SECTION 42A REPORT

Officer's written right of reply 12 September 2025

Hearing 14 – Urban Zones

Appendix 2.3: Officers Recommended Decisions on Submissions (Light & Heavy Industrial Zones)

Appendix 3: Jane Rennie Memorandum – Hearing 14 Urban Design Response to Vision Kerikeri Evidence

1 Introduction

1.1 Background

1. My full name is Sarah Trinder. I am the writer of the original Section 42A Report for Hearing 14 on the Proposed District Plan: Urban topic.

2. In the interests of succinctness, I do not repeat the information contained in Section 2.1 of the Section 42A report and request that the Hearings Panel ("the Panel") take this as read.

2 Purpose of Report

3. The purpose of this report is primarily to respond to the evidence of the submitters and provide my right of reply to the Panel. In this Report I also seek to assist the Panel by providing responses to specific questions that the Panel directed to me during the hearing, under the relevant headings.

3 Consideration of evidence recieved

4. I have only addressed those sections and evidence where I consider additional comment is required. I have grouped these matters into the following headings:

a) Key Issue 1 – Community corrections facilities

b) Key Issue 2 – Paihia MUZ

c) Key Issue 3 – Kerikeri urban design and other matters

d) Key Issue 4 – Service stations

e) Key Issue 5 – Supermarkets

f) Key Issue 6 – Restaurants and drive through facilities

g) Key Issue 7 – Industrial matters

h) Key Issue 8 – Railway setbacks

i) Key Issue 9 – Renewable electricity generation

j) Key Issue 10 – Relocated buildings

k) Key Issue 11 – Radio NZ consultation provisions

l) Key Issue 12 – Impermeable surfaces and ancillary activities

m) Key Issue 13 – Other hearing statements

5. In order to distinguish between the recommendations made in the s42A Report and my revised recommendations contained in Appendix 1 of this report:

a) Section 42A Report recommendations are shown in black text (with underline for new text and ~~strikethrough~~ for deleted text); and

b) Revised recommendations from this Report are shown in red text (with red underline for new text and ~~strikethrough~~ for deleted text)

6. As a result of recommendations in the Section 42A Report and this Right of Reply, a number of the provisions require renumbering. Where I reference provisions in this report, I use the new reference number (consistent with renumbered provisions in red text in **Appendix 1**).

7. For all other submissions not addressed in this report, I maintain my position set out in my original s42A Report.

8. **Appendix 2** provides an overview of the updated Recommended Decisions on Submissions.

3.1 Key Issue 1 – Community corrections facilities

Overview

Relevant Document	Relevant Section
Section 42A Report	Key Issue 22 – Mixed Use Zone – Rules
Evidence in chief Ara Poutama Aotearoa the Department of Corrections, S158, FS43 – S Grace, Planning Evidence	Pages 2-16

Analysis

9. At the hearing, the submitter provided additional context regarding community corrections facilities. It was explained that these facilities are functionally similar to parole offices in terms of their operation and potential effects. They are utilised by individuals who are on parole or subject to community-based sentences. The submitter clarified that community corrections facilities can include psychologists located on-site, training activities, and individuals arriving to check in or commence community service. Those undertaking community service may be collected from the facility and transported to an off-site location to complete their work.

10. The individuals attending these facilities are not detained or under direct supervision. Rather, they are participating in the community either post-

sentence or as part of a non-custodial sentence and are not subject to restrictions that would limit their integration with the general public.

11. In relation to the MUZ, the Hearing Panel requested a further explanation as to why community corrections facilities were recommended as a discretionary activity. At the time of notification, limited information was available regarding the typical scale and operational characteristics of such facilities. While the original submission provided some clarification, it was not until the hearing that a detailed description of the activity was received.

12. Following the hearing and the submitter's clarification, there is now an improved understanding of the scale and locational rationale for community corrections facilities. These facilities benefit from being located near town centres, where there is access to public transport, community services, and other support infrastructure. This locational preference aligns with the urban accessibility objectives of the MUZ.

13. The Panel indicated that a fully permitted activity status in the LIZ may be appropriate and suggested that a similar approach could be considered for the MUZ, although an appropriate limit on the number of persons on site could be considered in relation to this zone. This reflects a recognition that, with appropriate controls on scale, the effects of these facilities are likely to be compatible with both zones. Having heard the evidence provided by Corrections – Ara Poutama, I agree with this approach.

14. In my opinion, it remains appropriate to retain some level of restriction on community corrections facilities within the MUZ. As outlined during the hearing, the MUZ enables a wide range of activities, and some aspects of community corrections facilities may not always be suitable in this zone without further assessment. For example, the submitter noted that some facilities include training activities. The MUZ does not provide for trades training activities, whereas the LIZ includes these as permitted activities. Also, I note that I recommend a more enabling approach to residential development in parts of the MUZ, particularly outside of the pedestrian frontage on the ground floor.

15. Accordingly, I consider it appropriate that a community corrections facility, where trades training activities are not undertaken, be permitted within the MUZ. I do not consider a cap on the number of persons to be appropriate, as this would be arbitrary. In my opinion, such a facility would operate in a similar manner to an office or other commercial activity, which is permitted in the zone without a restriction on the number of people on site. Where a community corrections facility does include trades training, I consider it should be classified as a discretionary activity. This is consistent with the MUZ s.42A recommended provisions, which do not specifically provide for trades training in this zone, and therefore such activities would default to discretionary status if undertaken independently.

16. I agree that the person cap on community corrections facilities in the LIZ should be removed. This cap was considered to reflect a scale appropriate

to the character and amenity of the LIZ. However as outlined by Mr Grace effects can be appropriately managed through district-wide provisions, including those relating to traffic and noise. In my verbal presentation to the Panel, I also noted the introduction of a permitted activity rule for trades training facilities, which may overlap in function with aspects of community corrections services.

17. It is noted that further consideration will be required in relation to the appropriateness of this activity within the Town Centre Zone.

Recommendations

18. For the reasons above, I recommend the following new rule MUZ-RXX is added to the MUZ.

    Community corrections activity

    Activity Status: Permitted

    PER-1

    The new building or structure, relocated building or extension or alteration to an existing building or structure on the site, does not exceed GFA 450m2.

    PER-2

    The activity does not include trades training.

    Activity status where compliance not achieved with PER-1 or PER-2: Discretionary

19. For the reasons above, I recommend the following amendments to LIZ-R16.

    Community corrections activity

    Activity status: Permitted ~~Non-complying~~

    ~~PER-1~~

    ~~The number of people onsite does not exceed twelve.~~

    Activity status where compliance not achieved: ~~with PER-1: Discretionary~~ Not applicable

Section 32AA Evaluation

20. The revised activity statuses better reflect the operational scale and locational rationale of community corrections facilities, which benefit from proximity to support services and public transport.

21. Differentiating between facilities with and without trades training ensures alignment with zone-specific provisions. For example, trades training is not provided for in the MUZ but is permitted in the LIZ.

22. Permitting community corrections facilities without trades training in the MUZ supports their establishment in appropriate urban locations, consistent with the zone's mixed-use character and proximity to complementary services.

23. Discretionary status for facilities with trades training in the MUZ is appropriate given the absence of enabling provisions for such activities in this zone, ensuring that potential effects are fully assessed through the resource consent process.

24. Removing the person cap in the LIZ is justified by the ability to manage effects through district-wide provisions, including those relating to traffic generation and noise.

25. The proposed amendments are considered appropriate and proportionate to the scale and effects of community corrections facilities, supporting their integration into the urban environment while maintaining consistency with zone objectives.

3.2 Key Issue 2 – Paihia MUZ

Overview

Relevant Document	Relevant Section
Section 42A Report	Key Issue 22 – Mixed Use Zone – Rules Key Issue 23 – Mixed Use Zone - Standards
Evidence in chief Ed and Inge Amsler, S341, FS369 – A McPhee, Planning evidence	From page 3-12

Analysis

MUZ-R3 Visitor accommodation and MUZ-R4 Residential activity

26. Mr McPhee has provided evidence on behalf of Ed and Inge Amsler that visitor accommodation and residential activity should be permitted on the ground floor outside the pedestrian frontage overlay but within the MUZ of the Paihia township.

