

## Proposed Far North District Plan

### Michael John Winch Evidence on Requested Zone Change at Henderson Bay

#### Introduction

- 1 I reside in the Far North District and own land at Henderson Bay, Ngataki (Lot 24 DP 72042, 490 Henderson Bay Road). I have owned the property since April 2001 and, while living in Kerikeri, I have visited Henderson Bay on a regular basis since that time.
- 2 I made an original submission on the Proposed Far North District Plan requesting the zoning of the 4ha blocks at Henderson Bay to be changed from Rural Production to Rural Lifestyle (submission S67.019). My further submission F241 clarified that my primary submission is opposed to the Rural Production zone at Henderson Bay, not in support as noted in the published Summary of Submissions.
- 3 I have opted in to the reverse evidence exchange timetable, as set out by the Hearing Panel in Minute 14.
- 4 In this document I provide lay evidence in support of my submission in accordance with the general guidance criteria and matters specified in Hearing Panel Minute 14 (refer attached Appendix 2).

#### Description of Henderson Bay Properties

- 5 The land that my submission seeks to rezone is on Henderson Bay Road, Otaipango Road and Kauere Road (refer map included in my submission; the relevant part is reproduced in attached Appendix 1).
- 6 Thirty-one properties would be affected by the requested zone change. The properties were subdivided from farmland in 1978 creating Lots 1 to 31 DP 72042 of generally just over 4ha each with two blocks of 5.1ha and 6.1ha. Subsequently Lots 1 and 2 DP 72042 were subdivided by boundary adjustment into two blocks of 1.0ha (Lot 2 DP 336030) and 7.74ha (Lot 1 DP 72042, Lot 2 DP 336030) respectively. In this evidence I refer to the 31 properties as 'the Henderson Bay lifestyle blocks' or simply 'the lifestyle blocks'.
- 7 The properties are largely covered with a mix of native and exotic trees with small areas of lawn or pasture. Most of the properties have existing dwellings. The soil is infertile sand with hard pans making it unsuitable for productive use.
- 8 Ten lots adjoining the coast have a Coastal Overlay shown in blue hatching below:



- 9 The Henderson Bay lifestyle blocks are self-contained for water supply and wastewater. Access to the land is via Henderson Bay Road which joins State Highway 1 south of Ngataki. Henderson Bay Road is largely unsealed, with two short sealed sections adjoining houses and where the road is steeper.
- 10 Henderson Bay beach is notable as a surf beach; when surf conditions are good it attracts many surfers from the local area and Kaitaia. It is popular for family recreation, beach walking and for fishing and gathering kai moana.

### **Aupouri Peninsula**

- 11 Like many rural lifestyle areas in the Far North, Henderson Bay is remote from major urban areas. A 4 Square store, fuel supply, two social/ eating establishments, a health clinic and refuse transfer station are located in Pukenui, 16km from Henderson Bay. Full town services including shops, industry and hospital are located in Kaitaia, 40km south of Pukenui.
- 12 Residential land at Pukenui and Kaimaumau is zoned 'Settlement' in the PDP. Some land surrounding Pukenui and Houhora Heads is zoned 'Rural Lifestyle'. There is no other land north of Awanui zoned for residential or lifestyle use; all other land is zoned 'Rural Production' or 'Maori Purposes'. Pukenui and Kaimaumau are both located on harbours; there is no land adjoining the open coast on the Aupouri Peninsula zoned for residential or lifestyle purposes.

### **PDP Strategic Direction and Zone Outcomes**

- 13 In attached Appendix 3 I have assessed the consistency of the Henderson Bay lifestyle blocks with the Proposed District Plan Strategic Direction and the Overview, Objectives and Policies of the Rural Production and Rural Lifestyle zones.
- 14 The Strategic Direction Overview does not provide any specific direction relevant to the requested zone change, apart from item 5: the requested zone change is consistent with a prosperous economy through enabling a wide range of rural and urban business activities in the right locations.
- 15 The requested zone change is consistent with the Strategic Direction Rural Environment Objectives: the lifestyle blocks at Henderson Bay are unsuitable for primary production and are currently used for lifestyle purposes. The land is generally infertile sand with hard pan layers; it is not highly productive land.
- 16 The Rural Production zoning for the Henderson Bay lifestyle blocks is not consistent with the Overview, Objectives and Policies of the Rural Production zone.
- 17 In contrast, the current lots sizes and land use on the Henderson Bay lifestyle blocks are generally consistent with the Rural Lifestyle Overview, Objectives and Policies. The land at Henderson Bay is not in proximity to an urban area. However, the S42A report for the Rural Lifestyle zone (paragraphs 64 and 70) recommends adding the words 'most of' to this description in recognition *that not every single area of RLZ is necessarily close to an urban area or settlement.*
- 18 The existing character and amenity of the Henderson Bay lifestyle blocks is consistent with rural lifestyle use, not a rural working environment. The poor soils and existing lot sizes and land use preclude economic agricultural production. Any rural production use that generated noise, dust

or heavy traffic would have an adverse effect on the current residential use of land at Henderson Bay.

- 19 The lifestyle land use does not compromise primary production on adjoining farms. Any reverse sensitivity issues are avoided by dwellings being located near the roads, well away from the boundaries with adjoining farms.
- 20 Subdivision of the lifestyle blocks under the current Rural Production zoning is a non-complying activity and is effectively prohibited by the Rural Production objectives and policies. Rezoning the land to Rural Lifestyle to allow some subdivision is consistent with RPROZ-P6 Policy (c) because the land is already subdivided into parcels that cannot support economic farming or forestry.

### **PDP Zone Rules**

- 21 In attached Appendix 4 I have compared the permitted activity rules in the Proposed District Plan for Rural Production and Rural Lifestyle zones. There is a range of permitted activities in the Rural Production zone (RPROZ- R9, R11, R12, R13, R14, R16, R17, R18, RW and RY) that are not permitted activities in the Rural Lifestyle zone and are not appropriate as permitted activities on the Henderson Bay lifestyle blocks. Where there are permitted activities in both zones (R1/S1 to S5), the thresholds in the Rural Lifestyle zone are more appropriate for the Henderson Bay lifestyle blocks than the Rural Production thresholds.
- 22 As discussed in paragraphs 53 and 54 below, the impermeable surfaces rule for the Rural Lifestyle zone (RLZ-R2) is more effective in controlling stormwater runoff than the impermeable surfaces rule for the Rural Production zone (RPROZ-R2): Rule RPROZ-R2 permits up to 6,000m<sup>2</sup> of impermeable surfaces on a 4ha block without any controls on stormwater runoff while Rule RLZ-R2 limits impermeable surfaces up to 2,500m<sup>2</sup>. The rules for building coverage in both zones are very permissive: RPROZ-R1/ RPROZ-S5 allows 15% (6,000m<sup>2</sup>) building coverage on a 4ha block while RLZ-R1/RLZ-S5 allows 12.5% (5,000m<sup>2</sup>) building coverage. Buildings are also controlled by the impermeable surfaces rule, so the maximum building coverage in the Rural Lifestyle zone without resource consent is effectively 2,500m<sup>2</sup>.
- 23 For some activities, the activity status is more restrictive in the Rural Lifestyle zone than in the Rural Production zone (RPROZ-R20, R22, R23 and R24). For these activities the more restrictive activity status is appropriate for the Henderson Bay lifestyle blocks.
- 24 I consider the Rural Lifestyle zone rules to be more appropriate for the Henderson Bay lifestyle blocks than the Rural Production zone rules.

### **Subdivision**

- 25 In the Rural Production zone, subdivision of the 4ha properties would be a Non-complying Activity. Consent is unlikely to be granted given the objectives and policies of the Rural Production zone.
- 26 As summarised in the attached Appendix 4, minimum lot sizes are much smaller in the Rural Lifestyle zone than in the Rural Production zone. The effect of the requested change in zoning would be to allow some subdivision of the Henderson Bay lifestyle blocks:
  - Rural Lifestyle (PDP as Notified) – 4ha properties cannot be subdivided under Controlled Activity rules (minimum lot size 4ha), but could be subdivided into two lots as a Discretionary Activity (minimum lot size 2ha).

