

**IN THE ENVIRONMENT COURT OF NEW ZEALAND
AUCKLAND REGISTRY**

**I TE KŌTI TAIAO O AOTEAROA
TĀMAKI MAKĀURAU ROHE**

ENV-2026-AKL-153

UNDER	the Resource Management Act 1991 (RMA)
IN THE MATTER OF	an appeal under clause 14(1) of Schedule 1 of the RMA
BETWEEN	KIWI FRESH ORANGE COMPANY LIMITED
	Appellant
AND	FAR NORTH DISTRICT COUNCIL
	Respondent

**NOTICE BY SMARTLIFE TRUST
OF WISH TO BE PARTY TO PROCEEDINGS
PURSUANT TO SECTION 274 OF THE RMA**

Date: 28 August 2026

Presented for filing by:
Saunders & Co
Solicitor: Margo Perpick
PO Box 18, Christchurch
T 027 227 2026
E margo.perpick@saunders.co.nz

TO: The Registrar
Environment Court
Auckland

Name of party giving notice

1 Smartlife Trust

The relevant proceedings

2 Smartlife Trust wishes to be a party to the following appeal proceedings: *Kiwi Fresh Orange Company Limited v Far North District Council* (ENV-2026-AKL-##) (**Appeal**).

3 The Appeal proceedings are brought by Kiwi Fresh Orange Company Limited (**Appellant** or **KFO**) in relation to the Far North District Council's (**Respondent** or **Council**) decisions on the Proposed Far North District Plan (**PDP**).

Status of party giving notice

4 Smartlife Trust is a person who made a submission and a further submission about the subject matter of the Appeal.

Trade competition

5 Smartlife Trust is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.

Interest in proceedings

6 Smartlife Trust is interested in all aspects of the Appeal which relate to or may have impacts upon the land owned by Smartlife Trust at 23 Aranga Road, being Lot 2 DP 395942 and Lot 3 DP 335706 (ROT 382857) (**the Smartlife Trust Land**), including any impacts upon the development potential of the Smartlife Trust Land.

Issues

7 Smartlife Trust is interested in the following particular issues:

- (a) KFO's appeal against the Council's decision to grant the relief sought in Smartlife Trust's submission which sought the rezoning of the Smartlife Trust Land from Rural Residential Zone to General Residential Zone. It is acknowledged that KFO's Counsel has now filed a memorandum in which that aspect of the KFO appeal is abandoned; and
- (b) KFO's appeal against the Council's decision to grant the relief sought in Smartlife Trust's further submission, which sought that the whole of the submission of KFO be declined, and in particular, opposed the proposed Structure Plan for landholding in KFO's submission, particularly those parts of the KFO submission which refer to a future access through the Smartlife Trust's land; and
- (c) For the avoidance of doubt, Smartlife Trust is interested in Appeal Points 1, 2 and 3 of the KFO Notice of Appeal.

Relief sought

8 Smartlife Trust opposes the relief sought by KFO because Smartlife Trust:

- (a) supports the rezoning of the Smartlife Trust Land from Rural Residential Zone to General Residential Zone; and
- (b) does not support the submission of KFO, particularly (but not limited to) any changes which may lead to access to Kerikeri Road from KFO's land over Smartlife Trust's land.

Dispute resolution

9 Smartlife Trust agrees to participate in mediation or other alternative dispute resolution of the proceedings.

DATED this 28th day of August 2026



Margo Perpick
Counsel for Smartlife Trust

Address for service of Smartlife Trust:

C/- Saunders & Co
PO Box 18, Christchurch 8140
Contact Person: Margo Perpick
Email: margo.perpick@saunders.co.nz
Phone: 027 227 2026

APPENDIX 1

Smartlife Trust Submission on Proposed Far North District Plan

APPENDIX 2

Smartlife Trust Further Submission on Proposed Far North District Plan, in opposition to the submission of Kiwi Fresh Orange Company Limited on Proposed Far North District Plan.

Address: 2 Cochrane Drive, Kerikeri
127 Commerce Street, Kaitaia
Phone: 09 407 5253
Email: office@bayplan.co.nz

.....



To: District Plan Team – Attention: Greg Wilson
Strategic Planning & Policy
5 Memorial Avenue
Private Bag 752
Kaikohe 0440.
Email: greg.wilson@fndc.govt.nz

RE: Submission on the Proposed Far North District Plan 2022

1. **Details of persons making submission**

Smartlife Trust
C/- Bay of Islands Planning (2022) Limited
Attention: Steven Sanson
PO Box 318
PAIHIA 0247

2. **General Statement**

Smartlife Trust are directly affected by the Proposed Far North District Plan.