27. I acknowledged at the hearing the mixed-use zone in Paihia has certain nuances that could warrant a different management approach.

28. The Paihia Pedestrian Frontage Overlay is shown in Figure 1 below. While it covers most areas where commercial activities occur, some areas used for

commercial activities are not included for example, a small section along Marsden Road to the west of Williams Road. I also note that a number of existing residential activities and visitor accommodation providers are located in this area, particularly along the western part of Selwyn Road and the southern part of Williams Road.

29. It should also be noted there are laneways between Selwyn Road, Marsden Road, and Williams Road that do not have a pedestrian frontage overlay. However, the wording of the rule suggested by Mr McPhee would mean that, provided the pedestrian frontage applies to some part of the property, visitor accommodation or residential activities on the ground floor would not be a permitted activity. Therefore, this covers most of the properties within these laneways.

30. While the Paihia Pedestrian Frontage Overlay does not perfectly cover the Paihia commercial hub, in my opinion incorporating it into the provisions in relation to these matters provides a more targeted approach to protecting these areas within the Paihia context than the approach previously recommended. Therefore, I agree with Mr McPhee's recommended provisions in relation to this matter and I do not think this will result in proliferation of residential and visitor accommodation activities within the existing Paihia commercial hub.

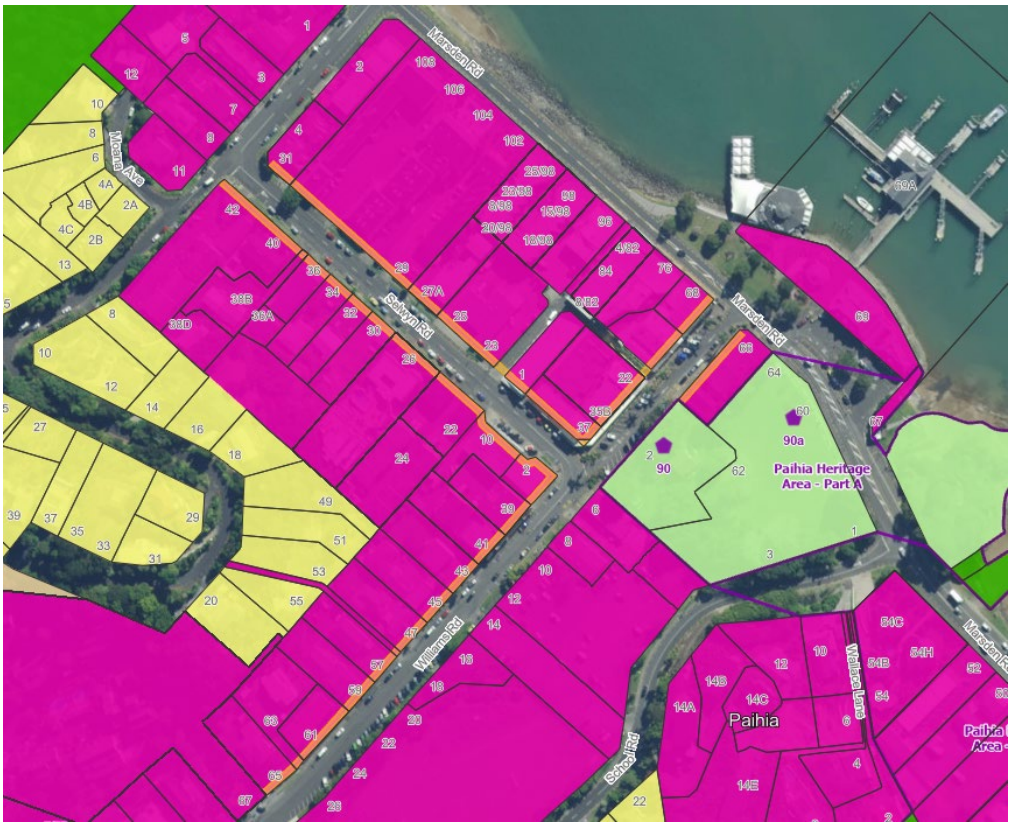

Figure 1: Paihia Mixed Use – Pedestrian Frontage Area

Consequential amendments

31. Given I am recommending the amendments requested by Mr McPhee, I also agree that consequential amendments to the objectives and policies are required. In my opinion some of the consequential amendments by Mr McPhee are not necessary or require minor amendments for clarity and consistency with the overall framework as reflected in the recommendations I have made below.

Recommendations

32. For the reasons above, I recommend the following amendments to MUZ-P5.

Restrict activities that are likely to have an adverse effect on the function, role, sense of place and amenity of the Mixed Use zone including:

~~a.~~ residential activity, ~~retirement facilities~~ Supported residential care and visitor accommodation on the ground floor of buildings, to locations outside of the Pedestrian Frontage Overlay; ~~except where a site adjoins an Open Space zone;~~

b. ~~Light or heavy industrial activity;~~
c. storage and warehousing;

d. large format retail activity and trade suppliers; ~~and~~

e. waste management activity;

f. Retirement villages; and

g. Educational facility

33. For the reasons above, I recommend the following amendments to MUZ-R3.

PER-1

The visitor accommodation is within a residential unit that is either:

a. located above the ground floor level of a building unless the residential unit existed at 27 July 2022; or

b. located on the ground floor of a building on a site that is outside the pedestrian frontage overlay identified on the planning maps within the township of Paihia.

34. For the reasons above, I recommend the following amendments to MUZ-R4.

PER-1

The residential activity is within a residential unit that is either:

a. *located above the ground floor level of a building unless the residential unit existed at 27 July 2022; or*

b. *located on the ground floor of a building on a site that is outside the pedestrian frontage overlay identified on the planning maps within the township of Paihia.*

Section 32AA Evaluation

35. The change better aligns with Paihia's existing built environment, where residential and visitor accommodation uses are already present outside the overlay area (e.g., Selwyn Road, Williams Road). This ensures that planning provisions reflect the actual land use context and demand for such activities within Paihia which is heavily reliant on tourism activities.

36. The amendment introduces a more nuanced and context-sensitive approach compared to the previously recommended blanket restriction. It avoids unnecessary resource consent processes for activities that are already established or anticipated in these areas, while continuing to protect the commercial core through the overlay mechanism.

3.3 Key Issue 3 – Kerikeri urban design and other matters

Overview

Relevant Document	Relevant Section
Section 42A Report	Key Issue 6 – Urban Design
Evidence in chief Vision Kerikeri, Our Kerikeri Community Charitable Trust, Kapiro Conservation Trust, Carbon Neutral NZ Trust – K Dvorakova, Statement of evidence	Pages 4 – 21

Analysis

Development Contributions and Developer Agreements

37. A question was raised at the hearing regarding the current status of development contributions for FNDC. This is outlined in the Rezoning Submissions – Overview Report[1] paragraph 76. Since this report was published, Council has adopted the draft policy, and the policy is open for public submissions until the 31 August 2025.

38. Since 2015, the current development contributions policy has exempted the collection of development contribution fees, instead relying primarily on

[1] Rezoning Submissions – Overview Report

rates and other funding methods to support growth. One of these other methods used by FNDC is to engage in private or developer agreements on a case-by-case basis, these are voluntary contractual agreements made between developers and the Council.

39. Such agreements could include contributions to local infrastructure improvements such as upgrades to roads and three waters, installation of street lighting and footpaths, and funding for public toilets.

Urban Design

40. Evidence was presented at Hearing 14 by Ms Dvorakova on behalf of Vision Kerikeri. In response, I have engaged Ms Rennie, an urban designer, to prepare a technical memorandum addressing the matters raised. Ms Dvorakova's evidence sought a shift from a permissive planning approach to a more prescriptive, design-led framework, including mandatory urban design guidelines, master plans, and improved built form controls such as Height in Relation to Boundary rules to preserve village character and ensure high-quality, sustainable outcomes.

41. Ms Rennie's right of reply memo supports refinement of the built form assessment matters for the TCZ and MUZ to promote good urban design outcomes. She also supports the introduction of a HIRB control for the TCZ to reduce building bulk, enhance the human-scale streetscape environment, and maintain the Kerikeri village character.

