

BEFORE THE INDEPENDENT HEARING PANEL

UNDER the Resource Management Act 1991 ("**RMA**")

IN THE MATTER OF Proposed Far North District Plan ("**PDP**")

STATEMENT OF EVIDENCE OF MELISSA MCGRATH ON BEHALF OF AUDREY CAMPBELL-FREAR

PLANNING (HEARING 15D – REZONING KERIKERI-WAIPAPA TOPIC)

26 June 2025

1. SUMMARY OF EVIDENCE

- 1.1 This evidence has been prepared on behalf of Ms Audrey Campbell-Frear as it relates to her submission and further submissions on Far North District Council's ("**Council**") PDP with regard to Hearing Stream 15D.
- 1.2 This evidence has been prepared in accordance with the direction from the Hearing Panel as detailed in Final Minute 14. As such this evidence has been prepared prior to the Council section 42A report for the rezoning topic.
- 1.3 In my opinion the proposed Horticulture Zone (HZ) within the PDP or potential Horticulture Precinct, is not the most appropriate mechanism to achieve the appropriate objectives, nor does it fully align with section 5 of the Act for the following reasons:
 - (a) The Rural Production Zone (RPROZ) objectives already adequately address the need to protect highly productive land and provide for primary production activities, including horticulture.
 - (b) The HZ/Precinct introduces unnecessary duplication, imposes restrictive and inefficient rules, and fails to provide the flexibility required to allow landowners to fully utilise their land for a range of productive uses.
 - (c) The HZ/Precinct criteria, which limit the zone to the Kerikeri/Waipapa area, are overly narrow and fail to capture other areas of the district where horticultural activities do and could thrive, especially in relation to existing and proposed irrigation infrastructure.

- (d) The concern about reverse sensitivity within the Kerikeri/Waipapa horticulture area does not warrant the establishment of a separate zone or precinct. The RPROZ already manages reverse sensitivity through its provisions, and the proposed HZ/Precinct does not provide any additional protection in this respect.
- (e) Much of the land in the proposed HZ/Precinct is already fragmented, making it unsuitable for large-scale horticultural operations.
- (f) While the Kerikeri/Waipapa area has a certain level of investment and infrastructure in place, there is no evidence to suggest that this area is more economically valuable or productive for horticulture than other parts of the district.
- (g) LUC 4 soils are not defined as highly productive under the NPS-HPL and should not be afforded additional protection.

1.4 I have not undertaken a wider assessment of the spatial distribution of a potential Horticulture Precinct, but if the Panel recommend such a precinct I consider at a minimum it should not apply to:

- (a) Land identified as LUC 4.
- (b) Land identified as LUC 3 at the time of Council decision, noting central government intent to remove LUC 3 from the definition of HPL under the NPS-HPL.
- (c) Any site 2ha and less in area due to the lack of viability for horticulture activities and the servicing limitation of the Kerikeri Irrigation Company.

1.5 I do not support the recommended Horticulture Precinct provisions, considering that these fail to recognise and provide for existing activities within the area.

1.6 Having undertaken a s32AA evaluation and assessment of the FNDC rezoning criteria, it is my opinion that the following zoning is the most appropriate way to achieve objectives of the PDP, being more efficient and effective, with less costs and more benefits, than the proposed HZ/Precinct:

- (a) Zoning of location 1 as RRZ.
- (b) Zoning of locations 2 and 3 as MUZ with a precinct.

2. INTRODUCTION

- 2.1 My full name is Melissa Ivy McGrath. I am a Senior Associate with Barker & Associates, a planning and urban design consultancy with offices across New Zealand.
- 2.2 I am a qualified planner with a Master of Resource Management from Massey University and am a Full Member of the New Zealand Planning Institute. I have over 20 years of experience as a planner. During this time, I have been employed in various resource management positions in local government and private companies including experience with:
- (a) Statutory resource consent planning in the Northland and Auckland regions, including an extensive range of work in the Whangārei, Kaipara and Far North Districts. Of particular note, I worked for Far North District Council as a consent planner for 5 years, working with the operative Far North District Plan.
 - (b) Consideration of submissions and formulation of policy and policy advice for Council's throughout New Zealand including, Whangārei District Council, Kaipara District Council, Far North District Council, and private clients, including as the District Plan Manager for Whangārei District Council.
- 2.3 I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. I have complied with the Code of Conduct in preparing this statement of evidence. Unless I state otherwise, this evidence is within my sphere of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.
- 2.4 B&A staff have previously provided assistance to FNDC on the PDP. This related to assistance with the formulation of section 32 evaluations for a number of topics prior to the notification of the PDP. That engagement did not carry forward post notification of the PDP. In regard to these matters, I confirm the following:
- (a) B&A is an independent planning consultancy providing planning and resource management advice and services. B&A act on behalf of a number of private and public clients throughout the country;
 - (b) I have had no involvement in the preparation of provisions, the section 32 evaluation or any advice following notification for the topics within this PDP hearing; and

- (c) I contributed to the section 32 evaluation of Heritage and Special Zones topics and reviewed the section 32 evaluation for the Earthworks and Minerals topic and confirm that these are not relevant to Ms Campbell-Frear's submission.

2.5 Noting the above, I have no conflict of interest to declare with respect of the hearing of Ms Campbell-Frear's submission within the PDP review.

Involvement with PDP on behalf of Ms Campbell-Frear

2.6 I have been engaged by Ms Audrey Campbell-Frear to provide independent planning evidence on her behalf for the PDP, being initially engaged in September 2022 to provide planning input into her original submission.

2.7 Ms Campbell-Frear made a submission (S209) and further submissions (FS172) on the PDP.

2.8 I confirm that I am very familiar with Far North, having grown up in Hokianga and worked as a consent planner for Far North District Council in the early 2000's. I have visited the site and surrounding area of Kerikeri which is the focus of Ms Campbell-Frear's submission on numerous occasions, the most recent being 16 April 2024.

Scope of Evidence

2.9 The matters addressed in my evidence are within the scope of the submission and further submissions made by Ms Campbell-Frear.

2.10 My evidence will address the following topics:

- (a) Relief sought.
- (b) Appropriateness of Horticulture Zone/Precinct.
- (c) Spatial extent of a potential Horticulture Precinct.
- (d) Horticulture Precinct provisions.
- (e) Rezoning recommended and relief sought.
- (f) FNDC criteria for rezoning.
- (g) Section 32AA evaluation.

- 2.11 I do not repeat my evidence presented for Hearing 9 and continue to maintain that the proposed Horticulture Zone does not achieve the purpose of the RMA.

3. RELIEF SOUGHT

- 3.1 The focus of Ms Campbell-Frear's original submission is the deletion of the proposed Horticulture Zone (HZ) and appropriate zoning of the area surrounding Kerikeri Road and at the Redwoods. The submission relief affords scope for a range of possible zones. The primary relief of Ms Campbell-Frear's submission is to delete the proposed HZ in its entirety, rezoning areas Rural Production, General Rural, Commercial or Rural Residential zones as appropriate. The HZ section 32 evaluation is incomplete and flawed as it failed to evaluate appropriate zone criteria and zone boundaries. The submission also sought:

- (a) That FNDC review the Rural Residential zone (RRZ) on the edge of Kerikeri and rezone land in accordance with the Map in Appendix 1 of the submission. The basis for this relief was that RRZ is the most appropriate zoning in the mapped location because:
 - (i) The properties located within this area are consistent with the intended purpose of the RRZ.
 - (ii) The PDP mapped extent the RRZ does not follow a logical and defensible boundary.
 - (iii) The character and amenity of this area is consistent with the PDP zoned land RRZ, establishing a coherent peri-urban pattern and character to Kerikeri.
 - (iv) These properties do not fit with the proposed zone criteria of the HZ.
 - (v) The proposed HZ fails to enable sustainable use and development of the properties within this area.
- (b) That FNDC review the suite of commercial zones proposed and rezone Kerikeri a Commercial Zone that appropriately reflects commercial development and activities within Kerikeri township and where this relief is not accepted that FNDC amend the Mixed Use zone (MUZ) to provide for an increased range of commercial and community activities. The basis for this relief was that the MUZ is not the most appropriate zone for the following reasons:

- (i) The Mixed Use zone does not give effect to objective 1 and policy 1 of the National Policy Statement on Urban Development (NPS-UD);
 - (ii) The Section 32 Evaluation – Urban Environments incomplete and flawed:
 - The evaluation does not provide sufficient level of detail that corresponds to the scale and significance of due to the importance of the zone being the only commercial zone proposed within the District;
 - The evaluation fails to consider the full range of commercial zoning options and identify reasonably practicable options to achieve objectives;
 - The evaluation fails to evaluate appropriate zone criteria and boundaries;
 - (iii) The PDP does not provide strategic direction or policy support for the suite of urban zones proposed;
 - (iv) The MUZ provisions do not sufficiently enable a range of commercial activities.
- (c) That FNDC review the zone boundary (either proposed MUZ boundary or recommended Commercial Zone boundary) around the Kerikeri business centre and main commercial strip and change to reflect the existing commercial activities and establish logical zone boundaries to enable appropriate business land capacity and development opportunity.
- (d) That FNDC rezone both sides of Kerikeri Road from the roundabout with State Highway 10 to Kerikeri township to an appropriate commercial zone (if relief sought 1 is accepted than rezone MUZ). Where this is not accepted, that FNDC establish an overlay/precinct or similar along both sides of Kerikeri Road from the roundabout with State Highway 10 to Kerikeri township to legitimise and enable tourist and horticulture based commercial activities to occur.
- 3.2 I note that the Reporting Officer for Hearing 15 Urban Zones, has provided a high level recommendation that a Town Centre Zone and Medium Density Residential Zone be introduced for Kerikeri. No further information with respect to provisions or spatial

distribution has been provided. The recommendations in this evidence have been made in the complete absence of any clarity from Council.

4. APPROPRIATENESS OF HORTICULTURE ZONE

4.1 I understand from Hearing Panel Minute 13 interim guidance that “*there is merit in the Horticulture Zone being redrafted as a Horticulture Precinct*”. I provided extensive evidence, including section 32AA evaluation, on the appropriateness of the HZ in Hearing 9. Whilst I agree that a precinct would be a more effective spatial method than a special purpose zone, I still maintain my fundamental position that identification of a HZ or Horticulture Precinct would not be the most appropriate mechanism to achieve the appropriate objectives, nor does it fully align with section 5 of the Act for the following reasons:

- (a) The Rural Production Zone (RPROZ) objectives already adequately address the need to protect highly productive land and provide for primary production activities, including horticulture.
- (b) The HZ/Precinct criteria, which limits the zone/precinct to the Kerikeri/Waipapa area, are overly narrow and fail to capture other areas of the district where horticultural activities do and could thrive, especially in relation to existing and proposed irrigation infrastructure.
- (c) The concern about reverse sensitivity within the Kerikeri/Waipapa horticulture area does not warrant the establishment of a separate zone or precinct. The RPROZ manages reverse sensitivity through its provisions, and the HZ/Precinct as proposed does not provide any additional protection in this respect.
- (d) Much of the land in the area proposed as HZ/Precinct is already fragmented, making it unsuitable for large-scale horticultural operations.
- (e) While the Kerikeri/Waipapa area has a certain level of investment and infrastructure in place, there is no evidence to suggest that this area is more economically valuable or productive for horticulture than other parts of the district.
- (f) Land Use Capability (LUC) 4 soils are not defined as highly productive under the NPS-HPL and should not be afforded additional protection.

