



SECTION 42A REPORT

Rural Residential Zone

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List of Abbreviations

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

Submitter Number	Abbreviation	Full Name of Submitter
S159	Horticulture NZ	Horticulture New Zealand
S331	MOE	Ministry of Education Te Tāhuhu o Te Mātauranga
S338	Our Kerikeri	Our Kerikeri Community Charitable Trust
S368	FNDC	FarNorth District Council
S416	KiwiRail	Kiwi Rail Holdings Limited
S425	Twin Coast Cycle Trail	Pou Herenga Tai Twin Coast Cycle Trail Charitable Trust
S454	Transpower	Transpower New Zealand Limited
S481	Puketotara Lodge	Puketotara Lodge Limited
S482	Heavy Haulage Assoc Inc	House Movers Section of New Zealand Heavy Haulage Association Inc
S512	FENZ	Fire and Emergency New Zealand
S555	NKoNHCT	Ngā Kaingamaha o Ngāti Hine Charitable Trust

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

Table 2: Other abbreviations

Abbreviation	Full Term
FNDC	Far North District Council
NPS-IB	National Policy Statement for Indigenous Biodiversity 2023
NPS-HPL	National Policy Statement for Highly Productive Land 2022
NES-CF	National Environment Standards for Commercial Forestry 2023 (Previously National Environment Standards for Plantation Forestry)
PDP	Proposed Far North District Plan
RMA	Resource Management Act 1991
RPS	Regional Policy Statement
MHWS	Mean High Water Springs



1 Executive summary

1. The Far North Proposed District Plan ("PDP") was publicly notified in July 2022. The Rural Residential Zone ("RRZ") chapter is located under Rural, in the Area-Specific Matters section of the PDP.
2. There are 92 original submissions points were received on the RRZ chapter, including 25 submissions in support, 26 supporting in part and 18 in opposition¹. There are also 85 further submission points received on those original submissions.
3. This report should be read in conjunction with the Rural Wide Issues and the Rural Production Zone (RPROZ) report as it contains analysis and recommendations in Key Issues 1-5 that are relevant to all rural zones including the RRZ. The analysis in that report has not been repeated in this report to reduce repetition and ensure consistent recommendations where the same issue has been raised across multiple rural zones.
4. The submissions are largely supportive of the RRZ overview, objectives and policies. The majority of submissions requested amendments related to RRZ rules and standards and SUB-S1 (as it relates to the RRZ) to reflect various outcomes sought by submitters.
5. This report has been prepared in accordance with Section 42A of the Resource Management Act ("RMA") and outlines recommendations in response to the issues raised in submissions. This report is intended to both assist the Hearings Panel to make decisions on the submissions and further submissions on the PDP and also provide submitters with an opportunity to see how their submissions have been evaluated, and to see the recommendations made by officers prior to the hearing.
6. The key changes recommended in this report relate to amendments to rules and standards to align with recommendations made in the Rural Wide Issues and Rural Production Zone (RPROZ) section 42A report.

2 Introduction

2.1 Author and qualifications

7. My full name is Melissa Leanne Pearson, and I am a Principal Planning and Policy Consultant at SLR Consulting New Zealand Limited, based in Auckland.
8. I hold a Bachelor of Planning (Hons) at the University of Auckland and am a Full Member of the New Zealand Planning Institute.
9. I have 16 years' experience as a resource management practitioner in New Zealand, which has included working for both the private sector and for central and local government on a range of resource consent and policy projects. My private sector planning experience ranges from obtaining

¹ 23 submissions were recorded as not stating a position.



resource consents for small and large scale residential and subdivision developments in the Auckland Region, development of private plan changes in both Auckland and Waikato for residential and commercial developments and consenting and policy development experience for clients in the telecommunication, intensive primary production, and community facility sectors.

10. My public sector planning experience involves a significant amount of central government policy research and development relating to telecommunications, forestry, climate change, highly productive land, and infrastructure. My local government policy experience involves drafting of district plan provisions in the Far North, Kaipara, Waikato, Hamilton, and Queenstown Lakes districts for local authorities.
11. My public sector planning experience involves a significant amount of central government policy research and development relating to telecommunications, forestry, climate change, highly productive land, and infrastructure. My local government policy experience involves drafting of district plan provisions in the Far North, Kaipara, Waikato, Hamilton, and Queenstown Lakes districts for local authorities.
12. These projects have given me significant experience with all parts of the Schedule 1 process from both the public and private sector perspectives, including provision research and development, provision drafting, the preparation of section 32 and 42A reports, preparation of submissions and further submissions, presentation of evidence at council hearings, preparation and resolution of appeals and Environment Court mediation.
13. I have been closely involved in the development and implementation of numerous national direction instruments under the RMA (national policy statements and national environmental standards), from the policy scoping stage through to policy decisions and drafting, the preparation of section 32 evaluation reports and implementation guidance. This includes close involvement in national direction instruments relating to highly productive land.
14. I have been working with the Far North District Council (FNDC) on the PDP since 2021. My involvement in the PDP initially involved refining certain chapters in response to submissions on the draft district plan and preparing the associated section 32 evaluation reports, specifically on rural topics. Since mid-2023, I have been working with the FNDC PDP team analysing submissions.
15. I was involved in the development of the Rural Production Zone chapter (as part of review work for all of the rural zone chapters) prior to notification, including peer reviewing the chapter and inputting into the section 32 report. I was engaged by FNDC to be the reporting officer for this topic in early 2024.



2.2 Code of Conduct

16. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
17. I am authorised to give this evidence on the Council's behalf to the Proposed District Plan hearings commissioners ("Hearings Panel").

3 Scope/Purpose of Report

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



4 Statutory Requirements

4.1 Statutory documents

23. I note that the Rural Section 32 report provides detail of the relevant statutory considerations applicable to the rural zone chapters.
24. It is not necessary to repeat the detail of the relevant RMA sections and full suite of higher order documents here. Consequently, no further assessment of these documents has been undertaken for the purposes of this report.
25. However, it is important to highlight the higher order documents which have been subject to change or introduced since notification of the Proposed Plan which must be given effect to. Those that are relevant to the RRZ chapter and the rural environment in general are discussed in section 4.1.2 below.

4.1.1 Resource Management Act

26. The Government elected in October 2023, repealed both the Spatial Planning Act 2023 and Natural and Built Environment Act 2023 on 22 December 2023 and reinstated the RMA as New Zealand's primary resource management policy and plan making legislation. The Government has indicated that the RMA will ultimately be replaced, with work on replacement legislation to begin in 2024. The Government has indicated that this replacement legislation will be introduced to parliament this term of government (i.e. before the next central government election in 2026). However, at the time of writing, details of the new legislation and exact timing are unknown. The RMA continues to be in effect until when and if this new replacement legislation is passed.

