

BEFORE THE WHANGAREI DISTRICT COUNCIL HEARINGS COMMITTEE

In the Matter of the Resource Management Act 1991

And

In the Matter of Proposed Plan Change 85 (Whangarei District Plan).

SUMMARY FILED ON BEHALF OF REYBURN AND BRYANT 1999 LTD

Dated this 5 July 2017

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1. The Reyburn and Bryant statement for this hearing covered a number of matters relevant to the proposed RPE provisions, including concerns in relation to:
 - The activity status for commercial and industrial activities; and
 - The lack of any in-situ environmental subdivision benefit provisions; and
 - The RUEE subdivision rules; and
 - The boundary adjustment subdivision rules.

Commercial and Industrial Activities in the RPE

2. Reyburn and Bryant remains concerned about commercial and industrial activities having a noncomplying activity status. This matter has been well traversed by other submitters.

Environmental Benefit Subdivision

3. The primary statement supports the inclusion of in-situ environmental benefit subdivision rules in the RPE, citing consistency with relevant provisions in the RPS, and Part 2 of the RMA.
4. The Council is seeking to delay the decision on whether to include environmental benefit subdivision rules until PC127 has been completed, when Significant Natural Areas are likely to have been identified and shown on the planning maps. From this, it can be concluded that the intention is to follow the Auckland Council example of only allowing environmental benefit subdivision where the feature has been previously mapped. The problem with this approach is that it assumes that the identification of significant natural features is a perfect process, and that no significant natural features will be inadvertently missed during that process. However, the reality is that some significant natural features that comply with the significant feature criteria will be missed. They were missed in Auckland, they were missed during the formulation of the RPS for Northland, and they will inevitably be missed again in PC127.

5. If a feature complies with the predetermined criteria for a significant natural area, it should then qualify for an environmental benefit subdivision regardless of whether it has been previously identified and shown on a District Plan map. A rule that is similar to the rule supported by the Unitary Plan Hearing Panel would be appropriate.
6. It is important to highlight the positive environmental effects of environmental benefit subdivisions that would otherwise not be accrued (i.e. protection and enhancement).

The proposed RUEE provisions

7. Reyburn and Bryant generally supports the intent of the amended subdivision provisions in RUEE.3 (as per the s42 report), but questions the general clarity and structure of the rule, particularly in determining the final activity status. Some minor drafting amendments (as suggested in my evidence) should help to clarify matters.

The 4ha minimum lot size for boundary adjustment subdivision

8. The R&B submission requested *inter alia* that the minimum lot size in RPE.3.3(2) (b) be reduced to 4,000 m² to enable more of the residual land to be held in a large lot, therefore increasing the potential for productive rural land use. The reporting officer has recommended that this submission point be accepted, and therefore Reyburn and Bryant supports the proposed amendments to RPE.3.3(2).



Brett Hood

5 July 2017