



Remember
submissions
close at 5pm,
Friday 21
October 2022

Proposed District Plan submission form

Clause 6 of Schedule 1, Resource Management Act 1991

Feel free to add more pages to your submission to provide a fuller response.

Form 5: Submission on Proposed Far North District Plan

TO: Far North District Council

This is a submission on the Proposed District Plan for the Far North District.

1. Submitter details:

| | | | |
|---|-------------------------------|-------|-------|
| Full Name: | Ian Diarmid Palmer & Zejia Hu | | |
| Company / Organisation Name: (if applicable) | | | |
| Contact person (if different): | Ian Diarmid Palmer | | |
| Full Postal Address: | PO Box 273, Mangonui 0442 | | |
| Phone contact: | Mobile: 02102477985 | Home: | Work: |
| Email (please print): | ipal9718@bigpond.net.au | | |

2. (Please select one of the two options below)

- I **could not** gain an advantage in trade competition through this submission
 I **could** gain an advantage in trade competition through this submission

If you could gain an advantage in trade competition through this submission, please complete point 3 below

3. I **am** directly affected by an effect of the subject matter of the submission that:
 (A) Adversely affects the environment; and
 (B) Does not relate to trade competition or the effect of trade competition
- I **am not** directly affected by an effect of the subject matter of the submission that:
 (A) Adversely affects the environment; and
 (B) Does not relate to trade competition or the effect of trade competition

Note: if you are a person who could gain advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991

The specific provisions of the Plan that my submission relates to are:

(please provide details including the reference number of the specific provision you are submitting on)

The Zoning of our Sites as 'Rural Production'



Confirm your position: Support Support In-part Oppose
(please tick relevant box)

My submission is:

The location and characteristics of the land on the Rangitoto Peninsula are such that its proposed zoning as 'Rural Production' is inappropriate and accordingly is contrary to the requirements of Part 2 of the RMA.

Attachment 1 (and associated Table 1) provides the evidence and detailed discussion in support of this contention.

I seek the following decision from the Council:

(Give precise details. If seeking amendments, how would you like to see the provision amended?)

Zone the privately owned land on the Rangitoto Peninsula **Rural Lifestyle** to correctly reflect the character of this land and to comply with relevant Government and Regional Policy and Standards and to comply with Part 2 of the RMA.

S244.001

I wish to be heard in support of my submission
 I do not wish to be heard in support of my submission
(Please tick relevant box)

If others make a similar submission, I will consider presenting a joint case with them at a hearing
 Yes No

Do you wish to present your submission via Microsoft Teams?
 Yes No

Signature of submitter:
(or person authorised to sign on behalf of submitter)

Date: 20/10/22

(A signature is not required if you are making your submission by electronic means)

Important information:

1. The Council must receive this submission before the closing date and time for submissions (5pm 21 October 2022)
2. Please note that submissions, including your name and contact details are treated as public documents and will be made available on council's website. Your submission will only be used for the purpose of the District Plan Review.
3. Submitters who indicate they wish to speak at the hearing will be emailed a copy of the planning officers report (please ensure you include an email address on this submission form).

Send your submission to:

Post to: Proposed District Plan

Submission 244

Attachment 1

Zoning of land on the Rangitoto Peninsula 'Rural Production', Contrary to Part 2 of the RMA

Background

All of the privately owned land on the Rangitoto Peninsula (i.e. land on the eastern side of the Mangonui Harbour to the west of the Hihi urban area, and including Butler Point) is proposed to be zoned Rural Production in the FNDC's Notified PDP. (For convenience we refer to this land as the 'Rangitoto Peninsula Proposed Rural Production Zone Land' abbreviated "RPZ Land").

Under the ODP, this RPZ Land is currently zoned General Coastal.

The Rangitoto Peninsula (RP) is an area of some 59 hectares, of which approximately 51 hectares is privately owned. As can be seen from Table 1 annexed to this submission, the RP is currently relatively highly fragmented, consisting as it does of 26 separate Primary Parcels, of which 21 are privately owned. These privately owned parcels are held in 13 different titles, which are represented in 12 separate Sites (as that term is defined in the PDP). Three of the 12 Sites are owned by us (the submitters).

Zoning Criteria

The Rural Environment Section 32 Report associated with the PDP quotes the National Planning Standards (gazetted in April 2019) in defining 'Rural Production zone' as:

"Areas used predominantly for primary production activities that rely on the productive nature of the land and intensive indoor primary production ..."
[emphasis added].

