



**PROPOSED FAR NORTH DISTRICT PLAN
RECOMMENDATIONS OF THE INDEPENDENT HEARINGS
PANEL**

RECOMMENDATION REPORT 14

Hearing 14: Urban Zones

General Residential Zone, Mixed Use Zone, Light Industrial Zone, Heavy Industrial Zone, Town Centre Zone (New) and Medium Density Residential Zone (New)

March 2026

Recommendation Report 14

Recommendation Report 14 is to be read in conjunction with the **Preamble Report** and **Recommendation Reports, 15C, 15D, 16 and 17.**

Recommendation Report 14 contains the Panel's recommendations on: Part 3 – Area Specific Matters – Zones – Residential zones, Commercial zones and Industrial zones.

Recommendation Report 14 also contains consequential amendments resulting from recommendations from other recommendation reports.

Appendix 1: Schedule of Hearing Attendances

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

Appendix 2.1 General Residential Zone Chapter

Appendix 2.2 Mixed Use Zone Chapter

Appendix 2.3 Light Industrial Zone Chapter

Appendix 2.4 Heavy Industrial Zone Chapter

Appendix 3: Summary table of the Hearings Panel recommended decisions on each submission point including:

Appendix 3.1 Recommended Decisions on Submissions - General Residential Zone

Appendix 3.2 Recommended Decisions on Submissions - Mixed Use Zone

Appendix 3.3 Recommended Decisions on Submissions - Light and Heavy Industrial Zone

The Independent Hearings Panel for this hearing comprised Robert Scott – Independent panel member and chairperson, Kelly Stratford – Council member and Alan Watson - Independent panel member.

1. Contents

2.	Introduction.....	1
2.1	Report Structure.....	1
2.2	Section 32AA of the RMA.....	1
2.3	Consequential Amendments	2
3.	Procedural Issues	2
3.1	Engagement with Submitters	2
3.2	Proposed Plan Variation 1	2
3.3	National Planning Instruments	2
4.	Topic 1: NPS-UD and Urban Zones.....	2
4.1	Submissions Overview.....	2
4.2	Relevant Provisions	3
4.3	Background – Minute 7.....	3
4.4	Key Issues	3
4.5	Key Issue 1: Is the Far North District an “Urban Environment” under the NPS-UD.....	4
4.5.1	Matters Raised in Submissions.....	4
4.5.2	Hearings Panel Evaluation.....	4
4.5.3	Hearings Panel Recommendations.....	4
4.6	Key Issue 2: Zone Selection.....	4
4.6.1	Matters Raised in Submissions.....	4
4.6.2	Hearings Panel Evaluation.....	5
4.6.3	Hearings Panel Recommendation	8
4.6.4	Section 32AA	8
4.7	Key Issue 3: Zone Boundaries.....	9
4.7.1	Matters Raised in submissions	9
4.7.2	Hearings Panel Evaluation.....	10
4.7.3	Hearings Panel Recommendations.....	10
4.8	Key Issue 4: Kerikeri Urban Design and Other Matters	11
4.8.1	Relevant Provisions.....	11
4.8.2	Submissions and Key Issues.....	11
4.8.3	Hearings Panel Evaluation.....	11
4.8.4	Hearings Panel Recommendations.....	12
5.	Topic 2: General Residential Zone.....	12
5.1	Relevant Provisions	12
5.2	Submissions and Key Issues	12
5.2.1	Hearings Panel Evaluation.....	12

5.2.2	Hearings Panel Recommendations	13
6.	Topic 3: Mixed Use Zone	13
6.1	Relevant Provisions	13
6.2	Submissions	14
6.3	Key Issues	14
6.4	Key Issue 1: Provision for Community Corrections Facilities.....	14
6.4.1	Hearings Panel Evaluation.....	14
6.5	Hearings Panel Recommendations	15
6.6	Key Issue 2: Visitor accommodation and residential activity at ground floor level outside the pedestrian frontage overlay	16
6.6.1	Hearings Panel Evaluation.....	16
6.6.2	Hearings Panel Recommendations.....	16
6.7	Key Issue 3: Service Stations	17
6.7.1	Hearings Panel Evaluation.....	17
6.7.2	Hearings Panel Recommendations.....	18
6.8	Key Issue 4: Restaurants and Drive-Through Facilities.....	20
6.8.1	Hearings Panel Evaluation.....	20
6.9	Hearings Panel	21
7.	Topic 4: Light Industrial Zone	21
7.1	Relevant Provisions	21
7.2	Submissions	21
7.3	Key Issues	22
7.4	Key Issue 1: The LIZ Provisions	22
7.4.1	Hearing Panel Evaluation	22
7.4.2	Hearings Panel Recommendations.....	23
7.5	Key Issue 2: Supermarkets	24
7.5.1	Hearings Panel Evaluation.....	24
7.5.2	Hearings Panel.....	26
7.6	Key Issue 3: Ngawha Generation Limited’s activities	26
7.6.1	Hearings Panel Evaluation.....	26
7.6.2	Hearings Panel Recommendations.....	26
7.7	Key Issue 4: Relocated Buildings	27
7.7.1	Discussion and Evaluation	27
7.7.2	Hearings Panel Recommendations.....	27
7.8	Key Issue 5: Railway Setbacks.....	27
7.8.1	Hearings Panel Evaluation.....	27

7.8.2 Hearings Panel Recommendations.....	28
8. Topic 5: Heavy Industrial zone (HIZ)	28
8.1 Impermeable Surfaces and Ancillary Activities	28
8.1.1 Hearings Panel Evaluation.....	28
8.1.2 Hearings Panel Recommendations.....	29
9. Conclusions	29

RECOMMENDATION REPORT 14

2. Introduction

2.1 Report Structure

This is **Recommendation Report 14** 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 objectives, policies and rules in the following chapters or sections of the PDP.

PDP Part	PDP Sub-Part	PDP Chapter or Provisions
Part 3 – Area-Specific Matters	Zones	
	Residential zones	General residential zone
	Commercial and mixed use zones	Mixed use zone
	Industrial zones	Light industrial zone
		Heavy industrial zone

Recommendation Report 14 also considers submissions seeking two new urban zones being the:

- Medium Density Residential zone; and
- Town Centre zone

2.2 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 full in the **Preamble Report**.

We have not produced a separate evaluation report under s32AA. Where we have adopted the recommendations of the 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 reports. Those reports and the evidence 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 report as part of our reasons for recommended amendments, as opposed to including this in a separate table or appendix.

As per section 4.2 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, 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.

2.3 Consequential Amendments

This recommendation report contains consequential amendments, including to or from other plan chapters. These are discussed further in this report.

3. Procedural Issues

3.1 Engagement with Submitters

As set out in paragraph 65 of the hearing report two informal prehearing meetings were held between Council officers and Kāinga Ora on the 1st August 2024 and 14th April 2025. The outcomes of these meetings clarified matters in their submission, update and alignment with the Kerikeri / Waipapa Spatial Plan and initial discussions around recommendations for a proposed new Medium Density Residential zone and a Town Centre zone.

3.2 Proposed Plan Variation 1

Proposed Plan Variation 1 makes minor amendments to the PDP to correct minor errors, amend provisions that are having unintended consequences, remove ambiguity and improve clarity and workability of provisions. This includes amendments to the zoning of some properties, and the Coastal flood hazard areas.

Specific to the Urban topic, Proposed Plan Variation 1 proposes to amend Rule 1 in the General Residential, Mixed Use and Light Industrial zones, which includes an additional permitted activity that relates to new buildings or structures, and extensions or alterations to existing buildings or structures. Additionally, Proposed Plan Variation 1 proposes an amendment to HIZ-S3 in the Heavy Industrial zone which relates to setback (excluding from MHWS or wetland, lake and river margins).

3.3 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 Hearings Panel 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.

4. Topic 1: NPS-UD and Urban Zones

4.1 Submissions Overview

A total of 253 original submissions and 409 further submissions were received on the General Residential zone.

