



PROPOSED FAR NORTH DISTRICT PLAN

RECOMMENDATIONS OF THE INDEPENDENT HEARINGS

PANEL

RECOMMENDATION REPORT 17

Hearing 17: Sweep Up
(Interpretation, Mapping, Plan Variation 1 and Other Matters)

March 2026

Recommendation Report 17

Recommendation Report 17 is to be read in conjunction with the **Preamble Report and all other recommendation reports** as this report contains recommended consequential amendments to all sections of the PDP.

Recommendation Report 17 contains the Panel's recommendations on general, miscellaneous and sweep-up matters and provisions.

A number of other matters, including rezoning, were also deferred to Hearing 17 but these have been addressed in earlier recommendation reports.

Recommendation Report 17 contains the following appendices:

Appendix 1: Schedule of Hearing Attendances

Appendix 2: Hearings Panel Recommended Amendments to the PDP – tracked from the notified version (provisions not subsequently renumbered) including:

Appendix 2.1 Definitions

Appendix 2.2 Glossary

Appendix 2.3 Record of Consequential Amendments

Appendix 3: Summary table of Recommended Decisions on Submissions

The Independent Hearings Panel for this hearing comprised Felicity Foy – Council member and Chairperson; Bill Smith – Independent panel member and Deputy Chairperson; Robert Scott – Independent panel member; and Alan Watson – Independent panel member.

1. Contents

1.	Introduction.....	1
1.1	Report Structure.....	1
1.2	Section 32AA of the RMA.....	1
2.	Procedural Issues	2
2.1	Missed Submissions Points	2
2.2	National Planning Instruments	2
3.	Topic 1: Sweep Up (Interpretation, Mapping, Plan Variation 1 and Other Matters)	2
3.1	Background.....	2
3.2	Key Issues	2
3.3	Key Issue 1 – Definitions with Support	3
3.3.1	Matters Raised in Submissions.....	3
3.3.2	Hearings Panel Evaluation.....	3
3.3.3	Hearings Panel Recommendations.....	3
3.4	Key Issue 2 – National Planning Standards Definitions (where submitters seek amendments)	3
3.4.1	Matters Raised in Submissions.....	3
3.4.2	Hearings Panel Evaluation.....	4
3.4.3	Hearings Panel Recommendations.....	4
3.5	Key Issue 3 – Other Definitions	5
3.5.1	Matters Raised in Submissions.....	5
3.5.2	Hearings Panel Evaluation.....	5
3.5.3	Hearings Panel Recommendations.....	5
3.6	Key Issue 4 – New Definitions/Terms	6
3.6.1	Matters Raised in Submissions.....	6
3.6.2	Hearings Panel Evaluation.....	6
3.6.3	Hearings Panel Recommendations.....	6
3.7	Key Issue 5 – Other Interpretation Matters	6
3.7.1	Matters Raised in Submissions.....	6
3.7.2	Hearings Panel Evaluation.....	7
3.7.3	Hearings Panel Recommendations.....	7
3.8	Key Issue 6 – Special Purpose Zoning Colours/Symbology.....	8
3.8.1	Matters Raised in Submissions.....	8
3.8.2	Hearings Panel Evaluation.....	8
3.8.3	Hearings Panel Recommendations.....	8
3.9	Key Issue 7 – Zoning of the CMA/Esplanade Reserves.....	8

3.9.1	Matters Raised in Submissions	8
3.9.2	Hearings Panel Evaluation	8
3.9.3	Hearings Panel Recommendations	9
3.10	Key Issue 8 – Airport Protection Surface Area Rules – Plan Variation 1 Matters	10
3.10.1	Matters Raised in Submissions	10
3.10.2	Hearings Panel Evaluation	10
3.10.3	Hearings Panel Recommendations	11
3.11	Key Issue 9 – Policy Direction and Refinements Overview	12
3.11.1	Matters Raised in Submissions	12
3.11.2	Hearings Panel Evaluation	12
3.11.3	Hearings Panel Recommendations	12
3.12	Key Issue 10 – Natural Environment Matters	12
3.12.1	Matters Raised in Submissions	12
3.12.2	Hearings Panel Evaluation	13
3.12.3	Hearings Panel Recommendations	13
3.13	Key Issue 11 – New Spatial Layers and Zones	14
3.13.1	Matters Raised in Submissions	14
3.13.2	Hearings Panel Evaluation	14
3.13.3	Hearings Panel Recommendations	15
3.14	Key Issue 12 – Submission Points Omitted from Earlier Hearings	15
3.14.1	Matters Raised in Submissions	15
3.14.2	Hearings Panel Evaluation	16
3.14.3	Hearings Panel Recommendations	17
3.15	Key Issue 13 – Other Matters	17
3.15.1	Matters Raised in Submissions and Hearings Panel Evaluation	17
3.15.2	Hearings Panel Recommendations	19
3.16	Key Issue 14: Vehicles on Beaches (Lucklaw Farms Ltd).....	20
3.17	Key Issue 15 - Designations	20
3.17.1	Hearings Panel Recommendations	20
4.	Conclusion	20

RECOMMENDATION REPORT 17

1. Introduction

1.1 Report Structure

This is **Recommendation Report 17** prepared by the Independent Hearings Panel appointed to hear and make recommendations with respect to submissions and further submissions lodged on the Proposed Far North District Plan (**PDP**).

This recommendation report makes findings and recommendations relating to submissions on the parts, sub-parts, chapters and sections of the PDP. It also makes recommendations on consequential, ‘sweep up’ and general integration matters.

PDP Part	PDP Sub-Part	PDP Chapter or Provisions
Part 1 – Introduction and General Provisions	Interpretation	Definitions
		Glossary

A number of matters were discussed in this hearing, but they have been considered and reported on in earlier recommendation reports.

1.2 Section 32AA of the RMA

The requirements in clause 10 of the First Schedule of the Act and s32AA RMA are relevant to our considerations of the PDP provisions and the submissions received on those provisions. These are outlined in the **Preamble Report**.

We have not produced a separate evaluation report under s32AA. Where we have adopted the recommendations of Council’s hearing report authors, we have adopted their reasoning, unless expressly stated otherwise. This includes the s32AA assessments within or attached to the relevant hearing reports, provided within evidence for Submitters, and/or within the Council’s right of reply hearing reports. Those reports are part of the public record and are available on the Council website.

