

Submission on PDP

To: Far North District Council (FNDC)

Full Name: Sarah Ballantyne and Dean Agnew (**Ballantyne & Agnew**)

Re: Submission on Proposed Far North District Plan (PDP) – Sarah Ballantyne and Dean Agnew

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Date: 21 October 2022

Submission Information:

Sarah Ballantyne and Dean Agnew could not gain an advantage in trade competition through this submission.

The specific provisions of the Plan Changes that the Sarah Ballantyne and Dean Agnew submission relates to are attached.

Sarah Ballantyne and Dean Agnew seek amendment to the specific provisions as listed in the attached document. The reasons are provided in the attached document.

The decisions that Sarah Ballantyne and Dean Agnew wish Far North District Council (FNDC) to make to ensure the issues raised by Sarah Ballantyne and Dean Agnew are dealt with are also contained in the attached document.

Sarah Ballantyne and Dean Agnew wish to be heard in support of this submission.

If others make a similar submission, Sarah Ballantyne and Dean Agnew will consider presenting a joint case with them at a Hearing.

pp. 

Sarah Ballantyne and Dean Agnew

David Badham (on behalf of Sarah Ballantyne and Dean Agnew)

1.0 Introduction

Sarah Ballantyne and Dean Agnew (**Ballantyne & Agnew**) welcomes the opportunity to submit on the Far North District Council (**FNDC**), Proposed Far North District Plan (**PDP**), that was notified to the public on 27 July 2022.

The PDP is of particular interest to Ballantyne & Agnew, as landowners of two properties located at 249 Aucks Road, Okiato (Lot 1 DP 445352) and 190 Paroa Bay Road, Russell (Lot 1 and 7 DP 349706).

Ballantyne & Agnew acknowledges and appreciates the work that FNDC have put into developing the PDP, specifically the non-statutory community engagement that was undertaken in 2021. Ballantyne & Agnew provided feedback as part of the draft District Plan. This fosters greater stakeholder and community engagement beyond the statutory process in the Resource Management Act 1991 (**RMA**).

This submission covers matters addressed by the PDP which Ballantyne & Agnew have an interest. Specific points of submission are detailed in **Attachment 1**, whilst general feedback with summarised submission points is detailed in Section 2 below.

1.1 Current Zoning and Resource Overlays

Under the current Operative Far North District Plan (**ODP**) both sites are zoned General Coastal and are not subject any resource overlays (Outstanding Natural Landscape, Outstanding Natural Feature etc.).

The Northland Regional Council's Regional Policy Statement for Northland (**RPS**) identifies 190 Paroa Bay as being partially within the Coastal Environment, while 249 Aucks Road as being within the Coastal Environment and as being partially subject to the High Natural Character overlay.

1.2 Proposed Zoning and Resource Overlays

1.2.1 249 Aucks Road, Okiato

Under the PDP, the subject site is proposed to be rezoned Rural Production Zone (**RPROZ**). The site will also be subject to the following overlays: Coastal Environment, High Natural Character (partial), and Coastal Flood Zone's 1 – 3 (partial). See **Figures 1 – 4** below.