- Rural Lifestyle (as recommended in S42A report) – 4ha properties can be subdivided into two lots under Controlled Activity rules (minimum lot size 2ha), or subdivided into four lots as a Discretionary Activity (minimum lot size 1ha).
- Ten lots adjoining the coast have a Coastal Overlay over part of the lot where subdivision would become Discretionary.

## Higher order direction

### New Zealand Coastal Policy Statement 2010 (NZCPS)

- 27 The requested zone change and any further subdivision and development that results from the zone change is consistent with NZCPS Objective 2, Objective 6, Policy 6(c) and Policy 7 which require new development in the coastal area to be located in areas that are already developed.
- 28 NZCPS Policy 25 requires subdivision, use, and development in areas of coastal hazard risk to be avoided. The Henderson Bay lifestyle blocks are not mapped as subject to coastal erosion or inundation by Northland Regional Council.
- 29 Other NZCPS Objectives and Policies are given effect through the Proposed District Plan Coastal Overlay.

### National Policy Statement Highly Productive Land (NPS-HPL) 2022

- 30 NPS-HPL 2022 defines Highly Productive Land as predominantly Land Use Capability (LUC) 1, 2, or 3 land. A Regional Council may identify other land in a Rural Production zone that is highly productive, having regard to the soil type, physical characteristics of the land and soil, and climate of the area. However this additional mapping has not been carried out in the Northland Region.
- 31 The soils at Henderson Bay are identified in the Landcare Research Land Use Capability 2021 LRIS Portal (refer map in [Appendix 5](#)) as:
- *LUC 4e10: Undulating to rolling slopes on podzolised sands. Soils are low fertility, poorly structured yellow-brown sands subject to periods of moisture deficiency. There is a potential for severe rill, wind and sheet erosion when cultivated.*
  - *LUC 6s5: Flat to gently rolling slopes on the margins of downlands and broad crests on sedimentary lithologies. Podzols with very low natural fertility and poor structure preclude cropping.*
  - *LUC8e1: Coastal foredunes with a potential for extreme wind erosion.*
- 32 Some LUC 4 land in Northland may be considered Highly Productive Land, but the LUC 4e10 land at Henderson Bay is described on the Landcare LRIS Portal as 'low fertility, poorly structured yellow-brown sands subject to periods of moisture deficiency' could not be considered Highly Productive Land under NPS-HPL 2022.

### National Policy Statement for Indigenous Biodiversity (NPS-IB) 2023

- 33 It is possible that some areas of kanuka or wetlands at Henderson Bay could be considered areas of significant indigenous vegetation under NPS-IB and the Regional Policy Statement for Northland. However, changing the zone from Rural Production to Rural Lifestyle would not affect the need or ability to protect these areas.

**National Policy Statement for Freshwater (NPS-FW) 2020**

- 34 Similarly, changing the zone from Rural Production to Rural Lifestyle would not affect the need or ability to protect freshwater under NPS-FW 2020.

**National Environment Standards for Commercial Forestry 2017 (NESCf)**

- 35 There is no commercial forestry on the Henderson Bay lifestyle blocks.

**National Planning Standards 2019-updated-2022**

- 36 The National Planning Standards Table 13 defines zone names to be used in District Plans. Rural Production S42A Report para 35 notes the descriptions for rural zones as follows:

Rural Production	Areas used predominantly for primary production activities that rely on the productive nature of the land and 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.
General Rural	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	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.
Settlement	Areas used predominantly for a cluster of residential, commercial, light industrial and/or community activities that are located in rural areas or coastal environments.

- 37 The Henderson Bay lifestyle blocks do not fit the descriptions of 'Rural Production', 'General Rural' or 'Settlement' but closely match the description of 'Rural Lifestyle'.

**Northland Regional Policy Statement**

- 38 Rezoning the land at Henderson Bay to Rural Lifestyle would allow further low density subdivision and development in a coastal area which would be consistent with Regional Policy Statement for Northland Policies 5.1.1 and 5.1.2.

**Reasons for the request**

- 39 The poor soils and existing lot sizes and land use of the Henderson Bay lifestyle blocks are more consistent with the Overview, Objectives and Policies of the Rural Lifestyle zone than the Rural Production zone. Rural Lifestyle rules are more appropriate for the current land use than Rural Production rules.
- 40 The Henderson Bay lifestyle blocks are too small to be economical units for agriculture or horticulture. On the other hand, their size makes pasture difficult and expensive to maintain (with or without grazing), particularly for people who work full time or reside elsewhere.

- 41 I do not live on my property at Henderson Bay and have found it impossible to maintain it properly, especially the control of pest plants on the land. As a result, I am in the process of trying to sell the property. While all prospective purchasers appreciate the special qualities of Henderson Bay, most consider a 4ha block to be too much to maintain.
- 42 Rezoning the land to Rural Lifestyle would allow the blocks to be subdivided into two or more lots, making maintenance much more manageable.
- 43 Some limited subdivision at Henderson Bay (as opposed to none) would fulfil a need for coastal lifestyle land in an appropriate location and reduce the possibility of productive land elsewhere being subdivided for this purpose. This is consistent with the subdivision analysis in the S42A reports for rural zones which recommends *'more conservative minimum lot sizes in the productive rural zones (RPROZ and HZ) and instead provide capacity for living opportunities in the rural environment towards zones specifically designed for that purpose e.g. RLZ, RRZ and RSZ'* (Rural Lifestyle S42A report paragraph 183).

## Assessment of site suitability and potential effects of rezoning

### Natural Hazards

- 44 Natural Hazards are mapped by Northland Regional Council on their GIS maps website. Maps for the relevant area are reproduced in the attached [Appendix 6](#). Obvious watercourses that cross the Henderson Bay properties are mapped as flood areas in 10 and 100 year rainfall events. There is ample land on these properties clear of the flood areas for dwellings, amenity buildings and access/parking.
- 45 Parts of Lots 19,20 and 27 to 31 DP 72042 are mapped 'Blue' Tsunami Evacuation Zone on the NRC GIS mapping; all other areas are identified as Tsunami 'Safe Zones'.
- 46 The Blue zone combines previous red, orange and yellow tsunami zones. Red and orange zones at Henderson Bay are close to MHWS and do not extend on to lifestyle properties. The Yellow Zone represents the area to be evacuated in the most extreme scenarios of a very large near-source earthquake. The Director's Guidelines for Civil Defence Emergency Management Groups' (MCDEM, 2016) state:
- "The Yellow Zone should cover all maximum credible tsunami events including the highest impact events. The intention is that the Yellow Zone provides for local-source maximum credible events, based on locally determined risk. People should evacuate this zone in natural or informal warnings from a local source event, and when instructed via formal warnings.*
- The Yellow Zone Should be defined in such a way that it encompasses the area expected to be inundated by the 2500-year tsunami at the 84% confidence level.*
- 47 The Blue zone mapping on the lifestyle lots close to the coast therefore represents an extreme (up to 2500-year) event and does not preclude development in these areas.

**Effects on natural environment values and coastal environment**

- 48 The existing lifestyle use at Henderson Bay enables indigenous vegetation, wetlands and watercourses to be more protected (by better weed control and the absence of cattle) than if these areas were part of a productive farm. These areas on lifestyle blocks are usually considered an asset and resident landowners are inclined to protect them.
- 49 Any rural production use that generated noise, dust or heavy traffic would have an adverse effect on the current residential use of land at Henderson Bay. The Rural Lifestyle zone rules better protect the amenity values of adjoining lifestyle blocks than the Rural Production zone rules.
- 50 The lifestyle land use at Henderson Bay does not compromise primary production on adjoining farms. Any reverse sensitivity issues are avoided by dwellings being located near the roads, well away from the boundaries with adjoining farms.

**Infrastructure (three waters) servicing**

- 51 The Henderson Bay lifestyle blocks are self-contained with regards to water supply and wastewater treatment and disposal.
- 52 Stormwater that does not soak into the soil runs off the land into defined watercourses that discharge to the northern end of Henderson Bay.
- 53 Stormwater runoff is managed through the impermeable surfaces rules in the District Plan. The PDP as notified permits 15% impermeable surfaces (6000m<sup>2</sup> on a 4ha lot) in the Rural Production zone (RPROZ-R2) and 12.5% or 2,500m<sup>2</sup> (whichever is lesser) in the Rural Lifestyle zone (RLZ-R2). As a permitted activity, there are no controls or mitigation of adverse effects for impermeable surfaces up to the permitted activity threshold.
- 54 As notified, the PDP has much greater controls on stormwater runoff in the Rural Lifestyle zone than the Rural Production zone. Submissions have been made seeking a reduction in the permitted impermeable surfaces threshold in the Rural Production zone (Rule RPROZ-R2; S67/010 and S215/054). The Rural Production zone S42A report paragraph 516 recommends no change to the permitted impermeable surfaces threshold, however this may change as a result of Hearings and Decisions. Depending on the outcome of the decision, stormwater runoff controls on the Rural Lifestyle zone will either be much better than or similar to the controls in the Rural Production zone.