42. While Ms Rennie acknowledges the merit of further urban design interventions, she considers that the Spatial Plan process is better suited to determining the scope and nature of future master plans, design guidelines, and urban design peer review processes. This process would also allow for consideration of potential changes to the quality and design of the public realm. Ms Rennie does not support a change to the broad urban form strategy for the commercial area, noting that the Turnstone Trust submission seeks additional commercial land use closer to the Kerikeri River, with a destination node identified in the Spatial Plan.

43. I have not made any formal recommendations based on Ms Rennie's memo. In my opinion further work is required to assess these matters in more detail and an integrated urban design approach developed and integrated into the PDP in the future. As outlined by Ms Rennie, I agree it is most appropriate for this work to be undertaken as part of the spatial plan implementation process.

44. However, I note that there is project planning currently underway for the implementation projects required by the KWSP. These include projects seeking to develop design guides and other related matters.

Notification matters

45. The submitters request that the PDP be amended to state that non-compliance with critical design standards (including height and height in relation to boundaries rules) in central urban zones is presumed to result in

"more than minor" adverse effects, and that such applications therefore require mandatory public notification under section 95D of the RMA.

46. I do not agree this is appropriate. In relation to the recommended MUZ provisions, breaches of built form standards within the zone would require a restricted discretionary resource consent. The tests for public notification of resource consent applications are set out in sections 95A to 95E of the RMA. A restricted discretionary activity is not precluded from public notification, However, notification is only required where the consent authority determines that the activity will have, or is likely to have, adverse effects on the environment that are more than minor. In my opinion, breaches of built form standards will not result in more than minor adverse effects in all instances. In my opinion, the suggested approach could result in a process out of scale with its effects. This is an inefficient use of resources. Accordingly, it is appropriate that each application be assessed on its merits, and that public notification occur only where the statutory tests are met on any specific set of circumstances related to a proposal.

Recommendations

47. I do not recommend any further amendments.

Section 32AA Evaluation

48. No change to the provisions is recommended. On this basis, no evaluation under Section 32AA is required.

3.4 Key Issue 4 – Service stations

Overview

Relevant Document	Relevant Section
Section 42A Report	Key Issue 18: Mixed Use Zone – Objectives Key Issue 19: Mixed Use Zone – Policies Key Issue 22 – Mixed Use Zone – Rules
Evidence in chief Z Energy Limited, S336, FS55 – Hearing Statement	Pages 1-12

Analysis

Service Stations in the MUZ

49. Mr Brown's hearing statement on behalf of Z Energy seeks a restricted discretionary activity status for service stations instead of discretionary. At the hearing the panel made the comment that petrol stations seem to be an activity with quite a defined set of effects that need to be considered, and indicated that a restricted discretionary activity status may be more appropriate.

50. Given the hearing statement provided and the panels comments, I agree that a restricted discretionary activity status for service stations is appropriate given the activity and the associated effects are well understood and can be managed effectively through the recommended assessment criteria associated with MUZ-R2.

MUZ-R1 – EV chargers

51. I agree with the submitter that EV charging devices and associated sheltering would be included under the definition of a structure and/or building. As outlined by Mr Brown, this could potentially create issues, as compliance with all standards is required for a permitted new building or structure, and some of these standards may impose onerous requirements such that a resource consent would likely be required for a simple EV charging station.

52. Mr Brown has recommended an exemption from MUZ-R1 for buildings or structures associated with electric vehicle charging stations, given that they are provided for as a permitted activity under TRAN-R4.

53. In my opinion, a blanket exemption is inappropriate. For buildings or structures associated with electric vehicle charging stations, at least some standards should continue to apply to manage the effects associated with these activities. For example, MUZ-S1 – Maximum height, MUZ-S2 – Height in relation to boundary, and MUZ-S3 – Setback. This would ensure that overly onerous requirements under MUZ-R1 are avoided, while enabling effects on neighbouring properties to continue to be appropriately managed.

54. The submitter also seeks an exemption from MUZ-S10, which relates to site coverage. In my opinion, this exemption is not appropriate given the stormwater management requirements associated with this standard. Granting an exemption could result in additional unmanaged stormwater from service station sites which is not appropriate.

MUZ-S5, MUZ-S6 and MUZ-S8

55. I agree with the recommendation to include an additional matter of discretion within MUZ-S5 and MUZ-S6, and to amend an existing matter of discretion in MUZ-S8. The additional matter of discretion would allow consideration of the following: *"Functional requirements of particular activities making compliance with this standard impractical."* This is particularly appropriate for service stations, which may have functional requirements that make compliance with standards such as pedestrian frontages, verandahs, and landscaping and screening impractical. In my opinion, it is appropriate for this to be assessed through the resource consent process.

56. I also agree that service stations should not be subject to landscaping height requirements along the road boundary, as a strict application of the provisions could create functional and/or health and safety issues related to vehicle sightlines when accessing or egressing the site. Landscaping

requirements are recommended to still apply, however compliance with a specified height standard will not be required.

MUZ-PXX

57. I do not agree that the reference to industrial activities should be removed from MUZ-PXX, which relates to the types of activities to be avoided in the MUZ. In my opinion, it is appropriate to retain this strong directive, as the Heavy Industrial Zone is intended to provide for industrial activities, and the purpose of the MUZ is not to accommodate such activities.

58. The example provided by Z Energy regarding changes to the Caltex Kawakawa truck stop, which is located in the MUZ, does not in my view justify the removal of the reference. If the proposed changes were considered to have industrial characteristics and therefore required resource consent, this would not be inconsistent with the policy direction. In my opinion, as the activity is existing rather than new, the policy would not prevent it from being considered on its merits through the resource consent process.

Recommendations

59. For the reasons above, I recommend the following amendments to MUZ-R2.

Activity status where compliance not achieved with PER-1, PER-2 or PER-3~~2~~: **Restricted Discretionary** **PER -2 Matters of discretion are restricted to:** a. Any effects on the transport network. **PER-1 and PER-3 Matters of discretion are restricted to:** a. The extent of any effect on the transport network; b. Any access is designed and located to provide efficient circulation on site and avoid potential adverse effects on adjoining sites, the safety of pedestrians and the safe and efficient functioning of the road network; c. Minismises building bulk, and signage while having regard to the functional requirements of the activity; and d. Landscaping is provided especially within surface car parking areas to enhance amenity values
Activity status where compliance not achieved with PER-~~4 and~~ 4: Discretionary

60. For the reasons above, I recommend the following amendments to MUZ-R1.

…PER-~~3~~2

The new building or structure, relocated buildings or extension or alteration to an existing building or structure that increases the existing building footprint complies with the following standards~~,~~ ~~except where the building or structure is associated with an electric vehicle charging station~~:
MUZ-S1 Maximum height;
MUZ-S2 Height in relation to boundary;
MUZ-S3 Setback (excluding from MHWS or wetland, lake and river margins);
~~MUZ-S4 Setback from MHWS;~~
MUZ-S5 Pedestrian frontages;
MUZ-S6 Verandahs;
MUZ-S7 Outdoor storage;
MUZ-S8 Landscaping and screening on road boundaries;
MUZ-S9 Landscaping and screening for sites adjoining a site zoned residential, open space or rural residential; and
MUZ-S10 Coverage….

PER-4
Buildings or structures associated with electric vehicle charging stations comply with the following standards:
MUZ-S1 Maximum height;
MUZ-S2 Height in relation to boundary; and
MUZ-S3 Setback (excluding from MHWS or wetland, lake and river margins).

61. For the reasons above, I recommend the following matter of discretion is added to MUZ-S5 and MUZ-S6.

    Functional requirements of particular activities making compliance with this standard impractical.

62. For the reasons above, I recommend the following amendments to MUZ-S8.

    …2. The landscaping shall be a minimum height of 1m at installation and shall achieve a continuous screen of 1.8m in height and 1.5m in width within five years~~.~~, except for service stations which are not subject to landscaping height requirements.