Smartlife Trust cannot gain an advantage in trade competition through this submission. They are directly impacted by the Proposed District Plan. The effects are not related to trade competition.

3. **Background & Context**

Background

Smartlife Trust own and operate the accommodation facility known as Kerikeri Holiday Park and Motels [the Park] , which has been operating for more than 25 years. The Park provides a range of transient accommodation facilities as well as on site amenities and services for their guests. The property has an approved connection to the Kerikeri Reticulated Wastewater System. This connection has been in place for over 10 years and serves all of the facilities within the Park. Several small residential sites have been approved with those approvals currently being given effect to.

Site Descriptions

The land to which this submission relates comprises the following Record of Title:

- ROT 382857 (Lot 5 DP 335706).

As per attached email - corrected details are 23 Aranga Road, being Lot 2 DP 395942 and Lot 3 DP 335706 (ROT 382857)

A plan showing the location of the land is provided at Figure 1.

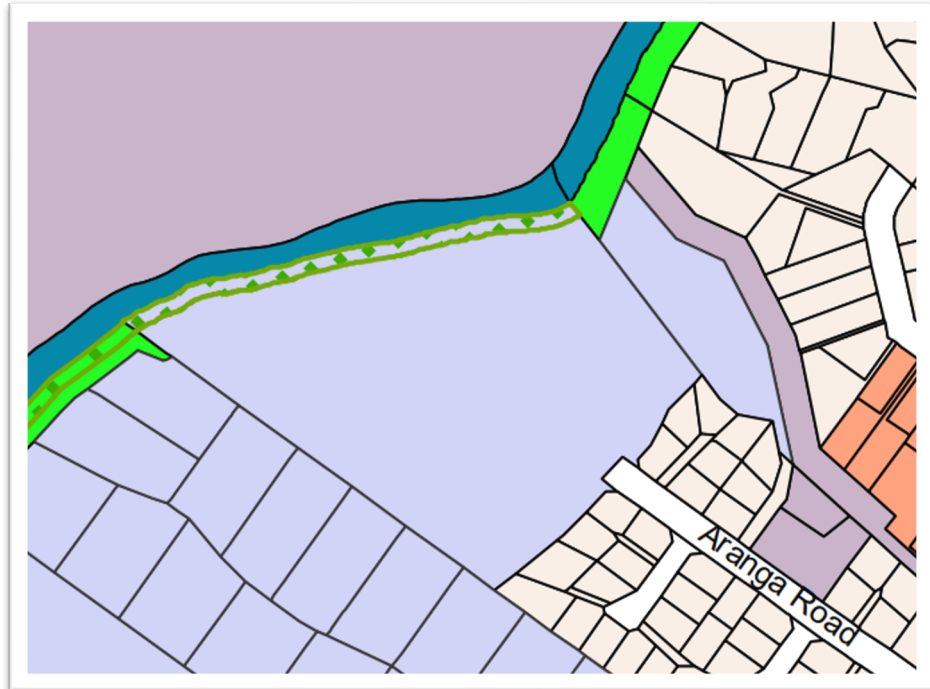
Figure 1 - Site



Operative

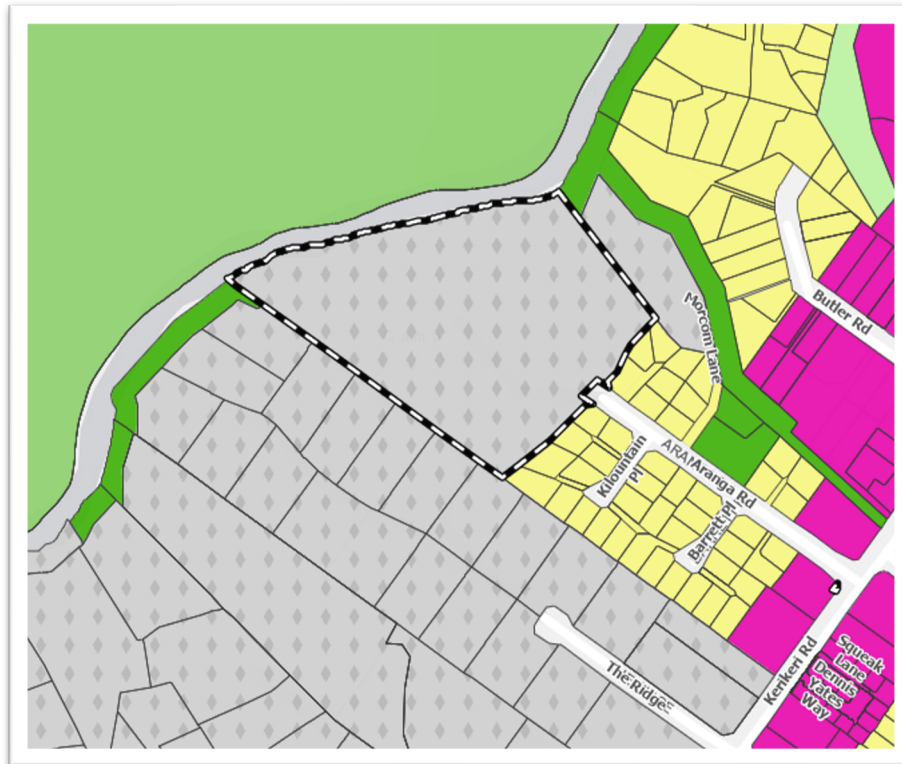
and Proposed District Plan Zoning

The Operative District Plan reveals the site is zoned **Rural Living** and an **Esplanade Priority** is shown with the site adjoining the Puketotara River.



ODP Zone Map

The PDP seeks to apply the **Rural Residential Zone** over the site and those adjoining. The PDP also indicates the property is influenced by a 1:100 year flood event. This event does not impact on any onsite facilities.



PDP ZONE MAP

4. **The specific provisions of the Proposed Far North District Plan that this submission relates to are:**

- Proposed Planning / Zone Maps which relate to the landholding referred to in Section 3 of this submission.

5. **Smartlife Trust seek the following amendments/relief:**

This submission requests that the Proposed Far North District Plan:

- Removes the **Rural Residential Zone** and replace with the **General Residential Zone** as they are provided for on the PDP E-Maps.

6. **The reasons for making the submission on the Proposed District Plan are as follows:**

- The submitters property adjoins the General Residential Zone along its south eastern boundary and has direct access onto Aranga Road. This road was established with the long term purpose of enabling residential development of the Park.
- Residential subdivision approvals have been granted to enable the creation of six residential sites as Non Complying activities. Therefore, Council has already promoted residential development on the site despite its Rural Residential zoning.