Where our recommendation differs from the hearing report authors’ recommendations, we have incorporated our own s32AA evaluation into the body of our recommendation as part of our reasons for recommended amendments, as opposed to including this in a separate table or appendix.

As per Section 4.3 of the **Preamble Report** where we generally agree with the Council recommendations relating to the relief sought by those submitters who did not wish to speak at the hearing, and we have concluded that these matters are not in contention. In that regard, we have focussed our discussion in this recommendation report on those submitters who presented evidence to us.

2. Procedural Issues

2.1 Missed Submissions Points

The hearing report for Hearing 17 referred to recommendations on 18 submission points (in Key Issue 12 – referred to as Key Issue 11 in the hearing report) which had been omitted in error from earlier topic-specific hearings.

In addition, a number of submission points which had been omitted from the respective Appendix 2 - Summary of Decisions Requested Tables were also covered (paragraph 84) as were submission points deferred from earlier hearings (paragraph 85) relating to Waka Kotahi’s submission on designation CNZ17 and Doug’s Opua Boat Yard submissions. These were dealt with in Section 5.7 and Section 5.5.2 of the hearing report.

2.2 National Planning Instruments

As discussed in section 3.2 and 3.3 in the **Preamble Report**, where any national policy or environmental standard was notified prior to the hearing these provisions have been incorporated in the hearing report and addressed at the hearing and in our evaluations and recommendations. With regard to the ten national policy statements and environmental standards that came into effect on 15 January 2026 (i.e. after all hearings had been completed) we have determined (following legal advice) that the Council can only give effect to those documents through a Schedule 1 variation or plan change process. See also Minutes 40-42 which address this matter.

3. Topic 1: Sweep Up (Interpretation, Mapping, Plan Variation 1 and Other Matters)

3.1 Background

The hearing report evaluated 264 original individual submission points and 540 individual further submission points which had been coded to the “Sweep Up” topic. 100 original submission points indicated general support for the provisions to be retained as notified, 87 submission points indicated support in part, with changes requested. Whilst 58 submission points were either neutral or did not state their position and 21 submissions points opposed the provisions.

3.2 Key Issues

The key issues identified in the hearing report and in evidence are set out below:

- Key Issue 1: Definitions with Support
- Key Issue 2: National Planning Standard Definitions (where submitters seek amendments)
- Key Issue 3: Other Definitions
- Key Issue 4: New Definitions/Terms
- Key Issue 5: Other Interpretation Matters

- Key Issue 6: Special Purpose Zoning Colours/Symbology
- Key Issue 7: Zoning of the CMA/Esplanade Reserve
- Key Issue 8: Airport Protection Surface Area Rules – Plan Variation 1 Matter
- Key Issue 9: Policy Direction and Refinement Overview
- Key Issue 10: Natural Environment Matters
- Key Issue 11: New Spatial Layers and Zones
- Key Issue 12: Submission Points Omitted from Earlier Hearings
- Key Issue 13: Other Matters.

We have followed this logical structure in our assessment, evaluation and recommendations. It is noted that in the hearing report the numbering of the Key Issues from Key Issue 8 is incorrect, this was addressed in the right of reply report.

3.3 Key Issue 1 – Definitions with Support

3.3.1 Matters Raised in Submissions

The 11 definitions shown in paragraph 5.3.1 and Table 2 of the hearing report received submissions in support and there were no submissions in opposition or seeking amendments.

3.3.2 Hearings Panel Evaluation

The 11 definitions received strong support, they provide clarity and certainty to plan users on the correct application of relevant provisions and several of the definitions are prescribed by the National Planning Standards and cannot be changed.

We agree with the recommendations in the hearing report.

3.3.3 Hearings Panel Recommendations

We recommend that the definitions for Community Corrections Activity, Transport Infrastructure, Visitor Accommodation, Temporary Military Training Activity, Retirement Village, Residual Adverse Effect, Regionally Significant Infrastructure, Māori Land, Functional Need, Emergency Service Facility and Operational Need be retained as notified for the reasons outlined above.

3.4 Key Issue 2 – National Planning Standards Definitions (where submitters seek amendments)

3.4.1 Matters Raised in Submissions

The definitions and matters/reasons raised by submitters were shown in section 5.3.2 and Table 3 of the hearing report and the matters/reasons have been read and considered by the Panel.

3.4.2 Hearings Panel Evaluation

All of the definitions shown in Table 3 in the hearing report are prescribed by the National Planning Standards. As stated in the Standards the Council must use the National Planning Standards definitions as defined in the Definitions List of the National Planning Standards (i.e. the definitions are mandatory and cannot be changed).

We agree with the recommendations in the hearing report.

3.4.3 Hearings Panel Recommendations

The Panel recommends:

- a) Accepting submission S364.019 in part and retaining the definition of ‘wetland’ as notified, for consistency with the National Planning Standards, with amendments to the term ‘wetland, lake and river margins’ to exempt artificially constructed ponds. Our recommended amendments are as follows:

<p>WETLAND, LAKE AND RIVER MARGINS</p>	<p>In the Light Industrial and Heavy Industrial zones means the area of land within 20 metres of a:</p> <ul style="list-style-type: none"> a. wetland <u>that is not an artificially constructed pond;</u> b. lake <u>greater than 1ha, and is not:</u> <ul style="list-style-type: none"> i. <u>an artificial lake where the primary purpose is for managing stormwater.</u> ii. <u>a constructed farm water supply pond or dam, or</u> iii. <u>a farm or municipal wastewater treatment pond;</u> or c. river greater than 3m average width <p>In the General Residential, <u>Medium Density Residential, Russell Township, Quail Ridge, Town Centre, or Mixed Use or in the Waitangi Estate Special Purpose Whakanga (Tourism) sub-zones</u> means the area of land within 26 metres of a:</p> <ul style="list-style-type: none"> a. wetland <u>that is not an artificially constructed pond;</u> b. lake <u>greater than 1ha, and is not:</u> <ul style="list-style-type: none"> i. <u>an artificial lake where the primary purpose is for managing stormwater.</u> ii. <u>a constructed farm water supply pond or dam, or</u> iii. <u>a farm or municipal wastewater treatment pond;</u> or c. river greater than 3m average width <p>In all other zones means the area of land within 30 metres of a:</p> <ul style="list-style-type: none"> a. wetland <u>that is not an artificially constructed pond;</u> b. lake <u>greater than 1ha, and is not:</u> <ul style="list-style-type: none"> i. <u>an artificial lake where the primary purpose is for managing stormwater.</u> ii. <u>a constructed farm water supply pond or dam, or</u> iii. <u>a farm or municipal wastewater treatment pond;</u> or c. river greater than 3m average width <p>Where a river is smaller than 3m average width, <u>the river margin is the area of land within means 10m of a river.</u></p> <p>Note: The width is measured in relation to the bed of the waterbody</p>
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- b) Rejecting the submissions in Table 3 seeking amendments to definitions; and that the definitions are retained as notified for consistency and compliance with the National Planning Standards.