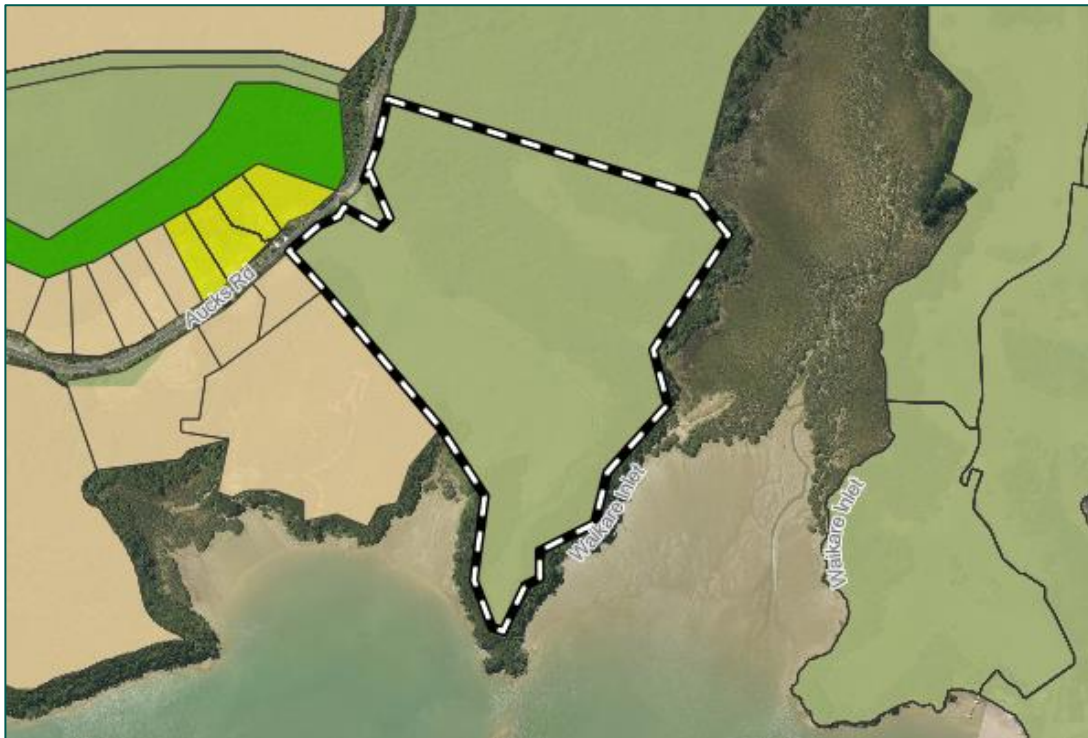


Figure 1: PDP Zone Maps - Rural Production Zone

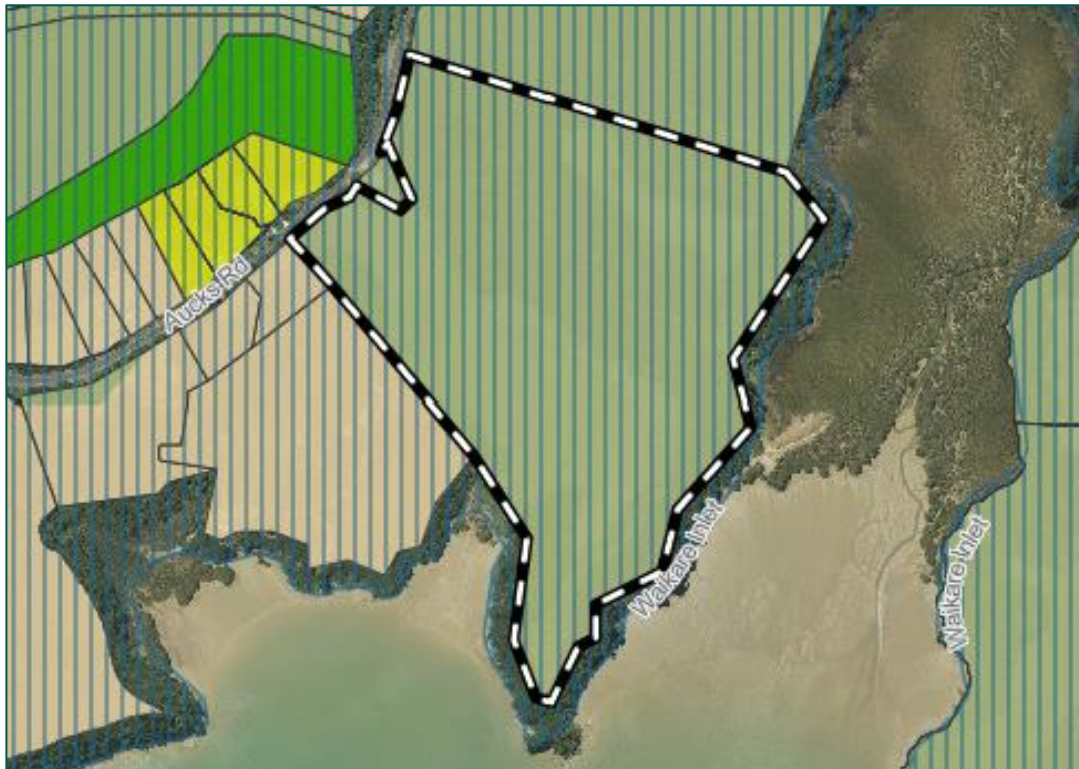


Figure 2: Coastal Environment



Figure 3: High Natural Character Overlay - Ref 445 and 457



Figure 4: Coastal Flood Hazard - Zones 1, 2 and 3

1.2.2 190 Paroa Bay Road, Russell

Under the PDP, the subject site is proposed to be rezoned RPROZ and will also be subject to Coastal Environment overlay as shown in **Figure 5**.



Figure 5: Rural Production Zone and Coastal Environment Overlay

2.0 General Feedback

2.1 Part 1 – Introduction and General Provisions

2.1.1 Definitions

The PDP includes several undefined terms of particular relevance to Ballantyne & Agnew and are those terms used in rule headings that are either, inconsistent with defined terms, or do not have a definition in the Definitions Chapter of the Interpretation Section. Further, it is noted no definition nesting tables are used in the PDP. Ballantyne & Agnew consider that it is worthwhile to include nesting tables to provide certainty for plan users and decision-makers as to what activities are captured in the rules. The introduction and explanation of nesting tables would need to be included within the Definitions Chapter.

2.2 Part 2 – District-Wide Matters

2.2.1 Strategic Direction

The Strategic Direction Chapter is fundamental to the tone and direction of the PDP. These are expressed by the six sub-section topics of Historic and Cultural Wellbeing, Economic and Social

Wellbeing, Urban Form and Development, Infrastructure and Electricity, Rural Environment, and Natural Environment.

As a general comment, Ballantyne & Agnew note that the Strategic Direction Chapter (**SD Chapter**) contains objectives for each topic, and not policies. In Ballantyne & Agnew's view, the objectives need policies to demonstrate how they are going to be achieved in the Plan. It is also important at this strategic level of the PDP, that the policies provide clear direction for the consideration of resource consents where there is conflict between different areas of strategic direction.

Further, the SD Chapter does not include any form of direction by way of mapping or provisions to set a clear hierarchy of centres, including how environments will transition from urban centres to rural areas. There is no identification of small, medium or large centres, or rural/coastal settlements versus large towns. Ballantyne & Agnew consider this lack of strategic direction and centres hierarchy to be a significant flaw in the plan. In particular, it does not clarify how growth is or will be provided for or managed under the life of this PDP.

