

UNDER the Resource Management Act 1991 ("**RMA**")
IN THE MATTER Proposed Far North District Plan ("**PDP**")

**STATEMENT OF EVIDENCE OF DAVID BADHAM ON BEHALF OF WILLOWRIDGE
DEVELOPMENTS LIMITED**

PLANNING

9 June 2025

1. INTRODUCTION

- 1.1 This evidence has been prepared on behalf of Willowridge Developments Limited ("**Willowridge**") as it relates to their submission on the PDP – Hearing Stream 15C, Rezoning General. The Willowridge submission and further submissions are across the PDP; however, this evidence focuses on responses to the guidance criteria outlined in Final Minute 14 and provides supporting section 32AA evaluation.
- 1.2 My full name is David Eric Badham. I am a Partner and Northland Manager of Barker and Associates, a planning and urban design consultancy with offices across New Zealand. I am based in the Whangārei office, but undertake planning work throughout the country, although primarily in Te Tai Tokerau / Northland.

Qualifications and experience

- 1.3 My qualifications, experience and involvement with Willowridge on the PDP are set out in Attachment 1 to my evidence filed on 13 May 2024 which addressed planning matters in relation to Hearing Stream 1 – Strategic Direction. I have also tabled statements on behalf of Willowridge for Hearing 9 – Rural and Horticulture dated 18 November 2024.

Purpose and scope of evidence

- 1.4 This evidence is in respect of a submission by Willowridge on the PDP.
- 1.5 My evidence will address the following topics:
- (a) Reasons for Willowridge's Rezoning Request (Section 2).

- (b) Consistency of Willowridge's Rezoning Request with the PDP Strategic Direction (Section 3).
- (c) Alignment of Willowridge's Rezoning Request with the PDP Settlement Zone Outcomes (Section 4).
- (d) Analysis of Willowridge's Rezoning Request against Higher Order Direction (Section 5).
- (e) Assessment of Site Suitability (Section 6).
- (f) Assessment of how Willowridge's Rezoning Request can be Serviced by Adequate Infrastructure (Three Waters) (Section 7).
- (g) Assessment of how Willowridge's Rezoning Request will be Supported by Existing or Proposed Transport Infrastructure (Section 8).
- (h) Responses to Consultation and Further Submissions (Section 9).
- (i) Section 32AA Evaluation (Section 10).
- (j) Conclusion (Section 11).

Code of conduct

- 1.6 Although this is not an Environment Court proceeding, I have read and am familiar with the Environment Court's Code of Conduct for Expert Witnesses, contained in the Environment Court Practice Note 2023, and agree to comply with it. Other than where I state that I am relying on the advice of another person, I confirm that the issues addressed in this statement of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express. I have no conflict of interest

2. REASONS FOR WILLOWRIDGE'S REZONING REQUEST

- 2.1 This evidence relates to land owned by Willowridge in Orongo Bay, a coastal settlement south east of the Russell township in the Bay of Islands. The land is held in

the following five Records of Title identified in **Figure 1** below to be referred to as '**the site**'¹ hereon:

- (a) Lot 1 DP 542129 measuring 38.2ha;
- (b) Lot 2 DP 542129 measuring 1.3ha;
- (c) Lot 1 DP 187577 measuring 2.85ha;
- (d) Lot 4 DP 420232 measuring 3371m²; and
- (e) Lot 3 DP 420232 measuring 4568m².



Figure 1: The Willowridge Site at Orongo Bay indicated in red (Source: Emaps)

- 2.2 The site is currently zoned Coastal Living under the Operative Far North District Plan (ODP) as identified in **Figure 2** below.

¹ Since the lodgement of its original submission, the extent of Willowridge's site of interest at Orongo Bay has decreased and no longer relates to Lot 1 DP 182616 and Lot 1 DP 190467 being the Rural Production Zoned titles indicated in the original submission. Figures 1 – 3 have been updated from the original submission to refer to Willowridge's updated area of interest.