The corresponding definitions of General Rural (not used in the FNDC's PDP) and Rural Lifestyle zones exclude the above emphasised text. This clearly implies that to be zoned Rural Production the potential primary production activities on such land must be commercially viable having regard to various aspects, but particularly soil quality and Site size. For the reasons detailed below, the RPZ Land does not meet the definition for Rural Production and therefore should not be so zoned.

Approximately half of the RPZ Land that we own is covered by regenerating native bush that is not available for any form of rural productive or development activity on account of various PDP restrictive overlays and associated rules, and also because the majority of such bush areas are very steep. These areas are also subject to our already submitted application for Conservation Covenants. The circa eight hectares of

pastured land that we own (the majority of which is on one only of our three Sites) is grossly insufficient in size and soil quality to use for any commercially viable rural productive enterprise. We currently graze 4 cows only on this land, essentially as pets and to keep the grass down. To increase stocking density to the level normally expected of Rural Production zoned land would require considerable application of agri-chemicals (herbicides and fertilisers) and mechanical cultivation, which at least one of the neighbouring 'life-stylers' has a history of objecting to on health and environmental grounds. The adjacent Hihi 'General Residential' property owners may also not welcome various land management practices that are to be expected on land zoned Rural Production. Consequently, zoning the land as proposed as Rural Production increases the risk of Reverse Sensitivity issues.

The rateable value of our Sites derives entirely from their desirability as semi-rural lifestyle blocks, particularly on account of their coastal location and aesthetic qualities (e.g. coastal and surrounding landscape views, and accessibility to directly bordering beaches, reserves and harbour foreshore) as well as being in close proximity to local townships and associated retail outlets (particularly Mangonui & Coopers Beach). The size of the Sites is also not of such a large scale to be beyond the capabilities and aspirations of those typically seeking to acquire 'lifestyle' property. As listed in Table 1, the FNDC's Rating Information Database (RID) records the land use associated with the 12 RPZ Land Sites as either one of the 'Lifestyle' categories or (for one of our three Sites) 'Residential'. None are classed in a 'Primary Industry' category, and that is entirely appropriate.

It would be commercially irrational for some or all of the RPZ Land Sites to be acquired by someone intending the land be used primarily for a primary production enterprise. The Consultant's report annexed to the relevant PDP Section 32 Report (titled: "Rural Environmental Economic Analysis") makes clear that much larger Site areas are required to accommodate economically viable primary production.

The Section 32 report suggests that, in general, changing the zone of land from Rural Production to Rural Lifestyle may be "*at the expense of the productive capacity of the rural land resource.*" and result in the "*loss of highly productive land*", and/or the "*loss of versatile soils*". However, in the case of the RPZ Land this would not be so for reasons of:

1. Site scale (small),
2. soil quality (poor, low value),
3. lack of adequate water sources (most bores on the RP and Hihi area have gone saline and the only permanent stream on the peninsula becomes a trickle in summer when it would be environmentally irresponsible to extract a substantive amount of water from it), and
4. land value (too high for an economic return) as shown in Table 1, the annual rates alone on the RPZ Land average approximately \$900 per hectare; which is in itself incongruent with zoning land Rural Production.

In evidence of the above poor soil quality assertion, we reference:

- a) the report dated September 28th, 2022 prepared for the FNDC by NZ Environmental Management in support of Conservation Covenanting areas on two of our Sites in which it is stated (on p1):

“The Sites dominant soil type was the Awapuku clay loam (hill variant)”.

- b) NRC’s ‘Soils Factsheet Viewer’ which indicates that the soil types for the RPZ Land are almost entirely volcanic clay types.
- c) The New Zealand Land Resource Inventory (NZLRI) categorises the RP as having a Land Use Capability (LUC) rating of a lowly 6e2, whereas the National Policy Statement for Highly Productive Land (gazetted in September 2022) (‘NPS-HPL’) states (at S. (7) (a) (ii)) that land must be rated LUC 1, 2 or 3 to be regarded as Highly Productive.
- d) Clause 3.5 (7) of the NPS-HPL has the further pre-requisite that for land to be categorised as ‘Highly Productive’ without a site specific review, the land must currently be zoned either ‘General Rural’ or ‘Rural Production’ and the RPZ Land is not (being currently zoned ‘General Coastal’).
- e) Our experience in grazing cattle on our pastured land has demonstrated the land has a very low stocking capability. That is why we currently only have four cows on our Sites. With larger numbers (the maximum we have had was 12 calves) we have found that natural (grass) feed becomes insufficient in late summer due to our very dry summers, and the paddocks become badly pugged in our wet winters.