With respect to the Rural Environment Strategic Direction (**RE-SD**), the overview provides no description or overarching commentary on how the Rural Zones have been established, why they have been selected or how these environments transition from one to the other. In Ballantyne & Agnew's view significant amendments are required to this section of the RE-SD to ensure that all characteristics and qualities of the rural environment are adequately recognised and taken into account. The two objectives included solely focus of primary production activities and the protection of highly versatile soils, without any recognition of rural lifestyle, rural settlement or rural residential activities that are existing or should be appropriately provided for in this environment.

Overall, this lack of overarching strategic direction with respect to mapping, growth management, prioritisation of town centres, and recognition of the varied rural living environment in terms of lifestyle and settlement activities leaves plan users and decision-makers with very little direction when it comes to balancing outcomes and effects under the PDP.

Relief Sought:

- That FNDC amend the SD Chapter to include policies to support and provide clarity for the overarching strategic directions sought by the PDP.
- Alternatively, if policies are included within other chapters of the PDP, clearly link the SD objectives to the relevant objectives and policies throughout the PDP.
- Amend the SD Chapter to include a centres hierarchy that identifies small, medium and large towns and how these environments relate to each other and to FNDC's prioritisation of infrastructure investment whether it be existing or planned.
- Amend the RE-SD overview description appropriately recognise the varied rural living activities that exist and are provided for within these environments, including recognition of the rural and urban interface ensuring that it provides suitable transition between urban and rural environments.
- Incorporate new objectives in the RE-SD that provides for and manages rural lifestyle and rural residential activities, with a particular focus on the interface with urban and rural zones, and

the criteria which the Rural Residential, Settlement and Rural Lifestyle zones have been establish under and are deemed appropriate by.

2.2.2 Coastal Environment and Natural Character Overlays

Ballantyne & Agnew generally support FNDC's efforts to preserve the natural character of the coastal environment in accordance with section 6(a) of the RMA, the New Zealand Coastal Policy Statement (**NZCPS**) and the Regional Policy Statement for Northland (**RPS**). In particular, Ballantyne & Agnew support the mapping approach taken by FNDC to identify the Coastal Environment (**CE**), and High and Outstanding Natural Character (**HNC** and **ONC** respectively) Overlays. It is considered that this approach more accurately identifies the CE when compared with the broad-brush zoning approach taken by the ODP. This combined with the delineation of areas that have HNC and ONC allows a tiered management approach for land use, subdivision, and development by recognising that natural character varies depending on the characteristics and qualities of each place at the time these were assessed.

Ballantyne & Agnew are concerned that the CE Chapter does not adequately provide for development in areas that are identified as urban. While CE-R1-PER-1 provides for buildings up to 300m² outside of HNC and ONC areas, the provisions do not distinguish between height limits in these areas. This is a concern in the Far North's urban environments where General Residential, Mixed Use and Industrial zoned land exists. In Ballantyne & Agnew's view, the limitation of building size, scale and height (CE-R1 and CE standards) is not considered to adequately provide for development capacity within existing urban areas, or correspond with the level of natural character present within these environments.

With respect to non-urban land, Ballantyne & Agnew are particularly concerned with the provisions relating to buildings and structures in non-urban environments in CE-R1-PER-2. These provisions only provide for the construction of new non-residential buildings that are ancillary to farming activities and limit the scale and size to no greater than 25m² as a permitted activity. Where compliance is not achieved activities are either full discretionary or non-complying depending on the presence of HNC or ONC. In Ballantyne & Agnew's view, this does not adequately provide for farming activities, where implement and storage sheds are typically much larger than this and may be required for a functional need to establish in that location.

In addition to the above, rule CE-R1 does not enable any built form that is not ancillary to farming, requiring any new buildings to make discretionary or non-complying activity resource consents when they are located within non-urban areas. While it is recognised that farming activities (that existed at the time natural character values existed) form part of the natural character of an environment, it is unclear how the effect of any built form of the same size would generate more or less of an effect on the natural character values.

Finally, with respect to activity status, the default discretionary activity resource consent position for the construction of new buildings outside of ONC and HNC areas is considered to be unnecessarily onerous and can be appropriately managed through a restricted discretionary activity status with targeted matters of discretion. This would target resource consent assessments to specific matters, which in our opinion are already clearly set out in the policies. It is Ballantyne & Agnew's view that both size limits of new buildings and the appropriateness of activity status is not

greatly discussed or evaluated in the section 32 evaluation reports, therefore cannot support this approach.

Relief Sought:

- Delete the 5m height limits of CE-SI as they relate to urban environments.
- Amend CE-R1-PER-1 to remove the 300m² building limit.
- Amend CE-R1-PER-2 to remove clause (1) which limits built form to farming activities only, clause (2) which limits buildings as a permitted activity to 25m².
- Amend the default discretionary activity for new buildings outside of HNC and ONC areas to restricted dictionary activities, establishing targeted matters of discretion to clearly identify effects that require consideration and assessment.

2.2.3 Ecosystems and Indigenous Biodiversity

The PDP includes a specific chapter for Ecosystems and Indigenous Biodiversity and includes provisions that have immediate legal effect for Significant Natural Areas (**SNA**). The PDP excludes the mapping that was released as part of the Draft Plan, and while it is understood why this was removed, it is now unclear how these provisions will be applied, assessed and monitored. With respect to the rules (IB-R1 – R4), they all reference SNA even as permitted activity rules. Given there is no mapping to identify these areas, there is no means to assess compliance with the permitted standards except by providing a site-specific report prepared by a suitably qualified ecologist which is considered to be inappropriate as a permitted activity status. For these reasons, Ballantyne & Agnew are concerned with this approach and oppose the provisions as they have been notified.