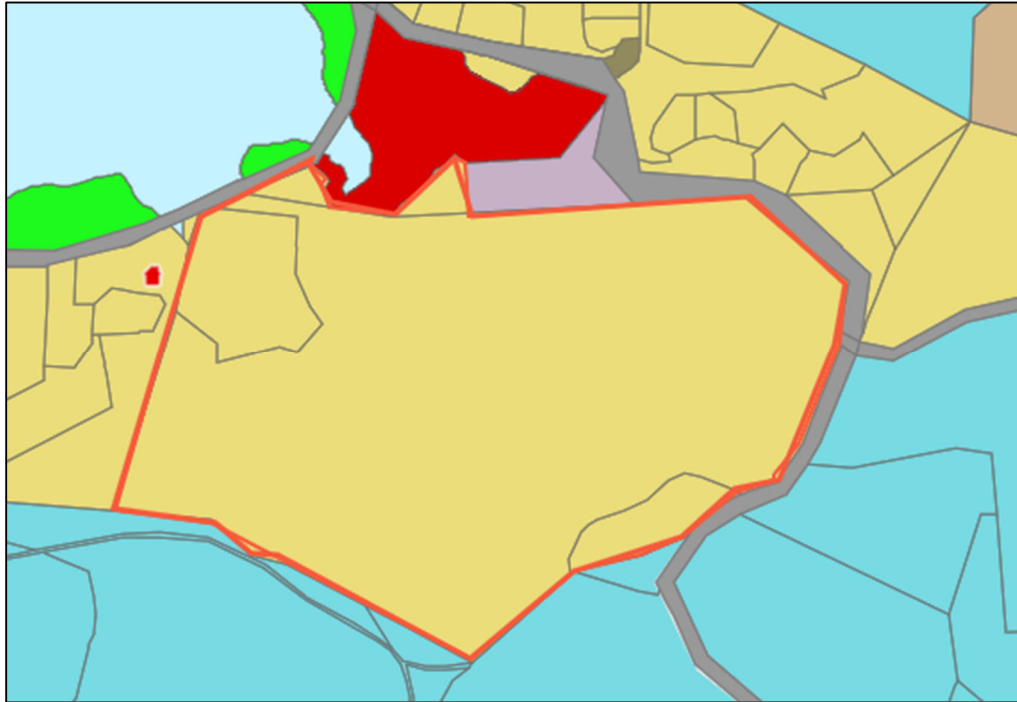


Figure 2: ODP Zoning of Willowridge Site

- 2.3 Under the PDP the site is zoned Rural Lifestyle Zone with parts mapped as being within the Coastal Environment and subject Coastal Flood Hazard Zones, as identified in **Figure 3** below.