4.1.2 National Policy Statements

4.1.2.1 National Policy Statements Gazetted since Notification of the PDP

27. The PDP was prepared to give effect to the National Policy Statements that were in effect at the time of notification (27 July 2022). This section provides a summary of the National Policy Statements, relevant to Strategic Direction that have been gazetted since notification of the PDP. As District Plans must be "prepared in accordance with" and "give effect to" a National Policy Statement, the implications of the relevant National Policy Statements on the PDP must be considered.
28. The National Policy Statement for Indigenous Biodiversity (NPS-IB) took effect on 4 August 2023. This was after the PDP was notified (27 July 2022), but while it was open for submissions. The objective of the NPS-IB is to maintain indigenous biodiversity so there is at least no overall loss in indigenous biodiversity. The objective is supported by 17 policies. These include Policy 1 and Policy 2 relating to the principles of the Treaty of Waitangi and the exercise of kaitiakitanga by tangata whenua in their rohe. The approach to give effect to the NPS-IB was considered in detail through the Ecosystem and Indigenous Biodiversity in Hearing 4.



29. The NPS-HPL took effect on 17 October 2022, The NPS-HPL has a single objective: *"Highly productive land is protected for use in land-based primary production, both now and for future generations"*. The objective is supported by nine policies and a set of implementation requirements setting out what local authorities must do to give effect to the objective and policies of the NPS-HPL, including restrictions on the urban rezoning, rural lifestyle rezoning, and subdivision of highly productive land (HPL) and requirements to protect HPL from inappropriate use and development.
30. The NPS-HPL has recently been amended, with changes gazetted on 16 August 2024, resulting in the removal of consenting barriers for new infrastructure, including renewable energy projects, indoor primary production and greenhouses. Driving amendments, was the agriculture, horticulture and renewable energy sectors' concerns surrounding the NPS restricting activities needing to be located on highly productive land. These amendments came into effect on 14 September 2024. The extent to which the rural zones require amendment to give effect to the NPS-HPL is considered in Key Issue 2 in the Rural Wide Issues and Rural Production Zone report.
31. I note that the direction in the NPS-HPL with respect to protecting HPL is not directly relevant to the RRZ chapter as there no land zoned RRZ which meets the definition of HPL in the NPS-HPL. As the land zoned RRZ was notified in the PDP prior to the NPS-HPL coming into effect (and is therefore subject to a Council initiated notified plan change to rezone it to rural lifestyle), it does not meet the definition of HPL under the transitional definition of HPL in clause 3.5(7).

4.1.2.2 National Policy Statements – Announced Future Changes

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

4.1.3 National Environmental Standards

34. The National Environment Standards for Commercial Forestry 2017 (NES-CF), which amend the NES-PF, came into effect on 3 November 2023. In addition to regulating the effects of plantation forestry, the NES-CF now regulates "exotic continuous-cover forestry", which is commercial forestry not intended to be harvested (i.e. carbon forestry). As such, the NES-CF now



applies to all types of forestry deliberately established for commercial purposes (permanent indigenous forestry is not regulated under the NES-CF). In addition to bringing exotic continuous-cover forestry within scope, the changes in the NES-CF:

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

4.1.4 National Planning Standards

35. The National Planning Standards determine the sections that should be included in a District Plan, including the Strategic Direction chapters, and how the District Plan should be ordered. The RRZ provisions proposed and recommended in this report follow this guidance. Specifically,
 - a. The need for the Rural Residential special purpose zone and the associated National Planning Standard tests for a special purpose zone, as discussed in the Rural section 32 report; and
 - b. Definitions as each relates to RRZ in Key Issue 5 of the Rural Wide Issues and Rural Production Zone in the s42A report.

4.1.5 Treaty Settlements

36. There have been no further Deeds of Settlement signed to settle historic Treaty of Waitangi Claims against the Crown, in the Far North District, since the notification of the PDP.

4.1.6 Iwi Management Plans

37. Section 74 of the RMA requires that a local authority must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority.
38. When the PDP was notified in July 2022, Council had 14 hapū/iwi management planning documents which had been formally lodged with Council, as listed in the PDP section 32 overview report. Council took these management plans, including the broader outcomes sought, into account in developing the PDP. Of the 14 hapū/iwi management planning documents, only two have been revised since notification of the PDP –
 - a. Ngā Tikanga mo te Taiao o Ngāti Hine' the Ngāti Hine Environmental Management Plan

² Regulation 6(4A) of the NES-CF.



b. Ahipara Takiwā Environmental Management Plan

39. A summary of the key issues that are relevant to the rural environment covered in two hapū/iwi management planning documents is contained in Section 4.1.6 of the Rural Wide Issues and RPROZ section 42A report and is not repeated here.

4.2 Section 32AA evaluation

40. This report uses 'key issues' to group, consider and provide reasons for the recommended decisions on similar matters raised in submissions. Where changes to the provisions of the PDP are recommended, these have been evaluated in accordance with Section 32AA of the RMA.
41. The s32AA further evaluation for each key issue considers:
- a. Whether the amended objectives are the best way to achieve the purpose of the RMA.
 - b. The reasonably practicable options for achieving those objectives.
 - c. The environmental, social, economic and cultural benefits and costs of the amended provisions.
 - d. The efficiency and effectiveness of the provisions for achieving the objectives.
 - e. The risk of acting or not acting where there is uncertain or insufficient information about the provisions.
42. The section 32AA further evaluation for recommended amendments to the PDP also contains a level of detail that corresponds to the scale and significance of the anticipated effects of the changes that have been made. Recommendations on editorial, minor and consequential changes that do not change the policy intent are not evaluated under section 32AA of the RMA in this report.

4.3 Procedural matters

4.3.1 Pre-hearing meetings

43. Due to the clarity of submissions, no correspondence or meetings with submitters needed to be undertaken.

4.3.2 Proposed Plan Variation 1

44. FNDC notified Proposed Plan Variation 1 (Minor Corrections and Other Matters) for public submissions on 14 October 2024. The submission period closes on 14 November 2023. Proposed Plan Variation 1 makes minor amendments to correct minor errors, amend provisions that are having unintended consequences, remove ambiguity and improve clarity and



workability of provisions. This includes amendments to the zoning of some properties, and the Coastal flood hazard areas.

45. Plan Variation 1 proposes an amendment to RRZ-R1 to require buildings and structures to comply with the airport protection surface area in APP4 Airport protection surfaces. There are no other amendments to the RRZ chapter resulting from Variation 1. However, as the submission period has not yet closed at the time of writing this report, any submissions received on Plan Variation 1 in relation to RRZ-R1 will be evaluated as part of Hearing 17 - General / Miscellaneous / Sweep Up.

5 Consideration of submissions received

5.1 Overview of submissions received.

46. There are 92 original submissions points received on the RRZ chapter, including 25 submissions in support, 26 supporting in part and 18 in opposition³. There are also 85 further submission points received on those original submissions.
47. The main submissions on the RRZ chapter came from:
 - a. Central and Local Government, namely FNDC (S368) and MOE (S331).
 - b. Infrastructure providers, such as Transpower (S454) and KiwiRail (S416).
 - c. Non-governmental organisations, such as Terra Group (S172), Kapiro Conservation Trust (S442) and Our Kerikeri (S338), Heavy Haulage Assoc Inc (S482) and NZCMA (S438) and Twin Coast Cycle (S425).
 - d. Horticulture New Zealand (S159) from the primary production sector.
 - e. Iwi groups such as Ngā Kaingamaha o Ngāti Hine Charitable Trust (S555).
 - f. Other individual submitters, such as Timothy and Dion Spicer (S213), John Andrew Riddell (S431) and Lynley Newport (S106).
48. The key issues identified in this report are set out below:
 - a. Key Issue 1: Neil Construction Limited on the RRZ chapter
 - b. Key Issue 2: RRZ Overview, Objectives and Policies
 - c. Key Issue 3: RRZ Rules
 - d. Key Issue 4: RRZ Standards

³ 23 submissions were recorded as not stating a position.



