

**BEFORE HEARINGS COMMISSIONERS APPOINTED
BY THE FAR NORTH DISTRICT COUNCIL**

IN THE MATTER of the Resource Management Act 1991 [**RMA**]

AND

IN THE MATTER of the hearing of submissions on the Proposed
Far North District Plan

SUBMITTER LD Family Investments Limited [**LDFIL**]

HEARING TOPIC: Hearing 15D – Rezoning Kerikeri-Waipapa

STATEMENT OF PLANNING EVIDENCE OF STEVEN REMANA SANSON

22 September 2025

INTRODUCTION

1. My name is Steven Remana Sanson. I am a Director / Consultant Planner at Sanson and Associates Limited and Bay of Islands Planning [2022] Limited.
2. I have been engaged by LDFIL to provide evidence in support of their submission number 384 to the Proposed Far North District Plan [**PDP**].
3. I note that while the Environment Court Code of Conduct does not apply to a Council hearing, I am familiar with the principles of the code and have followed these in preparing this evidence.

QUALIFICATIONS AND EXPERIENCE

4. I hold the qualification of Bachelor of Planning [Hons] from The University of Auckland, graduating in 2013 and I am an Intermediate Member of the New Zealand Planning Institute.
5. I have over 10 years' experience and have previously held planning positions in the Far North District. In my current role I regularly advise and assist corporate and private individuals with the preparation of resource consent applications including subdivision and land use consents and relevant regional council consents.
6. I have also processed resource consent applications for councils, prepared submissions on district plan changes, and processed plan changes.

SCOPE OF EVIDENCE

7. Hearing 15D addresses submission points relating to the PDP – Rezoning Kerikeri – Waipapa.
8. I have adhered to the instructions of hearing Minute 14 to 'take a lead from the s42A Report in terms of content of evidence, specifically that evidence highlights areas of agreement and disagreement with the s42A Report, outlines any changes in Plan wording proposed (along with the rationale for these changes) together with an assessment pursuant to s32AA of the RMA'.
9. I have reviewed technical memorandum referenced within the s42A Report and note that these largely relate to the rezoning submission by Kiwifresh Orange Company Limited and have no applicability to the LDFIL relief.
10. For context, the submission seeks to retain the Light Industrial Zone for a landholding as outlined in Figure 1¹, and replace the Heavy Industrial Zone with the Light Industrial Zone for several landholdings as outlined in Figure 2².

¹ Refer Submission Point s384.001

² Refer Submission Point s384.002

11. The properties related to this submission point 384.002 directly adjoin the notified interface of the Heavy Industrial and Light Industrial Zone to the south of Kahikatearoa Lane.

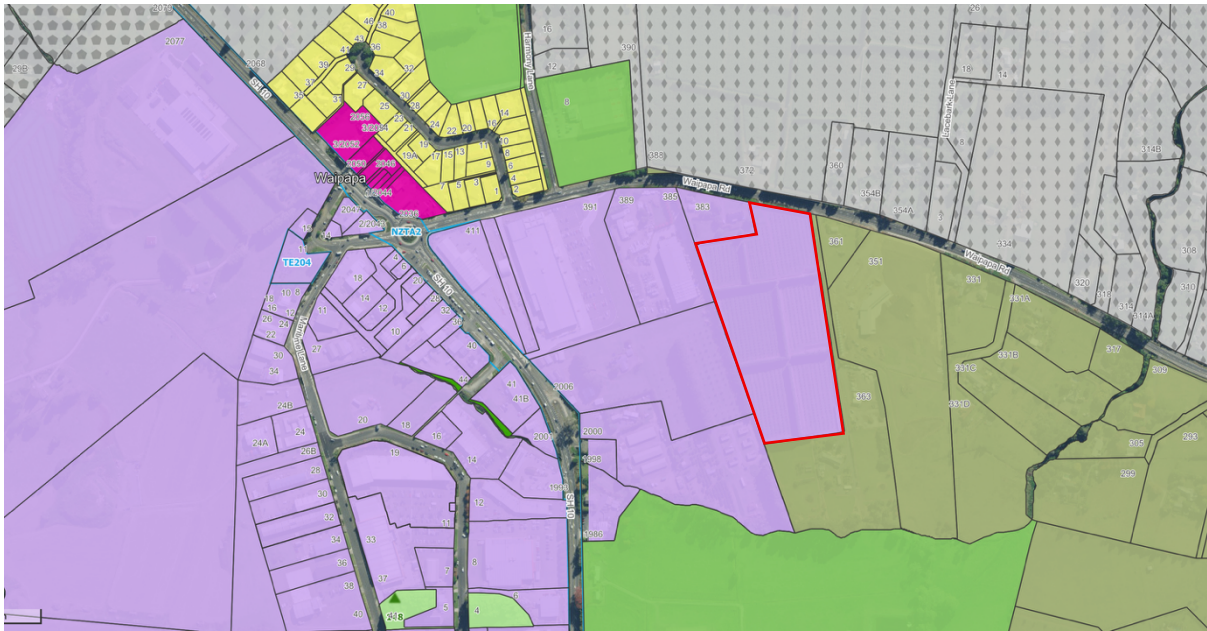


Figure 1 – Property Sought To Be Retained Light Industrial [Source: FNDC]

