

# STATE OF THE ENVIRONMENT REPORT.

## A REVIEW OF THE DISTRICT PLAN EFFICIENCY AND EFFECTIVENESS.

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Appendix 1: Extracts from the Resource Management Act 1991

Appendix 2: Feedback from Federated Farmers.

Appendix 3: Feedback from the Department of Conservation.

## Revision history

Version 1	Draft	14 June 2019

## Abbreviations

DoC	Department of Conservation
MfE	Ministry for the Environment
NES	National Environmental Standard
NPS	National Policy Statement
RDC	Rangitikei District Council
RMA	Resource Management Act
SoE	State of the Environment.

## Acknowledgements:

I would like to acknowledge the assistance of the following persons in the preparation of this report.

1. Michael Hodder: Community Services Group Manager, Rangitikei District Council.
2. Blair Jamieson: Strategic & Community Planning Manager, Rangitikei District Council.
3. George Forster: Policy Advisor, Rangitikei District Council.
4. Ellen Webb-Moore, Resource Consents Planner, Rangitikei District Council.
5. Katrina Gray, Former Senior Policy Analyst/Planner, Rangitikei District Council.

Tony Thomas  
June 2019

## **1. EXECUTIVE SUMMARY**

The Resource Management Act 1991 requires Councils to monitor the efficiency and effectiveness of their District Plans at least every five years. This report is intended to address that requirement. These reports are often also referred to as State of the Environment Reports (SoE) and the term is used interchangeably herein.

Whilst the requirement is specific to the District Plan there are a wider suite of both national and local documents that will impact on the efficiency and effectiveness of the District Plan. These are referred to in this report.

The current District Plan became operative in November 2013. This report addresses areas of specific interest in the District Plan. These relate mainly to the rural living zone, rural subdivision, dwelling density and location, the rules for subdivision and development in the residential zone, natural hazards rules, noise rules in the rural zone, regional environmental issues and rules relating to Papakainga.

Generally speaking, this report finds that the Objectives and Policies of the District Plan in relation to the above matters are well structured and gives clear direction to users in relation to the above matters. There are recommended areas for development with them. Similarly, the rules relating to matters reported on are efficient and effective. Recommendations made relate to the need address certain areas of complexity or the need for clarification.

Key recommendations are that:

1. The subdivision rules for the Rural Living zone should be reviewed to encourage the further use of that zone for the purpose intended.
2. Consideration should be given to broadening the rules for the Rural zone to:
  - a. Accommodate the subdivision of sites with a mix of soil classifications
  - b. Introduce rules for both controlled activity and non-complying activity subdivisions
  - c. Reviewing the policies, objectives and rules to allow for more than two dwellings on a rural property
3. Amending the rule in the Rural zone covering the proximity of dwellings on the same site to each other to reduce the required separation.
4. The minimum lot size for residential zone subdivisions remains at 400m<sup>2</sup> and that rules be considered for specific site layout requirements and visual assessments in applications for subdivisions of less than 400m<sup>2</sup>.
5. A review of the interpretation of the rules and definitions for natural hazards (flooding) be undertaken.
6. The rules relating to the use of bird scaring devices and wind machines within close proximity to living zones be undertaken.
7. A review of the rules relating to Papakainga be undertaken.

## **2. INTRODUCTION**

Section 35(2)(b) of the Resource Management Act 1991 (Appendix 1) places an obligation on Councils to monitor the efficiency and effectiveness of their District Plans. This report is intended to address that requirement within the brief. These such reports are often also referred to as State of the Environment Reports (SoE) and the term is used interchangeably in this report.

The last substantive report was produced in 2005.

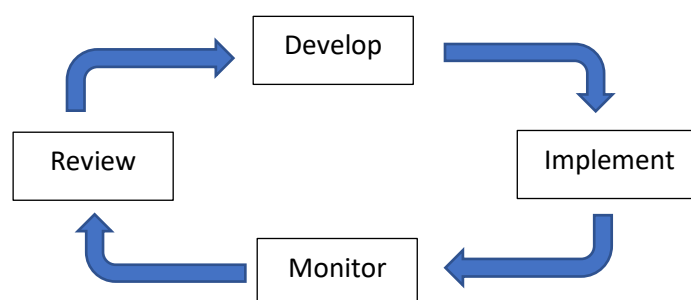
The purpose of this report is to assess the specific aspects of the Operative District Plan within its statutory and environmental context with a view to guiding the Council in giving effect to the District Plan and, to inform the process for the next District Plan review and/or any District Plan changes that might precede that review.

The Council has identified various key indicators which are required to be considered in this report these being:

1. Subdivision. The key concerns relating to subdivision include:
  - a. The Rural Living Zone. This zone has not achieved the outcomes sought particularly in relation to Objective 9 of the District Plan which seeks to provide Rural Lifestyle Living in specified areas around existing settlements.
  - b. The ongoing pressure for rural subdivisions that do not meet minimum lot sizes. Related to this are concerns that the approval of these applications (whilst considered on their individual merits) is collectively undermining the Objectives and Policies of the District Plan particularly in areas of Class 1 and 2 soils. Also discussed is the absence of rules related to such applications being 'controlled' or 'non-complying' activities.
  - c. The absence of any subdivision rules in the Rural zone that relate to sites that contain a combination of versatile and non-versatile soils.
2. Dwelling density. The District Plan allows two dwellings per lot regardless of size. Consideration should be given to a rule that relates dwelling density to lot size.
3. Dwelling proximity. The Rural zone rule that limits the distance between dwellings does not distinguish between dwellings on the same lot or on adjacent lots.
4. The Residential zone. Are the rules suitable to achieve the appropriate levels of urban design? In particular;
  - a. Is 400m<sup>2</sup> the appropriate minimum size?
  - b. Should there be more focus on visual assessments for non-compliance with the rules?
  - c. Should there be 'tighter' rules around the building envelopes?
5. Natural Hazards (Inundation). A review the wording of the rules.

6. Noise Rules. The suitability of these rules having regard to reverse sensitivity.
7. Regional Environmental Issues. Liaison with Regional Councils regarding any State of the Environment issues that they have identified of relevance to the Rangitīkei District and this work.
8. Any other matters under consideration for the next District Plan Review or Plan Changes.

Typically, a report such as this forms part of a four-stage policy cycle, the full cycle being:



In undertaking the review specific regard will be had to the relevant Objectives, Policies and Rules in the District Plan and how effective they have been. As part of that process key stakeholders have been consulted.

### 3. DISTRICT PROFILE.

The New Zealand census is undertaken every five years with the last one being undertaken in 2018. That information will be released in September 2019.

The previous 2013 census is available on line at <https://www.stats.govt.nz/topics/census>.

A brief outline of that information includes the following extracts:

#### **Total population**

- 14,019 people usually live in Rangitīkei District. This is a decrease of 693 people, or 4.7 percent, since the 2006 Census.

#### **Māori population**

- 3,270 Māori usually live in Rangitīkei District. This is a decrease of 183 people, or 5.3 percent, since the 2006 Census.

#### **Number of dwellings counted**

There are 5,733 occupied dwellings and 912 unoccupied dwellings in Rangitīkei District.

#### **Household composition**

- One-family households make up 67.1 percent of all households in Rangitīkei District. For New Zealand as a whole, one-family households make up 68.3 percent of all households.

- In Rangitīkei District, there are 1,566 one-person households making up 28.1 percent of all households. In New Zealand, one-person households make up 23.5 percent of all households.
- The average household size in Rangitīkei District is 2.4 people, compared with an average of 2.7 people for all of New Zealand.

#### **Home ownership**

In Rangitīkei District, 65.5 percent of households in occupied private dwellings owned the dwelling or held it in a family trust.

For New Zealand as a whole, 64.8 percent of households in occupied private dwellings owned the dwelling or held it in a family trust.

#### **Business demographics**

Business demographic data for the year ended February 2013 showed that:

- There were 2,203 business locations (geographic units) in Rangitīkei District compared with 507,908 for all of New Zealand. This is a decrease of 3.4 percent from the year ended February 2006 for Rangitīkei District.
- There were 5,520 paid employees in Rangitīkei District compared with 1,941,040 for all New Zealand. This is a decrease of 9.5 percent from the year ended February 2006 for Rangitīkei District.

<b>Top five industries in Rangitīkei District</b>				
By employee count				
For year ended February 2013				
Industry (ANZSIC06)(1)	Rangitīkei District		New Zealand	
	Employee count	Percent of total employee count	Employee count	Percent of total employee count
Agriculture, forestry and fishing	1,690	30.6	111,520	5.7
Manufacturing	1,040	18.8	211,710	10.9
Education and training	560	10.1	167,240	8.6
Retail trade	530	9.6	195,870	10.1
Accommodation and food services	360	6.5	134,440	6.9

Dept Of Statistics 2013 Data.

## **4. CONSULTATION**

Prior to the preparation of this work the Council identified a number of key stakeholders who should be consulted. These included.

The Councils Policy and Planning Committee.

A short presentation was given to this Committee on 21 March 2019. The purpose of that presentation was to advise the committee of the work being done, set out the key indicators

that are to be reported on and seek any feedback or direction from that Committee. Members expressed an interest in the work and resolved;

*That the State of the Environment Report for the Rangitīkei District, monitoring the efficiency and effectiveness of the District Plan, address the proposed key indicators*

A subsequent presentation by way of progress reporting was made to the Committee on 13 June 2019.

Te Roopu Ahi Kaa (the Councils Iwi Liaison Committee).

Members of the reporting team attended the Committee meeting held on 9 April 2019 and introduced the project to the Committee seeking feedback on the key indicators and any other matters that the Committee might want to raise.

Discussion took place mainly around;

- Papakainga in the District Plan. Clarification was sought on the location of existing Papakainga zones in the Plan, the ability to introduce additional such areas on a more simplified basis, the work of Te Puni Kokiri in this field and the work being done by Hastings District Council on Papakainga.
- Aging infrastructure in the District and more particularly the adverse effects of older on-site wastewater systems that have not been checked or maintained over the years (it was acknowledged that this is more of a Regional Council matter).

The Manawatu Wanganui Regional Council (the Horizons Regional Council).

A meeting with staff from the Regional Council took place on 26 March 2019 at the Regional Council offices. Key points from that meeting included:

- The One Plan identifies four key issues being:
  - Water Quality
  - Increasing water demand
  - Hill Country erosion
  - Declining biodiversity
- It was noted that there is a large amount of highly erodible land in the Rangitīkei District and there are concerns at the regional level around the effects of commercial farming on coastal areas and the loss of dune country to pivot irrigators in particular.
- The absence of any further data on the Taihape slip zone.
- The need for more reliable data on indicative flood mapping particularly in Bulls and Marton given the levels of development now being experienced. Horizons intend to undertake a vulnerability assessment of this but not in the near future.
- The necessity to look at unmodelled areas of flooding.
- The absence of any rules at a District level in relation to Biodiversity.