- e. Key Issue 5: Subdivision SUB-S1 as it applies to the Rural Residential Zone
- 49. Section 5.2 constitutes the main body of the report and considers and provides recommendations on the decisions requested in submissions. In some cases, due to the repetition of submission content, it is not efficient to respond to each individual submission point raised in the submissions. Instead, this part of the report groups similar submission points together under key issues. This thematic response assists in providing a concise response to, and recommended decision on, submission points.
- 50. Key Issues 1-5 of the Rural Wide Issues and RPROZ chapter respond to submission that have implications for the RRZ e.g. deciding on the suite of rural zones for the Far North District, giving effect to the NPS-HPL, plan-wide submissions and definitions. The analysis in Key Issues 1-5 of the Rural Wide Issues and RPROZ section 42A report should be read alongside this report and is not repeated here for efficiency and to reduce replication across these reports.

5.2 Officer Recommendations

- 51. A copy of the recommended plan provisions for the RRZ chapter is provided in **Appendix 1 – Recommended amendments to Rural Residential chapter**. A full list of submissions and further submissions on the RRZ chapter is contained in **Appendix 2 – Recommended Decisions on Submissions to Rural Residential chapter**. Recommendations for RRZ chapter that result from the recommendations in Key Issues 1-5 of the Rural Wide Issues and RPROZ section 42A reports, are found in **Appendix 2 – Recommended Decisions on Submissions to Rural Residential chapter**.

5.2.1 Key Issue 1: Neil Construction Limited on the RRZ chapter

Overview

Provision(s)	Officer Recommendation(s)
Various	No amendments

Analysis of Submissions on Key Issue 1: Neil Construction Limited submission on the RRZ Chapter

Matters raised in submissions

- 52. Neil Construction Limited (S349.025 to S349.030) have submitted on the RRZ overview, objectives, RRZ-P1 and RRZ-P2, plus RRZ-R2 (impermeable surfaces) and RRZ-R3 (residential activity). Requested amendments include removing references to rural character and amenity, future growth of the urban area and small-scale farming from the policy direction and allowing more intensive levels of residential activity by increasing impermeable surface thresholds and removing yard setbacks for lots greater than 5,000m². Neil Construction Limited also seek an amendment to SUB-S1 to



reduce the minimum lot size in the RRZ to 3,000m² as a controlled activity and 2,000m² as a discretionary activity (S349.017).

Analysis

53. I have considered this group of submission points together as the package of relief being sought is part of Neil Construction’s primary relief, which is the rezoning of the ‘Tubbs Farm’⁴ land from RLZ to RRZ, which will be considered at Hearing 15D. I understand from the submission that Neil Construction Limited consider that more intensive residential development is necessary in the RRZ to match the development aspirations that they have for Tubbs Farm, should their rezoning request be accepted.
54. I disagree that the direction of the RRZ provisions should be amended to align with the site-specific development aspirations of Neil Construction Limited for the Tubbs Farm site. I consider it appropriate that the policy direction for the RRZ references rural character and amenity, future growth of the urban area and small-scale farming as rural elements are still anticipated in the RRZ, it is not a wholly urban zone. However, the potential for the zone to transition to an urban zone in the future is one of the distinguishing characteristics that make it different from the RLZ and I consider it appropriate to signal this in the Overview. I do not agree with increasing the residential intensity provided for in the RRZ by amending the impermeable coverage, residential activity or subdivision provisions, for the reasons set out in the Key Issues below in response to other submissions on these provisions.

Recommendation

55. For the reasons set out above, I recommend that the submission points from Neil Construction Limited on the provisions of the RRZ and SUB-S1 as it relates to the RRZ are rejected as set out in **Appendix 2**.

Section 32AA evaluation

56. I do not recommend any amendments to the RRZ provisions or SUB-S1 as it relates to the RRZ in response to these submissions and therefore no further evaluation is required under section 32AA of the RMA.

5.2.2 Key Issue 2: RRZ Overview, Objectives and Policies

Overview

Provision(s)	Officer Recommendation(s)
RRZ Overview	Minor amendment to align with the Rural Wide Issues and RPROZ section 42A report
RRZ Objectives	Retain as notified

⁴ Approximately 68ha of land located on the corner of Kapiro Road and Redcliffs Rd in Kerikeri. The Tubbs Farm rezoning submission will be considered in Hearing Stream 15D – Rezoning Kerikeri-Waipapa in October 2025.



Provision(s)	Officer Recommendation(s)
RRZ Policies	Minor amendment to RRZ-P4 and the chapeau of RRZ-P5, otherwise retain as notified

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

Matters raised in submissions

57. No submissions on the RRZ overview were received, other than the submission from Neil Construction Limited, which is addressed in Key Issue 1 above.
58. Terra Group (S172.027, S172.028, S172.030 to S172.035) support objectives RRZ-O1 to RRZ-O3 and policies RRZ-P1 to RRZ-P5 on the basis that they will achieve positive outcomes for the RRZ.
59. Horticulture NZ (S159.185) support retention of RRZ-O4 as it is important that activities in the RRZ do not compromise activities in the adjacent RPROZ.
60. NKoNHCT (S555.003, S555.004) support the RRZ objectives and policies in part, however they request the insertion of an additional objective and policy to allow for urban growth where appropriate in the RRZ. NKoNHCT considers that RRZ land will become more suitable for urban development as infrastructure is upgraded to meet future growth demands. NKoNHCT acknowledge that RRZ-O3 already mentions urban growth however they consider that this objective caters for long term growth only and disregards short to medium term urban growth. NKoNHCT did not provide any provide any requested wording for the requested additional objective and policy.
61. Lynley Newport (S106.001) opposes RRZ-P2, particularly the use of the word 'avoid' as some permitted activities in the RRZ may not be consistent with the 'avoid' direction'. Lynley Newport requests the following amendments:

~~"Avoid~~ Manage new activities that are potentially incompatible with the role, function and pre-dominant character and amenity of the Rural Residential Zone, including by:

- a. *~~Ensuring activities that are contrary~~ are consistent with the density anticipated for in the Rural Residential Zone, or where the existing density is already more than that anticipated by the zone, ensuring activities do not increase that existing density;*
- b. *~~primary production activities, such as intensive indoor primary production or rural industry, that generate adverse amenity effects that are incompatible with rural residential activities~~ Ensuring any adverse amenity effects are avoided, remedied or mitigated; and*



- c. *Enable commercial or industrial activities that are more appropriately located in an urban zone or a settlement zone only where those activities are compatible with, and create no greater effects than, activities provided for in the zone.*
62. Lynley Newport (S106.002) also opposes RRZ-P4 and requests that the policy is deleted or amended to 'require encourage' the listed reticulated services to the boundary. Lynley Newport also requests the inclusion of a new clause that states: *"where it [subdivision] is proposed to rely on alternatives to the reticulated services outlined above, the alternative shall be capable of providing the same level of service as conventional reticulated services".*