In contrast to the RPZ Land’s incongruence with the Rural Production zone definition, purpose and objectives, the land does meet all of the criteria and objectives associated with the Rural Lifestyle zone, including (quoting from the Rural Lifestyle Overview section of the PDP):

- *“being close to transport routes with good access to services in urban areas and settlements”*,
- *“enables people to undertake primary production activities, or primarily undertake a residential activity while having the option of growing their own food, or having horses or other livestock **at a domestic scale**”*. [emphasis added]
- *“they are already fragmented with residential land uses, are on low value soils or where consent has already been granted to undertake more dense living than anticipated in the Rural Production Zone”*.

The relevant Section 32 report quotes the National Planning Standards in defining ‘Rural Lifestyle zone’ as:

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

With respect to the 'fragmentation' aspect, we note that until a set of voluntary title amalgamations in the 1950s and 1960s, the RPZ Land area comprised approximately 70 lots which derived from subdivisions in the mid to late 19th century, soon after the land was first divested by the Crown¹. Of the 12 current Sites, the smallest is just 0.64 hectares (on which our dwelling resides) and has no pastured area on it at all and is classified as 'residential' in the RID. The median area of the current 12 Sites is 1.7 hectares, and the average area 4.2 hectares, consistent with the "smaller" lots/Sites and "already fragmented" definition and intended characteristic of Rural Lifestyle zoned land.

The last time the RPZ Land was farmed commercially was circa 50 years ago, when the RPZ Land was owned by just two parties; the southern (Butler Point) side by Bob Marchant and the rest by Emma and Esther Foster. However even then the farming of this land was not economic in its own right, as Marchant derived his primary source of income as a commercial fisherman and the Foster Sisters' RPZ Land was only a small part of their much larger farm. Some of that Foster Sisters' farm was sold to developers in the 1960s which led to the subdivision that has formed the directly adjoining residential settlement of Hihi.

In recent decades the land use 'trajectory' for the RPZ Land has been one of converting pastured and weed dominated areas into areas of various new plantings, including areas of native trees, ornamental gardens and edibles (i.e. vegetable gardens and orchards). Also, the RP landowners have been protecting and enhancing a substantial portion as regenerating native bush, including fencing such areas off from grazing stock and undertaking pest animal and invasive weed active management. We have continued this trajectory wrt our Sites and continue to do so as time and resources permit. It would be reasonable to assume any future new owners of such land, likely being 'life-stylers', would continue along this path.

In recent decades there has been a progression of new dwellings and other ancillary buildings being constructed as the land has become more 'occupied'. We understand that there are at least six dwellings now existing on the RPZ Land with two additional under construction. These land use trajectories are to be expected for land that is 'already fragmented' and thereby more consistent with Rural Lifestyle than Rural Production zoned land.

Coastal land on the other (eastern) side of the Hihi urban area is proposed to be zoned Rural Lifestyle despite being of a more agrarian character and currently far less fragmented than the RPZ Land. For example, the RU property associated with RAPID No. 376 Hihi Rd is a 211 hectare farm classified for rating purposes as: "Land Use : 12 - **Primary Industry-Stock Fattening**", but nevertheless the more coastal part of that farm is proposed to be zoned 'Rural Lifestyle'. We note that RU is comprised of four Sites sharing common ownership, the largest three of which boast areas of approximately 120 hectares (CT NA-135D/101), 61 hectares (CT NA-572/302) and 28

¹ Refer Survey Plan SO-1535C circa 1880 and the 'Plan of Mangonui East Parish' from Lands and Survey File 9/1087 Folio 29 dated September 16th, 1932.

hectares (CT NA-34A/877). The zoning on that eastern side of Hihi appears to be at odds with the stated rationale of not zoning large productive primary industry land as Rural Lifestyle to avoid fragmentation of such land. We are not objecting to the proposed zoning of that land, but highlight it as an example of the inequitable and arguably irrational proposed zoning treatment in the area surrounding Hihi that negatively impacts us. It is demonstrably incongruent that large Sites of coastal land on the eastern side of Hihi, that for rating purposes are classified as 'Primary Industry', are proposed to be zoned Rural Lifestyle, while our smaller Sites on the western side of Hihi, that are correctly classified as 'Lifestyle' or 'Residential' for rating purposes, are proposed to be zoned Rural Production.

