

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

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

ENV-2026-AKL-

UNDER	the Resource Management Act 1991 (" the Act ")
IN THE MATTER	of an appeal under cl 14 of Sch 1 to the Act against the decision of the Far North District Council on the Far North Proposed District Plan
BETWEEN	FOODSTUFFS NORTH ISLAND LIMITED Appellant
AND	FAR NORTH DISTRICT COUNCIL Respondent

NOTICE OF APPEAL BY FOODSTUFFS NORTH ISLAND LIMITED

12 AUGUST 2026

**ELLIS GOULD
LAWYERS
AUCKLAND**

REF: Alex Devine (adevine@ellisgould.co.nz)
Tabea Trounson (ttrounson@ellisgould.co.nz)

**Level 31 Vero Centre
48 Shortland Street, Auckland
Tel: 09 307 2172
PO Box 1509, DX CP22003
AUCKLAND**

NOTICE OF APPEAL BY FOODSTUFFS NORTH ISLAND LIMITED

To: The Registrar

Environment Court

Auckland

1. **FOODSTUFFS NORTH ISLAND LIMITED** (“**the Appellant**”) appeals against part of a decision of Far North District Council (“**the Respondent**”) on the Far North Proposed District Plan (“**PDP**”).
2. The Appellant has the right to appeal the Respondent’s decision on the PDP under clause 14 of Schedule 1 to the Resource Management Act 1991 (“**RMA**”) because it made submissions and further submissions on the PDP in respect of the matters subject to this appeal.
3. The Appellant is not a trade competitor for the purposes of section 308D RMA. In any event, the Appellant will be directly and adversely affected by the PDP as the owner of properties within the Far North District, whose ability to develop and operate from those properties effectively and economically for commercial purposes will be impacted adversely and significantly by the proposed PDP provisions.
4. Notice of the decision being appealed, being the decision on the PDP (“**Decision**”) was received by the Appellant on 30 June 2026.
5. The Decision subject to the appeal was made by the Respondent.
6. The provisions and parts of the Decision that are being appealed are:
 - 6.1 Part 1 – Introduction and General Provisions as it relates to:
 - (a) Definitions Chapter and definitions throughout the PDP and all rules that refer or relate to the relevant activity definitions.
 - 6.2 Part 2 – District-Wide Matters as it relates to the following, along with all provisions that refer or relate to these rules or standards:
 - (a) Rule TRAN-R9 (Trip generation);

- (b) Rule NH-R2 (Extensions and alterations to existing buildings or structures) and to the extent that it is cross referenced by NH-R2, NH-R3 (New buildings or structures and relocated buildings);
- (c) Rule HA-R4 (New buildings or structures and relocated buildings);
- (d) Rule SIGN-R7 (Sign on or attached to a building, window, fence or wall (excluding a scheduled heritage resource)); and
- (e) Standard SUB-S1 (Minimum allotment sizes) as it relates to the Town Centre Zone.

6.3 Part 3 – Area Specific Matters as it relates to the following, along with all provisions that refer or relate to these rules, standards or overlays:

- (a) Rule RSZ-R8 (Commercial Activity);
- (b) MUZ-R10 (Supermarkets);
- (c) The Pedestrian Frontage Overlay of the MUZ as it relates to 10 – 12 Marino Place and 8 – 10 Memorial Avenue, Kaikohe, being New World Kaikohe and adjoining sites, and all rules within the Mixed Use (“**MU**”) Zone that refer or relate to this overlay;
- (d) Rule TCZ-R10 (Supermarkets); and
- (e) Rule TCZ-S7 (Coverage).

7. The reasons for the appeal are as follows:

7.1 Unless and until the aspects of the PDP referred to above are amended in accordance with the relief sought below, the PDP will not:

- (a) Promote the sustainable management of natural and physical resources;
- (b) Amount to and promote the efficient use and development of resources;
- (c) Otherwise be consistent with the purpose and principles set out in Part 2 of the RMA;

- (d) Be appropriate in terms of section 32 of the RMA; and
- (e) Assist the Council in achieving its functions under section 31 of the RMA.

In addition, but without derogating from the generality of the above:

Part 1 – Introduction and General Provisions – Interpretation - Definitions¹

- 7.2 The Decision rejected submissions seeking the introduction of nesting tables. While recognising the interpretation benefits of nesting tables, the Decision declined to include them on the basis they are not a statutory requirement and including them could alter the original intent of the provisions.
- 7.3 This aspect of the Decision:
 - (a) Places undue weight on the absence of a statutory requirement for nesting tables, despite acknowledging their interpretive benefits.
 - (b) Incorrectly assumes that the inclusion of nesting tables would alter the intent of the provisions, when they can be implemented in a manner that does not do this.
 - (c) Creates unnecessary ambiguity and reduces the usability and workability of the PDP for plan users.
 - (d) Fails to recognise that nesting tables improve certainty and transparency by clearly identifying the activities captured within broader activity definitions.
- 7.4 The relief sought by the Appellant to incorporate nesting tables for key activity definitions, including, but not limited to: “*commercial activity*”, “*industrial activity*”, “*civic activity*”, “*community activity*”, and “*residential activity*”, along with consequential amendments (e.g.: introduction and explanation of nesting tables in the Definitions Chapter and consequential amendment through the PDP) is preferable because it will

¹ S363.004

improve clarity, certainty and workability, assists interpretation and administration of the plan and avoids ambiguity.