Analysis

63. Firstly, I recommend that the phrase 'versatile soils' is replaced with 'productive land' in the last paragraph of the RRZ Overview for the reasons set out in Key Issue 2 of the Rural Wide Issues and RPROZ section 42A report.
64. I disagree with NKoNHCT that RRZ-O3 does not anticipate short to medium term urban growth in the RRZ. RRZ-O3 states *'The Rural Residential zone **helps meet the demand for growth around urban centres while ensuring the ability of the land to be rezoned for urban development in the future is not compromised**'* (my emphasis). My reading of this objective is that it anticipates both growth around urban centres in the short term, as well as any growth resulting from future rezonings of RRZ to a live urban zone. There is no time limit set in RRZ-O3 on when urban rezonings could occur and no direction that they must occur in 'the long term'. As such, I do not recommend the insertion of additional objectives or policies to specifically signal that urban growth can occur in the RRZ in the short to medium term.
65. With respect to the submission from Lynley Newport (S106.001) on RRZ-P2, I consider that RRZ-P2 works in conjunction with several other policies to set the activities that are enabled in the RRZ (RRZ-P1) but also the land use and subdivision activities that are to be avoided (RRZ-P2 and RRZ-P3). I understand the concerns of Lynley Newport with the 'avoid' language used in RRZ-P2 and that they would prefer the policy to be framed in a more positive way, i.e. what land use activities should be occurring in the in the RRZ rather than focussing on what activities should be avoided.
66. In my view, an 'avoid' policy such as RRZ-P2 sends a strong signal as to the outcomes to be avoided in the zone and allows the Council to decline consent applications that are incompatible with the role, function and predominant character and amenity of the RRZ. An alternative policy framed in the way suggested by Lynley Newport is significantly weaker from that perspective and introduces more subjective elements that make decision making more difficult e.g., trying to decide *'where those activities are compatible with, and create no greater effects than, activities provided for in the zone'*.



67. I also do not view RRZ-P2 as a restrictive barrier to all activities that are not enabled under RRZ-P1; it is only a barrier for activities that meet the tests as incompatible of the RRZ. As such, I do not recommend any changes to reframe RRZ-P2 from an 'avoid' policy to a 'manage' policy.
68. With respect to Lynley Newport opposing RRZ-P4, I agree in principle that technological changes in how infrastructure is provided means that reticulated telecommunication and electricity services are not always necessary or desirable, particularly when considering options for onsite renewable electricity generation. I still consider it important to retain RRZ-P4 as the more people are connected to a reticulated service, the higher the likelihood that the land will be able to be rezoned to fully urban in the future. However, I can support softening the language of the policy from 'require' to 'encourage' to account for situations where an on-site telecommunication or electricity generation solution is appropriate.
69. I also recommend amending the chapeau of RRZ-P5 to match the recommended format for equivalent 'consideration' policies in other rural zones for the reasons set out in Key Issue 10 of the Rural Wide Issues and RPROZ section 42A report.

Recommendation

70. For the reasons set out above, I recommend that the submissions on the RRZ overview, objectives and policies are accepted, accepted in part and rejected as set out in **Appendix 2**. I do not recommend any amendments to the RRZ overview or objectives.
71. I recommend that the words '*versatile soils*' are replaced with the words 'productive land' in the last paragraph of the RRZ overview.
72. I recommend that the word '*require*' is replaced with the word 'encourage' in RRZ-P4.
73. I recommend that that chapeau of RRZ-P5 is amended to use the same wording as RPROZ-P7 in the Rural Wide Issues and RPROZ section 42A report and earlier section 42A reports.

Section 32AA evaluation

74. The rationale for replacing versatile soils with productive land has already been considered with respect to section 32AA in Key Issue 2 of the Rural Wide Issues and RPROZ section 42A report and that analysis is not repeated here.
75. I consider that the amendment from 'require' to 'encourage' in RRZ-P4 is a more efficient and effective way to give effect to the zone objectives compared to the notified wording as it better reflects the rapidly changing telecommunications and electricity distribution technology available to landowners, compared to traditional reticulated networks. I consider the amended wording to be more efficient in that it gives landowners more



options to service their property and the Council more flexibility to respond alternative telecommunications and electricity servicing proposals without requiring all connections to be reticulated. Therefore, I consider the recommended amendments to RRZ-P4 to be appropriate in terms of section 32AA of the RMA.

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

5.2.3 Key Issue 3: RRZ Rules – General Comments

Overview

Provision(s)	Officer Recommendation(s)
RRZ-R1, RRZ-R15, RRZ-R6, RRZ-R9, Advice Note 2, new Advice Notes 3 and 4	Amend to align with recommendations in the Rural Wide Issues and RPROZ section 42A report
RRZ-R4, RRZ-R7, RRZ-R8, RRZ-R11 to RRZ-R14, RRZ-R16 to RRZ-R23	Retain as notified
New rule RRZ-RX	Artificial crop protection structures and crop support structures
RRZ-R10	Minor amendment to fix error

Analysis of Submissions on Key Issue 3: RRZ Rules – General Comments

Matters raised in submissions

General comments

77. The majority of RRZ rules attracted very few submissions. As such, I have addressed these RRZ rules under a single 'rules' key issue. Rules that attracted a larger number of submissions are addressed separately in Key Issues 4-6 below.
78. Terra Group (S172.001) supports retaining RRZ-R1 to RRZ-R10 as notified in the PDP on the basis that these rules promote positive outcomes for the RRZ.
79. Brady Wild (S369.002) supports the RRZ rules as some non-residential activities are provided for as permitted activities (subject to controls), including visitor accommodation, home business, educational facilities, and rural produce retail.



80. Timothy and Dion Spicer (S213.013, S213.019, S213.023) requested amendments to the RRZ rules so that industrial activities, or at least industrial activities ancillary to production, and rural industry activities are Discretionary Activities.

Crop Protection Structures

81. Our Kerikeri (S338.064), Kapiro Residents Association (S427.065), Kapiro Conservation Trust (S449.064) and Carbon Neutral NZ Trust (S529.213) support the RRZ rules in part and request retention of rules for crop protection and support structures setbacks. However, these submitters consider that additional rules for such structures are required to prevent further adverse effects on visual amenity and rural character. These submitters have included suggested wording for amended provisions in their submissions.

RRZ-R1

82. FNDC (S368.069) supports RRZ-R1 in part but raises concerns with the rule as it is currently drafted. The submitter considers that, to breach this rule as notified, the activity becomes discretionary which was not the intent if the activity itself is permitted, controlled or restricted discretionary. FNDC request that PER-1 of RRZ-R1 is amended to include controlled and/or restricted discretionary activity in addition to permitted activities.

RRZ-R4

83. Timothy and Dion Spicer (S213.010) support the retention of RRZ-R4 as they consider that the visitor accommodation provision will foster social and economic well-being and it recognises that some rural properties can be appropriately utilised for activities other than production and residential development.

RRZ-R7

84. Timothy and Dion Spicer (S213.006) support the retention of RRZ-R7 as they consider that the introduction of this rule permitting farming is positive as it specifically supports the continuation of farming activities in the RRZ.

RRZ-R10

85. FNDC (S386.025) request that the drafting error in clause (ii) of the matters of control in RRZ-R10 is corrected, by fixing the spelling of "*sitting*" to "*siting*".