Since the above meeting the Regional Council has released its State of the Environment report which can be located on its website. The report is in four main chapters being climate, air, land and water. Relevant aspects of the report are covered in Section 10.7 below

The Hawkes Bay Regional Council. As a small portion of the District falls within this regional council area contact was made via email on two occasions. No response has been received.

The Department of Conservation. A meeting was held with the Department of Conservation (DoC) staff on 29 March 2019 at which they were advised of the intended indicators. They advised that the Rangitīkei District Council area falls within both the Wellington and the Central North Island regional areas of DoC. Regarding the former they referred to their Conservation Management Strategy and they have provided some information in that regard.

Subsequent to the above meeting DoC have provided a listing of reference materials and matters of interest to DoC within the District (Appendix 3). This material can be summarised as follows;

- Their key reference document is the Conservation Management Strategy for the region.
- Key concerns at various listed sites in the District relate to;
  - Weed control
  - Possum and rat control
  - Fencing for stock management
  - Maintenance of tracks and bridges, historic sites
- Promoting biodiversity at defined sites
- Community and conservation work including works with Rangitīkei District Council relating to;
  - Meeting with the Rangitīkei Environment Theme group (Chris Shenton)
  - Planting at Kotiata
  - Carp release at wastewater plants
  - Statutory land management verifying ownership of RDC properties.
- Exploring and developing relationship opportunities with Iwi.

The Wellington Conservation Management Strategy is a three volume document that covers the whole of the Wellington Region. I have not undertaken a full review of the document as it is not within the scope of this report. However, Chapter 6 of Volume 1 refers to the Rangitīkei District specifically and covers Policies and Milestones. The Strategy can be located on line at: <https://www.doc.govt.nz/about-us/statutory-and-advisory-bodies/conservation-boards/wellington/2019-updates/>

The policies in Chapter 6 relate to;

- Treaty of Waitangi relationships
- Natural Values policies:
  - *6.3.2.1 Manage a range of issues, including pest plants, water quality, and indigenous species protection.*

- 6.3.2.2 *Develop, with neighbouring landowners, awareness about the condition of fencing within the Place, the importance of good stock-proof fences, and develop an internal prioritised planning programme to regularly check fences.*
- 6.3.2.3 *Encourage and support landowners of non-protected areas containing significant natural values to seek and implement practical and statutory protection measures.*
- 6.3.2.4 *Advocate for, and educate the community about, remnant reserve maintenance and restoration, and facilitate increased community involvement in pest plant and animal control.*
- 6.3.2.5 *Establish wildlife and freshwater corridors to create an integrated network of protected areas across the Place.*
- Historic Values policies (region wide):
  - 3.2.2.6 *Work with PSGEs, tangata whenua, Heritage New Zealand Pouhere Taonga and others to utilise expertise and shared interests to: a) conserve and protect historic places and wāhi tapu on public conservation lands and waters; b) tell the stories of some historic places and wāhi tapu on public conservation lands and waters; and c) integrate and enhance visitor experience.*
  - 3.2.2.7 *Work with local authorities through their district and regional plan review processes, to ensure identification and protection of historic heritage.*
- Recreation Policies
  - 6.3.4.1 *Improve public access to public conservation lands and waters, by working with the New Zealand Walking Access Commission and private accommodation.*
  - 6.3.4.2 *Ensure trout fishery, wetland and game bird hunting values are maintained, by working with Fish & Game New Zealand.*
  - 6.3.4.3 *Minimise the adverse effects of water abstraction on recreational use of the rivers flowing through this Place, by working with Horizons Regional Council.*
  - 6.3.4.4 *Develop a programme with local tourism agencies, local authorities and community groups to promote recreation opportunities close to State Highway 1.*

Federated Farmers. Federated Farmers have provided feedback in relation to several indicators. Their comments (not all of which area relevant to this report) are copied into Appendix 2. Key points include:

- *concerns were raised about the inability of the Plan to enable farms to cut of sections of unproductive land that were under size.*
- *concerns that the Council seemed to be propping up developers while not equally supporting rural businesses*
- *the need for the DP to ensure that farming businesses are still able to continue to operate viably. Noise rules need to be permissive to farming activities*

- *concerns regarding the management of urban storm water and urban wastewater and ensuring that urban and rural were being treated equally*
- *concerns about the Ratana scheme development and the need for existing farmers to be able to continue to operate their businesses*
- *Rules regarding combination of soil types*
- *Dwelling density. Rural businesses often have multiple dwellings on lots to provide accommodation to staff also.*
- *Dwelling proximity – also of interest to members. Important for consistency/transparency*

## 5. THE DISTRICT PLAN AND PLAN CHANGES

### 5.1. The Operative District Plan

The current District Plan was made operative in November 2013. It has a ‘comparatively light’ regulatory touch and a particular focus that:

- recognises that terrestrial indigenous biodiversity will be managed primarily by the Regional Councils;*
- provides control of land use to avoid or mitigate natural hazards;*
- provides for renewable energy generation in appropriate locations;*
- protects the productive capacity of versatile soils; and*
- protects outstanding natural features and landscapes (ONFL) from inappropriate development, subdivision, and use.*

- 5.2. Current and Proposed Plan Changes – the Council is in the early stages of considering a Plan Change to rezone land on the outskirts of Marton from Rural to Industrial. The plan change involves changing rural zoned land to industrial land (approximately 140ha) south-east of Marton, see red area below. The primary address is at 1165 State Highway 1.

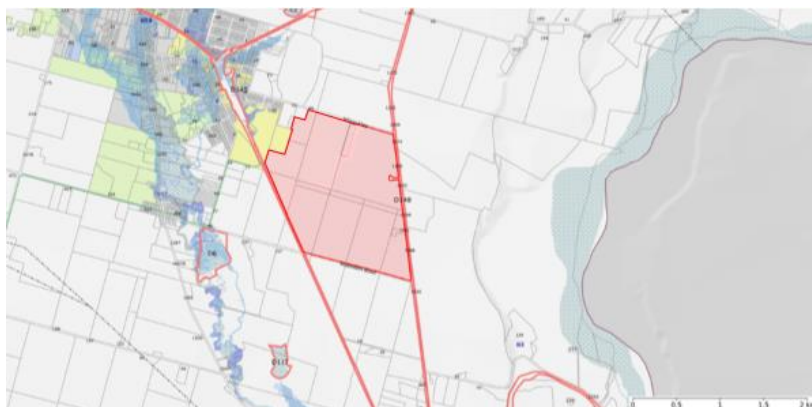


Figure 1: Proposed Plan Change.

- 5.3. District Plan Review. At this stage it is likely that the Council will commence a District Plan review in 2021/2022. No details are available at present.

## **6. RELATED DOCUMENTS**

The District Plan forms one of a suite of Council documents used for the governance and management of the District. It is beyond the scope of this report to summarise those documents but they are influential in varying degrees to any actions arising from this report and regard should be had to them at the appropriate time.

They include:

- The Long Term Plan
- The Annual Plan
- Relevant Policies and Bylaws
- Asset Management Plans
- Parks and Reserves Management Plans
- The Heritage Strategy 2016
- The Urban Tree Plan 2017
- Financial and Development Contributions Policies

## **7. 2005 AND 2015 SOE REPORT**

In 2005 the Council undertook a review of its Plan efficiency and effectiveness. The report covered a range of topics including then recent amendments to the RMA.

It included thirteen recommendations relating to:

- The need for policies and rules for large scale subdivisions
- The need for urban expansion land.
- Working with Horizons for more certainty around natural hazards
- Working with Horizons and land owners for the protection of natural features and landscapes.
- A built heritage strategy
- Heritage trees
- Hazardous substances
- Cultural heritage
- Financial contributions
- On site water systems
- Use of surface water.

It is beyond the scope of this report to examine whether these recommendations were given effect to but the subsequent review of the District Plan would have given them the appropriate level of consideration and they are not considered any further in this report.

A further report was submitted to the Policy/Planning Committee's meeting on 13 August 2015.

## **8. NATIONAL POLICY STATEMENTS AND NATIONAL ENVIRONMENTAL STANDARDS.**

The District Council is required under Section 45A or the RMA to consider matters set out in a National Policy Statement

Section 45(a)(1) requires that “A national policy statement must state objectives and policies for matters of national significance that are relevant to achieving the purpose of this Act.”

The following National Policy Statements are in place.

- National Policy Statement on Urban Development Capacity
- National Policy Statement for Freshwater Management
- National Policy Statement for Renewable Electricity Generation
- National Policy Statement on Electricity Transmission
- New Zealand Coastal Policy Statement [Department of Conservation website]
- Work has also been done on a proposed National Policy Statement for Indigenous Biodiversity.

In addition, the RMA provides for National Environmental Standards to be set out. These are described on the Ministry for Environments Website as follows:

*National environmental standards (NES) are regulations that prescribe standards for environmental matters. The government sets standards where appropriate to ensure a consistent standard for an activity or resource use.*

The following National environmental standards are in force as regulations:

- National Environmental Standards for Air Quality
- National Environmental Standard for Sources of Drinking Water
- National Environmental Standards for Telecommunication Facilities
- National Environmental Standards for Electricity Transmission Activities
- National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health
- National Environmental Standards for Plantation Forestry

The following standards are at various stages of development, ranging from initiating consultation to being legally drafted.

- Proposed National Environmental Standard on Ecological Flows and Water Levels
- Proposed National Environmental Standard for Marine Aquaculture
- Proposed National Environmental Standard for the Outdoor Storage of Tyres

The MfE Website also notes that:

*The previously proposed National Environmental Standard for Measurement of Water Takes is now regulations under section 360(1)(d) of the RMA. See the Resource Management Act 1991 webpage.*

And:

*The proposed National Environmental Standard for On-site wastewater systems has been withdrawn.*

These matters will need to be considered both in any forthcoming review of the District Plan as well as in the processing of any applications under RMA. A review of their relevance to this report is not within the scope of the brief and they are mentioned here only for completeness.

## 9. REPORTING PROCEDURE

Each of the indicators identified for this review has been assessed in terms of the following Framework.

- Relevant Objectives, Policies and Rules
- Consultation feedback
- Available data
- Assessment of Effectiveness and Efficiency
- Recommendations

Available data for this report has been relatively limited and it relies to a large extent on the data that can be taken from the Councils MagiQ database and/or that which was provided to the Ministry for the Environment for the National Monitoring Surveys of 2014/15 and 2016/17.

Anecdotal information from staff has also been incorporated where available.