Part 2 – District-Wide Matters

Energy, Infrastructure and Transport – Transport – Rule TRAN-R9² - Trip generation and TRAN-Table 12 – Trip Generation³

- 7.5 The Decision introduces a 225m² GFA trip generation threshold for supermarkets (“**Trip Generation Threshold**”). Exceedance of the Trip Generation Threshold requires consent as a Restricted Discretionary Activity and the provision of an Integrated Transport Assessment (“**ITA**”).
- 7.6 A 225m² GFA Trip Generation Threshold is too low and not warranted on the basis of potential traffic effects. It is considerably smaller than the size of a standard supermarket and would effectively require all supermarkets to obtain consent for traffic reasons, despite otherwise being anticipated and provided for as permitted activities under the PDP with higher GFA thresholds. ITAs can add significant costs to development and are best considered where traffic effects warrant further assessment, rather than through a blanket requirement triggered by a low GFA rule infringement.
- 7.7 This aspect of the Decision:
- (a) Imposes an unduly restrictive threshold that is not justified by the scale of potential transport effects. The threshold is conservative and fails to adequately recognise the extent of pass-by trips associated with supermarket activities, as well as the role that smaller supermarkets can play in reducing overall travel demand by providing local shopping opportunities. It also fails to recognise that increases in floor area within existing supermarkets do not necessarily result in a corresponding increase in vehicle movements or adverse transport effects requiring detailed assessment.

² TRAN-R5 as notified.

³ S363.010

- (b) Fails to take into account implications on supermarket activities, and the consequential implications for economic growth and employment.
- (c) Imposes unnecessary additional costs on development (including future development of existing operations) that are unlikely to give rise to material transport effects.

7.8 The relief sought by the Appellant to increase the Trip Generation Threshold to 750m²:

- (a) Strikes an appropriate balance between enabling supermarkets and ensuring that transport effects requiring further assessment are appropriately identified.
- (b) Avoids unnecessary consenting requirements and requirements for ITAs for developments that are unlikely to generate adverse transport effects.
- (c) Aligns with trip generation thresholds applied elsewhere in the country and represents a more efficient and effective method of managing transport effects.

Hazards and Risks – Natural Hazards – NH-R2 Extensions and alterations to existing buildings or structures and NH-R3 New buildings or structures and relocated buildings⁴

7.9 The Decision applies a 10m² GFA threshold for extensions and alterations to existing buildings or structures within River Flood hazard areas (“**Permitted Activity Threshold**”). Exceeding this requires consent as a restricted discretionary activity.

7.10 This aspect of the Decision:

- (a) Is overly restrictive and will result in unnecessary consent applications for minor alterations and extensions that are unlikely to materially increase natural hazard risk.

⁴ S363.012

- (b) Does not adopt a sufficiently risk-based or proportionate approach to managing natural hazard risk.
- (c) Imposes disproportionate costs and constraints on the ongoing use and development of existing buildings within River Flood Hazard Areas.
- (d) Is neither the most efficient nor effective method of achieving the objectives of the PDP, nor is it required to give effect to the National Policy Statement on Natural Hazards 2025 and the Northland Regional Plan.

7.11 The relief sought by the Appellant to increase the Permitted Activity Threshold to 50m² and provide a permitted activity pathway for low-risk structures such as car parking canopies, EV charging stations, trolley bays, and other major structures without walls or designed to avoid obstructing or diverting floodwaters:

- (a) Provides greater flexibility for the ongoing use, maintenance and improvement of existing buildings while retaining appropriate controls over development that may give rise to natural hazard effects.
- (b) Adopts a more proportionate approach by allowing minor alterations and extensions that are unlikely to materially increase risk to people or property while retaining appropriate controls over more significant development.
- (c) Is the most efficient and effective way in which to achieve the objectives of the PDP.

Historic and Cultural Values – Heritage Area Overlays - Rule HA-R4 – New buildings or structures and relocated buildings⁵

7.12 The Decision introduces Rule HA-R4 which provides that new buildings or structures and relocated buildings within the Kororāreka Russel – Heritage Area Part A are a restricted discretionary activity and must:

⁵ S363.013, S363.038, S363.039 and S363.040

- (a) not have frontage to the coastal marine area (RDIS-1); and
- (b) comply with the setback or heritage colours standards (RDIS-2).

Infringing this rule triggers a discretionary activity consent requirement.

7.13 Russell Four Square is located within Kororāreka Russel – Heritage Area Part A.

7.14 This aspect of the Decision fails to recognise that the potential effects associated with non-compliance with the relevant standards are identifiable and capable of being addressed through assessment criteria.

7.15 The Appellant's relief which seeks to amend non-compliance with RDIS-1 and RDIS-2 to a restricted discretionary activity is:

- (a) Appropriate in circumstances where the scope of potential effects associated with non-compliance are limited and well understood.
- (b) A more efficient and effective way of achieving the objectives of the PDP.

General District Wide Matters – Signs - SIGN-R7 (Sign on or attached to a building, window, fence or wall (excluding a scheduled heritage resource))⁶

7.16 The Decision introduces Rule SIGN-R7 which provides that signs on or attached to a building, window, fence or wall are a permitted activity where they:

- (a) do not protrude above the highest point of the building or structure (PER-1);
- (b) comply with standards SIGN-S1 Maximum area; SIGN-S2 Maximum height; SIGN-S3 Maximum number; SIGN-S4 Traffic safety; and SIGN-S5 Sign design and content (PER-2); and
- (c) the sign is not for third party advertising and the activity is lawfully undertaken within the site (PER-3)

⁶ S363.017

- 7.17 This aspect of the Decision is overly restrictive, unnecessary and drafted in a manner that will create practical difficulties for existing and future commercial activities (e.g.: online pickup areas) and result in unnecessary consents being triggered. In particular:
- (a) It is unnecessary to separately refer to windows and walls, as these are components of buildings and are already captured by references to buildings.
 - (b) Signage attached to a building and directly associated with the activity undertaken on the site (e.g.: branding) should not be subject to the maximum area (SIGN-S1) and maximum number (SIGN-S3) standards.
 - (c) It is unnecessary to restrict signage from protruding above the highest point of a building when signage is already managed through a maximum height standard, which is a more effective method of managing potential amenity effects.
 - (d) If signage on fences and walls raises separate amenity concerns, those effects are more appropriately addressed through specific provisions applying to signs on fences and walls not attached to buildings.
- 7.18 The Appellant's relief to delete references to "windows, fences or walls", delete PER1 and amend PER-2 to delete the references to SIGN-S1 and -S3 is more efficient and effective in that it:
- (a) Removes unnecessary consenting requirements for signage that would typically be anticipated as part of commercial activities within urban and commercial zones.
 - (b) Avoids duplication and ambiguity in the rule framework.