A total of 381 original submissions and 566 further submissions were received on the Commercial and mixed use zones.

A total of 182 original submissions and 198 further submissions were received on the Industrial zones.

The main submissions on the Urban zones came from:

- a) Central and Local Government organisations such as Ministry of Education (S331) and Kāinga Ora (S561).
- b) Local Planning companies such as Northland Planning and Development 2020 Limited (S502).
- c) Iwi Authorities such as Te Rūnanga Ā Iwi O Ngāpuhi (S498) and Te Rūnanga o Ngāti Takoto Trust (S390).
- d) Hapū and marae such as Te Rūnanga o Ngāti Rēhia (S559).
- e) Key Interest Groups such as Kapiro Residents Association (S427, S428), Our Kerikeri Community Charitable Trust (S271, S338).
- f) Individuals such as BR and R Davies (S400) and Leah Frieling (S358).

4.2 Relevant Provisions

The relevant provisions we address for this topic concern the notified zoning for residential, mixed use and industrial zones and the implications for this zoning approach under the NPS-UD and whether the Far North District is an “urban environment” under the NPS-UD.

4.3 Background – Minute 7

Summary of Minute 7-NPS-UD

Minute 7 dated 16 July 2024 notes that the Panel needs to give effect to the NPS-UD and that it seeks additional information regarding *inter alia*, whether the Kerikeri-Waipapa area is an “urban environment” to which the NPS-UD applies and also, should the Panel be giving effect to the NPS-UD now rather than waiting for the results of the Council’s Housing and Business Assessment Study (subsequently released on 13 August 2024) and the future Spatial Plan for Kerikeri-Waipapa (adopted by Council on 18 June 2025). Specifically, the Panel sought through Minute 7 a review of evidence for Kiwi Fresh Orange Limited (**KFO**) from Mr Thompson (economics) and an evaluation of evidence from Ms O’Connor (planning).

Various delays in providing that material followed. That saw presentations from submitters as part of these Hearing 14 proceedings that relate to Urban zones, and also as part of Hearing 15D, Urban Rezoning Requests for land within Kerikeri-Waipapa Spatial Plan Study Area. The submitters included KFO and the Community Groups.

4.4 Key Issues

The key issues identified in the hearing report addressed some 34 issues. However, many of these issues were not contested in evidence presented before us. Having read the Council right of reply the following key issues set out those remaining issues in contention.

4.5 Key Issue 1: Is the Far North District an “Urban Environment” under the NPS-UD

4.5.1 Matters Raised in Submissions

KFO (S554.001) opposes the Overview, arguing that the PDP should be amended to give effect to the NPS-UD and including confirmation that Kerikeri qualifies as an “urban environment” and the FNDC be classified as a Tier 3 local authority.

4.5.2 Hearings Panel Evaluation

We note that expert evidence and legal submissions were presented for KFO at Hearing 1 in relation to the NPS-UD. The Panel then issued Minute 7 (referred to above) being a request for additional information and peer review, that to be provided respectively from planner Matt Lindenberg and economist Lawrence McIlrath.

We considered the evidence from Mr Lindenberg, which included a summary of Ms O’Connor’s evidence for KFO. We agree that because Kerikeri meets the definition of an “urban environment” in the NPS-UD the entire Far North District is, by default, a Tier 3 local authority and needs to give effect to the NPS-UD.

4.5.3 Hearings Panel Recommendations

We recommend that the KFO’s submission S554.001 is accepted in part, insofar as the Far North District meets the definition of an “urban environment” under the NPS:UD and is therefore a Tier 3 local authority. As a result of this finding, it is the Panel’s view that the PDP is required to give effect to the NPS-UD.

4.6 Key Issue 2: Zone Selection

4.6.1 Matters Raised in Submissions

Residential Zones and Urban Growth

Jane E Johnston (S560.004) and KFO (S554.003) oppose the current process, highlighting issues related to housing affordability and urban expansion. Ms Johnston advocates for a high-density residential zone as an alternative to existing rural and coastal zones, without requiring commercial ground-floor restrictions. KFO identifies flaws in urban growth assessments and proposes a fourth option in the FNDC Urban Section 32 Report, allowing rural land to be rezoned for urban use if future servicing is feasible.

Ms Johnston (S560.008) also seeks to insert a new special purpose zone applicable to the tourist resort townships around the Bay, which applies specific provisions to allow for tourism related activities and facilities and acknowledges the significant investment in communal maritime facilities.

Five submission points from Kāinga Ora (S561.112, S561.113, S561.114, S561.115 & S561.116), request the introduction of a framework to support the proposed Medium Density Residential zone. The submitter seeks to incorporate Objectives, Policies, Rules and Standards, along with defined matters of discretion and assessment criteria, to ensure a structured approach to development within the zone.

Further submissions opposing Kāinga Ora’s submission, include Jeff Kemp and others (FS25.131, FS32.166 FS47.126 & FS348.016), for reasons that it would undermine character, amenity values and other aspects of the environment that our communities’

value; providing for residential intensification also needs to consider the most appropriate and efficient way to provide capacity with reference to the integration of infrastructure with development and creation of well-functioning urban environments; and there is no requirement for the proposed Medium Density Residential zone.

Further submissions in support include Peter Malcolm and others (FS 584.009 FS23.384) that acknowledge Central Kerikeri is an appropriate location to enable residential intensification as it has sufficient servicing, low natural hazard risk and is accessible to public transport, services and amenities. They say that enabling intensification within the Kerikeri Town Centre will help reduce sprawl, improve economic viability and promote vibrant communities.

Commercial Zoning

Multiple submitters propose additional Commercial and Mixed Use zones to improve urban management and strategic development. They advocate for urban design guidelines, a reassessment of zoning for existing centres, and the establishment of a centre hierarchy to ensure alignment with current and planned development. The submitters raise concerns about the broad application of the Mixed Use zone (**MUZ**) limiting commercial activities, and submitters request a Section 32 evaluation to support zoning changes. Several submitters (Puketotara Lodge and others) propose rezoning Kerikeri town centre as a Town Centre zone.

Kāinga Ora (S561.111, S561.117, S561.118, S561.119, S561.120, S561.121) propose new provisions in their submission to support the establishment of the Town Centre zone and provide reasons in its submission.

A considerable amount of further submission support was received on the submissions for a Town Centre zone in Kerikeri, for the reasons set out in those further submissions.

4.6.2 Hearings Panel Evaluation

We note initially that the Council has revised its position on the application of the NPS-UD and we are now to treat Kerikeri – Waipapa as an urban environment and the Far North District as a Tier 3 local authority. This was based on the initial assessment that no urban areas in the Far North met the definition of “urban environment” in the NPS-UD. This definition states:

This shift has influenced our analysis of the submission points seeking to introduce new zones for Kerikeri. In turn, we have the evidence of Messrs Lindenberg and McIlrath to assist in assessing the merits of introducing a Medium Density Residential zone (**MDRZ**) and a Town Centre Zone (**TCZ**) for Kerikeri. With regard to whether the Far North is a Tier 3 Urban Environment, Mr Lindenberg’s evidence for the Council meets that definition. In his evidence Mr Lindenberg states:

I am of the opinion that the Kerikeri-Waipapa area will be an “urban environment” as defined by the NPS:UD during the lifetime of the PDP. In light of this, and the definition stated above, it is my opinion that the Far

North District Council will similarly be a Tier 3 local authority (as defined by the NPS:UD) for the lifetime of the PDP.¹

On this basis both the economist for KFO and the Council agree that the Far North District is a Tier 3 local authority and needs to give effect to the NPS-UD. We heard no further expert or lay evidence disputing this conclusion and based on our reading of the NPS-UD and the evidence presented by KFO and the Council, we agree.