**Transport infrastructure**

- 55 Henderson Bay Road is used by local residents, adjoining farms and people in the wider community wanting to access the beach. The latter category can be quite significant, particularly in the summer when up to 20 vehicles at a time can be parked at the road end, with frequent coming and going along the road. The scale of subdivision that would be facilitated by a change to Rural Lifestyle zoning would make little difference to the total traffic using the road.
- 56 Henderson Bay Road is mostly unsealed and is often corrugated and potholed. It became very corrugated over the 2024-2025 summer and was not repaired until autumn when wetter weather enabled the road to be graded. The only solution to this problem is to seal the road. At present, traffic numbers and NZTA / government policy preclude sealing. Allowing subdivision at Henderson Bay by rezoning the lifestyle blocks to Rural Lifestyle would increase the economics of sealing, particularly if Council chose to take Development Contributions for this purpose.

**Consultation and further submissions**

- 57 I am unaware of any consultation undertaken with tangata whenua in relation to the rezoning request.
- 58 Five Henderson Bay residents made submissions and/or further submissions on the Proposed District Plan:
- Mary Stanners S 141.001 / FS 306.1 to FS 306.12
  - Mark Spaans S402.001, S402.002 / FS 283.1 to FS 283. 6
  - Antoinette Pot S405.001 / FS 276.1 to FS 276.9
  - Dr Lynn Kincla S 505.001 to S 505.004 / FS 220.1 to FS 220.4
  - Warren McKay FS 311.1 to FS 311.8.
- 59 These submitters are concerned that the change from General Coastal zoning in the Operative District Plan to Rural Production in the Proposed District Plan fails to protect the coastal environment and natural character at Henderson Bay.
- 60 The submitters request *‘For Henderson Bay to have its own unique zone that restricts further subdivision below the current 4ha and maintains the current allowable activities or for Henderson Bay to remain in Rural Production and have tight restrictions on any primary production that will have adverse effects on the natural character of the coastline and those living in it’*.<sup>1</sup>
- 61 All submitters made further submissions opposed to my submission S 67.019 requesting the zone be changed to Rural Lifestyle.<sup>2</sup>
- 62 In their further submissions, Antoinette Pot and Mark Spaans state:
- ‘While I agree that the land in Henderson Bay is not suited to further production as is currently allowable in Rural Production, I wouldn’t want Henderson Bay to change zones into one that allows an increase in subdivision that would be an uncontrolled permissible activity as is allowable in Rural Living.*
- Henderson Bay has its own natural character and the current zone changes has not allowed for the status quo that was seen under the previous zoning of General Coastal Zone- especially related to further subdivision. Therefore I support either a special zoning like that of the previous General Coastal or for Rural Production to have tighter control on permissible activities in Henderson Bay that protect the natural character of the area/coastline.*
- 63 Two of these submissions (Mark Spaans S402 and Dr Lynn Kincla S505) were addressed in the S42A report for the Rural Production zone (S42A paragraphs 151 and 171, 172).
- 64 The ‘coastal environment’ has been mapped in the PDP consistent with the Regional Policy Statement for Northland. This land is subject to additional controls under the ‘Coastal Overlay’ provisions. Additional controls specific to Henderson Bay to protect coastal values would be inappropriate.

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<sup>1</sup> Mark Spaans S 402.001, S 402.002; Antoinette Pot S 405.001

<sup>2</sup> Antoinette Pot FS 276.009; Mark Spaans FS 283.007; Lynn Kincla S 220.002; Mary Stanners FS 306.006; Warren McKay FS 311.4.



- 65 In my opinion, rezoning the Henderson Bay lifestyle blocks to 'Rural Lifestyle' would address the submitters' concerns more than if the lifestyle blocks were to remain 'Rural Production'. The PDP Rural Lifestyle rules better control land uses that would have adverse effects on the environment and adjoining properties than the Rural Production rules. Some subdivision could occur with the rezoning, but it would be limited in extent, would not adversely affect the existing natural character and amenity values, and adverse effects are controlled by the PDP subdivision rules.

### Section 32AA evaluation

- 66 I am not qualified to undertake a full analysis in accordance with section 32AA of the RMA. However my lay opinion is that the requested rezoning to Rural Lifestyle is a more appropriate, effective and efficient way to achieve the PDP objectives compared to the notified zoning (Rural Production) for the reasons discussed above.
- 67 I also note:
- The requested zone change applies to a discrete area of land that is already subdivided into 'lifestyle blocks' and is currently used for this purpose.
  - The requested zone change does not complicate the PDP by introducing another zone or overlay.
  - The Henderson Bay lifestyle blocks satisfy a desire for residential land that is close to the open coast. Further subdivision facilitated by a change to Rural Lifestyle would also satisfy this need. The Henderson Bay lifestyle blocks are not currently used for economic growth or employment and this is unlikely to change with the rezoning.
  - The zone change request is consistent with the Rural Production zone S42A analysis paragraph 754 and Rural Lifestyle zone S42A analysis paragraphs 183 and 186.

Michael Winch

17 May 2025

**Appendix 1: Original Submission S67.019 Rural Production Zone: Henderson Bay**

**Appendix 2: Minute 14 General guidance criteria for rezoning submissions**

**Appendix 3: Proposed District Plan Strategic Direction and Zone Outcomes Assessment**

**Appendix 4: Proposed District Plan Permitted Activity Rules**

**Appendix 5: Landcare Research Land Use Capability 2021 Map**

**Appendix 6: Northland Regional Council GIS Hazard Maps**

## Appendix 1

### Original Submission S67.019 Rural Production Zone: Henderson Bay

I **oppose** the Rural Production zoning of my land and surrounding properties at Henderson Bay. My land and the surrounding properties comprise 4 to 6 ha blocks of land largely covered with a mix of native and exotic trees. Most of the properties have residential units. The land is not suitable for farming or productive forestry and should not be zoned Rural Production. The land and current land use is more appropriately zoned **Rural Lifestyle**.

I **seek the following decision from Council**: Rezone from Rural Production to **Rural Lifestyle** the area of land on Otaipango Road and the end of Henderson Bay Road (Lots 1 to 31 DP 72042, Lots 1 & 2 DP 336030 and Lots 1 & 2 DP 410588) shown below. Reduce the Discretionary Activity limit of 2 ha in the Rural Lifestyle zone to 1 ha (10,000m<sup>2</sup>).



## Appendix 2

### Minute 14 General guidance criteria for rezoning submissions

Criteria	Matters to be addressed
Strategic direction	<ul style="list-style-type: none"> <li>How the rezoning request is consistent with the PDP strategic direction (refer Hearing 1)</li> </ul>
Alignment with zone outcomes	<ul style="list-style-type: none"> <li>When rezoning request relates to existing PDP zone, an assessment of how the proposal is aligned with the objectives, policies and intended outcomes for the zone</li> </ul>
Higher order direction	<ul style="list-style-type: none"> <li>How the request “gives effect to” higher order documents in accordance with section 75(3) of the RMA?</li> <li>Consideration of all relevant national policy statements, the national planning standards, and the Northland Regional Policy Statement.</li> </ul>
Reasons for the request	<ul style="list-style-type: none"> <li>The reasons for the rezoning request, including an assessment of why the notified zoning is not appropriate for the subject land.</li> </ul>
Assessment of site suitability and potential effects of rezoning	<ul style="list-style-type: none"> <li>Assessment of the suitability of the land for rezoning, including an assessment of: <ul style="list-style-type: none"> <li>The risks from natural hazards (refer Part 2 – District Wide Matters and the Northland Regional Policy Statement)</li> <li>Effects on any natural environment values, historic heritage, coastal environment, or other PDP overlay (refer Part 2 – District Wide Matters)</li> <li>Effects on surrounding sites, including compatibility of the rezoning with surrounding land-uses and potential reverse sensitivity effects.</li> </ul> </li> </ul>
Infrastructure (three waters) servicing	<ul style="list-style-type: none"> <li>How the rezoning request (including subdivision and development potential enabled by the request) will be supported by adequate infrastructure servicing. This assessment should set out, as applicable: <ul style="list-style-type: none"> <li>Any proposed connections to existing infrastructure systems. <ul style="list-style-type: none"> <li>Any outcomes of discussions with infrastructure providers and any assumptions about infrastructure servicing/sequencing or capacity, including demands from other plan-enabled development.</li> <li>Any on-site provision of infrastructure.</li> </ul> </li> </ul> </li> </ul> <p>Note: if the rezoning request would result in any substantive demand on Council’s infrastructure or alternative bulk infrastructure solutions, we encourage submitters to engage with Council’s Infrastructure representative/consultant via the PDP generic email address.</p>