Part 3 – Area Specific Matters

Zones - Rural zones - Settlement zone - Rule RSZ-R8 – Commercial Activity⁷

7.19 The Decision introduced Rule RSZ-R8 which provides that commercial activities are permitted within the Settlement Zone where compliance is achieved with PER-1, PER 1A, PER-2 and PER-3 . Of particular relevance:

- (a) PER-1 limits any retail activity (including supermarkets) to 300m² GFA in all settlements except for Moerewa, where a 400m² GFA standard applies.
- (b) PER-1A limits supermarkets to 500m² GFA within all settlements.

Infringement of PER-1 requires consent as a Discretionary Activity. Infringement of PER-1A requires consent as a Restricted Discretionary Activity.

7.20 This aspect of the Decision creates confusion in the applicability of Rule RSZ-R8, as supermarkets are subject to two separate GFA requirements.

7.21 The Appellant's relief to exclude supermarkets from PER-1 is:

- (a) Consistent with the findings of the Hearings Panel that the potential adverse character and amenity effects from supermarkets up to 500m² are not significant and are otherwise outweighed by the positive socio-economic benefits they provide for these settlements;⁸ and
- (b) Reduces confusion and increases clarity and consistency in the application of RSZ-R8.

⁷ S363.020, S363.027

⁸ Recommendation Report at 7.2.2.

Zones – Commercial and mixed use zones: Mixed Use zone - Rule MUZ-R10 – Supermarkets⁹; and Town Centre zone - Rule TCZ-R10 – Supermarkets¹⁰

- 7.22 The Decision applies a 450m² GFA limit to supermarkets within the Mixed Use (“**MU**”) and Town Centre (“**TC**”) Zones. Exceeding this GFA limit requires consent as a restricted discretionary activity.
- 7.23 Supermarkets typically require floor areas substantially greater than 450m² to operate efficiently and meet consumer demand. The threshold therefore has the potential to unnecessarily constrain the functional and operational requirements of supermarket activities and will result in resource consents being required in circumstances where adverse effects are otherwise appropriately managed by the PDP.
- 7.24 This aspect of the Decision:
- (a) Fails to identify any rational planning or urban design basis for GFA restrictions on supermarkets.
 - (b) Imposes unnecessary consenting restrictions (and associated costs) on activities that are otherwise anticipated within the MU and TC zones.
 - (c) Is inconsistent with the approach adopted elsewhere in the PDP.
 - (d) Duplicates the management of effects that are already addressed through other provisions of the PDP, including those relating to noise, transport and signs.
 - (e) Is not the most efficient or effective way in which to manage the potential effects of supermarket activities.
- 7.25 The Appellant’s relief to delete the GFA restrictions and matters of discretion in MUZ-R10 and TCZ-R10:
- (a) Is necessary and desirable to ensure activities anticipated in the zone (such as supermarkets) can be established.

⁹ S363.022, S363.025

¹⁰ S363.021, S363.037, S363.022

- (b) Better reflects the policy framework of the MU and TC zones, which seeks to enable supermarkets (in the case of the MU zone) and provide for growth in supermarkets and an increased scale of built development (in the case of the TC zone).¹¹
- (c) Removes unnecessary consenting requirements and associated costs.
- (d) Results in a more efficient and effective planning framework by relying on the existing PDP provisions to manage adverse effects arising from supermarket activities.

*Maps / Zones – Commercial and mixed use zones – Mixed Use zone - Pedestrian Frontage Overlay (New World Kaikohe)*¹²

7.26 The Decision applies the Pedestrian Frontage Overlay to the New World Kaikohe site which is located within the MU Zone.¹³ Additional standards apply to sites located within the Pedestrian Frontage Overlay, including standards as to glazing, entrance location, building location and verandah.¹⁴ Ground floor activities are also subject to additional controls.

7.27 This aspect of the Decision:

- (a) Fails to appropriately recognise the site's location and context, including that it is separated from other Pedestrian Frontage Overlay areas, adjoins a car park rather than a primary commercial street, and is partially applied through the site rather than along the Marino Place frontage.
- (b) Is not necessary to achieve active frontage and streetscape outcomes being sought by the PDP in respect of the New World Kaikohe site.

¹¹ MUZ-P1; TCZ-P4

¹² S363.023, S363.024

¹³ NW Kaikohe – 8-10 Memorial Avenue, Kaikohe. The overlay also applies to 10 – 12 Marino Place.

¹⁴ MUZ-S4 (At least 65% of the building frontage at ground floor must be clear glazing and the principal public entrance to the building must be located on the front boundary); MUZ-S5 (Any new building, or extension or alteration to a building (including alterations to the façade) must be built up to the road boundary; A verandah must be provided for the full frontage of the road boundary of the site which shall directly adjoin the adjacent verandah, be between 3m - 6m in height and be setback between 300mm – 600mm from the face of the kerb).

- (c) Imposes onerous and unnecessary development controls and associated costs that are not justified by the site's characteristics and function.

7.28 The Appellant's relief to remove Pedestrian Frontage Overlay of the Mixed-Use Zone as it relates to New World Kaikohe (at 10 – 12 Marino Place, and 8 – 10 Memorial Avenue):

- (a) Better reflects the site's location, function and surrounding environment.
- (b) Results in a more efficient and effective planning framework by applying urban design controls only where they are necessary to address the effects being managed.