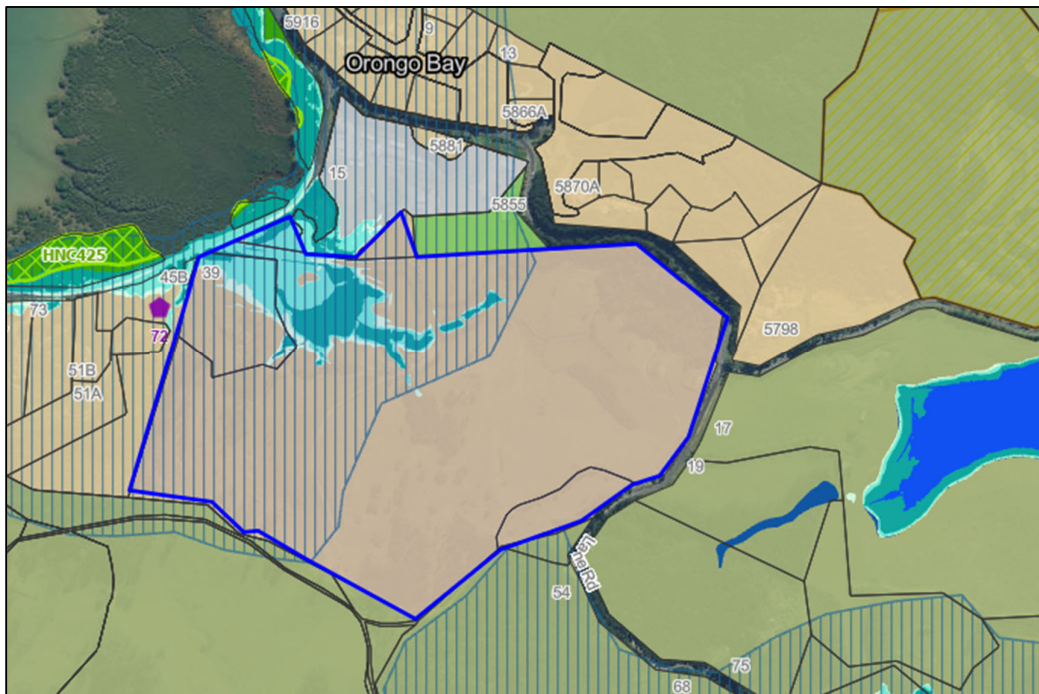


Figure 3: PDP Zoning of Willowridge Site

- 2.4 Willowridge seek that the Settlement Zonne applied to the Lichen Grove residential cluster be extended across the area outlined in blue in **Figure 4** below referred to hereon as the requested Rezoning Area.
- 2.5 I consider that extending the Settlement Zoning to the requested Rezoning Area would result in better alignment with the PDP strategic direction and a more cogent and cohesive zoning pattern subsequently, better uphold the integrity of the PDP.

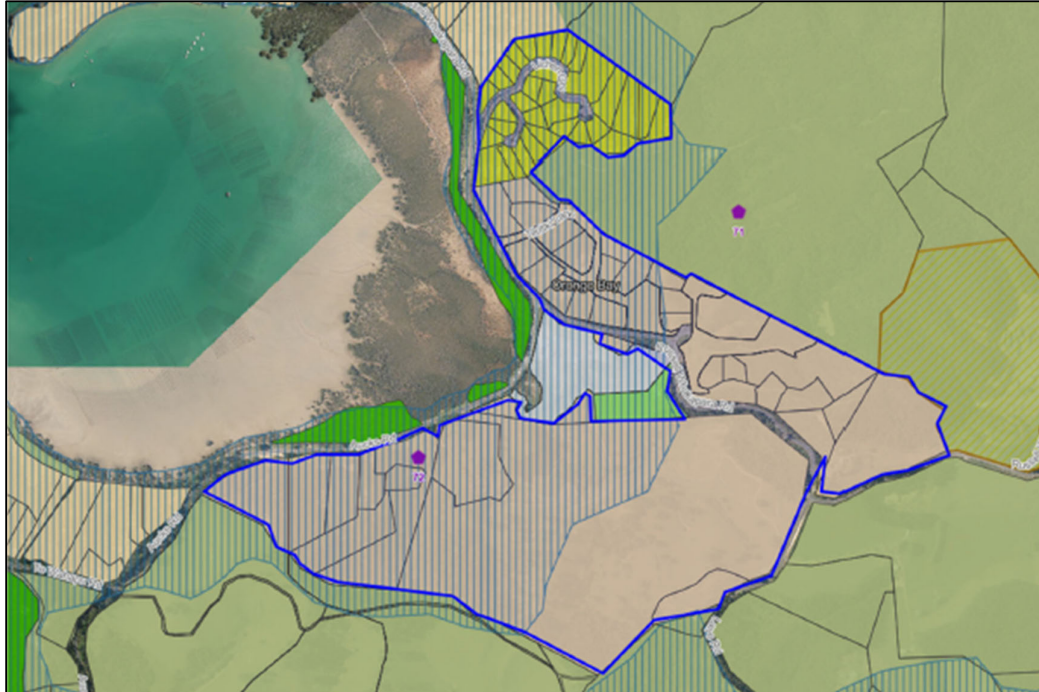


Figure 4: Willowridge's showing the requested Rezoning Area outlined in blue comprising land zoned in the PDP as Rural Lifestyle and Settlement

- 2.6 The PDP zoning for the Rezoning Area comprises areas zoned Rural Lifestyle and Settlement Zone. In my opinion, the PDP zoning is inappropriate for the Rezoning Area for the following reasons:
- (a) The application of Settlement Zone to Lichen Grove only appears as spot zoning and does not reflect the actual extent of the Orongo Bay settlement;
 - (b) The existing and proposed cadastral pattern and landuse activities within the requested Rezoning Area are a better fit with the Settlement Zone, notably there is limited potential for these parcels to undertake primary production activities;

- (c) Extending the Settlement Zone from the Lichen Grove to the requested Rezoning Area will result in a consistent and singular zoning pattern, and alignment with higher order direction. This streamlined approach is a more coherent and coordinated management approach over an area that presents similar management issues; and
- (d) For the reasons highlighted above, the PDP zoning is not the most effective and efficient way to achieve the purposes of the RMA.

