

Section 32 Report

Part 3

General Rural Zone and Rural Lifestyle Zone

Prepared for the
Proposed Kaipara District Plan

Prior to Notification

28 April 2025

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ABBREVIATIONS USED IN THIS REPORT

Kaipara District Council Operative District Plan	KDP
Kaipara District Spatial Plan	KDSP
Local Government Act 2002	LGA
Long Term Plan	LTP
National Environmental Standards	NES
National Policy Statements	NPS
New Zealand Coastal Policy Statement	NZCPS
Northland Regional Council	NRC
Northland Regional Policy Statement	NRPS
National Policy Statement on Urban Development	NPS-UD
National Policy Statement on Highly Productive Land	NPS-HPL
Proposed Kaipara District Plan	PDP
Draft Kaipara District Plan	DKDP
Resource Management Act 1991	RMA
Section 32 of the RMA	s32
Section 42A of the RMA	s42A
Structure Plan	SP

1. INTRODUCTION

1.1. Overview

1. This report details the pre-notification evaluation undertaken by Kaipara District Council (**KDC**) in relation to the General rural zone and Rural lifestyle zone chapters of the Proposed Kaipara District Plan (**PDP**). The report has been prepared in accordance with the requirements of section 32 of the Resource Management Act 1991 (**RMA**).
2. This report should be read in conjunction with the Section 32 Overview Report for the PDP which provides a detailed overview of the statutory context and the process to prepare the PDP.
3. KDC has responsibilities under the RMA (section 31) to manage the effects of the use and development, or protection of land and associated natural and physical resources of the District, including the management and protection of the rural land resource.
4. The purpose of the RMA under section 5 is to promote the sustainable management of natural and physical resources, and this includes sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations and safeguarding the life-supporting capacity of soil (sections 5(2)(a) and 5(2)(b) of the RMA). Section 5 also requires that the provisions applying to the Kaipara rural environment enable people and communities to provide for their social, economic and cultural well-being.
5. This section 32 evaluation report relates to the provisions in the PDP that manage the rural environment through the use of two zones:
 - a. A General rural zone that contains the most productive land in the District, as well as general rural land that can be used for a variety of activities that have a functional need to be in a rural environment, such as rural industry.
 - b. A Rural lifestyle zone that provides opportunities for people who seek a rural lifestyle to locate in parts of the rural environment that are also close to urban areas, with good access to services and transport networks. This allows rural lifestyle development to be concentrated in the parts of the rural environment most suited to this activity and be directed away from highly productive land (HPL¹).

1.2. Topic Description

6. The Kaipara District is primarily rural in character, containing a mix of productive soils along with marginal hill country. The most productive land is the North Kaipara Agricultural Delta between Pouto-

¹ The transitional definition of 'highly productive land' in the National Policy Statement for Highly Productive Land 2022 (**NPS-HPL**) covers all Land Use Capability Class 1-3 land that is located in a General Rural or Rural Production Zone (or equivalent) and does not meet specified tests relating to being identified for future urban development – see full definition in clause 3.5(7) of the NPS-HPL.

Te Kopuru and Dargaville-Ruawai. This productive land resource has resulted in the primary sector being the foundation of the economy in the District. The latest data from 2019² confirms the primary sector (agriculture, forestry and fishing) accounted for 26.6% of Kaipara's GDP while manufacturing contributed a further 11.5%. Dairy cattle farming's contribution to the local economy alone was six times the national average, with 12.1% of Kaipara's GDP coming from dairy cattle farming compared to 2% nationally. Other primary sectors contribution to the Kaipara economy includes sheep, beef and grain farming (5.4% of 2019 GDP), forestry (3.4% of 2019 GDP) and horticulture and fruit growing e.g. kumara (3% of 2019 GDP). Rural land significantly contributes to the social, economic, and cultural wellbeing of people and communities in the Kaipara District and as such rural land use is a significant resource management issue in the District. The way that rural land is managed and the effects of activities able to establish in the rural environment have a significant impact on both the District and the Northland Region.

7. The Kaipara District has a limited supply of HPL (as defined in the National Policy Statement on Highly Productive Land 2022 (**NPS-HPL**)), with no LUC Class 1 soils and limited areas of LUC Class 2 or 3 soils, as shown in Figure 1 below. The protection of HPL for its use by land-based primary production activities is not only important in terms of giving effect to the NPS-HPL, but also critical in terms of supporting the rural economy of the Kaipara District now and for future generations.
8. There are often tensions between the need to protect the Kaipara rural environment for use by primary production activities (and associated supporting or ancillary activities) and the aspirations of landowners to use, develop and enjoy their land, which can involve using or developing that land for non-productive purposes, i.e. rural lifestyle subdivision or commercial and/or industrial activities. There are also numerous rural communities that exist in the Kaipara District that rely on the primary production sector for employment opportunities but also require access to local services, necessitating District plan provisions that enable a range of activities in the rural environment. Part of managing the tension between competing activities in a rural environment involves clear and directive provisions to manage reverse sensitivity effects to ensure incompatible activities are kept separate, both within the rural environment and at the interface with urban zones.
9. Land fragmentation is also a key issue in the Kaipara District, again arising from the need to protect the most productive parts of the District by retaining land parcels large enough to support primary production activities. Historically there have been few controls on where rural lifestyle development can occur throughout the Kaipara District, which has resulted in ad hoc subdivision of productive land and instances of reverse sensitivity effects constraining primary production activities. There is a need to better manage where rural lifestyle development can occur in the Kaipara rural environment so that it

² Sourced from 'The Kaipara District Environmental Scan 2020' report - <https://www.kaipara.govt.nz/uploads/LTP%202021%20-%2031/Kaipara%20Environmental%20Scan%202020%20.pdf>

can occur without impacting the ability of primary production activities to operate efficiently and effectively.

10. A more comprehensive summary of resource management issues associated with the Operative Kaipara District Plan (**KKDP**) rural provisions is included as **Attachment 3**.

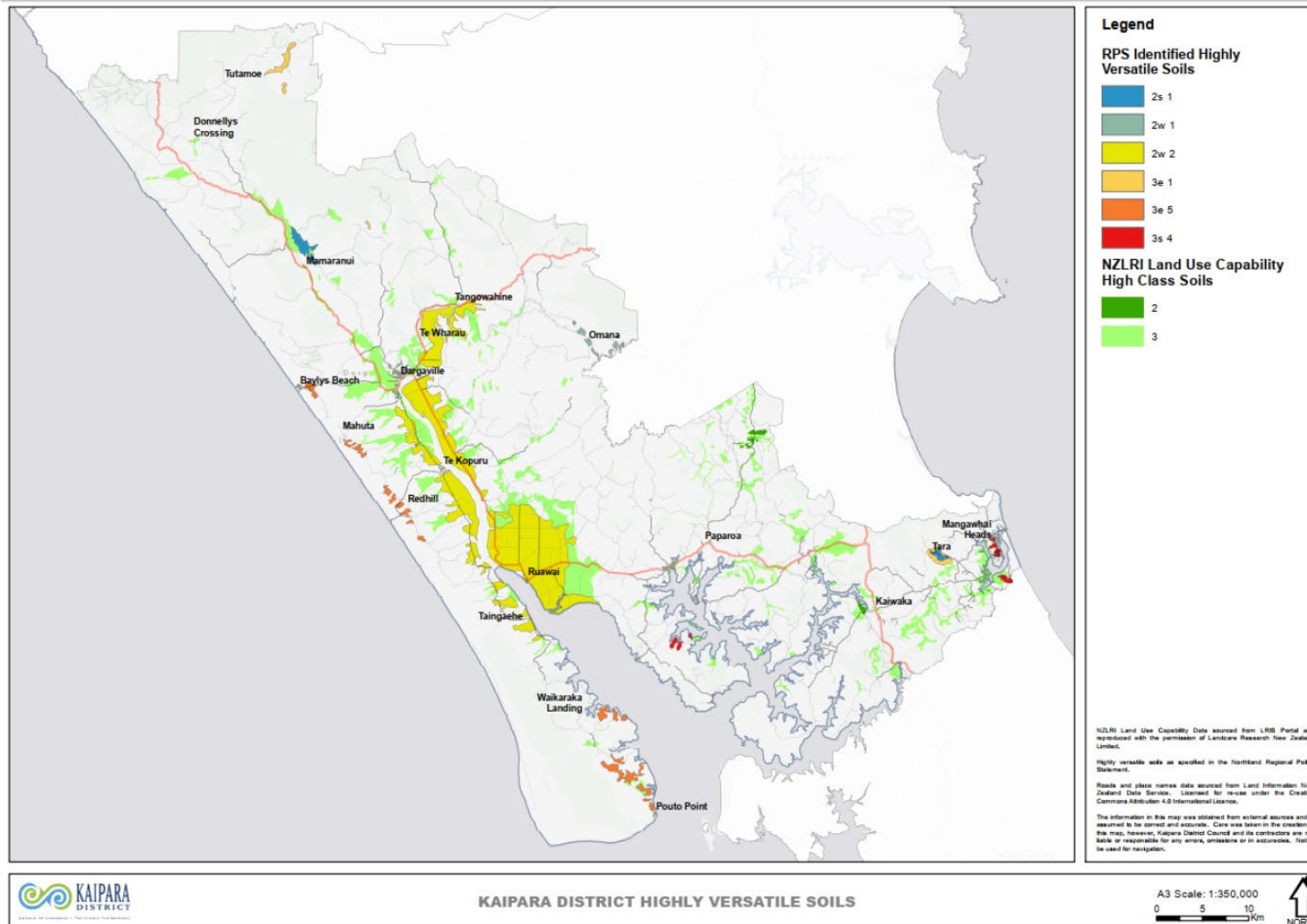


Figure 1: Kaipara's highly versatile soils as identified in the Northland Regional Policy Statement (NRC 2016).

1.3. PDP Approach to the management of the Kaipara rural environment

11. The NPS-HPL, the National Planning Standards and the Northland Regional Policy Statement (**NRPS**)³³ provide specific direction on the management of the rural environment. This direction has been instrumental in informing much of the approach, content and requirements of the rural chapters of the PDP. The relevant higher order statutory objectives and policies relating to management of rural environments are provided as **Attachment 2**, with the overarching direction of each higher order document summarised as follows:
 - a. The NPS-HPL directs that HPL is protected for use in land-based primary production, both now and for future generations (the sole objective of the NPS). It includes a range of policies and implementation clauses that direct how HPL should be identified and mapped and how decisions should be made on proposals to rezone, subdivide or use HPL, particularly when a proposal does not support land-based primary production.
 - b. The National Planning Standards require that the Kaipara rural environment is managed through land use provisions in zone chapters and subdivision provisions in a subdivision chapter. A range of rural zoning options are outlined in Section 8 – Zone Framework Standard and include the two zones used in the PDP, being the General rural zone and the Rural lifestyle zone. There is no requirement in the National Planning Standards to utilise all rural zone options.
 - c. The NRPS requires that the rural provisions of the PDP ensure that development is undertaken in a planned and coordinated way that does not result in a loss of production (either now or in the future), does not result in incompatible land uses and avoids the potential for reverse sensitivity effects. There is also clear direction to protect versatile soils from inappropriate land use and subdivision and provide for the protection and management of section 6 matters as they relate to the rural environment.
12. This higher order direction has guided the PDP approach to managing the Kaipara rural environment through two separate zones – a General rural zone and a Rural lifestyle zone. It has also resulted in the introduction of land use and subdivision provisions that protect HPL, manage reverse sensitivity effects and direct rural lifestyle development opportunities to appropriate locations.
13. The key elements of the PDP approach to managing the rural environment compared to the KKDP are as follows:
 - a. A reframing of the structure of the rural provisions to align with the activity-based structure of the National Planning Standards. This is a clear shift away from the effects-based approach

³³ Section 75(3) of the RMA requires that District Plans **must give effect to** National Policy Statements, the NZCPS and the NRPS and to be **not inconsistent with** a relevant regional plan

of the KDP and makes the PDP rural chapters easier for plan users to navigate and understand whether a resource consent is required for a proposal or not.

- b. Updating rural definitions to align with both the National Planning Standards and the NPS-HPL.
- c. A General rural zone that contains the majority of rural land in the Kaipara District and a Rural lifestyle zone that identifies appropriate locations for rural lifestyle development that are close to urban areas, good transport links and services and away from the most productive parts of the rural environment. This is a change from the KDP approach of using a single Rural zone to manage all parts of the rural environment. The use of two rural zones sends a clear message as to where rural lifestyle development is most appropriate, which may reduce pressure to subdivide in the General rural zone, particularly on HPL and in locations where rural lifestyle development is incompatible with existing primary production activities.
- d. A more streamlined and focused approach to subdivision in the General rural zone compared to the Rural zone in the KDP (the subdivision provisions are assessed in more detail in the Subdivision chapter section 32 report). Key differences include:
 - i. A separate subdivision chapter, as opposed to subdivision provisions included in zone chapters.
 - ii. Removing some of the more complex pathways to subdivision (e.g. subdivision rules relating to the East and West Coast overlays, Kai Iwi Lakes overlay and Mangawhai and Kaipara Harbour overlays, grandfathering subdivision opportunities, integrated development subdivisions) to achieve a more streamlined and user-friendly set of subdivision provisions for the rural zones.
 - iii. Use of the Small Lot subdivision rule in the PDP to allow for some rural lifestyle opportunities in the General rural zone, as opposed to combination of the Rural Amenity Lot and Small Lot Development provisions in the KDP.
- e. Better protection of primary production activities from reverse sensitivity effects, including more specific support at the policy level for primary production activities being the main activities that should be occurring in the General rural zone and the use of setbacks to separate potentially incompatible activities.
- f. Removal of the KDP overlays that manage different parts of the rural environment (i.e. East and West Coast overlays, Kai Iwi Lakes overlay and Mangawhai and Kaipara Harbour overlays) and replacement with District wide overlays that manage the coastal environment and other types of landscapes. This is a more streamlined approach to managing the more sensitive parts of the rural environment than the zone/overlay framework in the KDP.

1.4. Scale and Significance of the Effects

14. The s32 evaluation report for any proposal under the RMA must contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal. In order to determine the scale and significance of the effects of the proposal, the proposal has been assessed against the criteria in Table 1 below.