5. SPATIAL EXTENT OF A POTENTIAL HORTICULTURE PRECINCT

- 5.1 Ms Campbell-Frear's request to delete the proposed HZ is aligned with a rezoning request and the relief sought by Ms Campbell-Frear is focused to Kerikeri Road area and the Redwoods, which I have addressed further in this evidence statement.
- 5.2 Hearing Panel Minute 22 confirms that FNDC have appointed Dr Hill to provide a review of the initial LUC mapping that informed the spatial extent of the HZ as notified, as well as consider other available soils data to inform Ms Pearson's recommendations for the Horticulture Precinct. This minute also indicates that expert caucusing between soil experts would occur. I note that compliance with Minute 14 requires me to draft this evidence prior to viewing Ms Pearson's s42A recommendations, the results of any expert caucusing, and Dr Hill's evidence.
- 5.3 The Hearing 9 Reporting Officer recommended that the PDP definition of 'highly productive land' be amended to reflect the NPS-HPL definition of HPL, which I supported. Therefore, I would anticipate if there was to be a Horticulture Precinct, it would at a minimum be spatially amended to reflect the NPS-HPL definition relevant at the time of Council's decision on the PDP.
- 5.4 I also note the very firm direction from central government that the NPS-HPL will be changed to remove LUC 3 soils from the definition of HPL, limiting HPL to LUC 1 and 2. I would anticipate that spatial distribution of any Horticulture Precinct would reflect the amended definition of HPL at time of the Council's decision on the PDP.
- 5.5 I discussed my concerns with the inclusion of LUC 4 soil as highly productive land and proposed HZ in the PDP in my Hearing 9 evidence. Mr Hanmore's evidence for Hearing 9 addressed the shortcomings of LUC 4 soil for horticulture activities. The Hearing 9 Reporting Officer has subsequently recommended that the Horticulture Precinct provisions do not include reference to LUC 4. Therefore, I would anticipate if there was to be a Horticulture Precinct, it would be spatially amended to not include any LUC 4 land.
- 5.6 Minute 22 indicates that a review of LUC will be undertaken by FNDC. Clause 3.4 of the NPS-HPL places the obligation of mapping Highly Productive Land (HPL) on regional council. I accept that clause 3.4 does not preclude district council from undertaking their own mapping exercise, however, clause 3.4(7) applies until such time as Northland Regional Council updates the Northland Regional Policy Statement to contain maps of HPL. FNDC will be obliged to continue to identify HPL and apply the

NPS-HPL in accordance with clause 4.3(7) no matter what spatial area is applied to a possible Horticulture Precinct. I consider that with a Horticulture Precinct in place this would be unnecessarily complicated, onerous and costly for plan users.

5.7 My evidence for Hearing 9 raised numerous concerns with respect to the appropriateness of the proposed HZ, directly tied to the proposed spatial distribution of the Zone:

- (a) Zone criteria being spatially limited to Kerikeri Area, when horticultural activities, water sources and productive land are located elsewhere is the Far North;
- (b) Zone criteria being spatially limited to have access to water source such as an irrigation scheme or dam to support horticultural activities, when water sources are subject to change and are readily available outside of the Kerikeri Area;
- (c) Zone criteria being spatially limited to proximity to infrastructure to support horticulture in the surrounding environment eg. commercial packhouses. Packhouses are not spatially limited in location, it is permitted to establish commercial packhouses within the Rural Production Zone (RPROZ); and
- (d) Kerikeri/Waipapa Horticulture Industry is “unique”. As detailed in section 5 of my Hearing 9 evidence, I do not consider it to be unique.

5.8 The Hearing 9 Reporting Planner provided additional reasons to support the purpose of the Horticulture Zone, being to prevent reverse sensitivity, manage land fragmentation and future proof high levels of investment/valuable market. I have detailed in section 5 of my Hearing 9 evidence why these reasons are not sufficient to justify a Zone/Precinct or define a spatial distribution.

5.9 My evidence for Hearing 9 details the existing fragmentation of the proposed Horticulture Zone. Viability of lots smaller than 2ha in area for land based horticultural activities is limited, particularly within the Kerikeri Waipapa area as the Kerikeri Irrigation Company will not service smaller lots. Therefore, I anticipate if there was to be a Horticulture Precinct, it would be spatially amended to not include any lot smaller than 2ha in area.

5.10 I note that the relief sought provides a range of alternative zoning options should the Horticulture Zone/Precinct be deleted entirely or removed from a site. I have focused my s32AA evaluation upon three locations to be alternatively zoned within the scope

of the relief sought and make no further assessment with respect to the appropriateness of zoning outside these locations.

6. HORTICULTURE PRECINCT PROVISIONS

- 6.1 Hearing Panel Minute 23 provided the opportunity for submitters to address the proposed wording and structure for a Horticulture Precinct. Overall, I consider that the recommended precinct provisions are overly restrictive and fail to recognise the existing mix of activities, amenity and characteristics of the Kerikeri/Waipapa Area.
- 6.2 The Hearing 9 Reporting Planner has recommended consistent amendments to HZ/Precinct provisions to remove references to LUC 4 land, insertion of references to 'soil and climate characteristics' and introduction of land which provides effective buffers. As previously discussed, I support the removal of references to LUC 4. I do not support any other changes recommended. In my opinion the language is open to interpretation and will result in inconsistent implementation of the plan and uncertainty for plan users.
- 6.3 I do not support the changes recommended to PREC1-O1 (HZ-O1) and do not consider that the objective will be the most appropriate way to achieve the Act for the following reasons:
- (a) It assumes that the Precinct has current protection of the availability for horticultural activities. For all the reasons described in my evidence for Hearing 9, I consider that the land identified has little availability for horticultural activities and protection is not warranted.
 - (b) A precinct or zone is not necessary to establish protection as the NPS-HPL affords protection of HPL.
 - (c) The spatial area of the proposed HZ has an extensive mix of existing activities (residential, commercial, community) which will be compromised by the prioritisation of horticulture and farming activities over 'other activities'.
- 6.4 In my opinion PREC-O2 (HZ-O3) reads as a policy and largely repeats objective one, I recommend that this objective be deleted.
- 6.5 The recommended rules fail to provide for and enable existing activities, the recommended changes delete reference to commercial activities, and it is unclear to me what activity status commercial activities are recommended to have.

7. REZONING RECOMMENDED AND RELIEF SOUGHT

7.1 I have undertaken further consideration, including in depth discussions with Mr Foy and consideration of assessments by Mr Hanmore, of Ms Campbell-Frear's original relief sought which encapsulated a wider area around Kerikeri Road. I conclude that it is appropriate to recommend rezoning of the following locations:

- (a) Location 1: South of Dove Lane, adjacent to the notified Rural Residential Zone.
- (b) Location 2: Kerikeri Packhouse commercial node.
- (c) Location 3: Redwoods commercial node.

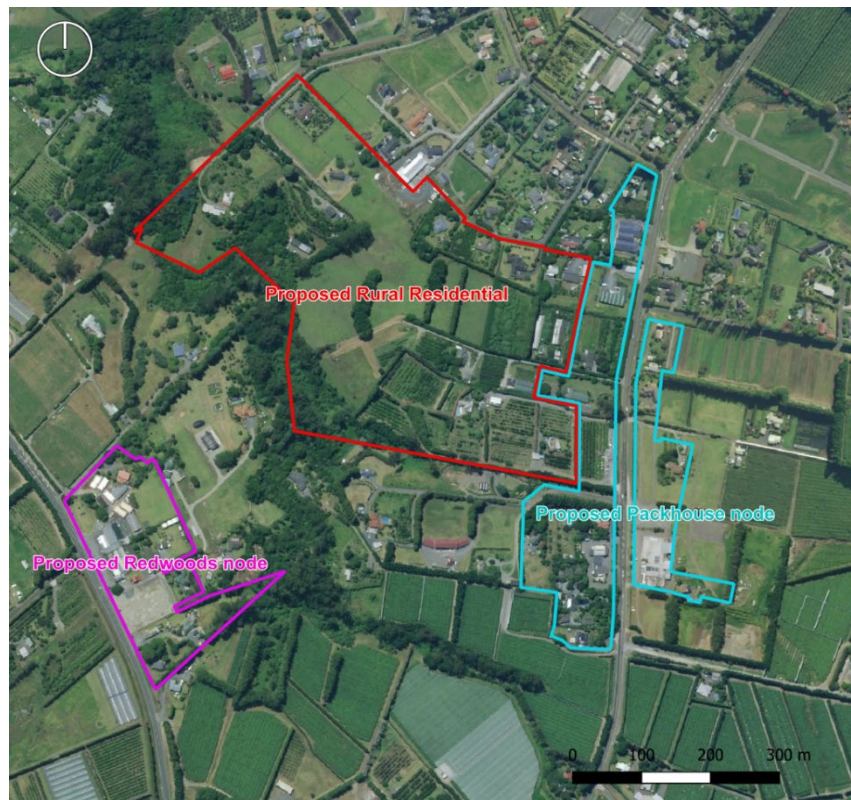


Figure 1: Areas recommended to be rezoned

8. FNDC CRITERIA FOR REZONING

8.1 I have carefully considered the FNDC criteria for rezoning (Hearing Panel Minute 14) as relevant to the above locations in Attachments 1 and 2 to this evidence. I make the following more general comments with respect to the criteria applied.

Strategic Direction

- 8.2 The criteria require assessment of “*How the rezoning request is consistent with the PDP strategic direction (refer Hearing 1)*”. Whilst I support the concept of ensuring consistency of zoning with the Strategic Direction and the establishment of a hierarchy of policy and provisions (as reflected in my Hearing 1 evidence). I note that the Hearing 1 s42A Reporting Officer Ms Wooster does not support this concept:

“I disagree that the Strategic Direction Chapter necessarily forms a ‘hierarchy’ of provisions within the PDP in the manner suggested by a number of submitters. For example, where there are objectives, policies and methods seeking to ‘give effect to’ higher order policy documents in other parts of the PDP and it may be more appropriate to give those provisions more weight than those in the Strategic Direction chapter when making decisions. Further, the PDP was not developed with a hierarchical lens in mind. The chapter must be read in conjunction with the whole plan and is not intended to guide all outcomes from the PDP in every instance.

Further, while desirable as an outcome of the resource management system, integrated management of all competing priorities within the Objectives and Policies of the PDP is a significant challenge. The PDP, let alone the Strategic Direction chapter, will not resolve all conflicts between differing priorities and directives. This ‘balancing and resolution’ can appropriately occur during the consideration of resource consents where necessary.”¹

- 8.3 The PDP Strategic Direction, Directions Overview specifically states that:

“Activity and location specific objectives and policies are located in the relevant chapter of the District Plan.”²

- 8.4 As I read the proposed PDP Strategic Direction objectives, they are aspirational, high level and do not specifically apply to zoning. Despite this I have undertaken an evaluation of preferred zoning against the PDP Strategic Direction and the relevant Zone objectives and policies.

Higher Order Direction

- 8.5 The criteria require consideration of all relevant national policy statements, the national planning standards, and the Northland Regional Policy Statement. Whilst I agree that higher order direction must be evaluated when considering appropriateness of the zone, I note that there has been a difference of opinion between myself and the Council reporting planners regarding the implementation of higher order direction such as the

¹ S42A Officers Written Right of Reply, 3 July 2024, Hearing 1 Strategic Direction.

² PDP Strategic Direction, Directions Overview, Last Sentence.

NPS-HPL and NPS-UD. I discuss these in turn and have undertaken my s32AA evaluation according to my interpretation of these higher order policy statements.

National Policy Statement on Urban Development

- 8.6 FNDC s32 Evaluation prior to notification concluded that the NPS-UD did not apply to Council³, on the grounds that none of the towns within the district would reach the required 'urban environment'⁴ threshold.
- 8.7 FNDC have undertaken further consideration of the NPS-UD. The Reporting Officer for Hearing 14 Urban Zones states in their s42A Report that the Kerikeri Waipapa Area is now considered to be an urban environment under the NPS-UD and that FNDC is now considered to be a Tier 3 local authority. I agree with this statement and conclude that NPS-UD does apply.
- 8.8 Policies 1 and 2 of the NPS-UD require the PDP to contribute to well-functioning urban environments by enabling a variety of homes and to have or enable a variety of sites. Council is required:
- "to at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term"*⁵.
- 8.9 Mr Foy has undertaken an assessment of the FNDC Housing and Business Development Capacity Assessment 2024 (HBDCA) and Te Pātukurea – Kerikeri Waipapa spatial plan. Mr Foy concludes in his evidence that there is a shortage of development capacity for commercial and for residential dwellings both in the Kerikeri/Waipapa Area and the District as a whole. In my opinion, in order to give effect to Policy 2 Council is required to release more commercially and residentially zoned land.

³ FNDC Section 32 Urban Evaluation, section 3.2.2, page 7.

⁴ NPS-UD, clause 1.3(1).

⁵ NPS-UD Policy 2.

National Policy Statement for Highly Productive Land

- 8.10 The NPS-HPL affords direction for rezoning HPL⁶ which must be given effect to when considering the relief sought.

Rural Living rezoning of HPL

- 8.11 Council is required under clause 3.7 of the NPS-HPL to avoid rezoning of HPL for “rural lifestyle” except as provided in clause 3.10.⁷ Relief sought by Ms Campbell-Frear does not seek to rezone land Rural Lifestyle Zone (which is a zone used in the PDP) but rather seeks to extend the proposed spatial extent of the RRZ.

