2000m<sup>2</sup>- 2ha; and

d. Balance allotment is a minimum of ~~40ha~~ 20ha in size.

## **9.0 ENVIRONMENT BENEFIT SUBDIVISION RULE SUB-R6**

9.1 I support the retention of the Environment Benefit Rule SUB-R6 which as a restricted discretionary activity provides for rural residential subdivision of up to 3 lots where specified area hectares of indigenous vegetation, habitat or wetland are legally protected, and an ecological management plan prepared. The suitability of the indigenous vegetation, habitat or wetland has to be first assessed against the Appendix 5 criteria of the RPS.

9.2 I support the deletion of subclause RDIS-3 as sought by the submitters and recommended in the s42A report. This required the addition of the significant indigenous vegetation, significant indigenous habitat, or natural wetlands to the list of scheduled SNAs in the PDP through a plan change process or plan review. It was ultra-vires as could not be satisfied by a resource consent applicant (therefore could not be complied with) and referred to a list of scheduled SNAs which are not in the District Plan, nor intended to be per the officer's recommendations on Hearing 4.

9.3 I do not however support the requirement from subclause RDIS-6 of this rule that a balance lot must be retained greater than 40ha, and propose that the 40ha balance lot requirement be deleted as below.

*“RDIS-6 All proposed new environmental allotments are to be a minimum size of 21ha in area ~~and the balance lot must be greater than 40ha~~”.*

- 9.4 The principal reason here is that retention of the 40ha balance lot requirement would nullify the application of the rule as a restricted discretionary activity to the majority of sites in the Rural Production Zone. As it stands, non-compliance with the 40ha standard in RDIS-6 is a non-complying activity. I set out above in my evidence and attach at **Appendix 1** the analysis of lot sizes in rural areas prepared as part of the Council's Section 32 analysis which shows that the majority of sites are less than 40ha.
- 9.5 The need for and the benefits derived from the protection of significant indigenous vegetation, significant indigenous habitat, or natural wetlands arise irrespective of lot size. My experience is many smaller titles in the district (sub 20ha) have a cover of indigenous vegetation and habitats by virtue of them having limited productive value, including in coastal areas. Such vegetation and habitats should equally be open to the protection benefits offered by this rule as on larger land holdings.
- 9.6 The s42A report deals with this matter at para 351, where the author does not support the removal of the 40ha balance lot requirement expressing the view that such a change would contribute to rural fragmentation, citing inconsistency with the outcomes sought by the RPROZ and the subdivision provisions. The report states that the 40-hectare threshold is an important mechanism to maintain rural character and avoid inappropriate subdivision patterns.
- 9.7 This in my view misses the intended outcome and opportunity of the Environment Benefit Rule, which provides for a rural lifestyle subdivision opportunity as a specific policy exception under policy SUB-P8 and SUB-PX to the normal obligation to avoid fragmentation of land into parcel sizes that are no longer able to support farming or forestry activities. That is, rural lifestyle subdivision is set apart from this obligation under these policies. Given the limitations on the number of lots able to be created under this particular rule (a maximum of 3) and the obligation they have a minimum size of 1ha, I do not share the concern that its utilisation will have a detrimental impact on rural character and avoid inappropriate subdivision patterns. At this quantum and density, rural character would normally

be retained. Finally, in order to achieve this full density a sizeable quantity of feature has to be protected (greater than 20ha of indigenous vegetation or habitat or greater the 2ha of wetland) which in of itself retains rural character.

- 9.8 Overall, I consider the removal of the 40ha balance lot obligation is necessary to ensure the protection opportunity afforded by the rule is able to be taken up by lots at all scales. This will not have a detrimental impact on land fragmentation or rural character – fragmentation itself being an accepted outcome of this rule by its very nature, and rural character maintained by the built-in limits on numbers and density of new lots created, coupled with the requirement to separately retain the land area of the feature protected.

## **10.0 MINIMUM LOT SIZES IN THE RURAL PRODUCTION ZONE**

- 10.1 As per my evidence to Hearing 9, I support a 20ha minimum lot size rather than 40ha in the Rural Production Zone (outside of the rural lifestyle subdivision pathways I have identified above and acknowledging also the 8ha provision as a discretionary activity). For completeness and because of the interrelationship between the conclusions I make above, I summarise my key points again here from my evidence to Hearing 9:

- i. The basis for the 40ha minimum lot size is an Economics Report which accompanied the s32 Report on rural issues for the PDP<sup>11</sup>. Accepting even the inherent limitations of the assumed annual return approach as are acknowledged in the Report <sup>12</sup> (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. The Economics Report itself notes that *“there is no clear relationship between minimum lot sizes in the rural*

---

<sup>11</sup> “Rural Environmental Economic Analysis – Update”, prepared by 4Sight Consulting in association with M.E Consulting, dated August 2020.

<sup>12</sup> Economics Report 4.1.3

*environment zones (subdivision rules) and the rural property sizes present in the district. That is, rural productive properties generally far exceed the 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)."* <sup>13</sup>

- ii. 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.
- iii. Broader planning considerations should apply in setting a minimum lot size for the Rural Production Zone, namely:
  - Ensuring lot sizes are rural in nature and not at an urban or rural lifestyle scale. 20ha achieves this outcome.
  - 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.
  - 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 RPROZ-O3 and Policy RPROZ-P3). 20ha

---

<sup>13</sup>

Economics Report 4.1.1.

allows sufficient space as a buffer between potentially incompatible activities.