TABLE 1: ASSESSMENT OF SCALE AND SIGNIFICANCE OF EFFECTS		
Criteria	Summary of effects	Evaluation (1 - low 5 - high)
Reason for change	<p>The KDP became operative in 2013 and is subject to its 10-year review (s79 of the RMA).</p> <p>The KDP does not give effect to more recent higher order documents (such as the NPS-HPL and NRPS) and is not consistent with the format and structure of the National Planning Standards. Accordingly, change is required to reflect these new directions.</p> <p>There are also identified issues with the KDP Rural zone provisions that need to be addressed (refer to Attachment 3 for more comprehensive analysis), including:</p> <ol style="list-style-type: none"> 1. The objectives and policies of the zone provide limited direction to protect the productivity of rural land. 2. The environmental, economic, social and cultural benefits of protecting land that is highly productive are not recognised by the objectives and policies. 3. Subdivision rules in the zone are overly complex and confusing, which sometimes results in poor design outcomes, the fragmentation of productive rural areas and loss of HPL in the District, primarily through rural lifestyle lots being created on HPL. 	4

	4. Objectives and policies in the KDP do not identify land fragmentation or loss of highly productive land as issues within the rural environment.	
Degree of shift from status quo (i.e. KDP)	<p>The KDP currently manages the rural environment through a single Rural zone and a range of overlays to manage parts of the environment that have different characteristics⁴. The PDP structure for managing the rural environment is fundamentally different, as outlined in Section 1.3 of this report above.</p> <p>The PDP is required to give effect to the NPS-HPL, which came into effect in October 2022 after the KDP was made operative. The NPS-HPL requires the protection of HPL so that it can be used by land-based primary production activities for future generations (refer to Attachment 2 for a full assessment of the PDP against the NPS-HPL).</p> <p>The PDP is also required to give effect to the NRPS, which became operative in 2016 after the development of the KDP. The NRPS directs that primary production activities be protected from the negative impacts of subdivision, that subdivision and development in the region be planned and coordinated and that land use changes do not negatively impact primary production on highly versatile soils (refer to Attachment 1 for a full summary of the NRPS direction).</p> <p>The introduction of this higher order direction necessitates a different approach to managing HPL and the wider rural environment compared to the KDP – which in turn has led to a suite of objectives, policies and rules that manage land use on, and subdivision of, HPL in a different manner to the balance of the rural environment, contain stronger and clearer reverse sensitivity provisions and more directive provisions relating to the location of rural lifestyle development opportunities.</p>	4

⁴ There are five overlays in the KDP that are applied in conjunction with the Rural Zone provisions – East Coast Overlay, West Coast Overlay, Mangawhai Harbour Overlay, Kaipara Harbour Overlay and Kai Iwi Lakes Overlay.

Who and how many will be affected, geographic scale of effects	<p>The management of rural land is a District wide issue as the District is predominately rural. 79.72% of the Kaipara District is proposed to be zoned General rural zone and 1.17% is proposed to be zoned Rural lifestyle zone. As such, the provisions of the two rural chapters in the PDP will have a significant impact on how rural landowners use and/or develop their land and will impact over 80% of the land area in the Kaipara District.</p> <p>The other key community stakeholders impacted by the rural zone provisions (other than landowners) include Māori landowners who have general title landholdings in rural zones (outside of the Māori Purpose Zone), primary production sector advocacy groups e.g. Horticulture New Zealand and Federated Farmers and residents/business owners that live and work in rural settlements and smaller rural communities.</p>	4
Degree of impact on or interest from Māori	<p>While there will still be some Māori affected by the rural zone provisions as individual property and business owners and residents, this impact will be lessened by the fact that many Māori landholdings in rural areas have been zoned Māori purpose zone as opposed to one of the rural zones.</p> <p>The provisions of the General rural and Rural lifestyle zones may affect the ability to use and develop Māori owned general title land within these zones but there are specific provisions in the General rural chapter, e.g. Policy GRUZ-P6, to ensure that there are sufficient development opportunities available for Māori, particularly for papakāinga.</p> <p>Iwi feedback on the draft provisions did not raise major issues or concerns (see Table 2), noting that some of the issues raised by iwi have been responded to in other parts of the PDP as opposed to in the rural chapters.</p>	2

	Overall, it is considered, the provisions will have a moderate impact on Māori and Tangata Whenua/Mana Whenua.	
Timing and duration of effects	The effect of the proposed rural provisions (both for land use and subdivision) will be ongoing throughout the life of the PDP. Although there is some uncertainty around when further changes to rural provisions may be required as a result of future changes to legislation or national direction, there is the potential for the rural provisions to impact consenting decisions for the next decade or beyond.	3
Type of effect	<p>The types of effects that can occur in a rural environment can be both acute and immediate (e.g. odour and dust effects from a new rural industry or intensive primary production activity) or longer-term changes that impact the amenity and character of the rural environment over time (e.g. the cumulative impacts of rural subdivisions, construction of buildings, non-rural activities establishing etc).</p> <p>The direct effects of land use and subdivision consent decisions are often most noticed by immediately adjoining landowners but, over time, can lead to wider economic, social and environmental implications for the entire District.</p>	3
Degree of risk or uncertainty	The RMA provides clear direction to territorial authorities to sustainably manage natural and physical resources, which includes the rural environment of Kaipara. There is also clear direction in the NPS-HPL and NRPS to protect highly productive land and versatile soils so that they can be used by land-based primary production activities for future generations. The rural provisions in the PDP are comparable to other recently prepared district plans and adopt approaches that are considered good practice, particularly the use of a Rural lifestyle zone as the preferred location for rural lifestyle subdivisions, the use of setbacks to manage reverse sensitivity effects and keep incompatible	3

	activities separate and specific provisions to direct non-productive land uses away from HPL. From this perspective the regulatory risk associated with the provisions is low. However current uncertainty around future changes to the resource management framework and/or national direction instruments makes it difficult to address all uncertainty risk (refer to Attachment 1 for consideration of future changes to higher order documents).	
Total (out of 35):		23

15. Is it considered that the rural topic is of **moderate** scale and significance. The fact that the General Rural and Rural Lifestyle Zones apply to just over 80% of the Kaipara District and are structurally different to the KDP contribute to this moderate rating, however the degree of alignment between the two rural chapters and higher order documents (as well as other comparable District plans) means that the scale and significance of the change is not considered to be high. The provisions in the General Rural and Rural Lifestyle chapters reflect (and give effect to) the direction provided by the NPS-HPL and the NRPS, which have gone through a statutory approval process and have been adopted. The PDP provisions have been developed in the context of current practice across New Zealand. Feedback on the draft plan was mixed, with strong primary sector and regional council support for the draft version, but concerns raised from the landowner/development sectors about the four-zone approach⁵ and perceived overly restrictive approach to subdivision (refer to Attachment 4 for a more detailed summary of feedback on the draft District plan).
16. The level of detail in this evaluation report is appropriate for the level of effects anticipated.

2. SUMMARY OF ADVICE RECEIVED FROM IWI

17. S32 requires evaluation reports to summarise all advice concerning the proposal received from iwi authorities under Clauses 3(1)(d) and 4A of Schedule 1 of the RMA. The s32 evaluation reports must summarise the response to the advice received, including any provisions of the proposal that are intended to give effect to the advice. Table 2 below summarises the consultation undertaken and advice received from iwi authorities in relation to the rural chapter and associated subdivision minimum lot sizes.

⁵ The draft Kaipara District Plan proposed four zones – A Rural production zone, a General rural zone, a Rural lifestyle zone and a Settlement zone. This has been refined in the PDP to a General rural zone and a Rural lifestyle zone.

TABLE 2: SUMMARY OF ADVICE RECEIVED FROM IWI

Details of the consultation process	Summary of advice concerning the proposal received from iwi authorities	Summary of the response to the advice received
Ngā Tai Ora provided feedback via a submission on the DKDP	<ol style="list-style-type: none"> Reverse sensitivity is a significant resource management issue with regard to public health and wellbeing where sensitive activities locate near nuisance creating activities (dust, noise, odour). Reverse sensitivity effects should be 'avoided', not 'minimised' or 'managed'. Introduce additional standards to manage effects at zone interfaces, particularly between low intensity and high intensity land uses (e.g. dry stock to horticulture). Support for setbacks of 300m from intensive indoor primary production activities and 500m from mineral extraction and/or quarrying activities. Setbacks from unsealed roads to manage adverse dust effects should be considered. 	<ol style="list-style-type: none"> Reverse sensitivity has been elevated as an issue in both the General rural and Rural lifestyle chapters (see GRUZ-O2, GRUZ-P3 and GRUZ-P6 and RLZ-O3, RLZ-P3 and RLZ-P4). Note that these objectives and policies generally use the words 'protected from' or 'avoid'. Rules and standards have either been retained from the DKDP or have been introduced to keep incompatible activities separate, including the intensive indoor primary production and mineral extraction/quarrying setbacks. No specific setbacks from unsealed roads are proposed, however general setbacks from boundaries are considered sufficient to manage dust effects.
Te Uri o Hau and Te Roroa provided feedback via a submission on the DKDP	<ol style="list-style-type: none"> All references to 'papakāinga' should be amended to 'papakāinga housing'. 	<ol style="list-style-type: none"> The term 'papakāinga housing' has been used consistently in the General rural zone chapter

	<p>2. Need to consider the impact of activities in the rural zones where they interface with the Māori purpose zone, particularly where there are existing sensitive activities on Māori purpose zone land. This may include the use of setbacks (up to 300m was suggested).</p> <p>3. Should include objectives and policies that recognise the relationship of Māori to their ancestral lands in both the General rural and Rural lifestyle zones.</p> <p>4. No specific feedback on subdivision provisions in the rural environment.</p>	<p>2. No specific setbacks or other types of provisions have been included to manage the interface between the rural zones and the Māori purpose zone. It is anticipated that the provisions relating to protecting Sites of significance to Māori will achieve the protection of sensitive sites.</p> <p>3. No specific objectives or policies have been included to recognise the relationship of Māori with their ancestral lands on the basis that the majority of Māori owned land has been zoned Māori purpose zone.</p>
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3. EVALUATION OF OBJECTIVES

3.1. Appropriateness in Terms of Purpose of RMA

18. In accordance with s32 of the RMA, the extent to which each objective proposed in the PDP is the most appropriate way to achieve the purpose of the RMA is required to be evaluated.
19. The objectives proposed for the General rural chapter are provided in Table 3.

TABLE 3: S32 ASSESSMENT OF PROPOSED GENERAL RURAL CHAPTER OBJECTIVES
Proposed General rural Objectives
<p>GRUZ-O1 Purpose of the General rural zone</p> <p>The purpose of the General rural zone is to:</p> <ol style="list-style-type: none"> 1. Enable primary production activities; 2. Provide for ancillary activities that support primary production; and

3. Restrict incompatible activities that do not have a functional or operational need to be in a rural environment.

GRUZ-O2 Primary production activities

Primary production activities are the predominant land use in the General rural zone and are protected from reverse sensitivity effects that may constrain their effective or efficient operation.

GRUZ-O3 Highly productive land

Highly productive land is protected from inappropriate land use and is able to be used for land-based primary production, both now and for future generations.

GRUZ-O4 Rural character and amenity values

The rural character and amenity values associated with a rural working environment are maintained.

4. The objectives proposed for the Rural lifestyle chapter are provided in Table 4.

TABLE 4: S32 ASSESSMENT OF PROPOSED RURAL LIFESTYLE CHAPTER OBJECTIVES

Proposed Rural lifestyle Objectives

RLZ-O1 Land use activities

The Rural lifestyle zone is used predominantly for low density residential activities and small-scale primary production activities that are compatible with the rural lifestyle character and amenity values of the zone.

RLZ-O2 Rural lifestyle character and amenity values

The rural lifestyle character and amenity values of the Rural lifestyle zone are maintained or enhanced.

RLZ-O3 Primary production activities in the General rural zone

Development in the Rural lifestyle zone does not compromise the efficient and effective operation of primary production activities in the adjacent General rural zone.

5. Part 2 of the RMA outlines the purpose and principles of the RMA, and Table 5 identifies the relevant sections of Part 2 of the RMA for each of the objectives in the General rural zone.

TABLE 5: RELEVANCE OF PROPOSED GENERAL RURAL OBJECTIVES WITH PART 2 OF THE RMA

		Proposed General Rural Objectives			
		GRUZ-O1	GRUZ-O2	GRUZ-O3	GRUZ-O4
RMA Part 2 Sections	5(2)	✓	✓	✓	✓
	6(e)	✓			
	7(b)	✓	✓	✓	
	7(c)				✓
	7(e)				
	7(f)	✓			✓
	7(g)	✓		✓	

6. Table 6 identifies the relevant sections of Part 2 of the RMA for each of the objectives in the Rural Lifestyle Zone.

TABLE 6: RELEVANCE OF PROPOSED RURAL LIFESTYLE OBJECTIVES WITH PART 2 OF THE RMA

		Proposed Rural Lifestyle Objectives		
		RLZ-O1	RLZ-O2	RLZ-O3
RMA Part 2 Sections	5(2)	✓	✓	✓
	7(b)	✓		✓
	7(c)	✓	✓	
	7(f)	✓	✓	

Section 5 RMA

7. The purpose of the RMA in section 5 is to promote the sustainable management of natural and physical resources, which is defined in section 5(2) as managing the use, development and protection of natural and physical resources in a way that enables people and communities to provide for their social, economic and cultural wellbeing while achieving the matters set out in clause (a)-(c). In particular, section 5(2)(a) requires that the potential of natural and physical resources be sustained to meet the reasonably foreseeable needs of future generations and section 5(2)(b) requires the life-supporting capacity of soil to be safeguarded.
8. With respect to section 5 and the General rural zone objectives:

- a. GRUZ-O1 provides for sustainable management by outlining the purpose of the General rural zone and specifying the activities that are enabled, provided for and restricted in the zone. This ensures that the natural and physical resources of the rural environment are used by the activities that have a functional or operational need to be in that environment. This will also enable people who live and work in the General rural zone to provide for their social and economic wellbeing through primary production activities and associated ancillary activities that support primary production.
 - b. GRUZ-O2 relates to protecting primary production activities from reverse sensitivity effects, which ensures that they can continue to establish and operate in the General rural zone. This will ensure that these activities are able to use the rural land resource to meet the reasonably foreseeable needs of current and future generations, e.g. ensuring a supply of food and a thriving primary production sector.
 - c. Similarly to GRUZ-O2, GRUZ-O3 relates to protecting HPL so that it can be used to meet the reasonably foreseeable needs of current and future generations. It also directs that the life-supporting capacity of soil (being a component of HPL) is safeguarded by protecting it from inappropriate land use.
 - d. GRUZ-O4 directs that the rural character and amenity values associated with a rural working environment are maintained, which relates to providing for the social, economic and cultural well-being of people through being able to live, work and enjoy being in the General rural zone environment.
9. With respect to section 5 and the Rural lifestyle zone objectives:
 - a. RLZ-O1 provides for sustainable management by specifically outlining the land use activities that are enabled in the Rural lifestyle zone. This ensures that the natural and physical resources of the zone are used appropriately by a mix of low density residential and small-scale primary production activities.
 - b. RLZ-O2 directs that the rural lifestyle character and amenity values associated with a rural lifestyle environment are maintained or enhanced, which relates to the social and cultural well-being of people being able to live and enjoy being in the Rural lifestyle zone environment.
 - c. RLZ-O3 relates to protecting primary production activities in the General rural zone from reverse sensitivity effects resulting from development in the Rural lifestyle zone. Similarly to GRUZ-O2, this objective ensures that primary production activities are able to use the rural land resource to meet the reasonably foreseeable needs of current and future generations.
10. The proposed objectives for both rural zones address a key resource management issue (being the management of the rural land resource in the Kaipara District) and will seek to protect natural and physical resources and promote sustainable management in the District.