12. The property along Waipapa Road appears to be unchallenged in terms of its retention as Light Industrial, and as such has not been assessed further.

- Infrastructure

The recommendation in the s42A Report to retain the Heavy Industrial zone relies on the premise that the Light Industrial zone is intended for areas with reticulated infrastructure, which is absent in Waipapa. This reasoning appears flawed. A direct comparison of the PDP policies shows that both LIZ-P2 and HIZ-P2 have identical requirements for servicing, requiring reticulated services "where available". Therefore, the lack of infrastructure is not a valid planning reason to prefer one zone over the other.

It is also noted that the specific area where infrastructure is to be provided in Waipapa is not clear in the 30 Year Infrastructure Strategy or Long Term Plan, and rather appears to rely on the servicing mechanics outlined in the Kerikeri Waipapa Spatial Plan. This is a non-statutory document and is not considered in the definition of 'urban' under the PDP.

- Better planning outcome

Rezoning the land to Light Industrial represents a more effective, efficient, and appropriate outcome under the RMA.

- Refined rezoning approach

To address potential concerns of creating "pocket zoning," my evidence proposes a minor extension to the rezoning area to include adjacent properties of a similar character.

This creates a more coherent and robust zoning pattern that is a direct and logical extension of the existing Light Industrial Zone from Kahikatea Lane.

SECTION 42A REPORT

Areas of Agreement

14. It is agreed that the Waipapa area serves as a significant and strategic industrial node for the Far North District. Planning and management of this area are crucial for the district's economic well-being.
15. Furthermore, it is agreed that the interface between different land uses requires careful consideration to manage potential adverse effects.
16. I agree that a set of criteria is useful in helping to refine the high level guidance set by Minute 14.

17. However, I consider that their inclusion widens the scope of rebuttal and consequential relief to achieve the outcomes sought by the submission³.

Areas of Disagreement

Criterion A – Location

18. The notified zoning of the Heavy Industrial Zone and the Light Industrial does not follow the Criterion of being linked to a natural feature or a road.
19. The zones follow cadastral boundaries despite Kahikatearoa Lane meeting the requirements of a higher order defensible boundary. Pataka Lane could have also been used as a potential boundary.
20. It is not clear in Council documentation how this interface has been determined when considering this Criterion. The properties at Kahikatearoa Lane appear similar in scale and cadastral pattern to those recently being developed along Industrial Way, with smaller sites which appear to suit light industry of heavy industry.
21. I assume that the notified Heavy Industrial Zoning was a broad-brush approach intended to create a large, consolidated industrial node around the existing heavy industry such as Waipapa Pine. While understandable from a high-level mapping perspective, this approach fails to consider the established, fine grain reality on the ground where a distinct pattern of light industrial activity has already formed along the State Highway 10 frontage.
22. I consider that the rezoning approach proposed in the submission and in my evidence would:
- Be a direct extension of the Light Industrial Zone from Kahikatearoa Lane and continue to result in a Heavy Industrial / Light Industrial Zone interface.
 - Follow cadastral boundaries which whilst not ideal, appears acceptable when considering the current notified zoning approach.
 - Result in isolated or pocket zoning for properties that would be surrounded by the proposed Light Industrial Zone extension.
 - Continue to achieve a well-functioning urban environment.
23. In order to better respond to the Criterion now that they are known and their influence on zoning, it is considered helpful to suggest a more responsive zoning pattern so that the submitters approach does not result in isolated pockets of zoning.
24. Figure 3 below provides this approach by extending the Light Industrial Zone around a number of additional allotments. This amended boundary creates a more coherent and

³ These criteria do not appear to have been used by the Council in their approach to rezoning under the PDP and should have been provided at time of notification of the Plan as they presumably formed part of the Councils approach to rezoning.

robust zoning pattern. For example, it would logically incorporate other existing light industrial uses that front the State Highway.