Zones – Commercial and mixed use zones – Town Centre zone – TCZ-S7 Coverage¹⁵

7.29 The Decision introduces Standard TCZ-S7 which requires at least 10% of a site to be planted in grass, vegetation or landscaped with permeable material and requires onsite stormwater disposal where a connection to the reticulated system is unavailable. An 'engineering / site suitability report' is required to determine compliance with these standards. Non-compliance triggers a restricted discretionary activity consent requirement with extensive matters of discretion.

7.30 This aspect of the Decision:

- (a) Imposes an unnecessary requirement for on-site stormwater disposal where a connection to the reticulated stormwater network is unavailable, given the Kerikeri TCZ is serviced by a reticulated stormwater network and on-site disposal is unlikely to be feasible or necessary within the zone.
- (b) Unnecessarily requires an engineering or site suitability report to demonstrate compliance with clause 1, where compliance with the landscaping requirement can readily be demonstrated through plans.

¹⁵ S363.021, S363.037

- (c) Imposes unnecessary costs and administrative burdens on plan users.
- (d) Includes matters of discretion that are unnecessarily broad having regard to the nature of the standard.
- (e) Is not the most efficient or effective method of achieving the intended landscaping and stormwater management outcomes.

7.31 The Appellant's relief to delete the requirement for on-site stormwater disposal where a reticulated connection is unavailable, remove the requirement for an engineering or site suitability report and simplify the matters of discretion:

- (a) Removes unnecessary consenting requirements and associated costs.
- (b) Avoids the need for technical assessments that are not required to demonstrate compliance with the standard.
- (c) Ensures the matters of discretion are confined to the effects the rule is intended to manage, being stormwater management, streetscape character and amenity and the appropriateness of the proposed landscaping.

RELIEF

8. The Appellant seeks the following relief:

- 8.1 Incorporate nesting tables for key activity definitions, including, but not limited to: "*commercial activity*", "*industrial activity*", "*civic activity*", "*community activity*" and "*residential activity*" similar to the Whangarei District Plan example attached as **Annexure 4**, along with consequential amendments (e.g.: introduction and explanation of nesting tables in the Definitions Chapter and consequential amendment through the PDP).
- 8.2 That TRAN-Table 12 Trip Generation be amended as follows (additions underlined and deletions ~~struck through~~):

TRAN-Table 12 Trip generation

Activity	Threshold
...	...
Supermarket	225m² <u>750m²</u> GFA
...	...

8.3 That Rule NH-R2 and NH-R3 be amended as follows (additions underlined and deletions ~~struck through~~):

NH-R2	Extensions and alterations to existing buildings or structures	
River Flood hazard areas	Activity status: Permitted Where: PER-1 <u>1.</u> There is no increase to the GFA of the building or footprint of the structure that results in the building or structure exceeding the limits for new buildings or structures and relocated buildings in NH-R3- PER 1 and new buildings or structures and relocated buildings ancillary to farming activities in NH-R4 PER 1; or <u>2. The structure is one of the following:</u> a. <u>A car parking canopy with no walls; or</u> b. <u>An electric vehicle charging station; or</u> c. <u>A structure with no walls and that is constructed with materials to allow for the passage of flood waters.</u> PER-2 No part of the building or structure is enclosed in a manner that alters or diverts an overland flow path or reduces flood plain storage	Activity status where compliance with PER-1 or PER-2 not achieved: Restricted discretionary (refer Rule NH-R7 for buildings and Rule NH-R9 for structures other than buildings)
NH-R3	New buildings or structures and relocated buildings	
River Flood hazard areas	Activity status: Permitted Where: PER-1 The building or structure and relocated buildings is one of the following: 1. Above ground buildings or structures with a GFA or footprint of <u>50m²</u> 10m² or less; or 2. deck less than 30m² and less than 1m in height; or 3. boardwalks or stairs that are less than 500mm above ground	Activity status where compliance with PER-1, PER-2 or PER-3 is not achieved: Restricted discretionary (refer Rule NH-R7 for new buildings and Rule NH-R9 for new structures other than buildings)

	level and located within a public reserve or legal road; <u>or</u> 4. <u>A car parking canopy with no walls;</u> <u>or</u> 5. <u>An electric vehicle charging station;</u> <u>or</u> 6. <u>A structure with no walls and that is constructed with materials to allow for the passage of flood waters.</u> PER-2 The building or structure and relocated buildings is not located within or does not alter or divert an overland flow path. PER-3 The structure is a telecommunications pole, including any attached antennas, ancillary equipment or line.	
--	--	--

Or in the alternative, some relief which provides a permitted activity pathway for low risk structures and buildings associated with existing site uses and any necessary amendments to the matters of discretion.

8.4 That Rule HA-R4 be amended as follows (additions underlined and deletions ~~struck through~~):

HA-R4	New buildings or structures and relocated buildings	
...	...	...
Heritage Area Overlay : Kerikeri - Part A Kohukohu Kororāreka Russell Part A - The Strand, Part B - Wellington Street and Part C - Christ Church Mangōnui and Rangitoto Peninsula - Part A	Activity status: Restricted discretionary Where: RDIS-1 If the building or structure and relocated building is located within Kororāreka Russell - Part A Heritage Area Overlay, it does not have frontage to the coastal marine area. RDIS-2 The building or structure and relocated building complies with standards: HA-S1: Setback from a scheduled Heritage Resource; and HA-S2: Heritage Colours. Matters of discretion are restricted to: a. whether the proposed building or structure will	Activity status where compliance not achieved with RDIS-1 or RDIS-2: <u>Restricted Discretionary</u> <u>Matters of discretion are restricted to:</u> a. <u>the matters listed in the preceding column.</u> b. <u>whether the proposed building, structure will adversely affect the heritage values of any adjacent scheduled Heritage Resource;</u> c. <u>the colour of all exterior surfaces and their appropriateness within the Heritage Area Overlay;</u> d. <u>the location and relationship of the building or structure in relation to the coastal marine area;</u>