## 10. KEY INDICATORS

### 10.1. Subdivision.

The key concerns relating to subdivision include:

- a. The Rural Living Zone. This zone has not achieved the outcomes sought particularly in relation to Objective 9 of the District Plan which seeks to provide Rural Lifestyle Living in specified areas around existing settlements.
- b. The ongoing pressure for rural subdivisions that do not meet minimum lot sizes. Related to this are concerns that the approval of these applications (whist considered on their individual merits) is collectively undermining the Objectives and Policies of the District Plan particularly in areas of Class 1 and 2 soils. There is also the absence of rules related to such applications being 'controlled' or 'non-complying' activities.
- c. The absence of any rules in the Rural zone that relate to sites that contain a combination of versatile and non-versatile soils.

#### **The Rural Living Zone;**

This zone has not achieved the outcomes sought particularly in relation to Objective 9 of the District Plan which seeks to provide Rural Lifestyle Living in specified areas around existing settlements.

#### **Relevant Objectives, Policies and Rules**

Objectives and Policies for the Rural Living zone are set out in Section A2 of the District Plan.

#### **OBJECTIVE 9**

*Rural lifestyle living is provided for in specified areas.*

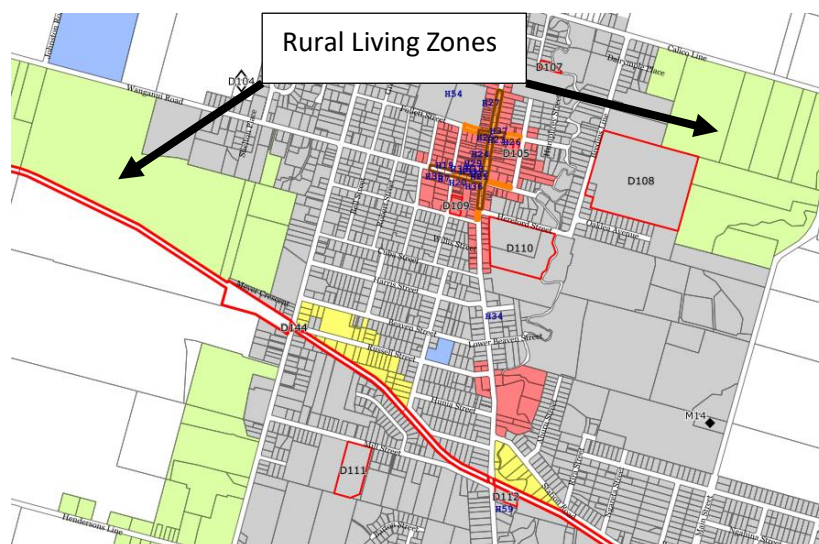
#### **Policies**

**A2-2.1** *Establish two zones called the Rural Living Zone and the Rural Zone.*

**A2-2.2** Provide a Rural Living Zone around the settlements of Marton, Bulls, Taihape and Hunterville that:

- a) enables rural residential scale allotments;
- b) requires a minimum lot size to minimize the loss of versatile soils;
- c) enables a range of rural and residential activities; and
- d) preserves aspects of rural amenity while providing a transition to the urban environment.

The Rural Living Zones around the above areas are located on the edges of the residential zones within each settlement such as is illustrated below for Marton.



**Figure 2: Rural Living Zone - Marton**

Rules for the Rural Living zone are set out in Chapter B6 of the District Plan. They allow for up to two dwellings per site over 5,000m<sup>2</sup> or one dwelling per site for sites under 5,000m<sup>2</sup>.

Chapter B11 of the District Plan provides for subdivisions within the Rural Living zone. It allows for a minimum lot size in the zone of two hectares as restricted discretionary activity. A Restricted Discretionary activity allows for the Council to approve or decline such subdivisions but that it may only decline such applications on those matters over which it has reserved discretion. Such grounds include a wide range of matters including:

- The design of the lots.
- Access and services
- Effects on the natural environment
- Avoidance of hazards
- Reverse sensitivity

The constraint around the minimum lot size may in some cases be related to the Regional Council One Plan provisions for on site waste disposal. Those rules require a minimum lot size of 5,000m<sup>2</sup> for on site waste disposal systems.

#### Consultation feedback

The comments from Federated Farmers refer to the loss of productive land to subdivision and reverse sensitivity with noise rules being specifically mentioned.

### Data

The Councils database does not allow for specific details to be extracted on the number of subdivision applications that have been lodged within the Rural Living zone but it is apparent from discussions with staff that there have not been many since its introduction. Whilst there will have been subdivisions within the zone it does not appear to have been a consequence of persons taking advantage of the zoning.

The areas zoned as Rural Living do not necessarily coincide with non highly versatile soil areas.

- Marton - mainly Class 2 soils.
- Bulls - mainly Class 2
- Taihape - mainly Class 6 with one area of Class 2 soils on Rauma Road
- Hunterville - Class 6 and 7

### Assessment of Effectiveness and Efficiency

The distinction between the Rural zone and Rural Living zone in the District Plan is intended to promote lifestyle living options around urban settlements in the District whilst safeguarding the productive capability of the rural zone. The latter is a cornerstone of the District Plan and is a recurrent theme of discussion for that zone.

The tension between the protection of the primary productive capability of the District and developmental pressures both within the Rural zone and other zones is contentious and will remain for the foreseeable future. It will require careful management principally by way of the tools that the District Plan provides.

Whilst the Rural Living zone provides one mechanism to manage that tension it does not appear, on available evidence, that it has relieved tension on subdivision pressures within the wider rural zone or that it has been attractive to developers wanting to promote lifestyle options in the District.

A review of rural subdivision consents granted over the past few years does not show any concentration of subdivisions within the Rural Living zone. It appears more likely that the pattern of rural subdivision is driven by the individual needs of property owners in the Rural zone. Furthermore, I have not seen any evidence of subdivisions intended to promote lifestyle opportunities in the District (the one exception being the Rows Road subdivision which is not located within a Rural Living zone).

### Recommendations

It is recommended that the rules relating to the Rural Living zone be reconsidered in the next District Plan review. Consideration should be given to amending the status of the subdivision of this land so as to provide for controlled activity subdivision where appropriate. That need not remove the option to retain discretion over those areas with limited infrastructure, subject to hazards or similar concerns that require that level of discretion.

One mechanism by which subdivision in this zone may be encouraged would be to facilitate subdivisions of less than 5,000m<sup>2</sup> (say 2,500m<sup>2</sup>) where reticulated wastewater services are available, or can be made available.



### **The ongoing pressure for rural subdivisions**

This involves;

- Subdivisions that do not meet minimum lot sizes. Related to this are concerns that the approval of these applications (whist considered on their individual merits) is collectively undermining the Objectives and Policies of the District Plan particularly in areas of Class 1 and 2 soils.
- The absence of rules related to such applications being ‘controlled’ or ‘non-complying’ activities.

A related matter is the absence of any subdivision rules covering properties that contain a blend of highly versatile and non highly versatile soils.

### **Relevant Objectives, Policies and Rules**

The protection of the rural zone (and particularly the areas of highly versatile soils) from ongoing subdivision is a cornerstone of the District Plan and there are numerous Objectives and Policies of relevance. These are found in Section A1 of the District Plan as follows:

#### **OBJECTIVE 6**

*Maintain the largely primary production qualities of the Rural Zone and manage land use so that character and amenity values are not compromised.*

#### **OBJECTIVE 7A**

*Ensure that activities dissociated from primary production or meeting the needs of rural communities are minimised, and, where those activities do occur, manage them to avoid or mitigate potential conflicts with primary production activities.*

#### **Policies**

**A2-1.1** *Enable primary production\* with limited controls.*

**A2-1.4** *Preserve the largely open space\* and unbuilt nature of the rural environment, and maintain the distinctive cultural landscapes associated with the predominance of primary production\*.*

**A2-1.6** *Avoid the fragmentation of rural land for residential development\*.*

#### **OBJECTIVE 8**

*Sustainable management of the versatile soils of the District to ensure their ongoing productive capability.*

#### **Policies**

**A2-2.3** *Provide a Rural Zone for most of the District that:*

- a) maintains the predominant primary production nature of the District;*
- b) avoids residential and rural residential development dissociated from primary production;*
- c) maintains the open space and protects outstanding natural features and landscapes that are distinctive of the District.*

In addition to the above Section A6 of the District Plan covers Special Assessment Policies and includes the following in relation to rural subdivision.

**A6-1.5** *Subdivision into allotments of less than 10 hectares should be avoided, where versatile soils exist as defined in the NZLR LUC as being Class 1 and 2 land, to prevent residential development on the most versatile soils in the District and to maintain the primary production use and character of this land. The minimum lot size will be the principle mechanism for protecting these versatile soils and ensuring that the productive capacity of these soils is preserved for future generations.*

**A6-1.6** *Where land proposed to be subdivided does not contain class 1 and class 2 land, only limited subdivision is provided for.*

Rules for the rural zone are set out in Chapter B7 of the District Plan and rules for the subdivision of that land are in Chapter B11. Relevant features of these rules are:

- Existing and new primary production activities are permitted activities (except in outstanding natural features and landscapes).
- All rural subdivision is a restricted discretionary activity (except in outstanding natural features and landscapes) subject to compliance with restricted discretionary activity standards. These include the following minimum lot sizes:

*b) 10 hectares for lots containing only versatile soils defined in the NZLR LUC as being Class 1 and 2 land.*

*c) For lots not containing Class 1 or 2 land:*

- (i) For existing titles of 10 hectares or less, no additional titles can be created, but boundary alterations between existing titles can occur;*
- (ii) For existing titles of more than 10 hectares, but less than 20 hectares, one additional title of 2 hectares can be created.*
- (iii) For existing titles of more than 20 hectares, two additional titles of 2 hectares can be created.*

There is no rule for the subdivision of lots containing a blend of both highly versatile and other soils.

It is also worth noting that Rule B1.1-6 of the District Plan precludes the public notification of restricted discretionary subdivisions.

#### Consultation feedback

Not surprisingly rural subdivision was a key aspect of the feedback from Federated Farmers although not necessarily all against rural subdivision. Comments included:

- *the inability of the Plan to enable farms to cut off sections of unproductive land that were under size.*
- *concerns that the Council seemed to be propping up developers while not equally supporting rural businesses.*
- *concerns about the Ratana scheme development in particular and the need for existing farmers to be able to continue to operate their businesses (one member in particular concerned they would have their land/livelihood taken from them).*

*General Comment: Rules regarding combination of soil types – this will be of interest to members. Federated Farmers generally takes a stand that the District Plan should be less*

*burdensome and therefore less rules are better, but protection of class 1 and 2 soils is of concern also. Perhaps thought could be given to rules that are not hinged on soil type but instead give Council discretion to take soil type into consideration when making decisions to provide consent or otherwise. E.g. a tool rather than a rule, perhaps via a footnote?*

#### Data

Since January 2014 the District Council has processed 352 resource consent applications of which 155 (44%) have been for subdivisions (including boundary adjustments and applications not creating any additional lots).