- 8.12 The RRZ is a special purpose zone proposed by FNDC. The purpose of the zone is:

“The role of the Rural Residential zone is to provide an opportunity for people to enjoy a spacious, peri-urban living located close to a settlement. The Rural Residential zone is located on the fringe of the district's settlements and provides a transition to the surrounding Rural Production and/or Rural Lifestyle and Horticulture zones.”⁸

- 8.13 FNDC states that the RRZ is the proposed method of expanding urban areas:

“The Rural Residential zone is the ‘next cab off the rank’ in terms of expansion of ‘urban areas’ at a time when further land supply is required to meet demand.”⁹

- 8.14 The zone is clearly not intended to be a type of rural lifestyle (and is very different from the PDP’s Rural Lifestyle Zone). I therefore conclude that clause 3.7 is not relevant to consideration of the relief sought.

⁶ NPS-HPL clause 3.5(7), prior to Northland Regional Council mapping is limited to land at the commencement date is zoned general rural or rural production and is LUC 1, 2 and 3.

⁷ The NPS-HPL states that a reference in the NPS to a zone is a reference to the zone as described in Standard 8 (Zone Framework Standard) of the National Planning Standards, which includes the Rural Lifestyle Zone.

⁸ PDP Rural Residential Zone Overview.

⁹ FDNC Section 32 Urban Environment – section 3.2.2 page 7.

Urban Rezoning of HPL

- 8.15 Clause 3.6 of the NPS-HPL restricts urban rezoning of HPL. As a Tier 3 local authority, FNDC is not subject to subclauses 3.6(1) – (3). Subclause 3.6(4) applies three circumstances where rezoning may occur:

(a) the urban zoning is required to provide sufficient development capacity to meet expected demand for housing or business land in the district; and

(b) there are no other reasonably practicable and feasible options for providing the required development capacity; and

(c) the environmental, social, cultural and economic benefits of rezoning outweigh the environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values.

- 8.16 Mr Foy has carefully considered these circumstances in his evidence; I rely upon his evidence and conclude that the benefits of rezoning as recommended in accordance with relief sought outweigh the costs associated with the very minimal loss of HPL for land-based primary production. This subclause has been assessed within my s32AA evaluation.

9. SECTION 32AA EVALUATION

- 9.1 Section 32AA of the RMA requires that a further evaluation must be undertaken for any changes to a proposed plan that are proposed since the original s 32 evaluation was completed. The further evaluation must be undertaken in accordance with s 32(1)-(4) and to a level of detail that corresponds to the scale and significance of the change.
- 9.2 Section 32(1)-(4) require consideration of a proposal's efficiency, effectiveness, costs and benefits, relative to other reasonably practicable options, and must also consider the risks of acting or not acting.
- 9.3 Zoning is a tool, a method, and by definition a provision, which must be evaluated as the most appropriate way to achieve the objectives. When considering the spatial distribution of a zone, the Council must consider the appropriateness of the zone relative to the land in question.
- 9.4 In this instance, I have identified several reasonably practicable zone options for each location and provide a detailed s32AA evaluation in Attachments 1 and 2 to this evidence.

9.5 Overall, it is my opinion that the following zoning is the most appropriate way to achieve objectives of the PDP, being more efficient and effective, with less costs and more benefits, than the proposed HZ:

(a) Zoning of location 1 as RRZ.

(b) Zoning of locations 2 and 3 as MUZ with a precinct.

9.6 With respect to the precinct I have recommended, provisions are included in Attachment 3 to this evidence, and I have provided a s32AA evaluation of these provisions as Attachment 4.

10. CONCLUSION

10.1 In conclusion, I continue to support the primary relief sought by Ms Campbell-Frear. in my opinion, the proposed HZ within the PDP is not the most appropriate mechanism to achieve the appropriate objectives, nor does it fully align with section 5 of the Act.

10.2 For the reasons set out in this statement of evidence and attachments, I consider that the locations identified in this evidence should be rezoned as RRZ and MUZ with a Precinct.

Melissa McGrath

Date: 26 June 2025

LIST OF ABBREVIATIONS USED IN THIS STATEMENT OF EVIDENCE:

| | |
|---------|--|
| Council | Far North District Council |
| RPS | Northland Regional Policy Statement |
| RMA | Resource Management Act 1991 |
| S32 | Section 32 of the RMA / Council's Section 32 Evaluation Report |
| S42A | Section 42A of the RMA / Council's Section 42A Report |
| PDP | Far North Proposed District Plan |
| RRZ | Rural Residential Zone |
| RPROZ | Rural Production Zone |
| HZ | Horticulture Zone |
| NPS-HPL | National Policy Statement for Highly Productive Land |
| NPS-UD | National Policy Statement on Urban Development |
| LUC 3 | Land Use Capability 3 (Soil Classification) |
| LUC 4 | Land Use Capability 4 (Soil Classification) |
| KIC | Kerikeri Irrigation Company |
| NRC | Northland Regional Council |
| HPL | Highly Productive Land (NPS-HPL defined) |
| HBDCA | FNDC Housing and Business Development Capacity Assessment 2024 |

Section 32 AA – Location 1 - Kerikeri Road

1.0 Section 32 Evaluation of alternative zone options for Location 1 - Kerikeri Road:

| Option One: Rural Production Zone (PDP) | Option Two: Horticulture Zone (PDP) | Option Three: Rural Production Zone with Horticulture Precinct (Hearing 9 s42A ROR) | Option Four: Rural Residential Zone (PDP) |
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| <p>Benefits:</p> <ul style="list-style-type: none"> - Any existing productive potential of the area can continue to be realised. - All sites are permitted to establish residential units. - Sites larger than 5000m² are able to establish one minor residential unit as a controlled activity. - Commercial activity permitted, up to 4 persons per site or 1 person per 1 hectare of net site area, whichever is the greater (subject to compliance with standards). - NPS-HPL would apply to any HPL in this location. - Effects of onsite infrastructure services are managed via Regional Plan rules. <p>Costs:</p> <ul style="list-style-type: none"> - Does not address the NPS-UD. Residential living capacity and housing choice is not provided, cost of living increased and housing affordability decreased within Kerikeri. - Dishonest zoning, majority of the area is used for residential land use. - Existing residential land use is not recognised and enabled via policy framework, on-going cost of compliance with the NPS-HPL and avoidance policy RPROZ-P5. - Potential for reverse sensitivity effects between productive land uses and residential land use enabled in the RPROZ. - Existing character and amenity does not reflect that anticipated in the Rural Zone as described in RPROZ-P4. | <p>Benefits:</p> <ul style="list-style-type: none"> - Any existing productive potential of the area can continue to be realised. - All sites are permitted to establish one residential unit. - Home business activity permitted, up to 40m² with no more than 2 persons (subject to compliance with standards). - Rural produce retail up to 100m² GFA and 30m setback, one per site is a permitted activity - Effects of onsite infrastructure services are managed via Regional Plan rules. <p>Costs:</p> <ul style="list-style-type: none"> - Does not address the NPS-UD. Residential living capacity and housing choice is not provided, cost of living increased and housing affordability decreased within Kerikeri. - No provision for minor residential units. - NPS-HPL does not apply. - Special purpose zone does not align or give effect to Planning Standards. - Dishonest zoning, majority of the area is used for residential land use. - Existing residential land use is not recognised and enabled via policy framework, on-going cost of compliance with the NPS-HPL and avoidance policy HZ-P4. - Potential for reverse sensitivity effects between productive land uses and residential land use enabled in the Horticulture Zone. | <p>Benefits:</p> <ul style="list-style-type: none"> - Any existing productive potential of the area can continue to be realised. - All sites are permitted to establish one residential unit. - Enables 'rural produce manufacturing' and 'garden centres' ancillary to the horticulture activity occurring onsite up to 100m² of GFA and 'plant and food research' as permitted activities. - NPS-HPL would apply to any HPL in this location. - Effects of onsite infrastructure services are managed via Regional Plan rules. <p>Costs:</p> <ul style="list-style-type: none"> - Does not address the NPS-UD. Residential living capacity and housing choice is not provided, cost of living increased and housing affordability decreased within Kerikeri. - No provision for minor residential units. - Dishonest zoning, majority of the area is used for residential land use. - Existing residential land use is not recognised and enabled via policy framework, on-going cost of compliance with the NPS-HPL and avoidance policies RPROZ-P4, HZ-P2 and HZ-P4. - Potential for reverse sensitivity effects between productive land uses, existing residential land use and residential activities enabled. - Existing character and amenity does not reflect that anticipated in the RPROZ as described in RPROZ-P4. | <p>Benefits:</p> <ul style="list-style-type: none"> - Honest zoning, majority of the area is used for residential land use and is consistent with the character and amenity anticipated in the RRZ in accordance with RRZ-P1. - Permits the establishment of residential unit and controls the establishment of minor residential units where lot size is at least 4000m². - Addresses the NPS-UD, providing for residential living capacity and housing choice, cost of living decreased and housing affordability increased within Kerikeri. - Home business activity permitted, up to 40m² GFA with no more than 1 person (subject to compliance with standards). - Rural produce retail up to 50m² Gross Business Area and 30m setback, one per site is a permitted activity - Effects of onsite infrastructure services are managed via Regional Plan rules. - Standards and policies recognise the importance of managing reverse sensitivity effects on adjacent RPROZ. <p>Costs:</p> <ul style="list-style-type: none"> - Loss of 5.3ha of fragmented HPL within the total 23.7ha area to be rezoned RRZ as detailed in the evidence of Mr Foy and the Hanmore Land Management assessment. |
| Efficiency and Effectiveness | | | |
| <p>The RPROZ provisions will not effectively and efficiently provide for and enable the on-going use and development of existing residential activities located within this location. Provisions effectively enable the on-going use of land for productive purposes.</p> <p>The RPROZ provisions will not effectively implement the NPS-UD.</p> <p>The RPROZ provisions generally give effect to the NPS-HPL.</p> | <p>The HZ provisions will not effectively and efficiently provide for and enable the on-going use and development of existing residential activities located within this location. Provisions effectively enable the on-going use of land for horticultural activities but limit the use of land for productive purposes.</p> <p>The HZ provisions will not effectively implement the NPS-UD.</p> | <p>The provisions will not effectively and efficiently provide for and enable the on-going use and development of existing residential activities located within this location. Provisions effectively enable the on-going use of land for horticultural activities but limit the use of land for productive purposes.</p> <p>The provisions will not effectively implement the NPS-UD.</p> <p>The provisions will give effect to the NPS-HPL.</p> | <p>The RRZ provisions will effectively and efficiently provide for and enable the on-going use and development of existing residential activities located within this location. Provisions enable the continued operation of horticultural activities.</p> <p>The RRZ provisions will effectively implement the NPS-UD.</p> <p>The rezoning will be consistent with the NPS-HPL.</p> |

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| | <p>The HZ provisions will not give effect to the NPS-HPL as NPS-HPL does not apply to special purpose zones.</p> <p>The HZ is inconsistent with the National Planning Standards.</p> | | |
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2.0 FNDC Criteria for Rezoning Submissions

2.1 Strategic Direction

The following provides an analysis of the recommended zoning Rural Residential Zone (Option 4) of Location 1 against the Strategic Direction as notified:

| Strategic Direction Objective Summary: | Comment: |
|--|---|
| <p>Cultural prosperity</p> <p>SD-CP-O1 – SD-SP-O5</p> <ul style="list-style-type: none">- Support iwi and hapū to deliver on the social, economic, environmental and cultural wellbeing outcomes for tangata whenua.- Celebrate diverse cultures and recognise cultural heritage.- Identify and manage historic heritage to ensure its long term protection.- Include te ao Māori in decision making. | <p>These objectives are largely aspirational assisting iwi and hapū, which is not directly relevant to the recommended zoning of this location.</p> <p>The location is not Maori land is not subject to the proposed Treaty Settlement Land Overlay.</p> <p>This location contains no identified:</p> <ul style="list-style-type: none">- Sites or areas of significance to Māori- Historic heritage sites or areas- Archaeological sites <p>Therefore, the proposed district wide objectives and policies of the Historic Heritage, Heritage Area Overlays, Notable Trees, Sites and Areas of Significance to Māori Chapters would not apply to future development under the RRZ.</p> <p>District wide Earthworks Chapter and EW-S3 applies an accidental discovery protocol which will effectively manage potential effects should sensitive material be discovered during works.</p> |
| <p>Social Prosperity</p> <p>SD-SP-O1 – SD-SP-O4</p> <ul style="list-style-type: none">- Community wellbeing is heightened by a sense of place.- Development of initiatives that support the wellbeing of Tangata Whenua, in partnership with iwi and hapū.- Encourage opportunities to fulfil the communities cultural social, environmental and economic wellbeing.- Promote communities and places to meet the needs for present and future population, which are adaptive to climate change. | <p>The recommended zone will enable an increased presence of people living in close proximity to the centre of Kerikeri and will increase the daily use and presence of people within the centre. Activation of public spaces contribute to sense of place and community wellbeing.</p> <p>The recommended RRZ provides for a greater range of activities which will encourage opportunities within this location to fulfil cultural, social, environmental and economic wellbeing.</p> <p>The location is not subject to any identified natural hazard risks as per the Northland Regional Council Natural Hazard.</p> |