Giving Effect to the NPS-UD

Mr Lindenberg's evidence discusses the implications for the Far North of being a Tier 3 Urban Environment and he states:

Within the context of treating Kerikeri-Waipapa as an “urban environment”, and the District as a “Tier 3 local authority”, under the NPS:UD – as well as consideration of the growth pressures and spatial growth options being considered through the Draft Te Pātukurea Spatial Plan – I’m of the opinion that it is both appropriate and necessary to recommend the inclusion of new MDRZ and TCZ zones within the PDP, in particular to give effect to the relevant policy direction of the NPS:UD which would apply to “Tier 3 local authorities”.²

The MDRZ and TCZ are necessary to enable intensification and commercial activity in locations identified as having high housing demand and proximity to employment and commercial centres. As Kerikeri/Waipapa is the only urban area in the Far North that meets the definition for “urban environment” in the NPS-UD, it follows, in Hearings Panel Evaluation, that Kerikeri is the best location (at least initially) for the MDRZ and TCZ to be established. The inclusion of these zones provides a mechanism to give effect to the NPS-UD by enabling a greater diversity of housing types and price choices near town centres, supports a clear urban hierarchy, and provides a planning framework that anticipates and accommodates future growth pressures.

We agree with the conclusions in Mr Lindenberg's evidence that the inclusion of both a new MDRZ and TCZ within the PDP, is the most appropriate way for Council to give effect to the relevant policy direction of the NPS-UD. This approach is within the scope of submissions on the PDP.

Medium Density Residential Zone Framework (MDRZ)

The Medium Density Residential zone, is a zone in the National Planning Standards and it aims to promote the development of a greater variety of housing types, including detached dwellings, terrace housing, and low-rise apartments.

We agree with Mr McIlrath's statement, that the central principle to a MDRZ is to enable intensification by allowing higher density housing than currently permitted. Intensification brings a multitude of economic benefits. Mr McIlrath states that the MDRZ is expected to

¹ Evidence of Matthew Lindenberg paragraph 5.4(b)

² Evidence of Matthew Lindenberg paragraph 6.4

deliver changes in the type and distribution of dwellings developed in Kerikeri. The change can be expected to occur through time. We agree with Mr McIlrath that a carefully targeted MDRZ, that is focussed around high-accessibility area's near Kerikeri's centre, is likely to maximise economic, social and infrastructure benefits.

From an urban design point of view, the proposal to introduce a MDRZ in Kerikeri is supported by Council's urban design specialist. Ms Jane Rennie, as it aligns with the town's role as the primary urban centre in the Far North District and with national policy direction (NPS-UD and the RMA Enabling Housing Act). The MDRZ is intended for walkable areas (within 300–500m) of the town centre and is seen as a more targeted response than the broader GRZ. The MDRZ would allow for greater housing diversity and density near amenities, services, and future public transport, especially on flat, accessible land. Many sites in this area have been assessed as being underutilised or contain older housing stock suitable for redevelopment.

We agree with Ms Rennie's assessment, that introducing a MDRZ is a suitable and beneficial approach to address Kerikeri's housing needs and support its anticipated growth.

In Mr McIlrath's Technical Memo to the Panel, relating to the spatial application of a MDRZ, he highlights the importance of concentrating medium density development in the area immediately surrounding the Kerikeri commercial area. He also highlights implications with a spatial extent that is too wide, noting that this can dilute the concentration of growth around the town centre, reduce the benefits of intensification, lead to less efficient infrastructure provision, and result in isolated or opportunistic developments that do not support a cohesive urban form. These economic and urban design considerations concerning the spatial extent of the MDRZ (and associated rules and standards) are assessed and recommendations made at Hearing 15D - Rezoning Requests within the Kerikeri-Waipapa Spatial Plan Study Area

Associated Changes to the General Residential Zone

As a result of the recommendation for a new MDRZ for Kerikeri there is a consequential need to assess how residential development is enabled and provided for in Kerikeri as a whole. Ms Rennie undertook an assessment of the existing GRZ-R9 Multi unit development rule as notified in the PDP and the new MDRZ rule proposed by Kāinga Ora to understand the rules' utility on a sample site in Kerikeri. Ms Rennie's states in evidence that superior urban design outcomes could be achieved through the use of Kāinga Ora's MDRZ standards as they would allow two units on the sample lot side by side, both fronting the street.

We find that in order to effectively and efficiently implement the recommended MDRZ, there needs to be a consequential removal of the specific multi-unit residential provision GRZ-R9, as it relates to Kerikeri. This is because the GRZ in Kerikeri should not undermine medium density development in the new MDRZ closer to the town centre.

Town Centre Zone

This is a zone in the National Planning Standards that primarily provides for community and civic centres. It serves as a focal point for the surrounding area. In this respect, we concur with Ms Rennie's assessment, that it is acknowledged that Kerikeri is a primary centre

within the district and that it is anticipated that it will continue to grow, and that it will also provide a large proportion of the long-term growth for the district. A new TCZ can provide for intensification through increased building heights compared to that of the MUZ.

We agree with Ms Rennie's conclusion that the TCZ is more appropriate for achieving the intended role and function of the Kerikeri town centre within the District. The TCZ can provide clearer direction of the types of activities that will support the town centre's success by guiding suitable activities, activating public spaces, and promoting high-quality, people-focussed design.

At this stage we note there is some misalignment in the height limit sought by Kāinga Ora for the TCZ. Ms Rennie has recommended heights between 15-16m as being more appropriate for the Kerikeri context. We agree with this assessment. These urban design considerations and any additional evidence will be assessed and recommendations made at Hearing 15D - Kerikeri/Waipapa rezoning.

Spatial Application of the TCZ

As concluded above, applying a TCZ for Kerikeri is the most appropriate option for giving effect to NPS - UD. The spatial application of the TCZ for Kerikeri is likely to be reduced compared with the extent proposed by Kāinga Ora in their submission, whereby they have sought all of the existing MUZ to be rezoned TCZ. The spatial application of the zone will be recommended at Hearing 15D - Kerikeri/Waipapa rezoning to allow time for evidence to be presented.

4.6.3 Hearings Panel Recommendation

For the reasons stated above in section 4.6.2, we recommend that:

1. Submissions seeking Medium Density Residential zone and a Town Centre zone in Kerikeri are accepted in part, and these new zones are inserted into the PDP.
2. The spatial application of the new zones and the proposed provisions relating to the new Medium Density Residential zone and a Town Centre zone are addressed at Hearing 15D.
3. Consequential amendments to the General Residential zone including the removal of Rule GRZ-R9 (Multi-unit development) within Kerikeri to ensure that multi-unit development is encouraged and concentrated in the Medium Density Residential zone.

4.6.4 Section 32AA

A Medium Density Residential zone and a Town Centre zone for Kerikeri is appropriate for the following key reasons:

- a) **Efficient Land Use** – It allows for more housing within existing urban areas and concentrates commercial activities in the town centre, reducing urban sprawl and preserving green spaces and productive land.
- b) **Greater Housing Supply** – Helps achieve plan enabled capacity by enabling a variety of housing types, such as townhouses and low-rise apartments, close to amenities.

- c) Improved Infrastructure Efficiency – Concentrating housing near transport corridors and town centre makes public transport and utilities more cost-effective.
- d) Walkability & Accessibility – Residents can live closer to workplaces, shops, and amenities, reducing reliance on cars and promoting sustainable living.
- e) Diverse Housing Options – Encourages a mix of housing styles, catering to different demographics, lifestyles and improving affordability.
- f) Economic Benefits – the town centre encourages business activity, retail and commercial services to locate in a central area, supporting local employment and investment, and acts as a “community hub” for social interaction, strengthening community identity.
- g) Urban Design and Sustainability – Consistent with urban design principles, including those identified within Kerikeri-Waipapa Spatial Plan. Enhances walkability, well-integrated roads, public spaces, attractive streetscapes. The six key Planning and Urban Design principles are:
 - i. Te Taiao Environment (Protect and enhance our unique landscape)
 - ii. Ahuatanga Taone (Sustainable Urban form)
 - iii. Kōwhiringa Whare (Housing choice)
 - iv. Ahi Kā (Local character and identity)
 - v. Ara Tūhono (Accessibility)
 - vi. Whanaungatanga (Connected community)

In addition, the change to Rule GRZ-R9 (Multi-unit development) to exclude Kerikeri is appropriate as it ensures multi-unit development in the GRZ in Kerikeri, does not undermine medium density development in the new MDRZ (closer to the town centre). This change provides a clear distinction and hierarchy between the Residential zones.