3. CONSISTENCY OF WILLOWRIDGE'S REZONING REQUEST WITH THE PDP STRATEGIC DIRECTION

3.1 In my opinion, Willowridge's request to rezone the subject site and wider locality to Settlement Zone is consistent with the PDP Strategic Direction for the following reasons:

- (a) Application of the Settlement Zone to the requested Rezoning Area will heighten the community wellbeing of Orongo Bay and provide a sense of place through providing cohesive zoning that better reflects the existing (and proposed²) cadastral pattern of development and activities while acknowledging the rural and coastal environment setting;³
- (b) Extension of the Settlement Zone across the requested Rezoning Area will encourage opportunities for fulfilment of the Orongo Bay community's social and economic wellbeing through improved enablement of residential, commercial, light industrial and/or community activities to a level considered appropriate for the rural and coastal environment;⁴
- (c) By doing so, the various social needs of the present population and future generations will be met;⁵ and
- (d) Alignment with the strategic direction for the rural environment⁶ will not be affected by the requested rezoning.

² Willowridge are currently seeking a resource consent to enable the development of the site (Council reference 2250266-RMACOM) to create 66 allotments including one allotment in shared ownership. Resource consent for the proposal has already been granted from Northland Regional Council, and it is anticipated that resource consent Far North District Council will be approved prior to the hearing.

³ Objective SD-SP-O1.

⁴ Objective SD-SP-O3.

⁵ Objective SD-CP-O4.

⁶ Objective SD-RE-01 and SD-RE-02.

4. ALIGNMENT OF WILLOWRIDGE'S REZONING REQUEST WITH THE PDP SETTLEMENT ZONE OUTCOMES

4.1 In my opinion, the requested Rezoning Area aligns with the Settlement Zone outcomes for the following reasons:

- (a) The requested Rezoning Area better delineates the community's perception of 'Orongo Bay' as a coastal settlement;
- (b) The requested Rezoning Area is not supported by Council three waters servicing and is predominantly residential with some established compatible commercial activities;⁷
- (c) The provisions of the Settlement Zone and lack of infrastructure will ensure that any future land use development is appropriately scaled for the receiving environment and the potential for reverse sensitivity managed;⁸ and
- (d) The Coastal Environment overlay will further ensure that any future development within the more sensitive areas of the requested Rezoning Area are appropriately managed.⁹

5. ANALYSIS OF WILLOWRIDGE'S REZONING REQUEST AGAINST HIGHER ORDER DIRECTION

New Zealand Coastal Policy Statement 2010 (NCZPS)

- 5.1 The purposed of the NZCPS is to state policies to achieve the purpose of the RMA in relation to the coastal environment.
- 5.2 In accordance with Mandatory Direction 7.28 of the National Planning Standards, if a district has a coastline, a Coastal Environment Chapter must be provided that sets an approach to managing the Coastal Environment and gives effect to the NZCPS.
- 5.3 Parts of the requested Rezoning Area are located within the Coastal Environment as mapped in the PDP (see **Figure 4** above) the requested rezoning does not seek to amend this. The NZCPS will continue to be given effect to through the Coastal

⁷ Objective RSZ-O1

⁸ Objective RSZ-O1 and Policy RSZ-P1.

⁹ Objective RSZ-02, Objective RSZ-03, Objective RSZ -O4 and Policy RSZ-P3, Policy RSZ-P3, RSZ -P4 and RSZ -P5.

Environment Chapter as any future development will require assessment against the associated provisions.