Transport infrastructure	<ul style="list-style-type: none"> <li>• How the rezoning request will be supported by existing or proposed transport infrastructure, including how new or upgraded transport infrastructure is required.</li> </ul> <p>Note: if the rezoning request includes any access to a State Highway, engagement with Waka Kotahi is strongly encouraged, and the outcomes of this engagement should be recorded in evidence.</p>
Consultation and further submissions	<ul style="list-style-type: none"> <li>• Any consultation undertaken with key stakeholders or tangata whenua in relation to the rezoning request.</li> <li>• A list of any further submissions on the rezoning request and a response to those further submissions</li> </ul>
Section 32AA evaluation	<ul style="list-style-type: none"> <li>• How the rezoning request is a more appropriate, effective and efficient way to achieve the PDP objectives (compared to the notified zoning) in accordance with section 32AA of the RMA</li> </ul>

## Appendix 3

### Proposed District Plan Strategic Direction and Zone Outcomes Assessment

#### Strategic Direction

My assessment of the requested zone change in relation to the Strategic Directions of the Proposed District Plan is as follows:

**Overview:** The Overview does not provide any specific direction relevant to the requested zone change, apart from item 5. The requested zone change is consistent with a prosperous economy through enabling a wide range of rural and urban business activities in the right locations.

#### Rural Environment Objectives:

Objectives		Comment
<b>SD-RE-O1</b>	Primary production activities are able to operate efficiently and effectively and the contribution they make to the economic and social well-being and prosperity of the district is recognised.	The lifestyle blocks at Henderson Bay are unsuitable for primary production and are currently used for lifestyle purposes. Any primary production, such as grazing, is minor and ancillary to the lifestyle purpose.
<b>SD-RE-O2</b>	Protection of highly productive land from inappropriate development to ensure its production potential for generations to come.	The land is generally infertile sand with hard pan layers; it is not highly productive land.

#### Alignment with zone outcomes

My assessment of the requested zone change in relation to the objectives, policies and intended outcomes for the **Rural Production** zone (including S42A report recommended changes) is as follows:

Rural Production Zone Overview	Comments
The Rural Production zone is the largest zone in the district and accounts for approximately 65% of all land. The Rural Production zone is a dynamic environment, influenced by changing farming and forestry practices and by a wide range of productive activities. The purpose of this zone is to provide for primary production activities including non-commercial quarrying, farming, intensive indoor <u>and outdoor</u> primary production, <del>plantation</del> <u>commercial</u> forestry activities, and horticulture. The Rural Production zone also provides for other activities that support primary production and have a functional need to be located in a rural environment, such as processing of timber, horticulture, apiculture and dairy products. There is also a need to accommodate recreational and tourism activities that may occur in the rural environment, subject to them being complementary to the function, character and amenity values of the surrounding environment. This zone includes land subject to the Coastal Environment Overlay, which has provisions to protect the natural character of the coastal environment.	<p>The lifestyle blocks at Henderson Bay are not suitable for and are not used for primary production.</p> <p>The Coastal Environment Overlay also applies to the Rural Lifestyle zone.</p>

<p>Rural land is an important resource as it underpins the social, economic and cultural well-being of the Far North District. The historic fragmentation of rural land has undermined the integrity of the rural environment and its ability to function for its intended purpose. It is important to protect this finite resource from inappropriate land use and subdivision to ensure it can be used for its primary purpose, <u>especially on land identified as highly productive land under the National Policy Statement for Highly Productive Land (NPS-HPL)</u>. In particular, primary production activities should be able to operate without experiencing reverse sensitivity effects based on complaints about noise, dust, heavy traffic and light spill (which may be temporary or seasonal in nature) that should be anticipated and tolerated in a rural environment. This is particularly relevant for rural land adjacent to the district's larger urban areas, which are subject to growth pressures and are expanding outside of urban zoned areas. Forcing primary production activities to locate further away from urban areas adds to the cost of transporting primary products, can result in primary production activities needing to move on to less suitable soils or topography, and may require people to travel further to work.</p> <p>It is important to differentiate the Rural Production zone from the Rural Lifestyle zone and the Rural Residential zone. The Rural Lifestyle and Rural Residential zones seek to concentrate rural lifestyle or rural residential living in appropriate places in the district, to help avoid further fragmentation of productive land and reverse sensitivity effects on the district's primary sector. Conversely, rural lifestyle development is not provided for in the Rural Production zone unless an environmental benefit is obtained through the protection of indigenous biodiversity in perpetuity (as provided for in the Subdivision chapter). Industrial and commercial activities, including retail, are not anticipated in the Rural Production zone as these are best located in urban zones with appropriate infrastructure or in the Settlement zone. This also ensures that industrial and commercial activities are separated from potentially incompatible primary production activities.</p> <p>Council has a responsibility under the RMA, <u>NPS-HPL</u> and the Northland Regional Policy Statement to manage the rural land resource to provide for the economic, social and cultural well-being of people and communities, protect <u>highly productive land</u> <del>versatile soils</del>, and avoid reverse sensitivity effects on primary production activities. The Rural Production zone also contains many of our areas of indigenous biodiversity, historical and cultural values and high value landscapes and features. The protection of these resources must be managed in conjunction with the ability to undertake activities anticipated in this zone.</p>	<p>The land is not highly productive land.</p> <p>Any rural production use that generated noise, dust or heavy traffic would have an adverse effect on the current residential use of land at Henderson Bay.</p> <p>Rural Lifestyle zoning at Henderson Bay would not result in reverse sensitivity effects on surrounding farmland.</p> <p>The lifestyle blocks at Henderson Bay are concentrated together and used for rural lifestyle purposes.</p> <p>Further development of this land would not adversely affect the surrounding rural production land. Rezoning the land Rural Lifestyle would allow some subdivision in a sought-after area and relieve pressure for subdivision of Rural Production land.</p> <p>Industrial and commercial activities, including retail, are not anticipated at Henderson Bay.</p>
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Objectives		
RPROZ-O1	The Rural Production zone is managed to ensure its availability for primary production activities and its long-term protection for current and future generations.	The existing lifestyle blocks at Henderson Bay do not comply with this objective – the land is currently used for rural lifestyle purposes, not primary production.
RPROZ-O2	The Rural Production zone is used for primary production activities, ancillary activities that support primary production, <u>lawfully established existing activities</u> and other compatible activities that have a functional need to be in a rural environment.	The existing lifestyle blocks at Henderson Bay do not comply with this objective – the land is currently used for rural lifestyle purposes, not primary production.
RPROZ-O3	Land use and subdivision in the Rural Production zone: <ul style="list-style-type: none"> <li>a. protects highly productive land from sterilisation and enables it to be used for <u>farming and forestry activities</u> <del>more productive forms of primary production</del>;</li> <li>b. protects primary production activities from reverse sensitivity effects that may constrain their effective and efficient operation;</li> <li>c. does not compromise the use of land for <u>farming primary production</u> activities, particularly <u>farming and forestry activities</u> on highly productive land;</li> <li>d. does not exacerbate any natural hazards; and</li> <li>e. is able to be serviced by on-site infrastructure.</li> </ul>	The existing lifestyle blocks at Henderson Bay do not comply with this objective – the land is currently used for rural lifestyle purposes, not primary production.
RPROZ-O4	The rural character and amenity associated with a rural working environment is maintained.	The character and amenity of the land at Henderson Bay is consistent with rural lifestyle use, not a rural working environment.
Policies		
RPROZ-P1	Enable primary production activities, provided they internalise adverse effects onsite where practicable, while recognising that typical adverse effects associated with primary production should be anticipated and accepted within the Rural Production zone.	Any rural production use that generated noise, dust or heavy traffic would have an adverse effect on the current residential use of land at Henderson Bay.
RPROZ-P2	Ensure the Rural Production zone provides for activities that require a rural location by: <ul style="list-style-type: none"> <li>a. enabling primary production activities as the predominant land use;</li> <li>b. enabling a range of compatible activities that support primary production activities, including ancillary activities, rural produce manufacturing, rural produce retail, visitor</li> </ul>	Primary production is almost entirely absent from the Henderson Bay lifestyle blocks.