25. The officer's concern that our proposal undermines the consolidation of industrial activities is disagreed with, the proposal achieves a logical consolidation of existing activities.
26. It consolidates existing light industrial uses into a coherent area along the State Highway 10 frontage, where they act as an effective transition. This concurrently allows for the consolidation of heavy industrial activities to the rear (west) of these sites, where their potential effects are better managed and contained.
27. This approach remains consistent with the rationale found within the original submission which commented that 'true' heavy industrial activities appeared to the rear of the sites which fronted State Highway 10, which have a more Light Industrial existing environment.
28. The additional sites are of a similar nature and are smaller allotments that front the State Highway. In my view they are better reflected as light industrial where any genuine utility as heavy industrial would be limited by parcel size.

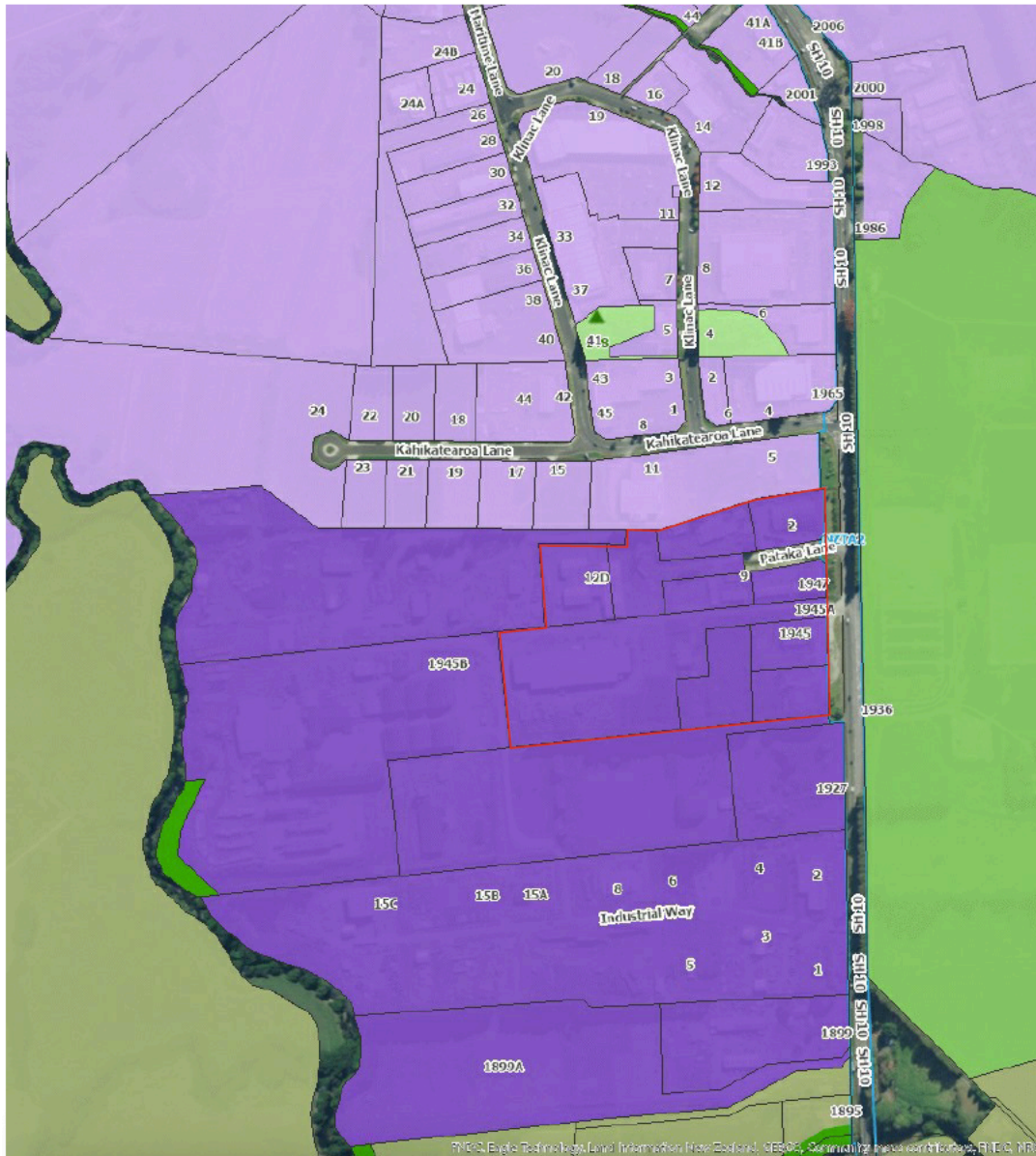


Figure 3 – Zoning Approach Considering Criterion A [Source: FNDC]

Criterion B – Land Use

29. The relevance of this Criterion is hard to determine as the explanations given do not appear to 'fit' tidily in response to this submission. The Criterion seems more readily applicable to Rural to Urban Zoning submissions, and not between Heavy to Light Industrial proposals [or vice versa].
30. The approach to rezoning the land Light Industrial is to ensure that existing land uses are consistent with the zone.
31. In this case, the submission is not seeking to be 'up zoned' because of land fragmentation, it is simply seeking to be zoned for its underlying use.