- A residential zoning would promote the opportunity for collaboration between our client and Council with respect to a potential esplanade reserve, completing the current gap in access along the river.
- The property is connected to the Kerikeri Wastewater Reticulation system. The creation of residential sites would result in less wastewater being disposed into the reticulated system compared to the current volumes discharged from the Park operations (if further subdivision potential was enabled through a zone change). Consequently, there is no additional loading or new connection to Councils reticulation systems if the zoning is changed to suit existing and proposed activities.
- The land is not identified as containing any high class soils or being defined as highly productive. This avoids the use of these soils proposed to be subdivided within the PDP.
- The inclusion of the Park within the General Residential Zone is a coherent extension of the residential area which creates the urban area of the Kerikeri town centre.
- The use of the Park for residential development would compensate for the loss of those properties along Kerikeri Road

previously zoned Residential and now Mixed Use Zone under the PDP.

7. **Smartlife Trust wish that the Far North District Council to address the above issue by:**

1. Amend the proposed zone for the subject site from Rural Residential to the **General Residential Zone**.
2. Any other relief to achieve the outcomes sought by this submission.

S15.001

8. Our clients wish to be **heard** in relation this submission.

Yours sincerely,



Steven Sanson

Director | Consultant Planner



Reviewed by

Jeff Kemp

Principal Planning Consultant

On behalf of Smartlife Trust

Dated this 06th Day of August 2022

Liz Searle

From: Office <Office@bayplan.co.nz>
Sent: Thursday, 24 November 2022 11:59 am
To: Liz Searle
Subject: Re: Proposed District Plan Submission #015 Smartlife Trust
Attachments: Quickmap Title Details.pdf

CAUTION: This email originated from outside Far North District Council.

Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hello Liz,

Apologies you are correct!

The submission does relate to 23 Aranga Road. A quickmap print out is attached.

Many thanks,

From: Liz Searle <Liz.Searle@fndc.govt.nz>
Date: Thursday, 24 November 2022 at 11:41 AM
To: Office <Office@bayplan.co.nz>
Subject: Proposed District Plan Submission #015 Smartlife Trust

Hi Steve,

Thank you for your submission on the Proposed Far North District Plan, seeking that the land referred to be zoned General Residential.