	<p>accommodation, <u>small-scale educational facilities</u> and home businesses; <u>and</u>.</p> <p>c. <u>enabling the maintenance, operation or upgrade of any lawfully established existing activities, provided any loss of highly productive land from those activities is minimised.</u></p>	
RPROZ-P3	<p>Manage the establishment, design and location of new sensitive activities and other nonproductive activities in the Rural Production zone to avoid where possible, or otherwise mitigate, reverse sensitivity effects on primary production activities, <u>particularly the reverse sensitivity effects of rural lifestyle development on highly productive land.</u></p>	<p>The existing rural lifestyle use of land at Henderson Bay does not adversely affect the use of the surrounding farmland for extensive agriculture.</p>
RPROZ-P4	<p>Land use and subdivision activities are undertaken in a manner that maintains or enhances the rural character and amenity of the Rural Production zone, which includes:</p> <ul style="list-style-type: none"> <li>a. a predominance of primary production activities;</li> <li>b. low density development with generally low site coverage of buildings or structures;</li> <li>c. typical adverse effects such as odour, noise and dust associated with a rural working environment; and</li> <li>d. a diverse range of rural environments, rural character and amenity values throughout the district.</li> </ul>	<p>The character and amenity of the land at Henderson Bay is consistent with rural lifestyle use, not a rural working environment.</p>
RPROZ-P5	<p>Avoid land use that:</p> <ul style="list-style-type: none"> <li>a. is incompatible with the purpose, character and amenity of the Rural Production zone;</li> <li>b. does not have a functional need to locate in the Rural Production zone and is more appropriately located in another zone;</li> <li>c. would result in the loss of <u>availability and productive capacity of highly productive land, including consideration of the cumulative effects of such losses;</u></li> <li>d. would exacerbate natural hazards; and</li> <li>e. cannot provide appropriate on-site infrastructure.</li> </ul>	<p>The existing rural lifestyle land use at Henderson Bay:</p> <ul style="list-style-type: none"> <li>a. is not consistent with the purpose, character and amenity of the Rural Production zone</li> <li>b. is more appropriately located in a Rural Lifestyle zone</li> <li>c. is not on highly productive land</li> <li>d. does not exacerbate natural hazards</li> <li>e. can provide appropriate on-site infrastructure.</li> </ul>



<p>RPROZ-P6</p>	<p>Avoid subdivision that:</p> <ul style="list-style-type: none"> <li>a. results in the <u>any potential cumulative loss of the availability or productive capacity of highly productive land for use by farming or forestry activities</u>;</li> <li>b. <u>cannot demonstrate that the proposed lots will retain the overall productive capacity of highly productive land over the long term</u>;</li> <li>c. fragments land into parcel sizes that are no longer able to support farming or forestry activities, taking into account: <ul style="list-style-type: none"> <li>i. the type of farming or forestry proposed;</li> <li>ii. <u>the potential loss of LUC 4 land that is, or has the potential to be, highly productive</u>; and</li> <li>iii. whether smaller land parcels can support <del>more productive forms of the</del> <u>proposed farming or forestry activity</u> due to the presence of highly productive land.</li> </ul> </li> <li>d. provides for rural lifestyle living unless there is an environmental benefit.</li> </ul>	<p>The land at Henderson Bay is not 'highly productive land'.</p> <p>Subdivision of the lifestyle blocks under the current Rural Production zoning is a non-complying activity and is effectively prohibited by the Rural Production objectives and policies.</p> <p>Rezoning the Henderson Bay lifestyle blocks to Rural Lifestyle to allow some subdivision is consistent with RPROZ-P6 Policy (c) because the land is already subdivided into parcels that cannot support economic farming or forestry.</p> <p>Subdivision for rural lifestyle living should be provided for on the Henderson Bay lifestyle lots with or without an environmental benefit.</p>
<p>RPROZ-P7</p>	<p><u>Consider the following matters where relevant when assessing and managing the effects of land use and subdivision in the Rural Production Zone: Manage land use and subdivision to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:</u></p> <ul style="list-style-type: none"> <li>a. whether the proposal will increase production potential in the zone;</li> <li>b. whether the activity relies on the productive nature of the soil;</li> <li>c. consistency with the scale and character of the rural environment;</li> <li>d. location, scale and design of buildings or structures;</li> <li>e. for subdivision or non-primary production activities: <ul style="list-style-type: none"> <li>i. scale and compatibility with rural activities;</li> <li>ii. potential reverse sensitivity effects on primary production activities and existing infrastructure;</li> <li>iii. the potential for loss of highly productive land <u>or LUC 4 land that is, or has the</u></li> </ul> </li> </ul>	<p>The existing rural lifestyle land use at Henderson Bay is not consistent with this policy.</p>

	<p><u>potential to be productive</u>, land sterilisation or fragmentation</p> <p>f. at zone interfaces:</p> <p>i. any setbacks, fencing, screening or landscaping required to address potential conflicts;</p> <p>ii. the extent to which adverse effects on adjoining or surrounding sites are mitigated and internalised within the site as far as practicable;</p> <p>g. the capacity of the site to cater for on-site infrastructure associated with the proposed activity, including whether the site has access to a water source such as an irrigation network supply, dam or aquifer;</p> <p>h. the adequacy of roading infrastructure to service the proposed activity;</p> <p>i. Any adverse effects on historic heritage and cultural values, natural features and landscapes or indigenous biodiversity;</p> <p>j. Any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.</p>	
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The current lifestyle blocks at Henderson Bay are not consistent with the Overview, Objectives and Policies of the Rural Production zone.

In contrast, the blocks are more consistent with the Overview, Objectives and Policies of the **Rural Lifestyle** zone as follows:

Rural Lifestyle Zone Overview	Comments
<p>The role of the Rural Lifestyle zone is to provide an area specifically for rural lifestyle living. Accommodating the demand for rural lifestyle living in appropriate areas of the district, close to transport routes with good access to services in urban areas and settlements, is intended to reduce ad-hoc or sporadic rural lifestyle development throughout the Rural Production zone that adversely impacts on primary production activities.</p> <p>With the stronger subdivision framework for the Rural Production zone, the removal of the Coastal Living zone and the creation of a Horticulture zone for the Kerikeri and Waipapa area, it is important to still provide for rural lifestyle development of larger lots than what is promoted by the Rural Residential zone. This zone enables people to undertake primary production activities, or primarily undertake a residential activity while having the option of growing their own food, or having horses or other livestock at a domestic scale.</p>	<p>The current lots sizes and land use on the lifestyle blocks at Henderson Bay are generally consistent with the Rural Lifestyle Overview.</p> <p>However, like many rural lifestyle areas in the Far North, Henderson Bay is remote from major urban areas. A 4 Square store, fuel supply, two social/ eating establishments, a health clinic and refuse transfer station are located in Pukenui, 16km from Henderson Bay. Full town services including shops, industry and hospital are located in Kaitiaia, 40km south of Pukenui.</p> <p>The lot sizes at Henderson Bay allow for domestic scale rural uses.</p> <p>Industrial and commercial activities, including retail, are not anticipated at Henderson Bay.</p>