Section 6 RMA

11. There are no specific section 6 matters of national importance relating to management of land in a rural environment or the protection of HPL. However, there are other section 6 matters that are relevant in a rural context, which include preservation of natural character and the protection of outstanding natural features and landscapes, areas of significant indigenous vegetation/habitats, public access, relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga, historical heritage and natural hazards where these features or situations are located in the rural environment. The PDP mainly uses overlays to manage these features and objectives to address these section 6 matters are contained within the overlay chapters.
12. Section 6(e), (being the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wahi tapu, and other taonga) is somewhat provided for through GRUZ-O1, which recognises that compatible activities can establish in the General rural zone where they have a functional or operational need to be in a rural environment. Implementing policy GRUZ-P6 confirms that papakainga is a compatible activity in the General rural zone where there is a clear relationship between Māori and their ancestral land.

Section 7 RMA

13. The following section 7 matters are directly relevant to the rural environment:
 - (b) The efficient use and development of natural and physical resources*
 - (c) The maintenance and enhancement of amenity values*
 - (f) Maintenance and enhancement of the quality of the environment*
 - (g) Any finite characteristics of natural and physical resources*
14. The objectives of the General rural and Rural lifestyle zones collectively aim for the efficient use and development of natural and physical resources, through setting clear outcomes and expectations for the key activities to be enabled and protected and the anticipated character and amenity values for each zone. This includes ensuring that primary production activities are enabled in both rural zones at a scale appropriate for each zone; that HPL (a finite resource) is protected from inappropriate land use and is able to be used for land-based primary production in the General rural zone; and that reverse sensitivity effects (both within each zone and at the interface between zones) are managed appropriately to ensure primary production activities can operate efficiently.
15. More specifically, sections 7(b) and 7(g) are directly given effect to through GRUZ-O1 and GRUZ-O3, which work together to ensure land in the General rural zone is used for primary production activities and is protected from inappropriate activities to ensure its efficient use. GRUZ-O3 specifically protects HPL (as required by the NPS-HPL) to ensure this finite resource can be safeguarded for land-based

primary production for both current and future generations. GRUZ-O4 seeks to ensure the rural character and amenity values of the rural working environment are maintained, giving effect to sections 7(c) and 7(f).

16. In the Rural lifestyle zone, RLZ-O1 and RLZ-O2 focus on the expected rural lifestyle character and amenity values of the zone, giving effect to sections 7(c) and 7(f). RLZ-O1 and RLZ-O3 aim to ensure activities are compatible, both within the zone and between zones, to avoid reverse sensitivity effects and allow primary production activities to operate efficiently, which gives effect to section 7(b).

Section 8 RMA

17. There are no specific objectives in either the General rural or Rural lifestyle zones that give effect to section 8 of the RMA. However, the PDP as a whole has been drafted to take into account the principles of the Treaty of Waitangi and objectives in other PDP chapters address this more specifically.

Summary of Evaluation of the General rural and Rural lifestyle zone objectives

18. Overall, the proposed objectives seek to effectively manage land use activities in the Kaipara rural environment in a manner that is consistent with the purpose of the RMA, the NPS-HPL and the NRPS. This includes providing clear direction as to which activities are appropriate/not appropriate in the General rural and Rural lifestyle zones, strong provisions to manage reverse sensitivity effects and provisions to protect HPL for land-based primary production activities.
19. The objectives recognise that the rural environment is an important resource that is relied upon for the economic, social and cultural wellbeing of rural people and communities and that it needs to be managed in a way that enables core primary production activities to continue, while also enabling some opportunities for people to live and work in a rural environment in a way that does not create reverse sensitivity effects or conflicts between activities.
20. The objectives for the General rural and Rural lifestyle zones provide clear direction, will not result in unjustifiably high costs for communities, and are able to be achieved within the Council's functions, powers, and resources. In this regard, *'the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the District'* is a function of Territorial Authorities under section 31(1)(a) of the RMA.
21. Having assessed the proposed objectives of both the General rural and Rural lifestyle zones against Part 2 of the RMA, it is considered that they are the most appropriate way to achieve the purpose of the RMA.

4. EVALUATION OF THE PROVISIONS

4.1. Introduction

22. S32 evaluations must determine whether the proposed provisions are the most appropriate way to achieve the proposed objectives. The General rural zone chapter contains four objectives and the Rural lifestyle zone chapter contains three objectives. This s32 evaluation must assess whether the proposed provisions are the most appropriate to achieve the proposed objectives for each rural zone. This must include the identification of alternatives, and cost / benefit analysis of the economic, social, environmental and cultural effects of the provisions, including whether opportunities for economic growth and employment are reduced or increased. The risk of acting or not acting where uncertain information exists must also be considered.
23. Both the General rural and Rural lifestyle zone chapters propose a number of new provisions, including policies, rules, standards, and matters of discretion. The following sections of this report will identify the range of options available for each zone, and the efficiency and effectiveness of the preferred provisions.

4.2. Reasonably Practicable Options

24. The following reasonably practicable options have been identified and assessed with regard to the General rural and Rural lifestyle zone chapters:
 - a. **Option 1 – Status Quo:** ‘Roll over’ existing approach in the KDP. This has been discounted as the current provisions do not give effect to either the NPS-HPL or the NRPS and hence do not comply with the RMA. As such, this option is not assessed further below.
 - b. **Option 2 – The Kaipara District Plan Exposure Draft (DKDP):** This option involves managing Kaipara’s rural environment through four different types of zones – A Rural production zone for the most productive land in the District, a Rural lifestyle zone to provide specific locations where smaller lots to enable people to live in a rural environment are encouraged, a Settlement zone to manage development in small, unserviced settlements in rural and coastal parts of the District and a General rural zone to manage the balance of rural land. This option is considered below, in comparison to the preferred option.
 - c. **Option 3 – A General rural zone and a Rural lifestyle zone:** This option is a simplified version of Option 2 that streamlines the number of rural chapters needed to manage Kaipara’s rural environment. This option manages Kaipara’s most productive rural land through specific provisions designed to protect HPL (as opposed to a separate zone). This is the preferred option and is presented (in Table 7) and assessed (in Table 8) below.
25. In order to identify these options, the Council has undertaken the following:
 - a. A review of the current plan provisions and workshops with staff to understand how they work in practice, including implementation and other issues.

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- b. A review other District plan rural provisions and approaches (including District plans from other Northland territorial authorities as well as District plans from other comparable Districts nationally e.g. the Waikato District) and assessed how they could apply to the Kaipara District.
 - c. Workshops and discussions with elected members to seek input on:
 - i. The number of rural zones necessary to manage the rural environment.
 - ii. How to balance protecting HPL, ensuring the rural environment remains a viable location for primary production and giving effect to higher order documents with the need to protect the rights of landowners to use and develop their land.
 - iii. Consideration of costs and benefits of different approaches to managing land use and subdivision opportunities on rural land.
 - d. How best to avoid further fragmentation of HPL and potential reverse sensitivity effects on primary production activities while still providing rural lifestyle subdivision opportunities.
 - e. Released an 'Exposure Draft' to the public to identify any preliminary concerns regarding the general approach or specific provisions and reviewing the feedback/response (see Attachment 4).
26. The preferred option to achieve the General rural and Rural lifestyle objectives is Option 3 as it:
- a. Utilises a limited number of zones to reduce duplication of provisions, reduce complexity and length of the PDP and achieve more consistent application of provisions across the Kaipara rural environment. Although the National Planning Standards set out that multiple rural zones (the General rural zone, Rural production zone, Rural lifestyle zone and Settlement zone) can be used to manage rural land uses in District plans, the standards do not preclude the use of fewer zones.
 - b. Gives effect to the NPS-HPL and the NRPS with respect to protecting HPL for use by land-based primary production activities, both now and for future generations. Option 3 also does not pre-empt the regional mapping of HPL, which is to be undertaken by Northland Regional Council in the future.
 - c. Provides a balance between regulatory control to ensure the rural environment remains available for primary production activities but also allowing some opportunities for rural lifestyle subdivision, subject to appropriate management of off-site effects and the avoidance of reverse sensitivity effects. It also provides some opportunities for non-rural, non-productive activities that are not ancillary to primary production to establish in the General rural zone where they have a functional or operational need to be there, are compatible with primary production, are not impacting the availability or productive capacity of HPL and can avoid or mitigate reverse sensitivity effects.
 - d. Utilises targeted and efficient drafting of provisions to ensure that Council's discretion when considering resource consent applications is focused on the key matters relevant to each application.

- e. Aligns with current practice in a number of councils across New Zealand (recognising that there is no one consistent approach/model to drafting rural land use and subdivision provisions).

4.3. Preferred Option – Evaluation of Provisions

27. The provisions that are subject to evaluation are presented in Table 5 below.

TABLE 5: PREFERRED OPTION TO BE EVALUATED	
Option 3: General rural zone and Rural lifestyle zone	
<u>General rural zone</u>	
Objectives:	
GRUZ-O1	Purpose of the General rural zone
GRUZ-O2	Primary production activities
GRUZ-O3	Highly productive land
GRUZ-O4	Rural character and amenity values
Policies:	
GRUZ-P1	Activities that require a rural location
GRUZ-P2	Adverse effects of primary production
GRUZ-P3	Reverse sensitivity effects

GRUZ-P4	Rural character and amenity values
GRUZ-P5	Non-rural activities
GRUZ-P6	Limited communal housing opportunities
<p>Rules:</p> <p>The General rural zone contains 22 rules to manage a range of activities in the zone. This rule framework sets out rules for activities anticipated in the zone that support the zones' purpose to support primary production activities, its associated supporting activities and rural activities. It sets out clear rules around the establishment of houses and minor residential units in the zone and clearly identifies what activities are inappropriate in the zone such as non-complying commercial and industrial activities that do not support the purpose of the zone.</p> <p>The General rural zone rules are summarised below:</p> <p>GRUZ-R1 – Buildings and structures. This rule requires all buildings and structures in the GRUZ to comply with the four standards that manage the scale and location of buildings and structures. This rule also sets GFA limits for accessory buildings and greenhouses and directs that these buildings should not be located on HPL unless they support a land-based primary production activity.</p> <p>GRUZ-R2 - Agricultural, pastoral or horticultural activities or forestry activities not regulated by the NES-CF (excluding greenhouses and intensive indoor primary production). These activities are permitted provided they do not include any offensive trade.</p> <p>GRUZ-R3 - Residential unit (excluding minor residential units). This rule permits one residential unit per site less than 24ha, two residential units per site where the site is at least 24ha and is less than 36ha and three residential units on a site that is at least 36ha. This rule ensures additional housing that can be provided for specific uses such as the accommodation of farm workers and/or extended family at a low density (which is consistent with the minimum lot sizes for the zone) to help maintain the rural character and amenity values of the zone. Non-compliance with these conditions would require a discretionary activity resource consent.</p> <p>GRUZ-R4 - Minor Residential Unit. This rule permits one minor residential unit per site or the alteration or expansion of an existing minor residential unit where the unit shares vehicle access with the principal residential unit, is no more than 50m from the principal residential unit and has a maximum GFA of 90m². Proposals for minor residential units that do not share vehicle access with the principal residential unit or are located more than 50m from the principal residential unit require a restricted discretionary activity resource consent where matters of discretion are restricted to impacts on the transport network and adverse effects on the amenity of other sites or existing activities on other sites. Proposals for two or more minor residential units on a site or minor units with a GFA exceeding 90m² require a discretionary activity resource consent.</p>	

GRUZ-R5 - Home business. New home business or alteration and expansion to an existing home business are permitted where they take place in a residential unit, minor residential unit or accessory building with a GFA of no greater than 90m², where they meet the permitted activity conditions relating to paid childcare, hours of operation and offensive trade. Non-compliance with these conditions requires a discretionary activity resource consent, except for activities that include any offensive trade, which are a non-complying activity.

GRUZ-R6 - Visitor accommodation. New visitor accommodation or alteration or expansion to an existing visitor accommodation activity are permitted where this takes place in a residential, minor residential unit or accessory building with a GFA of no greater than 90m² and where no more than 10 visitors per night are accommodated per site. Non-compliance with these conditions requires a discretionary activity resource consent.

GRUZ-R7 - Conservation activities: This rule permits conservation activities (as defined under the definition of ‘conservation activity’ in the PDP).

GRUZ-R8 - Rural industry: A new rural industry or expansion or alteration to an existing rural industry is permitted where the activity has a maximum GFA of 500m² per site, where there is no more than one rural industry per site, no offensive trade is proposed, and it is not located on HPL. Non-compliance requires a discretionary activity resource consent and any activities involving offensive trade are a non-complying activity.

GRUZ-R9 - Emergency service facilities: Permitted where they are not located on HPL. A discretionary activity where services are proposed on HPL.

GRUZ-R10 - Construction of buildings within the Dargaville airfield specific control layer: Ancillary buildings and structures to the Dargaville Airfield where those buildings or structures do not exceed 12m high and are set back 5m from the road and site boundaries are permitted. Non-compliance with these conditions requires a restricted discretionary activity resource consent.

GRUZ-R11 - Papakāinga Housing: Restricted discretionary activity for papakāinga housing where the activity is on General Title land owned by Māori or land transferred to iwi under Treaty Settlement Legislation or land that has been converted to Māori freehold land. Non-compliance with these conditions requires a discretionary activity.

GRUZ-R12 - Intensive indoor primary production: Restricted discretionary activity where buildings housing animals are set back 300m from sensitive activities on a site under separate ownership. Buildings unable to meet the 300m set back requirement are a discretionary activity.

GRUZ-R13 – Communal housing: Restricted discretionary activity where there are no more than 5 residential units sharing a site, where the site is greater than 10ha, where the residential units are clustered so that no unit is further than 50m away from another residential unit and where the residential units are not located on HPL. Failing to meet the restricted discretionary conditions is a discretionary activity.

GRUZ-R14 - Domestic animal boarding/breeding: Discretionary activity.