4.7 Key Issue 3: Zone Boundaries

4.7.1 Matters Raised in submissions

Te Hiku Community Board (S257.006) and others request amendments to the planning maps to extend the MUZ in various locations, including at Paihia, Coopers Beach, Cable Bay and Doubtless Bay, Ahipara, Pukerenui and other serviced settlements.

Good Journey Limited (S82.003) seeks to retain the current extent of the MUZ from Ngati Kahu Road on the western edge of Taipa to the Oruaiti River in the east, covering the settlements of Taipa, Cable Bay, Coopers Beach, and Mangonui.

Jane E Johnston (S560.005 & S560.006) seeks to reduce the MUZ by half to three quarters, to enable high-density residential living without requiring commercial use. The submitter also requests changes to the zone’s application, proposing non-contiguous areas established as nodes to encourage precincts of similar activities and improve travel flow and separation between nodes.

Adrian and Sue Knight (S325.003) and others (S188.004, S209.004, S252.004, S393.004, S534.004 & S535.005) oppose the MUZ boundary for Kerikeri and propose several amendments.

4.7.2 Hearings Panel Evaluation

We were informed that the MUZ in the PDP was largely a rollover of the commercial zone in the Operative District Plan. In that respect too, broad submissions were received around the spatial application of the MUZ in various parts of the district.

Submitters seek a greater area of MUZ for Coopers Beach, Cable Bay / Doubtless Bay area stating that the zone will encourage more activation of this area and allow a wider range of housing options. However, additional demand for mixed use land has not been identified in these locations and we note as advised by the reporting officer, that the multi-unit development rule in the GRZ allows for a wider range of housing options in these locations. Similarly, there has been no need identified for additional commercial zoned land at Ahipara, Pukenui, Paihia and other serviced settlements.

In response to the submission of Jane E Johnston the reporting officer recommended the introduction of a Medium Density Residential zone, where the HBA has predicted demand for this type of housing in the long term, that is at Kerikeri.

In response to the submissions by Adrian and Sue Knight and others, we note that for Kerikeri, earlier studies have identified additional long-term demand for commercial land for Kerikeri-Waipapa. The response in the PDP was more mixed use zoning in these areas on sites that are contiguous with the existing mix use zoned land and serviced or planned to be serviced with development infrastructure. Extending the MUZ along Kerikeri Road to the south, would create linear commercial development. We note that linear or ribbon development can be detrimental to the 'well-functioning' of towns for reasons such as traffic congestion, lack of community hub and increased infrastructure costs, as examples.

The rezoning of land at Redwoods would create an isolated pocket of MUZ on land that is not serviced or planned to be serviced by development infrastructure. We note, as advised by the reporting officer, that zoning is not about reflecting existing uses but establishing an appropriate zoning framework moving forward. Existing approved resource consents appear to be appropriately managing the uses in this location.

4.7.3 Hearings Panel Recommendations

For the reasons stated above, we recommend that submissions seeking amendments to the Mixed Use zone boundaries are rejected, with the exception of Adrian and Sue Knight (S325.003) and others (S188.004, S209.004, S252.004, S393.004, S534.004 & S535.005) whose submissions are accepted in part, with the introduction of a Town Centre zone in Kerikeri.

We note that site-specific requests for rezoning of land from or to Mixed Use zone are addressed in the rezoning hearings (Hearing 15C and 15D).

4.8 Key Issue 4: Kerikeri Urban Design and Other Matters

4.8.1 Relevant Provisions

The relevant provisions we address for this key issue include the Objectives, Policies, Rules and Standards for all the urban zones.

4.8.2 Submissions and Key Issues

The submissions covered in this part of the Recommendation Report are S271, S338 and FS47 from Our Kerikeri Community Charitable Trust, S529 from Carbon Neutral NZ Trust, S521, S522, S524 and FS569 from Vision Kerikeri, S433, S446, S449 and FS566 from Kapiro Conservation Trust concerning the introduction of a shift from a permissive planning approach to a more prescriptive, design-led framework, including mandatory urban design guidelines, master plans, and improved built form controls in all the urban zones.

4.8.3 Hearings Panel Evaluation

Urban Design

We received comprehensive evidence from Katerina Dvorakova on behalf of Vision Kerikeri, Our Kerikeri Trust, Carbon Neutral Trust and Kapiro Conservation Trust (**the Community Groups**). Ms Dvorakova's evidence sought a shift from a permissive planning approach to a more prescriptive, design-led framework, including mandatory urban design guidelines, master plans, and improved built form controls such as height in relation to boundary rules all intended to preserve village character and ensure high-quality, sustainable outcomes. She stated, *inter alia*,

We're not here to criticise, but to support the creation of a stronger, more resilient plan - one that reflects the aspirations of the people it serves.

Our community groups recognise and support the need for planned and appropriate intensification in urban areas of the District. Intensification must be supported by masterplans and urban design protocols drawn up with full involvement of local communities and local iwi/hapu.

Community groups are concerned that the PDP, as currently drafted, will not be able to deliver planning decisions that lead to well-functioning urban environments.

In her statement she then traversed the concerns of the Community Groups and of herself and detailed what required to be changed, that including urban design guidelines and provisions relating to outdoor space and permeability, active street frontages and street activation, and a height in relation to boundary control (**HiRB**) on street frontages.

The submitters' concerns were addressed by Jane Rennie, urban design specialist for the Council. She supported refinement of the built form assessment matters for the TCZ and MUZ to promote good urban design outcomes. She also supported the introduction of a HiRB control for the TCZ to reduce building bulk, enhance the human-scale streetscape environment, and to maintain the Kerikeri village character. However, while Ms Rennie acknowledged the merit of further urban design interventions, she considers that the Spatial Plan process is better suited to determining the scope and nature of future master

plans, design guidelines, and urban design peer review processes. This process would also allow for consideration of potential changes to the quality and design of the public realm.

We commend the Community Groups on their submission and on the evidence they brought to us in support of it. We find that further work is required to assess these matters in detail and for an integrated urban design approach to be developed and integrated into the PDP in the future. The changes sought are significant and we find that any such changes should involve community input before being adopted. As outlined by Ms Rennie, we agree it is most appropriate for this work to be undertaken as part of the Spatial Plan implementation process.

Notification Matters

The submitter also sought public notification of non-compliances with critical design standards, such as the height in relation to boundary rule in central urban zones which they consider have more than minor adverse effects. We find that non-compliance with built form standards will not necessarily result in more than minor adverse effects and that such an approach that is sought by the submitter could result in a process that was out of scale with the effects of non-compliance in all instances. The process provided in the RMA is for each application to be assessed on its merits and for public notification to occur when the statutory tests are met. Sections 95A to 95E of the RMA refer. We do not find sufficient reason to move away from that approach.

4.8.4 Hearings Panel Recommendations

No changes are recommended to the existing provisions, but we note that future changes based on urban design considerations are likely following close consideration and community involvement. Otherwise, the current notification procedures provide for close consideration of any proposals that do not meet the provisions of the District Plan. On that basis we recommend that the submissions from Vision Kerikeri, Our Kerikeri Trust, Carbon Neutral Trust and Kapiro Conservation Trust (the Community Groups) be rejected.

5. Topic 2: General Residential Zone

5.1 Relevant Provisions

The relevant provisions we address for this topic concern the General Residential zone (**GRZ**) standards GRZ-S1 and LIZ-S1, maximum height standards.

5.2 Submissions and Key Issues

The one submission covered in this part of the Recommendations Report is Radio New Zealand (**RNZ**) (S489.041) RNZ is concerned that parts of the General Residential zone and the Light Industrial zone are within 1,000m of their facilities at Waipapakauri and Ohaeawai and could present a safety risk from electro-magnetic coupling for development in that part of the zones.

