

Evidence of Rod McGregor (Submitter 318) in the matter of the Proposed Plan Change 85 A-D

Whangarei District Council (WDC) give five primary reasons on pages 87 and 88 of Part 6 of the Section 42A Hearing Report for rejecting submission 318 that our property at 422 Three Mile Bush Road (422 TMB) be rezoned as Rural Living Environment as follows:

1. The existence of 'highly versatile soils' as a valued resource in the area.
2. Risks to valued historic heritage (stone walls) from residential development.
3. Negative effects on an 'at risk aquifer' from residential development.
4. Subject properties being within the Nararatunua Marae area of interest.
5. Reverse sensitivity effects on existing Primary producers being exacerbated by rezoning to RLE.

We address each of the above issue in turn below. In discussion point 395 WDC has chosen to lump together submissions in the Three Mile Bush and Church Road areas to summarise relief sought by those submitters. We see our property 422 TMB as being distinctly different from the properties of those other submitters and many of the arguments we have raised do not relate to those other properties. This approach provides for some misinterpretation including the area for which we seek relief, which is actually 64ha¹.

1. HIGHLY VERSATILE SOILS

WDC raise the point that 422 TMB is identified on the Highly Versatile soils map which and refer to RPS Policy 5.1.1 as support for their position that our submission for 422 TMB to be zoned RLE should be rejected.

RPS policy 5.1.1(f) provides as follows:

5.1.1 Policy – Planned and coordinated development

Subdivision, use and development should be located, designed and built in a planned and co-ordinated manner which:

f Ensures that plan changes and subdivision to / in a primary production zone, do not materially reduce the potential for soil-based primary production on land with highly versatile soils, or if they do, the net public benefit exceeds the reduced potential for soil-based primary production activities;

WDC at paragraph 398 state that “...replacing the existing CE with RLE would materially reduce the potential for soil based primary production...” they go on to acknowledge “...that this would be offset somewhat by economic benefits to landowners through increased subdivision rights”.

In response to this statement by WDC we address the two elements of 5.1.1 in turn in terms of 422 TMB.

(a) The first element of 5.1.1 to consider is whether a zoning of RLE will materially reduce the potential for soil-based primary production on land with highly versatile soils.

A zoning of RLE does not prohibit soil based production on the land. So in the case of 422 TMB we do not see that RLE would meet the first element of 5.1.1 as it would not necessarily reduce the potential for soil based primary production on the land. At present we lease the land for dry stock grazing. It has been accepted by the Commissioners in PC93 that the full time productive use of 422 TMB is no longer sustainable.² It is questionable whether horticultural production would ever be viable on 422 TMB. Horticulture New Zealand’s submission 423 (2.6) has sought to define land suited to horticultural production and our property at 422 TMB does not qualify due to slope and aspect.³ In addition the low

¹ Refer Appendix A.1 – plan of 422 TMB

² Refer Appendix A.2 – PC 93 Recommendations to Council, Paragraph 99

³ Refer Appendix A.3– Original Submission 0423, Schedule 2 (2.6) Hort. NZ, Proposed Plan Changes 85, A-D

uptake of horticultural development in Three Mile Bush Road tends to confirm this. This illustrates that soil based primary production of the land at 422 TMB is no longer sustainable.

The situation might be different if the land to be zoned RLE was surrounded by predominately rural based production. In such a case, development of the RLE land may generate reverse sensitivity effects that could materially reduce the potential for soil based primary production in the surrounding land (e.g. residents in a residential development complaining about spray drift etc). 422 TMB is not surrounded by predominantly rural based production. In fact it lies within a fragmented landscape of predominantly residential lots and presuming the adjacent UTE zone is developed to full capacity, 422 TMB faces the prospect of being bordered by an average freehold lot density of 1.06ha. The only property in the close vicinity with any significant primary production is a small neighboring horticultural unit that abuts 422 TMB. This property is not big enough to be self-sustaining from primary production with both the owner and his wife working second jobs to make ends meet.