Relief Sought:

- Delete all permitted activity rules IB-R1 – R4 as notified.

2.2.4 Natural Hazards

It is recognised that FNDC are required to manage significant risks from natural hazards and method 7.1.7 of the RPS requires the incorporation of new floor and coastal hazard mapping. However, the Natural Hazards Chapter (**NH Chapter**) also includes provisions for land instability and wildfire, and while these are accepted as natural hazards that may require management, Ballantyne & Agnew consider the proposed approaches to be inappropriate for the following reasons:

- Ballantyne & Agnew's site at 249 Aucks Road is subject to Coastal hazards. Ballantyne & Agnew it considers that existing activities and buildings should be recognised and provided for. Further, Ballantyne & Agnew consider that the default performance standard of no increase in GFA or footprint of structures, is overly restrictive and will require unnecessary resource consent applications.
- Land instability is not mapped and has instead been incorporated as a defined term. The notified definition is considered to be overly complex and would require a suitably qualified and experienced geotechnical engineer to assess compliance with these provisions. It is considered to be overly onerous on landowners to be required to undertake site specific assessment to determine this. FNDC are better placed to undertake this assessment and have maps that sit outside of the district plan to manage this.

- NH-R5 and R6 require all new buildings and extensions or alterations to buildings that accommodate vulnerable activities to be set back a minimum of 20m from the dripline of any 'contiguous scrub or shrubland, woodlot or forestry', none of which are defined terms. This provision is very similar to that contained in Chapter 12 of the ODP and is often a trigger for resource consents, whereby FNDC typically request approval from Fire and Emergency NZ who assess whether there is adequate provision of fire sighting supply and access. There is considered to be adequate consideration of water supply within the NH-R5 and R6 PER-1 and TRAN-R3-PER-1. Therefore, it is considered unnecessary to include a setback requirement when there is already adequate provision of the firefighting supply and access requirements.

Relief Sought:

- That NH-R2 be amended to provide for additional and alterations to existing activities as a permitted activity.
- FNDC to undertake mapping of land instability in accordance with the definition Land Susceptible to Instability, identifying land that is 'Low, Medium and High' hazard units.
- Delete PER-2 from rules NH-R5 and NH-R6.

2.2.5 Rural Production Zone

While the primary production purpose of the RPROZ and the retention of highly versatile soils is generally supported, Ballantyne & Agnew consider that the RPROZ provisions do not appropriately balance the protection of these resources against what can be reasonably achieved on soils that do not carry the same productive capacity, where other activities may be more appropriate.

Ballantyne & Agnew are concerned with the management approach for residential activities in the RPROZ. The RPROZ has the largest spatial extent within the Far North, accommodating many communities located outside of urban centres, townships, and settlements. Ballantyne & Agnew consider there has been insufficient analysis undertaken with respect residential activities, both in relation to the density controls and enablement of minor residential unit activities. A 40ha density control is considered to be overly conservative, when considering the actual effects of a residential unit in these environments.

In Ballantyne & Agnew's view, a density control of one residential unit per 20ha will more appropriately provide for economic and social wellbeing of communities, effectively achieving the purpose of the RMA, by ensuring land resources are efficiently developed while preventing the fragmentation of productive land.

Relief Sought:

- Amend RPROZ-R3 to provide for residential activities as a permitted activity where the minimum site area per residential unit is 20ha.

2.2.6 Rural Lifestyle Zone

Ballantyne & Agnew are generally supportive of the enablement of visitor accommodation activities, and other small scale rural industry and commercial activities such as home businesses and rural produce retail within the Rural Lifestyle Zone (RLZ). In addition to the provision for non-residential

activities, Ballantyne & Agnew support the provision for residential activities, particularly those enabled by Minor Residential Units as a permitted activity.

In terms of the residential intensity provisions, Ballantyne & Agnew note the thresholds of one residential unit per 2ha of land is inconsistent with the subdivision controls provided in SUB-S1. It is unclear why this approach has been taken; however, it is Ballantyne & Agnew's view that a consistency is required when setting the permitted activity density control and minimum allotment sizes for subdivision. This assists in setting clear outcomes in the zone framework and provides parameters for anticipated development to achieve the objectives of the zone.

Submission and Relief Sought:

- Amend the controlled activity minimum lot size for subdivision in SUB-S1 to align with the residential density control proposed in RLZ-R3.

2.2.7 Mapping

Both 190 Paroa Bay Road and 249 Aucks Road are zoned RPROZ under the PDP and are partially or wholly mapped as being within the Coastal Environment. 249 Aucks Road is also subject to HNC and Coastal Hazard Zones 1 – 3. Refer to Figures 1 – 5 for proposed zoning and overlays applied to the sites of interest.