Of the granted subdivisions about 60 have been in the rural zone and have created about 140 new lots in the Rural zone. Typically consents have been for between one and three additional lots and the applications have been spread across the whole district.

Without individually going to each subdivision file it is not possible to comment on the percentage of applications proposed over highly versatile soils. I have however processed a number of these applications and have spoken with staff who have also been involved in such applications. It is not uncommon to have applications that:

- Involve sites with a blend of soil classifications including both highly versatile Class 1 and 2 soils and others. Such applications can involve subdividing that portion of the site that does not contain highly versatile soils.
- Involve proposed lots of less than the minimum size specified for a restricted discretionary activity.
- Involve subdividing land for family members to live on or for estate planning.

#### Assessment of Effectiveness and Efficiency

The following features of the Rural subdivision are of note (note, a number of these matters overlap and they should not be considered in isolation).

- a) Notwithstanding the clear policy direction to protect highly versatile soils the subdivision of land not complying with the restricted discretionary standard for minimum lots sizes defaults to a discretionary activity. That is, there are no rules for non complying rural subdivisions.

Comment: Given the high degree of policy protection afforded to highly versatile soils in the District Plan the Council should consider a higher level of protection under the corresponding rules. Defaulting these subdivisions to a 'non complying' activity (as opposed to a 'discretionary' activity) would require the Council to consider the provisions of Section 104D of the RMA in making a decision on an application. That section provides, in summary, that such an application may only be granted if the Council is satisfied that

- The adverse effects on the environment will be minor; or,
- The subdivision will not be contrary to the objectives and policies of the District Plan.

This does not preclude the approval of such applications but does require a higher standard of compliance both in the applications and the decision-making process.

- b) There is no rule directed at properties that contain a mix of highly versatile soils (Class 1 and 2 soils) and other Classes of soils.

Comment. Rule B11.6-3, relating to rural subdivisions, sets out rules for lots 'containing only versatile soils' and for lots 'not containing Class 1 or 2 land' (being highly versatile soils). There is no rule for lots containing a blend of these soils.

Notwithstanding the rules it is not uncommon for application sites to contain a blend of both highly versatile soils and other soils. The absence of a rule to manage these applications is problematic and creates uncertainty for both applicants and decision makers. On such 'blended' sites a common scenario is for a new lot being subdivided off to be on the non versatile soils portion of the site which facilitates a pragmatic decision but there are examples of undersized sites being applied for on highly versatile soils, typically for an existing dwelling to be located on its own lot (such as for retiring farmers).

The introduction of specific objectives, policies and rules to manage subdivisions proposed on lots with a combination of soil types is recommended. This might allow for distinctions be made based on soil classification areas rather than legal boundaries.

- c) There is a policy disconnect in the District Plan in that Objective 7A and Policies A2-2.3 and A6-1.5 (see above) seek to minimise or avoid residential development in the rural zone where they are not directly associated with primary production. On the other hand, the subdivision rules in Section 11 of the District Plan allow subdivisions down to 10ha or even 2ha. Such subdivisions will generally permit residential development as of right, possibly frustrating the objective and policy intent of the District Plan.

Comment. The Rural Zone provisions of the District Plan permit residential activities as of right subject to compliance with the specified standards. One of those standards (B7.5-1) allows for up to two dwellings per site. Consequently, every subdivision approved, whether on highly versatile soils or not, creates a right for two additional dwellings on that site notwithstanding the relevant objectives and policies.

The objectives and policies are aimed at the protection of both rural amenity and highly versatile soils. Whilst residential development on the latter would clearly compromise the soil resource it is less clear that such development will compromise rural amenity. Some subdivisions will be located well out of the public eye, will generate minimal traffic or noise and will not necessarily adversely affect rural amenity. It is suggested that the objectives and policies should make provision for that distinction.

- d) There are no controlled activity subdivisions in the Rural zone (although that applies to all zones).

Comment. There are applications where the Council may want to ease the regulatory process for the subdivision. Typically, these might involve minor boundary adjustments or the subdivision of large properties in excess of the minimum lot sizes. The introduction of a controlled activity status would facilitate both the preparation and processing of those applications. It is recommended that consideration be given to defining controlled activity subdivisions in the rural zone.

### Recommendations

A comparison of the Objectives and Policies of the District Plan with the Rules, using the consents history of rural subdivisions, shows the need for a more sophisticated set of rules that both protect the highly versatile soils whilst providing for a more pragmatic approach to those areas that are not made up of highly versatile soils.

It is suggested that the rules do not adequately reflect the intent of the Objectives and Policies or the need for more flexibility in rural zone subdivisions.

It is recommended that the Objectives and Policies need to be reviewed in order to provide scope for a wider range of subdivisions in the Rural zone where no Class 1 or 2 soils are involved.

Similarly, the rules need to be reviewed to;

- incorporate provision for those sites with a mix of highly versatile and other soil types,
- provide for the consideration of portions of a site that are not highly versatile soils
- introduce rules for both controlled and non complying rural subdivisions.
  - In the case of controlled activity subdivisions this might related to subdivision of land or boundary adjustments where lots of over say 20ha are being created
  - In the case of a non-complying activity this might extend to any subdivision of highly versatile soils in part or in full.

### **10.2. Dwelling density in the Rural zone.**

The District Plan Rural zone allows as of right a maximum of two dwellings per lot regardless of lot size. Consideration should be given to a rule that relates dwelling density to lot size.

#### Relevant Objectives and Policies

There is no specific Objective or Policy from which the rural dwelling density rule is derived although there are policies which related to the preservation of the character and amenity of that zone. These are:

#### **OBJECTIVE 6**

*Maintain the largely primary production qualities of the Rural Zone and manage land use so that character and amenity values are not compromised.*

#### **OBJECTIVE 7A**

*Ensure that activities dissociated from primary production or meeting the needs of rural communities are minimised, and, where those activities do occur, manage them to avoid or mitigate potential conflicts with primary production activities.*

**Policy A2-1.4** *Preserve the largely open space and unbuilt nature of the rural environment, and maintain the distinctive cultural landscapes associated with the predominance of primary production.*

**Policy A2-1.6** *Avoid the fragmentation of rural land for residential development.*

Whilst the policies are inherently sound the rule does lead to resource consent requirement for additional dwellings over two even if associated with primary production activities. Examples of this would be where additional permanent or seasonal accommodation is needed for staff or, where additional dwellings are being proposed for family members (typically older family members wanting to retire on their farms).

The rule may also be an impediment to the development of Papakainga Housing which is otherwise a permitted activity in the Rural zone.

#### Consultation feedback

The indicator was mentioned in the feedback received from Federated Farmers as a matter of interest noting the need to be able to provide for staff on site.

#### Data

There is little data available in this regard although anecdotal information is available from discussions with staff. Further work may be required in this regard.

A good example of this situation is Resource Consent RM 150025. This was an application for a fifth dwelling on a farm of 275ha. The proposal was for a four-bedroom brick house to be located over 400 metres from the existing dwellings. The decision report notes that the approval of the application would support the primary production activities on the site as it was to be used for a farm manager. The application was granted.

It is not clear from the report whether the building was to be located on an area of versatile soils or not.

#### Assessment of Effectiveness and Efficiency

It is believed that the policy direction in relation to this indicator is sound and need not be modified.

There are however several factors that suggest that an additional degree of latitude in the framing of the rule is appropriate. The rule as it stands reads;

##### *B7.4 Maximum number of dwellings per site*

##### *B7.4-1 The number of dwellings must not exceed a maximum of two dwellings per site.*

The rule takes no account of whether third and additional dwellings:

- Are required for primary production purposes (e.g. staff/shearers accommodation).
- Are located on non-productive areas of a site
- Are intended for Papakainga Housing
- Are consistent with the character and amenity values of the zone. This may relate to the visibility of the building from roads and public areas, its design and access from within the site or not.
- Have any regard for the size of the parent property.

There is something of a conundrum for the Council here in that the approval of additional dwellings is sometimes taken as tacit support for subsequent subdivisions around those dwellings in due course. This is not a unique problem and any review of the rule should incorporate consideration of the ways that this has been addressed in other District Plans.

Similarly, any review of the rule should be undertaken in conjunction with the review of the rural subdivision rules of the District Plan.

This may not be an issue for larger properties that can meet the rules for a restricted discretionary activity.

#### Recommendation

It is recommended that Rule B7.4 of the District Plan be reviewed and developed to permit third and subsequent dwellings on rural properties in defined circumstances.

### **10.3. Dwelling proximity.**

Rural zone rule B7.6 specifies that new dwellings in the Rural zone must not be located closer than 100m from any existing dwelling in that zone. The rule does not distinguish between dwellings on the same lot or on adjacent lots.

#### Relevant Objectives and Policies

There are no Objectives or Policies with which the rule is directly associated although there are more generic Objectives and Policies of relevance including:

#### **OBJECTIVE 6**

*Maintain the largely primary production qualities of the Rural Zone and manage land use so that character and amenity values are not compromised.*

#### **OBJECTIVE 7A**

*Ensure that activities dissociated from primary production or meeting the needs of rural communities are minimised, and, where those activities do occur, manage them to avoid or mitigate potential conflicts with primary production activities.*

**Policy A2-1.4** *Preserve the largely open space and unbuilt nature of the rural environment, and maintain the distinctive cultural landscapes associated with the predominance of primary production.*

#### Consultation feedback

The feedback from Federated Farmers raised this aspect noting that it is important for transparency and consistency.

#### Data

There are several applications on record in relation to this indicator. They fall into one of two categories:

- Dwellings on the same property.
- Dwellings on adjoining lots.

Examples of resource consents granted for non-compliance with this rule include: RM 140035, 140046, 170004, 170055, 180011, 180025 and 180060.

In the case of dwellings on adjoining lots one of the best examples is the already consented subdivision on Rows Road on the north bank of the Rangitīkei River. Typically, these lots are less than 100m wide and consequently it is impossible (or at least impracticable) if the

adjoining property is developed to build a first dwelling on a lot without having to obtain a resource consent due to the proximity of existing dwellings on adjoining lots (refer aerial photo below).



Figure 3. Rowes Road Subdivision.

#### Assessment of Effectiveness and Efficiency

The relevant rule in the Rural zone currently reads;

##### ***B7.6 Dwelling Separation***

*B7.6-1 New dwellings must not be located closer than 100 metres from any existing dwelling in the Rural Zone.*

In relation to dwellings on the same lot it is suggested that there is merit in a relaxation of this rule to allow dwellings on a single property to be located in the most practicable way to facilitate farming operations. The necessity for the operators to have to obtain a resource consent for this is no doubt frustrating and, given that these applications are often granted without conditions, serves little purpose. Typically, these applications are for restricted discretionary activities and a review of a sample of such consents shows that the Council rarely exercises its discretion to impose any conditions by way of mitigation of adverse effects.