We have noticed that the legal identifier (Lot 5 DP 335706) used in the submission is incorrect. We assume you may be referring to the Kerikeri Holiday Park and Motel site at 23 Aranga Road, Kerikeri, but want to be sure. So that we can correctly summarise your submission, can you please clarify which land parcel you are referring to in your submission?

A response via email is preferred so that we can keep a written record of the correspondence.

Kind regards

District Planning Team
Far North District Council

Liz Searle
Policy Planner
Strategic Planning & Policy, Far North District Council
+6494070357 | Liz.Searle@fndc.govt.nz
www.fndc.govt.nz

Get it done online at your convenience, visit our website: www.fndc.govt.nz

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Far North District Council | Te Kaunihera o Tai Tokerau Ki Te Raki | Phone: 09 401 5200 | Fax: 09 401 2137 |
Email: ask.us@fndc.govt.nz
Memorial Avenue, Private Bag 752, Kaikohe 0440, New Zealand

Please consider the environment before printing this email.

-----Original Message-----

From: Liz Searle <Liz.Searle@fndc.govt.nz>
Sent: Thursday, 24 November 2022 11:37 am
To: Liz Searle <Liz.Searle@fndc.govt.nz>
Subject: Proposed District Plan Submission #015 Smartlife Trust

Liz Searle has sent you a copy of "Proposed District Plan Submission #015 Smartlife Trust" (A3885349) v3.0 from Objective.

Get it done online at your convenience, visit our website - www.fndc.govt.nz

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Far North District Council | Te Kaunihera o Tai Tokerau Ki Te Raki
Ph. 09 401 5200 | Fax. 09 401 2137 | Email. ask.us@fndc.govt.nz
Address. Memorial Avenue, Private Bag 752, Kaikohe 0440, New Zealand

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Quickmap Title Details



Information last updated as at 20-Nov-2022

RECORD OF TITLE DERIVED FROM LAND INFORMATION NEW ZEALAND FREEHOLD

Identifier **382857**

Land Registration District **North Auckland**

Date Issued 22 April 2008

Prior References

161763 183192

Type Fee Simple

Area 5.2635 hectares more or less

Legal Description Lot 2 Deposited Plan 395942 and Lot 3 Deposited Plan 335706

Registered Owners

Keighley Trustee Limited and Euan Boyd Lindsay Hilson

Appurtenant hereto is a right of way specified in Easement Certificate A434677 - 4.12.1969 at 2:10 pm (affects Lot 2 DP 395942)

Appurtenant hereto is a water supply right created by Transfer A446428 - 12.2.1970 at 12:10 pm

Subject to a water right over part created by Transfer A446428 - 12.2.1970 at 12:10 pm (affects Lot 3 DP 335706)

Subject to a right of way over part marked 'C' on DP 335706 created by Transfer 233327.1 - 29.5.1973 at 11:27 am (affects Lot 3 DP 335706)

Subject to a right of way (in gross) over part marked 'D' and 'E' on DP 335706 in favour of Bay of Islands County Council created by Transfer 697944.1 - 5.12.1979 at 10:33 am (affects Lot 3 DP 335706)

Appurtenant hereto is a electricity supply right created by Transfer C840345.1 - 9.5.1995 at 2:19 pm

Subject to a right to convey water over part marked 'D' on DP 335706 created by Transfer C953844.5 - 13.2.1996 at 3:33 pm (affects Lot 3 DP 335706)

Subject to a right to drain water (in gross) over part marked 'A' and a right to drain sewage (in gross) over part marked 'B' on DP 335706 in favour of Far North District Council created by Easement Instrument 6078609.6 - 14.7.2004 at 9:00 am (affects Lot 3 DP 335706)

The easements created by Easement Instrument 6078609.6 are subject to Section 243 (a) Resource Management Act 1991 Fencing Covenant in Transfer 6146701.3 - 13.9.2004 at 9:00 am (affects Lot 3 DP 335706)

Subject to Section 241(2) and Sections 242(1) and (2) Resource Management Act 1991(affects DP 395942)

7791569.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 22.4.2008 at 9:00 am

Subject to a right to convey water, electricity, telecommunications and computer media over Lot 1 DP 395942 marked A on DP 395942 created by Easement Instrument 7917689.1 - 26.8.2008 at 9:00 am

11240106.2 Mortgage to ASB Bank Limited - 9.10.2018 at 5:01 pm

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Address: 2 Cochrane Drive, Kerikeri

Phone: 09 407 5253

Email: office@bayplan.co.nz



.....

