

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

IN THE MATTER of the Resource Management Act 1991

AND

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

SUBMITTER Linda Gigger

HEARING TOPIC: Hearing 15D – Rezoning General

STATEMENT OF PLANNING EVIDENCE OF ANDREW CHRISTOPHER MCPHEE

16 June 2025

INTRODUCTION

1. My name is Andrew Christopher McPhee. I am a Director / Consultant Planner at Sanson and Associates Limited and Bay of Islands Planning (2022) Limited.
2. I have been engaged by Linda Gigger (**LG**) to collate a response to Minute 14 and provide planning evidence in support of their original submission to the Proposed Far North District Plan (**PDP**)¹.
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 graduated from The University of Auckland in 2007 with a Bachelor of Planning (Honours).
5. I began my planning career with Boffa Miskell, where I was a graduate planner until 2009. The same year I joined the Auckland Regional Council in the Policy Implementation Team. When the Auckland Councils amalgamated in 2010, I worked in a number of planning roles, leaving in 2015 as a Principal Planner in the Central and Island Planning Team.
6. I joined the Far North District Council (**FNDC**) in 2015 as a Senior Policy Planner working principally on the review of the district plan. I left FNDC in December 2023 and joined Sanson and Associates Limited and Bay of Islands Planning (2022) Limited with my co-director Steven Sanson.
7. I have been involved in a number of plan change and resource consent hearing processes in my time at Auckland Council, including as the planning lead for a number of topics for the Auckland Unitary Plan process. At FNDC I project managed private plan change 22 and was the portfolio lead for a number of topics for the PDP.
8. I am a full member of the New Zealand Planning Institute and a member of the Resource Management Law Association. In February 2024, I was certified with excellence as a commissioner under the Ministry for the Environment's Making Good Decisions programme.

SCOPE OF EVIDENCE

9. The primary submission by LG seeks rezoning of the landholding at 166 Waipapa Road to the Light Industrial zone. The land is currently zoned Rural Residential in the PDP.

¹ Submission 370

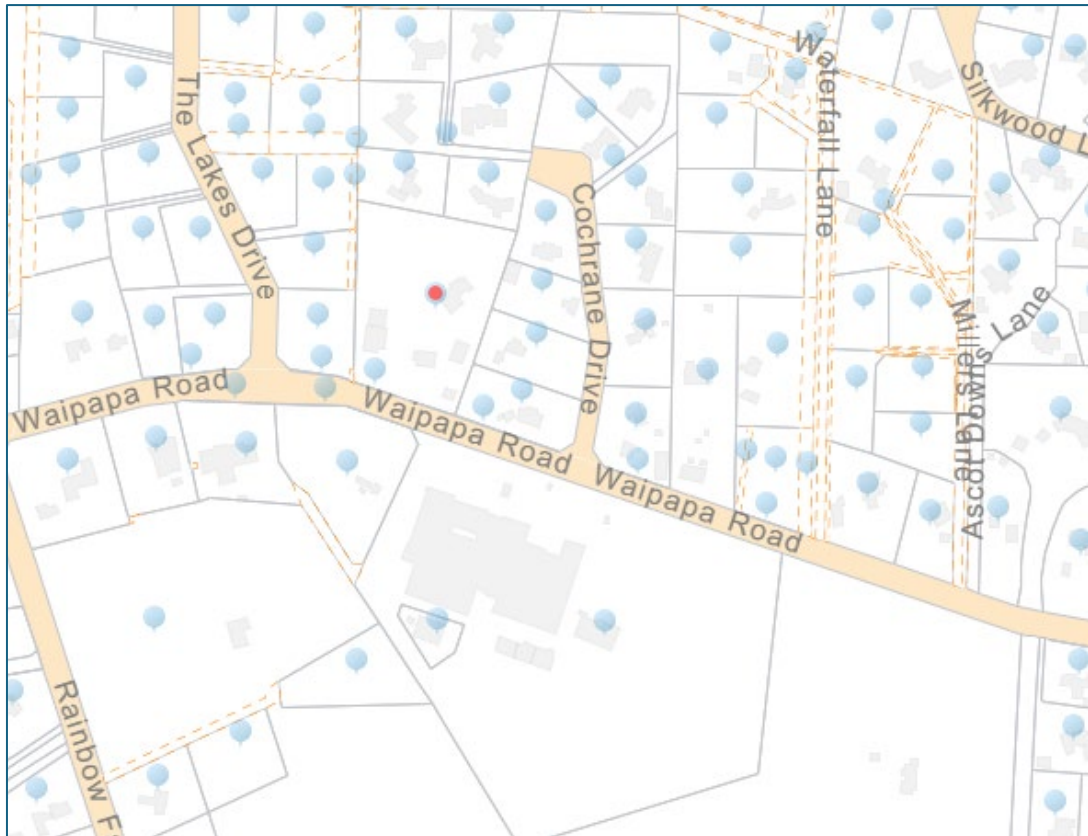


Figure 1: Landholdings seeking Light Industrial zone (Source: Prover)



Figure 2: PDP zoning (Source PDP Maps)

10. The total area of the landholding subject to the relief sought in the submission to rezone to Light Industrial is ~1.5 ha.

11. My evidence addresses the rezoning request against the criteria set out in Minute 14 from the Independent Hearings Panel (**Minute 14**), which include:
- How the request is consistent with the PDP strategic direction;
 - How the requested zoning better aligns with the outcomes anticipated by the Rural Residential zone;
 - How the request gives effect to higher order documents;
 - The reasons for the request;
 - An assessment of site suitability and potential effects;
 - Further submissions; and
 - A Section 32AA evaluation.