5.2.1 Hearings Panel Evaluation

We received a written legal submission on behalf of the submitter with no appearance at the hearing. It was explained in the legal submission by Ben Williams/Hadleigh Pedlar how a proposed building or structure that is greater than the 40m in height within 1,000m of the

RNZ facilities could present a safety risk. The submitter supported the Council's hearing report's recommendation to include an advice note in the height standards advising that consultation will be required with RNZ in relation to any proposal for a building or structure greater than 40m in height within 1,000m of the RNZ facilities. It was pointed out there were no other issues and no other submitter concerns about RNZ facilities.

We find agreement with the submitter and with the reporting officer that any safety risks should be avoided and we acknowledge the public service aspect of the submitter's operation. We acknowledge too, the submitter's contact with the reporting officer in respect of the submission and the need to provide a specific note within GRZ-S1 and LIZ-S1 (maximum height standards).

5.2.2 Hearings Panel Recommendations

We agree with the submitter regarding the need for assessment of any proposals within proximity to the RNZ facilities and for the above reasons we recommend that the submissions from RNZ (S489) is accepted and the following amendments:

For the reasons above, we recommend the following amendments to GRZ-S1:

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

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

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

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

For the reasons above, we recommend the following amendments to LIZ-S1:

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

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

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

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

6. Topic 3: Mixed Use Zone

6.1 Relevant Provisions

The relevant provisions we address for this topic concern Definitions, Objectives, Policies, Rules and Standards for the Mixed Use zone (**MUZ**).

6.2 Submissions

Ara Poutama Aotearoa the Department of Corrections (**Corrections**) sought clarity regarding its facilities in the MUZ and in the LIZ.

Ed and Inge Amsler sought that visitor accommodation and residential activity be permitted outside the pedestrian frontage overlay but within the MUZ of the Paihia township.

Z Energy sought a range of relief:

- a) Restricted discretionary status for service stations instead of discretionary;
- b) An exemption from MUZ-R1 for EV chargers and associated shelters from the definitions of building and structures and an exemption for EV chargers from MUZ-S10 relating to site coverage;
- c) An additional matter of discretion relating to functional requirements of particular activities making compliance impractical;
- d) Service stations to not be subject to landscaping height requirements along the road frontage; and
- e) Retention of reference to industrial activities in MUZ-PXX which relates to the types of activities to be avoided in the MUZ.

6.3 Key Issues

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

Key Issue 1: Provision for community corrections facilities

Key Issue 2: Provision for visitor accommodation and residential activity at ground floor level outside the pedestrian frontage overlay

Key Issue 3: Provision for service stations

Key Issue 4: Provision for restaurants and drive through facilities.

6.4 Key Issue 1: Provision for Community Corrections Facilities

6.4.1 Hearings Panel Evaluation

At the hearing we received planning evidence from Sean Grace who was supported by Andrea Millar from Corrections in their request for appropriate provisions in the PDP (in the GRZ, MUZ and LIZ) for community corrections activities. As stated by the reporting officer in the Council's right of reply, the submitter provided additional context at the hearing regarding community corrections facilities and an improved understanding of the scale and locational rationale for community corrections facilities.

The evidence from Corrections was there are only two community corrections sites within the District and these are both located within the MUZ. Mr Grace pointed out that the broad and compatible range of land uses that are permitted in the MUZ means it is inappropriate

that community corrections facilities attract a discretionary activity status in the zone, and he sought permitted activity status.

We acknowledge this point made by Mr Grace but also the reporting officer's concern that some aspects of community corrections facilities may not always be suitable within this zone without further assessment. For example, where the facility may include trade training activities. Such activities are not provided for in the MUZ and may require assessment for any elements that would affect the local environment, such as noise. We find that community corrections facilities can appropriately be provided for as permitted activities in the MUZ where they do not include trades training, and otherwise as a discretionary activity when the facility does include trades training. We find further that there be no limit on the number of persons at the facility in both the LIZ and MUZ.

We agree with the reporting officer's evaluation which is set out in paragraphs 20-25 of the Council right of reply:

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

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

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

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

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

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

Accordingly, we find agreement with the respective planners for the submitter and for the Council.

6.5 Hearings Panel Recommendations

For the above reasons we recommend that the submission from Department of Corrections (S158.005) is accepted in part and recommend the following amendments to the MUZ and to the LIZ:

- a) The following new rule MUZ-RXX is added to the MUZ:

Community corrections activity

Activity Status: Permitted

PER-1

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

PER-2

The activity does not include trades training.

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

- b) The following amendments to LIZ-R16:

Community corrections activity

Activity status: ~~Permitted~~ Non-complying

PER-1

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

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

6.6 Key Issue 2: Visitor accommodation and residential activity at ground floor level outside the pedestrian frontage overlay

6.6.1 Hearings Panel Evaluation

Andrew McPhee presented planning evidence at the hearing in which he supported the submitter's request to remove the requirement for visitor accommodation and residential activity to be located above ground floor level within the MUZ at Paihia, outside of the pedestrian overlay. The submitters, Ed and Inge Amsler (S341.006) own property at 46-48 Marsden Road.

We accept Mr McPhee's view, expressed in his evidence, that the overlay provides for commercial activities in the township and there is no need to exclude visitor accommodation and residential activity from the areas beyond the commercial area. We note the reporting officer agreed in the Council's right of reply and also pointed out that some of the consequential amendments sought by Mr McPhee were in their view not necessary or require minor amendments for clarity and consistency. We have considered those consequential amendments and find they are not necessary to meet the submitter's concern and would also amend provisions that support the wider provisions in the MUZ.

6.6.2 Hearings Panel Recommendations

We agree with the submitter - Ed and Inge Amsler (S341.006) and accept the submission in part for the above reasons and we recommend the following amendments to the MUZ:

- a) The following amendments to MUZ-P5:

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

- a. ~~residential activity, retirement facilities~~ Supported residential care and visitor accommodation on the ground floor of buildings, to locations outside of the Pedestrian Frontage Overlay; except where a site adjoins an Open Space zone;
 - b. ~~Light or heavy industrial activity;~~
 - c. ~~storage and warehousing;~~
 - d. ~~large format retail activity and trade suppliers; and~~
 - e. ~~waste management activity;~~
 - f. ~~Retirement villages; and~~
 - g. ~~Educational facility~~
- a. The following amendments to MUZ-R3:

PER-1

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

- a. *located above the ground floor level of a building unless the residential unit existed at 27 July 2022; or*
 - b. *located on the ground floor of a building on a site that is outside the pedestrian frontage overlay identified on the planning maps within the township of Paihia.*
- c. The following amendments to MUZ-R4:

PER-1

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

- a. *located above the ground floor level of a building unless the residential unit existed at 27 July 2022; or*
- b. *located on the ground floor of a building on a site that is outside the pedestrian frontage overlay identified on the planning maps within the township of Paihia.*

6.7 Key Issue 3: Service Stations

6.7.1 Hearings Panel Evaluation

For Z Energy (S336.020), Philip Brown (a planner) provided a statement noting it was not expert evidence. While he did not attend the hearing, we did find his statement useful for our consideration of the submission points.

A principal concern expressed in the Z Energy submission was that service stations should be a restricted discretionary activity instead of discretionary. The reporting officer agreed stating the activity and the associated effects are well understood and can be managed effectively through the recommended assessment criteria associated with MUZ-R2. We agree, noting that service stations are an activity with quite a defined and well-understood suite of effects.

Mr Brown and the reporting officer agreed that electric vehicle (**EV**) charging devices and associated sheltering would be included under the definition of a structure and/or building. Mr Brown stated there would otherwise potentially be issues, as compliance with all standards is required for a permitted new building or structure, and some of these

standards may impose onerous requirements such that a resource consent would likely be required for a simple EV charging station. Mr Brown then sought an exemption from MUZ-R1 for buildings or structures associated with EV charging stations, given that they are provided for as a permitted activity under TRAN-R4.