    Where the standard is not met, matters of discretion are restricted to:

    …b. topographical or other site constraints or functional requirements making compliance with this standard impractical; and…

Section 32AA Evaluation

63. The proposed change to classify service stations in the MUZ as a restricted discretionary activity is appropriate as it aligns with the zone's intent to enable a mix of compatible activities while managing adverse effects. Compared to the status quo discretionary pathway, the restricted

discretionary approach offers greater clarity and efficiency, reducing uncertainty and consenting costs for a well-understood activity. It maintains targeted matters of discretion. Overall, it is a more effective and efficient planning response.

64. The recommended amendments provide a more proportionate and practicable response to the management of buildings and structures associated with electric vehicle charging stations and service stations. A blanket exemption from MUZ-R1 for EV charging stations would be inappropriate as it could remove necessary controls on bulk and location effects. Retaining key standards (height, height in relation to boundary, and setbacks) will avoid undue effects on neighbouring properties while ensuring compliance requirements are not overly onerous for simple EV charging facilities. This is considered to be a more efficient and effective method than either a blanket exemption or full compliance with all standards.

65. The inclusion of an additional matter of discretion in MUZ-S5 and MUZ-S6, and the amendment to MUZ-S8, will enable consideration of functional requirements for activities such as service stations. This provides flexibility where compliance with pedestrian frontage, verandah, or landscaping requirements would be impractical, while still ensuring effects are considered through the resource consent process. Similarly, removing landscaping height requirements along the road boundary addresses health and safety concerns relating to vehicle sightlines while still requiring landscaping in principle. These amendments are efficient, effective, and proportionate to the scale and significance of the issues identified.

3.5 Key Issue 5 – Supermarkets

Overview

Relevant Document	Relevant Section
Section 42A Report	Key Issue 21 – Supermarkets
Evidence in chief Foodstuffs North Island Limited, S363, FS542 – A Lawrie, Urban Design evidence Foodstuffs North Island Limited, S363, FS542 – D Badham, Planning evidence	Pages 3 - 12 Pages 2 – 18
Evidence in chief Woolworths New Zealand Limited, S458 – Hearing Statement	Pages 2 - 5

Analysis

Definitions and Nesting tables - especially for commercial activities

66. Mr Badham's evidence addresses a range of matters, including the use of definitions and nesting tables. He acknowledges that the submission point raised by Foodstuffs regarding nesting tables has been allocated to the Definitions topic, which is scheduled to be heard as part of Hearing 17. However, Mr Badham considers that this matter should be addressed under the Urban topic, given its relevance to definitions associated with that topic.

67. By way of example, Mr Badham notes that a Foodstuffs supermarket could be classified as a "commercial activity", "large format retail", and a "supermarket". In his view, this could result in interpretation issues when determining which rules apply to such activities.

68. As stated at the hearing in response to a question from the Hearing Panel, I consider that if nesting tables were to be recommended, it would not be appropriate to address them solely in relation to certain definitions, such as "commercial activities". Any such approach would need to be applied consistently across the PDP. Implementation would require changes not only to the Definitions chapter but also comprehensive consequential amendments throughout the PDP to ensure effective application.

69. In my opinion, it is not appropriate to introduce nesting tables at this stage, given that this is not the approach used in the notified PDP and due to the potential issues associated with adopting this approach now. The reporting officer for the Rural topics used a nesting table within her s.42A report, however this was not a recommendation but rather to provide an explanation on how recommended definitions integrated together.

70. As noted at the hearing, a number of District Plans do not use nesting tables and remain effective. I consider it logical to assume that the most specific definition would apply to any activity. For example, if Foodstuffs were proposing a supermarket in a zone where there is a specific rule for supermarkets, that rule would logically apply.

71. In relation to the urban zones the HIZ has a specific rule for "commercial activity"; the LIZ has specific rules for "commercial activity", "supermarkets", and "large format retail", all with the same activity status. The MUZ refers to "commercial activities" but specifically excludes supermarkets in the rule title and provides a separate rule for supermarkets. The GRZ refers only to "commercial activity". In my opinion, based on these examples, it is not unclear which rule would apply to a supermarket in each urban zone.

72. Mr Badham considers that interpretation becomes more difficult in relation to objectives and policies. However, I consider that this is unlikely to be a significant issue. The relief sought by Mr Badham, to include specific references within relevant policies, may address the identified concern effectively, as outlined below.

73. The Hearing Panel also suggested adding clarification within the definitions themselves regarding where they fit. In my opinion, this is not an appropriate approach for the reasons outlined above. Furthermore, many of the definitions used are from the National Planning Standards, and it is not appropriate to modify these.

74. Mr Mar on behalf of Woolworths supports the insertion of a specific definition of supermarket and the wording of the definition recommended in the s.42A report.

MUZ-P1

75. In relation to the requested amendments for MUZ-P1 to include specific reference to supermarkets as an activity that is enabled. I agree this is appropriate given my recommendation not to include nesting tables for definitions such as commercial activities.

76. The other minor amendment to spell recognising with an s instead of a z is accepted.

MUZ-RXX – Supermarkets

77. Mr Mar on behalf of Woolworths maintains the position that the rule and policy framework for MUZ should be amended to specifically provide for supermarkets as permitted activities. The relief sought by Mr Badham's evidence is similar, in his opinion supermarkets should be a permitted activity within the MUZ, with no limit on GFA and that effects associated with supermarkets can be adequately managed by district wide rules such as those found in the transport, signs and noise chapters.

78. I maintain my position outlined in the s.42A in relation to supermarkets.

MUZ-R14 – Large format retail

79. I agree with the relief sought by Mr Badham to specifically exclude supermarkets in the title of this rule. In my opinion, this provides clear direction and ensures it is evident that the rule does not apply to supermarkets.

Pedestrian frontage removal from New World Kaikohe site

80. As noted in Ms Lawrie's urban design evidence, the Pedestrian Frontage Overlay at the Kaikohe New World site applies to a frontage which adjoins a public car park within the road reserve.

81. In my opinion, the retention of the Pedestrian Frontage Overlay in this location is appropriate. The car park which then connects to Dickeson Street provides a key pedestrian corridor linking to Broadway, which is the main street of Kaikohe. The purpose of the Pedestrian Frontage Overlay is to maintain active and pedestrian-friendly environments. Removing the overlay in this location would undermine that outcome, as it would reduce the ability to manage built form and frontage design in an area that directly contributes to pedestrian access and the interface with Broadway.

Recommendations

82. For the reasons above, I recommend the following amendments to MUZ-P1.

    Enable a range of commercial (including supermarkets), community, civic and residential activities in the Mixed Use zone where:

    a. ~~it~~ they supports the function, role, sense of place and amenity of the zone, while recognis~~z~~ing the[2] existing environment; and

83. For the reasons above, I recommend the following amendments to MUZ-R14.

    MUZ-R14 – Large format retail (excluding supermarkets)

Section 32AA Evaluation

84. The proposed amendments are minor in nature and improve the clarity and usability of the provisions. Including supermarkets in MUZ-P1 provides certainty that they are enabled activities, consistent with the intent of the Mixed Use Zone. The correction of spelling has no policy effect. Amending MUZ-R14 to exclude supermarkets in the rule title ensures the provisions are not misinterpreted. Overall, the changes are efficient, effective, and the most appropriate way to achieve the objectives, with benefits of improved clarity and negligible costs.

3.6 Key Issue 6 – Restaurants and drive through facilities

Overview

Relevant Document	Relevant Section
Section 42A Report	Key Issue 4: Definitions Key Issue 22: Mixed Use Zone - Rules
Evidence in chief Mcdonalds Restaurant (NZ) Limited, S385, FS406 – D Badham, Planning Evidence	Pages 1 – 19

Analysis

Definitions and Nesting tables

85. Nesting tables have been addressed above in relation to Key Issue 5.

[2] S336.014

86. In Mr Badham's evidence, he requests that a definition of retail activity be added to the PDP. In my opinion, this is not necessary for the reasons previously outlined in the s.42A report, namely that retail activity is already sufficiently covered within the definition of 'commercial activity'.

87. Mr Badham requests that a new definition of 'food and beverage activity' be added to the PDP, as in his opinion this would help to improve clarity, particularly where there are separate rules for commercial activities and rules that relate to convenience stores, restaurants, cafés, and takeaway food outlets, for example LIZ-R5. As restaurant activities could come under both definitions.