THE PDP AS IT APPLIES TO THE LANDHOLDING

12. The land subject to the rezoning submission is located on the northern side of Waipapa Road and is for the most part surrounded by other commercial and light industrial type activities.
13. Properties adjoining Waipapa Road have historically and continue to be developed in a non-residential capacity. These non-residential activities include activities ranging from restaurants, trade depots, manufacturing operations, places of worship, commercial offices, horticulture processing facilities, childcare facilities, manufacturing facilities, rental companies, landscape businesses and schools. While not prevalent anymore, there are still rural production and horticulture activities being undertaken on properties accessed by Waipapa Road.

CONSENTED ENVIRONMENT

14. The activities being undertaken at 166 Waipapa Road have been legitimised through a series of resource consents dating back to 1978. A summary of these is provided below (see Figure 3).

Date	Resource consent	Description
23 June 1978	78732 – TCPA	Erection of a dwelling and Implement shed (Lot 7 DP 27219)
11 June 1991	782213 – TCPA	Establish a rural carriers, agricultural contractors depot and rural industry, involving the manufacturing, storing and sale of concrete products (Lot 7 DP 27219).
16 December 2004	RC2050003	Amend condition 4(a)(i) to read “The road to vest in Council formed and sealed to comply with the Council Standard for a Type B Urban Street without footpaths.

07 July 2009	RC2090629	Consent to Waipapa Tanks & Waste Treatment Systems, for a rural contractors depot incorporating manufacturing, storage and sale of concrete products
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Figure 3: Consenting history for 166 Waipapa Rd

15. While very similar to the June 1991 resource consent, the most recent consent in July 2009 was sought for the following reasons:
 - In the subsequent years a Building Consent was issued under BC2005-0496 to construct and use an office, and in 2007 under BC2007-810 an implement shed was approved. The implement shed was constructed and used in conjunction with the contracting activities. The use of the shed resulted in the activity exceeding the Permitted Activity thresholds of the ODP by reason of floor area.
 - A canopy structure was erected upon two containers and used as part of the depot operations. This was included for completeness as there was some uncertainty whether or not this is actually a building in terms of the Building Act and ODP.
16. It is clear from the consenting history that the site is supporting a legitimate light industrial activity approved by resource consent. These activities have been and continue to run successfully while supporting on site servicing for wastewater and potable water.
17. Rezoning the property to Light Industrial formalizes the existing environment, bringing the planning framework into harmony with the on-the-ground reality. The effects of light industrial activities in this location are well understood having been in place for over three decades. Rezoning the property makes it clear to those purchasing property in proximity of the site that light industrial activities and the effects of those activities are to be expected.
18. Converting the land back into a useable state for Rural Residential use on this site represents an inefficient outcome that will only continue to promote reverse sensitivity effects to existing and consented non-residential uses in the surrounds. Details of those surrounding activities are outlined below.

SURROUNDING LANDHOLDINGS

19. In proximity to LG's site there is a proliferation of commercial and light industrial activities being undertaken along the frontage of Waipapa Road. These include:
 - 1 The Lakes Drive – Crown Brands
 - 166 Waipapa Rd – Waterflow septic systems, onsite concrete batching
 - 125 Waipapa Rd – Timber and firewood supplier
 - 138 Waipapa Rd – Plumbing Business

- 140 Waipapa Rd – Arohanui Childcare centre
- 153 Waipapa Rd – Seeka horticulture processing facility
- 171 Waipapa Rd – Concrete batching plant
- 185 Waipapa Rd – Storage facility and Engineering company office
- 198 Waipapa Rd – Cake making and coffee business
- 2 The Lakes Drive – BOI Enterprises (while currently undeveloped an existing consent for a mixed-use development for a café, medical centre, retail and offices)
- 2 Cockrane Dr – Northland Fine Food (commercial food operations).