Paihia - Part A Rāwene - Part A	adversely affect the heritage values of the Heritage Area Overlay; b. whether the proposed building or structure will adversely affect the heritage values of any adjacent Scheduled Heritage Resource; c. the colour of all exterior surfaces and their appropriateness within the Heritage Area Overlay; d. any landscaping or fencing; e. the location and relationship of the building or structure in relation to adjoining sites <u>and</u>; coastal marine area; roads; f. any assessments or advice from a suitably qualified and experienced heritage or cultural expert (where provided); g. any consultation with Heritage New Zealand Pouhere Taonga, Department of Conservation and tangata whenua (where provided); and h. in the Kororāreka Russell Heritage Area Overlay, the matters listed in Policy KRT-P6.	
--	---	--

8.5 That Rule SIGN-R7 be amended as follows (additions underlined and deletions ~~struck through~~):

SIGN-R7	Signs on or attached to a building, window, fence or wall (excluding a scheduled heritage resource)	
All zones – except for Waitangi Estate zone	Activity status: Permitted Where: PER-1 The sign does not protrude above the highest point of the building or structure. PER-2 The sign complies with standards: SIGN-S1 Maximum area; SIGN-S2 Maximum height; SIGN-S3 Maximum number ; SIGN-S4 Traffic safety; and SIGN-S5 Sign design and content.	Activity status where compliance not achieved with PER-1: Restricted discretionary Matters of discretion are restricted to: a. the character and amenity of the surrounding area; b. whether the sign is compatible with the built form on the site; c. whether the sign contributes to visual clutter; and d. any adverse cumulative effects. Activity status where compliance not achieved with PER-2: Restricted discretionary

	PER-3 The sign is not for third party advertising and the activity is lawfully undertaken within the site.	Matters of discretion are restricted to: a. the matters of discretion of any infringed standard; b. the character and amenity of the surrounding area; c. whether the sign is compatible with the built form on the site; d. whether the sign contributes to visual clutter; and e. any adverse cumulative effects. Activity status where compliance not achieved with PER-3: Discretionary
--	---	--

8.6 That Rule RSZ-R8 be amended as follows (additions underlined and deletions ~~struck through~~):

RSZ-R8	Commercial activity	
Settlement zone	Activity status: Permitted Where: PER-1 Any retail activity (excluding <u>including</u> supermarkets) does not exceed: 1. GFA of 400m² if the site is located in the settlement of Moerewa; or 2. GFA of 300m² in all other settlements. PER 1A Any supermarket does not exceed a GFA of 500m² in all settlements. PER-2 Any office activity does not exceed: 1. GFA of 200m² if the site is located in the settlement of Moerewa; or 2. GFA of 100m² in all other settlements. PER-3 The activity complies with standards: RSZ S5 Outdoor storage; RSZ S6 Landscaping and screening.	Activity status where compliance not achieved with PER-1A: Restricted discretionary Matters of discretion are restricted to: a. the location and design of buildings, outdoor areas, parking and loading areas and access; b. hours of operation; c. screening and landscaping; d. wastewater treatment and disposal; e. water supply for drinking and firefighting; and f. stormwater disposal. Activity status where compliance not achieved with PER-3: Restricted discretionary Matters of discretion are restricted to: a. the matters of discretion of any infringed standard. Activity status where compliance not achieved with PER-1 or PER-2: Discretionary

8.7 That Rule MUZ-R10 be amended as follows (additions underlined and deletions ~~struck through~~):

MUZ-R10	Supermarkets	
Mixed Use zone	Activity status: Permitted Where: 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.	Activity status where compliance not achieved with PER 1: Restricted discretionary Matters of discretion are restricted to:- a. The extent of any effect on the transport network; b. Any access is designed and located to provide efficient circulation on site and avoid potential adverse effects on adjoining sites, the safety of pedestrians and the safe and efficient functioning of the road network; c. Minimises building bulk, and signage while having regard to the functional requirements of the activity; and d. Landscaping is provided especially within surface car parking areas to enhance amenity values.

8.8 That Rule TCZ-R10 to be amended as follows (additions underlined and deletions ~~struck through~~):

TCZ-R10	Supermarkets	
Town Centre zone	Activity status: Permitted Where: PER-1 The new supermarket or extension or alteration to an existing supermarket does not exceed GFA 450m².	Activity status where compliance not achieved with PER 1: Restricted discretionary Matters of discretion are restricted to:- a. The extent of any effect on the transport network; b. Any access is designed and located to provide efficient circulation on site and avoid potential adverse effects on adjoining sites, the safety of pedestrians and the safe and efficient functioning of the road network; c. Minimises building bulk, and signage while having regard to the functional requirements of the activity; and d. Landscaping is provided especially within surface car parking areas to enhance amenity values.

- 8.9 Amend the planning maps to remove the Pedestrian Frontage Overlay from the 8-10 Memorial Avenue and 10-12 Marino Place, Kaikohe.
- 8.10 That Standard TCZ-S7 be amended as follows (additions underlined and deletions ~~struck through~~):

TCZ-S7	Coverage
Town Centre zone	1. At least 10% of the site shall be planted in grass, vegetation or landscaped with permeable material;and 2. Where a connection to Council's reticulated stormwater system is not available the stormwater must be disposed of within the site An engineering/ site suitability report is required to determine compliance with these standards Where the standard is not met, matters of discretion are restricted to: a. <u>Stormwater management.</u> b. <u>Streetscape character and amenity.</u> c. <u>The appropriateness of the nature, type and size of the planting proposed.</u> d. the character and amenity of the surrounding area; e. whether the activity is within an existing consented urban stormwater management plan or discharge consent; f. the extent to which building site coverage and impermeable surfaces contribute to total catchment impermeability and the provisions of any catchment or drainage plan for that catchment; g. the extent to which water sensitive design methods have been used to reduce site impermeability; h. natural hazard mitigation and site constraints; i. the effectiveness of the proposed method for controlling stormwater without adverse effects on adjoining waterbodies (including groundwater and aquifers) on adjoining or downstream properties; j. the extent to which existing grass, vegetation or landscaping provided on site can mitigate the adverse effects resulting from reduced, alternative or no permeable surface; and k. extent of potential adverse effects on cultural, spiritual, heritage and/or amenity values of any affected waterbodies.