RRZ-R17, RRZ-R18 and RRZ-R19

86. Timothy and Dion Spicer (S213.012 - S213.023) oppose the non-complying activity status of industrial activity (RRZ-R17), rural industry (RRZ-R18) and commercial activity not provided as a permitted activity (RRZ-R19). They



consider this activity status is 'heavy handed' and that a discretionary activity status would be more appropriate as it enables such activities to occur while providing for case by case consideration of these activities within the context of the RRZ. Timothy and Dion Spicer request amendments to these provisions as follows:

- a. RRZ-R17 is a discretionary activity for 'industrial activities', or at least 'industrial activities ancillary to production';
- b. RRZ-R18 is a discretionary activity for 'rural industry activities';
- c. RRZ-R19 is a discretionary activity for 'commercial activities', or at least '[commercial] activities ancillary to production'.

Analysis

Consequential amendments

87. There are several amendments recommended in the Rural Wide Issues and RPROZ section 42A report that I consider require consequential amendments to wording of RRZ rules for consistency under clause 10(2)(b) of Schedule 1, despite there being no RRZ specific submissions on these rules. These amendments are as follows:
 - a. Amendment to Advice Note 2 for integration and consistency with recommendations in the Coastal Environment and Natural Character topics (aligns with the wording recommended for the RPROZ chapter in Key Issue 26).
 - b. Insertion of two new advice notes relating to mineral extraction activities and the NES-CF (aligns with the wording recommend for the RPROZ chapter in Key Issues 14 and 23).
 - c. Amendment to RRZ-R6 to make failing to comply with the permitted conditions for an educational facility a restricted discretionary activity, rather than a discretionary activity (aligns with the wording recommended for the rural chapters in Key Issue 4).
 - d. Amendment to RRZ-R9 to align with the equivalent recommended changes to RPROZ-R10 to clarify how the boundary setbacks should apply (as requested by Federated Farmers (S421.222)).
 - e. Amendment to RRZ-R15 to add in a reference to intensive outdoor primary production as well as intensive indoor primary production (aligns with the wording recommended for RPROZ-R23 in Key Issue 25).

Crop Protection Structures

88. As discussed in Key Issue 5 in the Rural Wide Issues and RPROZ s42A report, I have recommended new definitions for artificial crop protection structures



and crop support structures as I agree that these are not 'buildings' and that specific controls are required with respect to their design and location that are different from other generic structures in the RRZ. To be consistent with my recommendations on RPROZ-R1, I recommend a separate rule for artificial crop protection structures and crop support structures to ensure they are not confused with other parts of RRZ-R1. In my view, RRZ-R1 is the core rule that manages buildings and structures in the RLZ and will be used extensively by most plan users seeking to construct something on their properties. It is in the best interests of all plan users that RRZ-R1 remains clear and simple to read and understand, without exceptions for various activities. Refer to Key Issue 5 for full analysis of provisions relating to artificial crop protection structures and crop support structures.

89. As such, I recommended a new rule for artificial crop protection structures and crop support structures that mirrors the same wording as recommended for the RPROZ, as well as consequential amendments to RRZ-R1, RRZ-S1 and RRZ-S3.

RRZ-R1

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

RRZ-R10

92. I agree with FNDC that a minor correction to the spelling of "sitting siting" in clause (ii) of the matters of control in RRZ-R10 is necessary and recommend an amendment to this effect.

RRZ-R17, RRZ-R18 and RRZ-19

93. With respect to the activity status of RRZ-R17 – RRZ-R19, I do not agree industrial activities, rural industries or commercial activities should be enabled in the RRZ. The intention of the non-complying activity status is to direct these activities to an appropriate urban zone such as Light or Heavy Industrial in the case of industrial activities, or to the RPROZ in the case of rural industry. Commercial activities are appropriate in both RSZ or Mixed-Use Zones. While some small-scale non-residential activities can be compatible with the residential amenity anticipated in the RRZ, I do not consider that industrial activities, rural industries or commercial activities are a good fit for the purpose of the zone and the non-complying activity status reflects this. As such, I do not recommend any amendments to the activity status of RRZ-R17 to RRZ-R19.



Recommendation

94. For the reasons set out above, I recommend that the general submissions on the RRZ rules are accepted, accepted in part and rejected as set out in **Appendix 2**.
95. I recommend that Advice Note 2 above the Rules table is amended as follows:
- This zone chapter does not contain rules relating to setbacks to waterbodies and MHWS for buildings or structures or setbacks to waterbodies and MHWS for earthworks and indigenous vegetation clearance. The Natural Character chapter contains rules for activities within wetland, lake and river margins and the Coastal Environment chapter contains rules for activities within the coastal environment. The Natural Character chapter and the Coastal Environment chapter should be referred to in addition to this zone chapter.*
96. I recommend that new Advice Notes 3 and 4 are inserted relating to mineral extraction objectives and policies and the NES-CF to align with equivalent notes in the RPROZ chapter.
97. I recommend the insertion of a new rule to manage artificial crop protection structures and crop support structures in the RRZ to align with the equivalent rule recommended for insertion into the RPROZ chapter.
98. I recommend consequential amendments to RRZ-R1 to clarify that the rule does not apply to artificial crop protection structures and crop protection support structures and other consequential amendments to align with the equivalent wording for R1 rules, as per Key Issue 15 of the Rural Wide Issues and RPROZ section 42A report.
99. I recommend that RRZ-R10 is amended to correct the spelling of “sitting siting” in clause (ii) of the matters of control.
100. I recommend that consequential amendments are made to RRZ-R6, RRZ-R9 and RRZ-R15 as set out in paragraph 87 above.

Section 32AA evaluation

101. I consider that the recommended amendments are either:
- a. Consequential amendments resulting from recommendations made in either the Coastal Environment, Mineral Extraction or Rural Wide Issues and RPROZ section 42A reports and the section 32AA evaluation for these amendments does not need to be repeated here (Advice Notes 2, 3 and 4, amendments relating to artificial crop protection structures and crop support structures, RRZ-R1, RRZ-R6, RRZ-R9 and RRZ-R15); or



- b. Are to address a minor error and a section 32AA evaluation is not required (RRZ-R10).

102. As such, no further evaluation under section 32AA is required.

5.2.4 Key Issue 4: RRZ-R2 – Impermeable surface coverage

Overview

Provision(s)	Officer Recommendation(s)
RRZ-R2	Minor amendment to align with recommendations in the Rural Wide Issues and RPROZ section 42A report

Analysis of Submissions on Key Issue 4: RRZ-R2 - Impermeable surface coverage

Matters raised in submissions

- 103. Brad Hedger (S267.002) supports RRZ-R2 in part but requests that PER-1 is amended so that the maximum m² threshold is 600m², as opposed to 2,500m². Brad Edger considers that 600m² gives ample capacity for the construction of driveways and buildings for residential activities, but appropriately restricts impermeable surface coverage further on larger sites, which is important as stormwater runoff does not typically discharge into a reticulated system in the RRZ.
- 104. Northland Planning and Development 2020 Limited (S502.056) considers that RRZ-R2 is unreasonably restrictive given that SUB-S1 enables 2,000m² lots to be created as a discretionary activity and 12.5% of a 2,000m² lot is only 250m². Northland Planning and Development 2020 Limited does not consider that 250m² is sufficient to accommodate all of the impermeable surfaces necessary when constructing a dwelling and associated driveways etc. As a result, development of 2,000m² lots would likely breach the impermeable surface coverage thresholds and create unnecessary land use consents.