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| <p>Economic Prosperity</p> <p>SD-EP-O1 – SD-EP-O5</p> <ul style="list-style-type: none"> - High earning diverse local economy that is sustainable, resilient. - Māori economy making a significant contribution. - Support existing industries and enterprises to prosper. - Develop and maintain highly motivated, educated and skilled people - People, business and places are connected digitally and with integrated transport networks - Economy is responsive, resilient and adaptive to financial costs of climate change. | <p>The recommended RRZ provides for a greater range of activities which will encourage opportunities within this location to fulfil cultural, social, environmental and economic wellbeing.</p> <p>The RRZ enables the establishment of residential housing, enabling people to reside in Kerikeri and stay in Far North.</p> <p>The location is within walking distance of the centre of Kerikeri, with excellent connectivity.</p> <p>The location is not subject to any identified natural hazard risks as per the Northland Regional Council Natural Hazard.</p> <p>The locations have low economic sustainability for horticultural activities given the limited HPL and existing small lots and fragmentation (See Foy Evidence). The recommended RRZ will enable residential development contributing to a responsive and resilient economy.</p> |
| <p>Urban Form and Development</p> <p>SD-UFD-O1 – SD-UFD-O4</p> <ul style="list-style-type: none"> - Wellbeing is considered first when planning places and spaces - Urban growth and development is consolidated around existing reticulated networks within town centres, supporting a more compact urban form, affordability and providing for a mix of housing typologies. - Adequate development infrastructure in place or planned to meet the anticipated demands for housing and business activities. - Urban growth and development is resilient and adaptive to the impacts from natural hazards or climate change. | <p>The RRZ enables the establishment of residential housing considering peoples wellbeing.</p> <p>The location is directly adjacent to the existing RRZ in the ODP and PDP, consolidating residential growth around the edge of Kerikeri Township. The RRZ contributes to the mix of housing opportunities within Kerikeri.</p> <p>The location does not have reticulated infrastructure, nor does Council provide a clear indication to extend infrastructure. The adjacent RRZ (including additional area proposed in notified PDP) is also not serviced by reticulated infrastructure.</p> <p>The location is not subject to any identified natural hazard risks as per the Northland Regional Council Natural Hazard.</p> |
| <p>Infrastructure and Electricity</p> <p>SD-IE-O1 and SD-IE-O2</p> <ul style="list-style-type: none"> - Benefits are recognised. - Protected from incompatible use and subdivision. | <p>Provisions of the District Wide Infrastructure chapter apply and will give effect to these objectives.</p> |

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| <p>Rural Environment</p> <p>SD-RE-O1 and SD-RE-O2</p> <ul style="list-style-type: none"> - Rural production activities operate effectively and efficiently. - Recognise the contribution rural production activities to the economic and social wellbeing. - Protection of HPL from inappropriate development to ensure its productive potential for generations to come. | <p>The location contains one site identified¹ as being rated for the purpose of primary industry (containing a residential unit), the remainder of the location is rated for residential and lifestyle purposes.</p> <p>The locations have low economic sustainability for horticultural activities given the limited HPL and existing small lots and fragmentation (See Foy Evidence). The recommended RRZ will enable residential development contributing to a responsive and resilient economy.</p> <p>The recommended RRZ will not stop rural production activities from operating, also noting that the RRZ policies and provisions manage potential reverse sensitivity effects.</p> <p>The location contains HPL but the HPL is fragmented and largely constrained due to existing rural residential activities. Whilst the rezoning will result in a small loss of HPL, is it considered to be consistent with the NPS-HPL rezoning requirements. (See Foy Evidence)</p> |
| <p>Natural Environment</p> <p>SD-EP-O1 – SD-EP-O6</p> <ul style="list-style-type: none"> - Culture of stewardship. - Collaborative relationships with iwi and hapū. - Active management of ecosystems to protect, maintain and increase indigenous biodiversity. - Land use practices reverse climate change. - Natural character of the coastal environment, ONL and ONF are managed. - Areas of significant indigenous vegetation and habitats of significant fauna are protected. | <p>The location does not contain identified:</p> <ul style="list-style-type: none"> - Coastal Environment. - ONL. - ONF - SNA. <p>The location contains a scattering of both exotic and indigenous vegetation. Indigenous vegetation would be protected by District Wide Ecosystems and Indigenous Biodiversity rules.</p> <p>The location is within walking distance of the centre of Kerikeri, with excellent connectivity, reducing reliance upon vehicle transportation and reducing carbon emissions.</p> |

The recommended zone of Rural Residential Zone will give effect to the proposed Strategic Direction objectives.

¹ Hearing 9 Evidence of Ms McGrath, Attachment 2, GIS Maps Kerikeri Road – Rateable Land Use Map

2.2 Alignment with Zone Outcomes

The following provides an analysis of the recommended zoning Rural Residential Zone as notified:

| Rural Residential Zone Objective: | Comment: |
|---|---|
| RRZ-O1 The Rural Residential zone is used predominantly for rural residential activities and small scale farming activities that are compatible with the rural character and amenity of the zone. | The location contains one site identified ² as being rated for the purpose of primary industry containing an existing residential unit, the remainder of the location is rated for residential and lifestyle purposes, which is consistent with 'predominant' use of the RRZ. |
| <p>RRZ-O2 The predominant character and amenity of the Rural Residential zone is maintained and enhanced, which includes:</p> <ul style="list-style-type: none"> a. peri-urban scale residential activities; b. small-scale farming activities with limited buildings and structures; c. smaller lot sizes than anticipated in the Rural Production or Rural Lifestyle zones; and d. a diverse range of rural residential environments reflecting the character and amenity of the adjacent urban area. | <p>The location is located at the urban edge of Kerikeri Township. It contains predominantly lots of 4000m² – 2ha in size³.</p> <p>The location is occupied predominantly with existing residential units and surrounding curtilage, contained within single allotments. A single small scale farming activity is located within the area.</p> <p>The location reflects the character and amenity of the adjacent proposed RRZ, and does not reflect the proposed character and amenity of the RPROZ as described RPROZ-P4 being the:</p> <ul style="list-style-type: none"> a. <i>predominance of primary production activities;</i> b. <i>low density development with generally low site coverage of buildings or structures; a predominance of primary production activities;</i> c. <i>low density development with generally low site coverage of buildings or structures;</i> d. <i>typical adverse effects such as odour, noise and dust associated with a rural working environment; and</i> e. <i>a diverse range of rural environments, rural character and amenity values throughout the district.</i> |
| RRZ-O3 The Rural Residential zone helps meet the demand for growth around urban centres while ensuring the ability of the land to be rezoned | Zoning of this location contributes to the residential living capacity and housing choice within Kerikeri. |

² Hearing 9 Evidence of Ms McGrath, Attachment 2, GIS Maps Kerikeri Road – Rateable Land Use Map

³ Hearing 9 Evidence of Ms McGrath, Attachment 2, GIS Maps Kerikeri Road – Lot Size Density Map

| for urban development in the future is not compromised. | |
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| <p>RRZ-O4 Land use and subdivision in the Rural Residential zone:</p> <ul style="list-style-type: none"> a. maintains rural residential character and amenity values; b. supports a range of rural residential and small-scale farming activities; and c. is managed to control any reverse sensitivity issues that may occur within the zone or at the zone interface. | This objective is implemented via the proposed rules and standards of the RRZ, which can be implemented. |
| Rural Residential Policy: | Comment |
| <p>RRZ-P1 Enable activities that will not compromise the role, function and predominant character and amenity of the Rural Residential zone, while ensuring their design, scale and intensity is appropriate, including:</p> <ul style="list-style-type: none"> a. rural residential activities; b. small-scale farming activities; c. home business activities; d. visitor accommodation; and e. small-scale education facilities. | <p>The location is located at the urban edge of Kerikeri Township. It contains predominantly lots of 4000m² – 2ha in size⁴.</p> <p>The location is occupied predominantly with existing residential units and surrounding curtilage, contained within single allotments. With a single site being rated for the purpose of primary industry (containing a residential unit).</p> <p>The location reflects the character and amenity of the adjacent proposed RRZ.</p> <p>The proposed rules and standards of the RRZ, will give effect to this policy.</p> |
| <p>RRZ-P2 Avoid activities that are incompatible with the role, function and predominant character and amenity of the Rural Residential zone including:</p> <ul style="list-style-type: none"> a. activities that are contrary to the density anticipated for the Rural Residential zone; b. primary production activities, such as intensive indoor primary production or rural industry, that generate adverse amenity effects that are incompatible with rural residential activities; and c. commercial or industrial activities that are more appropriately located in an urban zone or a Settlement zone. | <p>The RRZ rules and standards will ensure that future development within this location will be managed.</p> <p>Existing primary production activity is operating within this location without land use conflict with surrounding residential activities.</p> |
| RRZ-P3 Avoid where possible, or otherwise mitigate, reverse sensitivity effects from sensitive | Zoning of this location RRZ will give effect to this policy because: |

⁴ Hearing 9 Evidence of Ms McGrath, Attachment 2, GIS Maps Kerikeri Road – Lot Size Density Map

| | |
|---|---|
| <p>and other non-productive activities on primary production activities in adjacent Rural Production zones and Horticulture zones.</p> | <ul style="list-style-type: none"> - The RRZ rules and standards manage reverse sensitivity. - The location is occupied predominantly with existing residential units and surrounding curtilage, contained within single allotments. With a single site being rated for the purpose of primary industry (containing a residential unit). - The spatial extent of the location has been selected to manage potential zone interface: <ul style="list-style-type: none"> o The proposed location is bounded to the north-east by existing and proposed RRZ. The south-western boundary of the location follows the stream, which would form a natural separation between zones. o Existing access and cadastre patterns create a boundary between the location and zoning to the north. o The southern boundary follows cadastre patterns one site setback from Kerikeri Road. |
| <p>RRZ-P4 Require all subdivision in the Rural Residential zone to provide the following reticulated services to the boundary:</p> <ul style="list-style-type: none"> a. telecommunications: <ul style="list-style-type: none"> i. fibre where it is available; ii. copper where fibre is not available; iii. copper where the area is identified for future fibre deployment. b. local electricity distribution network. | <p>The RRZ and Subdivision Chapter rules and standards will ensure that infrastructure is provided as necessary to service future subdivision within this location.</p> |
| <p>RRZ-P5 Manage land use and subdivision to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:</p> <ul style="list-style-type: none"> a. consistency with the scale and character of the rural residential environment; b. location, scale and design of buildings or structures; c. at zone interfaces: <ul style="list-style-type: none"> i. any setbacks, fencing, screening or landscaping required to address potential conflicts; | <p>The RRZ rules and standards will ensure future land use and subdivision is managed to give effect to this policy.</p> |

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| <p>ii. the extent to which adverse effects on adjoining or surrounding sites are mitigated and internalised within the site as far as practicable;</p> <p>d. the capacity of the site to cater for on-site infrastructure associated with the proposed activity;</p> <p>e. the adequacy of roading infrastructure to service the proposed activity;</p> <p>f. managing natural hazards;</p> <p>g. any adverse effects on historic heritage and cultural values, natural features and landscapes or indigenous biodiversity; and</p> <p>h. any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.</p> | |
|--|--|

2.3 Higher Order Direction

The following provides an evaluation of the recommended RRZ against the relevant higher order policies which are:

- (a) National Policy Statement on Urban Development (NPS-UD)
- (b) National Policy Statement for Highly Productive Land (NPS-HPL)
- (c) National Policy Statement for Indigenous Biodiversity (NPS-IB)
- (d) National Policy Statement for Freshwater Management (NPS-FM)
- (e) Northland Regional Policy Statement (RPS)

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

RRZ zoning of Location 1 will give effect to NPS-UD objective 1 and policy 1 contributing to the well-functioning urban environment of Kerikeri because:

- The RRZ provides for a variety of residential development;
- It is situated approximately 600m from the proposed Residential Zone along Kerikeri Road and approximately 1,200m from the proposed MUZ along Kerikeri Road, enabling good accessibility for residents to jobs, community services and amenities within Kerikeri Centre;
- Pedestrian footpath extends along both Access Road and Kerikeri Road, providing safe modes of transport for residents within the Location and supporting reduction in greenhouse gasses;
- The location is not identified as subject to flood hazard and will be resilient to effects of climate change.