32. Extending the zoning under Figure 3 aligns with this approach as existing uses reflect Light Industrial and not Heavy Industrial uses.
33. The cadastral pattern and land uses being exhibited along Industrial Way also brings into question the zoning approach promoted by Council. I recently visited the area and developed **Appendix A** to provide a observation of the existing activities for the benefit of the Hearings Panel. My view is that the majority of uses remain light industrial and the recent investment into subdividing Industrial Way and Kahikatearoa Lane suggests to me it will remain as such for some time.
34. Whilst Industrial Way is proposed to be Heavy Industrial on paper, its actual use is unlikely to strictly fit the zone aims and intents.
35. It appears that the s42A Report Writer considers that there is no effective difference between the Heavy and Light Industrial Zones from an effects perspective.
36. I note that the Heavy Industrial Zones purpose is to accommodate operations that 'may produce offensive or objectionable environmental effects including odour dust, and noise'. Using the logic of the s42A Report Writer, this outcome would then extend to the Light Industrial Zone. This is concerning if it is correct.
37. Zoning this land Heavy Industrial signals that the establishment of such activities is expected and appropriate, which could degrade the existing light industrial activities and is contrary to the established development pattern.
38. A district plan should apply the most appropriate zone, not just a zone under which an existing activity is technically allowed.

Criterion C – Site Suitability

39. I have not responded to Minute 14 for this submission, on the basis that the areas proposed to be rezoned Light Industrial are largely existing with effects being known as they form part of the existing environment.
40. However, to provide additional information to the Hearings Panel, I provide an assessment of Minute 14 as part of **Appendix B**.

Criterion D – Infrastructure

41. The s42A Report notes that Light Industrial Zone is intended for areas with reticulated infrastructure [three waters]. In this instance these are not present and rezoning as sought in the submission could create "expectations for development that cannot be serviced".
42. I understand that this concern comes from the definition of 'urban' within the PDP which states:

“means an area of [land](#) zoned either:

- a. General Residential;*
- b. Kororareka Russell Township;*
- c. Mixed Use; or*
- d. Light Industrial*

that currently has adequacy and capacity of available [development infrastructure](#) or is signalled to receive at a minimum reticulated [wastewater infrastructure](#), in the Long Term Plan or the 30 Year Infrastructure Strategy.

NOTE: [Land](#) zoned Heavy Industrial in some parts of the District may not have access to, or be programmed to receive, adequate [development infrastructure](#) so is not included within this definition.”

- 43. There is a policy mismatch between the definition of urban and PDP policies for both the Heavy and Light Industrial Zone. LIZ-P2 and HIZ-P2 have identical requirements for servicing, requiring reticulated services "where available". The policies for infrastructure servicing are functionally the same for both zones.
- 44. If the definition is a key driver for rezoning, then I question whether the remainder of Waipapa zoned Light Industrial also meets this definition as I cannot find where in the Long Term Plan or the 30 Year Infrastructure Strategy where Waipapa is to be serviced by reticulated wastewater. It is noted in the Kerikeri Waipapa Spatial Plan, but this does document does form part of the definition requirements.
- 45. The Council is therefore pre-empting the servicing of the Light Industrial Zone it has notified when in fact the zoning proposed does not strictly meet the definition of ‘urban’.
- 46. Given that the Council has accepted the Light Industrial Zone as appropriate for the wider Waipapa area despite the servicing situation, it is my view that the lack of existing reticulated infrastructure cannot be used as a valid reason to reject this submission. To do so would be to apply the Plan's policy framework inconsistently.
- 47. This highlights the importance of a consistent planning approach. The Council has correctly zoned the landholding on Waipapa Road, and the wider area, as Light Industrial. The submission simply seeks to apply this established zoning logic to the adjacent properties which exhibit the same light industrial character and face the same infrastructure context. The s42A report's recommendation attempts to create a distinction where none logically exists.

Criterion E – Growth Demand

- 48. It is not clear how the S42A Report ties this Criterion to the submission, other than saying that the ‘PDP identified this area as part of a broader heavy industrial node’ and that ‘the

Light Industrial Zone is intended to apply where there is, or will be, reticulated infrastructure in place'.