- 8.11 In the alternative to the relief set out in paragraphs 8.1 to 8.10, some other form of relief which gives effect to the intent of the amendments set out above and the issues raised in the appeal.
- 8.12 Such further orders, relief, consequential amendments, or other amendments to the PDP as are considered appropriate and necessary to address the concerns set out this appeal.
- 8.13 Costs of and incidental to this appeal.
9. The following documents are attached to this notice:
- 9.1 **Attachment 1:** A copy of the Submission and Further Submission.
- 9.2 **Attachment 2:** Relevant extracts from the Decision.
- 9.3 **Attachment 3:** A list of persons to be served with a copy of this notice.
- 9.4 **Attachment 4:** Example of nested definitions.

DATED this 12th day of August 2026

**FOODSTUFFS NORTH ISLAND
LIMITED** by its solicitors and duly
authorised agents Ellis Gould



Alex Devine / Tabea Tounson

ADDRESS FOR SERVICE: The offices of Ellis Gould Lawyers, Level 31, Vero Centre, 48 Shortland Street, PO Box 1509, Auckland 1140, DX CP22003, Auckland, Telephone: (09) 307-2172, Facsimile: (09) 358-5215. **Attention:** Alex Devine / Tabea Tounson. adevine@ellisgould.co.nz / ttounson@ellisgould.co.nz.

Advice to recipients of Notice of Appeal

How to become party to proceedings

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must, —

- within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Act.

You may apply to the Environment Court under section 281 of the Act for a waiver of the above timing or service requirements (see form 38).

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

Attachment 1: A copy of the Submission and Further Submission.

Foodstuffs North Island Limited

Submission on PDP

Full Name: Foodstuffs North Island Limited

Address for Service: Barker & Associates Attention: Matt Norwell Mattn@barker.co.nz

Date: 21 October 2022

Re: Submission on Proposed Far North District Plan (**PDP**) – Foodstuffs Limited

Submission Information:

Foodstuffs North Island Limited could not gain an advantage in trade competition through this submission.

The specific provisions of the Plan Changes that Foodstuffs North Island Limited submission relates to are attached.

Foodstuffs North Island Limited seeks amendment to the specific provisions as listed in the attached document. The reasons are provided in the attached document.

The decisions that Foodstuffs North Island Limited wishes Far North District Council (**FNDC**) to make to ensure the issues raised by Foodstuffs North Island Limited are dealt with are also contained in the attached document.

Foodstuffs North Island Limited wishes to be heard in support of this submission in support of this submission.

If others make a similar submission, Foodstuffs North Island Limited will consider presenting a joint case with them at a Hearing.



Matt Norwell, Director Barker & Associates, on behalf of Foodstuffs

Foodstuffs North Island Limited

Submission on PDP

1.0 Introduction

Foodstuffs North Island Limited (**Foodstuffs**) welcomes the opportunity to submit on the Far North District Council (**FNDC**), proposed District Plan (PDP), as released on 27 July 2021.

Foodstuffs is made up of several independent co - operatives, with all employees and retail members supportive of the organisation's commitment to provide New Zealanders with the best possible service and quality products. The Foodstuffs North Island co - operative employs more than 1700 people who support the 102 New World (NW), 43 PAK' n' SAVE and 167 Four Square owner - operated retail supermarkets throughout the North Island. Of these, Foodstuffs currently has 16 established supermarkets in the Far North District.

In Foodstuffs' experience, regional and district planning frameworks often do not properly recognise the need for business growth to occur, including alongside residential growth. Given Foodstuffs' significant past and planned further investment in New Zealand, the contents of any future District Plan provisions will be integral to the continuing operation and development of Foodstuffs in the Far North.

This submission covers matters addressed by the PDP which Foodstuffs have an interest. Specific points of submission are detailed in **Attachment 2**, whilst general feedback is detailed in Section 3 below.

2.0 Zoning

As notified, all sites of interest to Foodstuffs have been mapped either Mixed Use Zone (**MUZ**) or Rural Settlement Zone (**RSZ**), with Waipapa Four Square being mapped Light Industrial Zone (**LIZ**). **Attachment 1** of this memo identifies the zones and overlays that apply to each site of interest to Foodstuffs.

A number of the sites of interest are also affected by overlays, these include:

- Coastal Environment;
- River Flood Hazard Zone -100 Year ARI Event
- River Flood Hazard Zone 10-Year ARI Event
- Coastal Flood (Zone 2 100 Year Scenario)
- Coastal Flood (Zone 1 50 Year Scenario)
- Coastal Flood Hazard 3 – 100 year + rapid sea level rise
- Building Height Control – Area B
- Notable Tree
- Heritage Area – Mangonui and Rangitoto Peninsula Heritage Area A
- Heritage Area – Part A The Strand
- Pedestrian frontage.

Submission on PDP

Specific points of submission with respect to site zoning and zone provisions are detailed in **Attachment 2**, whilst general feedback is detailed in **Section 3.0** below.

