

BEFORE THE FAR NORTH DISTRICT COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the submissions and further submissions made by Bentzen Farm Limited, Setar Thirty Six Limited and Matauri Trustee Limited to the Proposed Far North District Plan.

AND

IN THE MATTER Hearing 17: Sweep Up (Interpretation, Mapping, Plan Variation 1 and other matters)

**STATEMENT OF EVIDENCE OF PETER RAYMOND HALL (PLANNER)
ON BEHALF OF BENTZEN FARM LIMITED, SETAR THIRTY SIX
LIMITED AND MATAURI TRUSTEE LIMITED**

21 October 2025

1.0 INTRODUCTION/SUMMARY

- 1.1 I present this evidence on behalf of Bentzen Farm Limited,¹ Setar Thirty Six Limited,² and Matauri Trustee Limited³ together “**the submitters**”. I prepared the submissions and further submissions on behalf of the submitters.
- 1.2 I set out in my evidence to Hearing 1 an introduction to the submitters, including a description of their landholdings with location maps and a table of the key outcomes that are sought.⁴
- 1.3 My evidence here relates to a recommendation of the s42A report for Hearing 4 to include a definition of ‘**building platform**’ in the Proposed District Plan (PDP). This came from the use of that term in clause in Rule NFL-R1 and CE-R1 and Policies NFL-P8 and CE-P10 relating to the construction of buildings on approved building platforms as a controlled activity in the Natural Environment Values & Coastal Environment chapters respectively.
- 1.4 This recommendation from Hearing 4 has not been brought through to the s42A report for the subject Hearing 17.
- 1.5 My preference (as per my evidence to Hearing 4) is to use ‘building platform and buildable areas’ in rules NFL-R1 and CE-R1, and not have a separate definition in the PDP. However, should a definition approach be favoured by the Hearing Panel as per the s42A Reports for Hearing 4, then I set out below the form that definition may take, recognising that wider consideration will still need to be made of the implications of including such a definition in the PDP.

¹ Submission 167, Further Submissions 066, 376 and 578.

² Submission 168, Further Submissions 069 and 377.

³ Submission 243, Further Submission 582.

⁴ FNPDP Hearing One- Hearing Statement of Evidence of Peter Hall

2.0 QUALIFICATIONS AND EXPERTISE

- 2.1 My qualifications and expertise are set out in my evidence to Hearing 1 Strategic Direction and Part 1 /General / Miscellaneous Topics, dated 13 May 2024.⁵

3.0 CODE OF CONDUCT

- 3.1 I have read the Code of Conduct for Expert Witnesses issued as part of the Environment Court Practice Notes 2023. I agree to comply with the code and am satisfied the matters I address in my evidence are within my expertise. I am not aware of any material facts that I have omitted that might alter or detract from the opinions I express in my evidence.

4.0 BUILDING PLATFORM/BUILDABLE AREA

- 4.1 The s42A Report and Right of Reply Reports for Hearing 4 supported the inclusion of a controlled activity rule for the construction of buildings and extensions and alterations in the Coastal Environment and ONL on “a defined building platform, where the defined building platform has been identified through an expert landscape assessment and approved as part of an existing or implemented subdivision consent” (my emphasis added). Amendments were recommended to rules NFL-R1 and CE-R1 to this effect.
- 4.2 At para 40 of the s42A Right of Reply Report for Coastal Environment, Natural Features and Landscapes, Natural Character to Hearing 4 the following conclusion was drawn:

“Regarding the question raised during the hearing as to whether “building platform” should have a definition, we support including a definition, but our view is it should be addressed at Hearing 18 [now Hearing 17] (where definitions will be considered). We agree that there is some potential ambiguity with the term (for example whether it is just the building(s) envelope or also the

curtilage around the building(s)). The term is used in various other chapters – including Natural Hazards, Subdivision, Horticulture and Kauri cliffs. Our view is that any such definition needs to be prepared with an appreciation of all the contexts in which it is used across the PDP”.