Analysis

- 105. The two submitters on RRZ-R2 are concerned about the implications of the impermeable surface rule at both ends of the spectrum – Brad Hedger concerned that the rule is too lenient and Northland Planning and Development 2020 Limited concerned that it is too restrictive.
- 106. As a starting point for analysis, I note that the 12.5% maximum impermeable surface coverage control has been rolled over from the Rural Living Zone in the ODP⁵, however, the m² threshold has been lowered from 3,000m² to 2,500m² to reflect that the minimum discretionary lot size has been reduced from 3,000m² in the ODP to 2,000m² in the PDP. Given that

⁵ Rule 8.7.5.1.5 – Stormwater Management in the Rural Environment chapter for the Rural Living Zone.



most future subdivision in the RRZ is likely to result in lots between 2,000m² and 4,000m² in size, I consider that the most commonly used threshold will likely be the 12.5% measure as opposed to the 2,500m² as generally this will be the lesser threshold. As pointed out by Northland Planning and Development 2020 Limited, 12.5% of a 2,000m² lot is 250m², however this increases to 500m² for a 4,000m² lot (being the controlled minimum lot size).

107. In my view, appropriate permitted activity thresholds for impermeable surfaces should be set at a level that is appropriate for the controlled activity minimum lot size for the zone, not the discretionary minimum lot size. I consider that 500m² for a 4,000m² site (set at 12.5%) is sufficient to construct a single dwelling and associated driveways, curtilage etc. A site would need to be over 2ha in size before the 2,500m² threshold would become the lesser of the two thresholds. As such, I do not recommend any amendments to RRZ-R2 in response to these submissions as I consider that they are fit for purpose and largely consistent with the approach to managing stormwater in the ODP.
108. However, I do recommend that minor amendments to RRZ-R2 – Impermeable surfaces are required to align the matters of discretion with other equivalent impermeable surface rules for the reasons set out in Key Issue 4 of the Rural Wide Issues and RPROZ section 42A report. I have recommended that these amendments are made in the recommendations section below.

Recommendation

109. For the reasons set out above, I recommend that the submissions on RRZ-R2 are accepted, accepted in part and rejected as set out in **Appendix 2**.
110. I recommend that matter of discretion c) in RRZ-R2 be amended as set out in Key Issue 4 of the Rural Wide Issues and RPROZ section 42A report.

Section 32AA evaluation

111. The rationale for the amended matters of discretion in RRZ-R2 with respect to section 32AA is set out in Key Issue 4 of the Rural Wide Issues and RPROZ section 42A report and is not repeated here.

5.2.5 Key Issue 5: RRZ-R3 – Residential activity

Overview

Provision(s)	Officer Recommendation(s)
RRZ-R3	Minor amendment to exempt minor residential units



Analysis of Submissions on Key Issue 5: Residential Activity (RRZ-R3)

Matters raised in submissions

112. FNDC (S368.082) supports in part RRZ-R3 for residential activity and requests amendments to exclude a 'minor residential' from this rule as it is intended that RRZ-R10 provides for a minor residential unit in addition to a principal residential unit on a site. This relief is consistent with similar relief requested in other rural zones e.g. RPROZ-R3.
113. Elizabeth Irvine (S39.004) opposes RRZ-R3 and considers that the permitted site area per residential unit should be 3,000m² (as opposed to 4,000m²). Elizabeth Irvine also considers that there should be a restricted discretionary activity pathway for one residential unit per 2,500m² of site area in order to recognise that there are a large number of sites within the RRZ with allotments ranging from just under 2,000m² to 4,000m².
114. Ruby Coastal Investments Limited (S467.001) requests to amend DIS-1 of RRZ-R3 so that one residential unit can be provided per 600m² of site area as opposed to 2,000m² as a discretionary activity. Ruby Coastal Investments Limited considers that the minimum discretionary site area of 2000m² per unit is linked to the minimum area required to accommodate an individual lot wastewater treatment system and disposal field, but this restriction is not appropriate for some parts of the RRZ that are suitable for full residential development and have only been zoned RRZ due to delays in the availability of municipal infrastructure extension. Ruby Coastal Investments Limited considers that one residential unit per 600m² is appropriate where connections to small-medium scale private community schemes for water and wastewater are available.

Analysis

115. I agree with the submission from FNDC that minor residential units should be excluded from RRZ-R3 for clarity. After discussing the drafting of this rule internally with Council staff, I understand that this was the original intention of the rule, otherwise the minor residential unit rule (RRZ-R10) would have no purpose and would never be utilised. This amendment is also consistent with other recommendations to equivalent rules in other rural zones e.g. RPROZ.
116. I note that the submissions from Elizabeth Irvine and Ruby Coastal Investments Limited both request lower thresholds for the number of residential units that can be constructed on a site. Firstly, I consider it very important that the residential activity provisions in the RRZ align with the minimum lot sizes for the RRZ in SUB-S1 to ensure that the subdivision provisions are not undermined by more permissive residential activity provisions. In my experience, once a residential unit is constructed there is often increased pressure to subdivide around that residential unit on the basis that there are no tangible environmental effects from new legal boundaries being drawn and new titles issued. If residential activity



provisions allow for more residential units to be constructed on a site than the number of lots provided for in the subdivision rules, it is very difficult for Council staff to reject subdivision applications and the residential activity provisions often become the accepted number of lots able to be subdivided by default.

117. I agree with Ruby Coastal Investments Limited that the discretionary minimum lot size has been identified in part due to the need to provide sufficient land for onsite wastewater treatment (in addition to the need to align with the SUB-S1 controlled minimum lot size, as discussed above). I acknowledge that the RRZ is signalled as being appropriate to transition to urban zoning in the future and that some parts of the RRZ may be appropriate to transition now, depending on the availability of services. However, I do not consider this to be a reason to reduce the residential activity minimum site sizes across the whole RRZ. In my view, the most appropriate way for the RRZ to transition to an urban zone in the future is through a plan change process rather than a site-by-site transition. A plan change process allows for more comprehensive consideration of the most appropriate urban zone, desired mix of activities, how to efficiently and effectively service the land and how best to manage road access etc.
118. However, if an individual development was able to prove that servicing (reticulated or connections to a private or community scheme) were available that justified a more residential scale development, then that would be assessed through the resource consent process. I consider that the non-complying pathway is still appropriate for this assessment given that the RRZ generally does not have access to reticulated services and residential scale development is not encouraged without that reticulated servicing support. There is policy direction in the RRZ that could potentially support that transition to an urban scale of development, should there be sufficient evidence that the servicing arrangements were appropriate, but again, this policy assessment should, in my opinion, be considered as part of a non-complying resource consent process (and a plan change process to transition to urban zoning is preferred).
119. As such, I do not recommend decoupling the residential activity provisions from the minimum lot sizes in SUB-S1. My recommendations on minimum lot sizes are considered in Key Issue 8 below and will address submissions on SUB-S1 but also submissions requesting alignment between more permissive minimum lot sizes and RRZ-R3.

