

## PROPOSED FAR NORTH DISTRICT PLAN

### MINUTE 23

## Interim Guidance of the Independent Hearings Panel

### Horticulture Zone

12 May 2025

#### Proposed Far North District Plan (PDP) Sections Affected

- **Part 3- Area Specific Matters**
  - Special Purpose Zones
    - Horticulture

#### 1. Discussion

Having read submissions, heard evidence and legal submissions from the parties including submitters, the Panel issues this interim guidance in order to assist submitters and the Council to prepare for the upcoming hearings and especially Hearing 15C – Rezoning General – Urban and Rural where it concerns land within the Horticulture Special Zone (as notified).

At Hearing 9 (Rural Zones) the Panel heard legal submissions<sup>1</sup> that challenged the appropriateness of providing for a horticulture zone as a special purpose zone on the basis that it failed all three of the criteria for a special purpose zone under Section 8.3 of the Zone Framework Standard in the National Planning Standards 2019. It was submitted that the Council is unable to use a special purpose zone to manage horticultural activities around Kerikeri and Waipapa and must instead use one of the listed National Planning Standards 2019 zones to manage this land.

At the hearing we questioned both legal counsel and the reporting planner for Council whether a precinct could be used as an alternative should we determine that a horticulture special purpose zone could not meet the National Planning Standards criteria. We heard further evidence that a precinct could potentially be established within the Rural Production Zone to provide for horticulture specific matters within areas.

We note that the definition of “Precinct” in the National Planning Standards defines precinct as:

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<sup>1</sup> Ms Sarah Shaw on behalf of Audrey Campbell-Frear

*A precinct spatially identifies and manages an area where additional place-based provisions apply to modify or refine aspects of the policy approach or outcomes anticipated in the underlying zone(s). In combined plans with district plan and regional plan components, a precinct can be both seaward and landward of mean high water springs.*

We also note that “District Spatial Layers Standard” section of the National Planning Standards identifies the function of a precinct as:

*A precinct spatially identifies and manages an area where additional place-based provisions apply to modify or refine aspects of the policy approach or outcomes anticipated in the underlying zone(s).*

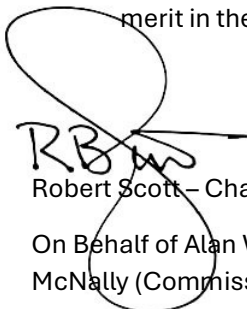
Following the hearing, the right of reply provided by the Council planner (dated 3 March 2025) advised that the Council officers had changed their recommendation and now recommended that the Horticulture Zone be removed and replaced with a Horticulture Precinct. A further supplementary right of reply (dated 11 March 2025) set out the recommended new horticulture provisions for a new horticulture precinct.

## **2. Our Guidance**

As set out in paragraph 47 of our Minute 1 – Hearing Procedures, the Panel may issue interim guidance on any particular topic if it has implications for the hearing of other topics. We have held interim deliberations on this topic and we consider that there is merit for the Horticulture Zone to be amended to a precinct within the rural chapters sections of the PDP, given that the special purpose zone fails to meet the criteria in Section 8.3 of the National Planning Standards.

We wish to inform all parties who are preparing further evidence that relates to land currently zoned Horticulture Zone in the PDP, that they should proceed on the basis that Panel is likely to recommend that this zone be redrafted as a precinct in accordance with the National Planning Standards provisions. In that case too, the parties may wish to address the proposed wording and structure for such a precinct at the upcoming hearing 15C.

In issuing this interim guidance we want all parties to be aware that we have yet to determine the specific structure and provisions of a Horticulture Precinct and its integration with the Rural Production Zone or the rural zones generally. We also acknowledge that we are yet to hear evidence as to the extent of any horticulture zone/precinct mapping and other evidence relating to Highly Productive Land under the NPS-HPL. This guidance therefore is limited to our interim deliberations that there is merit in the Horticulture Zone being redrafted as a Horticulture Precinct.



Robert Scott – Chairperson, Hearings Panel for the Proposed Far North District Plan

On Behalf of Alan Watson (Commissioner), Peter Kensington (Commissioner) and (Steve McNally (Commissioner)