GRUZ-R15 - Community facility: Discretionary activity.

GRUZ-R16 - Refuse transfer station: Discretionary activity.

GRUZ-R17 – Any activity not provided for as permitted, controlled, restricted discretionary or non-complying: Discretionary activity.

GRUZ-R18 - Educational facilities: Discretionary activity.

GRUZ-R19 - Commercial activity: Non-complying activity.

GRUZ-R20 - Industrial activity (excluding rural industry): Non-complying activity.

GRUZ-R21 – Healthcare activities: Non-complying activity.

GRUZ-R22 – Retirement villages: Non-complying activity.

Standards:

The General rural zone contains four standards to manage the scale and location of buildings and structures in the zone. These are summarised as follows:

GRUZ-S1 – Height building and structures. Sets a standard zone height of 10m for all buildings and structures, with alternative height standards for frost fans and crop protection structures and exemptions for chimneys and architectural features. Non-compliance requires consent for a restricted discretionary activity, with matters covering effects on rural character and amenity values.

GRUZ-S2 – Setbacks - all boundaries. Requires a 10m setback from every site boundary, with exemptions for structures like fences, swimming pools and water tanks. Non-compliance requires consent for a restricted discretionary activity, with matters covering effects on rural character and amenity values.

GRUZ-S3 – Setbacks from waterbodies and the coastal marine area. Requires a variety of setbacks depending on the type and size of the waterbody or whether the building or structure is near the coastal marine area. The standard includes several exemptions, such as for rivers and streams with an average bed size of less than 1m, fences, and for infrastructure operated by a network utility operator. Non-compliance requires consent for a restricted discretionary activity, with matters such as effects on natural character and amenity of the waterbody, impacts on public access and natural hazard mitigation.

GRUZ-S4 – Setbacks for reverse sensitivity. Requires that all buildings used for sensitive activities are setback from intensive indoor primary production activities, existing mining or quarrying activities and the 'Maungaturoto Dairy Factory Noise Sensitive Area'. Non-compliance requires consent for a discretionary activity.

Rural lifestyle zone

Objectives:

- | | |
|--------|---|
| RLZ-O1 | Land use activities |
| RLZ-O2 | Rural lifestyle character and amenity values |
| RLZ-O3 | Primary production activities in the General rural zone |

Policies:

- | | |
|--------|--|
| RLZ-P1 | Rural lifestyle character and amenity values |
| RLZ-P2 | Allow certain complementary and ancillary activities |
| RLZ-P3 | Avoid incompatible development |
| RLZ-P4 | Reverse sensitivity effects on the adjacent General rural zone |

Rules:

The Rural lifestyle zone contains 19 rules to manage a range of activities in the zone. This rule framework sets out rules for activities anticipated in the zone that support the zones' purpose to support low density residential and small-scale primary production activities. It sets out clear rules around the establishment of houses and minor residential units in the zone and clearly identifies what activities are inappropriate in the zone such as non-complying commercial and industrial activities that do not support the purpose of the zone.

The Rural lifestyle zone rules are summarised below:

RLZ-R1 – Buildings and structures. This rule requires all buildings and structures in the RLZ to comply with the six standards that manage the scale and location of buildings and structures.

RLZ-R2 – Residential unit (excluding minor residential units). Permitted where there is only one residential unit per site. More than one residential unit on a site is non-complying.

RLZ-R3 – Minor residential unit. This rule permits one minor residential unit per site or the alteration or expansion of an existing minor residential unit where the unit shares vehicle access with the principal residential unit, is no more than 50m from the principal residential unit and has a maximum GFA of 90m². Proposals for minor residential units that do not share vehicle access with the principal residential unit or are located more than 50m from the principal residential unit require a restricted discretionary activity resource consent where matters of discretion are restricted to impacts on the transport network and adverse effects on the amenity of other sites. Proposals for two or more minor residential units on a site or minor residential units with a GFA exceeding 90m² require a discretionary activity resource consent.

RLZ-R4 – Agricultural, pastoral or horticultural activities, or forestry activities not regulated by the NES-CF (excluding intensive indoor primary production). Permitted where the activity does not involve an offensive trade. An activity involving an offensive trade is non-complying.

RLZ-R5 – Home business. New home business or alteration and expansion to an existing home business are permitted where they take place in a residential unit, minor residential unit or accessory building with a GFA no greater than 90m², where they meet the permitted activity conditions relating to paid childcare, hours of operation and offensive trade. Non-compliance with these conditions requires a discretionary activity resource consent except for activities that include any offensive trade which are a non-complying activity.

RLZ-R6 – Visitor accommodation. New visitor accommodation or alteration or expansion to an existing visitor accommodation activity are permitted where this takes place in a residential, minor residential unit or accessory building with a GFA no greater than 90m², and where no more than 10 visitors per night are accommodated per site. Non-compliance with these conditions requires a discretionary activity resource consent.

RLZ-R7 – Conservation activity. This rule permits conservation activities (as defined under the definition of 'conservation activity' in the PDP).

RLZ-R8 – Rural industry or commercial activity. Discretionary activity where the activity area has a maximum GFA of 100m², where there is no more than one rural industry or commercial activity per site, where all manufacturing and processing activities are carried out within a building and where the activity does not include an offensive trade. Non-compliance with these conditions is a non-complying activity.

RLZ-R9 – Community facility. Discretionary activity.

RLZ-R10 – Educational facility. Discretionary activity.

RLZ-R11 – Any activity not provided for as permitted, controlled, restricted discretionary or non-complying. Discretionary activity.

RLZ-R12 – Refuse transfer station. Non-complying activity.

RLZ-R13 – Industrial activity. Non-complying activity.

RLZ-R14 – Healthcare activities. Non-complying activity.

RLZ-R15 – Intensive indoor primary production. Non-complying activity.

RLZ-R16 – Correctional facility. Non-complying activity.

RLZ-R17 – Retirement villages. Non-complying activity.

RLZ-R18 – Domestic animal boarding/breeding. Non-complying activity.

RLZ-R19 – Communal housing. Non-complying activity.

Standards:

The Rural lifestyle zone contains six standards to manage the scale and location of buildings and structures in the zone, as well as site coverage. These are summarised as follows:

RLZ-S1 – Height - building and structures. Sets a standard zone height of 10m for all buildings and structures, with exemptions for chimneys and architectural features. Non-compliance requires consent for a restricted discretionary activity, with matters covering effects on amenity values.

RLZ-S2 – Setbacks - all boundaries. Requires a 10m setback from every site boundary, with exemptions for structures like fences, swimming pools and water tanks. Non-compliance requires consent for a restricted discretionary activity, with matters covering effects on amenity values.

RLZ-S3 – Setbacks from waterbodies and the coastal marine area. Requires a variety of setbacks depending on the type and size of the waterbody or whether the building or structure is near the coastal marine area. The standard includes several exemptions, such as for rivers and streams with an average bed size of less than 1m, fences, and for infrastructure operated by a network utility operator. Non-compliance requires consent for a restricted discretionary activity, with matters such as effects on natural character and amenity of the waterbody, impacts on public access and natural hazard mitigation.

RLZ-S4 – Building coverage. Sets a maximum 10% of net site area that can be covered by buildings, or 1,000m², whichever is the lesser. Non-compliance requires consent for a restricted discretionary activity, with matters such as stormwater mitigation, site constraints and effects on amenity values.

RLZ-S5 – Building setback for reverse sensitivity. Requires that all buildings used for sensitive activities are setback from intensive indoor primary production activities and existing mining or quarrying activities. Non-compliance requires consent for a non-complying activity.

RLZ-S6 – Impervious surfaces. Sets a maximum 20% of net site area that can be covered by impervious surfaces, or 1,000m², whichever is the greater. Non-compliance requires consent for a discretionary activity.

Subdivision Minimum lot sizes⁶

SUB-S1 – Minimum allotment sizes

12ha minimum net site area in the General rural zone

4,000m² minimum net site area in the Rural lifestyle zone

Discretionary activity resource consent required if SUB-S1 is not complied with.

4.4. Evaluation of the Preferred Option

45. Table 6 provides an evaluation of the Preferred Option.

TABLE 6: EVALUATION OF PROVISIONS

Option 3 – General rural zone and Rural lifestyle zone

Benefits

Economic:

- Permits a wide range of compatible activities that are suitable to locate in a rural environment, such as primary production, home businesses and small-scale visitor accommodation. This has the potential to create opportunities for increased economic growth and employment related benefits and is likely to encourage further investment and confidence in the sector. This will help the primary sector to continue to operate efficiently and may help support primary sector export earnings.

⁶ This section 32 evaluation includes consideration of SUB-S1 as it applies to the GRUZ and RLZ due to the close relationship between the minimum lot size standards and the residential density enabled by GRUZ-R3 and RLZ-R3. The remainder of the subdivision provisions are evaluated in the subdivision section 32 evaluation report.

	<ul style="list-style-type: none"> • Economic benefits to landowners associated with multiple subdivision pathways for rural lifestyle development, both in the General rural zone (where this does not impact HPL and reverse sensitivity effects can be appropriately managed) and in the Rural lifestyle zone. • Provides a robust resource management framework to protect HPL, securing this finite resource for current and future generations and allowing it to support the local primary production sector. • Potential reduction in administrative and compliance costs resulting from a streamlined set of rural zones containing clear, activity-based provisions with refined matters of control and discretion that are easier for plan users to interpret compared to the KDP (Option 1) and the DKDP (Option 2). • Generally consistent with best practice and gives effect to RMA, NPS-HPL and NRPS and therefore less likely subject to legal challenge and associated financial costs associated with plan development. • Does not pre-empt the regional mapping of HPL to be undertaken by the Northland Regional Council, meaning no rezoning work required to align with any future NRPS HPL maps (compared to Option 2 that protects HPL using a Rural production zone) and associated cost savings with avoiding this rework. <p>Social:</p> <ul style="list-style-type: none"> • Provides clarity and certainty to the community regarding the outcomes and likely nature and level of development anticipated in rural areas. • Two zones with separate, distinct functions ensures that the Kaipara rural environment is managed through a simple and clear zone structure (and associated provisions) that will be easier for people to understand and apply than both the status quo (Option 1) and the DKDP (Option 2).
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	<ul style="list-style-type: none"> • Providing opportunities for other activities that support the primary production sector or have a functional or operational need to locate in a rural environment (and are compatible with primary production activities). This will provide local employment opportunities, both in the primary production sector and supporting activities but also in other sectors. This helps to support local communities by providing places to work in close proximity to where people live. • Providing rural lifestyle subdivision opportunities, both in the General rural zone (where this does not impact HPL and reverse sensitivity effects can be appropriately managed) and in the Rural lifestyle zone, enables people to live and work in the rural environment. This supports the ongoing viability of rural communities, supports local services in rural settlements and creates opportunities for generations of families to live in close proximity to each other in a rural setting. • The provisions support the protection of HPL for use in land-based primary production. This supports achieving food security for the local community, both currently and for future generations. • Setbacks from waterbodies (including the coastal marine area) ensure that buildings and structures do not adversely impact on the ability to provide esplanade reserves and strips, which enable public access to these waterbodies. Enabling public access to waterbodies has social benefits linked to people's enjoyment of areas near waterbody margins and enabling opportunities for recreational activities. <p>Environmental:</p> <ul style="list-style-type: none"> • The provisions (particularly of the General rural zone) will ensure the finite nature of HPL is protected from undue fragmentation and inappropriate land use and subdivision to protect and secure this resource for current and future generations. • The provisions provide strong direction to avoid where possible, or otherwise mitigate, reverse sensitivity effects that may constrain the effective and efficient operation of primary production activities, particularly through the use of setbacks within rules and also
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	<p>specific setback standards. These provisions apply both within the General rural zone and also in parts of the Rural lifestyle zone that interface with the General rural zone.</p> <ul style="list-style-type: none"> • The provisions direct land uses that are either incompatible with primary production activities or better located in an urban environment (such as industrial activities, retirement villages and healthcare activities) away from the rural environment by utilising a non-complying activity status. This ensures that the rural land resource is retained for activities that require a rural location or for people who wish to live in a rural environment. • The policies of the General rural and Rural lifestyle zones provide greater clarity and certainty regarding the rural character and amenity values associated with different parts of the rural environment, particularly when compared to the status quo (Option 1). • Both rural zones provide an appropriate level of control over built form and scale of development relative to the role and purpose of each zone through the use of standards applying to buildings and structures. The level of built form intensification provided for by the height, coverage and setback standards is consistent with the predominant rural character and amenity anticipated in each zone. • Setbacks from waterbodies (including the coastal marine area) ensures that buildings and structures do not create adverse environmental effects on the natural character and amenity values waterbodies or exacerbate natural hazard risk. <p>Cultural:</p> <ul style="list-style-type: none"> • Papakāinga housing is expressly anticipated and provided for in the General rural zone (GRUZ-R11). Some non-residential activities that provide for the employment and cultural needs of Tangata Whenua/Mana Whenua (particularly activities related to the primary production sector) are also enabled in both the General rural and Rural lifestyle zones. • Setbacks from waterbodies (including the coastal marine area) ensures that buildings and structures do not adversely affect the mauri of waterbodies or unreasonably restrict access by Tangata Whenua/Mana Whenua to culturally important waterbodies.
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<p>Costs</p>	<p>Economic:</p> <ul style="list-style-type: none"> Initial uncertainty for plan users and Council staff when interpreting and administering the new General rural and Rural lifestyle zone provisions and subdivision pathways compared to the status quo (Option 1). This results in additional costs associated with training Council staff and providing advice to the public about interpreting the new rural provisions. Potential opportunity costs for landowners due to some subdivision pathways being removed (e.g. Rural amenity lot subdivisions for lots existing at the date of notification of the KDP). Potential reduction in employment opportunities in some locations due to provisions that constrain industrial and commercial activities in the rural environment compared to the status quo (Option 1). However, there are more appropriate zones for these types of activities i.e. Mixed Use, Heavy and Light Industrial, and the provisions in these zones are more enabling than the KDP framework for the rural zone to assist with offsetting this cost. Increased cost of consent administration and compliance. Some opportunity costs for landowners that own land containing HPL as there are fewer land use and subdivision options considered appropriate for HPL. <p>Social/Cultural:</p> <ul style="list-style-type: none"> Some limits on rural lifestyle subdivision opportunities in the General rural zone and limits on non-primary production land use activities across both rural zones may impact the ability of landowners (including Tangata Whenua/Mana Whenua) from achieving development aspirations for their land, noting that these costs are likely to be more than the status quo (Option 1) but less than under the DKDP (Option 2).
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	<p>Environmental:</p> <ul style="list-style-type: none"> Rural lifestyle subdivision provisions in the General rural zone may result in further fragmentation of land parcels that would otherwise have the potential to support rural land uses and/or may result in increased reverse sensitivity effects on primary production activities, noting that these costs are likely to be more than the status quo (Option 1) but less than under the DKDP (Option 2).
Opportunities for economic growth and employment	<ul style="list-style-type: none"> Potential for more growth and employment opportunities as the General rural zone provisions provide certainty and protection for the primary production sector, which may encourage further investment and confidence in the sector and enable primary production activities to continue to operate efficiently. This may also help support primary sector export earnings. Provides a robust resource management framework to protect HPL, securing this finite resource for current and future generations, supporting the local food supply chain and supporting the primary production sector and its associated jobs. The General rural zone and Rural lifestyle zone provisions may reduce some pressure for development and fragmentation of rural land for non-productive purposes by controlling the nature and extent of non-rural related activities locating in the General rural zone and providing alternative zones for these activities (e.g. Rural lifestyle zone for rural lifestyle development opportunities and urban zones for non-rural businesses). However, this is balanced by providing some pathways for these types of activities to establish in the General rural zone, provided they are not located on HPL, can demonstrate a functional or operational need to locate in a rural environment and comply with standards to manage potential reverse sensitivity effects. This balanced approach aims to secure and protect land supply for primary production activities to support the future longevity of the Kaipara primary production sector and its employment opportunities for the community, while also enabling landowner choice for how they use and develop their land.
Certainty and sufficiency of information	<p>It is considered that there is certain and sufficient information on which to base the proposed provisions as:</p>