As an aside, on the matter of highly versatile soils - In this regard Council refers to a Highly Versatile soils map that was never designed for the planning purposes they are using it for. That map was designed to show areas where highly versatile soils **might** be found, but assumes that detailed mapping will be employed to determine the existence and location of soils with varying land use capability.⁴

(b) The second element of 5.1.1 to consider is a proviso as follows “... or if they do, the net public benefit exceeds the reduced potential for soil-based primary production activities”

Whilst we do not consider 422 TMB meets the first element of 5.1.1 we address the second part as follows:

- Council suggests that only the land owners who gain relief from RLE will achieve economic benefit from that rezoning. That view is somewhat short sighted as it focuses simply on the economic benefit to the landowners and does not recognise the significant benefit to the general public.
- A background report was produced in 2012 by Northland Regional Council (NRC) during the drafting of the RPS.⁵ That report suggests that **“the economy is always going to gain from transforming land used for sheep and beef farming into residential development”**. The report also concludes that **“on land used for sheep and beef farming, only \$62,000 worth of residential development is required to occur on 4 hectares so that the GDP impact is the same over 50 years”**.
- Our property at 422 TMB is currently leased for drystock grazing (roughly equivalent to sheep and beef farming) and if developed under RLE there would be more than \$1million spent on 4 hectares of residential development.
- Therefore it is our submission that a zoning of RLE for 422 TMB fits squarely within the proviso in 5.1.1 in that the net public benefit exceeds the reduced potential for soil based primary production.

WDC further state at paragraph 402 that areas with high versatile soils should not be used for Residential Development which could occur on any soil type.

This statement cannot be correct – residential development on land is rigorously controlled and the soil type has a direct bearing on what, if any residential development can take place. To say that residential development can occur on any soil type is incorrect and runs counter to WDC’s own planning maps which limit the type of residential development that can occur on soil types which are subject to hazards such as flooding, erosion or soils with low on-site effluent disposal capability. It is our understanding that the soils

⁴ Refer Appendix A.4 – Email from Bob Cathcart dated 12.6.2017

⁵ “THE ECONOMIC VALUE OF ALTERNATIVE USES OF VERSITILE SOILS IN NORTHLAND” (unpublished) by Northland Regional Council

at 422 TMB are ideal for residential development as they are not prone to flooding or erosion and are suited to on-site effluent disposal under RLE.

2. RISKS TO VALUED HISTORIC HERITAGE (STONE WALLS) FROM RESIDENTIAL DEVELOPMENT

Council suggests that rezoning from current CE to RLE would put at risk the stone walls which are a valued historic heritage.

We do not understand the risk to the stone walls posed by RLE – as we understand it stone walls are a highly valued landscape feature within a rural residential landscape and WDC has strict controls in place for their protection. We assume such protections will continue under the RLE zoning.

In the vicinity of 422 TMB the stone walls are actually gaining integrity from positive effects due to residential development. One only needs to look at the Karanui development (a 113 residential lot subdivision of 56ha) which is taking place on the land immediately adjoining 422 TMB to see the benefits to stone wall heritage that have resulted from residential development including the repair and restoration of existing walls and the building of new stone walls.

In contrast to this, if 422 TMB was to be zoned RPE, a zoning that would see the land uses restricted to activities that are no longer economically viable, there would be little resources to maintain the stone walls against damage or destruction by livestock or horticultural shelter belts.

It is worthy to note that there are more lineal meters of stonewall per hectare in this part of Three Mile Bush than in any other area of the district. In addition, the stone walls on 422 TMB Road are generally in better condition than walls in other parts of the district. In many other areas shelterbelts planted for horticulture and years of neglect have destroyed much of the district's stone wall heritage. Due to limited horticultural development in the area, Three Mile Bush is one of the few areas where a landscape with open fields divided by intact walls can be viewed from a public road.

It is clear that residential development has a positive and protective effect on the stone walls as a valued historic heritage in the area. As such we cannot see how a zoning of RLE on 422 TMB would pose a risk to the stone walls.

3. AT RISK AQUIFER

The Section 42A report states [para. 399] that the “area is located on an at-risk aquifer. Considering the free draining nature of the soil, introducing on-site wastewater disposal systems has the potential to contaminate the groundwater in this aquifer.” The report does identify the contaminants of concern or provide any evidence to substantiate the potential for contamination to occur.

The Regional Water and Soil Plan identifies the Three Mile Bush Road aquifer as a at-risk aquifer because⁶, at the time the plan was drafted, it was assumed that there would be a high demand on groundwater for horticulture irrigation. To be clear, the aquifer is not deemed to be at risk from contamination.