3.0 General Feedback

Foodstuffs acknowledges and appreciates the work that FNDC have put into developing the PDP. However, Foodstuffs have general concern that the Strategic Direction chapter contains objectives for each topic, and not policies. In Foodstuffs' view, the objectives need policies to demonstrate how they are going to be achieved in the Plan. It is also important at this strategic level of the PDP, that the policies provide clear direction for the consideration of resource consents where there is conflict between different areas of strategic direction.

The Strategic Direction Chapter does not include any form of direction by way of mapping or provisions to set a clear hierarchy of centres. There is no identification of small, medium or large centres, or rural/coastal settlements versus large towns. Foodstuffs consider this lack of strategic direction and centres hierarchy to be a significant flaw in the plan. Several sites of interest to Foodstuffs are located in larger urban areas within the Far North, which would benefit from stronger policy direction with respect to economic growth and development.

Foodstuffs have not been able to confirm that the proposed Strategic Direction objectives are appropriate under section 32 (1)(a) of the RMA, because the section 32 report does not include an evaluation of the proposed objectives.

In terms of the notified zones and provisions, Foodstuffs do not support the proposed rezoning of their sites to MUZ, RSZ and LIZ. The PDP does not provide alternative commercial zones providing only a Mixed-Use Zone. Foodstuffs are unable to understand why Council has chosen to only use one commercial zone being the MUZ. As drafted the MUZ will limit the expansion or redevelopment of many of the Foodstuffs' sites of interest, and may not be the most appropriate site zoning. The National Planning Standards provide a range of commercial zones, which could be utilised:

- Neighbourhood Centre Zone
- Local Centre Zone
- Commercial Zone
- Large Format Retail Zone
- Mixed Use Zone
- Town Centre Zone
- Metropolitan Centre Zone
- City Centre Zone

Council has not undertaken an analysis of the range of zones provided in the proposed District Plan, there has been no section 32 evaluation of the appropriateness of the suite of zones and no consideration of an alternative combination of business zones.

Submission on PDP

The complete lack of policy direction and rule framework surrounding supermarket activities within the proposed zones is opposed, Foodstuffs are very concerned that supermarkets are not enabled as a permitted activity anywhere in the Far North District. In addition, Foodstuffs considers that a number of the proposed provisions relating to urban design requirements and parking and access requirements impose unnecessarily restrictive controls on supermarket activities.

Foodstuffs is also concerned that a number of the proposed provisions fail to recognise the operational requirements of supermarkets, the benefits they provide to the wider community, and may unnecessarily restrict future plans to develop new or existing facilities over the ten-year lifespan of the District Plan.

Foodstuffs have made a number of specific submission points as outlined within **Attachment 2** to improve the PDP and to efficiently and effectively achieve the proposed objectives of the plan change package, and the purpose of the RMA.

4.0 Conclusion

In conclusion, Foodstuffs North Island Limited seeks the following relief:

- (a) Foodstuffs North Island Limited's general feedback in **Section 3.0** and specific feedback in **Attachment 2** is addressed and necessary changes incorporated into the PDP.
- (b) Any further necessary consequential amendments required to achieve (a) above.

Foodstuffs North Island Limited looks forward to working collaboratively with FNDC to address the above relief and is happy to meet with FNDC policy staff or consultants to work through these matters.

Foodsuffs North Island Limited

Submission on PDP

Attachment 1: Foodstuffs sites of interest

Address	Operative District Plan (ODP)	Proposed District Plan (PDP)
4SQ Bay (Russell) - 9/11 York Street, Russell	Zone: Commercial Overlays: Heritage Area – Map HP4 (The Strand Precinct)	Zone: Mixed use Overlays: Coastal Environment River Flood Hazard Zone (100 Year ARI Event) Coastal flood hazard zone 2 – 100 year scenario Coastal Flood Hazard 3 – 100 year + rapid sea level rise Heritage Area – Part A The Strand
4SQ Coopers Beach - 9 Coopers Drive, Coopers Beach/147 State Highway 10	Zone: Commercial Overlays: None	Zone: Mixed use Overlays: Coastal Environment
4SQ Houhora Wharf - Far North Road, Pukenui, Houhora, RD 4, Kaitaia. 4A Lamb Road, Pukenui	Zone: Coastal Residential Overlays: None	Zone: Settlement Overlays: Coastal Environment
4SQ Kaeo - 13 Leigh Street, Kaeo	Zone: Commercial Overlays: None	Zone: Mixed use Overlays: River Flood Hazard Zone -100 Year ARI Event River Flood Hazard Zone 10-Year ARI Event Coastal Flood (Zone 2 100 Year Scenario) Coastal Flood (Zone 1 50 Year Scenario)
NW Kaikohe – 8-10 Memorial Avenue, Kaikohe	Zone: Commercial Overlays: Pedestrian frontage	Zone: Mixed use Overlays: Pedestrian frontage
4SQ Kaikohe - 120 Broadway, Kaikohe	Zone: Commercial Overlays: Pedestrian frontage	Zone: Mixed use Overlays: Pedestrian frontage