Ballantyne & Agnew are concerned with the application of the RPROZ zoning to 249 Aucks Road site, as the land is located within the established rural residential settlement of Okiato. Adjacent land on the western boundary and sites north of Aucks Road are appropriately zoned RSZ or RLZ zone, ending beyond the subject site by some 300m. In addition to ensuring there is a defensible boundary for the RLZ, the Land Use Capability (LUC) for the site is mapped and classified as LUC 6e 9 (as shown in **Figure 6**), meaning the soil classification falls outside of those defined as 'versatile soils'¹ in the PDP. On this basis, it is Ballantyne & Agnew's view that the application of RLZ is more appropriate for the site, ensuring the consistent and cohesive spatial layout and zone framework to ensure future development of the area is undertaken in an effective and efficient manner in accordance with policy 5.1.1 of the RPS. Overall, it is considered that the application of the RLZ to 249 Auck's Road will align with higher order policy direction and more effectively achieve the purpose of the objectives and overall purpose of the RMA.

Relief Sought:

- That FNDC rezone 249 Aucks Road, legally described as Lot 1 DP 445352 RLZ.

¹ means soils that are Land Use Capability Classes 1c1, 2e1, 2w1, 2w2, 2s1, 3e1, 3e5, 3s1,3s2, 3s4.



Figure 6: Land Use Capability Mapping (source: NZLRI LUC 2021)

3.0 Conclusion

In conclusion, Ballantyne & Agnew seek the following relief:

- (a) Ballantyne & Agnew's general feedback in Section 2.0 and specific feedback in Attachment 1 is addressed and necessary changes incorporated into the PDP.
- (b) Any further necessary consequential amendments required to achieve (a) above.

Ballantyne & Agnew look forward to working collaboratively with FNDC to address the above relief and is happy to meet with FNDC policy staff or consultants to work through these matters.

Submission on PDP



4.0 Attachment 1: Specific Submission Points on PDP

Sub #	Feedback Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
Part 1 – Introduction and General Provisions – Interpretation - Definitions				
S386.001	Definitions	Seek amendment	The PDP includes activity-based rules which manage the establishment and operation of activities within zones and sites. Ballantyne & Agnew note that no definition nesting tables are used in the PDP. It is considered that nesting tables will provide certainty for plan users as to what activities are captured in the rules.	That FNDC: Incorporate nesting tables into the definitions chapter. The introduction and explanation of nesting tables be included within the Definitions Chapter. Create definitions for all undefined terms / activities.
Part 2 – District Wide Matters – Strategic Direction				
S386.002	Strategic Direction – Economic and Social Wellbeing – Overview	Seek amendment	Ballantyne & Agnew consider that the overview has insufficient detail to provide understanding of what is intended to be achieved by these objectives. At a minimum, this needs to be amended to provide the overarching context of what social and economic wellbeing means in the Far North	Amend the Strategic Direction chapter in include objectives and policies which provide the overarching context of what social and economic wellbeing means in the Far North District context, outline the issues that are being addressed, and how the PDP seeks to address them.

Submission on PDP



S386.003

			District context, outline the issues that are being addressed, and how the PDP seeks to address them.	
3	SD-SP-O1	Seek amendment	Objective SD-SP-O1 is considered to be too vague and does not provide sufficient direction for plan users or decision-makers. The objective does not distinguish between urban or rural environments or provide direction on what characteristics or qualities make up a 'sense of place'. There are no qualifying features of the objective to direct plan users or decision makers on whether this objective is or is not being achieved. Further, the objective is considered to inadequately align with Objective 4, Policy 6 or 8 of the NPS-UD. In the absence of section 32 evaluation of the appropriateness of these objectives, it is unclear what is meant by a 'sense of place' or what this outcome achieves.	Amend objective SD-SP-O1 to assist plan users and decision makers to understand what makes up a 'sense of place'.
4	Strategic Direction –Urban Form and Development – Overview	Seek amendment	Ballantyne and Agnew support the intention of the Urban Form and Development chapter, and considers this can be improved with the incorporation of a centres hierarchy	Amend the Urban Form and Development Chapter overview and objectives to at a minimum incorporate the following:

S386.004

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			<p>that demonstrates how growth in the Far North will be directed under the district plan.</p> <p>Further, the overview does not provide any direction on how the different urban zones, whether they be urban or residential, integrate to either support or relate to each other. There is no consideration of the transportation network and how this key infrastructure asset contributes to urban form, development and growth.</p>	<ul style="list-style-type: none"> Centres hierarchy – to inform how towns will respond to and provide for growth; Centres hierarchy that informs how and where rural lifestyle, rural residential and settlement zoning, and at what point it will be provided; Clear objectives that outline the purpose of business land and how activities anticipated in this environment are sufficiently provided for; and Recognition of the transport network and the key role it plays in connecting these places, people and goods to the local, regional, national and global market.
5	SD-UDF-01	Oppose	<p>This objective is considered to be in conflict with Part II of the RMA, and affords people priority over other natural and physical resources that form the environmental. Ballantyne & Agnew oppose this objective as it is not suitably balanced, and provides a pathway for perverse outcomes.</p>	<p>Delete objective SD-UDF-01.</p>