<p>This zone is characterised by open space and vegetated landscapes, interspersed by farm buildings, structures and residential units. Areas suitable for rural lifestyle living have been identified because they are already fragmented with residential land uses, are on low value soils or where consent has already been granted to undertake more dense living than anticipated in the Rural Production zone. The zone is expected to provide an appropriate transition from rural residential areas to the Rural Production zone, while retaining a sense of spaciousness and rural character. For this reason, rural lifestyle character and amenity are managed through density rules and the consideration of building locations at the time of subdivision, in addition to the use of building setback controls from boundaries.</p> <p>Given the proximity of <u>most of</u> this zone to urban areas and settlements, there is the potential for activities that are more typically associated with urban areas to seek to establish in this zone. Residential living at urban or rural residential densities, stand-alone retail/business activities, community facilities and industrial activities are not provided for or anticipated in the zone as they can reduce rural character and amenity, lead to reverse sensitivity and cumulative effects, and undermine the role and function of residential, commercial, industrial and mixed use zones. Activities that are complimentary to rural lifestyle living, such as farming activities and home occupations, are provided for in the zone, at a scale appropriate to the size of the lots. The Rural Lifestyle zone is not intended to transition to an urban zone or Settlement zone over time.</p> <p>Council has a responsibility under the RMA and the Regional Policy Statement to protect highly <u>productive land</u> <del>versatile soils</del>, prevent land fragmentation and sterilisation (including reverse sensitivity) and create a well functioning urban form. It is also recognised that the Rural Lifestyle zone contains ecological, historic heritage, cultural and natural character values due to the proximity of some parts of the zone to the coastal marine area. The protection of these resources must be managed in conjunction with the ability to undertake activities anticipated in this zone.</p>	<p>The land at Henderson Bay is already subdivided into lot sizes for residential lifestyle land use and are on low value soils.</p> <p>The Rural Lifestyle zone would retain the sense of spaciousness and rural character at Henderson Bay.</p> <p>The land at Henderson Bay is not in proximity to an urban area. However, the S42A report for the Rural Lifestyle zone (paragraphs 64 and 70) recommends adding the words 'most of' to this description in recognition that not every single area of RLZ is necessarily close to an urban area or settlement.</p> <p>The existing blocks at Henderson Bay are low density and not suited to more intensive urban development.</p> <p>The land at Henderson Bay is not 'highly productive' but is adjacent to the coastal marine area.</p>
<p><b>Objectives</b></p>	
<p>RLZ-O1</p> <p>The Rural Lifestyle zone is used predominantly for low density residential activities and small scale farming activities that are compatible with the rural character and amenity of the zone.</p>	<p>The Henderson Bay lifestyle blocks comply with this objective.</p>
<p>RLZ-O2</p> <p>The predominant character and amenity of the Rural Lifestyle zone is characterised by:</p> <ul style="list-style-type: none"> <li>a. low density residential activities;</li> <li>b. small scale farming activities with limited buildings and structures;</li> </ul>	<p>The Henderson Bay lifestyle blocks comply with this objective.</p>

	<ul style="list-style-type: none"> <li>c. smaller lot sizes than anticipated in the Rural Production Zone;</li> <li>d. a general absence of urban infrastructure;</li> <li>e. rural roads with low traffic volumes;</li> <li>f. areas of vegetation, natural features and open space.</li> </ul>	
RLZ-O3	The role, function and predominant character and amenity of the Rural Lifestyle zone is not compromised by incompatible activities.	All Henderson Bay lifestyle blocks are currently used for rural lifestyle purposes; rural production as provided for in the Rural Production zone could adversely affect neighbouring lifestyle blocks..
RLZ-O4	Land use and subdivision in the Rural Lifestyle zone does not compromise the effective and efficient operation of primary production activities in the adjacent Rural Production Zones.	The lifestyle land use does not compromise primary production on adjoining farms.
<b>Policies</b>		
RLZ-P1	<p>Enable activities that will not compromise the role, function and predominant character and amenity of the Rural Lifestyle zone, while ensuring their design, scale and intensity is appropriate to manage adverse effects in the zone, including:</p> <ul style="list-style-type: none"> <li>a. low density residential activities;</li> <li>b. small scale farming activities;</li> <li>c. home business activities;</li> <li>d. visitor accommodation; and</li> <li>e. small scale education facilities.</li> </ul>	The Henderson Bay lifestyle blocks comply with this policy.
RLZ-P2	<p>Avoid activities that are incompatible with the role, function and predominant character and amenity of the Rural Lifestyle zone because they are:</p> <ul style="list-style-type: none"> <li>a. contrary to the density anticipated for the Rural Lifestyle zone;</li> <li>b. predominately of an urban form or character;</li> <li>c. primary production activities, such as intensive indoor primary production, that generate adverse amenity effects that are incompatible with rural lifestyle living; or</li> <li>d. commercial, rural industry or industrial activities that are more appropriately located in a Settlement zone or an urban zone.</li> </ul>	The current lifestyle land uses at Henderson Bay comply with this policy. Any other land use resulting from a change in zoning can and should also comply with this policy.

RLZ-P3	Avoid where possible, or otherwise mitigate, reverse sensitivity effects from sensitive and other non-productive activities on primary production activities in the adjacent Rural Production zone.	The land at Henderson Bay is surrounded by farmland used for extensive grazing which is recognised as part of the environment. Any reverse sensitivity issues with primary production on adjoining farms are avoided by dwellings being located near the roads, well away from the boundaries with adjoining farms.
RLZ-P4	<p><del>Manage land use and subdivision to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application. Consider the following matters where relevant when assessing and managing the effects of land use and subdivision in the Rural Lifestyle Zone:</del></p> <ul style="list-style-type: none"> <li>a. consistency with the scale and character of the rural lifestyle environment;</li> <li>b. location, scale and design of buildings or structures;</li> <li>c. at zone interfaces: <ul style="list-style-type: none"> <li>i. any setbacks, fencing, screening or landscaping required to address potential conflicts;</li> <li>ii. the extent to which adverse effects on adjoining or surrounding sites are mitigated and internalised within the site as far as practicable;</li> </ul> </li> <li>d. the capacity of the site to cater for on-site infrastructure associated with the proposed activity;</li> <li>e. the adequacy of roading infrastructure to service the proposed activity;</li> <li>f. managing natural hazards;</li> <li>g. any adverse effects on historic heritage and cultural values, natural features and landscapes or indigenous biodiversity; and</li> <li>h. any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.</li> </ul>	The current lifestyle land uses at Henderson Bay comply with this policy. Any other land use resulting from a change in zoning can also comply with this policy.

## Appendix 4

### Proposed District Plan Permitted Activity Rules

Including amendments recommended by S42A report

Activity	Rural Production Zone	Rural Lifestyle Zone
Maximum building height	RPROZ-R1 / RPROZ-S1 <b>12m</b>	RLZ-R1 / RLZ-S1 <b>8m</b>
Height in relation to boundary	RPROZ-R1 / RPROZ-S2 1. 55 degrees at 2m above ground level at the northern boundary of the site; and 2. 45 degrees at 2m above ground level at the eastern and western boundaries of the site; and 3. 35 degrees at 2m above ground level at the southern boundary of the site.	RLZ-R1 / RLZ-S2 1. 55 degrees at 2m above ground level at the northern boundary of the site; 2. 45 degrees at 2m above ground level at the eastern and western boundaries of the site; and 3. 35 degrees at 2m above ground level at the southern boundary of the site.
Building setback	RPROZ-R1 / RPROZ-S3 Setback (excluding from MHWS or wetland, lake and river margins); at least 10m from all site boundaries, except: 1. on sites less than 5,000m <sup>2</sup> accessory buildings can be setback to a minimum of 3m for boundaries that do not adjoin a road; or <del>2. artificial crop protection and support structures must be setback at least 3m from all site boundaries; or</del> 3. habitable buildings must be setback at least <u>20m</u> from the boundary of an unsealed road; and <u>4. habitable buildings must be set back 30m from the boundary of a site containing a commercial forest.</u>	RLZ-R1 / RLZ-S3 Setback (excluding from MHWS or wetland, lake and river margins); at least 10m from all site boundaries, except 1. on sites less than 5,000m <sup>2</sup> the setback is a minimum of 3m for boundaries that do not adjoin a road; <del>2. artificial crop protection and support structures must be setback at least 3m from all site boundaries; and</del> 3. habitable buildings must be setback at least <u>20m</u> from the boundary of an unsealed road; <u>4. habitable buildings must be set back 30m from the boundary of a site containing a commercial forest; and</u> <u>5. buildings containing sensitive activities must be setback at least 20m from the boundary of a Rural Production Zone or a Horticulture Zone.</u>
Building setback	RPROZ-R1 / <del>RPROZ-S4 Setback from MHWS;</del>	RLZ-R1 / <del>RLZ-S4 Setback from MHWS;</del>
Maximum Building or structure coverage;	RPROZ-R1 / RPROZ-S5 Building or structure coverage; The building or structure coverage of any site is no more than <u>15%</u> .	RLZ-R1 / RLZ-S5 Building or structure coverage; The building or structure coverage of any site is no more than 12.5%.