88. In my opinion, the additional definition is not necessary. As outlined above in relation to nesting tables, the most specific rule would apply to the activity. For example, in the case of a McDonald's restaurant, LIZ-R5, which relates to convenience stores, restaurants, cafés, and takeaway food outlets, would apply in preference to the more general rule for commercial activities.

Large Format Retail

89. Mr Badham requests the removal of the definition of 'Large Format Retail' for a number of reasons outlined in his evidence. As discussed at the hearing, it is logical for Large Format Retail to exceed a certain size as it is larger than other types of retail activities. Although 450m2 is an arbitrary number, in my opinion it provides a reasonable size limit which if exceeded the retail activity becomes large format retail.

90. As outlined in the s.42A report, the 450m2 is also used in several other second-generation district plans including New Plymouth and Timaru. Which in my opinion is sufficient justification to implement a similar approach within the PDP.

91. I do not consider it necessary to remove the definition of Large Format Retail, as it provides clarity on what constitutes this activity. This is particularly important where the term is used in objectives or policies; without a definition, it would not be clear what is meant by 'large'. I have not recommended including the specific size threshold (450 m²) within the rule, in my opinion the existing definition provides adequate clarity on the scale of Large Format Retail. However, if the Panel considers it more appropriate to also specify the limit within the rule, as suggested by Mr Badham, this would not create any issues.

MUZ - 450m2 GFA Requirement

92. Mr Badham on behalf of McDonald's seeks the removal of the 450m² GFA threshold for commercial activities within MUZ-R2, arguing that adverse effects are already managed through other provisions in the PDP. While I acknowledge that the PDP contains a range of provisions to manage effects such as traffic, access, noise, and bulk and location, I do not consider this to be a sufficient reason to remove the GFA threshold.

93. As outlined in the s.42A report, the 450m² threshold provides a clear and measurable trigger to distinguish between smaller-scale commercial activities that are anticipated in the MUZ and larger-scale activities that may generate greater effects and are more appropriately assessed through a resource consent process. In my opinion, this is a reasonable and commonly used planning tool to manage scale and intensity in mixed-use environments.

94. The 450m² threshold is consistent with the definition of Large Format Retail and aligns with thresholds used in other second-generation district plans, including New Plymouth and Timaru. This provides a degree of consistency and supports a coherent planning framework across the PDP.

95. I do not agree that the GFA threshold is a "blunt" tool. Rather, it provides clarity for plan users and ensures that larger commercial activities are subject to a more detailed assessment of potential effects. In my opinion, this is an appropriate and proportionate response to managing the scale of commercial development in the MUZ.

96. On that basis, the 450m² GFA threshold in MUZ-R2 should be retained.

Drive Through Facilities

97. McDonald's submission seeks to provide for drive-through facilities as a permitted activity within the MUZ. As outlined in the s.42A report, drive-through facilities can give rise to a range of potential adverse effects, including those related to traffic generation, access and circulation, noise, lighting, and hours of operation. In my opinion, these effects are distinct from those typically associated with other commercial activities and warrant a more tailored assessment framework. This is particularly pertinent for the MUZ, which provides for a wide range of sensitive activities including dwellings. Therefore, I consider the restricted discretionary pathway to be appropriate and necessary.

98. While I acknowledge that many of the matters of discretion (e.g. transport network effects, access design, bulk and location, signage, and landscaping) are addressed elsewhere in the PDP through zone standards or district-wide chapters, I do not consider this to be a duplication. Rather, the restricted discretionary rule provides a consolidated and activity-specific mechanism to assess the cumulative and contextual effects of drive-throughs, particularly in locations where sensitive activities may be present.

99. In my opinion a permitted activity status is not appropriate for drive-throughs in the MUZ, given their potential for character, scale and intensity that effects that differ from other commercial activities. The restricted discretionary status ensures that effects can be appropriately managed without unduly limiting the ability to establish such facilities where they are suitable.

Additional Question raised regarding the need for other zones and a centres hierarchy

100. Mr Badham also questioned the need for additional zones to support a centres hierarchy. As previously noted, FNDC is recommending the introduction of a Town Centre Zone and a Medium Density Residential Zone. No further zones are proposed at this stage, as FNDC does not yet have the necessary information from the District-Wide Spatial Strategy.

Recommendations

101. I do not recommend any further amendments.

Section 32AA Evaluation

102. No change to the provisions is recommended. On this basis, no evaluation under Section 32AA is required.

3.7 Key Issue 7 – Industrial matters

Overview

Relevant Document	Relevant Section
Section 42A Report	Key Issue 27: Light Industrial Zone – Objectives Key Issue 29: Light Industrial Zone – Rules Key Issue 32: Heavy Industrial Zone – Policies, Rules and Consequential Amendments
Evidence in chief Mainfreight Limited, S509 – P Arnesen, Planning evidence	Pages 2 - 12

Analysis

LIZ-S1 and HIZ-S1 – Maximum height

103. Mr Arnesen on behalf of Mainfreight gave evidence opposing the recommended height limits for LIZ and HIZ. The submitter sought a 20m height limit in both zones to enable logistics-type facilities incorporating vertical racking systems, which provide for more efficient storage and distribution of stock.

104. The panel asked a wide range of questions of Mr Arnesen regarding the need for such heights in the Far North context. During the hearing, Mr Arnesen clarified that Mainfreight does not currently have plans to construct such a facility within the Far North District. However, the submitter considered it important that the planning framework enables such forms of development in the future. It was noted by the hearing panel that while these types of facilities could be built within the Far North District, they are not necessarily probable given the smaller population. Therefore, if they were to occur, they are likely to be limited in number. It was noted by the panel that a 20m height limit may not be justified on this basis and

considered that where such development is proposed, a restricted discretionary resource consent process would be both appropriate and not unduly onerous. I agree with this position.

105. The hearing panel also indicated that there may be merit in increasing the permitted height limit beyond what was initially recommended, in order to strike an appropriate balance between enabling industrial development and managing potential adverse effects.

106. There is a range of height limits applied to LIZ and equivalent industrial zones across New Zealand. The submitter noted that Auckland and Whangārei provide for a 20m height limit in their respective LIZs. However, as discussed during the hearing, these are significantly more urbanised and developed centres compared to the Far North District and perform different economic functions.

107. A review of other, more comparable districts indicates that height limits in LIZ and similar zones commonly range from 12m to 15m. There are exceptions, such as Gisborne (20m) and Timaru (up to 35m in a specific control area). It is also noted that some of these district plans remain at the proposed stage. This broader context supports the view that a lower height limit is generally more appropriate for the Far North District, particularly given its existing development pattern.

108. In my opinion, increasing the permitted height limit to 16m in both the LIZ and HIZ represents an appropriate planning response in the Far North context. This modest increase would enable a broader range of industrial activities, including those requiring additional building height. This height limit takes into account the existing industrial environments, the likely scale of development. Given the industrial nature of these zones, any amenity effects associated with the additional height are expected to be consistent with the purpose and anticipated character of the zones if there is a functional need to exceed the standard

Light Industrial Activity – Definition

109. Mr Arnesen opposed the definition of 'Light Industrial Activity', expressing concern that the wording is subjective and may create uncertainty for planners and applicants when determining what qualifies as a 'Light Industrial Activity'.

110. I agree that this is a potential issue. Mr Arnesen considered that the definition should be deleted entirely and that district-wide effects-based provisions, such as those addressing noise and odour, could be used to manage industrial activities rather than relying on distinctions between 'Light Industrial Activities', 'Industrial Activities', and 'Offensive Trade'. The hearing panel noted that while such an approach may be appropriate in the Auckland context under a unitary plan, in the Far North District odour is managed under the Northland Regional Plan by NRC.

111. After careful consideration, I now support Mr Arnesen's recommendation to remove the definition of 'Light Industrial Activity'. I consider this a practical approach that reduces uncertainty for both planners and applicants. I acknowledge that this approach has some limitations, as it removes the more prescriptive guidance on the scale and intensity of industrial activities across the industrial zones. This creates the potential for heavier industrial activities to establish in the LIZ, which may be less suited to smaller-scale or more sensitive environments, particularly where the LIZ adjoins more sensitive zones.