It is understood that the rule is not only related to matters of amenity but also to the need for an appropriate separation of on site waste water facilities and due regard will need to be given to the ability to separate these facilities.

In relation to dwellings on separate (usually adjoining lots) the rule is considered to be practicable and gives effect to the relevant Objectives and Policies. Whilst it may have a level of inconvenience in certain situations (such as the Rowes Road subdivision) this is outweighed by wider protection of rural amenity and character that it serves to provide and the possibility for potentially affected third parties to be involved in the decision-making process.



Where subdivisions take place that do not facilitate the logical separation of dwellings to comply with this rule it is appropriate that the Council should be able to exercise its discretion on that matter. The matters over which the Council reserves its discretion for restricted discretionary subdivisions in the Rural zone are set out in Section B11.1-2 of the District Plan. These matters do not directly refer to dwelling separation distances although it is implied in several matters. It may be worth considering a more explicit reference to this matter. As an alternative, consideration should be given to placing consent notices on new subdivisions alerting future owners to the rule.

#### Recommendation

It is recommended that consideration be given to;

- The amendment of Rule B7.6 in the District Plan to refer to separation between dwellings not on the same lot.
- The amendment of Section B11.1-2 of the District Plan to include dwelling separation distances between dwellings on separate lots as a matter over which the Council reserves its discretion.

#### **10.4. The Residential zone.**

Are the rules suitable to achieve the appropriate levels of urban design?

In particular;

- a. Is 400m<sup>2</sup> the appropriate minimum size?
- b. Should there be more focus on visual assessments for non-compliance with the rules?
- c. Should there be 'tighter' rules around the building envelopes?

#### Relevant Objectives and Policies and Rules

##### **OBJECTIVE 2**

*Enable a variety of housing that reflects the aspirations and identity of people and communities while achieving good urban amenity and design. This includes the efficient use of existing infrastructure, and integration of pedestrian, cycling and vehicle transportation networks.*

**Policy A1-2.4** *Control the height and location of buildings in the Residential Zone to maintain amenity.*

**Policy A1-2.5** *Enable a range of housing densities.*

**Policy A6-1.2** *Infill subdivision in the Residential Zone that meets the standards for restricted discretionary activities will generally be granted consent subject only to conditions where the allotment\*:*

- a) is to be connected to reticulated essential services;*
- b) allows for each dwelling\* to be isolated from services for maintenance and repair;*
- c) can accommodate residential development\* in accordance with the requirements of the District Plan;*
- d) can provide connection to the roading network that is safe and efficient; and*
- e) is capable of being adequately serviced with electricity.*

**Policy A6-1.3** *Greenfield\* subdivision^ in the Residential Zone should be designed in a manner that ensures:*

*a) that the size and shape and arrangement of lots meets the standards for restricted discretionary activities and generally provides for good pedestrian and vehicular access, and sunlight;*

*b) the development\* is fully serviced and connected to the Council's reticulated essential services, and is connected in a manner that allows for the services to be isolated for maintenance and repair;*

*c) that connection to the roading network is safe and efficient in a manner that provides for sufficient network connectivity;*

*d) that development is designed, located and managed in such a way as to avoid, remedy or mitigate conflicts with existing network utilities;*

*e) that development in proximity to an electricity transmission corridor ensures the safe and efficient use and development of the electricity transmission network and the safety and amenity values of the subdivision; and f) that all sites created by subdivision demonstrate that they are capable of being adequately serviced with electricity.*

**Policy A6-1.4** *While residential density requirements in the District Plan express a minimum lot size which is known to be sufficient to provide for residential amenity^, **smaller lot sizes may be allowed where it can be shown by an accompanying application for the construction of a dwelling(s)\* that the higher density makes sufficient provision for the amenity^ of future residents and adjoining neighbours.**(emphasis added).*

The introduction to Section A6 of the Objectives and Policies notes that there is not a significant demand for subdivision and consequently a degree of flexibility in the urban zones is provided for it.

The rules have a close correlation with the Objectives and Policies although there is no specific reference to the requirement in Policy A6-1.4 above relating to the provision of plans for dwellings on lots proposed below minimum lot size.

#### Consultation feedback

There was no feedback received on this indicator.

#### Data

In the period between 2016 and 2019 there were a total of 28 residential subdivision applications lodged (excluding boundary adjustments) proposing a total of 103 new residential lots. Most of these applications were in Marton and Bulls as might be expected.

- Of the 28 applications;
  - 15 were for 2 lot subdivisions,
  - 6 were for 3 lot subdivisions,
  - 2 were for 4 lot subdivisions,

- 3 were for between 6 and 8 lots and;
- 2 were for 13 lots.
- Only 2 applications proposed lots of less than 400m<sup>2</sup>. These proposed a total of 3 lots of between 348 and 368m<sup>2</sup>.
- Three applications included lots of less than the minimum width of 15m.
- Five applications involved lots of 400m<sup>2</sup> or just over that area.
- Seventeen applications involved lots of over 500m<sup>2</sup>.

Most of the subdivision (19) applications were processed as restricted discretionary activities. That is, they complied with the rules for the proposed activity (noting that the District Plan does not provide for controlled activity subdivisions). The remaining applications were for discretionary activities as a consequence of non-compliance with residential rules including;

- Boundary setbacks (in respect of both existing and proposed buildings)
- Boundary setbacks required for habitable rooms
- Coverage
- Outdoor living space rules.

Several applications included floor plans for proposed dwellings to show the levels of amenity proposed.

In addition to the above there was a landuse consent application (RM190014) to develop dwellings on previously approved undersize lots of between 241 and 277m<sup>2</sup>. The application, which included proposed plans for the dwellings, included similar non compliances to the above discretionary activity subdivisions and was approved.

#### Assessment of Effectiveness and Efficiency

The policy and objectives provide a clear framework that is generally permissive for both infill and greenfield subdivisions. They also have specific reference to lots proposed of less than 400m<sup>2</sup> in terms of the protection of the amenity on and around those sites.

Where infill subdivisions applications are received they are for the most part compliant with the associated rules. Where they are not it is, in most cases, associated with non-compliance with the residential rules (eg. setbacks) rather than the minimum lot size. In the cases where there is non-compliance with the minimum lot size there is almost invariably associated non-compliance with one or more of the residential rules.

The range of residential rules is comprehensive and typical of what might be found in a District Plan for the area it covers. It is not recommended that they need to be 'tightened up'. Conversely, it is not clear why the Plan does not include provision for complying urban subdivisions to be considered as controlled activities and it is recommended that consideration be given to that. The introduction of such a rule would encourage complying subdivisions and reduce compliance requirements.

In cases where there is non-compliance with the minimum lots size rule the District Plan attempts to manage it through the policy requirement for floor plans to be provided at the time of subdivision. That requirement is not however translated into a specific rule although such applications have typically included such plans in varying degrees of detail. Such applications are however, for discretionary activities and consequently the Council may exercise its full discretion in such cases. It is recommended that a site plan, floor plan and elevations should specifically be required in such instances as a rule.

The matters of discretion under Rule B11.1-1 whilst not referring to building floor plans directly are comprehensive and enable consideration of a wide range of potential effects including;

- d) *the suitability of lots for the construction of buildings\* for permitted activities within the zone, or other non-permitted activities where there is an accompanying land use application;*
- m) *reverse sensitivity effects, including minimum setback distances for any subsequent residential activity\* in the Rural Zone;*
- p) *the extent to which the subdivision<sup>^</sup> achieves good design outcomes, having regard to the intended end use of the allotment\*;*
- r) *The size, shape, location and arrangements of lots, cross lease areas, company lease areas, units and access to avoid reverse sensitivity effects;*

These matters do not directly extend to visual effects although there is clear potential for such effects. It is recommended that potential adverse visual effects should be considered for inclusion in the matters over which the council can exercise its discretion.

In those cases where plans have been provided it is not clear in the decisions that there is any obligation to construct in accordance with those plans (such as consent notice). It is possible that the 'general accordance' condition that accompanies the decisions may have some use in this regard but that needs confirmation.

There are several instances of resource consents triggering non-compliance with the setback rule even though the proposal is for a semi-detached pair of dwellings straddling a boundary. It is suggested that an exception for such instances be considered.

Finally, it would appear that there is an error in Rule B11.10-3 where it refers to Rule 11.8-1. It would appear that it should refer to Rule 11.9-1.

### Recommendations

It is considered that the residential Objectives, Policies and Rules are well constructed and serve the purpose and context of the District Plan. The minimum lot size appears to be appropriate judging by the relative absence of applications for smaller lots. Such applications default to a discretionary activity (rather than non-complying) and consequently they can be considered on their merits.

It is recommended that consideration be given to;

1. Applications for subdivisions of residential lots to less than 400m<sup>2</sup> be accompanied by a site plan showing the dwelling footprint, an overall floor plan and elevations.
2. The introduction of a controlled activity rule for subdivisions complying with the rules of Chapter B1 (general Rules and Standards), B2 (Residential Zone), B8 (Natural Hazards), B9 (Transport) and B11 (Subdivision and Development).
3. The introduction of 'visual effects' as a matter of discretion for restricted discretionary subdivisions.
4. The introduction of an exception from the boundary setback requirement for semi-detached dwellings constructed across a common boundary.
5. Confirmation as to whether the rule reference under Rule B11.10-3 is correct.

## 10.5. Natural Hazards

- a. Is there a need to review the wording of the rules?
- b. Taihape West Slip zone.