Northland Regional Council NRC has proposed an allocation limit of 1,097,258 m³ per day for the aquifer.⁷ The current total allocation is 127,845 m³ per day, or 11.7% of the available allocation.⁸ There seems little likelihood that a land use conversion from dairy or beef cattle to low density housing will have an adverse effect on the aquifer recharge, particularly given the fact that 422 TMB is a small part of the recharge area.

Second, the quality of the water in the aquifer is good, despite the historical and current land uses. The contaminants of concern vis-à-vis pastoral farming and human wastewater are faecal pathogens and nitrate. *E.coli* is not an issue in the aquifer (has not been detected) and nitrate (NO₃-N) levels are low (median of 2.5

⁶ Schedule A (“Aquifers with high actual or potential demand”), Regional Water and Soil Plan for Northland.

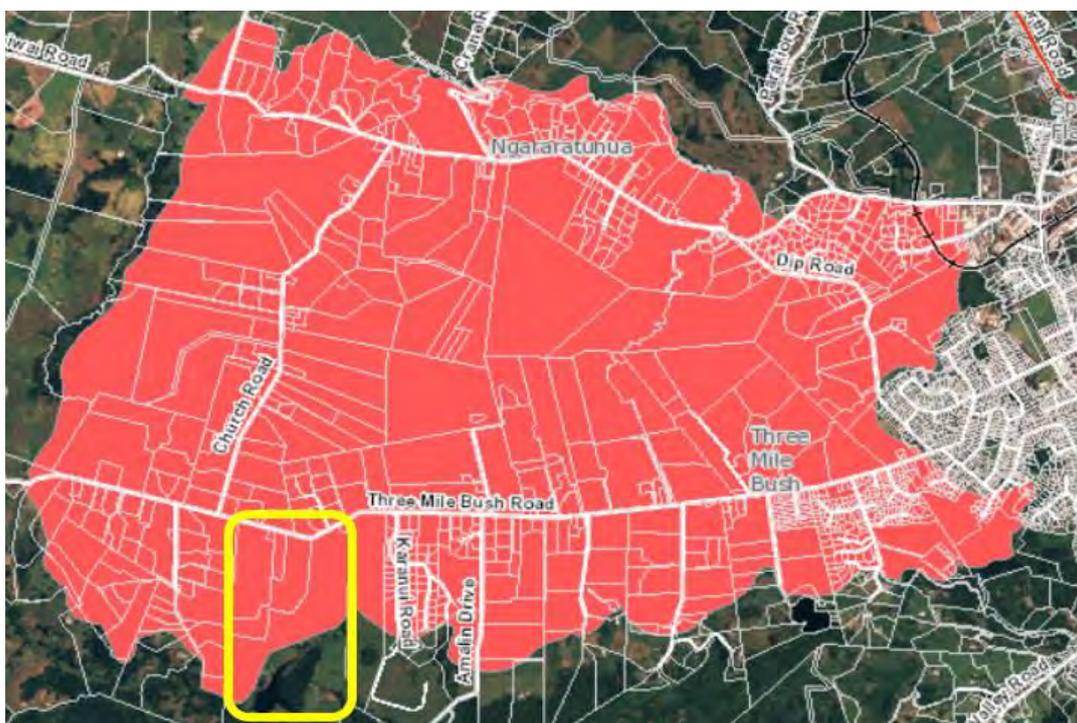
⁷ Draft Regional Plan for Northland 2016.

⁸ See <http://www.nrc.govt.nz/Your-Council/Council-Projects/New-Regional-Plan/indicative-water-quantity-allocation-maps/>

and 95thile of 2.9 at monitoring site) and there is a small improving trend in nitrate levels based on 2003-2014 data. Note that the NZ Drinking Water Standard is 11.3 mg/L of NO₃-N.

Converting from our previous stocking rate of 3.2 cows per hectare (total 150 cows) to 32 lots (2.7 people per lot) will likely result in a significant reduction in the nitrogen and faecal microbe loads to the property. Note that the typical per person production of TKN nitrogen (ammonia and organic nitrogen) is 13 grams per person per day⁹. This equates to a total load per household (2.7 people) of 12.8 kg/year or 6 kg/ha/year if divided by a lot size of two hectares. Compare the areal loading rates with dairy cows which excrete around 350 grams per day¹⁰.