- Being a manageable land unit, where with bush blocks or mixed bush blocks, smaller may be preferable.
- 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.

10.2 I consider that the 20ha minimum lot size strikes a better balance taking into account the 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”<sup>14</sup>.

**Peter Raymond Hall**

**14 October 2025**

---

<sup>14</sup> Rule SUB-R1 “matters of control”.

## **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
<b>Count of Parcels by Size and Approximate Zone Location</b>																	
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
<b>Total Rural Environment</b>	<b>1,902</b>	<b>1,726</b>	<b>754</b>	<b>587</b>	<b>787</b>	<b>702</b>	<b>1,315</b>	<b>1,968</b>	<b>1,114</b>	<b>2,956</b>	<b>3,119</b>	<b>2,061</b>	<b>1,103</b>	<b>1,608</b>	<b>2,240</b>	<b>5,547</b>	<b>29,489</b>
<b>Total Special Zone Area (Excl Outside and Coastal Marine)</b>	<b>550</b>	<b>294</b>	<b>99</b>	<b>58</b>	<b>47</b>	<b>52</b>	<b>78</b>	<b>170</b>	<b>64</b>	<b>180</b>	<b>180</b>	<b>88</b>	<b>46</b>	<b>70</b>	<b>113</b>	<b>623</b>	<b>2,712</b>
<b>Total Urban Environment</b>	<b>9,548</b>	<b>4,713</b>	<b>524</b>	<b>249</b>	<b>205</b>	<b>139</b>	<b>230</b>	<b>248</b>	<b>92</b>	<b>197</b>	<b>94</b>	<b>25</b>	<b>11</b>	<b>12</b>	<b>6</b>	<b>5</b>	<b>16,298</b>
<b>Total Far North District</b>	<b>12,000</b>	<b>6,733</b>	<b>1,377</b>	<b>894</b>	<b>1,039</b>	<b>893</b>	<b>1,623</b>	<b>2,386</b>	<b>1,270</b>	<b>3,333</b>	<b>3,393</b>	<b>2,174</b>	<b>1,160</b>	<b>1,690</b>	<b>2,359</b>	<b>6,175</b>	<b>48,499</b>
<b>Share of Parcels by Zone for Each Parcel Size</b>																	
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%
<b>Total Rural Environment</b>	<b>16%</b>	<b>26%</b>	<b>55%</b>	<b>66%</b>	<b>76%</b>	<b>79%</b>	<b>81%</b>	<b>82%</b>	<b>88%</b>	<b>89%</b>	<b>92%</b>	<b>95%</b>	<b>95%</b>	<b>95%</b>	<b>95%</b>	<b>90%</b>	<b>61%</b>
<b>Total Special Zone Area (Excl Outside and Coastal Marine)</b>	<b>5%</b>	<b>4%</b>	<b>7%</b>	<b>6%</b>	<b>5%</b>	<b>6%</b>	<b>5%</b>	<b>7%</b>	<b>5%</b>	<b>5%</b>	<b>5%</b>	<b>4%</b>	<b>4%</b>	<b>4%</b>	<b>5%</b>	<b>10%</b>	<b>6%</b>
<b>Total Urban Environment</b>	<b>80%</b>	<b>70%</b>	<b>38%</b>	<b>28%</b>	<b>20%</b>	<b>16%</b>	<b>14%</b>	<b>10%</b>	<b>7%</b>	<b>6%</b>	<b>3%</b>	<b>1%</b>	<b>1%</b>	<b>1%</b>	<b>0%</b>	<b>0%</b>	<b>34%</b>
<b>Total Far North District</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
<b>Share of Parcels by Parcel Size for each Zone</b>																	
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%
<b>Total Rural Environment</b>	<b>6%</b>	<b>6%</b>	<b>3%</b>	<b>2%</b>	<b>3%</b>	<b>2%</b>	<b>4%</b>	<b>7%</b>	<b>4%</b>	<b>10%</b>	<b>11%</b>	<b>7%</b>	<b>4%</b>	<b>5%</b>	<b>8%</b>	<b>19%</b>	<b>100%</b>
<b>Total Special Zone Area (Excl Outside and Coastal Marine)</b>	<b>20%</b>	<b>11%</b>	<b>4%</b>	<b>2%</b>	<b>2%</b>	<b>2%</b>	<b>3%</b>	<b>6%</b>	<b>2%</b>	<b>7%</b>	<b>7%</b>	<b>3%</b>	<b>2%</b>	<b>3%</b>	<b>4%</b>	<b>23%</b>	<b>100%</b>
<b>Total Urban Environment</b>	<b>59%</b>	<b>29%</b>	<b>3%</b>	<b>2%</b>	<b>1%</b>	<b>1%</b>	<b>1%</b>	<b>2%</b>	<b>1%</b>	<b>1%</b>	<b>1%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>100%</b>
<b>Total Far North District</b>	<b>25%</b>	<b>14%</b>	<b>3%</b>	<b>2%</b>	<b>2%</b>	<b>2%</b>	<b>3%</b>	<b>5%</b>	<b>3%</b>	<b>7%</b>	<b>7%</b>	<b>4%</b>	<b>2%</b>	<b>3%</b>	<b>5%</b>	<b>13%</b>	<b>100%</b>

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)