However, we find agreement with the reporting officer that such an exemption is not appropriate because at least some standards should continue to apply to manage the effects associated with these activities. For example, MUZ-S1 – Maximum height, MUZ-S2 – Height in relation to boundary, and MUZ-S3 – Setback. This would ensure that overly onerous requirements under MUZ-R1 are avoided, while enabling effects on neighbouring properties to continue to be appropriately managed.

We also do not agree with the submitter that there be an exemption from MUZ-S10, which relates to site coverage. That is not appropriate given that an exemption could result in additional unmanaged stormwater from service station sites and the importance of managing stormwater and its potential effects on the local environments.

Mr Brown and the reporting officer agreed regarding the inclusion of an additional matter of discretion within MUZ-S5 and MUZ-S6, and to amend an existing matter of discretion in MUZ-S8. The additional matter of discretion would allow consideration of the following:

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

This is appropriate for service stations, which may have functional requirements that make compliance with standards such as pedestrian frontages, verandahs, and landscaping and screening impractical. Similarly, we agree that service stations should not be subject to landscaping height requirements along the road boundary, as that could affect the functional needs of a service station and create safety issues related to vehicle sightlines when accessing or egressing the site. Landscaping requirements will still apply, but without a specified height standard.

Mr Brown was content with the officer's recommendation for a new policy (MUZ-PXX) to avoid certain activities but sought deletion of the reference to industrial activities. Council's planner did not agree stating it is appropriate to retain this strong directive, as the Heavy Industrial zone is intended to provide for industrial activities, and the purpose of the MUZ is not to accommodate such activities. We agree and note that service stations and truck stops will likely fall to be commercial rather than industrial and if a proposal or changes to an existing facility was to have industrial characteristics then it could be considered on its merits through the resource consent process.

6.7.2 Hearings Panel Recommendations

We agree with Z Energy (S336.020) and accept the submission in part for the above reasons and we recommend the following amendments:

- a) The following amendments to the rule: MUZ-R2:

Activity status where compliance not achieved with PER-1, PER-2 or PER-32:

Restricted Discretionary

PER -2 Matters of discretion are restricted to:

- a) Any effects on the transport network.

PER-1 and PER-3 Matters of discretion are restricted to:

- b) The extent of any effect on the transport network;
c) Any access is designed and located to provide efficient circulation on site and avoid potential adverse effects on adjoining sites, the safety of pedestrians and the safe and efficient functioning of the road network;
d) Minimises building bulk, and signage while having regard to the functional requirements of the activity; and
e) Landscaping is provided especially within surface car parking areas to enhance amenity values

Activity status where compliance not achieved with PER-41 and 4: Discretionary

- b) The following amendments to MUZ-R1:

PER-32

The new building or structure, relocated buildings or extension or alteration to an existing building or structure that increases the existing building footprint complies with the following standards, -except where the building or structure is associated with an electric vehicle charging station:

MUZ-S1 Maximum height;

MUZ-S2 Height in relation to boundary;

MUZ-S3 Setback (excluding from MHWS or wetland, lake and river margins);

MUZ-S4 Setback from MHWS;

MUZ-S5 Pedestrian frontages;

MUZ-S6 Verandahs;

MUZ-S7 Outdoor storage;

MUZ-S8 Landscaping and screening on road boundaries;

MUZ-S9 Landscaping and screening for sites adjoining a site zoned residential, open space or rural residential; and

MUZ-S10 Coverage....

PER-3

Extension or alteration to an existing building or structure that does not increase the building footprint, complies with standards:

MUZ-S1 Maximum height; and

MUZ-S2 Height in relation to boundary.

PER-4

Buildings or structures associated with electric vehicle charging stations comply with the following standards:

MUZ-S1 Maximum height;

MUZ-S2 Height in relation to boundary; and

MUZ-S3 Setback (excluding from MHWS or wetland, lake and river margins).

- c) The following matter of discretion to be added to MUZ-S5 and MUZ-S6:

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

- d) The following amendments to MUZ-S8:

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

**Where the standard is not met, matters of discretion are restricted to:
(...)**

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

6.8 Key Issue 4: Restaurants and Drive-Through Facilities

6.8.1 Hearings Panel Evaluation

We heard planning evidence from David Badham for McDonalds Restaurant (NZ) Ltd (S385.027) in which he addressed a range of provisions relating to these activities, including an additional statement regarding the hours of operation of drive-through facilities.

In relation to the various points he addressed, we do not favour the introduction of “nesting tables” to the range of activities in the PDP at this stage of the review process because we consider that approach would need to be applied across the PDP provisions and in addition, in the interests of natural justice, there would need to be an opportunity for others to submit on how they may be affected by that approach. This point has however been allocated to the Definitions topic to be heard as part of Hearing 17 but we do find, in response to this submission, that it is not necessary given the MUZ refers to “commercial activities” but specifically excludes supermarkets in the rules with a separate rule for supermarkets.

We find it is not necessary that there be a definition of retail activity added to the PDP because retail activity is already sufficiently covered within the definition of “commercial activity”. Similarly, with a new definition of “food and beverage activity”, we find that it is not necessary as the most specific rule would apply to a proposed activity. For example, in the case of a McDonald’s restaurant, LIZ-R5, which relates to convenience stores, restaurants, cafés, and takeaway food outlets (subsequently replaced by the term ‘food and beverage outlets’ as a result of Hearing 17), would apply in preference to the more general rule for commercial activities.

Mr Badham also requests the removal of the definition of “Large Format Retail” but we find that although 450m² is an arbitrary number, it does provide a reasonable size limit beyond

which a retail activity becomes large format retail. It is also a threshold used in several other second-generation district plans which provides some justification to implement a similar approach within the PDP. Neither do we find it necessary to remove the definition of Large Format Retail, as it provides clarity on what constitutes this activity. This is particularly important where the term is used in objectives or policies, without a definition, as it would not be clear what is meant by “large”.

Mr Badham on behalf of McDonald’s seeks the removal of the 450m² GFA threshold for commercial activities within MUZ-R2, arguing that adverse effects are already managed through other provisions in the PDP. We do not find that to be sufficient reason to remove the GFA threshold because it provides a clear and measurable trigger to distinguish between smaller-scale commercial activities that are anticipated in the MUZ and larger-scale activities that may generate greater effects and are more appropriately assessed through a resource consent process. In our evaluation, this is a reasonable and commonly used planning tool to manage scale and intensity in mixed-use environments.

In relation to drive through facilities, McDonald’s submission seeks to provide for these as a permitted activity within the MUZ. However, we find that drive-through facilities can give rise to a range of potential adverse effects, including those related to traffic generation, access and circulation, noise, lighting, and hours of operation. These effects are distinct from those typically associated with other commercial activities and warrant a more tailored assessment framework. We consider that this is particularly pertinent for the MUZ, which provides for a wide range of sensitive activities including dwellings, subject to restricted discretionary resource consent approach. That approach ensures that effects can be appropriately managed without unduly limiting the ability to establish such facilities where they are suitable. And with a restricted discretionary approach it is not necessary to state hours of operation as Mr Badham addressed in his additional statement. That said however, we agree with him that suitable hours would be 7am – 10pm Sunday to Thursday and 7am to midnight Friday and Saturday which aligns with the daytime noise limits for the MUZ.

6.9 Hearings Panel

We do not recommend any further amendments and that the submissions from McDonalds Restaurant (NZ) Ltd (S385.027) be rejected.

7. Topic 4: Light Industrial Zone

7.1 Relevant Provisions

The relevant provisions we address for this topic concern Definitions, Objectives, Policies, Rules and Standards for the Light Industrial zone (**LIZ**) with particular regard to the provisions for Supermarkets, Renewable Energy Generation and Relocated Buildings.

7.2 Submissions

Mainfreight (S509.001) sought changes to the LIZ provisions. Foodstuffs and Woolworths sought changes relating to supermarkets. Ngawha Generation Limited similarly in relation to the LIZ provisions and House Movers of NZ Heavy Haulage Association Inc were concerned with provision for their activity in the zone.