RRZ zoning of this location will recognise existing residential activities and enable development of single residential units in proximity to Kerikeri. Giving effect to NPS-UD Objectives 2, 3 and 8, and Policies 2 and 5.

NPS-UD Objective 4 and Policy 6 accept that amenity may change as a result of urban development, the RRZ has been created with provisions to manage potential adverse effect to amenity and character.

Policy 2 requires Council to provide “at least sufficient development capacity” to meet expected demand for housing in urban environments. Mr Foy in his evidence has evaluated the HBDCA:

“HBDCA shows that there is going to be a large shortfall of capacity to accommodate detached residential dwellings, and that additional supply will be required to meet demand”⁵.

Mr Foy also considered the Te Pātukurea Spatial Plan for Kerikeri-Waipapa assumed growth which will be greater being at 4,690 households,⁶ 1,430 more than the HBA baseline⁷. Mr Foy considers that the proposed RRZ will result in an indicative yield of 40-50 dwellings which would contribute to alleviating as small part of the large shortfall of capacity for detached dwellings in both Kerikeri/Waipapa and the total district.

On this basis I conclude that the recommended zoning will give effect to Policy 2 of the NPS-UD.

Council has undertaken the PDP following the principles of the Treaty of Waitangi, giving effect to NPS-UD Objective 4 and Policy 9. As discussed above, the location does not contain any Sites or Areas of Significance to Māori.

NPS-UD Objective 6 and Policy 8 require decisions affecting urban environments to be responsive to change that would add significantly to development capacity and contribute to well-functioning urban environments. For reasons discussed above, the RRZ will give effect to this objective and policy.

Overall, it is considered that the recommended zoning of this location will give effect to the NPS-UD.

2.3.2 National Policy Statement for Highly Productive Land (NPS-HPL)

The objectives and policies of the NPS-HPL seek to protect HPL for use in land-based primary production, policies 1, 2, 3 relate to recognition, identification and protection of HPL as a resource. As identified in the HLM assessment RRZ in this location would result in a loss land area which remains available for primary production of 5.3ha.

Policy 2 requires identification and management of HPL in an integrated way that considers interactions with urban development. Policy 5 requires urban rezoning to be avoided, except as provided in the NPS. As discussed in Section 8 of my evidence in chief, the NPS-HPL establishes a number of circumstances within which rezoning may occur under subclause 3.6(4). Mr Foy has carefully considered these circumstances in his evidence; I rely upon his evidence and conclude that the benefits of rezoning as recommended in accordance with relief sought, outweigh the costs associated with the very minimal loss of HPL for land-based primary production. I consider that the proposal will give effect to policies 2 and 5.

Policies 6 – 8 apply to the protection of HPL which are not relevant to the consideration of this recommendation. Policy 9 requires the management of reserve sensitivity effects, the notified RRZ provisions seek to manage reverse sensitivity effects.

Overall, I consider that the recommended rezoning will give effect to the NPS-HPL.

⁵ Evidence of Mr Foy, paragraph 5.41.

⁶ Spatial Plan page 14

⁷ Evidence of Mr Foy, paragraph 6.9.

2.3.3 National Policy Statement for Indigenous Biodiversity (NPS-IB)

This location contains a scattered mix of indigenous and exotic vegetation. Objectives and policies of the NPS-IB do not directly relate to zoning of land, instead focus upon maintenance and protection of indigenous vegetation and habitats within and outside of SNA. The District Wide Ecosystems and Indigenous Biodiversity Chapter of the PDP will establish provisions to give effect to the NPS-IB. Due to the limited extent of vegetation within the location in combination with the District Wide provisions it is considered that the recommended RRZ will give effect to the NPS-IB.

2.3.4 National Policy Statement for Freshwater (NPS-FM)

NPS-FM is largely managed by Regional Council, with District Council required to take a role in integrated management. The RRZ zone of this location is recommended to extend to the south-west following the waterbody boundary resulting in five sites which would border the waterbody. Future development under the RRZ would require consideration against the proposed Natural Character chapter, the Northland Regional Plan and the National Environmental Standards for Freshwater where relevant and this is considered to give effect the NPS-FM.

2.3.5 Northland Regional Policy Statement

The RPS establishes a range of policy direction for the Northland Region, many of which are implemented via the Northland Regional Plan and proposed District Wide chapters of the PDP. No areas of Significant Natural Area, High or Outstanding Natural Character, Coastal Environment, Outstanding Natural Features or Landscapes are identified within this Location, as such any RPS policy on these matters would not apply. The Location is not subject to identified natural hazards, therefore RPS natural hazard policy also does not apply.

The RPS includes policy direction seeking ‘planned and coordinated development’, Policy 5.1.1 is particularly relevant. Development to be guided by the “Regional Form and Development Guidelines” and the “Regional Urban Design Guidelines”, RRZ zoning of this location will be consistent with these guidelines given the existing presence of residential development, proximity to Kerikeri Township and lack of sensitive environmental features. Clause (f) requires plan changes in a primary production zone to ensure that it does not materially reduce the potential for soil-based primary production on land with highly versatile soils or that the net benefit exceeds the reduced potential. As discussed in response to the NPS-HPL the HPL within this location is largely fragmented and compromised by existing residential development, the proposal is unlikely to materially reduce the potential for soil-based primary production. The remaining clauses of this policy refer to cumulative effects, integrated development, avoidance of potential for reverse sensitivity and enhancement of sense of place and character. For reasons already discussed in the bulk of this evaluation, RRZ will give effect to all of these matters.

Policy 5.1.3 requires adverse effects to be managed, including reverse sensitivity effects, particularly from residential development on primary production activities in primary production zones. The location contains a single site rated for the purpose of ‘Primary Industry, Market Gardens and Orchards’, my site observations conclude that perhaps one other site is used for Horticulture activities. On this basis I consider that rezoning the location to RRZ will ensure that adverse effects are avoided, particularly given the RRZ provisions with respect to reverse sensitivity effects, giving effect to this policy.

2.4 Reasons for Request

RRZ is the most appropriate zoning in the mapped location because:

- (a) The properties located within this area are consistent with the intended purpose of the RRZ.
- (b) The PDP mapped extent of the RRZ does not follow a logical and defensible boundary.
- (c) The character and amenity of this area is consistent with the PDP zoned land RRZ, establishing a coherent peri-urban pattern and character to Kerikeri.
- (d) These properties do not fit with the proposed zone criteria of the RPROZ and HZ/Precinct.
- (e) The proposed RPROZ and HZ/Precinct fail to enable sustainable use and development of the properties within this area.

2.5 Assessment of Site Suitability and Potential Effects of Rezoning

FNDC Criteria requires assessment of the suitability of the land for rezoning, including an assessment of the following matters. I consider that the site suitability and potential effects of RRZ have been well traversed throughout this evaluation. The specific matters listed in the FNDC Criteria are discussed as follows:

- (a) The risks from natural hazards (refer Part 2 – District Wide Matters and the Northland Regional Policy Statement)

Nil

- (b) Effects on any natural environment values, historic heritage, coastal environment, or other PDP overlay (refer Part 2 – District Wide Matters)

Nil

- (c) Effects on surrounding sites, including compatibility of the rezoning with surrounding land-uses and potential reverse sensitivity effects.

The location is occupied predominantly with existing residential units and surrounding curtilage, contained within single allotments. The location reflects the character and amenity of the adjacent proposed RRZ, the surrounding land uses and the RRZ is considered to be compatible with the surround land uses.

As discussed above, the RRZ rules and standards manage reverse sensitivity. The RRZ will not result in potential reverse sensitivity effects because:

- The location is occupied predominantly with existing residential units and surrounding curtilage, contained within single allotments.
- A single small scale farming activity is located within the area.
- The spatial extent of the location has been selected to manage potential zone interface.

2.6 Infrastructure Servicing

The proposed RRZ around Kerikeri is serviced by onsite infrastructure servicing. Zoning this location RRZ will result in no additional connection to reticulated infrastructure. No particular development aspirations are proposed in support of this submission, as such no connections are proposed. Future development will be undertaken in accordance with the requirements of the PDP and the Northland Regional Plan.

2.7 Transport Infrastructure

This location is serviced by existing Transport Network, including Kerikeri Road and Access Road and pedestrian footpaths. Each site within the location is serviced by an existing access and vehicle crossing. No particular development aspirations are proposed in support of this submission, as such no new or upgrading to the transport infrastructure is proposed. Future development will be undertaken in accordance with the Transport Chapter requirements of the PDP.

2.8 Consultation and Further Submissions

2.8.1 Consultation:

Ms Campbell-Frear has had discussions with representatives of Te Runanaga O Ngāti Rēhia with respect to rural residential development in this vicinity. This was a positive and supportive discussion.

2.8.2 Further Submissions

The following is based upon a search of the FNDC further submission database:

- Submission point S209.001 Delete proposed Horticulture Zone:
 - FS115.001 Glen and Sheryl Moore – Support
 - FS350.016 Puketona Lodge Ltd – Support
 - FS441.016 Adrian and Sue Knight – Support
 - Kapiro Conservation Trust – Oppose for reasons detailed in original submission. These include support for protection of productive land and obligations to implement the NPS-HPL. For reasons discussed within this evaluation and evidence it is considered that matters raised in this submission have been addressed.
- Submission point S209.005 Amend RRZ on the edge of Kerikeri:
 - FS350.016 Puketona Lodge Ltd – Support
 - FS441.016 Adrian and Sue Knight – Support
 - Kapiro Conservation Trust – Oppose for reasons detailed in original submission. These include support for protection of productive land and obligations to implement the NPS-HPL. For reasons discussed within this evaluation and evidence it is considered that matters raised in this submission have been addressed.