### Relevant Objectives and Policies

Natural hazards are referred to under Objective 17 and the associated policies as follows;

**OBJECTIVE 17** *The adverse effects of natural hazards<sup>^</sup> on people, property, infrastructure and the wellbeing of communities are avoided or mitigated.*

**Policy A4-1.1** *Significant natural hazards<sup>^</sup> will, where there is a known high probability or high potential impact from an event's predicted effects, be identified on planning maps as Natural Hazard Area 1\* or Natural Hazard Area 2\*.*

**Policy A4-1.2** *Avoid subdivision<sup>^</sup>, new structures<sup>^</sup>, activities, or an increase in the floor area of existing structures<sup>^</sup> or activities in Natural Hazard Area 1\* unless the resulting risk, including residual risk, to people, property, infrastructure and the wellbeing of communities is no more than minor, and is achieved through: a) Specifically designed avoidance or mitigation measures; or b) The character or scale of the subdivision<sup>^</sup>, structure<sup>^</sup> or activity.*

**Policy A4-1.3** *Allow subdivision<sup>^</sup>, the establishment of new structures<sup>^</sup> or activities, or an increase in the scale of any existing structures<sup>^</sup> or activities in areas that are shown on the Planning Maps as being within Natural Hazard Area 2\*, provided any natural hazard<sup>^</sup> is avoided or mitigated.*

**Policy A4-1.4** *Avoid where practicable the siting of Critical Infrastructure\* and services within areas of significant risk from natural hazard<sup>^</sup> events.*

**Policy A4-1.5** *Manage the effects of natural hazards<sup>^</sup> caused by long-term shifts in climate and changes in sea-level by setting minimum floor levels\*, designing flood avoidance or mitigation measures, and through the design and construction of network utilities\*.*

**Policy A4-1.6** *Avoid structures<sup>^</sup> and activities that are likely to reduce the effectiveness of existing works, structures<sup>^</sup>, natural landforms or other measures which serve to mitigate the effects of natural hazard<sup>^</sup> events.*

**Policy A4-1.7** *Manage the use, storage, transportation and disposal of hazardous substances\* in areas subject to natural hazards<sup>^</sup> to avoid or mitigate potential adverse effects caused by hazardous substances\* during natural hazard<sup>^</sup> events.*

**Policy A4-1.8** *Avoid new habitable buildings or a significant increase in the floor area of existing habitable buildings in the Taihape West Slip Zone.*

Rules in relation to these matters are set out in Chapter B8 of the District Plan.

### Consultation feedback

Horizons Regional Council has noted the need for more reliable data on indicative flood mapping particularly in Bulls and Marton given the levels of development now being experienced. Horizons intend to undertake a vulnerability assessment of this but not in the near future.

Also mentioned by Horizons Regional Council was the necessity to look at unmodelled areas of flooding.

## Data

Refer to the assessment below.

### Assessment of Effectiveness and Efficiency

Whilst the objective and policy framework is clear its interpretation leads to some uncertainty regarding the rules, definitions and District Plan maps. This relates to;

1. The rules in Chapter B8 are headed by two notes. The first refers to additional information available at both the regional and district council levels which, it notes, does not form part of the District Plan. Plan users are referred to that information although it is not clear what status that information should have in terms of any consenting process. It is also not clear what this information is or where it is held.

The second note clarifies that the definitions for natural hazard areas 1 and 2 (flooding) as contained in the definitions of the District Plan override the information on the planning maps. The definitions refer to areas that would be flooded in a 1:200-year flood. They give no assistance as to how to define those areas (which may be the additional information in the above paragraph) and consequently users will tend to default back to the maps notwithstanding the priority of the definitions.

2. The District Plan maps refer to both a 'modelled flood zone' and an 'Indicative flood zone'. It is not clear which of these is covered by the rules or if is both (noting that the definition takes precedence but does not geographically define these areas). This is further complicated by the information available on the Councils public GIS the index of which is shown below. It appears to also show both modelled and indicative flood areas.

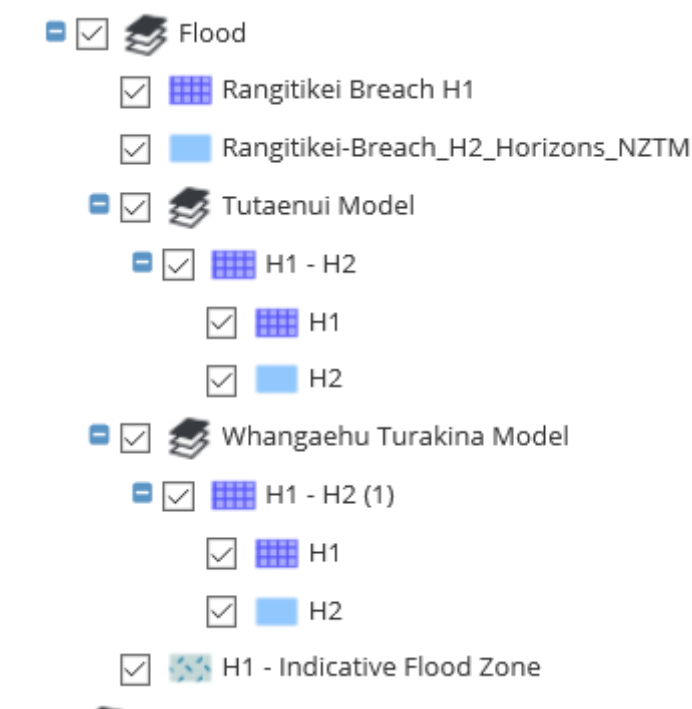


Figure 4; Extract of Public Online GIS Index for flooding.

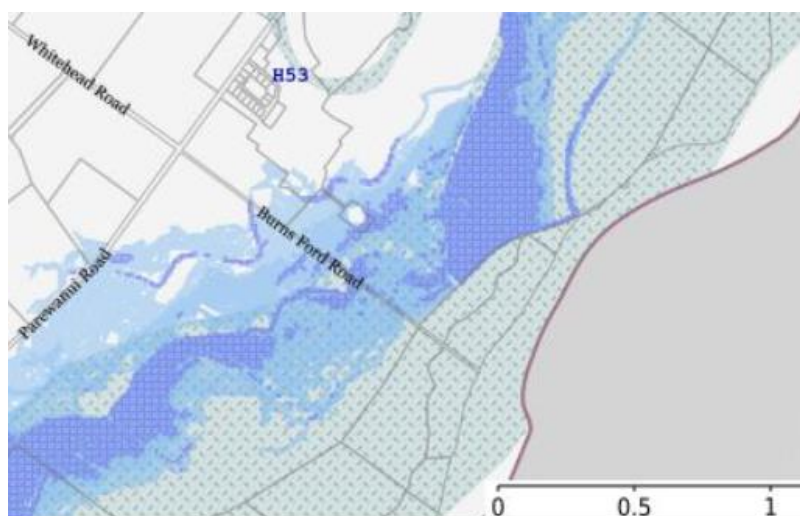


Fig 5; Extract of Public GIS map of flood areas.

3. In relation to the Taihape West Slip Zone, the rules cover both habitable and non habitable buildings of both under and over 40m<sup>2</sup> as permitted, restricted discretionary or discretionary activities as applicable. The rules for non habitable building of less than or more than 40m<sup>2</sup> provide for one extension as of the date of the District Plan. That limitation does not apply to additions to habitable buildings not exceeding 40m<sup>2</sup> these being a permitted activity. As the rule is written it appears that successive such additions may be constructed as of right.
4. It is also noted (although this may be deliberate) that whilst the extension of a habitable building of less than 40m<sup>2</sup> is permitted a larger extension defaults to a fully discretionary activity rather than a restricted discretionary activity.

The construction of rules around natural hazards is always a complicated task given the many unknowns and variables involved. Creating certainty should therefore be a key consideration and it is recommended that the adoption of a procedure manual in respect of this chapter of the District Plan should be considered for that purpose.

### Recommendations

It is recommended that in relation to natural hazard (flooding) consideration be given to the adoption of a public procedures manual that can be used to;

1. Confirm the location and nature of the additional material referred to both at the Regional and District Council level.
2. That as far as it is possible established guidelines to guide users of the District Plan on how to apply the definitions of Natural Hazard Areas 1 and 2 (flooding) given their precedence over the District Plan maps.
3. Provide certainty on the applicability of the 'modelled' and 'indicative' flood areas.

It is also recommended that Rule B82-2 relating to extensions of habitable dwellings of less than 40m<sup>2</sup> in the Taihape West Slip zone be clarified so as to preclude successive extensions over time resulting in a cumulative area of greater than 40m<sup>2</sup>.

Finally, it is recommended that confirmation be established that habitable building extensions in the Taihape West Slip zone of over 40m<sup>2</sup> should be a fully discretionary activity.

## 10.6. Subdivision and Reverse Sensitivity to Noise

The suitability of these rules having regard to reverse sensitivity particularly, but not only, in relation to noise.

### Relevant Objectives and Policies

The Objectives and Policies of the District Plan establish a clear desire to protect the primary production capability of the District whilst recognising the need for rural residential scale lots.

Issue 7 of Part A of the District Plan specifically identifies that:

*Primary production\* inevitably generates effects. Amenity^ effects, or potential adverse health effects, encompass 24 hour harvesting operations, noise associated with animals or with cropping, plantation shading, and odour, which may not be compatible with more sensitive land uses. It is, however, important that more sensitive activities do not create inappropriate conflicts with or constrain primary production\*.*

Furthermore, Issue 9A sets out that:

*Unrestricted rural lifestyle development within rural areas would have significant adverse effects on primary production\*, outstanding natural features and landscapes, rural character, transport networks, and demand on services. It is necessary to ensure that provision of rural lifestyle development is located close to existing townships and in specified areas to avoid haphazard rural residential development and limit the loss of versatile soils.*

Relevant Objectives and Policies are;

### **OBJECTIVE 7A**

*Ensure that activities dissociated from primary production\* or meeting the needs of rural communities are minimised, and, where those activities do occur, manage them to avoid or mitigate potential conflicts with primary production\* activities.*

**Policy A2-1.1** *Enable primary production\* with limited controls.*

**Policy A2-1.4** *Preserve the largely open space\* and unbuilt nature of the rural environment, and maintain the distinctive cultural landscapes associated with the predominance of primary production\*.*

**Policy A2-1.5** *Require separation distances between rural dwellings\* and other rural activities such as intensive farming\*, forest planting, effluent holding ponds and oxidation ponds to minimise any adverse effects on those dwellings\*.*

**OBJECTIVE 9** *Rural lifestyle living is provided for in specified areas.*

**Policy A2-2.2** *Provide a Rural Living Zone around the settlements of Marton, Bulls, Taihape and Hunterville that:*

- a) enables rural residential scale allotments\*;*
- b) requires a minimum lot size to minimise the loss of versatile soils;*



- c) enables a range of rural and residential activities; and
- d) preserves aspects of rural amenity^ while providing a transition to the urban environment.

**Policy A2-2.3** Provide a Rural Zone for most of the District\* that:

- a) maintains the predominant primary production\* nature of the District\*;
- b) avoids residential and rural residential development\* dissociated from primary production\*;

In relation to noise the General Rules of the District Plan establish noise limits under Rule B1.7. The rules extend across the District at varying levels of noise but notably do not apply to static or mobile farming machinery but do apply to bird scaring devices or wind machines. The rule reads;

*B1.7-5 The above noise limits do not apply to the noise from the following sources: Sounds from mobile primary production\* related noise sources, stationary primary production\* equipment such as pumps and generators and all animal sounds (excluding those arising from intensive farming and animal boarding activities or percussive bird scaring devices or wind machines used for frost damage mitigation.)*

The District Plan allows subdivisions in the Rural and Rural Living zones down to two hectares in specified circumstances. This sets up the potential for reverse sensitivity issues to arise although this is not an uncommon problem across New Zealand in rural areas.