7.3 Key Issues

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

- Key Issue 1: The LIZ provisions
- Key Issue 2: Supermarkets
- Key Issue 3: Ngawha Generation Limited's activities
- Key Issue 4: Relocated buildings
- Key Issue 5: Railway setbacks.

7.4 Key Issue 1: The LIZ Provisions

7.4.1 Hearing Panel Evaluation

The submission points were addressed in planning evidence by Paul Arnesen on behalf of Mainfreight. We acknowledge the useful discussion we had with Mr Arnesen in respect of the submitter's submission points. We address the points below.

Height Limits

An increase in the building height limit from 12m to 20m was sought to enable logistics-type facilities that incorporate vertical racking systems. We however find, including from discussion at the hearing, that 20m is more than is reasonable and not in accord with controls in other similar zones in other district plans. We do however find that to strike an appropriate balance between enabling industrial development and managing potential adverse effects that increasing the height limit to 16m in both the LIZ and HIZ is appropriate to enable a broader range of industrial activities, including those requiring additional height and taking account of the existing industrial environments and the likely scale of development.

Definition of Light Industrial Activities

The hearing report recommended the insertion of a definition for "light industrial activity" on the basis that this definition was included in the National Planning Standards. That definition as drafted as follows:

Any manufacturing, processing, storage, logistics, repair or distribution activity that does not generate objectionable odour, dust or noise or elevated risk to people's health and safety. Light industrial activities include, but are not limited to, warehouse storage, automotive repairs, minor engineering and light manufacturing activities, product assembly.

At the hearing, Mr Arnesen opposed the definition on the basis that it is subjective and that district-wide provisions addressing effects such as noise and odour could be used to manage industrial activities. In the right of reply, the reporting officer agreed and sought to withdraw the recommended definition. As a consequence, the reporting officer also sought that all references to "light industrial activity" be replaced with "industrial activity".

The requested change in definition would require amendments to the LIZ, HIZ, GRZ and MUZ provisions.

We agree with the submitter and the reporting officer that potential effects can be managed through district-wide rules and standards which provide an effects-based framework that can be applied consistently across all zones, ensuring that the operational impacts of industrial activities are addressed without relying on the definition. That will assist to improve clarity and reduce uncertainty.

Landscaping Standards

In Mr Arnesen's evidence, he recommends amendments to the landscaping standards LIZ-S6 and HIZ-S6 to require buildings within the LIZ and HIZ to be set back at least two metres from the road boundary, and a specific 2m width limit for pedestrian access. However, the PDP as notified did not include any setback requirement from the road boundary and no specific submission points have been received that provide clear scope to introduce a setback. Accordingly, we find that we are limited regarding the amendments we can make to LIZ-S6 regarding an actual set back but do agree with some amendments in response to this submission point as we include below. Those amendments largely address his concerns regarding set backs.

Other Matters

In respect of other points made by Mr Arnesen, we find amendments to policy LIZ-P3 already address his concerns with the term '*offensive trade*' used instead of '*heavy industrial activities*' in relation to avoiding the establishment of activities that do not support the function of the LIZ. We agree with some of the amendments he seeks to LIZ-P5 such as the removal of the reference to scale and design, as this is appropriate given the recommended removal of the building coverage limit, and the absence of any specific design standards within the LIZ. We do not agree it is necessary to add reference to "*a degree of amenity to the streetscape of the LIZ*" as it is a relevant consideration which is addressed through provisions such as landscaping and screening standards.

We find we do not agree with the deletion of the requirement for development to be "*complementary to the character of the adjoining zone*" because this remains a relevant matter where LIZ land adjoins more sensitive zones, particularly residential and it assists in managing potential reverse sensitivity effects. We do not consider it necessary to qualify adjoining zones as being "*more sensitive*." If a LIZ site adjoins a heavy industrial zone, the limited amenity expectations of that adjoining zone would naturally be taken into account. This would not unreasonably constrain the operation or development potential of the LIZ site.

7.4.2 Hearings Panel Recommendations

We agree in part with Mainfreight (S509.001) and for the above reasons and we recommend the following amendments to the LIZ:

- a) The following amendments to LIZ-S1:

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

- b) The following amendments to HIZ-S1:

The maximum height of a building or structure, or extension or alteration to an existing building or structure, is 165 m² above ground level,...

- c) That there is no need for a definition of "light industrial activity". However, consequential amendments are recommended so that all references to "light industrial activity" are amended to "industrial activity" within the LIZ, HIZ, GRZ and MUZ chapters.

- d) The following amendments to LIZ-S6:

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

- e) The following amendments to HIZ-S6:

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

- f) The following amendments to LIZ-P5:

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

- a. consistent with the amenity of the Light Industrial zone; and*
- b. complementary to the character and amenity of adjoining zones.*

7.5 Key Issue 2: Supermarkets

7.5.1 Hearings Panel Evaluation

We heard from Mr Badham for Foodstuffs (S363) and Mr Mar also provided evidence for Woolworths(S458). We largely adopt below the approach of the reporting planner in our findings regarding the respective points in the submissions.

Definitions and Nesting Tables - Especially for Commercial Activities

Mr Badham addressed a range of matters, including the use of definitions and nesting tables for commercial activities. He acknowledges that the submission point raised by Foodstuffs regarding nesting tables has been allocated to the Definitions topic, which is scheduled to be heard as part of Hearing 17. However, Mr Badham considers that this matter should also be addressed under the Urban topic, given its relevance to definitions associated with that topic. He noted in this respect that a Foodstuffs supermarket could be classified as a "commercial activity", "large format retail", and a "supermarket". In his

view, this could result in interpretation issues when determining which rules apply to such activities.

While we acknowledge the genuine issue raised by Mr Baddam, we are of the view that if nesting tables were to be recommended, it would not be appropriate to address them solely in relation to certain definitions, such as “commercial activities” but that any such approach would need to be applied consistently across the PDP. Implementation would require changes not only to the Definitions chapter but also comprehensive consequential amendments throughout the PDP to ensure effective application. We are not made aware of any submission seeking nesting table across the entire PDP.

Accordingly, we find it is not appropriate to introduce nesting tables at this point due to the potential issues associated with adopting this approach now because a number of district plans do not use nesting tables and remain effective. We find it logical to assume that the most specific definition would apply to any activity. For example, if Foodstuffs were proposing a supermarket in a zone where there is a specific rule for supermarkets, that rule would logically apply.

Chee Mar on behalf of Woolworths supports the insertion of a specific definition of "supermarket" and the wording of the definition as recommended in the hearing report. We agree, noting that this amendment would also assist Mr Badham.

MUZ-P1

Consistent with our finding above, we find the requested amendments for MUZ-P1 to include specific reference to “supermarkets” as an activity is appropriate.

MUZ-RXX – Supermarkets

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

We find agreement with the reporting officer, as particularly detailed in the hearing report. A supermarket larger than 450m² would be inconsistent with the existing character of some MUZ zoned areas and a restricted discretionary pathway would assist to effectively manage any potential adverse effects. That restricted discretionary approach will provide for consideration of effects including the transport network, landscaping and building design. It also means there is no need for exemptions from the veranda and pedestrian frontage controls which can be considered as part of the assessment criteria, noting that exemptions would likely result in significant gaps in the amenity for pedestrians.

MUZ-R14 – Large format retail

We agree with Mr Badham to specifically exclude supermarkets in the title of this rule. That then provides clear direction and ensures it is evident that the rule does not apply to supermarkets.

Pedestrian Frontage Removal from New World Kaikohe site

As noted in Ms Lawrie’s urban design evidence, the Pedestrian Frontage Overlay at the Kaikohe New World site applies to a frontage which adjoins a public car park within the road reserve. We find the retention of the Pedestrian Frontage Overlay in this location is appropriate to maintain active and pedestrian-friendly environments, that being the purpose of the control. The car park which then connects to Dickeson Street provides a key pedestrian corridor linking to Broadway, which is the main street of Kaikohe.