3.5 Key Issue 3 – Other Definitions

3.5.1 Matters Raised in Submissions

The definitions and matters/reasons raised by submitters were shown in the ‘Overview’ Schedule in 5.3.3 of the hearing report.

3.5.2 Hearings Panel Evaluation

The “overview” schedule provided a list of the definitions submitted on and a recommendation to the Panel. An analysis of each definition and a Section 32AA Evaluation (where necessary) was undertaken by the reporting officer.

There were 27 ‘Other Definitions’ considered and some other consequential amendments to provide clarity. Having read the analysis and s32AA evaluation we agree with the reporting officer’s comments and recommendations on each definition noting that the Carbon Neutral Trust and Our Kerikeri Trust (Community Groups), raised concerns about Council infrastructure not having sufficient capacity to accommodate development. This is related to the definition of development infrastructure, as outlined in the hearing report (paragraphs 139 – 141), which provided a detailed summary of how the terms ‘infrastructure’ and ‘development infrastructure’ are used in the PDP.

The right of reply from the reporting officer referred to the PDP using the terms ‘Infrastructure’ and ‘Development Infrastructure’ and includes a range of objectives and policies that require adequate development infrastructure to be established prior to subdivision and/or development. This approach aligns with the NPS-UD, as outlined in paragraphs 139 – 141 of the hearing report. Additionally, the reporting officer considered that there was no scope for the relief sought by the submitters in their submissions, which was to insert a new definition or clarification of the term ‘existing or planned development infrastructure’ when referring to public infrastructure, particularly wastewater treatment systems and other 3-waters infrastructure. However, it was noted that the submitters had indicated support for the definitions in their submission points (refer to Key Issue 1: Definitions with Support and Key Issue 3: Other Definitions).

While the District Plan sets the framework for land use planning, it is acknowledged that a future three waters entity will assume responsibility for implementing planned upgrade programmes and connection policies. We were told that Council has also recently adopted a new development contributions policy to recover some of the costs for growth-related infrastructure. These will support the integration of land use planning with infrastructure provisions and build on existing projects and funding in the future.

3.5.3 Hearings Panel Recommendations

- a) The Panel accepts and recommends that the recommendations as shown in the ‘Overview’ in section 5.3.3 of the hearing report be adopted by Council for the explanation and reasons shown in the hearing report.

The final set of definitions is set out in **Appendix 2.1** to this recommendation report.

- b) In addition, the Panel is of the view that the minor amendments to selected definitions within the PDP are recommended to improve clarity, remove ambiguity, and ensure consistency with the language used throughout the PDP. These changes do not alter the scope, intent, or application of the associated provisions, but instead refine the

wording to better support interpretation and implementation. The benefits of these amendments include enhanced usability for Plan users, reduced risk of misinterpretation and improved alignment with planning best practice. These are also included in **Appendix 2.1**.

- c) The deletion of the definitions for ‘Plantation Forestry’ and ‘Plantation Forestry Activity’ is a necessary and efficient amendment following updates to the NES-CF and recommendations from earlier hearings to use the terms “commercial forestry” and “forestry activities” in the PDP provisions. We note that the PDP has already been updated through Hearings 4 and 9 to align with NES-CF terminology through the rules and amending advice notes accordingly. This change improves plan clarity, ensures consistency with national direction and supports effective implementation.

3.6 Key Issue 4 – New Definitions/Terms

3.6.1 Matters Raised in Submissions

The definitions and matters/reasons raised by submitters were shown in the ‘Overview’ Schedule shown in section 5.3.4 of the hearing report.

3.6.2 Hearings Panel Evaluation

The “overview” schedule provided a list of the definitions submitted on and a recommendation to the Panel. An analysis of each definition and a Section 32AA Evaluation (where necessary) was undertaken by the reporting officer. Having read the analysis and s32AA evaluation we agree with the reporting officer’s comments and recommendations on each new definition/term.

We received no evidence in contention with the analysis and recommendations in the hearing report and we agree with the recommended amendments.

3.6.3 Hearings Panel Recommendations

The Panel accepts the Officer’s recommendations as shown in the ‘Overview’ in section 5.3.4 of the hearing report and recommends that these amendments to definitions be adopted. The full set of definitions amendments are included in **Appendix 2.1**.

3.7 Key Issue 5 – Other Interpretation Matters

3.7.1 Matters Raised in Submissions

A number of submitters recommend the inclusion of “nesting tables” within the PDP to improve clarity, consistency, and usability. The submitters included Bunnings Limited, McDonald’s Restaurants (NZ) Limited, Sarah Ballantyne and Dean Agnew, Te Aupōuri Commercial Development Ltd, Willowridge Developments Ltd, Top Energy Ltd, Foodstuffs North Island Ltd, Ngawha Generation Ltd, Paihia Properties, Ngā Tai Ora – Public Health Northland and Rosemorn Industries Ltd.

McDonald’s also requested clearer definitions and nesting tables to improve usability.

A summary of the submissions received was shown in paragraph 384 of the hearing report with an analysis of the submissions in paragraphs 385 to 389.

We received written evidence in support of nesting tables and heard evidence on behalf of submitters at the hearing in support of nesting tables, particularly from planning consultant David Badham on behalf of McDonalds.

3.7.2 Hearings Panel Evaluation

Having considered the submissions, the hearing report, evidence tabled at the hearing and the right of reply in response to the inclusion of nesting tables within the PDP, we acknowledge (as did the reporting officer) that nesting tables can be a valuable tool when used during the initial drafting of district plan provisions, as they can help clarify the relationship between activities and definitions, improving transparency and aiding interpretation during consent processes. However, nesting tables are not required under the NPS, hold no statutory weight and the Council decided not to include nesting tables when preparing its Proposed District Plan.