49. As I have provided above, setting the Heavy / Light Industrial boundary does not seem to have followed the Criterion promoted, and in terms of infrastructure, the two zones are fundamentally the same i.e services can be provided 'where available'. I note above that reticulated wastewater is not strictly promoted through the Long Term Plan or the 30 Year Infrastructure Strategy as required by the definition of urban.
50. There may be concern that if accepted, the proposal would 'take away' zoned Heavy Industrial land and that this will need to be replaced elsewhere.
51. I contend that the zoning to Heavy Industrial in the case of the submitter properties appears limited in any event due to existing activities, site size, and largely brownfield nature of development required to repurpose existing landholdings. That is, even if rezoned Heavy Industrial, its bona fide use for such activities are limited.
52. I also consider that the wider Heavy Industrial Zone area in Waipapa is fundamentally restricted to actually produce genuine heavy industrial activities which can be evidenced by the fragmentation and activities being established along Industrial Way. Therefore, whilst zoned Heavy Industrial, they are unlikely to establish as such uses.

SECTION 32AA EVALUATION

53. In accordance with Section 32AA of the RMA, the two primary options are evaluated:
 - Option 1: Retain the notified Heavy Industrial zoning (the officer's recommendation).
 - Option 2: Accept the LDFIL submission and apply / retain a Light Industrial zoning.

| Evaluation Criteria | Option 1 Retain Heavy Industrial Zone | Option 2 Rezone to Light Industrial |
|----------------------|---|---|
| Effectiveness | This option is ineffective at achieving a well-functioning industrial environment. It applies a blunt zoning approach that fails to recognise the established, fine-grain, light industrial character of the sites fronting State Highway 10. | This option is highly effective. It achieves the objective of managing the Waipapa industrial node through a more nuanced, zoning approach. It correctly reflects the existing environment, manages potential interface effects along the State Highway, and creates a logical zone boundary that provides a transition to the heavy industrial |

| | | |
|-------------------|--|--|
| | | activities located further from the main road. |
| Efficiency | This option is inefficient as it imposes a significant opportunity cost on landowners by applying a zone that is inconsistent with the existing pattern of investment and development. It fails to utilise the land resource efficiently by anticipating a scale and type of activity (heavy industrial) that is unlikely to occur given the existing buildings and smaller parcel sizes, potentially sterilising the land from its most productive use. | This option is more efficient because it aligns the zoning with the land's established economic use and character. It provides certainty for future investment consistent with the existing environment, thereby promoting the efficient use and development of the land resource. |
| Benefits | The primary benefit is that it aligns with the s42A Report writer's high-level goal of creating a large, consolidated HIZ. | The benefits are significant: <ul style="list-style-type: none"> • Creates a logical and coherent zoning pattern. • Reflects the existing uses along the State Highway 10 corridor. • Provides planning certainty for landowners and the community. • Correctly applies the Council's own strategic policies regarding infrastructure, which are identical for both zones. |
| Costs | The potential costs include a zoning that does not reflect existing activities or potential use as Heavy Industrial use. | The potential cost of a perceived reduction in HIZ land is minimal. As argued in my evidence, the utility of these specific sites for genuine heavy industrial activities is already severely limited by parcel size and existing development. Therefore, no significant loss of HIZ capacity occurs. |

| | | |
|-------------------------------------|--|---|
| | | |
| Risk of Acting vs Not Acting | The risk of not acting (i.e., retaining the HIZ) is high. It would result in a flawed and inconsistent District Plan, create a permissive environment for inappropriate development on the highway frontage, and fail to properly manage the industrial node interface, thereby failing to achieve the purpose of the RMA. | The risk of acting (i.e., approving the rezoning to LIZ) is low. It represents a superior and more legally robust planning outcome that is well-justified by the on-the-ground reality and sound planning principles. It results in a more coherent and defensible District Plan. Export to Sheets |

54. Based on this evaluation, **Option 2** is clearly the most appropriate, effective, and efficient method to achieve the objectives of the Proposed District Plan and the purpose of the Resource Management Act.

CONCLUSION

55. This evidence has demonstrated that the Council officer's recommendation to retain a Heavy Industrial zoning is based on flawed application of the criteria considered.
56. Most significantly, the officer's reasoning on infrastructure is in direct contradiction to the plain text of the PDP, which applies identical servicing policies to both the light and heavy industrial zones.
57. In contrast, the case for applying a Light Industrial zone is compelling. This zoning:
- Accurately reflects the existing character and established development pattern.
 - Gives better and more direct effect to the purpose of the RMA.
58. In addition, the retention of the Light Industrial Zone on the site along Waipapa Road appears to be without contention.