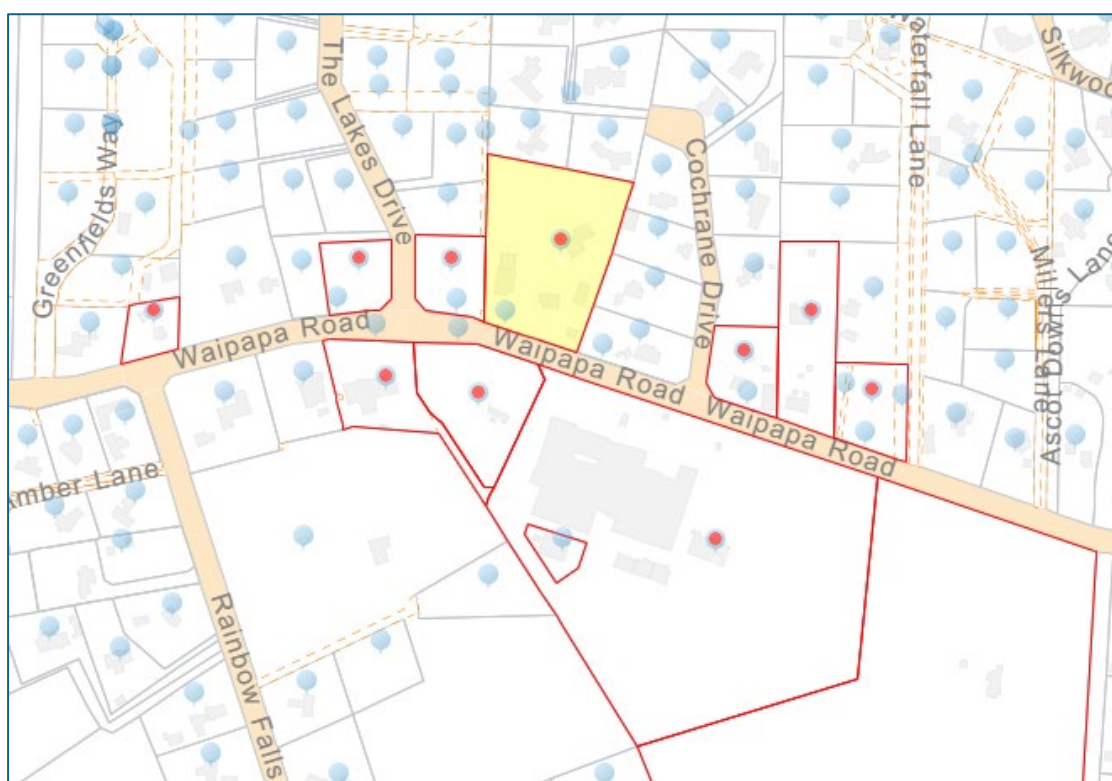


Figure 4: Commercial and industrial activities in proximity to 166 Waipapa Road (Source: Prover)



Figure 5: Aerial of land use in proximity to 166 Waipapa Road (Source: Google Earth)

STRATEGIC DIRECTION

20. I consider that rezoning the subject land in a light industrial capacity reflecting a long-standing consented land use generally aligns with the Strategic direction identified in the PDP. Council is responsible under section 31 of the Resource Management Act 1991 (**RMA**) to “...to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district”. In summary:

- Cultural Prosperity - the site is not implicated by any mapped site of significance to Māori, nor is there any historic heritage matter identified on the site.
- Social Prosperity – Rezoning the property (and potentially surrounding properties requesting similar relief) to an urban zoning promotes a sense of place in this location which is urban in nature. The rezoning promotes land use that is commensurate with historic and current use that can meet the needs of current and future generations. In respect of climate change consideration, the site is elevated and not subject to natural hazards.
- Economic Prosperity – The light industrial activities present on the site contribute to the local economy in terms of a much needed product for residential development, and employment. Zoning land to support activities that have been undertaken on the property for over three decades provides the ability for land use to be agile in terms of light industrial activities in times when the economy changes.
- Urban Form and Development - The site provides adequate on-site development infrastructure to accommodate the light industrial activities, which meets demands for business activities. Councils’ inability to produce quality data in

relation to development infrastructure in and around Kerikeri questions the ability to provide sufficient development capacity within the urban area. If development capacity cannot be assured within the urban area of Kerikeri then reliance needs to be placed on the urban periphery to deliver sufficient land to accommodate the forecast growth, until such time that the infrastructure can be provided. The section 42A officers' recommendation in Appendix 1.4 Hearing 1 – Strategic Direction proposes to include 'and additional infrastructure' to SD-UFD-O3 to make provision for infrastructure that is not defined as 'development infrastructure'.

- Infrastructure and Electricity – The existing use of the site addresses its own services and can continue to do so. Any change of use of the site will also rely on self-servicing until such time that Council decides to provide additional infrastructure in this location.
- Rural Environment – The Rural Residential zoning proposed for the site generally provides for large lot residential sections, which is at odds with the current land use as well as surrounding land use (consented). Residential land use in this location would be subject to reverse sensitivity effects from surrounding land use not ordinarily anticipated by the Rural Residential zone. Further, remediation of the site to make it appropriate for a residential activity is unlikely to be financially viable given the length of time it has been used in a light industrial capacity. Even in a Rural Residential capacity the site is not subject to the National Policy statement for Highly Productive Land.
- Environmental Prosperity - There are no known ecosystems to protect on the site. There is boundary planting around the site and an assortment of trees near the dwelling that wouldn't ordinarily require active management. Kiwi are present but not in a high density. The site is not located within the coastal environment and there are no outstanding natural landscapes or features present. There are no areas of significant indigenous vegetation or significant habitats of indigenous fauna in proximity of the site.

ALIGNMENT WITH ZONE OUTCOMES

21. I consider that rezoning the LG land in a Light Industrial capacity will better align with the outcomes identified in the PDP. The rationale for this conclusion is further explored in the latter sections of my evidence, however the following summary compares the proposed Rural Residential zoning, and the Light Industrial zone sought.