Farm Buildings	RPROZ-R1 / RPROZ-S6 Buildings or structures used to house, milk or feed stock (excluding buildings or structures used for an intensive indoor primary production activity); Permitted Activity	RLZ-R1 / RLZ-S6 Buildings or structures used to house, milk or feed stock (excluding buildings or structures used for an intensive indoor primary production activity). Permitted Activity
Sensitive activities	<p>RPROZ-R1 / Permitted Activity</p> <p>RPROZ-S7 Sensitive activities setback from boundaries of a the Mineral Extraction Zone extraction overlay.</p> <p><u>RPROZ-SX Sensitive activities setback from intensive indoor and outdoor primary production activities; and</u></p> <p><u>RPROZ-SY Sensitive activities setback from buildings or structures used to house, milk or feed stock (excluding buildings or structures used for an intensive indoor or outdoor primary production activity).</u></p>	<p>RLZ-R1 / Permitted Activity</p> <p><u>RLZ-SX Sensitive activities setback from boundaries of the Mineral Extraction Zone;</u></p> <p><u>RLZ-SY Sensitive activities setback from intensive indoor and outdoor primary production activities; and</u></p> <p><u>RLZ-SZ Sensitive activities setback from buildings or structures used to house, milk or feed stock (excluding buildings or structures used for an intensive indoor or outdoor primary production activity).</u></p>
Impermeable surface coverage	<p>RPROZ-R2 / PER-1 Permitted Activity</p> <p>The impermeable surface coverage of any site is no more than 15%.</p>	<p>RLZ-R2 / PER-1 Permitted Activity</p> <p>The impermeable surface coverage of any site is no more than 12.5% or 2,500m<sup>2</sup>, which ever is lesser.</p>
Residential activity	<p>RPROZ-R3 Permitted</p> <p>PER-1 The site area per residential unit is at least 40ha.</p> <p>PER-2 The number of residential units on a site does not exceed six.</p> <p>PER-1 does not apply to:</p> <p>i. a single residential unit located on a site less than 40ha.</p> <p><u>ii. a minor residential unit constructed in accordance with rule RPROZ-R19</u></p>	<p>RLZ-R3 Permitted</p> <p>PER-1 The site area per residential unit is at least 2ha.</p> <p>PER-1 does not apply to:</p> <p>i. a single residential unit located on a site less than 2ha.</p> <p><u>ii. A minor residential unit constructed in accordance with rule RLZ-R10.</u></p>
Visitor accommodation	<p>RPROZ-R4 Permitted</p> <p>PER-1 The visitor accommodation is within a residential unit, accessory building or minor residential unit.</p> <p>PER-2 The occupancy does not exceed 10 guests per night.</p> <p>PER-3 The site does not share access with another site.</p>	<p>RLZ-R4 Permitted</p> <p>PER-1 The visitor accommodation is within a residential unit, accessory building or minor residential unit.</p> <p>PER-2 The occupancy does not exceed 10 guests per night.</p> <p>PER-3 The site does not share access with another site.</p>
Home Business	<p>RPROZ-R5 Permitted</p> <p>PER-1 The home business is undertaken within:</p> <p>1. a residential unit; or</p>	<p>RLZ-R5 Permitted</p> <p>PER-1 The home business is undertaken within:</p> <p>1. a residential unit; or</p>

	<p>2. an accessory building that does not exceed 40m<sup>2</sup> GFA; or</p> <p>3. a minor residential unit.</p> <p>PER-2 There is no more than <b>two</b> full-time equivalent persons engaged in the home business who reside off-site.</p> <p>PER-3 All manufacturing, altering, repairing, dismantling or processing of any material or articles associated with an activity is carried out within a building or screened from residential units on adjoining sites.</p> <p>PER-4 Hours <u>when a business can be open to the public</u> <del>of operation</del> are between:</p> <p>1. 7am-8pm Monday to Friday.</p> <p>2. 8am-8pm Weekends and public holidays.</p>	<p>2. an accessory building that does not exceed 40m<sup>2</sup> GFA; or</p> <p>3. a minor residential unit.</p> <p>PER-2 There is no more than <b>one</b> full-time equivalent person engaged in the home business who reside off-site.</p> <p>PER-3 All manufacturing, altering, repairing, dismantling or processing of any material or articles associated with an activity is carried out within a building or screened from residential units on adjoining sites.</p> <p>PER-4 Hours <u>when a business can be open to the public</u> <del>of operation</del> are between:</p> <p>1. 7am-8pm Monday to Friday.</p> <p>2. 8am-8pm Weekends and public holidays.</p>
Educational facility	<p>RPROZ-R6 Permitted</p> <p>PER-1 The educational facility is within a residential unit, accessory building or minor residential unit.</p> <p>PER-2 Hours of operation are between;</p> <p>1. 7am-8pm Monday to Friday.</p> <p>2. 8am-8pm Weekends and public holidays.</p> <p>PER-3 The number of students attending at one time does not exceed four, excluding those who reside onsite.</p>	<p>RLZ-R6 Permitted</p> <p>PER-1 The educational facility is within a residential unit, accessory building or minor residential unit.</p> <p>PER-2 Hours of operation are between;</p> <p>1. 7am-8pm Monday to Friday.</p> <p>2. 8am-8pm Weekends and public holidays.</p> <p>PER-3 The number of students attending at one time does not exceed four, excluding those who reside onsite.</p>
Farming activity	RPROZ-R7 Permitted	RLZ-R7 Permitted
Conservation activity	RPROZ-R8 Permitted	RLZ-R8 Permitted
Recreation activity [organised sports (excluding motorsport), recreation or leisure]	<p>RPROZ-R9 Permitted</p> <p>PER-1 The recreation activity is not being operated as a commercial activity.</p> <p>PER-2 There is no motorsport activity.</p> <p><u>PER-3 Any buildings or structures associated with a recreation activity are not located on highly productive land.</u></p>	RLZ-R18 Discretionary
Rural produce retail	<p>RPROZ-R10 Permitted</p> <p>PER-1 The activity does not exceed GBA of <b>100m<sup>2</sup></b> and is set back a minimum of</p>	<p>RLZ-R9 Permitted</p> <p>PER-1 The activity does not exceed GBA of <b>50m<sup>2</sup></b> and is set back a minimum of</p>



	<p>30m from any <del>internal site</del> boundary other than a road boundary.</p> <p>PER-2 The number of rural produce retail operations does not exceed one per site.</p>	<p>30m from any <del>internal site</del> boundary other than a road boundary.</p> <p>PER-2 The number of rural produce retail operations does not exceed one per site.</p>
Rural produce manufacturing	<p>RPROZ-R11 Permitted</p> <p>PER-1 The building undertaking rural produce manufacturing does not exceed GFA of <u>150m<sup>2</sup></u>.</p> <p>PER-2 The number of rural produce manufacturing operations does not exceed one per site.</p> <p>PER-3 All manufacturing, altering, repairing, dismantling or processing of any materials or articles is carried out within a building or screened from residential units on adjoining properties.</p>	RLZ-R12 Discretionary Activity
Farm quarry	<p>RPROZ-R12 Permitted</p> <p>PER-1</p> <p>1. The farm quarry is not within 30m of a site boundary; and</p> <p>2. no more than 5,000m<sup>3</sup> of material is extracted in a calendar year.</p>	<p>No permitted activity rule.</p> <p>RLZ-R20 Discretionary Activity</p> <p>RLZ-R26 Non-complying Activity (refer also earthworks rules)</p>
Catteries and dog boarding kennels	<p>RPROZ-R13 Permitted</p> <p>PER-1 Any building, compound or part of a site used for a cattery, is located a minimum of:</p> <p>1. 600m from the boundary of a site within the General Residential, Mixed Use, Kororāreka Russell Township, Rural Residential, Māori Purpose - Urban, Settlement zones; or</p> <p>2. 50m from the boundary of a site for all other zones.</p> <p>PER-2 Any building, compound or part of a site used for a dog boarding kennel, is located a minimum of:</p> <p>1. 600m from the boundary of a site within the General Residential, Mixed Use, Kororāreka Russell Township, Rural Residential, Māori Purpose - Urban, Settlement zones; or</p> <p>2. 300m from the boundary of a site for all other zones.</p> <p><u>PER-3 The activity is not located on highly productive land.</u></p>	RLZ-R17 Discretionary Activity