National Policy Statement for Freshwater Management 2020 (NPS-FW)

- 5.4 The purpose of the NPS-FW is to ensure the life-supporting capacity of freshwater, improve degraded waterbodies, and protect or restore natural wetlands and streams. It provides direction for regional councils to set objectives for the state of freshwater bodies in their regions and to set limits on resource use to meet these objectives.
- 5.5 I note that it is not the responsibility of the District Plan or its zoning to 'give effect to' the NPS-FW. It is acknowledged that the requested Rezoning Area contains waterbodies, but that the NPS-FW will be given effect to at the time of future development through the requirement to comply with corresponding objectives and provisions set in the Northland Regional Plan, as well as National Environmental Standard for Freshwater. It is also noted that Willowridge's NRC and FNDC resource consent applications have included ecological assessments which have comprehensively addressed the NPS-FW and the associated National Environmental Standards.

National Policy Statement for Indigenous Biodiversity 2023 (NPS-

- 5.6 The NPS-IB aims to halt the decline in native biodiversity and ensure at least no net loss of indigenous biodiversity.
- 5.7 As noted in Councils s32 assessment for the Rural Environment¹⁰, the NPS-IB is primarily applicable to significant indigenous biodiversity which I consider can be identified, maintained and protected through the commissioning of ecological assessments when applying for resource consent for any future development.

National Policy Statement Highly Productive Land 2022

- 5.8 The requested Rezoning Area is classified as LUC Class 4 & LUC Class 6 land (as identified on **Figure 5** below) as mapped by the New Zealand Land Resource Inventory. As such, the site does not contain highly productive soils. Accordingly, I have not given any further consideration to the NPS-HPL.

¹⁰ FNDC Section 32 Rural Environment, Page 12.

