

EVIDENCE 40
TOPIC PC85A-D, 86A-B, 87, 102, 114
SUB# Rural Plan Changes
DATE 07-07-2017

**SUMMARY STATEMENT OF EVIDENCE BY KIM NATHAN IN RESPECT TO
SUBMISSION 382 ON TOPIC – PROPOSED PLAN CHANGES 85, 85A-D, 86A & B BY
THE WHANGAREI DISTRICT COUNCIL**

1. My name is Kim Nathan. I have the qualifications and experience as set out in my statement of primary evidence dated 22 June 2017. In my primary evidence, I addressed Submission 382 which seeks that Environmental Benefit provisions be included in the proposed rural subdivision rules; and further that Transferable Title Rights also be included to enable the transfer of development rights gained through environmental benefit subdivisions to more appropriate areas i.e. Rural Living and Rural Urban Expansion Environments.
2. Environmental benefit provisions encourage the protection of natural features providing positive ecological effects and maintaining the character and amenity values associated with the rural environment, in exchange for development rights.
3. A main focus of the proposed Plan Changes is economic rural production. The Plan Changes limit subdivision opportunities within the Rural Production Environment in order to retain the productive use of land of an area, however we must ensure that there are provisions in place to provide economic incentives to protect significant ecological areas so that they are not cleared in order to increase the size of 'productive' land.
4. Transferable Title rights would allow the transfer of land titles created as a result of environmental protection to areas on the urban fringes of the city, resulting in an economic use for marginal/unproductive land and achieve the strategic direction of the Council to not threaten rural production areas by allowing the proliferation of rural-lifestyle lots in the Rural Production Environment. The inclusion of Transferable Title rights provisions as a discretionary activity would allow the Council to assess each application and be confident that the transferred title will be located so it will be consistent with the density and pattern of development existing in the receiving environment.
5. The proposed Plan Change objectives and policies support subdivision and development which protects natural features and indigenous vegetation and the Transferable Title rights would provide a mechanism for development rights to be

transferred to ensure rural-lifestyle development is consolidated within areas where productive land uses have already been compromised.

6. Submission 382 seeks to give effect to the Regional Policy Statement for Northland which considers that safeguarding and enhancing ecological integrity of indigenous ecosystems is vital for the diversity and abundance of indigenous species and at a minimum seeks to maintain the existing indigenous ecosystems and habitats in the region through a combination of protection and enhancement activities and processes.
7. I consider that Environmental Benefit provisions promote the sustainable management of natural and physical resources (Section 5 of the RMA) and recognizes and provides for matters of national importance (Section 6 of the RMA) by ensuring the protection of indigenous vegetation and habitats, adding ecological values and providing security for the future.
8. To qualify for an Environmental Benefit a subdivision development should include the permanent protection of the natural feature assessed as being worthy of protection by a recognised expert, which could then refer back to Schedule 17D of the Operative Whangarei District Plan with respect to the criteria for ranking ecological features, or similar.
9. The Council does not support the inclusion of Environmental Benefit provisions and they consider the current Environmental Benefit rule (Rule 73.3.2) is complex, inefficient and on-going maintenance and enforcement is difficult due to a lack of resourcing. Further, the Council believes that Transferable Title rights are complicated and would result in further fragmentation of productive land. I don't believe that such important provisions should be discounted because of a lack of internal council processes or inadequate resourcing and in my experience, the establishment and management of Transferable Title rights is not overly complicated and submission 382 seeks that they are provided for only in the Rural Urban Expansion and Rural Living Environments to ensure there is no further fragmentation of rural land.
10. The Council agrees that there are benefits of a method for environmental benefit subdivision, however they believe that such methods would be more effective when utilized in conjunction with a Biodiversity and Significant Natural Resource Areas overlay

which is proposed to be explored further in Draft Plan Change 127. My concern with this is that the initial 'broad-brush' method of mapping the overlay is that it may not capture all significant natural areas worthy of protection. The inclusion of environmental benefit provisions will allow each Environmental Benefit subdivision application to be assessed on its merits by appropriately qualified specialist(s).

11. The Council have provided 3 options for the Commissioners to consider with respect to Environmental Benefit Provisions:

1. Retention of the current Environment Benefit provisions (Rule 73.3.2 of the Operative Whangarei District Plan);
2. No Environmental Benefit provisions; or
3. A Revised Environmental Benefit lot rule as put forward in the Council's 42A report.

I am supportive of both Options 1 and 3, but have also prepared a slightly revised Environmental Benefit provisions (including Transferable Title rights as an option) as a further option for consideration, as included in my primary evidence.

12. Both the Department of Conservation and Federated Farmers (NZ) support submission 382, while noting that such provisions should be carefully designed to be appropriate, effective and ensure that there is net conservation gain.

13. Overall, my evidence demonstrates that the inclusion of Environmental Benefit and Transferable Title rights provisions will promote the sustainable management of natural and physical resources, enabling the permanent physical and legal protection of significant natural areas in exchange for rural-lifestyle living in appropriate areas which does not compromise the character, amenity and productivity of the landscape and in my opinion the proposed rules should be amended accordingly.

Kim Nathan

6 July 2017