What is more these figures do not assume reduction by secondary or tertiary treatment in onsite systems.



Location of 422 TMB with respect to Three Mile Bush Aquifer

4. NGARARATUNUA MARAE AREA OF INTEREST

422 TMB is not within the Ngararatunua Marae area of interest therefore this point has no bearing on 422 TMB.¹¹

5. REVERSE SENSITIVITY EFFECTS ON EXISTING PRIMARY PRODUCERS

Council expresses the opinion that rezoning to RLE would further exacerbate reverse sensitivity effects on existing primary producers.

The only property in the close vicinity with any significant primary production is the small neighboring horticultural unit that abuts 422 TMB. As far as potential for reverse sensitivity goes they are already surrounded by rural residential properties and the small part of 422 that abuts them is mostly made up of native forest with very limited potential for housing under RLE.

⁹ Section 11.4.2, Auckland Regional Council Technical Publication No. 58 (TP 58), Third Edition ARC Technical Publication 2004.

¹⁰ See Ministry for Primary Industries. 2014. Partitioning of animal excreta NZ into urine and dung and developing the N₂O inventory. MPI Technical Paper No: 2014/05. Prepared by AgResearch.

¹¹ Refer Appendix A.5 - Map of Ngararatunua Marae area of interest.

APPENDIX A

Appendix A.1 – plan of 422 TMB



Map showing the 64ha area at 422 TMB covered by submission 318 (shaded red) and the adjacent 56ha Karanui development (shaded yellow).

Appendix A.2 – PC 93 Recommendations to Council, Paragraph 99

99. The McGregor property lies immediately to the west of the notified UTE boundary. The Panel acknowledges the differences between the McGregor land which is larger and has been used for productive purposes, whereas neighbouring properties are generally significantly smaller and used for lifestyle purposes. In addition significant portions of the property have been protected from farming activities and five areas of forest have been managed in a conservation effort by the McGregor family for the past 100 years. The Panel accepts the evidence of Mr McGregor that the full time productive use of this land is no longer sustainable.

Appendix A.3 – Original Submission 0423, Schedule 2 (2.6) Hort. NZ, Proposed Plan Changes 85, A-D

2.6 RA.3 Rural Area Subdivision Performance Standards

As stated above, there needs to be provision for subdivision of smaller lots for horticultural purposes.

Horticulture New Zealand seeks a rule that includes standards specific for smaller blocks for horticultural subdivision in the Rural Production Environment. Given the value of land for horticulture it is unrealistic for a grower to be required to purchase a 20ha property when only a portion may be used for the horticultural operation.

Decision sought:

Add to RA.3.1

2) Any subdivision for Rural Production lots is a Restricted Discretionary Activity

Include a new section as RA.3.3A Restricted Discretionary Activity.

In the Rural Production Environment:

Rural production lots

Existing rural lots may be subdivided to create one or more Rural Production

lots subject to the following standards and criteria relating to either productive land or land containing a productive crop:

Productive Land:

(i) Shall contain a minimum of 6ha.

(ii) Each Rural Production Lot shall be suitable for the successful growing of permanent horticulture crops in the prevailing climatic conditions.

(iii) Shall have the following characteristics:

- Soil texture; silt loam, sandy loam, loam, loamy sand (in the topsoil 15cm)

- Potential rooting depth: minimum one metre

- Drainage Class: well-drained 13

- Profile readily available water (0 – 100cm): moderate (greater or equal to 50mm)

- Topsoil (top 15 cm) bulk density: less than or equal to 0.90 g/cm³

- Subsoil (below 15 cm) bulk density: less than or equal to 1.00 g/cm³

- Topsoil (top 15cm) organic matter: minimum 5%

- No point exceeding 15 degree slope

- No more than 20% of the productive land shall be facing 45 degrees either side of South (south east to south west).

(iv) Each application shall be accompanied by a report/s completed by a person/s qualified and experienced in local soils and horticulture production. The report as a minimum shall:

- Certify that the land concerned meets (i) to (iii) above;

- Provide comment on effects of drainage, climatic conditions, previous or current land use, any limitations and any cumulative effects;

- Recommendations for any remedial work.