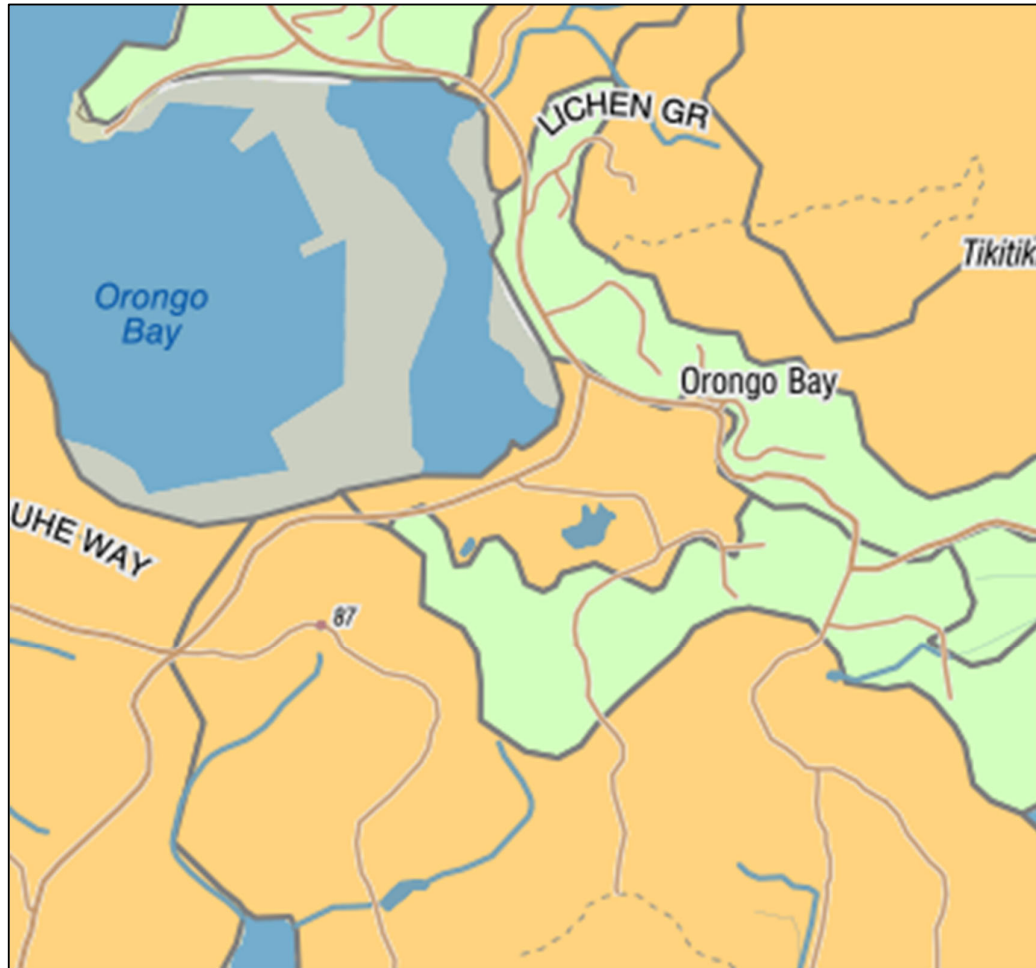


Figure 5: Highly Productive Land Mapping by New Zealand Land Inventory indicating class 4 (green) and 6 (yellow) across the requested Rezoning Area.

National Planning Standards 2019

- 5.9 In my opinion, the request to rezone the Rezoning Area to Settlement zone results in improved alignment with the National Planning Standards because the Settlement Zone is listed in the Zone Framework Standard and defined as being appropriate for 'areas used predominantly for a cluster of residential, commercial, light industrial and/or community activities that are located in rural areas or the coastal environment'. Given the wider locality comprises a mix of these activities, Willowridge's rezoning request is considered to be in alignment with the National Planning Standards.

Regional Policy Statement for Northland 2016

- 5.10 In my opinion, the requested rezoning will give effect to the RPS for the following reasons:

- (a) The requested rezoning will better enable resources within the Rezoning Area to be utilised for commercial and/or light industrial activities attracting business and investment that will improve the economic wellbeing of the community;¹¹
- (b) The Settlement Zone includes provisions to manage the potential for reverse sensitivity effects that have the potential to impact the productive intent of the adjoining Rural Production zoned land;¹²
- (c) The application of singular zoning across the requested Rezoning Area will better ensure that the Orongo Bay Community have a cogent and cohesive sense of place and identity and a range of lifestyle, employment and transport choices;¹³
- (d) Parts of the requested Rezoning Area are located within natural hazards and risks overlays as mapped in the PDP. The requested rezoning does not seek to amend this and the requirement to minimise the risks and impacts of natural hazard events will be given effect to as any future development will require assessment against the associated provisions; and¹⁴
- (e) A part of the requested Rezoning Area is located within an area of High Natural Character as mapped in the PDP. The requested rezoning does not seek to amend this and the requirement to identify and protect this area from inappropriate subdivision, use and development will be given effect to via any future development requiring an assessment against the associated provisions.¹⁵

6. ASSESSMENT OF SITE SUITABILITY

- 6.1 While parts of the requested Rezoning Area are subject to natural hazards and risks, high natural character and coastal environment overlays as mapped in the PDP, it is considered that there are suitable triggers to address these matters at resource consent stage for any future development of the land. Furthermore, site suitability and landscape matters have been comprehensively addressed within Willowridge's resource consent application under the ODP provisions.

¹¹ Objective 3.5.

¹² Objective 3.6 and Policy 5.1.3.

¹³ Objective 3.11 and Policies 5.1.1 & 5.1.2.

¹⁴ Objective 3.13 and Policy 7.1.3.

¹⁵ Objective 3.14 and Policies 4.5.1 & 4.6.1.

6.2 The requested Rezoning Area is considered compatible with surrounding land uses given the surrounding environment comprises a service station, small scale industrial/commercial activities, visitor accommodation, recreational activities and clusters of residential activities.

6.3 I consider that any reverse sensitivity effects on the adjoining Rural Production zoned land to the south and east from future subdivision and development will be managed through the provisions of the Settlement Zone, Coastal Environment overlay, and Subdivision chapters.

7. ASSESSMENT OF HOW WILLOWRIDGE'S REZONING REQUEST CAN BE SERVICED BY ADEQUATE INFRASTRUCTURE (THREE WATERS)

7.1 The requested rezoning will not result in any demand on Council's three waters servicing as there is no three waters servicing provided within the requested Rezoning Area. Accordingly, future development will need to demonstrate appropriate on-site servicing at resource consent and building consent stage.