Table 1: Assessment of the Rural Residential zone

Matter	Assessment
RRZ-O1 The Rural Residential zone is used predominantly for rural residential activities	The subject site contains a dwelling at the rear, which abuts rural residential land use.

and small scale farming activities that are compatible with the rural character and amenity of the zone.	<p>Irrespective, this site and many surrounding sites are currently being used, many for some time, in a commercial or industrial capacity.</p> <p>This area of Waipapa Rd does not display, nor has it for some time displayed a typical rural character or amenity commensurate with the Rural Residential zone.</p>
<p>RRZ-O2 The predominant character and amenity of the Rural Residential zone is maintained and enhanced, which includes:</p> <ul style="list-style-type: none"> a. peri-urban scale residential activities; b. small-scale farming activities with limited buildings and structures; c. smaller lot sizes than anticipated in the Rural Production or Rural Lifestyle zones; and d. a diverse range of rural residential environments reflecting the character and amenity of the adjacent urban area. 	<p>Land use activities in proximity of the LG land is not commensurate with peri-urban scale residential activity, it is commercial/light industrial in nature.</p> <p>Apart from some horticulture activity in behind Seeka, there is no evidence of small scale farming activities in this location.</p> <p>The urban area of Kerikeri is ~1.8km as a crow flies and the Waipapa urban area is over 2km.</p>
RRZ-O3 The Rural Residential zone helps meet the demand for growth around urban centres while ensuring the ability of the land to be rezoned for urban development in the future is not compromised.	Waipapa Rd is providing for growth in both a residential and business capacity. This is not reflected in a Rural Residential zoning.
<p>RRZ-O4 Land use and subdivision in the Rural Residential zone:</p> <ul style="list-style-type: none"> a. maintains rural residential character and amenity values; b. supports a range of rural residential and small-scale farming activities; and c. is managed to control any reverse sensitivity issues that may occur within the zone or at the zone interface. 	<p>This area of Waipapa Rd does not display, nor has it for some time displayed a typical rural character or amenity commensurate with the Rural Residential zone.</p> <p>Apart from some horticulture activity in behind Seeka, there is no evidence of small scale farming activities in this location.</p> <p>The consented light industrial activity on the site and across Waipapa Road has been present well before the proliferation of rural residential activities, as such should be allowed to continue unencumbered and protected from any reverse sensitivity issues from surrounding sensitive activities.</p>
RRZ-P1 Enable activities that will not compromise the role, function and predominant character and amenity of the Rural Residential zone, while ensuring their	The consented light industrial activity on the site and across Waipapa Road has been present well before the proliferation of rural residential activities in the wider area.

<p>design, scale and intensity is appropriate, including:</p> <ul style="list-style-type: none"> a. rural residential activities; b. small-scale farming activities; c. home business activities; d. visitor accommodation; and e. small-scale education facilities. 	<p>The activities listed in a. – e. can continue to occur in the wider area but are not the predominant land use along Waipapa Road, particularly in this location.</p>
<p>RRZ-P2 Avoid activities that are incompatible with the role, function and predominant character and amenity of the Rural Residential zone including:</p> <ul style="list-style-type: none"> a. activities that are contrary to the density anticipated for the Rural Residential zone; b. primary production activities, such as intensive indoor primary production or rural industry, that generate adverse amenity effects that are incompatible with rural residential activities; and c. commercial or industrial activities that are more appropriately located in an urban zone or a Settlement zone. 	<p>The consented industrial activity on the site has been the predominant land use for over three decades.</p> <p>It is clearly not compatible with the role, function and predominant character and amenity of the Rural Residential zone.</p> <p>This activity, along with similar type activities in close proximity, have been legitimately introduced into this environment and have existing use rights. The investment in these activities and properties are unlikely to prompt a move to another area and requires an appropriate zone to protect them.</p>
<p>RRZ-P3 Avoid where possible, or otherwise mitigate, reverse sensitivity effects from sensitive and other non-productive activities on primary production activities in adjacent Rural Production zones and Horticulture zones.</p>	<p>There are no adjacent Rural Production or Horticulture zones.</p>
<p>RRZ-P4 Require all subdivision in the Rural Residential zone to provide the following reticulated services to the boundary:</p> <ul style="list-style-type: none"> a. telecommunications: <ul style="list-style-type: none"> i. fibre where it is available; ii. copper where fibre is not available; iii. copper where the area is identified for future fibre deployment. b. local electricity distribution network. 	<p>Services are already in place.</p>
<p>RRZ-P5 Manage land use and subdivision to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:</p> <ul style="list-style-type: none"> a. consistency with the scale and character of the rural residential environment; b. location, scale and design of buildings or structures; 	<p>The scale and character of the consented industrial activity is not consistent with the scale and character of the Rural Residential zone.</p> <p>The site already addresses on-site infrastructure for an industrial activity.</p> <p>The site is serviced by Waipapa Rd, which is understood to be a collector road that</p>

<p>c. at zone interfaces:</p> <ul style="list-style-type: none"> i. any setbacks, fencing, screening or landscaping required to address potential conflicts; ii. the extent to which adverse effects on adjoining or surrounding sites are mitigated and internalised within the site as far as practicable; <p>d. the capacity of the site to cater for on-site infrastructure associated with the proposed activity;</p> <p>e. the adequacy of roading infrastructure to service the proposed activity;</p> <p>f. managing natural hazards;</p> <p>g. any adverse effects on historic heritage and cultural values, natural features and landscapes or indigenous biodiversity; and</p> <p>h. any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.</p>	<p>services a number of light industrial and commercial activities.</p> <p>The site is not subject to natural hazards.</p> <p>There are no known effects on historic heritage, cultural values, natural features and landscapes or indigenous biodiversity.</p> <p>There is no known historical, spiritual, or cultural association held by tangata whenua.</p>
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Table 2: Assessment of the Light Industrial zone