#### Consultation feedback

The only feedback in relation to this indicator was from Federated Farmers as follows;

*Noise rules – as with concerns above about urban sprawl, comments were made about the need for the District Plan to ensure that farming businesses are still able to continue to operate viably. Noise rules need to be permissive to farming activities*

#### Data

No data in relation to noise complaints arising from this has been located.

#### Assessment of Effectiveness and Efficiency

The balance between rural primary production activities and their effects on perceived amenity requires a balance that is both reasonable and capable of responding to particular circumstances.

The Manawatu District Plan specifies noise limits within its Rural zone although exempts Rural Production Activities (except for intensive farming) from them. It makes no reference to static or mobile machinery or to bird scaring devices. It does however refer to the wider provisions of the RMA relating to unreasonable and excessive noise, that is Sections 16 and 327. Section 16 refers to a duty on occupiers of land and persons carrying out any activity to avoid unreasonable noise. Section 327 refers to enforcement powers for excessive noise.

The Horowhenua District Plan allows that mobile sources of primary production noise are not subject to the specified noise limits and nor are bird scaring devices. The latter are subject to specific provisions around their use including hours of operation, a restriction within 200m of a

residential zone, a specified noise limit and limits on the number of 'events' per hour within 500m of certain dwellings.

It is considered that the Rangitīkei District Plan provides a reasonable balance between the provisions of the above two examples. Investigation of noise complaints are notoriously difficult and expensive to undertake given the difficulties of establishing evidence of non-compliance. Similarly, the use of the RMA provisions for enforcement can be challenging.

On the other hand, capturing bird scaring devices and wind machines within the noise limits of the District Plan, as in the Rangitīkei case, is similarly likely to lead to issues with enforcement. It is also considered that given the permissive nature of the District Plan in relation to primary production activities these devices should not be subject to normal noise limits but should be subject to specific standards as in the case of the Horowhenua District Plan. Those standards should be considered within the context of proximity to any zone other than Rural and the Rural Living and Residential zones in particular.

### Recommendations

That consideration be given to a specific noise standard for bird scaring devices and wind machines within an appropriate distance from the Rural Living and the Residential zones of the District Plan.

## **10.7. Regional Environmental Issues.**

Liaison is required with Horizons and Hawkes Bay Regional Councils regarding any State of the Environment issues that they have identified of relevance to the Rangitīkei District and this work. As indicated above in this report no response has been received from the Hawkes Bay Regional Council.

The Horizons Regional council has recently released its State of Environment Report. It is an extensive document which will have a substantial amount of information of relevance to the Rangitīkei District although not necessarily to this report. I have however summarised the key points from the report as follows below. Note that these are selected extracts thought to be of interest and readers are referred to the original report for more detailed information.

- *from the year 1909 annual average temperatures in New Zealand have warmed by  $0.09 \pm 0.3^{\circ}\text{C}$  per decade and average annual temperatures are likely to increase by between  $0.7$  and  $1.1^{\circ}\text{C}$  by 2040 and up to  $3.1^{\circ}\text{C}$  by 2090.*
- *Annual average rainfall is predicted to be 15 to 20 per cent more in the northern part of the region (eg. Taumarunui) and potentially 20 per cent less in the south eastern part of the region (eg. Akitio) by 2090.*
- *The Air chapter reports that particulate matter (PM10) monitoring of 12 towns in the winter of 2001 to 2003 identified Taumarunui and Taihape as having the worst air quality in the region. These are now monitored as the only designated airsheds in the region. Other towns identified with potential air quality issues were Ohakune, Feilding, Dannevirke and Pahiatua. Monitoring in the Taumarunui and Taihape airsheds shows these sites meet the National Environmental Standard (NES) for air quality.*

- *Statistics New Zealand information shows that during the period from 1994 to 2017 the number of dairy cows has grown 69 per cent nationally compared to 50 per cent (155,000 cattle) in the Horizons Region. During this same period regional beef cattle numbers dropped by 239,000 and sheep numbers dropped by 2.4 million.*
- *The region, which covers approximately 8 per cent of New Zealand, has 18 per cent of the nation's Class 1 land (34,000 hectares) and 14 per cent of Class 2 land (172,000 hectares).*
- *Consented groundwater allocation volumes in all groundwater management zones are within One Plan allocation limits. Groundwater levels are monitored at 145 bores in the region. Results show approximately 30 per cent of sites have increasing water levels and 14 per cent are declining, with the declines primarily in the Manawatū and Rangitīkei catchments where allocation levels have increased.*

## 10.8. Other Matters

### Papakainga housing

During the course of consultation with the Councils Iwi Liaison Committee (Te Roopu Ahi Kaa) clarification was sought on;

- the location of existing Papakainga zones in the Plan,
- the ability to introduce additional such areas on a more simplified basis,
- the work of TPK in this field; and,
- the work being done by Hastings District Council on Papakainga.

#### Relevant Objectives and Policies and Rules

Reference to Papakainga housing is made in the District Plan Objectives and Policies and Rules as follows.

#### **OBJECTIVE 2 (URBAN ZONE)**

*Enable a variety of housing that reflects the aspirations and identity of people and communities while achieving good urban amenity<sup>^</sup> and design. This includes the efficient use of existing infrastructure, and integration of pedestrian, cycling and vehicle transportation networks.*

**Policy A1-2.2** *Enable iwi and hapu to develop Papakainga housing.*

Under the Rural zone rules Papakainga housing is listed as a permitted activity subject to the following standard.

#### **Rule B7.7** *Papakainga Housing*

*B7.7-1 Papakainga housing can only occur in the Rural zone within the Papakainga Housing land area overlay\*. B7.7-2 Each dwelling must have an area for exclusive use of at least 200 metres, and:*

*a) where there are 3 dwellings or less, a private and exclusive outdoor area formed in the shape of a rectangle, with a minimum area of 55 square metres and a minimum width of 4.5 metres.*

*b) where more than 3 dwellings are sited, a communal outdoor space of at least 200 square metres, if a private and exclusive outdoor space is not provided.*

*B7.7-3 Dwellings must be separated by at least 3 metres at the closest point.*

*B7.7-4 Rule B7.2-1 does not apply to Papakainga housing.*

*B7.7-5 All dwellings must be able to be separately serviced for connections to water, stormwater and sewage.*

There is no equivalent rule in the Residential or Rural Living zone.

The District Plan maps include a Papakainga overlay symbol although a perusal of the maps shows only a handful of such areas.

#### Consultation feedback

As above

#### Data

There are relatively few Papakainga housing areas identified in the Rural zone and I have not located any resource consent applications for such developments.

#### Assessment of Effectiveness and Efficiency

The Hastings District Plan recognises the development of Papakainga as a district wide activity on Maori land and includes a number of Objectives and Policies to that end. The guiding principle is set out as to;

*‘ensure that Papakāinga development provides for Māori who have aspirations to develop their traditional lands and to meet their housing needs and cultural aspirations.’*

The District Plan promotes the use of its Papakāinga Development Guide which *gives a step by step process to undertaking a Papakāinga Development in the Hastings District. The document was collaborated by Hastings District Council, Māori Land Court and Te Puni Kōkiri.*

This document can be found on the Te Puni Kokiri website at:

<https://www.tpk.govt.nz/en/mo-te-puni-kokiri/kokiri-magazine/kokiri-11-2008/takitimu-papakainga-guide>

Hapu Development Plans are also used by the District Plan to guide such projects

Whilst the District Plan recognises the ability and desire for Papakainga housing and projects it is considered that the framework for such projects could be expanded as shown by the Hastings District Plan and the work done by Te Puni Kokiri.

#### Recommendations

That a review of the provisions of the District Plan in relation to Papakainga projects be undertaken in the next District Plan review with particular regard to the work done by the Hastings District Council.

## 11. MONITORING OF OUTCOMES.

The ability to undertake a review of the effectiveness and efficiency of a District Plan is founded on the availability of data for that purpose. It is recognised that there are resourcing issues associated with this. It is also recognised that the next District Plan review will probably occur before the next such review.

It is recommended that as part of the next District Plan review consideration be given to the data that will be required for the subsequent State of the Environment report and that systems or procedures be put in place to collate that data in the lead up to the report.

## 12. CONCLUSIONS AND RECOMMENDATIONS

The review of the Operative Rangitīkei District Plan has addressed specific matters known to be of interest to the Council as specified in the brief for the report.

The report has addressed the efficiency and effectiveness of those particular matters and finds that generally the policies and objectives are well structured and give clear guidance to the application of the rules. There are identified areas where the policy direction should be reviewed to provide greater certainty.

The rules of the District Plan in the matters under consideration are also efficient and effective and the recommendations go to their refinement to provide for both greater certainty and relevance to the particular circumstances of any particular application.

The specific recommendations of the report are:

### **The Rural Living Zone.**

It is recommended that the rules relating to the Rural Living zone be reconsidered in the next District Plan review. Consideration should be given to amending the status of the subdivision of this land so as to provide for controlled activity subdivision where appropriate. That need not remove the option to retain discretion over those areas with limited infrastructure, subject to hazards or similar concerns that require that level of discretion.

It is also recommended that where reticulated wastewater services are available, or can be made available, consideration should be given to a lower minimum lot size such as 2,000m<sup>2</sup>.

### **Rural Subdivisions**

A comparison of the Objectives and Policies of the District Plan with the Rules, using the consents history of rural subdivisions, shows the need for a more sophisticated set of rules that both protect the highly versatile soils whilst providing for a more pragmatic approach to those areas that are not made up of highly versatile soils.

It is suggested that the rules do not adequately reflect the intent of the Objectives and Policies or the need for more flexibility in rural zone subdivisions.

It is recommended that the Objectives and Policies need to be reviewed in order to provide scope for a wider range of subdivisions in the Rural zone where no Class 1 or 2 soils are involved.

Similarly, the rules need to be reviewed to;

- incorporate provision for those sites with a mix of highly versatile and other soil types,

- provide for the consideration of portions of a site that are not highly versatile soils
- introduce rules for both controlled and non complying rural subdivisions.
  - In the case of controlled activity subdivisions this might related to subdivision of land or boundary adjustments where lots of over say 20ha are being created
  - In the case of a non-complying activity this might extend to any subdivision of highly versatile soils in part or in full.

### **Dwelling Density in the Rural Zone.**

It is recommended that Rule B7.4 of the District Plan be reviewed and developed to permit third and subsequent dwellings on rural properties in defined circumstances.

### **Dwelling Proximity**

It is recommended that consideration be given to;

- The amendment of Rule B7.6 in the District Plan to refer to separation between dwellings not on the same lot.
- The amendment of Section B11.1-2 of the District Plan to include dwelling separation distances between dwellings on separate lots as a matter over which the Council reserves its discretion.