7.2 Furthermore, infrastructure and three waters matters have been comprehensively addressed within Willowridge's resource consent application under the ODP provisions.

8. ASSESSMENT OF HOW WILLOWRIDGE'S REZONING REQUEST WILL BE SUPPORTED BY EXISTING OR PROPOSED TRANSPORT INFRASTRUCTURE

8.1 Transport infrastructure has been comprehensively addressed within Willowridge's resource consent application under the ODP provisions.

8.2 Notwithstanding this, regarding land use, I consider that the scale of activities enabled as a permitted activity in the Settlement Zone is such that they will not generate a noticeable impact on transportation network. Any activities of scale will require resource consent, providing Council the opportunity to address any transport-related effects through a more detailed assessment process.

9. RESPONSES TO CONSULTATION AND FURTHER SUBMISSIONS

9.1 A number of further submissions were made opposing the rezoning of the Requested Rezoning Area for the following reasons:

- (a) Waitoto Developments Limited¹⁶, owners of Lot 20 DP 437503 (being the Orongo Bay Zone) oppose the request as they consider their site to have *'unique considerations, requirements and values that require it to remain as a special purpose zone'*. The Requested Rezoning Area does not include the land zoned Orongo Bay Special Purpose Zone;
- (b) Russell Protection Society¹⁷ oppose the rezoning of the Rural Production Zoned land. The requested Rezoning Area no longer includes any land zoned Rural Production; and
- (c) Kapiro Conservation Trust¹⁸ and Vision Kerikeri¹⁹ *'oppose to the extent that the submission is inconsistent with our original submission'*. It is difficult to respond to this further submission point given the lack of specific detail supporting the opposition.

10. SECTION 32AA EVALUATION

10.1 Section 32AA of the RMA requires further evaluation where changes to the Plan are proposed since the original section 32 evaluation was undertaken. I have recommended that the Rezoning Area be rezoned from the notified Settlement Zone and Rural Lifestyle Zone to a single Settlement Zone.

10.2 By way of summary, I consider that the rezoning request is a more appropriate, effective and efficient way to achieve the PDP objectives than the notified zoning in accordance with section 32AA for the following reasons:

- (a) **Sustainable Management (Section 5):** The rezoning of the Rezoning Area to Settlement Zone will better enable people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety through providing cohesive zoning that better reflects the existing and proposed cadastral pattern of development and activities while acknowledging the rural and coastal environment setting. It will provide improved enablement of residential, commercial, light industrial and/or community activities to a level considered appropriate for the rural and coastal environment.

¹⁶ FS 398.005

¹⁷ FS 332.267

¹⁸ FS566.731

¹⁹ FS569.753

- (b) **Encouraging opportunities for fulfilment of the community's social and economic wellbeing:** Application of the Settlement Zone to the requested Rezoning Area will encourage opportunities for fulfilment of the Orongo Bay community's social and economic wellbeing through improved enablement of residential, commercial, light industrial and/or community activities to a level considered appropriate for the rural and coastal environment. By doing so, the various social needs of the present population and future generations will be met.
- (c) **Appropriate Management of Effects:** The proposed rezoning request also manages any adverse effects of activities on the environment through the provisions of the Settlement Zone which only enable activities to a level considered appropriate for the rural and coastal environment. Further, no changes are proposed to the PDP notified district-wide overlays which will continue to manage any adverse effects through the provisions within their respective chapters.
- (d) **Costs and benefits:** I consider that the benefits of the Settlement Zone will outweigh the potential costs. This is because the application of the Settlement Zone to the requested Rezoning Area will heighten the community wellbeing of Orongo Bay by providing cohesive zoning which reflects the existing and proposed cadastral pattern of development and activities (a mixture of residential, commercial, light industrial and community activities) while acknowledging the rural and coastal setting.

11. CONCLUSION

- 11.1 In my opinion, rezoning the subject land to Settlement Zone better aligns with the PDP's strategic direction and higher order policy documents, promotes sustainable management under the RMA, and provides an enabling yet appropriately managed framework for ongoing and future use of the land. This reflects the realities of existing land use patterns and addresses relevant planning and environmental constraints

David Eric Badham

Date: 9 June 2025