Productive Crop:

(v) The above provisions, (ii) to (iv) shall not be required to be met where each Rural Production Lot is a minimum of 6ha and no less than 70% of that area is planted in a productive crop which must be certified or other evidence provided.

Appendix A.4 – Email from Bob Cathcart dated 12.6.2017

From: Bob Cathcart [<mailto:bob.cathcart@agfirst.co.nz>]

Sent: Monday, 12 June 2017 9:29 AM

To: Rod McGregor <rodm@nrc.govt.nz>

Subject: RE: Commissioners hearings staff report

I may well be assisting Horticulture NZ with their submission, which almost opposes yours.

My argument all along has been that the electronic database (Koordinates soils map, like NRC has on its GIS is too coarse for what WDC is doing. The so called soils map it produces is really a land use capability map in which the dominant soil type is listed. That is, it is not a 'soil map' as such.

I used them at the NRC to identify land on which there would be versatile soils – they are indicative only, which is fine at a regional level, but should not be used at anything less than a 1:50,000 scale. More accurate, but still too coarse for accurately defining highly versatile soils within the horticulture areas are the Soil Maps that are scanned and on the NRC (and FNDC) websites. They were mapped for soil type alone and at a scale of 1:50,000.

These maps can be used to identify land on which, with more accurate mapping, it is possible to identify soils ranging from Class 1s, truly versatile, through to Class 7s, a basalt quarry or the large heaps of volcanic boulders and the edge of the lava flow.

FNDC will soon be inviting consultants to more accurately map and define versatile soils within and adjoining the Kerikeri Irrigation Scheme District to avoid the very problems WDC is facing.

If WDC is serious about protecting versatile soils it needs to look further than just planning rules. They should accurately map the soils and then come up with a range of mechanisms to ensure they are able to be developed for horticulture. The blocks need to be large enough to have enough versatile soils to attract serious investment, not 'hobby orcharding'. Alternatively, they need to control where houses are built on the blocks so that the versatile soils are available for horticulture, either developed by the landowner or leased or share-cropped with commercial operators. Shane and Sue Culham at Kiripaka, for example, have sufficient infrastructure to support a bigger orchard than they currently have. They have bought and planted more land and could also manage orchards on adjoining blocks.

Kiripaka is similar to your place with areas of good soil and areas of rocky land, wetland and native bush on which cultivation, even avocado planting, is not possible. It would be possible to subdivide this type of land with houses and other buildings, roads and non-productive uses confined to heavy rock areas, with the pockets of versatile soil available for horticulture. All these other land uses would have to be subservient to the requirements of the horticulture/highly versatile soils. For example, residents would have to accept things like spraying, bird scarers, even helicopter spraying and/or frost protection.

The development could be like Headland Farm Park, where the 'common land' is run as a commercial grazing unit, or Paewhenua Island (in Mangonui Harbour) where the common land is a commercial vineyard. Alternatively, as suggested above, the productive land, while within the titles of each block, could be leased to or managed for

productive uses by commercial operators. The objective being to create growing areas big enough to attract commercial growers, not hobby farmers waiting for a chance to further subdivide.

The other problem you face is that the value of your land, and on what your Council rates are based, is the speculative value. No one has confidence in the District Council protecting this land and so they are prepared to buy it and sit on it until the Council moves its boundaries and rules so they can subdivide. If the Council is serious about protecting it, it must not only strictly apply its planning rules and **set rates according to its productive value**. They could have something like a capital gains tax so that if the land is subdivided for non-productive uses, the developer repays the difference between rates struck over time on productive land values and those struck on speculative values.

Sorry, can't be of much more help than that Rod.

Bob Cathcart

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From: Rod McGregor [<mailto:rodm@nrc.govt.nz>]

Sent: Monday, 12 June 2017 9:04 a.m.

To: Bob Cathcart <bob.cathcart@agfirst.co.nz>

Subject: RE: Commissioners hearings staff report

Hi Bob, I wanted to know if you would be happy for me to use your email (9 June 2017) on the versatile soil map as evidence at the commissioners hearing? I understand you have delivered it for that purpose, but I just wanted to make sure. Also were you involved in the creation of the versatile soils layer which would fully qualify your comments on its intended purpose? It looks to me that the points raised by WDC to back their recommendation to reject my submission are all quite arguable, even untrue in some instances. Do you want to meet for coffee some time, my shout.