Matter	Assessment
<p>LIZ-O1 The Light Industrial zone is utilised for the efficient operation of light industrial activities and is managed to ensure its long-term protection, including from:</p> <ul style="list-style-type: none"> a. land fragmentation; b. land sterilisation; and c. reverse sensitivity effects. 	<p>The existing consent enables the continuation of the activities. Rezoning to Light Industrial is commensurate with the onsite activity and will help protect any future activities of this nature in perpetuity.</p>
<p>LIZ-O2 The Light Industrial zone accommodates a range of light industrial activities that:</p> <ul style="list-style-type: none"> a. efficiently use the physical resources of the zone; b. are characterised largely by light manufacturing, contractor depots, automotive and marine repair and service industries; c. are not unreasonably constrained by surrounding activities, and d. avoid compromising the operation of future light industrial activities within the zone. 	<p>The existing consent currently enables a light industrial activity. Any change in that use will require resource consent despite the effects from the site already being accepted and understood.</p> <p>Rezoning to Light Industrial will ensure that any future activities on this site will not be compromised through the need for resource consent.</p>

<p>LIZ-O3 Enable land use and subdivision in the Light Industrial zone where there is adequacy and capacity of available or programmed development infrastructure to support it.</p>	<p>With the exception of council reticulated water present along Waipapa Road, the site and area are not currently serviced or programmed to be serviced by development infrastructure. I note that the section 42A officers' recommendation in Appendix 1.4 Hearing 1 – Strategic Direction proposes to include the words 'and additional infrastructure' to SD-UFD-O3 to make provision for infrastructure that is not defined as 'development infrastructure'.</p> <p>The site is self sufficient in this respect.</p>
<p>LIZ-O4 The adverse environmental effects generated by light industrial activities are managed, in particular at zone boundaries.</p>	<p>The consented activity has been in situ for over three decades. The effects are well understood and have been part of the environment for some time.</p>
<p>LIZ-O5 The Light Industrial zone accommodates a limited range of commercial activities which either support light industrial activities or are not anticipated in the Mixed Use zone.</p>	<p>Not proposed at this time and would be subject to any application for future land use. It is noted that the neighbouring property to the west (2 The lakes Drive) has an approved resource consent for a mixed use development and also has a submission on the PDP to rezone the landholding to Mixed Use. The property across Waipapa Rd (171 Waipapa Rd) has a submission on the PDP to rezone the landholding to Light Industrial.</p>
<p>LIZ-P1 Enable development and operation of light industrial activities in the Light Industrial zone.</p>	<p>The existing consent enables the continuation of the activities. Rezoning to Light Industrial is commensurate with the onsite activity and will help protect any future activities of this nature in perpetuity.</p>
<p>LIZ-P2 Require all subdivision in the Light Industrial zone to provide the following reticulated services to the boundary of each lot:</p> <ul style="list-style-type: none"> a. telecommunications: <ul style="list-style-type: none"> i. fibre where it is available; ii. copper where fibre is not available; iii. copper where the area is identified for future fibre deployment. b. local electricity distribution network; and c. wastewater, potable water supply and stormwater where they are available. 	<p>Telecommunications and electricity are already supplied to the site to accommodate current activities.</p> <p>With the exception of council reticulated water present along Waipapa Road, the site and area is not currently serviced or programmed to be serviced by development infrastructure. I note that the section 42A officers' recommendation in Appendix 1.4 Hearing 1 – Strategic Direction proposes to include the words 'and additional infrastructure' to SD-UFD-O3 to make provision for infrastructure that is not defined as 'development infrastructure'.</p>

	The site has been accommodated on-site servicing for over three decades.
<p>LIZ-P3 Avoid the establishment of activities that do not support the function of the Light Industrial zone, including:</p> <ul style="list-style-type: none"> a. heavy industrial activities; b. residential activities; c. community facilities; d. retirement villages; e. education facilities; and f. sport and recreation facilities. 	<p>None of the activities are proposed or consented, except for the existing dwelling at the rear of the site.</p> <p>Rezoning the site Light Industrial will ensure that any future activities will be commensurate with those anticipated by the zone.</p>
<p>LIZ-P4 Allow commercial activities in the Light Industrial zone that:</p> <ul style="list-style-type: none"> a. are complementary to and support light industrial activities; or b. require larger sites and may not accommodate amenity values anticipated in the Mixed Use zone. 	Not proposed at this time and would be subject to any application for future land use.
<p>LIZ-P5 Ensure that built form is of a scale and design that is:</p> <ul style="list-style-type: none"> a. consistent with the amenity of the Light Industrial zone; and b. complementary to the character and amenity of adjoining zones. 	<p>The existing consented activity is commensurate with the type of activity and scale anticipated in the Light Industrial zone.</p> <p>The existing activity has been in situ for over three decades and forms part of the character of the area.</p>
<p>LIZ-P6 Manage land use and subdivision to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:</p> <ul style="list-style-type: none"> a. consistency with the scale, density, design and character of the light industrial environment and purpose of the zone; b. the location, scale and design of buildings or structures, outdoor storage areas, parking and internal roading; c. for non-industrial activities: <ul style="list-style-type: none"> i. scale and compatibility with industrial activities; ii. potential reverse sensitivity effects on industrial activities. d. at zone interfaces: <ul style="list-style-type: none"> i. any setbacks, fencing, screening or landscaping 	<p>The scale and character of the consented industrial activity is consistent with the scale and character of activities anticipated in the Light Industrial zone.</p> <p>The site already addresses on-site infrastructure as an industrial activity. With the exception of council reticulated water present along Waipapa Road, the site and area is not currently serviced or programmed to be serviced by development infrastructure. I note that the section 42A officers' recommendation in Appendix 1.4 Hearing 1 – Strategic Direction proposes to include the words 'and additional infrastructure' to SD-UFD-O3 to make provision for infrastructure that is not defined as 'development infrastructure'.</p> <p>The site is not subject to natural hazards.</p> <p>The site is serviced by Waipapa Rd, which is understood to be a collector road that</p>