- 4.3 This was carried through to the recommendations at para 67 where it was recommended that *“Definitions for “building platform” be considered at Hearing 18”* **[now Hearing 17]**.
- 4.4 The s42A report for Hearing 17 has not made any recommendation on a definition of ‘building platform’ which may be an oversight, given the recommendation from the s42A report.
- 4.5 Should the Hearing Panel wish to adopt the s42A recommendation of Hearing 4, then there is a gap in the recommendations before it. I have set out in my evidence below an option for a definition for ‘building platform’ that is cast suitably wide to encapsulate the purposes for which it is used in Rule NFL-R1 and CE-R1 and Policies NFL-P8 and CE-P10.
- 4.6 My preference however, as per my evidence to Hearing 4⁶, is not to have a separate definition, but to include the terms ‘building platform or buildable area’ in rules Rule NFL-R1 and CE-R1. This provides for the correct scope of circumstances that these rules are intended to cover, and avoids the risk of a defined term included in the definitions section of the District Plan from creating unforeseen impacts in other sections of the District Plan.
- 4.7 In my experience, the terms building platform and buildable area included in the rules in this way as I set out in the preceding paragraph cover all of the circumstances intended by the rule, with subdivision consents where locations have been identified as being suitable for building by landscape assessment typically describing these as either ‘building platform’ or ‘buildable area’ (Ōmarino being an example of the latter as I described in my evidence to Hearing 4).

⁶ Peter Hall Written Presentation to Far North Proposed District Plan Hearing Four: Natural Environment Values & Coastal Environment – 5 August 2024

- 4.8 Using NFL-R1 as an example (with this rule being mirrored also in CE-R1), my recommendation to Hearing 4 from my written presentation is as follows:

Note the below provisions represent the Section 42A Report Writing Officer's recommended amendments to the provisions of the Proposed District Plan, in response to submissions (with underline used for new text and ~~strikethrough~~ for deleted text).

Amendments in red as recommended in the evidence of Peter Hall.

Further Amendments in green recommended by Peter Hall at Panel Hearing 5/8/24

**Activity status when
compliance not achieved with**

PER-1:

Controlled

CON-1

The building is ~~a residential unit~~
~~for a residential unit or a minor~~
~~residential unit on a single defined~~
~~building platform or buildable~~
~~area, where the defined building~~
~~platform or buildable area has~~
~~been identified through an expert~~
~~landscape assessment and~~
~~approved as part of an existing or~~
~~implemented~~ subdivision consent.

- 4.9 This said, should the Hearing Panel adopt the recommendation from the s42A Report to Hearing 4 - which only uses the term 'building platform' in these rules and not 'buildable area' - then a separate definition would likely be necessary in the PDP.
- 4.10 Such a definition would need to be cast suitably broadly to encapsulate the purposes for which it is intended in the above rules, while ensuring it did not have unforeseen circumstances with uses in other provisions in the PDP. I acknowledge here the s42A Right of Reply Report quoted above which notes that the term is used in various other chapters – including Natural Hazards, Subdivision, Horticulture and Kauri cliffs. I agree with the view stated is that any such definition needs to be prepared with an appreciation of all the contexts in which it is used across the PDP.
- 4.11 For the purposes of rules NFL-R1 and CE-R1, if only 'building platform' is used (as recommended by the Hearing 4 s42A Right of Reply Report) then it would need to be defined as something along the following lines:

“building platform: a location or an area of land identified as being suitable for building”.

4.12 This definition:

- Covers the purposes intended in its use as recommended in Rules NFL-R1 and CE-R1;
- Is cast suitably broadly to cover the methods used at subdivision that I am aware of, where both locations and areas of land are identified (whether these are identified as building platforms or buildable areas on a plan); and
- Deliberately does not add any further qualifications such as ‘identified by expert landscape assessment’, with such qualifications belonging in the rule themselves where the term is used, and not otherwise necessarily generally applicable across the PDP.

4.13 I do raise here some concern about scope, given the cross-Plan impact that the inclusion of such a definition may bring. The submitters I present this evidence on behalf of did not seek the inclusion of a definition of building platform (although did have ‘consequential amendments’ relief), with the submission instead seeking the use of building platform or buildable area in the rules. That brings me therefore to my original conclusion from Hearing 4, that the use of any such terms is best self-contained within the rules themselves in the manner I set out above in the track-change amendments in my paragraph 4.8.

4.14 For completeness, I note that there is no definition of ‘building platform’ in the National Planning Standards (November 2019) (**NPS**). My understanding is that this however does not prevent a definition from being included in the PDP.

Peter Raymond Hall

21 October 2025