Regards

Rod

Thanks for that.

Cheers

Rod McGregor | Land Management Advisor

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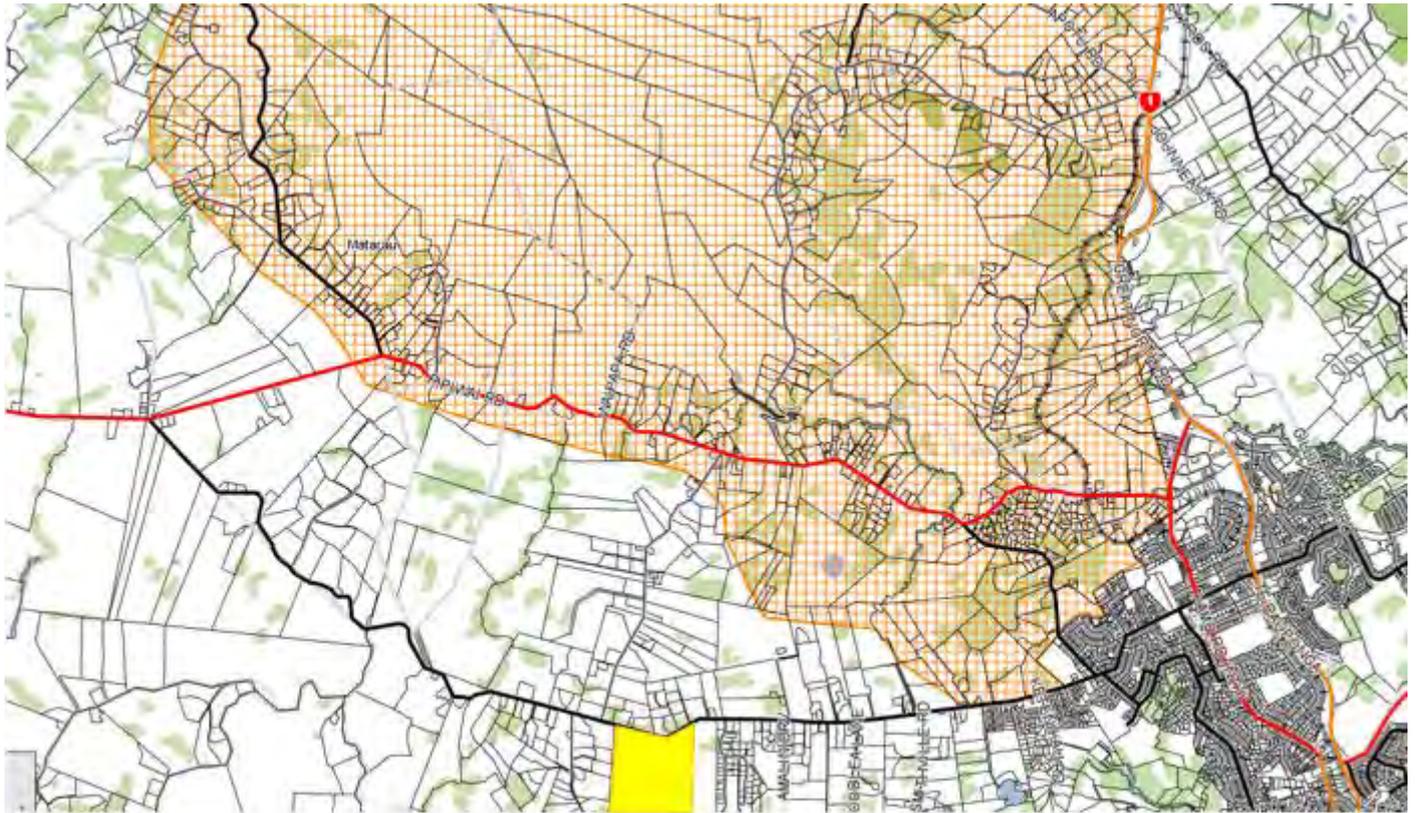
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Appendix A.5 - Map of Ngararatunua Marae area of interest.



WDC map showing southern extent of Ngararatunua Marae area of interest (in red crosshatch) with location of our property at 422 TMB shown in yellow.