<p>required to address potential conflicts;</p> <p>ii. any adverse effects on the character and amenity of adjacent zones.</p> <p>e. the adequacy and capacity of available or programmed development infrastructure to accommodate the proposed activity; including:</p> <p>i. opportunities for low impact design principles;</p> <p>ii. management of three waters infrastructure and trade waste such as industrial by-products.</p> <p>f. managing natural hazards;</p> <p>g. the adequacy of roading infrastructure to service the proposed activity;</p> <p>h. any adverse effects on historic heritage and cultural values, natural features and landscapes or indigenous biodiversity; and</p> <p>i. any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.</p>	<p>services a number of light industrial and commercial activities.</p> <p>There are no known effects on historic heritage, cultural values, natural features and landscapes or indigenous biodiversity.</p> <p>There is no known historical, spiritual, or cultural association held by tangata whenua.</p>
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22. In summary the landholding is:

- Undertaking a legally established light industrial activity that has been operating for over three decades;
- Providing a product/service and employing local people, contributing to the district's economic wellbeing.
- Generally surrounded by landholdings that are or will be used in either a commercial or industrial capacity;
- Providing on site servicing capable of accommodating light industrial activities in this location at a time where development infrastructure² is not available.
- Not of a rural residential nature and are subject to rural residential creep from the surrounds.

HIGHER ORDER DIRECTION

23. I consider that the rezoning request aligns with key higher order documents:

² As defined in the PDP

Section 31 of the RMA

24. Section 31 of the RMA places a responsibility on Council to "ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district".
25. If development capacity cannot be assured within the urban area of Kerikeri due to infrastructure constraints or market viability issues, then reliance needs to be placed on the urban periphery to deliver sufficient land to accommodate the forecast growth, until such time that the infrastructure can be provided.
26. The Housing and Business Capacity Assessment (**HBA**) identifies a significant long-term need for 24.1 hectares of industrial land across the Far North District by 2055, explicitly noting that industrial land uses are projected to require the largest increase in land area compared to other land use types³. The LG landholding directly contributes to this identified district-wide need.

New Zealand Coastal Policy Statement

27. This site is not located within the coastal environment.

National Policy Statement for Freshwater Management

28. This is not considered relevant

National Policy Statement for Greenhouse Gas Emissions from Industrial Process Heat

29. This is not considered relevant

National Policy Statement for Highly Productive Land

30. This is not considered relevant as not zoned Rural Production

National Policy Statement for Indigenous Biodiversity

31. This is not considered relevant

National Policy Statement for Renewable Electricity Generation

32. This is not considered relevant

National Policy Statement on Electricity Transmission

33. This is not considered relevant

National Policy Statement on Urban Development (**NPS-UD**)

³ M.E Consulting: FNDC Housing and Business Development Capacity Assessment: July 2024: Page 59

34. Although primarily urban-focused, the NPS-UD promotes well-functioning environments and responsive planning. This rezoning request contributes to a more adaptable rural-urban fringe, responding to housing needs to service forecast growth for Kerikeri.
35. I note that in the section 32 analysis for the Urban chapter that “...*Council considers that none of its towns will reach the required threshold of 10,000 people to be considered an ‘urban environment’ as defined in the NPS-UD in the short, medium or long term. This is the case under both a medium and high growth scenario. The NPS-UD therefore does not apply to the Council under clause 1.3(1)...*”⁴
36. Te Patukurea - Kerikeri Waipapa Spatial Plan (**Spatial Plan**) on the other hand states that “*Should Council adopt the draft spatial plan in June, Kerikeri would become an ‘urban environment’ as defined by the NPS-UD, and Council would become a Tier 3 local authority.*”
37. There has been no evidence provided to date that I have seen that demonstrates that Council has sufficient ‘development capacity’⁵ within its urban environment to meet the expected demand for housing and business land over the short, medium and long term required under Policy 2 of the NPS-UD.
38. Development capacity is linked to the provision of development infrastructure, which is Council controlled network infrastructure for water supply, wastewater or stormwater, as well as roading.
39. With the uncertainty surrounding Councils ability to provide sufficient development infrastructure to support growth in the urban environment, it is prudent to supply sufficient land on the urban periphery to accommodate the forecast growth for Kerikeri, in accordance with Section 31 of the RMA. This addresses the uncertainty of providing sufficient development capacity within the urban environment by providing a viable option to accommodate forecast business growth in a location near the urban environment, that may one day be rezoned in an urban capacity.
40. There are no National Environmental Standards considered to apply, save for the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (HAIL) which is considered below.

Regional Policy Statement for Northland (RPS)
41. The landholding subject to the LG submission is located outside outstanding natural landscapes and features, and outside of the coastal environment.