112. In my opinion, these potential effects can still be appropriately managed through district-wide rules and standards, including those relating to noise, traffic, setbacks, and other built form requirements. For example, the Noise Chapter provides for higher noise limits in the HIZ compared to the LIZ. This provides an effects-based framework that can be applied consistently across zones, ensuring that operational impacts of industrial activities are adequately addressed without relying on the Light Industrial Activity definition.

113. I do not support the alternative definition for 'Industrial Activity' proposed by Mr Arnesen. The notified definition aligns with the National Planning Standards and provides a nationally consistent basis for managing industrial activities. The definition of 'Offensive Trade' continues to be a useful mechanism for identifying industrial activities with potentially significant adverse effects.

114. Another option considered to support this approach was the reintroduction of a GFA limit for buildings within the Light Industrial zone. However, this was not considered appropriate due to the substantial submissions against the notified LUZ rule with a GFA limit and the recognition that the size of building is not reflective of the nature of industrial activity.

115. Overall, I support the removal of the 'Light Industrial Activity' definition and the associated consequential amendments to improve clarity and reduce uncertainty.

LIZ-S6 and HIZ-S6

116. In Mr Arnesen's evidence, he recommends amendments to the landscaping standards LIZ-S6 and HIZ-S6 to require buildings within the LIZ and HIZ to be set back at least two metres from the road boundary, and a specific 2m width limit for pedestrian access.

117. It should be noted that the recommended provisions for the HIZ already requires a minimum of 5m building setback from the road boundary. This provision ensures adequate separation between buildings and the road, allowing space for landscaping or pedestrian movement.

118. In my opinion it is appropriate to limit the maximum width of pedestrian accessways to 2m along site frontages to prevent developments from having

pedestrian accessways that extend along the entire front boundary. Such a restriction would ensure road boundary landscaping would still be required.

119. The LIZ as notified did not include any setback requirement from the road boundary. No specific submission points have been received that provide clear scope to amend this rule to introduce a setback. Mainfreight's original submission requested a modification to landscaping and screening rules LIZ-S7 and HIZ-S6 to require a two-metre-wide landscape strip along the front boundary, excluding pedestrian and vehicle entrance points. This landscaping strip would incorporate specimen trees and groundcover planting to enhance visual amenity.

120. While Mainfreight's submission could potentially be used to justify the inclusion of a 2-metre setback from the road boundary in the LIZ, this may not be appropriate given there was no submissions seeking specific amendments to the LIZ-S3 Setback standard. There are also practical considerations that may make such a requirement undesirable in certain locations. For example, LIZ properties along Skippers Lane, Waipapa where buildings go right up to the footpath, may not be suited to such a setback. Therefore, I do not recommend any amendments to the setback standard (LIZ-S3).

LIZ-P3

121. In Mr Arnesen's evidence, he suggests amendments to this policy. In my opinion, the recommended amendments already address his concerns. The term 'offensive trade' is used instead of 'heavy industrial activities' in relation to avoiding the establishment of activities that do not support the function of the LIZ.

LIZ-P5

122. In Mr Arnesen's evidence, he suggests amendments to this policy so that it only references the and location of buildings and landscaping such that it affects the amenity of adjoining zones, rather than internal amenity within the LIZ, and (by inference) the design and appearance of buildings.

123. I agree with some of the amendments proposed. In particular, I support the removal of the reference to scale and design, as this is appropriate given the recommended removal of the building coverage limit, and the absence of any specific design standards within the LIZ.

124. However, I do not agree it is necessary to add reference to "*a degree of amenity to the streetscape of the LIZ.*" As outlined in the section 42A report, while amenity is not the primary focus of the LIZ, it remains a relevant consideration and is addressed through provisions such as landscaping and screening standards.

125. I also do not support the deletion of the requirement for development to be "complementary to the character of the adjoining zone." This remains a relevant matter where LIZ land adjoins more sensitive zones, particularly residential and assists in managing potential reverse sensitivity effects.

126. Finally, I do not consider it necessary to qualify adjoining zones as being "more sensitive." If a LIZ site adjoins a heavy industrial zone, the limited amenity expectations of that adjoining zone would naturally be taken into account. In my view, this would not unreasonably constrain the operation or development potential of the LIZ site.

Recommendations

127. For the reasons above, I recommend the following amendments to LIZ-S1.

The maximum height of a building or structure, or extension or alteration to an existing building or structure is ~~12~~16m above ground level,…

128. For the reasons above, I recommend the following amendments to HIZ-S1.

The maximum height of a building or structure, or extension or alteration to an existing building or structure, is 16~~5~~2 m above ground level,…

129. For the reasons above, I recommend the deletion of the 'light industrial activity' definition and consequential amendments to remove references to this activity within the LIZ, HIZ, GRZ and MUZ chapters.

130. For the reasons above, I recommend the following amendments to LIZ-S6.

1. Where a site adjoins a road boundary, at least 50% of that road boundary not occupied by buildings or driveways ~~or pedestrian accessways~~ shall be landscaped with plants or trees within a strip that is at least 2m in width. A separate pedestrian accessway may be provided within this strip, and its width shall not exceed 2 m.

131. For the reasons above, I recommend the following amendments to HIZ-S6.

1. Where a site adjoins a road boundary, at least 50% of that road boundary not occupied by buildings~~,~~ or driveways ~~or pedestrian accessways~~ shall be landscaped with plants or trees within a strip that is at least 2m in width. A separate pedestrian accessway may be provided within this strip, and its width shall not exceed 2 m.

132. For the reasons above, I recommend the following amendments to LIZ-P5.

Ensure that built form and landscaping is ~~of a scale and design that is~~:

a. consistent with the amenity of the Light Industrial zone; and

b. complementary to the character and amenity of adjoining zones.

Section 32AA Evaluation

133. Increasing the permitted height limit to 16 m in both zones provides for greater flexibility to accommodate a wider range of industrial activities, including those that may require additional vertical space, while remaining consistent with the scale and character of industrial environments in the Far North District. The increase is modest relative to larger urban centres and aligns with comparable districts, balancing enabling development with the management of potential amenity effects.

134. The removal of the definition of 'Light Industrial Activity' reduces uncertainty for both planners and applicants and avoids subjective interpretation. While this eliminates a prescriptive distinction between lighter and heavier industrial activities, potential adverse effects, such as the establishment of heavier industrial activities in the LIZ, can still be managed through district-wide standards, including noise, traffic, setbacks, and other built form requirements.

135. Limiting the maximum width of pedestrian accessways to 2 m ensures that required road boundary landscaping is maintained while enabling functional access to sites. This approach balances amenity outcomes with operational needs, consistent with the intent of the landscaping standards.

136. Recommended amendments to LIZ-P5 improves consistency and reflects other recommended changes to the LIZ provisions.

3.8 Key Issue 8 – Railway setbacks

Overview

Relevant Document	Relevant Section
Section 42A Report	Key Issue 5 – Plan Wide or Urban Wide Submissions
Evidence in chief KiwiRail Holdings Limited, S416 – M Paetz, Hearing Statement	Pages 1 - 6

Analysis

137. KiwiRail continues to seek a 5m setback from the rail corridor boundary for the LIZ, HIZ, and MUZ. The GRZ has similar height-in-relation-to-boundary and height permitted activity standards as the Rural Zone. Accordingly, KiwiRail seeks the same tiered approach as proposed in Hearing 9.

138. I concur with the opinion of the Rural report writer with respect to the introduction of a tiered setback to the GRZ. I disagree that this level of

complexity is warranted in the context of the Far North District, where, as discussed at the hearing, the existing rail lines are not currently operational and are unlikely to reopen in the immediate future. In my view, adding a 4m height limit for buildings and structures located between 3m and 4m from the rail designation boundary is unnecessarily complicated. The benefit of such a setback in terms of protecting the operational needs of the rail network is marginal, whereas the impact on adjacent landowners' ability to use their land is more significant. As such, I do not recommend any changes to the setbacks applying to the rail corridor boundary beyond those recommended in my section 42A report.