### **Residential Zone**

It is considered that the residential Objectives, Policies and Rules are well constructed and serve the purpose and context of the District Plan. The minimum lot size appears to be appropriate judging by the relative absence of applications for smaller lots. Such applications default to a discretionary activity (rather than non-complying) and consequently they can be approved on their merits.

It is recommended that consideration be given to;

1. Applications for subdivisions of residential lots to less than 400m<sup>2</sup> be accompanied by a site plan showing the dwelling footprint, an overall floor plan and elevations.
2. The introduction of a controlled activity rule for subdivisions complying with the rules of Chapter B1 (general Rules and Standards), B2 (Residential Zone), B8 (Natural Hazards), B9 (Transport) and B11 (Subdivision and Development).
3. The introduction of 'visual effects' as a matter of discretion for restricted discretionary subdivisions.
4. The introduction of an exception from the boundary setback requirement for semi-detached dwellings constructed across a common boundary.
5. Confirmation as to whether the rule reference under Rule B11.10-3 is correct.

### **Natural Hazards**

It is recommended that in relation to natural hazard (flooding) consideration be given to the adoption of a public procedures manual that can be used to;

1. Confirm the location and nature of the additional material referred to both at the Regional and District Council level.

2. That as far as it is possible established guidelines to guide users of the District Plan on how to apply the definitions of Natural Hazard Areas 1 and 2 (flooding) given their precedence over the District Plan maps.

3. Provide certainty on the applicability of the 'modelled' and 'indicative' flood areas.

It is also recommended that Rule B82-2 relating to extensions of habitable dwellings of less than 40m<sup>2</sup> in the Taihape West Slip zone be clarified so as to preclude successive extensions over time resulting in a cumulative area of greater than 40m<sup>2</sup>.

Finally, it is recommended that confirmation be established that habitable building extensions in the Taihape West Slip zone of over 40m<sup>2</sup> should be a fully discretionary activity.

### **Subdivision and Reverse Sensitivity**

That consideration be given to a specific noise standard for bird scaring devices and wind machines within an appropriate distance from the Rural Living and the Residential zones of the District Plan.

### **Papakainga Housing**

That a review of the provisions of the District Plan in relation to Papakainga projects be undertaken in the next District Plan review with particular regard to the work done by the Hastings District Council.

### **Tony Thomas**

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## **Appendix 1: Extracts from the Resource Management Act 1991**

### **35 Duty to gather information, monitor, and keep records**

- (1) Every local authority shall gather such information, and undertake or commission such research, as is necessary to carry out effectively its functions under this Act or regulations under this Act.
  - (2) Every local authority shall monitor—
    - (a) the state of the whole or any part of the environment of its region or district—
      - (i) to the extent that is appropriate to enable the local authority to effectively carry out its functions under this Act; and
      - (ii) in addition, by reference to any indicators or other matters prescribed by regulations made under this Act, and in accordance with the regulations; and
    - (b) the efficiency and effectiveness of policies, rules, or other methods in its policy statement or its plan; and
    - (c) the exercise of any functions, powers, or duties delegated or transferred by it; and
    - (ca) the efficiency and effectiveness of processes used by the local authority in exercising its powers or performing its functions or duties (including those delegated or transferred by it), including matters such as timeliness, cost, and the overall satisfaction of those persons or bodies in respect of whom the powers, functions, or duties are exercised or performed; and
    - (d) the exercise of the resource consents that have effect in its region or district, as the case may be; and
    - (e) in the case of a regional council, the exercise of a protected customary right in its region, including any controls imposed on the exercise of that right under [Part 3](#) of the Marine and Coastal Area (Takutai Moana) Act 2011—  
and take appropriate action (having regard to the methods available to it under this Act) where this is shown to be necessary.
- (2AA) Monitoring required by subsection (2) must be undertaken in accordance with any regulations.
- (2A) Every local authority must, at intervals of not more than 5 years, compile and make available to the public a review of the results of its monitoring under subsection (2)(b).

### **360 Regulations**

- (1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:
  - (hk) prescribing, for the purposes of [section 35\(2\)](#) and [\(2AA\)](#),—
    - (i) indicators or other matters by reference to which a local authority is required to monitor the state of the environment of its region or district:
    - (ia) matters by reference to which monitoring must be carried out:
    - (ii) standards, methods, or requirements applying to the monitoring, which may differ depending on what is being monitored:
  - (hl) requiring local authorities to provide information gathered under [sections 35](#) and [35A](#) to the Minister, and prescribing the content of the information to be provided and the manner in which, and time limits by which, it must be provided:
  - (hm) prescribing, for the purposes of [sections 87E](#), [165ZFE](#), and [198C](#),—
    - (i) threshold amounts, which may differ for proposals of different types or in different locations; and
    - (ii) matters to which an authority is required to have regard in determining whether exceptional circumstances exist:



## **Appendix 2 Feedback from Federated Farmers.**

I have seen the Proposed Eight Key Indicators outlined in the one pager for the Policy and Planning Committee today, and can confirm that the areas identified are of concern to our membership.

I have only been able to canvass a small section of our more vocal members to get a gauge on the matter, however in brief the following concerns were raised. I note that some comments are out of scope of the DP, however given there is some overlap between DP content and matters such as rates and Regional Policies, it may still be of relevance. Please note, if there is time available in the process, I would like to survey the wider Rangitikei Membership to get a more fulsome picture if possible. I would also appreciate the opportunity to continue to be involved in this process as it unfolds.

- Rooding – issues with high rates to rural ratepayers yet a growing reliance on the roads from other sectors (forestry) and also pressure from urban sprawl (relates to zoning rules – Rural Living Zone and also reverse sensitivity)
- Subdivision – always a divisive matter for our membership but concerns were raised about the inability of the Plan to enable farms to cut off sections of unproductive land that were under size. Also, a bit of contention here with concerns that the Council seemed to be propping up developers while not equally supporting rural businesses.
- Noise rules – as with concerns above about urban sprawl, comments were made about the need for the DP to ensure that farming businesses are still able to continue to operate viably. Noise rules need to be permissive to farming activities
- Regional Environmental Issues – particular concerns regarding the management of urban storm water and urban wastewater and ensuring that urban and rural were being treated equally. Also concerns about the Ratana scheme development in particular and the need for existing farmers to be able to continue to operate their businesses (one member in particular concerned they would have their land/livelihood taken from them).

Also further comments from myself on wider matters within the Eight Key Indicators paper:

- Rules regarding combination of soil types – this will be of interest to members. Federated Farmers generally takes a stand that the DP should be less burdensome and therefore less rules are better, but protection of class 1 and 2 soils is of concern also. Perhaps thought could be given to rules that are not hinged on soil type but instead give Council discretion to take soil type into consideration when making decisions to provide consent or otherwise. E.g. a tool rather than a rule, perhaps via a footnote?
- Dwelling density – this will also be of interest to our members. Rural businesses often have multiple dwellings on lots to provide accommodation to staff also.
- Dwelling proximity – also of interest to members. Important for consistency/transparency.

### Appendix 3: Feedback from the Department of Conservation.

## Rangitīkei District Council State of Environment reporting ; working with stakeholders ( including DOC) to contribute to efficiency / effectiveness of District Plan

- Link to Conservation Management Strategy (CMS) for our Region:  
<https://www.doc.govt.nz/about-us/statutory-and-advisory-bodies/conservation-boards/wellington/2019-updates/>

### Rangitīkei River – Places : Makino , Te Rangipai ,Omatane, Puke and Mōkai

- Primary focus at these sites is weed control.
- Working towards eradication of highly invasive White Bryony in partnership with MPI.
- Control Old man’s Beard focus on keeping it out of Ruahine Forest Park. A survey of the whole Rangitīkei and Manawatu districts for OMB is planned next year as per the CMS

#### Key Species

- *Dactyloctenium aegyptium*, Pua o reinga / Woodrose
- *Korthalsella lindsayi* Dwarf Mistletoe
- *Teucrium parvifolium* Native verbena
- *Tupeia antarctica* White mistletoe , (Tupia/Taapia/Pirata)

### Mangaweka Scenic Reserve , Simpsons Scenic Reserve and Bruce Park

- Possum and rat control in the southern half of Mangaweka SR to protect *Dactyloctenium* and Mistletoe.
- Possum and rat monitoring at Mangaweka SR.
- Control of Old Man’s beard at Mangaweka SR Bruce Park Simpsons Papanui and Otaihape
- Weeding at Mangaweka to protect *Celmisia* plants
- Maintain fences to keep stock out of Reserves.
- Maintenance of tracks to keep clear of vegetation at Mangaweka SR
- Simpsons SR Bridge maintenance
- Amenity maintenance
- Vegetation Maintenance

#### **Bruce Park**

- Control of *Cathedral Bells* at Bruce park
- Bruce Park Loop track Maintain track surface and vegetation
- Maintain RC Bruce Memorial Historic Site.
- Bruce Park Community engagement with the public and Iwi for Trap Lines and other conservation initiatives.
- Promotion of the Toyota Kiwi Guardian Trial, encouraging families to enjoy the outdoors and focus on nature.
- Recent confirmation of Long tailed bat presence here.
- Toilet here funded by RDC and jointly maintained.

Biodiversity Contingency funding is going to extend DOC’s work in this area – as is the CMS. We are likely to do a lot more work on the Mangaweka *celmisia* – trying to re-establish it in the wild.

We are likely to start doing some work around the dwarf galaxias found in the upper Rangitīkei – not sure what – initially probably advocacy with key stakeholders

We know that there are long-tailed bats at multiple sites still in the Rangitīkei, this may need to be given special consideration in terms of clearance of any trees and what is allowed in the District Plan (not sure if roost trees have been identified).

#### Community Conservation Work with RDC

- Meetings with Rangitīkei Environment theme group chaired by Chris Shenton
- Koitiata area: planting with DOC RDC and Turakina School
- Planting at Taihape Memorial Domain (DOC reserve vested in RDC)
- Concessions and Permissions including an application RDC has lodged with DOC to release carp into wastewater treatment and a recreational pond(s) in the area to improve water quality.
- Statutory Land Management functions verifying ownership of Rangitīkei D.C. properties for Graeme Pointon (RDC).
- Part-funding a DOC Community Fund project focused on the control of Old Man's Beard along the Rangitīkei River valleys.

#### ON ALL SITES

- Explore and develop opportunities with whanau hapu and Iwi to share knowledge and skills.
- Explore and develop new possibilities and work with whaanau hapuu and Iwi on shared outcomes that make a difference.

#### DOC CONTACTS for other DISTRICTS in the RDC area

##### Central North Island region

Whanganui District

Jasmine Hessell [jhessell@doc.govt.nz](mailto:jhessell@doc.govt.nz)

Turangi District

Fiona Wilson [fwilson@doc.govt.nz](mailto:fwilson@doc.govt.nz)