Section 32 AA – Location 2 – Packhouse Node and Location 3 - Redwoods Node

1.0 Section 32 Evaluation of alternative zone options for Location 2 – Packhouse Node and Location 3 - Redwoods Node:

| Option One: Status Quo - Rural Production Zone (PDP) | Option Two: Horticulture Zone (PDP) | Option Three: Mixed Use Zone (PDP) | Option Four: Mixed Use Zone (PDP) and Precinct |
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| <p>Benefits:</p> <ul style="list-style-type: none"> - Any existing productive potential of the area can continue to be realised. - All sites are permitted to establish residential units. - Sites larger than 5000m² are able to establish one minor residential unit as a controlled activity. - Commercial activity permitted, up to 4 persons per site or 1 person per 1 hectare of net site area, whichever is the greater (subject to compliance with standards). - Effects of onsite infrastructure services are managed via Regional Plan rules. - NPS-HPL would apply to any HPL in this location. <p>Costs:</p> <ul style="list-style-type: none"> - Does not address the NPS-UD. Business capacity and housing choice is not provided, cost of living increased and housing affordability decreased within Kerikeri. - Dishonest zoning, majority of the areas are used for existing commercial and residential land use. - Existing commercial and residential land use is not recognised and enabled via policy framework, on-going cost of compliance with the NPS-HPL and avoidance policy RPROZ-P5. - Potential for reverse sensitivity effects between productive land uses and residential land use enabled in the RPROZ. - Existing character and amenity does not reflect that anticipated in the Rural Zone as described in RPROZ-P4. | <p>Benefits:</p> <ul style="list-style-type: none"> - Any existing productive potential of the area can continue to be realised. - All sites are permitted to establish one residential unit. - Home business activity permitted, up to 40m² with no more than 2 persons (subject to compliance with standards). - Rural produce retail up to 100m² GFA and 30m setback, one per site is a permitted activity - Effects of onsite infrastructure services are managed via Regional Plan rules. <p>Costs:</p> <ul style="list-style-type: none"> - Does not address the NPS-UD. Business capacity and housing choice is not provided, cost of living increased and housing affordability decreased within Kerikeri. - NPS-HPL does not apply. - Special purpose zone does not align or give effect to Planning Standards. - Dishonest zoning, majority of the areas are used for existing commercial and residential land use. - Existing commercial and residential land use is not recognised and enabled via policy framework, on-going cost of compliance with the NPS-HPL and avoidance policy HZ-P4. - Potential for reverse sensitivity effects between productive land uses and residential land use enabled in the Horticulture Zone. | <p>Benefits:</p> <ul style="list-style-type: none"> - All sites are permitted to establish one residential unit. - Commercial activities enabled. - Recognises the existing density of commercial activity. - Addresses the NPS-UD, providing residential living and business capacity within the Kerikeri/Waipapa Area. - Effects of onsite infrastructure services are managed via Regional Plan rules. <p>Costs:</p> <ul style="list-style-type: none"> - Potential for reverse sensitivity effects between productive land uses, existing residential land use and residential activities enabled. - Existing character and amenity within these locations do not reflect that anticipated in the MUZ as described in MUZ-O1, MUZ-O1 and MUZ-P1. - Presence of dominant road frontage of Kerikeri Road and State Highway 15 is not acknowledged or managed via MUZ provisions. - Residential units are limited to first floor, restrictive in these locations. - Enabling of range of commercial activities which could compromise the vitality of the MUZ central to Kerikeri township and Waipapa. | <p>Benefits:</p> <ul style="list-style-type: none"> - Honest zoning, majority of the area is used for commercial and residential land use which is recognised by the MUZ and Precinct. - Permits the establishment of residential units at ground level, whilst recognising constraints of Kerikeri Road and State Highway 15. - Commercial activities enabled, with appropriate controls to ensure vitality of MUZ in centre of Kerikeri is protected. - Recognises the existing density of commercial activity. - Addresses the NPS-UD, providing residential living and business capacity within the Kerikeri/Waipapa Area. - Effects of onsite infrastructure services are managed via Regional Plan rules. - Standards and policies recognise the importance of managing reverse sensitivity effects on adjacent RPROZ. <p>Costs:</p> <ul style="list-style-type: none"> - Very small loss of the total land area which remains available for primary production (0.9ha split in the Packhouse node, 0.6ha in the Redwoods node) as detailed in the evidence of Mr Foy and the Hanmore Land Management assessment. |
| Efficiency and Effectiveness | | | |
| <p>The RPROZ provisions will not effectively and efficiently provide for and enable the on-going use and development of existing commercial and residential activities located within this location.</p> <p>The RPROZ provisions will not effectively implement the NPS-UD.</p> <p>The RPROZ provisions generally give effect to the NPS-HPL.</p> | <p>The HZ provisions will not effectively and efficiently provide for and enable the on-going use and development of existing commercial and residential activities located within this location.</p> <p>The HZ provisions will not effectively implement the NPS-UD.</p> <p>The HZ provisions will not give effect to the NPS-HPL as NPS-HPL does not apply to special purpose zones.</p> <p>The HZ is inconsistent with the National Planning Standards.</p> | <p>The MUZ will provide for and enable the on-going use and development of existing residential and commercial activities located within these locations.</p> <p>Objectives and policies seek to create a focal point for the district's commercial, community and civic activities. Rules require pedestrian frontages and residential activities not to be located at ground level. These Locations contain existing commercial and residential activities which have an interface with these roads which have a different transport environment to that of a central</p> | <p>The provisions will effectively and efficiently provide for and enable the on-going use and development of existing commercial and residential activities located within this location in the context of the surrounding environment.</p> <p>The provisions will effectively implement the NPS-UD.</p> <p>The provisions will give effect to the NPS-HPL.</p> |

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| | | MUZ. The MUZ does not recognise and enable these activities in the context of the surrounding environment. The provisions will effectively implement the NPS-UD. The provisions will give effect to the NPS-HPL. | |
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2.0 FNDC Criteria for Rezoning Submissions

2.1 Strategic Direction

The following provides an analysis of the recommended zoning Mixed Use Zone (Option 4) of Locations 2 and 3 against the Strategic Direction as notified:

| Strategic Direction Objective Summary: | Comment: |
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| <p>Cultural prosperity</p> <p>SD-CP-O1 – SD-SP-O5</p> <ul style="list-style-type: none">- Support iwi and hapū to deliver on the social, economic, environmental and cultural wellbeing outcomes for tangata whenua.- Celebrate diverse cultures and recognise cultural heritage.- Identify and manage historic heritage to ensure its long term protection.- Include te ao Māori in decision making. | <p>These objectives are largely aspirational assisting iwi and hapū, which is not directly relevant to the recommended zoning of this location.</p> <p>The locations are not Māori land and not subject to the proposed Treaty Settlement Land Overlay.</p> <p>The locations do not contain identified:</p> <ul style="list-style-type: none">- Sites or areas of significance to Māori- Historic heritage sites or areas- Archaeological sites <p>Therefore, the proposed district wide objectives and policies of the Historic Heritage, Heritage Area Overlays, Notable Trees, Sites and Areas of Significance to Māori Chapters would not apply to future development under the recommended precinct.</p> <p>District wide Earthworks Chapter and EW-S3 applies an accidental discovery protocol which will effectively manage potential effects should sensitive material be discovered during works.</p> |
| <p>Social Prosperity</p> <p>SD-SP-O1 – SD-SP-O4</p> <ul style="list-style-type: none">- Community wellbeing is heightened by a sense of place.- Development of initiatives that support the wellbeing of Tangata Whenua, in partnership with iwi and hapū.- Encourage opportunities to fulfil the communities cultural social, environmental and economic wellbeing. | <p>The recommended precinct will enable an increased presence of people living and working in close proximity to the centre of Kerikeri and will increase the daily use and presence of people within the centre. Activation of public spaces contribute to sense of place and community wellbeing.</p> <p>The recommended precinct provides for a greater range of activities which will encourage opportunities within this location to fulfil cultural, social, environmental and economic wellbeing.</p> <p>The locations are not subject to any identified natural hazard risks as per the Northland Regional Council Natural Hazards.</p> |

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| <ul style="list-style-type: none"> - Promote communities and places to meet the needs for present and future population, which are adaptive to climate change. | |
| <p>Economic Prosperity</p> <p>SD-EP-O1 – SD-EP-O5</p> <ul style="list-style-type: none"> - High earning diverse local economy that is sustainable, resilient. - Māori economy making a significant contribution. - Support existing industries and enterprises to prosper. - Develop and maintain highly motivated, educated and skilled people - People, business and places are connected digitally and with integrated transport networks - Economy is responsive, resilient and adaptive to financial costs of climate change. | <p>The recommended precinct provides for a greater range of activities which will encourage opportunities within this location to fulfil cultural, social, environmental and economic wellbeing.</p> <p>The precinct enables the continuation and establishment of business opportunities, enabling people to reside in Kerikeri and stay in Far North (see evidence of Mr Foy).</p> <p>Location 2 is within walking distance of the centre of Kerikeri, with excellent connectivity.</p> <p>The locations are not subject to any identified natural hazard risks as per the Northland Regional Council Natural Hazard.</p> <p>The locations have low economic sustainability for horticultural activities given the limited HPL and existing small lots and fragmentation (See Foy Evidence). The proposed precinct rules enable existing and future businesses contributing to a responsive and resilient economy.</p> |
| <p>Urban Form and Development</p> <p>SD-UFD-O1 – SD-UFD-O4</p> <ul style="list-style-type: none"> - Wellbeing is considered first when planning places and spaces - Urban growth and development is consolidated around existing reticulated networks within town centres, supporting a more compact urban form, affordability and providing for a mix of housing typologies. - Adequate development infrastructure in place or planned to meet the anticipated demands for housing and business activities. - Urban growth and development is resilient and adaptive to the impacts from natural hazards or climate change. | <p>The precinct enables the continuation of existing and establishment of commercial activities providing work opportunities enabling people's wellbeing.</p> <p>The locations are consolidated in proximity to the Kerikeri Township and are comprised of existing commercial activities.</p> <p>The locations do not have reticulated infrastructure, nor does Council provide a clear indication to extend infrastructure.</p> <p>The location is not subject to any identified natural hazard risks as per the Northland Regional Council Natural Hazard.</p> |
| <p>Infrastructure and Electricity</p> <p>SD-IE-O1 and SD-IE-O2</p> <ul style="list-style-type: none"> - Benefits are recognised. | <p>Provisions of the District Wide Infrastructure chapter apply and will give effect to these objectives.</p> |

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| <ul style="list-style-type: none"> - Protected from incompatible and use and subdivision. | |
| <p>Rural Environment</p> <p>SD-RE-O1 and SD-RE-O2</p> <ul style="list-style-type: none"> - Rural production activities operate effectively and efficiently. - Recognise the contribution rural production activities to the economic and social wellbeing. - Protection of HPL from inappropriate development to ensure its productive potential for generations to come. | <p>The horticulture industry contributes 1.7% of the district gross domestic product (GDP) ¹ . Horticulture employment is decreasing, having decreased by 8% since 2016 ² . Being a low contribution to the economic and social wellbeing of district.</p> <p>The recommended rezoning of these locations will result in a very small loss of the total land area which remains available for primary production (0.9ha split in the Packhouse node, 0.6ha in the Redwoods node) as detailed in the evidence of Mr Foy and the Hanmore Land Management assessment.</p> |
| <p>Natural Environment</p> <p>SD-EP-O1 – SD-EP-O6</p> <ul style="list-style-type: none"> - Culture of stewardship. - Collaborative relationships with iwi and hapū. - Active management of ecosystems to protect, maintain and increase indigenous biodiversity. - Land use practices reverse climate change. - Natural character of the coastal environment, ONL and ONF are managed. - Areas of significant indigenous vegetation and habitats of significant fauna are protected. | <p>The location does not contain identified:</p> <ul style="list-style-type: none"> - Coastal Environment. - ONL. - ONF - SNA. <p>The location contains a scattering of both exotic and indigenous vegetation. Indigenous vegetation would be protected by District Wide Ecosystems and Indigenous Biodiversity rules.</p> <p>Location 2 is within walking distance of the centre of Kerikeri, with excellent connectivity, reducing reliance upon vehicle transportation and reducing carbon emissions.</p> |

The recommended zone of MUZ with a precinct will give effect to the proposed Strategic Direction objectives.

¹ Hearing 9 Evidence of Mr Foy, paragraph 5.6.

² Hearing 9 Evidence of Mr Foy, paragraph 5.10.

2.2 Alignment with Zone Outcomes

The following provides an analysis of the recommended MUZ as notified:

| Mixed Use Zone Objective: | Comment: |
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| MUZ-O1 The Mixed Use zone is the focal point for the district's commercial, community and civic activities, and provides for residential development where it complements and is not incompatible with these activities. | <p>These locations contain clusters of existing commercial and residential development in proximity to Kerikeri Township.</p> <p>It is acknowledged that these locations are not 'focal' to Kerikeri, instead effectively forming nodes of existing commercial development. As MUZ is the only commercial zone in the PDP it is considered that a precinct is appropriate to create a different outcome for these locations.</p> |
| MUZ-O2 Development in the Mixed Use zone is of a form, scale, density and design quality that contributes positively to the vibrancy, safety and amenity of the zone. | The locations are occupied predominantly by existing commercial activities and associated built form and surrounding curtilage, contained within single allotments. Each node has good level of vibrancy and amenity. |
| MUZ-O3 Enable land use and subdivision in the Light Industrial zone ³ where there is adequacy and capacity of available or programmed development infrastructure to support it. | The locations are not serviced by reticulated infrastructure and largely recognise the existing development resulting in a low level of infrastructure demand. |
| MUZ-O4 The adverse environmental effects generated by activities within the zone are managed, in particular at zone boundaries. | This objective is implemented via the proposed rules and standards of the MUZ, which can be implemented. |
| MUZ-O5 Residential activity in the Mixed Use zone is located above commercial activities to ensure active street frontages, except where the interface is with the Open Space zone. | The locations have a mix of existing commercial activities which maintain an interface with Kerikeri Road and the State Highway. Existing residential development is stand alone, typically to the rear of a site. Whilst future development could give effect to this objective, it is considered that a precinct is appropriate to create a different outcome for these locations. |
| Mixed Use Zone Policy: | Comment |
| MUZ-P1 a. Enable a range of commercial, community, civic and residential activities in the Mixed Use zone where: | The locations are occupied predominantly by existing commercial activities and associated built form and surrounding curtilage, contained within single allotments. Each node has a good level of vibrancy and amenity. |

³ Assume this is a FNDC PDP drafting error and should refer to Mixed Use Zone.