⁴ FNDC Section 32 Analysis: Urban Environment: Section 3.2.2 Page 7

⁵ NPS-UD: means the capacity of land to be developed for housing or for business use, based on:

- (a) the zoning, objectives, policies, rules, and overlays that apply in the relevant proposed and operative RMA planning documents; and
- (b) the provision of adequate development infrastructure to support the development of land for housing or business use

42. Objective 3.5 – Enabling economic wellbeing seeks positive economic outcomes by providing for the economic wellbeing of people and communities. Allowing additional supply of light industrial land assists in meeting identified demand for industrial land, thereby supporting economic well-being.
43. Objective 3.6 – Efficient and effective infrastructure seeks to optimise the use of existing infrastructure and ensuring that new infrastructure is resilient and meets the need of the community, supports economic development and community needs.
44. The combination of demand for industrial land and the current lack of certainty around Councils ability to provide adequate development infrastructure in the urban environment to service forecast growth for Kerikeri dictates that options need to be provided outside of the urban environment.
45. Providing additional supply of light industrial land in a location that has been accommodating this use for decades and has been accommodating on site servicing will complement existing Council infrastructure through not having to rely on existing reticulated networks. This will give Council time to better understand their assets and budget upgrades to their infrastructure to cater for growth in the urban environment.
46. The additional supply of light industrial land in this location will encourage decentralised or reticulated development that complements, not competes with, land serviced by Council reticulated infrastructure networks. Noting that the section 42A officers' recommendation in Appendix 1.4 Hearing 1 – Strategic Direction proposes to include 'and additional infrastructure' to SD-UFD-O3 to make provision for infrastructure that is not defined as 'development infrastructure'.
47. Policy 5.2.2 – Future-proofing infrastructure seeks to encourage the flexible and resilient development of infrastructure. As discussed above in relation to Objective 3.6, providing additional supply of light industrial land in the proposed location will complement existing Council infrastructure through not having to rely on existing reticulated networks. This gives Council time to better understand their assets and budget upgrades to their infrastructure to cater for growth in the urban environment.

Te Pātukurea: Kerikeri-Waipapa Spatial Plan (Spatial Plan)

48. I provide an overview of content within the Spatial Plan below for context in relation to the need to rezone the landholdings subject to the LG landholdings sought in the submission.
49. Council released the Statement of Proposal for the draft Spatial Plan for consultation in March 2025. It is understood that the Spatial Plan will go before Council for formal adoption in June 2025. As such any evaluation against the Spatial Plan at this juncture is based on the Draft document.
50. It is important also to acknowledge that a spatial plan is a non-statutory document. The intention of the Spatial Plan is to manage growth by identifying areas appropriate for

housing, businesses and industry, serving as a blueprint for future planning and investment.

51. Within the Introduction of the Spatial Plan document, it states that *“It is important to note that the projects and initiatives identified in this plan are unfunded at this stage”*. In other words, no financial planning has informed this document other than attributing estimates to provide for necessary infrastructure. *“The projects and initiatives identified in this plan are not committed until council includes funding in its Long-Term Plan or through external funding, and the timing and necessity of the project(s) will need to be reviewed as part of any Long-Term Plan.”*⁶ The Spatial Plan is a project that will compete for funding through the LTP against many projects promoted across the Far North District.
52. Given the commentary above I consider that little weight can be given to the Spatial Plan.

REASON FOR THE REZONING REQUEST

53. The reason for the request is broadly identified in the submission, stating:
- The current use of the site is diametrically opposed to the purpose of the proposed zone. As such it is considered incongruous to retain the property under the Rural Residential zone;
 - There is merit to change the property to a zone which reflects the activities being undertaken. The Light Industrial zone captures and reflects the nature and scale of the activities on the site;
 - The Horticultural Processing zone on the opposite side of Waipapa Road is site specific and provides certainty and continuity of their operations.
 - The property adjoining the Horticulture processing zone has been granted resource consent for a concrete batching plant, which has now been established. The owners of that land are also seeking to change the zone from Rural Residential to Light Industrial to support their operations;
54. The most compelling and pragmatic argument for the zone change is the property's current use for light industrial purposes, which is both lawful and supported by an existing resource consent. This means the site has been operating in a light industrial capacity under the necessary regulatory approvals. Rezoning the property to Light Industrial formalizes this existing situation, bringing the planning framework into harmony with the on-the-ground reality.
55. Rezoning the property makes it clear to those purchasing property in proximity of the site that light industrial activities and the effects of those activities are to be expected.

⁶ The Spatial Plan: Page 51

56. I have mentioned the concrete batching plant on the other side of Waipapa Road requesting a change in zone through a submission on the PDP⁷. Additionally, the site west of the LG land is seeking a change of zone to Mixed Use⁸ to rationalise the resource consent they have for a mixed use development.
57. There is clearly a cluster of development and land use in the location of the LG landholding that have been formalised through resource consents for a mixture of horticulture processing, light industrial activities and mixed use development. These are at odds with the proposal to rezone the site and surrounds Rural Residential.

ASSESSMENT OF SITE SUITABILITY AND POTENTIAL EFFECTS

Natural Hazards

58. The site is not subject to any flooding overlays and is not known to be affected by erosion, any earthquake or wind, sedimentation or drought risk.



Figure 6: Natural Hazards map (Source: Northland Regional Council)

Natural Environment Values

59. There are no Natural Character matters to consider as there are no wetlands, lakes or rivers adjacent to or on the site.

⁷ Mangonui Haulage Submission S318.001 seek rezoning of Lot 2 DP 437473 (171 Waipapa Road) to Light Industrial Zone

⁸ BOI Enterprises Limited Submission S139.001 seek rezoning of Lots 1 and 2 DP 561725 (2 and 4 The Lakes Drive, Kerikeri)

60. The site is not subject to natural features or landscapes. The Natural Features and Landscapes Chapter is not relevant.
61. The Public Access Chapter is not relevant as the site is not adjoining or adjacent to the coastal marine area or a waterway.