To: Far North District Council

5 Memorial Avenue

Private Bag 752

Kaikohe 0440.

RE: Form 6: Further submission in support of, or in opposition to, submission(s) on the notified Proposed Far North District Plan 2022 Clause 8 of Schedule 1, Resource Management Act 1991

This is a further submission in support of or in opposition to submission(s) on the Proposed Far North District Plan.

Full name of individual/organisation making further submission:

Smartlife Trust (the Further Submitter)

Contact person (if different from above):

Bay of Islands Planning (2022) Limited

Attention: Steven Sanson

PO Box 318

PAIHIA 0247

Email address: office@bayplan.co.nz

Postal address: PO Box 318
PAIHIA 0247

Phone contact: 09 407 5253

I am a person who has an interest in the proposal that is greater than the interest the general public has. In this case, the grounds for saying that I come within this category are as follows:

We own land which is sought to be zoned as General Residential Zone.

FURTHER SUBMISSION No 1 -

I support the submission of:

Ken Lewis Limited being Submission No 009.
Email – office@bayplan.co.nz

The particular parts of the submission I support are:

All of submission S9.002 in relation to the General Residential Zone subdivision standards. FS389.001

The reasons for my support are:

For the reasons given within the Original Submission No 009.

I seek that the whole of the submission be allowed:

As detailed within the Original Submission No 009.

FURTHER SUBMISSION No 2 -

I support the submission of:

Te Hiku Community Board being Submission No 257.
Email – Adele.Gardner@fndc.govt.nz

The particular parts of the submission I support are:

All of submission S257.020 in relation to the General Residential Zone
subdivision standards.

FS389.002

The reasons for my support are:

For the reasons given within the Original Submission No 257.

I seek that the whole of the submission be allowed:

As detailed within the Original Submission No 257..

FURTHER SUBMISSION No 3 -

I oppose the submission of:

Waka Kotahi NZ Transport Agency being Submission No 356.
Email- Sarah.ho@nzta.govt.nz

The particular parts of the submission I oppose are:

All of submission S356.091 in relation to the General Residential Zone subdivision standards.

FS389.003

The reasons for my opposition are:

The PDP standards reflect the existing provisions of the Operative District Plan which has been attaining the purposes of the RMA. The Submitter is seeking higher density development which has a direct correlation additional traffic movements will occur from a than would otherwise be generated from a single 600m2 residential site. This size lot also enable a range of housing choice which is reflected within the existing housing stock.

I seek that the whole of the submission be disallowed for the following reason:

Retaining the 600m2 threshold as a Controlled Activity consistent with servicing design along with the amenity and values currently received in the residential environments.

FURTHER SUBMISSION No 4 -

I support the submission of:

Leonard Dissanayake and Marion Dissanayake being Submission No 419.

Email – LMDPC@xtra.co.nz

The particular parts of the submission I support are:

All of submission S419.006 in relation to the General Residential Zone subdivision standards.

FS389.004

The reasons for my support are:

For the reasons given within the Original Submission No 419.

I seek that the whole of the submission be allowed:

As detailed within the Original Submission No 419.

FURTHER SUBMISSION No 5 -

I support the submission of:

Elbury Holdings being Submission No 541.
Email – elbury@xtra.co.nz

The particular parts of the submission I support are:

All of submission S541.023 in relation to the General Residential Zone subdivision standards.

FS389.005

The reasons for my support are:

For the reasons given within the Original Submission No 541.

I seek that the whole of the submission be allowed:

As detailed within the Original Submission No 541.

FURTHER SUBMISSION No 6 -

I oppose the submission of:

Kiwi Fresh Orange Company Limited No 554.
Email – mike.doesburg@wynnwilliams.co.nz

The particular parts of the submission I oppose are:

All of submission S544 in relation to the proposed Structure Plan for the landholding. In particular, the documents / plans which refer to a future access point through the Further Submitters land.

FS389.006-.057

The reasons for my opposition are:

For the reasons given above.

I seek that the whole of the submission be disallowed:

As detailed above.

I wish to be heard in support of my further submissions.

If others make a similar submission, I will consider presenting a joint case with them at a hearing.



Signature of person authorised to sign on behalf of person making further submission.

Date: 04th September 2023

Electronic address for service of person making further submission:

office@bayplan.co.nz

Telephone:

09 407 5253

Postal address (or alternative method of service under section 352 of the Act):

PO Box 318

PAIHIA 0247

Contact person:

Steve Sanson

Director | Consultant Planner