Supermarkets at Waipapa

We find agreement with the reporting officer that there be a new rule in the LIZ specifically for supermarkets to be a permitted activity in the spatially defined Waipapa control area but otherwise "supermarkets" should remain as a discretionary activity.

7.5.2 Hearings Panel

That the submissions from Foodstuffs (S363) and Woolworths(S458) be accepted in part as follows:

- a) For the reasons above, we recommend the following amendments to MUZ-P1.

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

- a. *it ~~they~~ supports the function, role, sense of place and amenity of the zone, while recognising the existing environment; and ...*

- b) For the reasons above, we recommend the following amendments to MUZ-R14.

MUZ-R14 – Large format retail (excluding supermarkets)

- c) For the reasons above, we recommend a new definition as follows:

SUPERMARKET Supermarket means a self-service retail activity selling mainly food, beverages and small household goods.

7.6 Key Issue 3: Ngawha Generation Limited’s activities

7.6.1 Hearings Panel Evaluation

Mr Badham provided a letter at the hearing on behalf of Ngawha Generation Limited (S432.003 & S432.004) (NGL). We note the points made by Mr Badham in his evidence but find agreement with the reporting officer that the Renewable Electricity Generation chapter of the PDP already provides for the construction, operation, and maintenance of structures associated with renewable electricity generation. In that respect it is not necessary to include such provisions within the LIZ, or within the definition of ‘Light Industrial Activities’ as sought by the submitter.

7.6.2 Hearings Panel Recommendations

For the reasons above, we do not recommend any further amendments and that the submission by Ngawha Generation Limited (S432.003 & S432.004) be rejected.

7.7 Key Issue 4: Relocated Buildings

7.7.1 Discussion and Evaluation

Mr Bhana-Thompson appeared for the Heavy Haulage Association Inc (S482.001, S482.006, S482.007 & S482.008) and described what we found to be a prescriptive approach to providing for relocated buildings in the PDP and an approach that included bylaw or building consent matters. This included the introduction of new permitted standards e.g. the requirement for a pre-inspection report, timing of reinstatement works etc in line with him requesting a standardised approach nationally. However, the application of the R1 rules across all the urban zones aims to treat relocated buildings in the same way as new or altered buildings and compliance is less onerous than the new rule for relocated buildings proposed by Mr Bhana-Thompson. The additional matters if adopted into the PDP could also potentially add unnecessary additional costs to those in the Far North District seeking to relocate buildings.

We do agree with Mr Bhana-Thompson that there is a potential interpretation issue with the notified definitions of 'building' and 'relocated building', noting the latter means a building more than 2 years old that has been removed from a site. The reporting officer confirmed that the intention is for the R1 rules to apply to all buildings, whether new or relocated, regardless of their age. We note the advice we received that whether the reference to buildings being less than 2 years old needs to be removed from the definition of 'relocated building' or other amendments will be reviewed as part of the Definitions topic at Hearing 17.

Based on the discussion at the hearing, Mr Bhana-Thomson was generally satisfied with the approach we were adopting, as recommended by Council officers, although he maintained a preference for the more prescriptive approach he had proposed.

7.7.2 Hearings Panel Recommendations

For the reasons above, we do not recommend any further amendments and that the submissions from Heavy Haulage Association Inc (S482.001, S482.006, S482.007 & S482.008) be rejected

7.8 Key Issue 5: Railway Setbacks

7.8.1 Hearings Panel Evaluation

We received a statement at the hearing from Matthew Paetz for KiwiRail (S416.057, S416.062, S416.063 & S416.064). KiwiRail continues to seek a tiered setback arrangement for buildings in relation to the rail corridor boundary for the LIZ, HIZ, and MUZ.

We note in this respect that KiwiRail sought the same tiered approach for the Rural zones at Hearing 9. At Hearing 9, the Rural hearing report writer had concerns with the introduction of a tiered setback. The reporting officer for this submission now being considered had similar concerns whether this level of complexity is warranted in the context of the Far North District, where, as discussed at Hearing 9, the existing rail lines have not been operational since the 1980s and are unlikely to reopen in the immediate future (i.e. the duration of the PDP).

We agree and find that adding a 4m height limit for buildings and structures located between 3m and 4m from the rail designation boundary and a 5m setback for the LIZ, HIZ,

and MUZ is not necessary. Further, that the benefit of such a setback in terms of protecting the operational needs of the rail network is marginal (at best), whereas the impact on adjacent landowners' ability to use their land is more significant. We are therefore reluctant to agree to recommend any changes to the setbacks applying to the rail corridor boundary on the basis of this submission. We find that a 3m setback is sufficient and that any increased setback as sought by the submitter would unnecessarily affect the ability of property owners to use their land in locations where it adjoins the rail corridor boundary.

7.8.2 Hearings Panel Recommendations

For the reasons above, we do not recommend any amendments and recommend that the submissions from KiwiRail (S416.057, S416.062, S416.063 & S416.064) be rejected.

8. Topic 5: Heavy Industrial zone (HIZ)

8.1 Impermeable Surfaces and Ancillary Activities

8.1.1 Hearings Panel Evaluation

HIZ-S8

Andrew McPhee provided planning evidence on behalf of Waipapa Pine Limited (now Fletcher Buildings Ltd) (S342.003). One of the key issues he raised related to the 15% site coverage rule in HIZ-R1. He requested the removal of the 15% threshold and recommended it be replaced with the following provisions:

- 1. The disposal of collected stormwater is within an existing consented urban stormwater management plan or discharge consent; or*
- 2. Where there is no consented urban stormwater management plan or discharge consent then stormwater must be disposed of in accordance with any recommendations supported by an engineering / site suitability report.*

We were informed by the reporting officer that the HIZ is intended to provide for large scale 'dry' industry, including activities like outdoor storage. Such activity has the potential for the establishment of large areas of hard surface and significant building area. Given that, if the 15% threshold is removed it could potentially create and/or exacerbate downstream stormwater effects, noting that the Council does not have detailed stormwater modelling at the catchment level to determine appropriate site-specific thresholds at this time. We were advised by Council officers that such detailed stormwater modelling has not been completed and is not currently planned.

Accordingly, we agree that setting a 15% threshold remains an effective way to address site coverage and stormwater management. Where this threshold is planned to be exceeded, a resource consent is required, which in turn triggers the need for site-specific stormwater mitigation to be assessed as part of the consent process. That would include assessment of measures to ensure that the design and layout of individual developments appropriately respond to localised conditions, including topography, soil permeability, and proximity to sensitive receiving environments. Without this, there is a risk that the broader network may

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

HIZ-R4

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

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

Mr McPhee recommends that the size of an ancillary activity should be determined by its functional relationship to the primary industrial activity, rather than by an arbitrary percentage. We agree with his view in principle but find that if there is no limit, then showrooms or office-type developments that are “ancillary” to the primary activity could potentially be larger than the primary activity itself. These types of activities are not generally permitted in the HIZ and under the recommended provisions are permitted where they are considered ancillary.

8.1.2 Hearings Panel Recommendations

For the reasons above, we do not recommend any amendments and the submission from Waipapa Pine Limited (now Fletcher Buildings Ltd) (S342.003) be rejected.

9. Conclusions

For the reasons set out in this recommendation report, we recommend the adoption of a set of changes to the PDP provisions relating to the Urban zones being the General Residential zone, the Mixed Use zone, the Light Industrial zone, and the Heavy Industrial zone. We also recommend the introduction of two new zones being, the Medium Density Residential zone and the Town Centre zone. The provisions for these two new zones will be considered further in Hearing 15D.

The Hearings Panel recommended amendments to the Urban zones chapters are shown in **Appendices 2.1 – 2.4**.

In addition, our recommended amendments to the definitions in this topic, as outlined in this recommendation report, such as ‘Trade supplier’; Drive through facilities’, Waste management facility’ ‘Supermarket’, and the deletion of the ‘Light industrial activity’ definition are provided in **Appendix 2.1 - Definitions**, in **Recommendation Report 17**.

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

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