Recommendation

120. For the reasons set out above, I recommend that the submissions on RRZ-R3 are accepted and rejected as set out in **Appendix 2**.
121. I recommend that an additional exemption from PER-1 is added into RRZ-R3 as follows:

"PER-1 does not apply to:



- i. *a single residential unit located on a site less than 4,000m².*
- ii. *A minor residential unit constructed in accordance with rule RRZ-R10.*

Section 32AA evaluation

122. I consider that the amendment to RRZ-R3 is a minor amendment to clarify intent and does not change the intention of the rule from what was originally notified. On this basis, in my view, no evaluation for this recommended amendment to RRZ-R3 is required under section 32AA of the RMA.

5.2.6 Key Issue 6: RRZ-R5 – Home Business

Overview

Provision(s)	Officer Recommendation(s)
RRZ-R5	Minor amendments to align with the Rural Wide Issues and RPROZ section 42A report

Analysis of Submissions on Key Issue 6: RRZ-R5 – Home Business

Matters raised in submissions

- 123. Timothy and Dion Spicer (S213.011) support the retention of RRZ-R5 as they consider that providing for home businesses will foster social and economic well-being and recognise that some rural properties can be appropriately utilised for activities other than production and residential development.
- 124. John Andrew Riddell (S431.142) requests that PER-4 of RRZ-R5 is amended to apply the hours of operation to when the business is open to the public.
- 125. Northland Planning and Development 2020 Limited (S502.057) support RRZ-R5 in part but request that PER-1 is amended to remove the maximum gross floor area restriction for accessory buildings. The submitter argues that home businesses should be able to utilise existing buildings such as sheds that might exceed 40m² without triggering the need for resource consent. This submitter considers that, if a business were to utilise an accessory building exceeding 40m², PER-2 and PER-3 are sufficient to control adverse effects.

Analysis

126. John Andrew Riddell requests amendments to PER-4 of RRZ-R5 with respect to the hours of operation of home businesses. I agree that not all home businesses will be 'open to the public' and therefore limiting operation hours for small, work from home businesses with no face-to-face customers is likely to be overly restrictive. However, I have concerns with an open-ended condition, as suggested by John Andrew Riddell, that states that the hours of operation should match when the business is open to the public without any indication of suitable opening hours for a public facing business. For a



permitted activity condition to be effective, it needs to be measurable against a specific limit. As such, I recommend retaining the operating hours in PER-4 of RRZ-R5 but clarifying that these hours only restrict when a business can be open to the public, not the hours a business can operate.

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

Recommendation

128. For the reasons set out above, I recommend that the submissions on RRZ-R5 are accepted, accepted in part and rejected as set out in **Appendix 2**.
129. I recommend that the wording of PER-4 in RRZ-R5 is amended to clarify that the permitted condition relating to operating hours only applies to the hours that a business is open to the public.

Section 32AA evaluation

130. I consider that the amendment to PER-4 in RRZ-R5 is a minor change to clarify how the rule should be applied and that it does not change the intent of the rule. As such, no further evaluation is required under section 32AA of the RMA in my view.

5.2.7 Key Issue 7: RRZ Standards

Overview

Provision(s)	Officer Recommendation(s)
RRZ-S1	Consequential amendment to remove standards applying to artificial crop protection and support structures
RRZ-S2	Retain as notified
RRZ-S3	Consequential amendments to align with equivalent standard RPROZ-S3, as per the Rural Wide Issues and RPROZ section 42A report
New standard RRZ-SX	Insert sensitive activity setback from the boundary of a Mineral Extraction Zone



Provision(s)	Officer Recommendation(s)
New standard RRZ-SY	Insert setback standard for sensitive activities from existing intensive indoor and outdoor primary production activities
New standard RRZ-SZ	Insert setback standard for sensitive activities from buildings for housing, milking or feeding stock

Analysis of Submissions on Key Issue 7: RRZ Standards

Matters raised in submissions

General comments

131. Brady Wild (S369.003) supports retention of the RRZ standards on the basis that they recognise that a variety of activities can be undertaken within rural areas in a manner which maintains rural amenity.
132. Terra Group (S172.002, S172.029) supports retention of RRZ-S1, RRZ-S2, RRZ-4, and RRZ-S5 as notified as they will achieve positive outcomes for the RRZ.
133. Ventia Ltd (S424.011⁶) requests that an equivalent standard to RPROZ-S7 is inserted into the RRZ to protect Mineral Extraction Overlays.

Crop Protection Structures

134. Our Kerikeri (S338), Kapiro Residents Association (S427), Kapiro Conservation Trust (S449) and Carbon Neutral NZ Trust (S529) support the RRZ standards in part and request retention of rules and standards for crop protection and support structures setbacks. However, these submitters consider that additional standards for such structures are required to prevent further adverse effects on visual amenity and rural character. These submitters have included suggested wording for amended provisions in their submissions.

RRZ-S1

135. Timothy and Dion Spicer (S213.008) oppose RRZ-S1 and request that the maximum building height is amended to from 8m to 9m on the basis that there is no logical reason to reduce the maximum building height from 9m as provided for in the Rural Living Zone in the Operative District Plan.

RRZ-S2

136. John Andrew Riddell (S431.184) supports standard RRZ-S2 on the basis that he agrees with varying the height in relation to boundary standard depending on the orientation of the boundary.

⁶ Note that this submission was incorrectly allocated to the Mineral Extraction overlay topic in the Summary of Submissions. It has been assessed here as it clearly relates to a request for a new standard in the RRZ.



RRZ-S3

137. Terra Group (S172.003) requests amendments to RRZ-S3 to make infringements of setbacks that result in more significant adverse effects a discretionary activity and apply restricted discretionary activity status where the setback infringement is small scale and effects are less than minor.

RRZ-S5

138. Timothy and Dion Spicer (S213.009) support retain RRZ-S5 as notified as they consider that an increase in the permitted building coverage standards represents a largely positive change for properties located within the RRZ.
139. Trent Simpkin (S283.030) opposes all building coverage rules in all zones, including RRZ-S5⁷. In the case of the RRZ, the submitter requests that the maximum building or structure coverage allowance increases from 12.5% to 20%. As an alternative, the submitter suggests inserting a PER-2 that says if a building is above 20% site coverage or 2,500m², it is a permitted activity if a visual assessment and landscape plan is provided as part of the building consent.

Analysis

General comments

140. I agree with Ventia Ltd that there is the potential for some areas of RRZ land to be located within 100m of the boundary of a Mineral Extraction Zone in the future (previously Mineral Extraction Overlay⁸). As such, I agree that there should be an equivalent standard to RPROZ-S7 in the RRZ. I recommend a new standard to address this in the recommendations section below.
141. I also recommend a consequential amendment under clause 10(2)(b) of Schedule 1 to insert two new standards for the reasons set out in Key Issue 26 of the Rural Wide Issues and RPROZ section 42A report:
- a. A reciprocal setback that protects existing intensive indoor and outdoor primary production activities from new sensitive activities.
 - b. A reciprocal setback that protects existing primary production activities involving buildings or structures that are used to house, milk or feed stock from new sensitive activities.

⁷ Note that this submission point was incorrectly allocated to RRZ-R5 in the published Summary of Submissions. As it clearly relates to RRZ-S5 and the building coverage controls in the RRZ, it has been assessed in this section of the section 42A report.

⁸ Refer to Key Issue 1 of the Mineral Extraction section 42A report, prepared by Ms Lynette Morgan, dated 18 October 2024.