S368.005

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<p>S368.006</p>	<p>6</p> <p>SD-UFD-02</p>	<p>Seek amendment</p>	<p>Ballantyne & Agnew support the intention of this objective, and consider this direction would be strengthened by incorporating a centres hierarchy into the objective or by including a separate one. This would take into account existing reticulated networks, established town populations, workforces and projected growth for both business and housing land. Furthermore, it is noted that these objectives have not been evaluated in either the Overview Section 32 Report or Urban Environment Section 32 therefore it is unclear whether these objectives are the most appropriate and achieve the sustainable management purpose of the RMA.</p>	<p>Either amend SD-UFD-02 or add a new objective to establish a centres hierarchy for Far North’s small, medium and larger town centres.</p>
<p>S368.007 S368.008</p>	<p>7</p> <p>Strategic Direction – Rural Environment</p>	<p>Seek amendment</p>	<p>Ballantyne & Agnew consider the overview and objectives is overly simple and narrow. The overview description does not recognise the diverse and variation within the rural environments or acknowledge the other key qualities and characteristics that make up these areas. The narrow focus of the overview and subsequent objectives to only</p>	<p>Amend Strategic Direction – Rural Environment to at a minimum recognise the following within the rural environment:</p> <ul style="list-style-type: none"> • The diverse and variation of the qualities and characteristics within the rural environments;

Submission on PDP

			managing outcomes related to primary production and highly versatile soils fails to adequately reflect the realities of the rural environment or provide sufficient direction on how activities and effects are managed in the PDP.	<ul style="list-style-type: none"> The small rural settlements that are already established within the rural environment; and The large tracts of rural lifestyle activities.
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Part 2 – District-Wide Matters – Coastal Environment

Objectives

S368.009	8	CE-O1	Support	Ballantyne & Agnew support the intention of this objective as it is considered to align with the RPS and Section 6(a) of the RMA.	Retain as notified.
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Policies

S368.010	9	CE-P1	Support	Ballantyne & Agnew support the identification methods and intention of this policy as it aligns with Policy 4.5.1 and Method 4.5.4 of the RPS.	Retain as notified.
S368.011	10	CE-P6	Support	Ballantyne & Agnew generally support the recognition of farming activities within the coastal environment, and that they contribute to the established values of these environments.	Retain as notified.
S368.012	11	CE-P10	Support, amendments seek	Ballantyne & Agnew support FNDC’s approach to include a ‘manage’ policy to	Amend CE-P10 as follows:

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			<p>provide plan-users and decision-makers key matters to consider as part of a resource consent. Ballantyne & Agnew seek amendments to improve consistency and clarity. Clause (l) relates to the quality of coastal waters; this is considered to be a function of regional council and is considered inappropriate.</p>	<p><i>“CE-P10 Manage land use and subdivision to preserve and protect the natural character of the coastal environment, and to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:</i></p> <ul style="list-style-type: none"> <i>a. the presence or absence of buildings, structures or infrastructure;</i> <i>b. the temporary or permanent nature of any adverse effects;</i> <i>c. the location, scale and design of any proposed development;</i> <i>d. any means of integrating the building, structure or activity <u>into the wider landscape and maintenance of any significant ridgelines</u>;</i> <i>e. the ability of the environment to absorb change;</i> <i>f. the need for and location of earthworks or vegetation clearance;</i> <i>g. the operational or functional need of any regionally significant</i>
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				<p>infrastructure to be sited in the particular location;</p> <p>h. any viable alternative locations for the activity or development;</p> <p>i. any historical, spiritual or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6;</p> <p>j. the likelihood of the activity exacerbating natural hazards;</p> <p>k. the opportunity to enhance public access and recreation;</p> <p>l. the ability to improve the overall quality of coastal waters; and</p> <p>m. any positive contribution the development has on the characteristics and qualities, <u>including ecological enhancement and / or restoration.</u>"</p>
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Rules and Standards

S368.013	12	CE-R1 New buildings or structures, and extensions or alterations to existing buildings or structures	Seek amendments	Ballantyne & Agnew consider that the 5m height limits imposed by CE-S1 Maximum Height to all new buildings and structures within urban zones is overly restrictive. In Ballantyne &	That FNDC: <ul style="list-style-type: none"> Amend CE-R1-PER-1 to delete clause (1) that relates to building footprint.
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			<p>Agnew’s view these areas are locations where development is already concentrated, provided for by the PDP and are supported by infrastructure. In Ballantyne & Agnew’s view, the built form (like farming) does form part of the values present in these areas. The PDP encourages and seeks to consolidate development into these areas, however the limitations on building footprints and height are considered to hinder development capacity in these locations should these design controls remain in place.</p> <p>With respect to new buildings outside of urban zones, while it is recognised that farming forms part of the established values of natural character of the CE, Ballantyne & Agnew consider it unnecessary to limit new buildings/structures in this way, given the introduction of any new built form will be the same or similar irrespective if the building is ancillary to farming or not. Further, it is considered that CE-R1 as proposed, does not adequately provide for the variable environments that exist within the District or</p>	<ul style="list-style-type: none"> • Amend CE-R1-PER-2 to delete clause (1). • Review the building footprint controls proposed in clause (2) and provide for appropriate building footprints that reflect the varied values of each zone environment. • Incorporate a restricted discretionary activity to CE-R1 with targeted matters of discretion to provide for activities that cannot comply with the permitted standards and are outside of HNC and ONC areas.
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			<p>appropriately respond to the underlying zone framework.</p> <p>Finally, the default activity status of ‘Discretionary Activity’ resource consenting pathway for activities outside of mapped ONC and HNC areas is considered overly onerous. Targeted matters of discretion would be more appropriate to manage effects.</p>	
<p>13</p> <p>S386.014, S386.029</p>	CE-S1 Maximum height	Oppose in part	<p>Ballantyne & Agnew’s consider that the built form of urban zones is part of the established values of these environments. It is considered that these height limits in urban zones have not been thoroughly assessed, and reliance on the underlying zone thresholds will sufficiently manage the effects. Further, Ballantyne & Agnew consider the wording in clause (1) refers to the ‘nearest ridgeline, headland or peninsula’ needs to be reconsidered. These terms are not defined, and may cause interpretation issues of how and when these apply to a particular relevant. Particularly in locations where there are multiple ridgelines and headlands, Russell township is a perfect</p>	<p>Delete CE-S1</p> <p>Or</p> <p>Amend CE-S1 to make reference to the “height of the <u>tallest/highest</u> surrounding ridgeline, headland or peninsula”.</p> <p>And</p> <p>Insert definitions of ridgeline, headland and peninsula.</p>

