

**BEFORE THE HEARING PANEL**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of Submissions and Further Submissions  
on Plan Change 94B: Papakāinga

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**Statement of Evidence of**

**Debra Anne Bidlake**

**On behalf of the Northland Province of Federated Farmers of New Zealand**

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## **1. Introduction**

- 1.1. My name is Debra Anne Bidlake and I am a Senior Regional Policy Advisor for Federated Farmers of New Zealand. I work from our Auckland office. I am authorised to give evidence on behalf of Federated Farmers, and this statement represents the views of our membership.
- 1.2. I have worked for Federated Farmers as a regional policy advisor since August 2015. My role is to provide advocacy on behalf of members in local government consultative processes arising from the Resource Management Act (RMA), Local Government Act and Local Government (Rating) Act. I analyse, submit and present at hearings on behalf of members. My advocacy work is informed and mandated by our elected representatives and local members.
- 1.3. I hold a Bachelor of Laws and a Bachelor of Arts from Waikato University. I have also completed a Post Graduate Diploma in Environmental Management at Victoria University of Wellington. I have previous experience in legal, policy and enforcement roles within central Government.
- 1.4. My family have owned a farm in the Waikato since 1978. We converted from dairy to beef in the early 2000s and my brother and I now lease the farm for dairy support. I have practical experience milking, rotating stock for grazing, calf rearing, fencing, stockyard work, and general maintenance work. I have an intimate knowledge of farming and the challenges that farmers face interpreting and applying regulations in district and regional plans with confidence.
- 1.5. I have given my honest opinion based on my knowledge and experience of both farming and resource management to assist the Panel in understanding the complex issues involved in this hearing. Where I have relied on evidence or opinions of others, this is clearly acknowledged.

## **2 Scope of Evidence**

- 2.1. I have been asked by the Northland Province of Federated Farmers New Zealand (Federated Farmers) to prepare evidence in relation to a late submission by Federated Farmers on PC94B.
- 2.2. Federated Farmers generally supports PC94B but is concerned that reverse sensitivity issues associated with papakāinga development in rural production areas is not appropriately managed. My evidence deals with this issue.

### **3. Set backs for Papakāinga development within rural production areas**

- 3.1. Federated Farmers submitted that papakāinga developments should not adversely impact upon the use and enjoyment of neighbouring farmland and that the Council should amend PC94B to provide appropriate setbacks at the boundary of Maori land undergoing papakāinga development to control the effects of conflicts with adjoining agriculture, horticulture and forestry land.
- 3.2. In Federated Farmers view, setbacks are necessary to avoid reverse sensitivity effects associated with normal farming practices such as odour, noise, dust, spray etc. The permitted activity status of papakāinga developments is not supported by robust enough controls to manage these reverse sensitivity effects.
- 3.3. The section 42A report states that the majority of Maori land in the Whangarei District falls within the proposed “Rural Production Environment” (RPE).<sup>1</sup> The RPE provides primarily for the productive use and development of rural land and resources. RPE 1.1 states:

*“Urban type of development can erode the viability of rural productivity and can create reverse sensitivity impacts on productive uses through the visual effect of large scale buildings and ancillary structures, increased traffic generation, and loss of amenity including privacy, rural outlook, spaciousness, and quietness.”<sup>2</sup>*
- 3.4. Papakāinga developments may take a variety of forms, including dwellings, communal housing, community, educational, recreational and commercial facilities. Clearly, some of these development types are incompatible with RPE zone objectives and have the potential to create the reverse sensitivity effects referred to above in RPE1.1. In Federated Farmers view, the adverse effects of papakāinga development on adjoining land uses need to be acknowledged and managed in PC94B and the District Plan.
- 3.5. The s 42A Report rejects Federated Farmers submission point regarding the inclusion of setbacks. However, it does acknowledge the concerns expressed by adjoining landowners to Māori land and their requests for additional safeguards. It recommends that PKA 1.2 be amended and that District Wide and Resource Area objectives, policies and the underlying Environment provisions apply to papakāinga developments. Of relevance here, are the recently notified RPE provisions, which are still subject to change through a separate Schedule 1 (of the RMA) process.

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<sup>1</sup> Section 42A Report, pg. 8.

<sup>2</sup> Whangarei District Council, Proposed PC85A Rules, pg. 1.

- 3.6. RPE eligibility Rule 2.1 provides that commercial or industrial activities are non-complying. RPE Rule 2.3 provides an 8 m setback from boundaries, unless the development is a “sensitive activity” in which case more generous setbacks for certain farming activities may apply. Unfortunately, the definition of “sensitive activity” in Chapter 4 of the operative District Plan only applies to the National Grid Corridor:

***Sensitive activities***

*“means within a National Grid Corridor, childcare and education facilities, Residential Activity, hospitals, Health Care Facilities and Retirement Villages.”*

- 3.7. This means the RPE rules provide little safeguards for adjoining landowners of papakāinga developments and certainly not those stated in paragraph 193 of the s 42A Report. An 8 metre setback for papakāinga housing, communal housing, educational or recreational facilities is inadequate and will not manage the reverse sensitivity effects of these activities on farming operations. Rather, it is likely to disrupt normal farming activities and create conflict.
- 3.8. PKA 1.5.1.b provides that *“any places of assembly and commercial or industrial activities are setback at least 100 m from any existing **residential unit on a separate site**”*. Places of Assembly are defined in Chapter 4 of the operative District Plan as:

***Place of Assembly***

*means any land or buildings used principally for public or private assembly of people, worship, educational, recreational, social, ceremonial and spiritual activities; for meditation and functions of a community character; and includes churches, church halls, church yards and marae complex.*

- 3.9. I understand this definition to mean that papakāinga houses can be built 8 m from a boundary in the RPE irrespective of where a neighbouring farmhouse may be located (or farming operation of any kind for that matter).<sup>3</sup> In my view, this setback distance is inadequate as such developments are likely to result in loss of amenity for the farmer. In particular, loss of privacy, rural outlook, spaciousness and quietness, which are expressed in RPE1.1 as characteristics and expectations of the RPE zone. Further, a higher concentration of houses only 8 m from a farm boundary may result in complaints about normal farming activities, potentially undermining a farmer’s confidence to conduct their business.

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<sup>3</sup> Houses wouldn’t generally be a place of assembly and marae complex is not defined in the operative District Plan.

- 3.10. The conflicting activity status in PC94B and the relevant underlying environment rules (i.e. PKA1.5.1 versus RPE2.3) are likely to confuse readers and it is unclear how these differences will be reconciled. It is also difficult to anticipate how potential changes to the proposed rural zone rules as a result of the submission process will affect PC94B and the issues discussed here. Federated Farmers submission on the rural plan change package raises a number of issues, in particular the need to protect versatile soils which may mean restricting developments (including papakainga) in certain areas and managing associated reverse sensitivity effects in those zones.
- 3.11. In conclusion, I agree that a reasonable balance needs to be struck between enabling Maori to develop ancestral land by removing identified barriers and managing the adverse effects of such developments under the RMA. However, for the reasons mentioned above, I do not consider that PC94B, or the recommendations in the s 42A report achieves the desired balance as neither adequately addresses Federated Farmers concerns about reverse sensitivity effects on farming operations or farm dwellings.
- 3.12. In my view, the easiest way to address Federated Farmers concerns is to explicitly require setbacks from rural production activities and farm dwellings in PKA1.5.1.

I thank the Hearing Panel for considering my evidence regarding PC94B.

Debra Anne Bidlake  
For Federated Farmers

14 November 2016.