Given all of the neighbouring properties to the RPZ Land (i.e. the Hihi urban area) are proposed to be zoned 'General Residential', there are arguably less or no potential for Reverse Sensitivity issues in zoning the RPZ Land Rural Lifestyle instead of Rural Production.

Subdivision Considerations

With the current proposed Rural Production zoning, any subdivision of RPZ Land would be 'Non-Complying' given the Minimum allotment size standard (SUB-S1) which specifies a minimum lot size of eight hectares for the subdivision to be treated as Discretionary, which generally requires the 'donor' site to be at least 16 hectares, and there are no Sites that large on the RP.

Zoning the RPZ Land Rural Lifestyle might provide some additional flexibility for future subdivision, but this would be highly constrained on account of:

- The RPZ Land is subject to a number of overlays that add additional subdivision restrictions. In particular the entire RPZ Land is proposed to be subject to a Heritage Area overlay and no Permitted or Controlled subdivision is allowed in any HA overlay areas; at best any subdivision would be treated as Restricted Discretionary.
- Per a separate submission, we and at least one other owner of RPZ Land are objecting to the HA overlay covering our Sites, but even if we were successful in having that overlay removed, the relevant 'Minimum allotment sizes' for 'Controlled' subdivision in the Rural Lifestyle zone is four hectares (per PDP standard SUB-S1), so generally the 'donor' site proposed to be subdivided would need to be at least eight hectares and there are only two Sites currently on the RP that are larger than eight hectares.
- Subdivision involving new Sites smaller than 4 hectares would be classed as Discretionary at best, (or non-Complying below 2 hectares) even without the HA overlay.

Notwithstanding the above listed constraints, in so far as there may be some greater possibility of subdivision of RPZ Land if it were zoned Rural Lifestyle rather than Rural Production, this should be seen as a net environmental and community benefit. This

is primarily on account of 'Active Management' considerations. By facilitating some subdivision of such land, it would result in more resident 'lifestyle' inclined owners each with less land to manage, which would facilitate more 'Active Management' of the land, particularly in regards the major ongoing environmental challenges with this land re managing pest animals and invasive non-indigenous plants. NRC's operative Regional Policy Statement (RPS) speaks to this contention at some length, including in Section 3.15 in relation to supporting subdivision in such circumstances, where it is stated:

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

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

These observations by the NRC are very insightful, and are particularly relevant to the RPZ Land that is highly exposed to invasive plant spread. This is because the RP is in close proximity to long standing townships and many of the invasive species of concern have emanated from domestic gardens. Some of the worst of these invasives, such as the bird-dispersed climbing asparagus fern (*asparagus scandens*) and wild ginger (*Hedychium flavescens* and *Hedychium gardnerianum*) are shade-tolerant, meaning their prevalence will continue to get worse without Active Management (unlike traditional weed species such as gorse where benevolent neglect of regenerating native bush areas can lead to the eventual elimination of such weeds).

The PDP states, in line with NRC encouragement per the RPS, that it is the policy of the FNDC to:

*“Encourage and support active management of pest plants and pest animals.
[Policy IB-P7]*

For the reasons canvassed in the RPS, and partially reiterated above, zoning the RPZ Land Rural Lifestyle rather than Rural Production will go some way in helping the FNDC achieve its objectives per policy IB-P7.

Other Matters of Concern

To add 'insult to injury', the proposed overlay of 'Outstanding Natural Landscape' on the majority of the pastured land for one of our Sites (Lot 1 DP322506) on top of the whole of the RPZ Land being overlayed as 'Coastal Environment', triggers any form of Farming on that land being categorised as 'Non-Complying' (per rule NFL-R6).

How can you zone land Rural Production and then designate all Farming activities (that the PDP defines as "*use of land for the purpose of agricultural, pastoral, horticultural or apiculture*") on pastured land in that space to be Non-Complying?!

In Conclusion:

It is demonstrable that the RPZ Land does not meet the definition of Rural Production zoning as stated in the relevant National Planning Standard, but it does comfortably meet the definition specified in that same standard for Rural Lifestyle zoning.

It is equally demonstrable that the RPZ Land is not Highly Productive land which could have otherwise been justification for the Rural Production zoning decision.

In conclusion, for the plethora of reasons detailed above, it is abundantly clear that the RPZ Land has been wrongly zoned Rural Production in the FNDC's Notified PDP, and accordingly, is contrary to the requirements of Part 2 of the RMA.