Cemeteries / Urupā	RPROZ-R14 Permitted <u>PER-1 The activity is not located on highly productive land.</u>	No permitted activity rule. RLZ-R20 Discretionary Activity
<del>Plantation forestry and plantation forestry activity</del> <u>Forestry activity not regulated by the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017</u>	RPROZ-R15 Permitted <del>PER-1 It is not located on versatile soils.</del>	RLZ-R10 Permitted <del>PER-1 It is not located on versatile soils.</del>
Additions or alterations to an existing Community Facility	RPROZ-R16 Permitted  PER-1 The combined GFA of all buildings on the site does not exceed 300m <sup>2</sup> or a maximum increase of 10% of combined GFA of all buildings on the site, whichever is the greater.	RLZ-R14 Discretionary Activity
Emergency service facility	RPROZ-R17 Permitted  PER-1 The combined GFA of all buildings on the site does not exceed 150m <sup>2</sup> . <u>PER-2 The activity is not located on highly productive land.</u>	No permitted activity rule. RLZ-R20 Discretionary Activity
Mineral prospecting and exploration	RPROZ-R18 Permitted  PER-1 It is undertaken using handtools.  Note: RPROZR21 Expansion of existing mineral extraction Restricted Discretionary Activity  RPROZR30 New mineral extraction Discretionary Activity	No permitted activity rule. RLZ-R20 Discretionary Activity  Note: RLZ-R26 Mineral extraction is a Non-complying Activity
<u>Rural airstrip</u>	<u>RPROZ-RW Permitted</u>	No permitted activity rule. RLZ-R20 Discretionary Activity
<u>Artificial crop protection structures and crop support structures</u>	<u>RPROZ-RX Permitted</u>  <u>PER-1 The establishment of a new, or expansion of an existing, artificial crop protection structure or crop support structure, where:</u>  <u>1. The height of the structure does not exceed 6m above ground level;</u> <u>2. The structure is set back at least 3m from all site boundaries;</u>	<u>RLZ-RX Permitted</u>  <u>PER-1 The establishment of a new, or expansion of an existing, artificial crop protection structure or crop support structure, where:</u>  <u>1. The height of the structure does not exceed 6m above ground level;</u> <u>2. The structure is set back at least 3m from all site boundaries;</u>

	<p><u>3. Dark green or black material is used on any vertical faces within 30m of a site boundary except that a different colour may be used if written approval of the owner(s) of the immediately adjoining property or the road controlling authority (in the case of a road) is obtained and provided to the Council.</u></p> <p><u>PER-2 The new, or expansion of an existing, artificial crop protection structure or crop support structure complies with standards: RPROZ-S2 Height in relation to boundary</u></p>	<p><u>3. Dark green or black material is used on any vertical faces within 30m of a site boundary except that a different colour may be used if written approval of the owner(s) of the immediately adjoining property or the road controlling authority (in the case of a road) is obtained and provided to the Council.</u></p> <p><u>PER-2 The new, or expansion of an existing, artificial crop protection structure or crop support structure complies with standards: RLZ-S2 Height in relation to boundary</u></p>
<u>Seasonal worker accommodation</u>	<p><u>RPROZ-RY Permitted</u></p> <p><u>The establishment of a new, or expansion of existing seasonal worker accommodation where:</u></p> <p><u>1. The accommodation is associated with a farming or forestry activity and is located the same land used for that operation;</u></p> <p><u>2. The accommodation comprises of a combination of communal kitchen and eating areas and sleeping and ablution facilities;</u></p> <p><u>3. The accommodation provides for no more than 10 workers; and</u></p> <p><u>4. The accommodation is not located on highly productive land.</u></p>	<p>No permitted activity rule.</p> <p>RLZ-R20 Discretionary Activity</p>
Minor residential unit	<p><u>RPROZ-R19 <del>Controlled</del> Permitted</u></p> <p><u>PER-1 The number of minor residential units on a site does not exceed one.</u></p> <p><u>PER-2 The site area per minor residential unit is at least one hectare.</u></p> <p><u>PER-3 The minor residential unit shares vehicle access with the principal residential unit.</u></p> <p><u>PER-4 The separation distance between the minor residential unit and the principal residential unit does not exceed 15m.</u></p> <p><u>PER-5 The minor residential unit:</u>  <u>1. does not exceed a GFA of 65m<sup>2</sup>; and</u>  <u>2. with an optional attached garage or carport that does not exceed GFA of 18m<sup>2</sup>, where the garage or carport is used for vehicle storage, general storage and laundry facilities.</u></p>	<p>RLZ-R11 Permitted</p> <p><u>PER-1 The number of minor residential units on a site does not exceed one.</u></p> <p><u>PER-2 The site area per minor residential unit is at least one hectare.</u></p> <p><u>PER-3 The minor residential unit shares vehicle access with the principal residential unit.</u></p> <p><u>PER-4 The separation distance between the minor residential unit and the principal residential unit does not exceed 15m.</u></p> <p><u>PER-5 The minor residential unit:</u>  <u>1. does not exceed a GFA of 65m<sup>2</sup>; and</u>  <u>2. with an optional attached garage or carport that does not exceed GFA of 18m<sup>2</sup>, where the garage or carport is used for vehicle storage, general storage and laundry facilities.</u></p>

Earthworks	EW-R1, EW-R3, EW-R5 Permitted Activity S1 maximum volumes and area thresholds for all earthworks undertaken on a site within a single calendar year: <b>5,000m<sup>3</sup></b> volume / 2,500m <sup>2</sup> area	EW-R1, EW-R3, EW-R5 Permitted Activity S1 maximum volumes and area thresholds for all earthworks undertaken on a site within a single calendar year: <b>1,000m<sup>3</sup></b> volume / 2,500m <sup>2</sup> area
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### Restricted Discretionary, Discretionary and Non-complying Activities

Differences between Rural Production and Rural Lifestyle rules relevant to Henderson Bay

Activity	Rural Production Zone	Rural Lifestyle Zone
Papakāinga Housing	RPROZ-R20 Restricted Discretionary Activity	No permitted activity rule. RLZ-R20 Discretionary Activity
Rural tourism activity	RPROZ-R22 Restricted Discretionary Activity	RLZ-R16 Discretionary Activity
Intensive indoor <u>and</u> <u>outdoor</u> primary production	RPROZ-R23 Restricted Discretionary Activity	RLZ-R25 Non-complying Activity
Rural industry	RPROZ-R24 Restricted Discretionary Activity	RLZ-R19 Discretionary Activity
Camping Grounds	RPROZ-R25 Discretionary Activity	RLZ-R13 Discretionary Activity

### Subdivision

Minimum lot sizes under the Subdivision Rule SUB-R3 / SUB – S1 are as follows:

Activity Status	Rural Production Zone As Notified	Rural Lifestyle Zone As Notified	Rural Lifestyle Zone As recommended in S42A report
Controlled Activity	40 ha	4ha	2ha
Discretionary Activity	8 ha	2ha	1ha

## Appendix 5

### Landcare Research Land Use Capability 2021 Map

The soils at Henderson Bay are identified in the Landcare Research Land Use Capability 2021 LRIS Portal as:

- *LUC 4e10: Undulating to rolling slopes on podzolised sands. Soils are low fertility, poorly structured yellow-brown sands subject to periods of moisture deficiency. There is a potential for severe rill, wind and sheet erosion when cultivated.*
- *LUC 6s5: Flat to gently rolling slopes on the margins of downlands and broad crests on sedimentary lithologies. Podzols with very low natural fertility and poor structure preclude cropping.*
- *LUC8e1: Coastal foredunes with a potential for extreme wind erosion.*



## Appendix 6

### Northland Regional Council GIS Hazard Maps