We agree with the reporting officer that their effectiveness relies on being embedded early in the plan-making process, where they can inform the structure of rules and definitions in a coherent way. We also agree that trying to introduce nesting tables at this late stage presents a risk because the rule framework has already been established without them and retrofitting tables now could inadvertently broaden or misrepresent the scope of certain activities, leading to interpretation inconsistencies and undermining the integrity of the provisions.

Like the reporting officer we do not dismiss the value of nesting tables but we are of the view that their value lies in being embedded into a PDP early on in the process and not added at this late stage so as not to alter the original intent of the PDP.

This section also dealt with a number of definitions which are not referenced within the PDP provisions and the recommendations to us was that they be removed. We agree with the recommendations. We also agree that no S32AA evaluation is required for the reasons shown in the hearing report at paragraph 401.

3.7.3 Hearings Panel Recommendations

The Panel recommends:

- a) The rejection of the submissions seeking the inclusion of nesting tables within the PDP for the reasons shown above.
- b) That submission S385.002 is accepted in part and that a new definition for ‘drive-through activity’ as follows is included in the PDP –

Drive-through activity means any part of any fast food, beverage or restaurant activity where the product is sold directly to the customer while in their vehicle.

- c) An amendment to the definition of ‘Telecommunication Kiosk’ to read ‘Telecommunications Kiosk’
- d) That all reference to ‘Trade Waste’ be replaced with ‘Industrial Waste and Trade Waste’ throughout the PDP.
- e) That submissions S432.002, S516.011, S483.001, S483.002, S344.004 and S454.001 are accepted in part.

3.8 Key Issue 6 – Special Purpose Zoning Colours/Symbology

3.8.1 Matters Raised in Submissions

The submissions on this issue raised difficulty in distinguishing Special zones in the PDP due to the use of similar grey colours and symbols.

3.8.2 Hearings Panel Evaluation

We were informed that changes to the Special Purpose zone colours/symbology had already been made to the planning maps as a clause 16 (2) amendment. These changes are neutral because they do not alter the mapping or provisions and are solely intended to enable plan users to visually distinguish between the different special purpose zones. Also, the background grey colour is still consistent with the National Planning Standards.

The change in symbology of the planning maps is neutral, does not alter the provisions of the PDP and the benefit of the change is that users of the planning maps can more easily distinguish between the different special purpose zones.

3.8.3 Hearings Panel Recommendations

For the above reasons, the Panel recommends that the submissions by FNDC (S368.027), Ngawha Generation Limited (S432.005), and Top Energy Ltd (S483.184) are accepted noting that the changes have already been made to the planning maps as a clause 16(2) amendment.

3.9 Key Issue 7 – Zoning of the CMA/Esplanade Reserves

3.9.1 Matters Raised in Submissions

A summary of the submissions, evaluation and recommendation from the Reporting Officer was shown in Table 5 on pages 103 to 105 of the hearing report under the heading 'Doug's Opua Boat Yard Submission Points – Summary'.

3.9.2 Hearings Panel Evaluation

We received and heard evidence from Brett Hood, Planning and Mr Doug Schmuck, Owner and Operator of Doug's Opua Boat Yard (DOBY) and received legal submissions from Siobhan McDonald. Table 5 also included information on the submission points addressed in earlier hearings (Hearing 15A, 15B and 15C) and an Evaluation and Recommendation,

Mr Hood briefly spoke to his evidence and confirmed that the key points/relief sought had been narrowed from the original submission and evidence provided at prior hearings and these are:

1. Remove district plan zoning from the CMA (at least in front of DOBY).
2. Zoning the esplanade reserve in front of DOBY 'Open Space zone' and not 'Natural Open Space zone'.
3. Delete the Treaty settlement reference from the 'Natural Open Space zone' description.

Mr Hood did state that numbers 1 and 3 were the major reliefs now being sought and would 'not die in the ditch' over number 2.

We were told that the Hearing 15A General Rezoning hearing report acknowledged that while there may be spatial discrepancies in certain locations, district councils generally lack jurisdiction over the CMA (i.e. seaward of MHWS), in accordance with s.59 and s.30 of the RMA. Although s.89 of the RMA allows for district plan rules to apply to specific activities in the CMA (e.g. subdivision or activities on reclaimed land), spatial layers extending seaward of MHWS generally have no legal effect unless tied to specific jurisdictional triggers.

The reporting officer's evidence was that the cost of surveying the coastline of the district and moving zones inward of the surveyed MHWS would be high and disproportionate to the benefits of doing so. Given this context and the dynamic nature of the MHWS boundary, a blanket shift of all mapped overlays and mapped zones landward to avoid encroaching into the CMA was not considered necessary and was not recommended. We agree.

The right of reply regarded the request to remove zoning from land within the CMA as acceptable as the zoning in this area was inappropriate and also that the District Council does not have jurisdiction over the CMA that is below the MHWS. Accordingly, the reporting officer supported the removal of zoning over the CMA in front of Doug's Opua Boatyard so that it does not have any zone shown on the PDP maps.

However, the request to rezone the local purpose reserve in front of Doug's Opua Boatyard from Natural Open Space to Open Space was not supported because:

- a. The land is owned and administered by FNDC. Its existing use aligns with the purpose and values of the Natural Open Space zone, which is specifically intended to apply to local purpose reserves adjacent to the coast.
- b. Historically, the site was zoned Conservation in the ODP and as part of the PDP zoning transition, all Conservation-zoned land was rolled over to Natural Open Space zone, unless a mapping error was identified. There is no indication that such an error applies in this case.
- c. The submitter has not provided substantive planning rationale for why the Natural Open Space zone is inappropriate or constraining in this context.

We were told that the reference to Treaty settlement in the zone overview relates to Crown-owned land that may be subject to future Treaty settlement legislation and that this reference is not applicable to the FNDC-administered reserve in front of 1 Richardson Street, Opua. While it is not uncommon for Local Authorities to return reserve land, the officer's view was that the language has the potential to be unnecessarily confusing and she supported the submitter's alternative relief to remove Treaty Settlement references from the Overview of the Natural Open Space Zone Chapter, as this clause introduces unnecessary uncertainty and potential confusion.

3.9.3 Hearings Panel Recommendations

We accept the recommendations of the reporting officer as expressed in the hearing report and in the right of reply noting that the Council reporting officer had recommended amendments in line with the relief sought in Mr Hood's evidence.