	<ul style="list-style-type: none"> • They are based on clear policy direction in higher order documents, including the direction in the NPS-HPL and key provisions in the NRPS. The use of provisions such as minimum lot sizes, setbacks and additional limitations on the use of HPL to protect and manage land for primary production activities and separate incompatible land uses in rural areas are commonly used tools in District plans. • Although there is some uncertainty about the extent of HPL in the Kaipara District (as this has not yet been mapped by the Northland Regional Council) the provisions of the rural zones have been drafted to align with the NPS-HPL to the extent practicable (refer to Attachment 2) to protect potential HPL in advance of this mapping being undertaken. The PDP is required to give effect to the NPS-HPL as soon as practicable under clause 4.1(2) of the NPS-HPL. Clause 3.5(7) of the NPS-HPL also requires that territorial authorities apply the NPS-HPL from the date of commencement to all land that meets the transitional definition of HPL in that clause, until such time as the regional HPL mapping is made operative in a RPS. • The proposed provisions allow Council to undertake its function under Section 31(1)(a) of the RMA.
Risk of acting or not acting if there is uncertainty or insufficient information.	<ul style="list-style-type: none"> • For the reasons set out above, it is considered that there is certainty and sufficiency of information to base the proposed provisions with minimal risk or acting or not acting. • Not acting, which would retain the status quo (Option 1), will not align with the National Planning Standards and will not give effect to the NPS-HPL or the NRPS.
Effectiveness in achieving the objective(s)	<p>The proposed provisions are considered to be the most effective in achieving the proposed objectives because:</p> <ul style="list-style-type: none"> • The provisions are designed to drive positive outcomes for the rural environment, balance the need to protect the primary production sector with landowner desires for limited rural lifestyle development in appropriate locations, effectively manage reverse sensitivity issues within and between rural zones and protect HPL.

	<ul style="list-style-type: none"> • The provisions are more effective at achieving the objectives compared to the provisions of the KDP as they include clear activity rules that support primary production activities and associated activities, protect HPL in the General rural zone and support low density residential activities and other compatible activities in the Rural lifestyle zone. An activity-based approach to rule drafting is more effective at achieving the zone objectives compared to the effects-based KDP approach as it makes clear links between the outcomes sought for each zone and the range of anticipated activities in the zone that will achieve those outcomes, as well as identifying upfront the types of activities that will not assist with achieving the zone objectives. • The provisions in the General rural zone achieve a balance between protecting HPL and providing a permitted pathway for rural production activities and other key activities anticipated in the rural environment that are essential and/or important to the economic, social and cultural well-being of the Kaipara District. This approach is considered the most effective way to achieve Objective GRUZ-O3, which seeks to protect HPL for land-based primary production and objectives GRUZ-O1 and GRUZ-O2, which seek to enable and protect primary production activities in the General rural zone. • Similarly, the provisions in the Rural lifestyle zone that make low density residential development (including minor residential units) and agricultural, horticultural and pastoral activities permitted activities (provided they comply with relevant height, coverage and setback standards) effectively achieve RLZ-O1. A mixture of activity rules and setbacks to manage potentially incompatible activities (e.g. the non-complying activity status of industrial activities and intensive indoor primary production and the setbacks in RLZ-S5) effectively achieve RLZ-O3. • The provisions in both rural zones provide greater clarity and certainty regarding the character and amenity values associated with the rural environment compared to the status quo. The provisions achieve this by setting appropriate levels of control over the built form and scale of development relative to the role and purpose of each rural zone, along with enabling a level of intensification that is consistent with the anticipated character and amenity values set out in GRUZ-O4 and RLZ-O2. These include specific height and setback requirements from boundaries, roads, waterbodies and situations where reverse sensitivity issues may arise, plus coverage
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	<p>standards in the Rural lifestyle zone to effectively manage development levels given the higher density of development enabled in that zone.</p> <ul style="list-style-type: none"> The provisions allow for Papakāinga housing on Māori owned general title land and Treaty Settlement land located in the General rural zone, as well as non-residential activities in both rural zones that provide employment opportunities for Tangata Whenua/Mana Whenua on their land where it is located outside of the Māori purpose zone.
Efficiency in achieving the objective(s)	<p>The proposed provisions are considered to be the most efficient in achieving the proposed objectives because:</p> <ul style="list-style-type: none"> Drafting the provisions of both rural zones in an ‘activity-based’ format as opposed to an ‘effects-based’ format is a more efficient way to give effect to the objectives of the General rural and Rural lifestyle zones compared to the status quo (Option 1, being an ‘effects-based’ plan). Explicitly stating which activities are enabled in each zone, and setting clear parameters around when certain other activities can also be appropriate ensures that the provisions are simple and easy for plan users to understand, reducing time and costs associated with interpreting provisions. Structuring the PDP using two rural zones as opposed to either one zone (status quo, Option 1) or four zones (DKDP, Option 2) is considered to be the most efficient way to give effect to the rural zone objectives. A single rural zone does not provide enough direction as to where rural lifestyle development in the Kaipara District is most appropriate, however four rural zones could be considered to duplicate provisions (particularly the Rural production and General rural zones in the DKDP) and add in additional unnecessary complexity. A two-zone approach is considered to be the most efficient way to balance the need for a simple, streamlined PDP with minimal duplication and complexity, but also provide sufficient direction around rural lifestyle development opportunities and ensure that these opportunities are supported and enabled by the PDP in the most appropriate parts of the Kaipara District.

	<ul style="list-style-type: none"> • Reduced complexity in the subdivision chapter with respect to minimum lot sizes in the rural environment (in conjunction with an overall simplification of the subdivision pathways in the rural zones⁷) is a more efficient way of enabling subdivision opportunities where there is a desire of rural landowners to do so, compared to the multiple complex pathways to subdivision in the KDP (Option 1). Smaller minimum lot sizes than those included in the DKDP (12ha and 4,000m² respectively in the GRUZ and RLZ under the PDP compared to 20ha and 1-2ha in the GRUZ and RLZ in the DKDP) will also result in the more efficient use of rural land and provide landowners more choice for extracting capital from the rural land resource.
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⁷ Refer to the subdivision section 32 evaluation report for more analysis of the subdivision pathways.

4.5. Assessment of Alternative Options

46. Option 1: Status Quo – The current provisions do not give effect to the NPS-HPL or the NRPS and do not align with the National Planning Standards. As such, Option 1 does not comply with the requirements of the RMA and is not assessed further.
47. Option 2: The Kaipara District Plan Exposure Draft (DKDP) – This option would utilise four different rural zones to direct different outcomes for different parts of the rural environment, using a Rural production zone for the most productive land in the District, a Rural lifestyle zone to provide specific locations where smaller lots to enable people to live in a rural environment are encouraged, a Settlement zone to manage development in small, unserviced settlements in rural and coastal parts of the District and a General rural zone to manage the balance of rural land. The DKDP also proposed larger minimum lot sizes in the equivalent General rural and Rural lifestyle zones compared to those included in the PDP (12ha and 4,000m² in the PDP compared to 20ha and 1-2ha in the DKDP).
48. Option 2 has the benefits of:
 - a. Being more targeted with spatial direction on what sorts of activities should occur in different parts of the rural environment.
 - b. Introducing specific provisions to manage rural and coastal settlements (as opposed to relying on more generic General rural zone or Residential/Commercial zone provisions), which may result in better outcomes for those settlements as they will have bespoke provisions.
 - c. Prioritising the protection of the most productive land in the District with a specific zone to ensure it is retained for use by the primary production sector in the long term (the Rural production zone).
 - d. Being less likely to result in fragmentation of rural land (and cause subsequent reverse sensitivity effects on primary production activities) compared to both Option 1 and Option 3 due to the larger controlled activity minimum lot sizes.
49. However, Option 2 has the following disadvantages:
 - a. As the Rural production zone and General rural zone descriptions are very similar in the National Planning Standards, there is not considered to be sufficient distinction between the outcomes sought in each zone to justify using both in the PDP – it is considered that using both will lead to unnecessary complexity, confusion about the purpose of both zones and duplication of provisions.
 - b. Using a Rural production zone that includes most land that is defined as HPL under the transitional definition of HPL in the NPS-HPL is likely to conflict with future mapping of HPL by the Northland Regional Council (also required by the NPS-HPL). Due to current uncertainty around the definition of HPL (due to potential central government amendments) and the mapping timeframes of the Northland Regional Council going forward, it is very likely that the boundary of the Rural production

zone will be inconsistent with the regional HPL maps once completed and the PDP will therefore also be inconsistent with the NRPS.

- c. The creation of a separate Settlement zone is potentially more inefficient and may result in unnecessary duplication of provisions when a combination of other zones can be used to achieve the same outcomes.
- d. The larger minimum lot sizes in the General rural and Rural lifestyle zones will give landowners fewer opportunities to subdivide and will be less supportive of intergenerational ownership of rural land or allowing capital to be released from rural land for other investments when it is difficult to use land for primary production activities, when compared to Options 1 and 3.

50. Accordingly, while this option may result in more effective controls (particularly for settlements and protecting HPL), it may also result in future misalignment with the NPS-HPL if adopted and be less efficient in achieving the proposed objectives as it utilises more zones to achieve the same outcomes.

4.6. Reasons for deciding on the provisions

51. The proposed objectives, policies, rules, standards and assessment criteria in the General rural and Rural lifestyle zone chapters have been assessed in accordance with the requirements of section 32 of the RMA. These zone provisions are collectively considered to be the most appropriate way to achieve the purpose of the RMA with respect to managing the rural environment of the Kaipara District and are a substantial improvement compared to the status quo. The proposed rural zone provisions give effect to both the NPS-HPL and NRPS to the extent practicable, as assessed at the time of this evaluation.
52. The provisions of the General rural zone aim to protect HPL, provide for primary production and supporting activities as the predominant land uses and support rural activities that have a functional or operational need to be in a rural environment. The subdivision rules that apply to the General rural zone provide limited rural lifestyle subdivision opportunities to give landowners choices about how to use and develop their land, while also managing potential reverse sensitivity effects on primary production activities and preventing further fragmentation of HPL.
53. The proposed provisions are considered to be the most efficient and effective means of achieving the objectives as together they:
- a. Give effect to relevant higher order documents, including the RMA, NPS-HPL and the NRPS, and align with the requirements of the National Planning Standards.
 - b. Enable KDC to fulfil its statutory obligations, including section 31(1)(a) of the RMA.
 - c. Give effect to the relevant Part 2 Matters, namely sections 5(1), 5(2)(b), 7(b), 7(c), 7(f), 7(g) and (8).

- d. Achieve a balance between protecting HPL and retaining the rural environment for primary production activities but also giving landowners opportunities to use and develop their land in ways that support their economic, social and cultural well-being.
- e. Ensure primary production activities can operate efficiently and effectively by setting a strong direction to avoid where possible, or otherwise mitigate, reverse sensitivity effects that may constrain the operation of primary production activities.

5. CONCLUSION

- 54. Pursuant to s32 of the RMA, the proposed General rural and Rural lifestyle zone objectives have been analysed against Part 2 of the RMA and are considered to be the most appropriate way to achieve the purpose of the RMA.
- 55. The proposed General rural and Rural lifestyle zone provisions (including associated subdivision provisions) have been compared against reasonably practicable options and have been assessed in terms of their efficiency and effectiveness to achieve the objectives. The proposed provisions are considered to represent the most appropriate means of achieving the proposed objectives.

Attachments

ATTACHMENT 1 – Statutory Context

ATTACHMENT 2 – Assessment of the General rural zone provisions against the National Policy Statement for Highly Productive Land

ATTACHMENT 3 – High level summary of the Operative Kaipara District Plan (KDP) rural provisions and emerging resource management issues

ATTACHMENT 4 – Summary of feedback on the Draft Kaipara District Plan (DKDP) rural provisions

ATTACHMENT 1 – Statutory Context

Resource Management Act 1991

This section provides a summary of the matters in Part 2 of the RMA (purpose and principles) of direct relevance to the Rural topic.

Section 74(1) of the RMA states that District plans must be prepared in accordance with the provisions of Part 2. The purpose of the RMA is the sustainable management of natural and physical resources which is defined in section 5(2) of the RMA as:

“...sustainable management means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing, and for their health and safety while –

(a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

(c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.”

To achieve the purpose of the RMA, all those exercising functions and powers under the RMA are required to:

- Recognise and provide for the matters of national importance identified in section 6
- Have particular regard to a range of other matters in section 7
- Take into account the principles of the Treaty of Waitangi in section 8 of the RMA.

Section 3.1 of this report contains an assessment of how the objectives of the rural zones are in accordance with Part 2 of the RMA.

Higher Order Planning Instruments

Section 75(3) of the RMA requires District plans to give effect to higher order planning instruments – National Policy Statements, the New Zealand Coastal Policy Statement (NZCPS), National Planning Standards and the relevant Regional Policy Statement. The sections below provide an overview of provisions in higher order planning instruments directly relevant to the rural zones.

National Planning Standards

Section 75(3)(ba) of the RMA requires that District plans give effect to the National Planning Standards. The National Planning Standards were gazetted in April 2019 and their purpose is to assist in achieving the purpose of the RMA and improve consistency in the structure, format and content of RMA plans.