Biodiversity

62. There are no known wetlands on the property or in the surrounds. The site is in the Kiwi Present Zone.

Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (HAIL)

63. While the site is not identified as HAIL site on Far North maps, the consented activities undertaken on this site over the past decades would require at the least a preliminary site investigation, which would likely conclude the site as HAIL.

Council Services

64. Council reticulated water supply runs along Waipapa Road. There is also Council stormwater infrastructure running down the eastern boundary of the LG landholding. There is no Council wastewater infrastructure in the vicinity of the site.

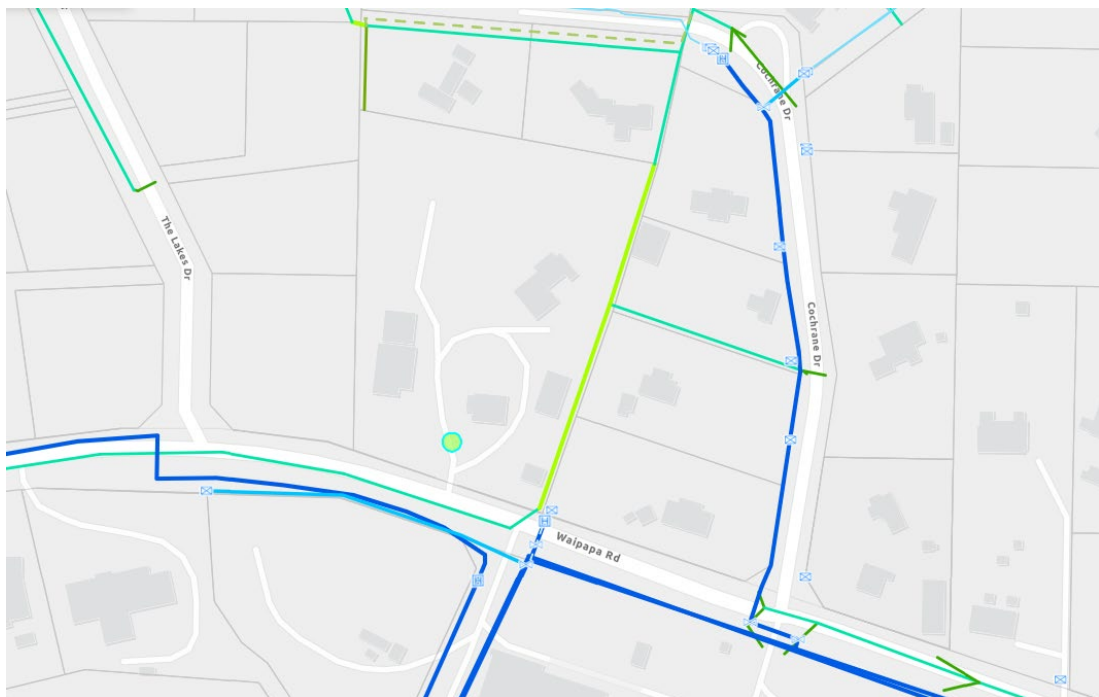


Figure 10: Water Services map (Source: Far North Maps)

Traffic and Access

65. The property's existing lawful use for light industrial purposes implies that traffic generation associated with industrial activities is already occurring and has been managed under the existing resource consent.

Reverse sensitivity

66. As the activity is consented and legally established the proposed zoning to Light Industrial simply reflects the on the ground activities being undertaken. The issue is not the effects of the light industrial activities on the rural residential zone, rather the potential for reverse sensitivity effects resulting from, for example, further residential development density allowed via the Rural Residential zone against the existing uses.

FURTHER SUBMISSIONS

67. There are no further submissions on the proposed zone change.

SECTION 32AA EVALUATION

68. The evaluation below is with respect to the Light Industrial zoning vs the Rural Residential zoning.

Efficiency and Effectiveness

69. The rezoning sought through the submission better reflects the existing situation, without causing undue impacts to surrounding properties, infrastructure, or the wider surrounds.
70. It represents a discrete zone change on a site that is contextually located within a location where industrial and commercial activities (including an unimplemented consent to the west of the site) predominate. The activity continues to provide on-site services.
71. The site is unlikely to ever be reverted to an exclusive residential use.
72. The submission to rezone to Light Industrial more effectively and efficiently meets the purpose of the RMA.

Costs/Benefits

73. Benefits of the proposed rezoning include:
- Rationalising/formalising land use in a location that has been present for over three decades ensures potential buyers or future land owners are aware of any potential effects associated with the landholding.
 - Accurate representation of on the ground activities and characteristics.
 - Contributing to the demand for industrial land in Kerikeri/Waipapa while reducing pressure on Councils urban infrastructure.

74. Costs of the proposed rezoning include:

- Loss of Rural Residential land in Kerikeri/Waipapa.

Risk of Acting or not Acting

75. The risk of not acting is that the PDP as presented represents an environmental outcome for the site that does not consider the consented environment, realities on the ground or the surrounding environs.

CONCLUSION

76. The proposed zone change from Rural Residential to Light Industrial for the 1.5-hectare property on Waipapa Road represents a strategically sound and pragmatic planning outcome for the Far North District. For the reasons expressed above, I consider that the proposed zone changes from Rural Residential to Light Industrial is appropriate and acceptable.