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| <ul style="list-style-type: none"> b. it supports the function, role, sense of place and amenity of the existing environment; and c. there is: <ul style="list-style-type: none"> i. existing infrastructure to support development and intensification, or ii. additional infrastructure capacity can be provided to service the development and intensification. | <p>The locations are not serviced by reticulated infrastructure and largely recognise the existing development resulting in a low level of infrastructure demand.</p> |
| <p>MUZ-P2</p> <p>Require all subdivision in the Mixed Use zone to provide the following reticulated services to the boundary of each lot:</p> <ul style="list-style-type: none"> a. telecommunications: <ul style="list-style-type: none"> i. fibre where it is available; ii. copper where fibre is not available; iii. copper where the area is identified for future fibre deployment. b. local electricity distribution network; and c. wastewater, potable water supply and stormwater where they are available. | <p>The MUZ rules and standards will ensure that future development within these locations will be managed. Serving requirements can be addressed via resource consent process.</p> |
| <p>MUZ-P3 Require development in the Mixed Use zone to contribute positively to:</p> <ul style="list-style-type: none"> a. high quality streetscapes; b. pedestrian amenity; c. safe movement of people of all ages and abilities; d. community well-being, health and safety; and e. traffic, parking and access needs. | <p>The locations have a good level of amenity and vibrancy, however each node is separated from Kerikeri with internal movement.</p> <p>Transport requirements can be managed in accordance with the PDP Transport provisions.</p> |
| <p>MUZ-P4 Require development in the Mixed Use zone that is adjacent to Residential and Open Space zones to maintain the amenity values of those areas, having specific regard to:</p> <ul style="list-style-type: none"> a. visual dominance; b. privacy; c. shadowing; d. ambient noise; and e. light spill. | <p>Each location is surrounded by proposed RPROZ or RRZ. Interface between zones will be appropriately managed via the MUZ provisions.</p> |

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| <p>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:</p> <ol style="list-style-type: none"> residential activity, retirement facilities and visitor accommodation on the ground floor of buildings, except where a site adjoins an Open Space zone; light or heavy industrial activity; storage and warehousing; large format retail activity over 400 m²; and waste management activity. | <p>The locations have a mix of existing commercial activities which will not have an adverse effect on the function, role or sense of place and amenity of the MUZ. Proposed MUZ provisions will manage adverse effects of future activities.</p> <p>Whilst future development could give effect to this policy, it is considered that a precinct is appropriate to create a different outcome for these locations with respect to activities on ground floor given the interface with Kerikeri Road and the State Highway.</p> |
| <p>MUZ-P6 Promote energy efficient design and the use of renewable electricity generation in the construction of mixed use development.</p> | <p>Proposed MUZ provisions will promote energy efficient design and use of renewable electricity generation.</p> |
| <p>MUZ-P7 Consider the following effects when assessing applications to establish residential, early childhood, retirement and education facilities:</p> <ol style="list-style-type: none"> the level of ambient noise; reduced privacy; shadowing and visual domination; and light spill. | <p>Proposed MUZ provisions will manage adverse effects of future activities.</p> |
| <p>MUZ-P8 Manage land use and subdivision to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:</p> <ol style="list-style-type: none"> consistency with the scale, density, design, amenity and character of the mixed use environment; the location, scale and design of buildings or structures, outdoor storage areas, parking and internal roading; at zone interfaces: <ol style="list-style-type: none"> any setbacks, fencing, screening or landscaping required to address potential conflicts; any adverse effects on the character and amenity of adjacent zones; the adequacy and capacity of available or programmed development infrastructure to accommodate the proposed activity; including: | <p>Proposed MUZ and district wide provisions will manage adverse effects of future activities.</p> <p>The locations contain no identified:</p> <ul style="list-style-type: none"> Areas or sites of significance to Māori. Historic heritage. Outstanding Natural Landscapes or features. Significant Indigenous Vegetation or Habitat. Natural hazards. |

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| <ul style="list-style-type: none"> i. opportunities for low impact design principles; ii. management of three waters infrastructure and trade waste; e. managing natural hazards; f. the adequacy of roading infrastructure to service the proposed activity; g. any adverse effects on historic heritage and cultural values, natural features and landscapes or indigenous biodiversity, and h. any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6. | |
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2.3 Higher Order Direction

The following provides an evaluation of the preferred MUZ with a precinct against the relevant higher order policies which are:

- (a) National Policy Statement on Urban Development (NPS-UD)
- (b) National Policy Statement for Highly Productive Land (NPS-HPL)
- (c) National Policy Statement for Indigenous Biodiversity (NPS-IB)
- (d) National Policy Statement for Freshwater Management (NPS-FM)
- (e) Northland Regional Policy Statement (RPS)

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

MUZ and Precinct zoning of these locations will enable the continued efficient operation of existing commercial activities and create business opportunities contributing to the economy within the Kerikeri/Waipapa Area, giving effect to NPS-UD Objectives 2, 3 and 8, and Policies 2 and 5.

NPS-UD Objective 4 and Policy 6 accept that amenity may change as a result of urban development, the MUZ has been created with provisions to manage potential adverse effect to amenity and character.

Policy 2 requires Council to provide “at least sufficient development capacity” to meet expected demand for business use in urban environments. Mr Foy in his evidence has evaluated the HBDCA:

“concluding that the requested MUZ precincts for the Packhouse and Redwoods nodes are required to provide sufficient development capacity in both Kerikeri/Waipapa and the Far North District to meet expected demand for business land in the district, especially considering the HBDCA’s insufficient supply relates to only a 20 year horizon, not a 30 year horizon as required by the NPS-UD”⁴.

On this basis I conclude that the recommended zoning will give effect to Policy 2 of the NPS-UD.

⁴ Evidence of Mr Foy, paragraph 5.41.

Council has undertaken the PDP following the principles of the Treaty of Waitangi, giving effect to NPS-UD Objective 4 and Policy 9. As discussed above, the locations do not contain any Sites or Areas of Significance to Māori.

NPS-UD Objective 6 and Policy 8 require decisions affecting urban environments to be responsive to change that would add significantly to development capacity and contribute to well-functioning urban environments. For reasons discussed above, MUZ and Precinct of these locations will give effect to this objective and policy.

Overall, it is considered that the recommended zoning of these locations will give effect to the NPS-UD.

2.3.2 National Policy Statement for Highly Productive Land (NPS-HPL)

The objectives and policies of the NPS-HPL seek to protect HPL for use in land-based primary production, policies 1, 2, 3 relate to recognition, identification and protection of HPL as a resource. As identified in the HLM assessment these locations contain very small loss of fragmented land area which remains available for primary production (0.9ha split in the Packhouse node, 0.6ha in the Redwoods node).

Policy 2 requires identification and management of HPL in an integrated way that considers interactions with urban development. Policy 5 requires urban rezoning to be avoided, except as provided in the NPS. As discussed in Section 8 of my evidence in chief, the NPS-HPL establishes a number of circumstances within which rezoning may occur under subclause 3.6(4). Mr Foy has carefully considered these circumstances in his evidence; I rely upon his evidence and conclude that the benefits of rezoning as recommended in accordance with relief sought, outweigh the costs associated with the very minimal loss of HPL for land-based primary production. I consider that the proposal will give effect to policies 2 and 5.

Policies 6 – 8 apply to the protection of HPL which are not relevant to the consideration of this recommendation. Policy 9 requires the management of reverse sensitivity effects, the proposed MUZ provisions afford management of activities and potential reverse sensitivity effects.

Overall, I consider that the recommended rezoning will give effect to the NPS-HPL.

2.3.3 National Policy Statement for Indigenous Biodiversity (NPS-IB)

The locations contain a scattered mix of indigenous and exotic vegetation. Objectives and policies of the NPS-IB do not directly relate to zoning of land, instead focus upon maintenance and protection of indigenous vegetation and habitats within and outside of SNA. The District Wide Ecosystems and Indigenous Biodiversity Chapter of the PDP will establish provisions to give effect to the NPS-IB. Due to the limited extent of vegetation within the Location in combination with the District Wide provisions it is considered that the recommended rezoning will give effect to the NPS-IB.

2.3.4 National Policy Statement for Freshwater (NPS-FM)

NPS-FM is largely managed by Regional Council, with District Council required to take a role in integrated management. There are no known waterbodies within the locations. Future development under the MUZ and precinct would require consideration of the Northland Regional Plan and the National Environmental Standards for Freshwater where relevant, and this is considered to give effect the NPS-FM.

2.3.5 Northland Regional Policy Statement

The RPS establishes a range of policy direction for the Northland Region, many of which are implemented via the Northland Regional Plan and proposed District Wide chapters of the PDP. No areas of Significant Natural Area, High or Outstanding Natural Character, Coastal Environment, Outstanding Natural Features or Landscapes are identified within these Locations, as such any RPS policy on these matters would not apply.

These locations are not subject to identified natural hazards, therefore RPS natural hazard policy also does not apply.

The RPS includes policy direction seeking ‘planned and coordinated development’, Policy 5.1.1 is particularly relevant. Development to be guided by the “Regional Form and Development Guidelines” and the “Regional Urban Design Guidelines”, MUZ/precinct zoning of these Locations will be consistent with these guidelines given the existing presence of commercial development, proximity to Kerikeri Township and lack of sensitive environmental features. Clause (f) requires plan changes in a primary production zone to ensure that it does not materially reduce the potential for soil-based primary production on land with highly versatile soils or that the net benefit exceeds the reduced potential. As discussed in response to the NPS-HPL these locations will result in minimal loss of HPL. The remaining clauses of this policy refer to cumulative effects, integrated development, avoidance of potential for reverse sensitivity and enhancement of sense of place and character. For reasons already discussed in the bulk of this evaluation, the recommended rezoning will give effect to all of these matters.

Overall, I consider that the recommended rezoning will give effect to the RPS.

2.3.6 Te Pātukurea – Kerikeri Waipapa Spatial Plan June 2025

The Kerikeri Waipapa spatial plan is a non-statutory document that sets out how Council will manage growth by identifying areas appropriate for housing, business and industry. It is a ‘blue sky’ aspirational plan which establishes the basis for future planning and investment for the area. The spatial plan indicates that 18.5 hectares of commercial land will be required to meet the projected future growth demand. The plan is focused upon urban growth of Kerikeri and does not consider at a detailed level the existing pattern of commercial development within Locations 2 and 3. The key elements of the plan include, directing growth to within and immediately adjacent to the existing built-up environments of Kerikeri and enabling commercial growth in Kerikeri which supports its role as the key economic hub for the district. It is considered that the recommended rezoning will give effect to these key elements.

2.4 Reasons for Request

MUZ with Precinct is the most appropriate zoning in the mapped locations because:

- (a) The properties located within these areas are consistent with the intended purpose of the MUZ.
- (b) The existing use and development within these areas and their character and amenity is consistent with the PDP zoned land MUZ, establishing a coherent peri-urban pattern and character to Kerikeri.
- (c) These properties do not fit with the proposed zone criteria of the Horticulture Zone.
- (d) The proposed Horticulture Zone fails to enable sustainable use and development of the properties within this area.

2.5 Assessment of Site Suitability and Potential Effects of Rezoning

FNDC Criteria requires assessment of the suitability of the land for rezoning, including an assessment of the following matters. I consider that the site suitability and potential effects of MUZ/precinct have been well traversed throughout this evaluation. The specific matters listed in the FNDC Criteria are discussed as follows:

- (a) The risks from natural hazards (refer Part 2 – District Wide Matters and the Northland Regional Policy Statement)

Nil

- (b) Effects on any natural environment values, historic heritage, coastal environment, or other PDP overlay (refer Part 2 – District Wide Matters)

Nil

- (c) Effects on surrounding sites, including compatibility of the rezoning with surrounding land-uses and potential reverse sensitivity effects.

The location is occupied predominantly with existing commercial development and surrounding curtilage, contained within single allotments. The location reflects the character and amenity of the proposed MUZ. As discussed above, the MUZ rules and standards manage activities and potential reverse sensitivity. The recommended rezoning will not result in potential reverse sensitivity effects because:

- The location is occupied predominantly with existing commercial development and surrounding curtilage, contained within single allotments.
- Little to no horticultural activities are located within the areas.
- The spatial extent of the locations have been selected to manage potential zone interface.