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			<p>example of this with two headlands that encompass the bay and various ridgelines that define the town. Ridgeline, headland and peninsula are not defined terms and are somewhat subjective terms to include within rule criteria for the purpose of determining whether consent is required or not. It is also unclear as to whether the rule is intending to protect the skyline within the CE or act as a generic visual amenity consent trigger. If the former, we consider the rule could be reworded to make reference to the “height of the <u>tallest/highest</u> surrounding ridgeline, headland or peninsula”.</p>	
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Part 2 – District-Wide Matters – Subdivision

Rules and Standards

14	SUB-R6 Environmental Benefit Subdivision	Support amendments	with	<p>Ballantyne & Agnew support the inclusion of an environmental benefit subdivision (EBS). However, it is unclear how the identified thresholds in Table 1 have been established. Whilst this is mentioned in the section 32, there is no ecological assessment to confirm that an environmental benefit would be achieved by those thresholds or in fact</p>	<p>That FNDC provide evidence (ecological assessment) to confirm that environmental benefit would be achieved by the thresholds in Table 1, or amend the thresholds in Table 1 as necessary to achieve an environment benefit.</p>
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S386.015

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			<p>whether a number ratio of allotments is appropriate. It is considered that this is required to understand whether these are appropriate. Further, it is considered that environmental outcomes could be improved with a provision that promotes ecological enhancement and or restoration.</p> <p>In addition to this, it is noted that there are no provisions for the protection of other section 6 matters, such as for the protection of an ONL, ONF or heritage resources. It is considered that there is an opportunity to incorporate a range of EBS provisions to protect these natural resources, that encourage the clustering of smaller allotments away from these significant resources.</p>	<p>Amend the EBS provisions to include rules which enable subdivision when other section 6 matters are protected, such as for the protection of an ONL, ONF or heritage resource.</p>
<p>15</p> <p>S368.016</p>	<p>SUB-R20 Subdivision of a site within the Coastal Environment (excluding Outstanding Natural Character Areas)</p>	<p>Oppose</p>	<p>This rule makes any subdivision within the CE a discretionary activity. In the proposed RPROZ, allotments must have a minimum lot size of 40ha to be a controlled activity, it is unclear how or why subdivision of lots of this size would require discretionary activity resource consent assessment solely based on the site being identified within the CE. This</p>	<p>Delete rule, and review the provisions, incorporating either a targeted policy or assessment criteria in the rule SUB-R13.</p>

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			<p>is considered to be overly restrictive, particularly when considering the minimum allotment sizes outlined in SUB-S1 of the PDP.</p> <p>Subdivision does not always require physical works and does not necessarily propose or introduce built form. Regardless, the PDP already contains provisions for the management of built form, land disturbance and vegetation clearance (i.e., Rules CE-R1 and CE-R3, and standards CE-S1 and CE-S3).</p> <p>It is considered that the natural character of the coastal environment is already managed by elsewhere in the PDP and there is no need to duplicate the assessment here.</p>	
16 S386.017	SUB-R20 Subdivision of a site within Outstanding Natural Character Areas in the Coastal Environment	Oppose	Ballantyne & Agnew oppose this for the same reasons outlined in submission point 15.	Delete rule, and review the provisions, incorporating either a targeted policy or assessment criteria in the rule SUB-R13.
17 S386.018	SUB-S1 Minimum allotment sizes	Support Amendments with	While Ballantyne & Agnew recognise the importance and purpose of the RPROZ, particularly the need to protect highly versatile soils, manage the fragmentation of land for productive purposes, and avoid reverse sensitivity	That FNDC review and amend minimum lot sizes, in particular the provision of a 20ha minimum lot size in the RPROZ as a controlled activity, to ensure regional consistency

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			<p>effects arising, it is considered that all of these matters can be achieved at lot sizes smaller than 40ha. At a minimum, FNDC should consider alignment neighbouring Council’s (i.e. the Whangārei District Plan RPROZ provisions) to achieve region wide consistency under the RPS. Finally, with respect to the RLZ, it is unclear why the proposed minimum lot size for controlled activity subdivision has been selected. 4ha controlled activity subdivision is inconsistent with the residential density control provided in the RLZ Chapter. It is common practice to align these controls to provide consistent outcomes across land use and subdivision controls.</p>	<p>That FNDC amend the minimum lot size of the RLZ to align with the residential intensity control of the RLZ Chapter.</p>
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Part 3 – Area-Specific Matters-Rural Production Zone