Crop Protection Structures

142. I agree with Horticulture NZ that artificial crop protection structures and crop support structures should not be subject to the full range of standards set out under RRZ-R1. I have recommended the insertion of a new rule to specifically manage artificial crop protection structures and crop support structures in Key Issue 3 above, which consolidates the applicable permitted activity conditions relating to height and setbacks into a single rule. This negates the need for RRZ-S1 and RRZ-S3 to include standards specifically for artificial crop protection structures or crop support structures, so these references can be deleted as a consequential amendment.

RRZ-S1

143. With respect to the maximum height, the 8m height limit was introduced for the RRZ as part of alignment process across all of the rural zones that provided for residential living opportunities in the rural environment e.g. RLZ, RRZ and RSZ. I understand that the intention was to ensure that the 8m maximum height limit is the same across all three of these zones and that it also aligned with the maximum height limit in the General Residential Zone. This alignment of maximum height standards sets a clear and consistent approach to the construction of residential dwellings across the Far North district in all zones where residential activity is the predominant land use in the zone. As such, I do not recommend any amendments to RRZ-R1.

RRZ-S2

144. I acknowledge that John Andrew Riddell requests retention of RRZ-S2 as notified in the PDP, and I recommend that this standard is retained.

RRZ-S3

145. There were no submissions specifically on RRZ-S3, however I recommend consequential amendments to RRZ-S3 under clause 10(2)(b) of Schedule 1 to align with the recommended amendments to RPROZ-S3 (as set out in Key Issue 28 of the Rural Wide Issues and RPROZ section 42A report) to retain consistency between these standards, e.g. amendments relating to setbacks from commercial forests and unsealed roads. This also including new matters of discretion relating to rail corridor safety and operational efficiency to address concerns raised by KiwiRail. As part of these amendments, I consider that condition 2 of RRZ-S3 is no longer required as setbacks from RPROZ and HZ boundaries and the Mineral Extraction Zone are managed by other, more consistent standard wording.

RRZ-S5

146. I disagree with Trent Simpkin that the building coverage control should be increased from 12.5% to 20%. This is a significant increase and well in excess of the 12.5% impermeable coverage rule in RRZ-R2. I also disagree that there should be an alternative permitted pathway for activities that



exceed 20% coverage or 2,500m² by way of a visual assessment and landscape plan. As discussed in relation to the submitter's request for a permitted activity pathway for non-compliance with RRZ-R2 where there is a TP10 report, this type of pathway would give considerable discretion to landscape architects, enabling them to effectively approve landscaping and planting plans to mitigate built dominance, privacy and amenity/character effects without any Council oversight. I recommend that this submission point is rejected.

Recommendation

147. For the reasons set out above, I recommend that the submissions on the RRZ standards are accepted, accepted in part and rejected as set out in **Appendix 2**.
148. I recommend that an equivalent standard to RPROZ-S7 (including recommended amendments to RPROZ-S7 as set out in the Rural Wide Issues and RPROZ section 42A report) is included in the RRZ chapter.
149. I recommend that RRZ-S1 and RRZ-S3 are amended to remove references to artificial crop protection structures or crop support structures.
150. I recommend that consequential amendments are made to RRZ-S3 to align with recommended amendments to RPROZ-S3 (as set out in the Rural Wide Issues and RPROZ section 42A report), including the deletion of condition 2 and that a new setback is included requiring buildings containing sensitive activities to be set back 20m from the boundary of land zoned RPROZ or HZ.
151. I recommend that two new standards are inserted to align with the setbacks in the RPROZ to protect existing intensive indoor and outdoor primary production activities from new sensitive activities and existing primary production activities involving buildings or structures that are used to house, milk or feed stock from new sensitive activities.

Section 32AA evaluation

152. All of the recommended amendments to the RRZ standards are to align with recommendations made to equivalent standards in the Rural Wide Issues and RPROZ section 42A report. As such, the section 32AA evaluation for the amendments to standards is not repeated here.
153. The only exception is the 20m setback for buildings containing sensitive activities from the boundary of land zoned RPROZ or HZ. The rationale for the 20m setback with respect to section 32AA of the RMA is set out in Key Issue 7 of the RLZ section 42A report and is not repeated here.



5.2.8 Key Issue 8: Subdivision SUB-S1 as it applies to the Rural Residential Zone

Overview

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

Analysis of Submissions on Key Issue 8: Subdivision SUB-S1 as it applies to the Rural Residential Zone

Matters raised in submissions

154. Ken Lewis Limited (S9.003), Trent Simpkin (S24.001), Russell Protection Society Inc (S179.106), Terra Group (S172.008), Tristan Simpkin (S174.004) and Jim Longhurst (S224.002) support the retention of SUB-S1 as notified in the PDP.
155. Elizabeth Irvine (S39.002, S39.003) supports retention of the 2,000m² discretionary minimum lot size, but requests that the controlled activity minimum lot size is reduced from 4,000m² to 3,000m², and that a new restricted discretionary activity minimum lot size of 2,500m² is introduced.

Analysis

156. I note that the majority of submitters on SUB-S1 as it applies to the RRZ support retaining the notified minimum lot sizes as notified.
157. I disagree with amending the minimum lot sizes in SUB-S1 for the RRZ for the following reasons:
- a. I do not consider that either Elizabeth Irvine (or Neil Construction Limited as set out in Key Issue 1) have provided any clear evidence or rationale for why more permissive lot sizes are justified in the RRZ.
 - b. In terms of the need for a restricted discretionary pathway for subdivision in RRZ, in my view, I do not consider that there is a need for an intermediate minimum lot size threshold between the 4,000m² to 2,000m² as a restricted discretionary activity. There is clear direction in the RRZ objectives and policies to direct decision makers assessing a discretionary subdivision activity, so the addition of restricted discretionary assessment criteria is not required. I also consider that the insertion of a third minimum lot size threshold that is not based on any specific evidence send a signal that smaller lot sizes than 4,000m² are always appropriate in the RRZ, which is not the intent of the structure of the SUB-S1 standard.



Recommendation

158. For the reasons set out above, I recommend that the submissions on SUB-S1 as it relates to the RRZ are accepted and rejected as set out in **Appendix 2**. I do not recommend any amendments to the RRZ minimum lot sizes in SUB-S1.

Section 32AA evaluation

159. I do not recommend any amendments to SUB-S1 as it relates to the RRZ in response to these submissions and therefore no further evaluation is required under section 32AA of the RMA

6 Conclusion

160. This report has provided an assessment of submissions received in relation to the RRZ chapter. The primary amendments that I have recommended relate to amendments to rules and standards to align with recommendations made in the Rural Wide Issues and Rural Production Zone (RPROZ) section 42A report.
161. Section 5.2 considers and provides recommendations on the decisions requested in submissions. I consider that the submissions on the RRZ chapter should be accepted, accepted in part, rejected or rejected in part, as set out in my recommendations of this report and in Appendix 2.
162. I recommend that provisions for the RRZ chapter matters be amended as set out in the RRZ chapter in **Appendix 1** below for the reasons set out in this report. The consequential amendments made to the RRZ as result of the recommendations in the Rural Wide Issues and RPROZ s42A report are also contained in **Appendix 1**.

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

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

Date: 4 November 2024