139. I also do not agree that a 5m setback from the rail corridor boundary for the LIZ, HIZ, and MUZ is necessary, and I maintain my position that a 3m setback is sufficient given the existing rail lines are not currently operational and are unlikely to reopen in the immediate future. The increased setback would unnecessarily affect the ability of property owners to use their land in locations where it adjoins the rail corridor boundary.

Recommendations

140. For the reasons above, I do not recommend any further amendments.

Section 32AA Evaluation

141. Not required as no changes are recommended.

3.9 Key Issue 9 – Renewable electricity generation

Overview

Relevant Document	Relevant Section
Section 42A Report	Key Issue 4 – Definitions Key Issue 27 – Light Industrial Zone – Objectives Key Issue 29 – Light Industrial Zone – Rules Key Issue 31 – Light Industrial Zone – Standards
Evidence in chief Ngawha Generation Limited, S432, FS345 – D Badham, Hearing Statement	Pages 1 - 3

Analysis

142. Ngāwhā Generation Limited provided a submitter statement in relation to Hearing 14 and Mr Badham was able to answer some questions from the Hearing Panel in relation to this statement at Hearing 14.

143. I maintain my position that the Renewable Electricity Generation chapter already provides for the construction, operation, and maintenance of structures associated with renewable electricity generation. In my

opinion, it is not appropriate to include such provisions within the LIZ, or within the definition of 'Light Industrial Activities' as sought by the submitter.

144. Mr Badham on behalf of the submitter indicated this relief was only sought because the primary concern was that industrial zoned land was not included as land where large scale or community scale solar or wind generation renewable electricity generation is permitted as requested by Top Energy.

145. This matter was comprehensively addressed in relation to the Renewable Electricity Generation topic in Hearing 11 in the Renewable Electricity Generation ROR[3]. In particular Issue 2 – Policies (page 10) and Issue 4 – Rules (page 16).

146. Ngawha Generation Limited also have a rezoning submission points in relation to land at Ngāwha Springs which if rezoned may address some of the submitter's concerns. As noted in the Hearing 15C s.42A the reporting officer has recommended the submitters landholdings in Ngawha Springs is rezoned to the LIZ to reflect the existing industrial zoning in the ODP.

147. It is also noted that the submitter intends to utilise the land for renewable energy generation and infrastructure-related activities. In my opinion, and as discussed with the reporting officer for the Renewable Electricity Generation topic, a specific exemption for the Ngāwhā Generation Limited landholdings to the Renewable Electricity Generation provisions may be supported to provide for such activities. This is on the basis that our economist confirms the exemption will not undermine the ability of the district to provide sufficient industrial land capacity in accordance with the Housing and Business Development Capacity Assessment.

Recommendations

148. For the reasons above, I do not recommend any further amendments.

Section 32AA Evaluation

149. Not required as no changes are recommended.

3.10 Key Issue 10 - Relocated buildings

Overview

Relevant Document	Relevant Section
Section 42A Report	Key Issue 5 – Plan Wide or Urban Wide Submissions Key Issue 29 – Light Industrial Zone - Rules
Evidence in chief House Movers Section of New Zealand Heavy Haulage Association Inc, S482 – J	Page 3 – 10

[3] Renewable Electricity Generation - ROR

Relevant Document	Relevant Section
Bhana-Thomson, Hearing evidence	

Analysis

150. At the hearing, the recommended approach to relocated buildings under the PDP was outlined in further detail. This approach has been consistently supported by Council officers across the hearings, and was also discussed in depth at the Rural hearing. Based on that discussion, Mr Bhana-Thomson was generally satisfied with the approach recommended by Council officers, although he maintained a preference for the more prescriptive approach he had proposed. In relation to these matters, I agree with the opinion outlined by the author of the Rural ROR, which is paraphrased below in relation to the urban context.

151. I disagree with Mr Bhana-Thompson that the PDP needs to introduce additional barriers to relocating buildings through the introduction of new permitted standards e.g. the requirement for a pre-inspection report, timing of reinstatement works etc. While I appreciate that Mr Bhana-Thompson is requesting a standardised approach nationally, the application of the R1 rules across all the urban zones aim to treat relocated buildings in the same way as new or altered buildings and is less onerous to comply with than the new rule for relocated buildings proposed by Mr Bhana-Thompson. Many of the matters that the requested new rule would address are not, in my view, resource management matters that need to be managed through the PDP and are instead practical issues relating to physically completing the relocation process and can be managed through the building consent process. The additional matters if adopted into the PDP could also potentially add unnecessary additional costs to those in the Far North District seeking to relocate buildings.

152. However, I agree with Mr Bhana-Thompson that there is a potential interpretation issue with the notified definitions of 'building' and 'relocated building'. The question is whether the R1 rules apply to relocated buildings that are two years old or less as it is unclear as to whether any building less than two years old is still considered to be 'new' under the R1 rules. I can confirm that the intention is for the R1 rules to apply to all buildings, whether new or relocated, regardless of their age.

153. However, the question of whether the definition of 'relocated buildings' requires amendment has implications for all zone chapters that utilise a R1 type rule for buildings and structures. As such, I do not make a recommendation in this report as to whether the reference to buildings being less than 2 years old needs to be removed from the definition of 'relocated building'. This issue will be reviewed comprehensively with respect to its implications for the PDP as part of the Definitions topic in Hearing 17.

Recommendations

154. For the reasons above, I do not recommend any further amendments.

Section 32AA Evaluation

155. Not required as no changes are recommended.

3.11 Key Issue 11 - Radio NZ consultation provisions

Overview

Relevant Document	Relevant Section
Section 42A Report	Key Issue 5 – Plan Wide or Urban Wide Submissions
Evidence in chief Radio New Zealand, S489 – Legal Submission	Page 2

Analysis

156. Following the publication of the s.42A report online, I was contacted by Mr Pedler and Mr Williams on behalf of RNZ. They highlighted that parts of the GRZ and LIZ at Awanui are located within 1,000 metres of the RNZ transmitter at Waipapakauri.

157. I agree that it is necessary to include a specific note within LIZ-S1 and GRZ-S1 (maximum height standards) to address this matter. The note specifies that, where a resource consent application breaches these standards and proposes a building or structure exceeding 40 metres in height within 1 kilometre of the Waipapakauri transmitter at Spains Road, Awanui, consultation with RNZ is required to manage potential adverse electromagnetic coupling effects.

158. This approach is consistent with the recommendations of earlier s.42A officers for other zones. The higher height threshold aligns with RNZ's submission and is considered appropriate given the greater separation distance between the GRZ and LIZ areas and the RNZ transmitter at Waipapakauri.

Recommendations

159. For the reasons above, I recommend the following amendments to LIZ-S1.

"…Architectural features (e.g. finials, spires) not exceeding 1m in height on any elevation.

Note: If a resource consent application is made for an infringement of LIZ-S1 and the proposed building or structure is:

a. greater than 40 metres in height and within 1,000 metres of the Waipapakauri transmitter at Spains Road, Awanui, Part Lot 4 DP 43276;

Then consultation will be required with Radio New Zealand to manage potential adverse electromagnetic coupling effects."

160. For the reasons above, I recommend the following amendments to GRZ-S1.

"…lift overruns provided these do not exceed the height by more than 1m above the building envelope on any elevation.

Note: If a resource consent application is made for an infringement of GRZ-S1 and the proposed building or structure is:

a. greater than 40 metres in height and within 1,000 metres of the Waipapakauri transmitter at Spains Road, Awanui, Part Lot 4 DP 43276;

Then consultation will be required with Radio New Zealand to manage potential adverse electromagnetic coupling effects."

Section 32AA Evaluation

161. The proposed notes to GRZ-S1 and LIZ-S1 will ensure that, where a building or structure exceeding 40 metres in height is proposed within 1 kilometre of the Waipapakauri RNZ transmitter, consultation with Radio New Zealand is undertaken to address potential electromagnetic coupling effects. This approach will effectively protect the operational integrity of the transmitter while only being triggered in limited circumstances, thereby avoiding unnecessary constraints on development.