Policies

18	PROZ-P6	Seek amendment	<p>Ballantyne & Agnew consider this policy to be too narrow, focussing too heavily on farming activities, rather than the productive capability of the zone. It is considered that this policy should be broadened to encompass all primary production activities.</p>	<p>Amend as follows:</p> <p><i>“Avoid subdivision that:</i></p> <ul style="list-style-type: none"> <i>a. results in the loss of highly productive land for use primary production by farming activities;</i> <i>b. fragments land into parcel sizes that are no longer able to</i>
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S386.019

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				<p>support farming activities <u>productive capacity of the rural environment</u>, taking into account:</p> <ol style="list-style-type: none"> 1. the <u>productive capability of soils</u> type of farming proposed; and 2. whether smaller land parcels can support more <u>productive activities</u> forms of farming due to the presence of highly productive land. <p>c. provides for rural lifestyle living unless there is an environmental benefit.”</p>
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Rules and Standards

<p>19</p> <p>S386.020</p>	<p>RPROZ-R3 Activity</p>	<p>Residential</p>	<p>Seek amendment</p>	<p>The RPROZ limits residential development to one unit per 40ha of site area, up to a maximum of 6 per site and requires a discretionary activity resource consent for non-compliance with either of these standards. This is considered to be an overly restrictive rule framework. The section 32 has some brief commentary regarding the 40ha size limit at it relates to subdivision</p>	<p>Amend RPROZ-R3-PER-1 to allow for at a minimum, one residential unit per 20ha.</p>
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				and considers this to be a response to manage fragmentation effects. Ballantyne & Agnew note that this density control has been proposed to align with the controlled activity subdivision threshold (which is discussed separately), however, aside from this there is little evaluation within the section 32 of the appropriateness of threshold. Further, it is noted that the Whangārei District Plan and Kaipara’s Exposure Draft Plan each have rule frameworks that would provide for two residential units per 40ha. It is considered that these provisions should be amended to align with adjacent Councils to provide a more consistent region wide approach to the management of RPROZ land.	
20 S386.021	RPROZ-R4 Accommodation	Visitor	Support	Ballantyne & Agnew support the enablement of visitor accommodation in the PRZ.	Retain as notified.
21 S386.022	RPROZ-R9 Activity	Recreational	Amend	As outlined above, the rule title is inconsistent with the defined term ‘Recreation Activity’ in the Definitions Chapter. It is considered that this should	Amend to be consistent with definition.

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			be revised to improve consistency and legibility.		
S386.023	22	RPROZ-R15 Plantation forestry and and plantation forestry activity	Amend	There is an error in the rule title	Amend to delete the repeated 'and'.
S386.024	23	RPROZ-R19 Minor Residential Unit	Support with amendment	Ballantyne & Agnew support the inclusion of a minor residential unit rule, however, considers this can be appropriately managed as a permitted activity with the same clauses applied. Further, it is noted that this rule does not contain any matters of control making it unclear which matters/effects require assessment and what the parameters of control are.	Amend activity status to make a permitted activity.
S386.025	24	RPROZ-R22 Rural Tourism Activity	Support	Ballantyne & Agnew support this, as it provides for tourism activities within the rural environment which have a functional need to be located here.	Retain as notified.

Part 3 – Area-Specific Matters

Rural Lifestyle Zone

Rules and Standards

S386.026	25	RLZ-R4	Support	Ballantyne & Agnew are supportive of the provision of small-scale visitor accommodation in this zone.	Retain as notified.
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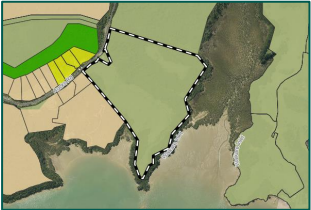
Submission on PDP

S386.027

26	RLZ-R11	Support, amendments seek	Ballantyne & Agnew are supportive of the intention of this rule, particularly recognising the need and providing for minor residential units as a permitted activity. However, Ballantyne & Agnew considers that either a controlled or restricted discretionary activity control should be considered where compliance cannot be achieved with clauses PER-1 to 4. Particularly, PER-4 where there may be a functional purpose or physical constraints that requires a larger separation distance. Further, the justification for requiring a minimum of 1ha to make use of this provision is unclear. In Ballantyne & Agnew's view, this clause should be removed.	Amend RLZ-R11 as follows: <ul style="list-style-type: none"> Remove PER-2, alternatively, provide justification as to why this density control is necessary; Introduce a controlled or restricted discretionary activity with targeted matters/limits to manage the effects of clauses PER-1-3. Delete PER-4.
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Zoning

S386.028

27	RPROZ zoning of 249 Aucks Road, Okiato 	Oppose	As detailed in section 2.2.7 of the submission, Ballantyne & Agnew oppose the RPROZ of their site at 249 Aucks Road for the following reasons: <ul style="list-style-type: none"> Sites on the western and northern boundary are not zoned for the 	Rezone the site Rural Lifestyle Zone.
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<p>Figure 7: 249 Aucks Road, RPROZ zoning</p>		<p>RPROZ and are more suitably zoned RSZ or RLZ;</p> <ul style="list-style-type: none"> • The site contains soils classified LUC 6e 9, and fall outside of the definition of highly versatile; • The section 32 evaluation does not provide analysis or direction on how mapping decisions have been made; • RLZ has been applied to sites across the road, extending beyond the site by more than 300m. This creates a mismatch in development expectations within the area, and it is considered that including the site in the RLZ will assist in making a defensible boundary for the settlement of Okiato. 	
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