The National Planning Standards set out the range of standard zones available to choose from when drafting a District Plan. Under Section 8: Zone Framework Standard, the two rural zones used in the PDP are defined as follows:

- **General rural zone:** *Areas used predominantly for primary production activities, including intensive indoor primary production. The zone may also be used for a range of activities that support primary*

production activities, including associated rural industry, and other activities that require a rural location.

- **Rural lifestyle zone:** *Areas used predominantly for a residential lifestyle within a rural environment on lots smaller than those of the General rural and Rural production zones, while still enabling primary production to occur.*

The rural chapters of the PDP also rely on the following definitions from Section 14 of the National Planning Standards (these are the key definitions but other terms from the National Planning Standards are also used):

FUNCTIONAL NEED	means the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment.
HOME BUSINESS	means a commercial activity that is: a. undertaken or operated by at least one resident of the site; and b. is incidental to the use of the site for a residential activity.
INTENSIVE INDOOR PRIMARY PRODUCTION	means primary production activities that principally occur within buildings and involve growing fungi, or keeping or rearing livestock (excluding calf-rearing for a specified time period) or poultry.
MINOR RESIDENTIAL UNIT	means a self-contained residential unit that is ancillary to the principal residential unit, and is held in common ownership with the principal residential unit on the same site.
OPERATIONAL NEED	means the need for a proposal or activity to traverse, locate or operate in a particular environment because of technical, logistical or operational characteristics or constraints.
PRIMARY PRODUCTION	means: a. any aquaculture, agricultural, pastoral, horticultural, mining, quarrying or forestry activities; and b. includes initial processing, as an ancillary activity, of commodities that result from the listed activities in a);

	<p>c. includes any land and buildings used for the production of the commodities from a) and used for the initial processing of the commodities in b); but</p> <p>d. excludes further processing of those commodities into a different product.</p>
QUARRY	means a location or area used for the permanent removal and extraction of aggregates (clay, silt, rock or sand). It includes the area of aggregate resource and surrounding land associated with the operation of a quarry and which is used for quarrying activities.
QUARRYING ACTIVITIES	means the extraction, processing (including crushing, screening, washing, and blending), transport, storage, sale and recycling of aggregates (clay, silt, rock, sand), the deposition of overburden material, rehabilitation, landscaping and clean filling of the quarry, and the use of land and accessory buildings for offices, workshops and car parking areas associated with the operation of the quarry.
RESIDENTIAL ACTIVITY	means the use of land and building(s) for people's living accommodation.
RESIDENTIAL UNIT	means a building(s) or part of a building that is used for a residential activity exclusively by one household, and must include sleeping, cooking, bathing and toilet facilities.
RURAL INDUSTRY	means an industry or business undertaken in a rural environment that directly supports, services, or is dependent on primary production.
VISITOR ACCOMMODATION	means land and/or buildings used for accommodating visitors, subject to a tariff being paid, and includes any ancillary activities.

National Policy Statements

Section 75(3)(a) of the RMA requires that District plans give effect to any NPS. The following NPS are relevant to the Rural topic:

- New Zealand Coastal Policy Statement 2010 (NZCPS)
- National Policy Statement for Highly Productive Land 2022 (NPS-HPL).

NZCPS

The NZCPS is mandatory under the RMA. The purpose of the NZCPS is to state objectives and policies to achieve the purpose of the RMA in relation to the coastal environment. The NZCPS applies to the coastal environment and is relevant for the policy framework that applies to rural environment in the District, as much of the coastal environment is in the rural environment. The following provisions in the NZCPS are directly relevant to the rural zones:

- Policy 6 Activities in the coastal environment
- Policy 7 Strategic planning
- Policy 11 Indigenous biological diversity
- Policy 13 Preservation of natural character
- Policy 15 Natural features and natural landscapes
- Policy 17 Historic heritage identification and protection
- Policy 19 Walking access
- Policy 25 Subdivision, use, and development in areas of coastal hazard risk

The NZCPS provides clear direction to consolidate existing coastal settlements to avoid sprawling or sporadic growth, preserve the natural character of the coastal environment, and to avoid development that would increase the risk of adverse effects from coastal hazards. These policies are particularly important in determining the appropriate development on rural land within a coastal environment. The PDP utilises a Coastal Environment overlay to manage development in coastal parts of the rural environment and the policies of the NZCPS are assessed in more detail in the Coastal Environment section 32 report.

NPS-HPL

The NPS-HPL took effect on 17 October 2022. The NPS-HPL has a single objective: “*Highly productive land is protected for use in land-based primary production, both now and for future generations*”. The objective is supported by nine policies and a set of implementation requirements setting out what local authorities must do to give effect to the objective and policies of the NPS-HPL, including restrictions on the urban rezoning, rural lifestyle rezoning, subdivision of HPL and requirements to protect HPL from inappropriate use and development. The NPS-HPL was recently amended, with changes gazetted on 16 August 2024, resulting in the removal of consenting barriers for new infrastructure, including renewable energy projects, intensive indoor primary production and greenhouses. Driving amendments, was the agriculture, horticulture and renewable energy sectors’ concerns surrounding the NPS restricting activities needing to be located on HPL. These amendments came into effect on 14 September 2024. A full assessment of how the PDP provisions give effect to the NPS-HPL has been undertaken in Attachment 2 below.

National Environmental Standards

Section 44 of the RMA requires local authorities to recognise National Environmental Standard (NES) by ensuring plan rules do not conflict or duplicate with provisions in a NES. The main NES that is relevant to the rural environment is the National Environment Standards for Commercial Forestry 2017 (NES-CF) (previously

the NES-PF relating to plantation forestry only). The NES-CF regulates 'commercial forestry', which means exotic continuous-cover forestry (sometimes known as 'carbon farming') or plantation forestry⁸.

The NES-CF regulations apply to 'commercial forestry activities', which are:

- Afforestation;
- Pruning and thinning to waste;
- Earthworks;
- River crossings;
- Forestry quarrying (means the extraction of materials for the construction of roads or other forestry infrastructure);
- Harvesting;
- Mechanical land preparation;
- Replanting;
- Ancillary activities relating to slash traps, indigenous and non-indigenous vegetation clearance, discharges, disturbances, diversions, noise, dust, indigenous bird nesting and fuel storage and refuelling.

Regulation 6 of the NES-CF allows for the rules of a District plan to be more stringent if they are giving effect to: national instruments; matters of national importance (but limited to only outstanding natural features and landscapes, and significant natural areas); and unique and sensitive environments (separation point granite soils, geothermal area or karst geology, activities 1km upstream of drinking water supplies). Section 43(5)(b) of the RMA also allows plan rules to address effects not dealt with by a NES that permits an activity e.g. if the effects are considered to be out of scope of a NES.

The rural chapters of the PDP make it clear via advice notes that there are no rules in either chapter that apply to activities regulated under the NES-CF.

Regional Policy Statement for Northland (NRPS)

Section 75(3)(c) of the RMA requires District plans to 'give effect' to any RPS. The NRPS was made operative on 14 June 2018. The following provisions in the NRPS are the most relevant to the rural

⁸ Under the NES-CF, means a forest deliberately established for commercial purposes, being (a) at least 1 ha of continuous forest cover of forest species that has been planted and has or will be harvested or replanted; and (b) includes all associated forestry infrastructure; but (c) does not include—

- (i) a shelter belt of forest species, where the tree crown cover has, or is likely to have, an average width of less than 30 m; or
- (ii) forest species in urban areas; or
- (iii) nurseries and seed orchards; or
- (iv) trees grown for fruit or nuts; or
- (v) long-term ecological restoration planting of forest species; or
- (vi) willows and poplars space planted for soil conservation purposes

environment (note this is not a finite list and other provisions may be more applicable to other PDP chapters):

- Issue 2.3 Economic potential and social wellbeing
- Issue 2.4 Regional form
- Objective 3.5 Enabling economic wellbeing
- Objective 3.6 Economic activities – reverse sensitivity and sterilisation
- Objective 3.11 Regional form
- Policy 5.1.1 Planned and coordinated development
- Policy 5.1.2 Development in the coastal environment
- Policy 5.1.3 Avoiding the adverse effects of new use(s) and development

In summary, the NRPS objectives and policies and the implementation methods require the PDP to:

- Ensure that development is undertaken in a planned and coordinated way that does not create any loss of production now or in the future, does not result in incompatible land uses in close proximity and avoids the potential for reverse sensitivity effects
- Subdivision and plan changes on land with versatile soils in a primary production zone shall clearly demonstrate that the benefits to the public (social, economic and cultural) arising from subdivision and subsequent development are greater than the benefits that would have occurred from productive use of the land
- Avoid the adverse effects (including reverse sensitivity) of subdivision and land use (particularly residential development) on primary production activities in primary production zones
- That productive land and associated activities, that are important for Northland's economy are protected from the negative impacts of subdivision and land use, with particular emphasis on managing reverse sensitivity effects on existing primary production activities
- Maintains or enhances the sense of place and character of the surrounding environment
- Require the protection and management of section 6 matters as they relate to the rural environment

Iwi management plans

When preparing and changing District plans, section 74(2A) of the RMA requires Council to take into account any relevant planning document recognised by an Iwi Authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the District. At present there are two Iwi planning documents accepted by Council, being:

- Te Uri o Hau Kaitiakitanga o Te Taiao 2011; and,
- Nga Ture mo Te Taiao o Te Roroa 2009.

The key issues in these plans have been taken into account in preparation of the provisions for the two rural chapters. These are as follows:

Both iwi management plans:

- Develop, maintain and enhance kaitiakitanga and a conservation approach to managing natural resources;
- Protect and nurture the environment as a taonga which is based on matauranga Māori;

Specific to Te Uri o Hau

- Provide for adequate housing infrastructure and population growth within the statutory area of Te Uri o Hau, which includes the rural environment;
- The aspirations of Te Uri o Hau to purchase more farms for the purpose of agriculture (particularly for beef, dairy and apiculture) in the Kaipara District and to develop adjacent Māori land to supplement these farms whilst improving the return to Māori owners.

Specific to Te Roroa

- The mauri of the soil resource should be protected and enhanced in ways that enable Te Roroa to provide for their social, economic and cultural wellbeing and that of future generations.

ATTACHMENT 2 – Assessment of PDP provisions against the National Policy Statement for Highly Productive Land

NPS-HPL Policy	NPS-HPL implementation clause	Obligation for territorial authority	How this is given effect to by the PDP
Policy 1: Highly productive land is recognised as a resource with finite characteristics and long-term values for land-based primary production.	Clause 3.2 – Integrated management	Directs territorial authorities to identify highly productive land, and manage the effects of subdivision, use, and development of highly productive land, in an integrated way, particularly with respect to impacts on freshwater management, coordination of land use and subdivision activities region wide and taking a long-term, strategic and intergenerational approach.	<p>The PDP does not define ‘highly productive land’ (HPL) but relies on the definition of HPL in the NPS-HPL, which will future proof the PDP against potential changes to the definition of HPL in the NPS-HPL going forward, as potentially signalled by central government. The PDP adopts the definition of ‘land-based primary production’ from the NPS-HPL.</p> <p>The relevant objectives/policies in the GRUZ that directly give effect to Policy 1 and specifically mention the protection of HPL and management of land use/subdivision on HPL for the benefit of current and future generations are GRUZ-O3 and GRUZ-P1, GRUZ-P3 and GRUZ-P5.</p>
	Clause 3.3 – Tangata whenua involvement	In giving effect to the NPS-HPL through its District plan, a territorial authority must actively involve tangata whenua (to the extent they wish to be involved).	The process of involving tangata whenua with the wider development of the PDP is detailed in Section 2 of this report.
Policy 2: The identification and management of highly productive land is undertaken in an integrated way that			

considers the interactions with freshwater management and urban development.			
Policy 3: Highly productive land is mapped and included in regional policy statements and District plans.	Clause 3.4 – Mapping highly productive land	Primarily a clause directing how regional councils need to identify and map HPL in their region, however clause 3.4(4)(a) directs that this process needs to occur in collaboration with relevant territorial authorities.	<p>NRC have confirmed that the preparation of HPL maps for insertion into the RPS is currently on hold (likely until at least February 2025 or longer) due to the uncertainty around future amendments to the NPS-HPL.</p> <p>As NRC are not progressing the preparation of HPL maps at a speed that will align with the notification of the PDP, the GRUZ provisions in the PDP need to rely on the NPS-HPL transitional definition of HPL and adapt to any future changes to how HPL is mapped through the Schedule 1 process (where there is scope to do so).</p>
	Clause 3.5 – Identifying highly productive land in regional policy statements and District plans	<p>This clause directs territorial authorities to include HPL maps in their District plan no later than 6 months after HPL maps in the Northland RPS become operative and that these maps must be exactly equivalent to those in the RPS. The territorial authority must include the HPL maps in their District plan using section 55(2) of the RMA (which means without using the Schedule 1 process).</p> <p>In the interim, clause 3.5(7) contains the transitional definition of HPL that must be used to give effect to the NPS-HPL prior to the RPS HPL mapping becoming operative.</p>	
Policy 5: The urban	Clause 3.6 – Restricting	Territorial authorities that are not Tier 1 or 2 must apply certain criteria before allowing the	Kaipara District Council is a Tier 3 local authority for the purposes of clause 3.6(4) of the NPS-HPL.

rezoning of highly productive land is avoided, except as provided in this National Policy Statement.	urban zoning of highly productive land	urban rezoning of highly productive land (clause 3.6(4)).	<p>These provisions apply when changing general rural or rural production zone (or nearest equivalent) land to a new urban zone under the PDP where there is HPL present. In the case of Kaipara, this would apply to land zoned Rural under the KDP that contains HPL that is now proposed to be an urban zone under the PDP.</p> <p>Clause 3.6 has been considered as part of the section 32 analysis for the urban zone chapters, but the PDP zone maps have generally sought to avoid any areas of urban zoning on HPL.</p>
Policy 6: The rezoning and development of highly productive land as rural lifestyle is avoided, except as provided in this National Policy Statement.	Clause 3.7 – Avoiding rezoning of highly productive land for rural lifestyle	Territorial authorities must avoid rezoning HPL to rural lifestyle unless there is a permanent or long-term constraint on the land that meets the tests in clause 3.10.	<p>These provisions apply to land that is zoned general rural or rural production (or nearest equivalent) in the KDP where the land contains HPL and is proposed to be zoned Rural lifestyle under the PDP. In these circumstances, both clauses 3.7 and 3.10 combined are relevant and, when read together, these clauses set a very high bar for rezoning HPL to Rural lifestyle zone. The ‘avoid’ direction in clause 3.7 is very strong and does not leave any avenue for Rural lifestyle rezoning of HPL aside from where the tests in clause 3.10 are satisfied. The PDP zone maps have generally sought to avoid any HPL being zoned Rural lifestyle zone unless there was already significant fragmentation of that land, and it was immediately adjacent to an urban area or another area of Rural lifestyle land (in which case the significant fragmentation was considered to be the permanent constraint that applied under clause 3.10).</p>
Policy 7: The subdivision of highly productive land is avoided,	Clause 3.8 – Avoiding subdivision of highly productive land	<p>Territorial authorities are required to include objectives, policies and rules into their District plans to give effect to the following:</p> <p><i>(1) Territorial authorities must avoid the subdivision of highly productive land unless one</i></p>	<p>The PDP gives effect to the subdivision direction of the NPS-HPL as follows:</p> <ul style="list-style-type: none"> SUB-O3 directs that subdivision in rural zones protects HPL from fragmentation and reverse sensitivity effects. SUB-P9 directs that subdivision in the General rural zone:

<p>except as provided in this National Policy Statement.</p>		<p><i>of the following applies to the subdivision, and the measures in subclause (2) are applied:</i></p> <p><i>(a) the applicant demonstrates that the proposed lots will retain the overall productive capacity of the subject land over the long term:</i></p> <p><i>(b) the subdivision is on specified Māori land:</i></p> <p><i>(c) the subdivision is for specified infrastructure, or for defence facilities operated by the New Zealand Defence Force to meet its obligations under the Defence Act 1990, and there is a functional or operational need for the subdivision.</i></p> <p><i>(2) Territorial authorities must take measures to ensure that any subdivision of highly productive land:</i></p> <p><i>(a) avoids if possible, or otherwise mitigates, any potential cumulative loss of the availability and productive capacity of highly productive land in their District; and</i></p> <p><i>(b) avoids if possible, or otherwise mitigates, any actual or potential reverse sensitivity effects on</i></p>	<ul style="list-style-type: none"> ○ Avoids the fragmentation of HPL unless the productive capacity of that land is maintained or enhanced; ○ Maintains and enhances the productive capacity of HPL, including through enabling land-use change to more productive forms of land-based primary production; ○ Avoids reverse sensitivity effects on land-based primary production activities using HPL. <ul style="list-style-type: none"> • Reverse sensitivity effects are covered in GRUZ-O2 and GRUZ-P3, although these provisions are not specifically focused on HPL. • SUB-R3 requires a discretionary activity consent for any subdivision proposal that involves creating a new allotment that contains HPL (as per the transitional definition in the NPS-HPL). • Small lot subdivision under SUB-R4 cannot occur as a controlled activity on HPL and instead requires consent for a discretionary activity. • Environmental benefit lot subdivision under SUB-R6 cannot occur as a controlled activity on HPL and instead requires consent for a discretionary activity. • Subdivisions being considered under SUB-R7 on the basis of proposed restoration or enhancement planting cannot occur as a restricted discretionary activity on HPL and instead requires consent for a discretionary activity. • One of the matters of control for all new allotment subdivisions under SUB-R3 (and for small lot subdivisions under SUB-R4) is ‘<i>measures to mitigate potential reverse sensitivity effects on existing land uses, such as the use of no-complaints covenants or siting of building platforms</i>’, which will allow for consideration of potential reverse sensitivity effects for all subdivisions in the rural environment, including where land is not HPL but may impact a land-based primary production activity using HPL on an adjacent site.
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		<p><i>surrounding land-based primary production activities.</i></p> <p>In terms of how to translate this direction into PDP provisions, the NPS-HPL Guide to Implementation sets out a useful summary of matters that could be implemented or considered by territorial authorities⁹:</p> <ul style="list-style-type: none"> • The rural subdivision objective(s) should direct that HPL is ‘protected’ for use in land-based primary production and that subdivision should be ‘avoided’ • There should be a focus on retaining “overall productive capacity” on all subdivided lots on HPL • Consideration on the end use of subdivided lots and whether the size of lots will result in land uses that are incompatible with land-based primary production on HPL • Consideration of cumulative loss and reverse sensitivity effects at the policy level • Consider how to best use minimum lot sizes and/or restrictive activity statuses to retain the “overall productive capacity” of the subject 	
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⁹ <https://environment.govt.nz/assets/publications/National-Policy-Statement-Highly-Productive-Land-Guide-to-implementation-March-2023.pdf> - see pages 67-70

		<p>land over the long term (at least 30 years)</p> <ul style="list-style-type: none"> • Consideration about whether amalgamation of lots and/or leasing arrangements or transferable development right subdivisions should be supported/incentivised • To not provide for rural lifestyle sized subdivisions on HPL 	
<p>Policy 8: Highly productive land is protected from inappropriate use and development.</p>	<p>Clause 3.9 – Protecting highly productive land from inappropriate use and development</p>	<p>The direction in Policy 8 and Clause 3.9 is clear that activities that are not land-based primary production should be avoided on HPL, unless they have a pathway under Clause 3.9. Clause 3.9(2) lists the activities that are considered to be ‘not inappropriate’ on HPL provided that the measures in subclause (3) are also applied. The list of activities is as follows (paraphrased from the wording of clause 3.9(2)):</p> <ul style="list-style-type: none"> • Supporting activities on the land (i.e. activities that support land-based primary production) • it provides for intensive indoor primary production or greenhouse activities • Addressing a high risk to public health and safety • Associated with, a matter of national importance under section 6 of the Act • An activity on specified Māori land 	<p>The GRUZ provisions give effect to the direction set out in clause 3.9 as follows.</p> <ul style="list-style-type: none"> • GRUZ-O3 and GRUZ-P1 direct that HPL is protected from inappropriate land use and that activities on HPL should be restricted if they are not reliant on the soil resource of the land. GRUZ-P5 also directs that non-rural activities should be avoided on HPL. • Objectives and policies to manage reverse sensitivity effects in the GRUZ are the same as above for subdivision. • GRUZ-R2 permits land-based primary production on all land in the GRUZ, including HPL (noting that the scope of the activities enabled under GRUZ-R2 are equivalent to the NPS-HPL definition of land-based primary production, minus any forestry activities regulated by the NES-CF to ensure that there is no duplication with that NES). • Residential units, minor residential units, home businesses and small-scale visitor accommodation activities are permitted on all GRUZ land under GRUZ-R3 to GRUZ-R6, including on HPL, on the basis that they are either supporting activities on the land or are small scale with no impact on the productivity of the HPL.

		<ul style="list-style-type: none"> • For the purpose of protecting, maintaining, restoring, or enhancing indigenous biodiversity • Providing for the retirement of land from land-based primary production for the purpose of improving water quality • A small-scale or temporary land-use activity that has no impact on the productive capacity of the land • An activity by a requiring authority in relation to a designation or notice of requirement under the Act • Providing for public access • Activities with an operational or functional need to locate on HPL that are associated with specified infrastructure, defence facilities, mineral extraction or aggregate extraction that provides significant national public benefit that could not otherwise be achieved using resources within New Zealand. <p>Under subclause (3), territorial authorities must take measures to ensure that any use or development on HPL:</p> <ul style="list-style-type: none"> • Minimises or mitigates any actual loss or potential cumulative loss of the availability and productive capacity of the HPL in their District; and 	<ul style="list-style-type: none"> • Conservation activities are permitted on HPL under GRUZ-R7 on the basis that the work is for the purpose of protecting, maintaining, restoring, or enhancing indigenous biodiversity. • Papakāinga housing is a restricted discretionary activity on HPL under GRUZ-R11 as it is development on specified Māori land. • Intensive indoor primary production is a restricted discretionary activity on HPL under GRUZ-R12 specifically listed under clause 3.9 as ‘not inappropriate’ on HPL. • Several activities that are not land-based primary production and should be avoided on HPL as they do not have a pathway under clause 3.9 are either discretionary or non-complying activities on HPL, for example: <ul style="list-style-type: none"> ○ Rural industry is a discretionary activity on HPL under GRUZ-R8 ○ Emergency service facilities are a discretionary activity on HPL under GRUZ-R9 ○ Communal housing is a discretionary activity on HPL under GRUZ-R13 ○ All other types of non-production related activities in the GRUZ (e.g. community facilities, refuse transfer station, educational facilities, commercial or industrial activities) either require a discretionary or non-complying activity consent, regardless of whether the land is HPL or not.
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		<ul style="list-style-type: none"> Avoids if possible, or otherwise mitigates, any actual or potential reverse sensitivity effects on land-based primary production from the use or development. <p>Territorial authorities are required to include objectives, policies and rules in their District plans to give effect to clause 3.9.</p>	
	Clause 3.10 – Exemption for highly productive land subject to permanent or long-term constraints	<p>Clause 3.10 provides an exception for HPL to be subdivided, used or developed, provided that there are permanent or long-term constraints on the land that cannot be addressed through any reasonably practicable options and mean that the use of land for land-based primary production is not economically viable for at least 30 years, there is avoidance or mitigation of the matters in subclause (1)(b), and that certain benefits of the subdivision, use or development outweigh the long-term costs associated with the loss of the HPL for land-based primary production.</p> <p>There is no express obligation on a territorial authority to give effect to Clause 3.10 through objectives, policies and rules, however it provides a limited pathway for HPL to be subdivided, used or developed for activities not otherwise enabled under clauses 3.7, 3.8 or 3.9.</p>	See comments on clause 3.10 in relation to clause 3.7 above.

<p>Policy 4: The use of highly productive land for land-based primary production is prioritised and supported.</p>	<p>Clause 3.11 – Continuation of existing activities</p>	<p>Clause 3.11 gives direction to territorial authorities on how they are required to provide for the continuation of existing activities on HPL through objectives, policies and rules in District plans (noting that neither the NPS-HPL or District plans override existing use rights under section 10 of the RMA). There is recognition in clause 3.11 that there are activities already established on HPL that would now be considered inappropriate under Clause 3.9 but should still have a pathway to enable the maintenance, operation, or upgrade of these activities. The NPS-HPL Guide to Implementation provides some examples of how territorial authorities can provide for existing activities, including:</p> <ul style="list-style-type: none"> • A specified date (typically the date of plan notification) as the cut off for what is considered to be ‘existing’ • A permitted activity pathway provided no increase in footprint • A permitted or controlled/RD pathway allowing for a specified increase in footprint • Just use a more restrictive activity status with matters linked to minimising loss of HPL without a footprint cap 	<p>The PDP provides for the maintenance, operation or upgrade of an activity through the generic activity status of the activity i.e. extensions of a permitted activity are permitted, extensions of discretionary activities are discretionary etc. There are no specific provisions that provide for the continuation of existing activities on HPL (or anywhere else in the GRUZ).</p>
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	<p>Clause 3.12 – Supporting appropriate productive use of highly productive land</p>	<p>Clause 3.12 directs territorial authorities to prioritise and encourage appropriate productive use of HPL through objectives, policies and rules in District plans. The direction is that land-based primary production activities should be prioritised on HPL over other uses. The NPS-HPL Guide to Implementation states that when Clause 3.12 is read in conjunction with Clause 3.9, it supports a position that a land-based primary production activity on HPL should be prioritised over another rural activity that is not reliant on the soil resource of the land and that non-land-based primary production activities should be redirected to another non-HPL location in the rural environment.</p>	<p>GRUZ-O3 and GRUZ-P1, combined with the permitted activity status for all land-based primary production activities (except forestry activities regulated by the NES-CF) in GRUZ-R2, give effect to this clause. GRUZ-P5, combined with discretionary or non-complying activity status for most non-rural activities, also directs that non-rural activities should generally be avoided in the GRUZ unless they have a functional or operational need to locate there, support primary production activities and are not located on HPL.</p>
<p>Policy 9: Reverse sensitivity effects are managed so as not to constrain land-based primary production activities on highly</p>	<p>Clause 3.13 – Managing reserve sensitivity effects and cumulative effects</p>	<p>Policy 9 requires that reverse sensitivity effects are managed so as not to constrain land-based primary production activities on HPL. In addition to avoiding reverse sensitivity effects, Clause 3.13 also requires that territorial authorities include objectives, policies and rules in their District plans to ensure that the cumulative effects of any subdivision, use or development on the availability and productive capacity of HPL in their District are considered as part of any subdivision, land use or plan change application.</p>	<p>Reverse sensitivity effects are primarily addressed through GRUZ-O2, GRUZ-P2 and GRUZ-P3, combined with matters of control or discretion that relate to reverse sensitivity for a range of land-uses. Consideration of the cumulative effects of the loss of availability and productive capacity of HPL is included in GRUZ-P5.</p>

productive land.		<p>Clause 3.13(1) sets out three directions for territorial authorities as follows:</p> <ul style="list-style-type: none"> <i>(a) identify typical activities and effects associated with land-based primary production on highly productive land that should be anticipated and tolerated in a productive rural environment; and</i> <i>(b) require the avoidance if possible, or otherwise the mitigation, of any potential reverse sensitivity effects from urban rezoning or rural lifestyle development that could affect land-based primary production on highly productive land (where mitigation might involve, for instance, the use of setbacks and buffers); and</i> <i>(c) require consideration of the cumulative effects of any subdivision, use, or development on the availability and productive capacity of highly productive land in their District.</i> 	
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ATTACHMENT 3 –High level summary of the Operative Kaipara District Plan (KDP) rural provisions and emerging resource management issues

The KDP Rural Chapter

Chapter 12 of the KDP is the ‘Rural Chapter’, which is based on a single rural zone for the District. The chapter includes 11 issues, 10 objectives and 21 policies covering a range of matters, including rural character and amenity, reverse sensitivity, servicing, public access, integrated management of subdivision and land-use. Unlike more recent second-generation District plans, the rural zone provisions in the KDP are intentionally **permissive** of a broader range of activities and subdivision than you would typically find in a general rural zone.

The objectives and policies for the Rural Zone provide **limited direction** to protect the productivity of rural land. There are also no objectives, policies or rules specifically aimed at identifying or managing versatile soils or highly productive land, or promoting that this land be retained for, and used by, primary production activities that use the land. In particular, the environmental, economic, social and cultural benefits of protecting land that is highly productive are not recognised by the objectives and policies in the KDP, which means these benefits are not adequately considered during the resource consent process. Benefits of protecting highly productive land for rural production include the efficient production of food (more yield from less land) for both current and future generations, economic benefits in the form of generating income, jobs and exports, social benefits to rural communities that rely on a strong primary production sector and environmental benefits in terms of supporting the ecological functions of land (e.g. water purification/filtration, water storage for plants to use and flood regulation, nutrient cycling and climate regulation through carbon sequestration). The objectives and policies in the KDP also do not identify urban encroachment or land fragmentation as issues within the rural environment, although reverse sensitivity effects on existing lawfully established activities is recognised as an issue that need to be managed appropriately.