We recommend accepting submission S21.001 in part. Specifically, the removal of zoning over the CMA in front of Doug's Opua Boatyard.

We also recommend removing the following reference to Treaty Settlements in the Natural Open Space Zone Overview as follows:

... Some Natural Open Space land may be subject to treaty settlement claims and may be returned to tangata whenua. If this occurs Council will initiate a plan change to amend the zoning...

The recommended amendments are considered appropriate as removing the proposed zoning from the planning maps within the CMA is both more effective and efficient given that Council has no jurisdiction below MHWS. The recommended amendment to delete the Treaty Settlement reference from the Natural Open Space Zone Overview is also considered appropriate to remove any associated uncertainty and potential confusion.

3.10 Key Issue 8 – Airport Protection Surface Area Rules – Plan Variation 1 Matters

3.10.1 Matters Raised in Submissions

Request for the insertion of a new rule for vegetation within the Airport Protection Surface area in Rural zones, Mixed Use zone, Light industrial zone and Open Space zone and comment that TSL-R1 was not clearly referenced in the public notice for Plan Variation 1.

FNHL supported in part the airport protection surface provisions but sought the inclusion of vegetation. They noted that trees and other vegetation can pose risks to airport operations if not properly managed and recommended that either a new provision within various zones or an amendment to include an additional sentence in each rule. The suggested wording for both recommendations was as follows:

All vegetation and trees whether deliberately planted, naturally occurring, or existing, and that is located within an airport protection surface area identified on the planning maps shall be maintained to ensure that the vegetation does not penetrate the airport surfaces shown in APP4 Airport protection surfaces.

Walter Hicks noted that TSL-R1 wasn't clearly referenced in the public notice and acknowledged that PV 1 aimed to clarify building height limits near airports to protect airport surfaces. However, no specific relief was stated by the submitter.

3.10.2 Hearings Panel Evaluation

An analysis of each submission was carried out by the reporting officer in paragraphs 408 to 413 of the hearing report.

With regard to the FNHL submission, we note Standard AIRPZ-S2 Airport protection surfaces states:

... and planted vegetation within the airport protection surface areas identified on the planning maps do not penetrate the airport protection surfaces shown in APP4 Airport protection surface.

Additionally, Standard AIRPZ-S1 Maximum height provides a maximum tree height limit with Rule AIRPZ-R5 Planting trees requiring compliance with both of these standards when planting within the Airport zone.

For other zones, the rules introduced by PV1 restrict the height of buildings within the obstacle limitation surfaces on land surrounding airports but do not contain any

restrictions on the height of vegetation. These rules are tied to Obstacle Limitation Surfaces (OLS), which are defined by the Civil Aviation Authority (CAA) to protect aircraft flight paths. Obstacle limitation surfaces are protected by way of a designation, with the airport operator as a requiring authority, which applies to any structure or vegetation intruding the obstacle limitation surface. We were also informed that some district plans in New Zealand contain rules that specifically address planted vegetation within airport protection surface areas, ensuring such vegetation does not penetrate or obstruct these surfaces.

The reporting officer considered there is a low risk that vegetation surrounding the airport will obstruct the obstacle limitation surface but given there is a risk and only a low cost of adding this requirement to the PDP to protect the obstacle limitation surface we agree such a requirement should be added to the PDP. This approach is consistent with outcomes sought for the PDP, including protecting infrastructure from the effects of activities and is generally consistent with the outcomes sought for the objectives and policies from the Airport zone. We agree with the reporting officer's view/opinion.

With regard to Mr Hicks' submission, we note that the public notice did contain the following summary of the proposed changes:

Amend the wording of new buildings and structures rules within zones covered by the Airport protection surfaces overlay to ensure the airport protection surface limitations apply in relevant zones, and to ensure that buildings on land surrounding airports are built to a height that they do not penetrate the airport protection surfaces.

3.10.3 Hearings Panel Recommendations

For the above reasons, the Panel recommends accepting the submission in part from FNHL, and retaining the Airport zone provisions as notified and inserting the following new additional rule to the relevant zones (Rural zones, Mixed Use, Light Industrial, and Open Space zones) as follows:

Vegetation within airport protection surface area

Activity status: Permitted

Where:

PER-1

Vegetation within airport protection surface area does not penetrate the airport protection surfaces shown in APP4 Airport protection surfaces.

Activity status where compliance not achieved: Discretionary

In relation to the submission from Walter Hicks we recommend that the submission be rejected as he did not request any specific relief or changes to the PDP.

We are of the opinion that the recommended new rule to manage vegetation within airport protection surface areas supports aviation safety. While existing Airport zone provisions address vegetation, surrounding zones do not. Extending this control ensures consistent protection of obstacle limitation surfaces, aligns with Civil Aviation Authority guidance, and

carries minimal cost or risk. The amendment improves the effectiveness of the PDP and achieves objective AIRPZ-O4 (the safe and efficient operation of the Kaitaia, Bay of Islands and Kaikohe Airports, and protection from other activities).

3.11 Key Issue 9 – Policy Direction and Refinements Overview

3.11.1 Matters Raised in Submissions

This Issue is in regard to various policies (all PDP Chapters) and is to ensure consistency throughout the PDP with refinements to the Overview where necessary. The reporting officer's recommendations to us were:

For consistency, amend precursor wording of policies from “manage land use and subdivision to address the effects ...” to “Consider the following matters where relevant when assessing...”.

Update all relevant policies throughout PDP with consistent reference to “inappropriate subdivision, use and development” or “subdivision, use and development”

3.11.2 Hearings Panel Evaluation

We have read the analysis of the reporting officer in paragraphs 417 to 424 of the hearing report and agree with the analysis and reasoning.

3.11.3 Hearings Panel Recommendations

For the above reasons and to ensure consistency, the Panel recommends the following consequential amendments to the PDP:

- a) All equivalent “manage” policies in the PDP chapters are amended as follows:

~~*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*~~ (or similar wording).

Consider the following matters where relevant when assessing and managing the effects of land use and subdivision on the [relevant zone] / [relevant overlay]; OR

Consider the following matters where relevant when assessing and managing the effects of [activity e.g. signage, noise, lighting] on the environment.

- b) All policies that refer to “inappropriate” development and subdivision are amended to “inappropriate subdivision, use and development” (including SD-RE-O2, CE, NATC and NFL objectives and policies) for consistency.