162. No alternative method would achieve this outcome with less cost or complexity. The amendment is consistent with RNZ's submission, earlier s.42A recommendations for other zones, and is considered the most appropriate and efficient means to achieve the intended outcome.

3.12 Key Issue 12 – Impermeable surfaces and ancillary activities

Overview

Relevant Document	Relevant Section
Section 42A Report	Key Issue 32 – Heavy Industrial Zone – Policies, Rules and Consequential Amendments Hey Issue 33 – Heavy Industrial Zone - Standards
Evidence in chief Fletcher Building Limited, S342 – A McPhee, Planning Evidence	Page 3 – 15

Analysis

HIZ-S8

163. Mr McPhee provided evidence on behalf of Fletcher Building. One of the key issues raised related to the arbitrary 15% site coverage rule in the HIZ. Mr McPhee requested the removal of the 15% threshold and instead recommended it be replaced with the following provisions:

    a. *The disposal of collected stormwater is within an existing consented urban stormwater management plan or discharge consent; or*

    b. *Where there is no consented urban stormwater management plan or discharge consent then stormwater must be disposed of in accordance with any recommendations supported by an engineering / site suitability report.*

164. The HIZ is intended to provide for large scale 'dry' industry, including activities like outdoor storage. This has the potential for the establishment of large areas of hard surface and significant building area. In my opinion, it is not appropriate to remove the 15% coverage threshold. Given the above, If the threshold is removed it could create and/or exacerbate downstream stormwater effects. Council does not have detailed stormwater modelling at the catchment level to determine appropriate site-specific thresholds at this time.

165. This detailed stormwater modelling has not been completed and is not currently planned. Therefore, setting a 15% threshold remains the most effective way to address site coverage and stormwater management. Where this threshold is exceeded, a resource consent is required, which in turn triggers the need for site-specific stormwater mitigation to be assessed as part of the consent process.

166. It should be noted that the consideration policy (HIZ-P7) clause e includes reference to whether existing or planned development infrastructure can accommodate the proposed activity, including the use of low impact design principles and the management of three waters infrastructure and trade waste.

167. In my opinion, it is not appropriate to allow additional area of impermeable surfaces on sites located within an existing consented urban stormwater management plan or discharge consent. While such consents may provide a framework for managing cumulative stormwater effects, they do not negate the need for site-specific assessment. In my view, stormwater assessment and management where the site exceeds 15% impermeable surfaces should still be required to ensure that the design and layout of individual developments appropriately respond to localised conditions, including topography, soil permeability, and proximity to sensitive receiving environments. Without this, there is a risk that the broader network may be

compromised by incremental increases in runoff, particularly where developments exceed the assumptions underpinning the original consent.

168. In my opinion, point (b) does not provide a practical or effective approach. It would not enable a Council engineer to assess the proposed stormwater management measures through a site suitability report. As noted in the s.42A report, Council infrastructure may not be available, or planned, for the Heavy Industrial Zone. While a stormwater report may address management of additional impermeable surfaces, if this is only required as a permitted activity standard, there is no mechanism for the report to be reviewed by Council, nor for its recommendations to be implemented or monitored through consent conditions. Based on these considerations, I consider that a resource consent requirement is appropriate where the permitted activity standard for impermeable surface coverage is exceeded.

HIZ-R4

169. The other key issue outlined in Mr McPhee's evidence is his view that the 15% threshold relating to ancillary activities, as outlined below, should be deleted.

170. "*Any ancillary activity (excluding any noise sensitive activity) is located within or is attached to the same building and occupies no more than 15% of the GFA. Note: This rule does not apply to Light industrial activities assessed under HIZ-RX Light industrial activity.*"

171. Mr McPhee recommends that the size of an ancillary activity should be determined by its functional relationship to the primary industrial activity, rather than by an arbitrary percentage.

172. In my opinion, a 15% threshold is appropriate, although I acknowledge it is an arbitrary number. In my opinion it is appropriate to have a percentage limit for ancillary activities. Otherwise, showrooms or office-type developments that are "ancillary" to the primary activity could be larger than the primary activity itself. These types of activities are not generally permitted in the HIZ and under the recommended provisions are permitted where they are considered ancillary.

173. In addition, the recommendations by Mr McPhee include deletion of PER-1 in relation to HIZ-R4. In my opinion this would not provide the outcome sought by Mr McPhee, because if ancillary activities are not specifically provided for, they would not be permitted.

Recommendations

174. For the reasons above, I do not recommend any further amendments.

Section 32AA Evaluation

175. Not required as no changes are recommended.

3.13 Key Issue 13 - Other hearing statements

Overview

Relevant Document	Relevant Section
Section 42A Report	Key Issue 2 – Zone Selection
Evidence in chief Audrey Campbell-Frear, S209 – S Shaw, Tabled Memo	Page 2
Evidence in chief C Otway Ltd, FS270 – B Cathcart, Land use capability report	Pages 3 – 9
Evidence in chief Far North Holdings Limited, S320, FS407 – S Sanson, Hearing statement	Pages 1 – 2
Evidence in chief Heron Point Limited, FS547 – D Bell, Planning evidence	Pages 2 – 6

Analysis

Hearing statements in support and other miscellaneous matters

176. A tabled memo was made on behalf of Audrey Campbell-Frear in support of the recommendation that a Town Centre Zone be applied to Kerikeri.

177. A Land Use Capability Report was submitted on behalf of Charles Otway, in relation to Lot 2, DP462527, Kerikeri which includes the Redwoods Garden Centre and Café. This evidence is not relevant to the Urban topics but will be considered further in relation to the rezoning hearings.

178. The Hearing Statement made on behalf of Far North Holding Limited signals that consequential amendments to the provisions of the Mixed Use Zone may be required subject to rezoning submissions made by FNHL which will be heard in relation to Hearing 15B. As outlined in the statement this can be addressed consequentially subject to the deliberations of Hearing 15B.

179. The planning evidence provided on behalf of Heron Point Limited was generally supportive of the officers' recommended changes, with a few exceptions. Ms Bell does not support the discretionary activity status for subdivisions with a 300m² minimum lot size in the General Residential Zone and instead requests that it be classified as a restricted discretionary activity, which she notes is consistent with the restricted discretionary framework for two residential units in the same zone on a 600m2 property. In my opinion, it is not appropriate to change the activity status to restricted discretionary

with a minimum lot size of 300m². While two dwellings on a 600m² site may be managed through restricted discretion, subdivision introduces a fundamentally different and more permanent set of effects. Subdivision results in the creation of new titles, legal accessways, and servicing demands, and can lead to changes in neighbourhood character, infrastructure capacity, and development patterns. Discretionary status allows the Council to consider the full range of potential effects and maintain greater control over the long-term planning outcomes for the area. I therefore maintain my position as outlined in the s.42A report in relation to these matters.

180. I maintain that it is not appropriate to include references to private infrastructure as a general infrastructure solution within the objectives and policies for the GRZ. While the submitter considers private infrastructure to offer flexibility, I consider that its inclusion would introduce significant uncertainty into the planning framework. Urban zones are intended to support consolidated, well-integrated urban development that aligns with public infrastructure planning and investment. Allowing private infrastructure as a general alternative risks undermining this by enabling ad hoc servicing solutions that may not be adequately maintained or align with future network upgrades. While the NPS-UD does not explicitly preclude private infrastructure, its emphasis on integrated land use and infrastructure planning clearly anticipates alignment with planned public infrastructure networks. The NPS-UD also refers to 'development infrastructure' and the definition of this term is as follows:

181. "*means the following, to the extent they are controlled by a local authority or council controlled organisation (as defined in section 6 of the Local Government Act 2002):*

a. *network infrastructure for water supply, wastewater, or stormwater*

b. *land transport (as defined in section 5 of the Land Transport Management Act 2003)*"

182. Therefore in my view, the reliance on private infrastructure should be the exception and assessed on a case-by-case basis through resource consent processes where public reticulation is demonstrably unfeasible, not signalled within the zone objectives and policies as a desirable or supported approach.

Recommendations

183. For the reasons above, I do not recommend any further amendments.

Section 32AA Evaluation

184. Not required as no changes are recommended.