2.6 Infrastructure Servicing

The Locations are not located within an area serviced by reticulated services.

No particular development aspirations are proposed in support of this submission, as such no connections are proposed.

Future development will be undertaken in accordance with the requirements of the PDP and the Northland Regional Plan.

2.7 Transport Infrastructure

This location is serviced by existing Transport Network, including Kerikeri Road and the State Highway. Each site within the locations is serviced by an existing access and vehicle crossing.

No particular development aspirations are proposed in support of this submission, as such no new or upgrading to the transport infrastructure is proposed.

Future development will be undertaken in accordance with the Transport Chapter requirements of the PDP.

2.8 Consultation and Further Submissions

2.8.1 Consultation:

No consultation has been undertaken with iwi as these areas contain predominantly existing commercial activities.

2.8.2 Further Submissions

The following is based upon a search of the FNDC further submission database:

- Submission point S209.001 Delete proposed Horticulture Zone:
 - FS115.001 Glen and Sheryl Moore – Support
 - FS350.016 Puketona Lodge Ltd – Support
 - FS441.016 Adrian and Sue Knight – Support
 - Kapiro Conservation Trust – Oppose for reasons detailed in original submission. These include support for protection of productive land and obligations to implement the NPS-HPL. For reasons discussed within this evaluation and evidence it is considered that matters raised in this submission have been addressed.
- Submission point S209.003 Review notified MUZ boundary along Kerikeri Road and Redwoods:
 - FS270.13 C Otway Ltd – Support.
 - FS350.018 Puketona Lodge Ltd – Support.
 - FS243.220 Kainga Ora Homes and Communities – Oppose, wishing to see further details to the proposed change and how it will fit with the District’s planned and future growth while maintaining productive rural environments. For reasons discussed in this evaluation the locations have little productive value and will contribute to the growth of Kerikeri.
 - FS441.018 Adrian and Sue Knight – Support.

Attachment 3 Kerikeri Mixed Use Precinct Provisions

Kerikeri Mixed Use Precinct

Overview

The Kerikeri Mixed Use Precinct applies to land with existing agglomerations of commercial activities along Kerikeri Road and the Redwoods Area at State Highway 15. The Kerikeri Mixed Use Precinct provides for commercial activities, community activities and residential activities. The Kerikeri Mixed Use Precinct provisions enable existing commercial activities and provide for new commercial activities whilst recognising the prominent road frontage of Kerikeri Road and State Highway 15.

The objectives, policies, rules and standards of the underlying Mixed Use zone apply in addition to any relevant provisions of the Kerikeri Mixed Use precinct, except that:

- a. Objectives MUZ-O3 and MUZ-O5 do not apply;
- b. Policies MUZ-P1 and MUZ-P5 do not apply;
- c. All Kerikeri Mixed Use Precinct rules with the same activity description prevail over the equivalent Mixed Use Zone rules; and
- d. All Mixed Use zone standards apply to the Kerikeri Mixed Use Precinct, with the exception of:
 - i. MUZ-S1
 - ii. MUZ-S5
 - iii. MUZ-S6

Objectives

O1 Recognise and provide for mixed-use development, including commercial activities, visitor accommodation and residential activities within the Kerikeri Mixed Use Precinct.

Policies

P1 Enable a range of commercial activities in the Kerikeri Mixed Use Precinct where those activities:

- a. Improve community access to goods, services, and provides opportunities for social interaction.
- b. Manage adverse effects on the environment.
- c. Create high levels of internal amenity through good quality urban design.

P2 Provide for residential and visitor accommodation activities within the Kerikeri Mixed Use precinct where they are compatible with commercial activities in the Kerikeri Mixed Use precinct.

P3 Restrict activities that are likely to have an adverse effect on the function, role, sense of place and amenity of the Kerikeri Mixed Use precinct including:

- a. heavy industrial activity;

- b. storage and warehousing;
- c. large format retail activity over 400 m²; and
- d. waste management activity.

Rules

R1 Commercial Activity

Activity Status: Permitted

Where:

PER-1

The activity is not a service station or supermarket.

PER-2

Any office activity does not exceed 200m² in GFA.

PRE-3

Any activity, other than office activity does not exceed 400m² in GFA.

Activity status where compliance is not achieved: Discretionary.

R2 Residential Activity

Activity Status: Permitted

Where:

PER-1

The number of residential units onsite does not exceed one.

PER-2

The residential unit complies with standards:

- a. PER-S2
- b. NOISE-S5 Noise insulation.

Activity status where compliance is not achieved: Discretionary.

R3 Visitor Accommodation

Activity Status: Permitted

Where:

PER-1

No more than 12 tariff-paid visitors are staying on-site at any one time.

PER-2

No more than 2 accommodation units per 500m² are constructed or operated on-site.

PER-3

Each accommodation unit provides an outdoor living court of at least 4m² and at least 1.5m depth.

PER-4

The accommodation unit complies with the NOISE-S5 Noise insulation standard.

Activity status where compliance is not achieved: Discretionary.

R4 Healthcare activity

Activity Status: Permitted

Where:

PER-1 The activity does not exceed 400m² in GFA.

Activity status where compliance is not achieved: Discretionary

R5 Community facility

Activity status: Discretionary

R6 Emergency service facility

Activity status: Discretionary

Standards

PER-S1 Maximum Height

The maximum height of any building or structure, or extension or alteration to an existing building or structure, is 12m above ground level.

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

- a. the character and amenity of the surrounding area;
- b. dominance in relation to the road and adjoining sites;
- c. loss of privacy to adjoining sites, including potential loss in relation to vacant sites;

- d. shading and loss of access to sunlight to adjoining sites;
- e. landscaping; and
- f. natural hazard mitigation and site constraints.

PER-S2 Residential Unit Minimum Internal Floor Area

The minimum net internal floor area, excluding outdoor living space, of a residential unit shall be:

- 1. 1 bedroom = 45m²
- 2. 2 bedroom = 62m²
- 3. 3 bedroom = 82m²

Attachment 4: Kerikeri Mixed Use Precinct – Section 32 AA Assessment

| Provision | Options Evaluation | Section 32AA Assessment |
|---|--|---|
| O1 Recognise and provide for mixed-use development, including commercial activities, visitor accommodation and residential activities within the Kerikeri Mixed Use Precinct. | <ul style="list-style-type: none"> Option 1: Notified MUZ-O1 – no modification to the objective. Option 2: Proposed objective - As outlined in the left column. | <p>Option 2 is considered to be appropriate to achieve the purpose of the RMA for the following reasons:</p> <ul style="list-style-type: none"> The objective recognises the existing activities and will provide opportunities for mixed use development, creating business and housing choice on land in close proximity to Kerikeri enabling communities to provide for their social and economic well-being. The precinct area is not located within the coastal environment, containing no identified rivers, outstanding natural landscapes or features, sites or areas of significance to Māori, significant indigenous vegetation or habitats, historic heritage and natural hazards as such the objective will give effect to Section 6 matters of national importance. The objective seeks to ensure efficient use and development of the precinct land area which is comprised of existing commercial activities, particularly giving effect to Section 7(b). <p>Option 2 is considered to more appropriately give effect to the RMA compared to the notified MUZ-O1 as it recognises and provides for the existing mix of development. Council have proposed a single commercial zone, which is limited in its policy direction to creating a ‘focal point’ which does not efficiently and effectively provide for development within the precinct area.</p> |
| <p>P1 Enable a range of commercial activities in the Kerikeri Mixed Use Precinct where those activities:</p> <ol style="list-style-type: none"> Improve community access to goods, services, and provides opportunities for social interaction. Manage adverse effects on the environment. Create high levels of internal amenity through good quality urban design. | <ul style="list-style-type: none"> Option 1: Notified MUZ-P1 – no modification to the policy. Option 2: Proposed P1 - As outlined in the left column. | <p>Option 2 is considered to be the most efficient and effective way to achieve recommended objective O1:</p> <ul style="list-style-type: none"> MUZ-P1 as notified provides for community and civic activities, which are important to establish a focus of the centre of Kerikeri, but is not necessarily appropriate to enable a spread of these activities across the entirety of land zoned for commercial purposes. The precinct area incorporates a range of commercial activities which provide a range of goods and services for local residents and tourists, the proposed policy 1 recognises this mix of activities. |
| <p>P2 Provide for residential and visitor accommodation activities within the Kerikeri Mixed Use precinct where they are compatible with commercial activities in the Kerikeri Mixed Use precinct.</p> <p>P3 Restrict activities that are likely to have an adverse effect on the function, role, sense of place and amenity of the Kerikeri Mixed Use precinct including:</p> <ol style="list-style-type: none"> heavy industrial activity; storage and warehousing; large format retail activity over 400 m²; and waste management activity. | <ul style="list-style-type: none"> Option 1: Notified MUZ-P5– no modification to the policy. Option 2: Proposed policies P2 and P3 - As outlined in the left column. | <p>Option 2 is considered to be the most efficient and effective way to achieve recommended objective O1:</p> <ul style="list-style-type: none"> MUZ-P5 as notified restricts the type of activities provided for in the MUZ including residential activities, retirement facilities and visitor accommodation on the ground floor of buildings. This restriction is appropriate where the MUZ is central in locations with active pedestrian frontages which are important to establish a focus of the centre of Kerikeri. This outcome is not necessarily appropriate across the entirety of land zoned for commercial purposes. The precinct area incorporates land which has a mix of existing detached residential units and visitor accommodation within sites with road frontage to Kerikeri Road and State Highway 15. These sites have an interface with these roads which have a different transport environment to that of a central MUZ. It is efficient and effective to recognise and enable these activities in the context of the surrounding environment. |
| <u>R1 Commercial Activity</u> | <ul style="list-style-type: none"> Option 1: Notified MUZ-R2– no modification to the rule. Option 2: Proposed Rule R1 - As outlined in Attachment 3. | <p>Option 2 is considered to be the most efficient and effective way to achieve recommended objective O1 and policies P1 and P3:</p> <ul style="list-style-type: none"> MUZ-R2 as notified limits commercial activities to only be a service station and office activities which do not exceed a limit of 200m² GFA. It is unclear why the notified rule limits commercial activities only to these two types of activities when the purpose of the MUZ is to provide for a mixed use environment. |

| | | |
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| | | <ul style="list-style-type: none">• Option 2 restricts service stations and supermarkets within the precinct recognising that these activities contribute to the core function of a centre and would more appropriately be located closer to Kerikeri.• Option 2 reflects the scale and nature of existing activities within the precinct area whilst enabling a level of commercial growth giving effect to the NPS-UD and the HBDCA. |
| <u>R2 Residential Activity</u> <u>R3 Visitor Accommodation</u> | <ul style="list-style-type: none">• Option 1: Notified MUZ-R3 and MUZ-R4 – no modification to the rule.• Option 2: Proposed Rules R2 and 3 - As outlined in Attachment 3. | <p>Option 2 is considered to be the most efficient and effective way to achieve recommended objective O1 and policies P1, P2 and P3:</p> <ul style="list-style-type: none">• MUZ-R3 and MUZ-R4 restricts visitor accommodation and residential units to only be located above ground floor. This is overly restrictive due to the MUZ being the only commercial zone proposed across the district, which includes a range of locations which do not include active pedestrian frontages.• Option 2 enables residential and visitor accommodation activities to a scale appropriate for the precinct at ground level recognising the existing environment within the precinct and giving effect to the objective and policies. |
| <u>R4 Healthcare activity</u> <u>R5 Community facility</u> <u>R6 Emergency service facility</u> | <ul style="list-style-type: none">• Option 1: Notified MUZ-R6, MUZ-R7 and MUZ-R8 – no modification to the rule.• Option 2: Proposed Rules R4, R5 and R6 - As outlined in Attachment 3. | <p>Option 2 is considered to be the most efficient and effective way to achieve recommended objective O1 and policies P1, P2 and P3:</p> <ul style="list-style-type: none">• MUZ-R6 - MUZ-R8 enables these activities a permitted activity with no limitations, it is considered that enabling this level of activity outside of central Kerikeri would compromise the focus of Kerikeri.• Option 2 enables healthcare activities to a scale appropriate for the precinct at ground level recognising the existing environment within the precinct and giving effect to the objective and policies. |