3.12 Key Issue 10 – Natural Environment Matters

3.12.1 Matters Raised in Submissions

This Issue was shown in Section 5.6.1 and paragraphs 426 to 432 of the hearing report and covered Various provisions, the Definition of Sensitive Environment and ‘Setbacks’, Rule HS-R6 and All zone Chapters. The hearing report referred to some recommendations from

Hearing 4 and also submissions from Andrew John Riddell. The Overview showed the various provisions and the Officer's recommendations.

3.12.2 Hearings Panel Evaluation

Having considered the original submissions and the evidence (noting that we did not hear any evidence in opposition) before us at the hearing we agree with the reporting officer's recommendations for the reasons shown in the hearing report and included in Appendix 2.1 to the recommendation report.

3.12.3 Hearings Panel Recommendations

- a) For the reasons stated above, and for consistency, we recommend the following consequential amendments to the PDP:
 - i. Reference to 'Significant Natural Areas' in provisions is replaced with the alternative term 'significant indigenous vegetation and significant habitats of indigenous fauna'.
 - ii. The term 'Significant Natural Areas' is deleted from the definition of 'sensitive environment' and 'setback', and Rule HS-R6 is deleted because there are no 'significant natural areas' identified in the PDP and the rules in the Ecosystems and Indigenous biodiversity chapter sufficiently protect 'significant indigenous vegetation and significant habitats of indigenous fauna'.
 - iii. the setback from MHWS standard is deleted from all zone chapters, and the note above the rules is amended in all zone chapters as follows:
 - iv. 'This zone chapter does not contain rules relating to setback to waterbodies and MHWS for building and structures or setbacks to waterbodies and MHWS for earthworks and indigenous vegetation clearance. The Natural Character chapter contains rules for activities within wetland, lake and river margins and the Coastal Environment chapter contains rules for activities within the coastal environment. The Natural Character chapter and Coastal Environment chapter should be referred to in addition to this zone chapter'.
- b) We also recommend that the submissions from Andrew John Riddell (S431.116, S431.117) are accepted in part, insofar as the natural character and coastal environment chapters contain the setbacks from MHWS and waterbodies, which also apply to structures.

The Panel is of the view that the consequential amendments recommended above are necessary to ensure consistency and integration between the PDP provisions, associated definitions and to achieve the intent. The changes reduce the potential for inconsistency, ambiguity and interpretation issues. The recommended changes are appropriate because they achieve the PDP objectives and improve plan effectiveness.

3.13 Key Issue 11 – New Spatial Layers and Zones

3.13.1 Matters Raised in Submissions

The submissions generally relate to Various PDP Chapters (District-Wide Chapters) and the Officer’s recommendations were to:

- a. Insert reference to new Precincts (Horticulture, Mataka Station, The Landing, and Motukiekie Island).
- b. Insert reference to Mineral Extraction zones, Town Centre zone and Medium Density Residential zone, Waitangi Estate and Corrections Special Purpose zones in other PDP chapters where relevant (refer Table 7).
- c. Remove reference to Mineral Extraction Overlay and replace with Mineral Extraction zone where relevant.

3.13.2 Hearings Panel Evaluation

We were informed that in response to submissions, a number of new spatial layers and zones had been recommended by other reporting officers in earlier hearing reports.

The reporting officer’s advised that each of the respective earlier hearing reports provide a summary of the consequential amendments required to other parts of the PDP. The consequential amendments are summarised as follows:

- a. No change is required to the District-Wide chapters as a result of new Precinct provisions (based on recommendations to date) because the land where Precincts have underlying Rural Production Zoning and the RPROZ rules / standards apply.
- b. The Panel agrees that any reference to “Mineral Extraction Overlay” in other chapters of the PDP, and reference to “Horticulture zone” should be removed.
- c. District-Wide chapters require addition of reference to new zones including “Town Centre zone”, “Medium Density Residential zone”, “Mineral Extraction zone”, “Corrections Special Purpose zone” and “Waitangi Estate Special Purpose zone” to the relevant rules and standards.

A number of District-Wide Rules and Standards also required consequential amendments to reflect the revised zone framework as set out in Table 77 of the hearing report. Where a rule, standard or zone is not referenced in Table 77 a change is not necessary (most commonly because the provision refers or applies to “all zones”). The table does not include the full suite of consequential amendments for the Waitangi Estate zone where these are the subject of expert conferencing.

The hearing report included two tables being: Table 6 - Recommended New Spatial Layers / zones and Table 7 – Recommended Amendments to District-Wide Chapters to reflect Revised Zone Framework. Each Table included the reporting officer’s recommendations.

We have considered consequential amendments, as necessary across the plan, in each of our recommendation reports. The consequential amendments are typically provided in the Council’s hearing reports and rights of reply. We have included the consequential amendments, as necessary, in all the provisions we have recommended across all provisions in the plan.

3.13.3 Hearings Panel Recommendations

For the above reasons and reasons shown in the hearing report, the Panel recommends the consequential amendments to the PDP.

Our recommendations provided above are appropriate because they are consistent with the recommendations made by reporting officers at earlier hearings and ensure that the relevant rules and standards apply in the new zones for consistency. The amendments will clarify the intent of the Plan provisions and aids with interpretation which will reduce time/cost/uncertainty for Plan users and lead to more consistent outcomes. The recommended amendments are considered to be more appropriate in achieving the purpose of the RMA and the PDP objectives than the notified version of the PDP.

3.14 Key Issue 12 – Submission Points Omitted from Earlier Hearings

3.14.1 Matters Raised in Submissions

There were various provisions covered under this heading and the reporting officer's recommendations to the Panel were generally based on previous hearings. Briefly the submissions related to:

- a. Tristan Simpkin sought to rezone the Kokopu subdivision from Rural Residential to General Residential.
- b. Marshall Investments Trustee Limited sought retention of both the Heavy Industrial zoning and its associated provisions as currently proposed.
- c. Transpower sought to replace Rule EW-R15 with a Permitted Activity rule for earthworks near transmission lines. They argued the current non-complying rule is unusual and restrictive and they propose a nationally consistent framework that better manages effects on access and infrastructure stability.
- d. Lynley Newport expressed concern that some areas within the District may have been overlooked and should have been zoned Settlement and requested that the zoning be reviewed to identify additional locations where the Settlement zone could be appropriately applied.
- e. Te Hiku Community Board, Elbury Holdings Ltd, Leah Frieling and Sean Frieling (collectively opposed the application of the Rural Production zone to areas in Awanui and Wireless Road, Kaitaia, which are already serviced by urban infrastructure such as sewerage, footpaths, and refuse collection. Alternatively, they proposed changes to the objectives, policies, and rules of the Rural Production zone to allow greater land use flexibility, including smaller parcel sizes (e.g. 2,000 m²).
- f. The Kapiro Residents Association supported compact urban/residential development and opposed sprawl into rural and coastal areas due to its adverse effects on infrastructure efficiency, climate, productive land, and local character. They sought amendments to planning zones and chapters to include strong policies and rules, similar to Coastal Environment Policy CE-P4, to prevent urban sprawl in these sensitive areas.
- g. J L Hayes and Sons Ltd opposed aspects of Planning Map 27, highlighted omissions such as Summit Plantations and NZ Carbon Farming and argued that carbon farming

should not be included within the Rural Production zone. The submitter also questioned the accuracy of mapped Significant and Outstanding Natural Areas at Mangapa and sought to remove the Rural Production zoning from carbon farming areas and identifying their specific land use.

- h. Carbon Neutral NZ Trust and VKK recommended incorporating the updated NZ Land Resource Inventory (LRI) maps as overlays in the PDP. They argued this would provide essential interim guidance until the NRC completes its mapping of Highly Productive Land, noting that the LRI is likely to be adopted as the standard. The relief sought was to insert the NZ LRI maps into the PDP.
- i. Wendover Two Limited opposed the use of the term “Rural Production” for zoning, arguing it misrepresents the diverse land uses across the district, many of which are unsuitable for production. Relief sought was to amend all references to “Rural Production” in the PDP to “General Rural.”
- j. Neil Construction Limited opposed the current restrictions on Management Plan subdivisions in relation to the Tubbs Farm area and sought amendments to remove barriers, making this subdivision option easier to implement.
- k. Kapiro Residents Association and Our Kerikeri Community Charitable Trust supported strengthening the PDP provisions for crop protection and agricultural support structures to safeguard rural character and visual amenity. They sought retention of the current 3m setback rule and proposed additional standards for structures over 1.5m near roads, public land, or residential boundaries - limiting height to 5m, requiring dark-coloured materials, and mandating landscaping screens. Breaches should be classified as non-complying activities, with opportunities for community objection.
- l. Wakaiti Dalton supported the chapter in part but sought amendments to the overview to explicitly recognise tangata whenua as kaitiaki of indigenous vegetation on Māori land, to emphasise the importance of tikanga and mātauranga Māori in resource management and express concern over the lack of engagement with tangata whenua regarding Significant Natural Areas and sought to amend the overview to reflect Māori cultural values and governance roles.
- m. Te Hiku Iwi Development Trust sought recognition of tangata whenua’s special relationship with the land in urban planning provisions. They propose amending Policy TW-P3 to reflect the cultural landscape significance and its role in Māori identity and wellbeing, or alternatively, they suggest revising Objective SD-UFD-O1 to explicitly prioritise tangata whenua’s relationship with the land in planning decisions.

3.14.2 Hearings Panel Evaluation

An analysis of each submission was carried out by the reporting officer in paragraphs 457 to 470 of the hearing report and a recommendation to either accept, accept in part or reject each submission was given. The reporting officer also referred to previous hearings where some of the submissions had been considered and recommendations made by the respective reporting officer.

Having read the submissions and evidence before us we agree with the analysis and recommendations of the reporting officer’s for Hearing 17.

3.14.3 Hearings Panel Recommendations

For the above reasons and those shown in the hearing report, the Panel recommends that:

- submission S378.001 be accepted and submissions S454.103, S427.014, S441.002, S529.168, S527.031, S349.031, S427.048, S338.062, S399.012, S355.018 and S449.058 be accepted in part.
- submissions S288.010, S100.002, S257.024, S541.030, S358.028, S357.025, S472.029 and S222.082 be rejected.

3.15 Key Issue 13 – Other Matters

3.15.1 Matters Raised in Submissions and Hearings Panel Evaluation

The Overview in the hearing report at 5.6.4 referred to All zones and to the definition of Urban and included the officer's recommendations which were to add "or downstream" as an additional matter in matters of discretion (c) for "impermeable surface coverage" rules/standards and to delete the definition of Urban.

Te Whatu Ora sought appropriate integration of the changes proposed by their submissions on the Hospital Special Purpose zone to ensure the development/redevelopment of the Hospital within the hospital zone can occur in an efficient and effective manner. This was addressed in Hearing 2 and there are no other consequential amendments necessary to other chapters of the PDP.

Kuia, kaumātua and whānau of Moringai Whānau sought that the status of Lots 23 and 24 DP 381292 (1 and 3 Wharo Place, Ahipara) is amended (from freehold title to a historic purpose reserve). The legal status of land is beyond the scope of the District Plan and the Panel has no jurisdiction over this issue, therefore the Panel recommends that this submission is rejected which is what the Reporting Officer had recommended.

Puketotara Lodge made submissions across all zones seeking amendments to matters of discretion for Rule 2 (impermeable surface coverage) to add additional matters for consideration. All of the Reporting Officers for the zones made consistent recommendations to add "or downstream" as an additional matter in matters of discretion (c) as follows:

the availability of land for disposal of effluent and stormwater on the site without adverse effects on adjoining waterbodies (including groundwater and aquifers) or on adjoining sites or downstream;

For plan-wide consistency it is recommended that all matters of discretion for the "impermeable surface coverage" rule or standard are updated for consistency with the above matter of discretion.

Heavy Haulage Association submission S482.001 and other equivalent submission points requested that relocated buildings are explicitly provided for as a permitted activity in the zone rules for buildings and structures. The submitter considers that it is not clear that the permitted activity status applied in most zones to "new buildings and structures" also applies to the relocation of buildings. In response the reporting officers for the various zones recommended that relocated buildings are explicitly referenced within Rule 1 across the zones and the wording was shown in paragraph 477.

The PDP, as notified, contains the following definition of ‘Urban’:

Means an area of [land](#) zoned either:

- b) General Residential;*
- c) Kororareka Russell Township;*
- d) Mixed Use; or*
- e) Light Industrial*

that currently has adequacy and capacity of available [development infrastructure](#) or is signalled to receive at a minimum reticulated [wastewater infrastructure](#), in the Long Term Plan or the 30 Year Infrastructure Strategy.