The KDP Rural Zone subdivision provisions

The KDP provides for subdivision in the Rural Zone with a minimum lot size of 12 hectares as a controlled activity (subject to compliance with other performance standards). In the five main overlays that apply to the Rural Zone (East Coast, West Coast, Kai Iwi Lakes, Mangawhai Harbour and Kaipara Harbour) the KDP states that each allotment must have minimum lot size of 20 hectares.

The KDP also provides for a wide range of alternative subdivision pathways, some of which are creating issues in the District. Key subdivision pathways in the Rural Zone are summarised in the table below. These rules have been criticised during the development of the PDP as being overly complex, confusing and permissive, resulting in poor design outcomes and fragmentation of the rural environment.

The below table provides a summary of the subdivision rules in the KDP.

Rule	Rule summary	Activity status
Rule 12.13.1 Environmental Benefit	<ul style="list-style-type: none"> Minimum net site area of 4,000m² with an area of at least 2,500m² exclusive of the area being protected. Balance lot shall be a minimum net site area of 4,000m². Complies with performance standards in sections 12.10 and 12.15. Allotment is not within an Outstanding Natural landscape 	Restricted discretionary
Rule 12.13.2 Rural Amenity Lot	<ul style="list-style-type: none"> The parent lot existed at the date of notification (21 October 2009) No more than two Rural Amenity lots are created per parent site. Minimum net site area of 4,000m² and a maximum of 8,000m² If one rural amenity lot is being created in the Rural Zone (without an overlay), the balance shall be a minimum net site area of 4 ha. If the site is in the Rural Zone with an overlay, the balance lot created shall be a minimum net site area of 20 ha. If two rural amenity lots are being created and the site is in the Rural Zone (without an overlay) the balance lot shall be a minimum net site area of 8 ha. Maximum of two lots. 	Restricted discretionary
Rule 12.13.3 Small Lot Development	<ul style="list-style-type: none"> Parent site must be 5 ha or less and held in a separate Certificate of Title as at the date of notification (21 October 2009). Minimum net site area of 4,000m² can be obtained, provided the minimum average lot size of 1 ha can be achieved for the overall subdivision. No more than three additional lots are created per site. 	Restricted discretionary
Rule 12.13.4 Integrated Development (for up to 10 lots)	<p>Rural</p> <ul style="list-style-type: none"> One lot per ha of the parent title with a minimum net site area of 4,000m² per lot. The site is not located within an Outstanding Natural Landscape. <p>Coast and Kai Iwi Lakes</p> <ul style="list-style-type: none"> Total lots obtainable shall be one lot per 12 ha of the parent title in the Rural Zone. Minimum net site area of 4,000m² per lot. The site is not ecologist of the valued natural environments on the whole of the site. The site is not within an Outstanding Natural Landscape located within an Outstanding Natural Landscape. <p>Kaipara Harbour Overlay</p> <ul style="list-style-type: none"> Total lots obtainable shall be one lot per 6 ha of the parent title. 	Restricted discretionary

	<ul style="list-style-type: none"> • Minimum net site area of 4,000m² per lot. • Site is not located within an Outstanding Natural Landscape. <p>Mangawhai Harbour overlay</p> <ul style="list-style-type: none"> • Total lots obtainable shall be one per 6 ha of the parent title. • Minimum net site area of 4,000m² per lot. • Total lots obtainable shall be one lot per 2 ha of the parent title. • Minimum site area of 4,000m² per lot, where there has been comprehensive mapping an identification by a suitably qualified 	
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In rural areas of Kaipara, the subdivision provisions have resulted in numerous small lots that are used as rural lifestyle properties, shifting the predominant land use away from primary production activities. There are considerable incentives for farmers and owners of larger rural lots to subdivide their land for capital gain. While rural land derives value from the returns that can be generated from primary production output, the value of rural land with an opportunity to construct a dwelling on it generally far outweighs the value of land for primary production on a per hectare basis. As such, there are strong incentives for farmers to subdivide off some of their land for commercial gain, which can lead to widespread fragmentation where there is demand for lifestyle properties and enabling subdivision provisions.

There is also evidence that strong controls on subdivision and land-use change are needed to protect HPL – a finite resource that must be retained to meet the needs of current and future generations. This was a key driver for the introduction of the NPS-HPL in 2022, which seeks to address the market failure associated with protecting HPL.

Based on the above overview of the KDP Rural Zone provisions and associated subdivision rules and assessment of key emerging issues. Key considerations for rural land in the proposed General rural zone are:

- The strength of the objectives and policies to protect the zone for primary production activities (including land-based primary production activities on HPL) and the extent to which non-rural activities such as commercial or industrial activities are discouraged or avoided in the zone.
- The strengthening of reverse sensitivity provisions that apply within the General rural zone and at the interface with other zones, both in terms of land use and subdivision provisions.
- Ensure protection of HPL for use in land-based primary production (which includes 'highly versatile soils' as defined in the NRPS and recognised by Policy 5.1.1(f)) within the General rural zone.
- Objectives, policies and rules to protect the overall productive capacity of HPL, both from a land use and subdivision perspective.

- Appropriate subdivision standards and minimum lot sizes to protect the productive nature of the land, while enabling some opportunities for rural lifestyle development in appropriate locations.
- Activity based rules that limit the use of HPL to either land-based primary production activities or activities listed in clause 3.9 of the NPS-HPL.

ATTACHMENT 4 – Summary of feedback on the Draft Kaipara District Plan (KDP) rural provisions

Feedback on rural land use provisions in the DKDP

Most feedback on the rural provisions in the DKDP related to requests for zoning changes, typically to change land from a less enabling rural zone to a more enabling rural zone (e.g. from GRUZ to RLZ). In terms of feedback on the rural land use provisions more generally, the key themes were as follows:

Key themes	Comments
Zoning approach	<ul style="list-style-type: none"> Most feedback was supportive of the four rural zone approach, particularly from the primary sector, as it uses a separate zone (RPROZ) to protect HPL, protect rural character, protect farming activities, protect fertile soils for food production and reduce reverse sensitivity effects Some feedback questioned the need for both the RPROZ and GRUZ and whether HPL could be protected/managed without the need for an entirely separate zone
NPS-HPL	<ul style="list-style-type: none"> Calls for alignment with NPS-HPL, particularly using the definitions (noting that the NPS-HPL had not been gazetted at the time the draft KDP was released)
Reverse sensitivity effects	<ul style="list-style-type: none"> Significant support for provisions relating to reverse sensitivity effects, including requests to strengthen provisions and increase associated setbacks to better protect existing primary production activities and/or critical infrastructure or strategic industrial activities (e.g. Maungaturoto Dairy Factory) Most feedback supported preventing residential development occurring throughout the most productive parts of the Kaipara District to minimise potential reverse sensitivity effects Some requests to delete rules that enable minor residential units, sale of produce from site and visitor accommodation in productive rural areas on the basis that it will result in reverse sensitivity effects Several submitters suggested that setbacks in the rural zones were too small to protect against reverse sensitivity effects and needed to be measured from areas of hardstand (amongst others), not just from buildings
Activity specific feedback	<ul style="list-style-type: none"> Education facilities to be managed through the infrastructure chapter as a permitted activity (request from the Ministry for the Environment), not through zone chapter rules Requests for stronger protection for infrastructure located on rural land Requests to provide for seasonal workers accommodation, as distinct from permanent workers accommodation in the GRUZ Request for agricultural aviation activities to be permitted in GRUZ
Definitions	<ul style="list-style-type: none"> Extensive list of requested amendments/insertion of definitions, many requesting definitions for primary production activities to be 'nested' within the National Planning Standards definition of primary production e.g. indoor and outdoor pig farming, carbon forestry, crop protection structures, plant propagation
Interaction with the Māori Purpose Zone	<ul style="list-style-type: none"> Several submitters expressed confusion or sought clarification as to how the relationship of Māori with their ancestral lands is provided for in rural

	areas and the cross over between the Māori purpose zone and rural zones
Miscellaneous	<ul style="list-style-type: none"> Mix of feedback on narrow issues i.e. requiring developers to fully fence boundaries with working farms at zone interfaces, questions about communal community housing, requests to provide for design-led development and better protection for indigenous vegetation

Feedback on the rural subdivision provisions in the DKDP

The key feedback themes on the rural subdivision provisions are as follows:

- The approach taken in the DKDP to rural subdivision is strongly supported by the primary production sector, the Northland Regional Council and NGOs focused on protecting the rural amenity and landscape of the Kaipara District. This includes support for the 4 rural zone approach, the focus on protecting HPL through the RPROZ, directing rural lifestyle opportunities away from productive rural areas, provisions designed to manage reverse sensitivity impacts on primary production activities and the minimum lot sizes and associated subdivision rules, i.e. the 20ha lot size.
- Private landowners and developers supported retention of the status quo with respect to subdivision rules, particularly the 12ha minimum lot size in the GRUZ. Numerous requests to reduce the minimum lot size in the RLZ and also for other rules that enable rural lifestyle sized lots to be developed across the rural environment, as well as a focus on allowing cluster/hamlet development in rural areas.
- Planning professionals had a mixed response – generally supportive of the direction but several suggestions for improvements, detailed in the table below.
- Other feedback from infrastructure providers, industry and iwi was more specific to issues that concerned them and did not focus on the wider direction for rural subdivision.

The table below provides more detail on rural subdivision feedback by sector:

Sector	Key stakeholders	Key themes
Primary production sector	NZ Pork Horticulture NZ Federated Farmers (other feedback from Fonterra, Silver Fern Farms etc focused more on industrial operations rather than rural subdivision)	<ul style="list-style-type: none"> Strong support for restricting rural lifestyle development in RPROZ and GRUZ (Pork, Hort, Fed Farm) Strong support for policy direction around managing reverse sensitivity and reducing fragmentation of rural land in subdivision objectives and policies (Pork, Hort, Fed Farm) Support for the 'four zone' approach to the rural environment, agree with RPROZ being used for HPL,

		<p>provided the strategic importance of the GRUZ is not missed (Fed Farm)</p> <ul style="list-style-type: none"> • Strong support for 20ha minimum lot size in RPROZ and GRUZ but with more emphasis on managing reverse sensitivity effects and more stringent subdivision rules for LUC 1-3 land (Hort) • Requests for RD status for boundary adjustments (Pork) • Support for reverse sensitivity setbacks from intensive farming operations to new subdivision boundaries (Pork)
Local government	Northland Council Regional Council	<ul style="list-style-type: none"> • Suggest better alignment with the proposed FNDC plan, noting that the proposed Kaipara subdivision provisions are generally more permissive and the FNDC subdivision provisions are preferred • Restricting subdivision on HPL (LUC 1-3 and potentially also some LUC 4 land) is supported • Support directing rural lifestyle subdivision away from HPL and using the RPROZ as a mechanism to protect highly productive land and give effect to the NPS-HPL • Support strengthening subdivision objectives and policies for RPROZ to align with NPS-HPL • Concerns about the small size of lots in the Settlement zone and the pressure that might put on water supplies, aquifers etc • Suggest environmental benefit lot rules could be expanded out to also include retiring erosion prone land and stabilising the land (similar to Whangarei District Plan SUB-R15).
Infrastructure providers	Fire and Emergency NZ Chorus, Spark and Vodafone (other industry feedback was focused on subdivision provisions specific to their infrastructure)	<ul style="list-style-type: none"> • FENZ and the telco industry seek removal of the exemption for SETZ, RLZ, RPROZ and GRUZ from the need to be serviced at the time of subdivision, particular with respect to water for firefighting and telecommunications • Telcos also seeking clarity about where telecommunication services need to be provided to in rural areas – allotment boundary vs net site area

Iwi	Te Uri o Hau Te Roroa	<ul style="list-style-type: none"> None of the comments are about subdivision in the rural environment specifically.
Surveyors/ developers	Altisurv Studio D4 SPD Consulting et al	<ul style="list-style-type: none"> Confusion between boundary adjustment and boundary relocation terms Support for allowing 12ha subdivisions in GRUZ instead of 20ha Potentially allow smaller lots in RLZ where they don't adjoin GRUZ or RPROZ Reserve incentive lots in GRUZ should be smaller (1ha down to 4,000m² as a minimum and 2ha to 1ha as average) Non-compliance with subdivision rules should default to D not NC Consider smaller lot sizes in RLZ where they form part of design-led, comprehensive developments, less focus on minimum lot sizes
Planners	Mangawhai Matters (joint feedback from four key planning professionals working in Kaipara)	<ul style="list-style-type: none"> The form of rural subdivision is inappropriate for achieving economic land use, accommodating demand for rural settlement, protecting and promoting biodiversity, and enhancing the standard of runoff within the Mangawhai harbour catchment RLZ minimum lot sizes are at the right setting (1ha min, 2ha average) but some RLZ around Mangawhai within 2km of the urban edge should be rezoned Large Lot and allow lots down to 4,000m². Support protecting HPL in the productive rural areas of Kaipara but think this can be done through separate objectives, policies, rules and standards rather than two separate zones (i.e. do not consider that both RPROZ and GRUZ are needed). 100ha minimum lot size in combined Rural Zone. Grandfathering clause allowing a single 1-2ha lot to be subdivided from any lot 20ha or larger as of the date the plan is notified. Keep environmental benefit subdivision rule but drop the requirement for 20ha balance lot, should drop to 2ha.

Private landowners	N/A	<ul style="list-style-type: none"> • Push for smaller minimum lot sizes in GRUZ (20ha down to 12ha or smaller) • More rural lifestyle opportunities in GRUZ • More environmental benefit subdivision opportunities • Smaller minimum lot sizes in RLZ (1ha down to 2,000-4,000m²) • Retention of the integrated development subdivision rules and/or new rules to provide for clustered or hamlet style development in GRUZ • Support for clustered/hamlet development in GRUZ
Other NGOs	Friends of the Brynderwyns Society Marunui Conservation Ltd	<ul style="list-style-type: none"> • Strong support for reducing fragmentation of rural land, particularly in RPROZ • Support for preventing subdivision of minor dwellings from main lot in RPROZ, GRUZ and RLZ • Support minimum 20ha lot size in GRUZ • Support subdivision settings for RPROZ • Support environmental benefit subdivision rule in GRUZ, including proposed areas to be protected and lot sizes/numbers, however make non-compliance NC rather than D • Reduce opportunities for environmental benefit lots as a result of restoration or enhancement planting on the basis that this work is often not followed through with and the ecological outcomes are poor • Support for having both RPROZ and GRUZ zones • Increase minimum lot size in RLZ from 1ha to 2ha • Add consideration of ONLs and indigenous vegetation into matters of discretion for subdivision standards