NOTE: [Land](#) zoned Heavy Industrial in some parts of the District may not have access to, or be programmed to receive, adequate [development infrastructure](#) so is not included within this definition.

The purpose of defining ‘Urban’ was to assist with implementation of the notified Coastal Environment chapter provisions which referred to ‘urban zones’ (e.g. Objective CE-O3, Policy CE-P5 and Rule CE-R1). At Hearing 4 the reporting officer for the Coastal Environment chapter, recommended replacing reference from “urban zone” within the Coastal Environment objective and policies to “urban areas” for alignment with the NZCPS and RPS. The Officer also recommended replacing reference to “urban zones” within Rule CE-R1 with specific reference to the urban zones that the relevant standards apply to, being the General Residential zone, Mixed Use zone, Light Industrial zone, Russell / Kororareka Special Purpose zone, Māori Purpose zone – Urban, Oronga Bay zone, Hospital zone, and Kauri Cliff SPZ - Golf Living Sub-zone.

As a result of the recommended changes, the definition of “urban” within the PDP is superfluous and is no longer necessary, because the definition is not used in this manner elsewhere in the PDP. Retaining it as notified could conflict with the recommended changes referred to above and has potential to create confusion and conflict. The Reporting Officer had discussed and confirmed the interpretation and the recommended approach to delete the definition of “urban” with other reporting officers, including Mr Wyeth (reporting officer for the Coastal Environment) and Ms Trinder, reporting officer for the Urban zones, who confirmed that the definition of “Urban” is not necessary.

The reporting officer also considered that the recommended deletion of the definition of “urban” could be made as a consequential amendment as a result of the numerous submissions on the approach to managing development in urban zones within the coastal environment. The deletion of definitions not used within the Plan is appropriate because the defined term does not have a clear purpose and application. Removing it from the plan reduces potential for confusion for plan users, conflict between provisions and definitions, and potential for unintended consequences.

Gross Business Area (GBA) vs Gross Floor Area (GFA) - there are two separate terms defined and used in the PDP: “Gross Floor Area (GFA)” and “Gross Business Area (GBA)” with each term having a distinct meaning and area used in different contexts for different purposes.

GFA refers to the total area of all floors of a building measured from the exterior walls and is used to calculate building density, height limits, and compliance with zone rules (bulk and location and coverage standards). GBA is more specific—it refers to the total area used for business activities. This includes retail floor space and office areas that may be part of a larger building. Placing limits on GBA is intended to manage the scale and intensity of certain activities in the zone rules (e.g. to assess impacts like traffic generation in rural zones).

It is appropriate that the two terms remain in the PDP as they are used for different purposes and despite a change from GBA to GFA for “rural tourism activity” in the Māori Purpose zone -Rural (Rule MPZ-R16) both terms continue to be used in the PDP in different contexts.

Esplanade Priority Areas - at Hearing 5 the reporting officer recommended that the esplanade priority areas are not mapped on the PDP for various reasons, one of them being that the future planning associated with implementation of the Kerikeri-Waipapa Spatial Plan was being developed at the time to integrate natural waterways and green spaces into urban growth through identified ‘blue-green’ networks on the Spatial Plan maps. The Kerikeri-Waipapa Spatial Plan was adopted by Council on 18 June 2025. A map identifying the blue-green networks as shown in the Spatial Plan maps was included in Figure 1 – Te Patukurea – Kerikeri-Waipapa Spatial Plan of the hearing report.

Zone Layers and Property Boundaries – the Panel was advised that the District Plan Team had become aware of an issue in some areas where zone layers of the PDP are not aligned with cadastral boundaries. Based on discussions with Council’s GIS specialist, the Reporting Officer understood that it was not possible to automatically fix the error on a District-wide basis and align the zoning layer with the cadastral boundaries, because the PDP contains a number of properties that have split zoning. We were advised that the District Plan team will identify localised issues as they arise and resolve them with the GIS team via Clause 16(2) amendments as necessary.

3.15.2 Hearings Panel Recommendations

For the above reasons and those shown in the hearing report we recommend that the following consequential amendments be made to the PDP:

- a) Add “or downstream” as an additional matter in matters of discretion (c) for “impermeable surface coverage” rules/standards.
- b) The definition of “urban” is deleted; and
- c) “Relocated buildings” is explicitly added to Rule 1 of the zone chapters.

The consequential amendments recommended above are appropriate for plan-wide consistency. The changes are consistent with the recommendations made by reporting officers at earlier hearings. They aid with interpretation which will reduce time/cost/uncertainty for Plan users and lead to more consistent outcomes.

3.16 Key Issue 14: Vehicles on Beaches (Lucklaw Farms Ltd)

As set out in Key Issue 5.14.1 of the Coastal topic in Recommendation Report 4, further legal submissions and planning evidence presented at Hearing 17 on this issue have been evaluated in **Recommendation Report 4**.

3.17 Key Issue 15 - Designations

The hearing report also included (for the Panel's information only) details (see paragraphs 489 to 493) relating to designations for Chorus CNZ17, Ministry of Education's MEDU 88, Northland Regional Council NRC148, FNDC FN254 and FNDC FN253 and amendments to the PDP through clause 16 (2) of the RMA.

3.17.1 Hearings Panel Recommendations

For the above reason and reasons shown in the hearing report we recommend that the amendments/additions to the Designations are adopted by the Council in its decisions on the PDP.

4. Conclusion

For the reasons set out in this and all of our other recommendation reports, we recommend the adoption of a set of changes to the PDP provisions.

Our recommended amendments for Hearing 17 are included across all of the recommendation reports. In addition, we have recommended:

- a complete set of Definitions - provided as **Appendix 2.1**;
- a complete Glossary – provided in **Appendix 2.2**; and
- a record of consequential amendments set out in **Appendix 2.3**.

In evaluating and determining our findings we have had regard to the submissions received, the hearing reports (including the rights of reply) and the evidence tabled and presented to us. We have also incorporated our own s32AA evaluation into the body of our report as part of our reasons for recommended amendments.

Accordingly, and as related to this recommendation report, we recommend that the submissions and further submissions should be accepted, accepted in part or rejected, as set out in this recommendation report and in the table of Recommended Decisions on Submissions in **Appendix 3**.

Overall, we find that these changes will ensure the PDP better achieves the statutory requirements, national and regional policy directions, and be easier to implement and understand.