Submission on PDP

PnS Kaitaia and PnS Fuel - 111 North Road, Kaitaia	Zone: Commercial Overlays: None	Zone: Mixed use Overlays: River Flood Hazard Zone 10-Year ARI Event
4SQ Kawakawa - 71 Gillies Street, Kawakawa	Zone: Commercial Overlays: Pedestrian frontage	Zone: Mixed use Overlays: Pedestrian frontage
NW Kerikeri - 99 Kerikeri Road, Kerikeri	Zone: Commercial Overlays: None	Zone: Mixed use Overlays: None
4SQ Mangonui - 115 Waterfront Drive, Mangonui	Unable to select this site on the maps.	This site is not shown on the Proposed District Plan Maps. Overlays: Coastal Environment Heritage Area – Mangonui and Rangitoto Peninsula Heritage Area A River Flood Hazard Zone 10-Year ARI Event Coastal Flood (Zone 2 100 Year Scenario) Coastal Flood (Zone 1 50 Year Scenario)
4SQ Moerewa - 64 State Highway 1, Moerewa	Zone: Commercial Overlays: Pedestrian frontage	Zone: Settlement Overlays: Pedestrian frontage
4SQ Opononi - 29 State Highway 12, Opononi or 31 Hokianga Harbour Drive	Zone: Commercial Overlays: Notable tree – ID 93	Zone: Mixed use Overlays: Coastal Environment Notable tree overlays – ID 92, 93 and 92a-b River Flood Hazard Zone 10-Year ARI Event Coastal Flood (Zone 3: 100 Year + Rapid Sea Level Rise Scenario) Coastal Flood (Zone 2 100 Year Scenario) Coastal Flood (Zone 1 50 Year Scenario) Coastal Erosion (Zone 2: 100 Year Scenario) Coastal Erosion (Zone 1: 50 Year Scenario)
4SQ Paihia - 41 Williams Road, Paihia	Zone: Commercial	Zone: Mixed use

Foodsuffs North Island Limited

Submission on PDP

	Overlays: Paihia Commercial Zone (A3) Pedestrian frontage	Overlays: Pedestrian frontage Building Height Control – Area B Coastal environment River Flood Hazard Zone (100 Year ARI Event)
4SQ Russell - 27 The Strand, Russell	Zone: Commercial Overlays: Heritage Area (The Strand Precinct) Historic Item – Site 39 (General Store)	Zone: Mixed use Overlays: Coastal Environment Heritage Area – Part A The Strand River Flood Hazard Zone (100 Year ARI Event) Coastal Flood Hazard 3 – 100 year + rapid sea level rise Historic Item – Site 39 (General Store)
4SQ Waimamaku - 7233 State Highway 12, Waimamaku, South Hokianga	Zone: Commercial and Rural Production Overlays: None Non-district plan overlays: Flood susceptible land	Zone: Settlement Overlays: River Flood Hazard Zone (100 Year ARI Event) River Flood Hazard Zone (10 Year ARI Event)
4SQ Waipapa - 1993 State Highway 10, Waipapa, Kerikeri	Zone: Industrial Overlays: None Non-district plan overlays: Flood susceptible land	Zone: Light industrial Overlays: River Flood Hazard Zone (100 Year ARI Event) River Flood Hazard Zone (10 Year ARI Event)

Foodstuffs North Island Limited Submission on PDP

Attachment 2: Foodstuffs specific submissions

Sub-#	Feedback Topic	Support/Oppose/Seek Amendment	Comments/Reasons	Relief Sought
Entire Plan				
1	Entire Plan	Seek Amendment	Foodstuffs notes that the PDP does not include any form of direction by way of mapping or provisions to set a clear hierarchy of centres. There is no identification of small, medium or large centres. Foodstuffs consider this lack of strategic direction and centres hierarchy to be a significant flaw in the plan that will hinder the ability to achieve a sustainable and compact urban form.	Establish a centre hierarchy to set a clear policy direction for the larger urban areas within the District, and amend provisions and zoning as necessary to implement the hierarchy that achieves a compact urban form.
Part 1 – Introduction and General Provisions – How the Plan Works				
2	How the plan works	Seek amendment	Foodstuffs have identified that the overlay chapters are inconsistent with respect to referencing rules for “activities not otherwise listed”. The How the Plan Works chapter includes a statement that <u>some overlays</u> will automatically default to a permitted activity. Noting that resource consent may still be required under other Part 2: District-wide	Amend “Applications Subject to Multiple Provisions” as follows (or to similar effect): <i>The overall activity status of a proposal will be determined on the basis of all rules which apply to the proposal. This includes rules in the District-Wide Matters and Area-Specific Matters. When a proposal involves several activities that are subject to multiple rules</i>

S363.001

S363.002

Barker & Associates

+64 375 0900 | admin@barker.co.nz

Kerikeri | Whangārei | Warkworth | Auckland | Hamilton | Cambridge | Tauranga | Napier | Wellington | Christchurch | Queenstown | Wānaka

Foodsuffs North Island Limited Submission on PDP

Sub-#	Feedback Topic	Support/Oppose/Seek Amendment	Comments/Reasons	Relief Sought
			Matters chapters and/or Part 3: Area-Specific chapters (including the underlying zone). This lack of consistency will cause confusion for plan users: 1. The overlay chapters do not include notes to this effect. 2. Each overlay chapter has a different approach activity status default rules. 3. Overlays and zone chapters use different terminology. Applying an automatic permitted activity default could lead to unintentional consequences, for example: Coastal environment is silent with respect to farm quarries, defaulting to a permitted activity under How the Plan Works. Rule RPROZ-R12 Farm Quarry provides for this activity as a permitted activity.	<i>with different activity statuses, and/or involves an activity/activities across multiple zones, precincts, areas, overlays or features, and it is appropriate to "bundle" the activities, the proposal will be assessed on the basis of the most restrictive activity status (unless otherwise stated).</i> <i>Where a rule for an overlay, zone or precinct controls an activity by reference to a proportion or percentage of the site, the control will be limited to that part of the site to which the overlay or zone applies.</i> <i>Some of the Overlay chapters only include rules for certain types of activities (e.g. natural character, natural features and landscapes or coastal environment). If your proposed activity is within one of these overlays, but there are no overlay rules that are applicable to your activity, then your activity can be treated as a permitted activity under the Overlay Chapter unless stated otherwise. Resource consent may still be required under other Part 2: District wide Matters chapters</i>

Barker & Associates

+64 375 0900 | admin@barker.co.nz

Kerikeri | Whangārei | Warkworth | Auckland | Hamilton | Cambridge | Tauranga | Napier | Wellington | Christchurch | Queenstown | Wānaka

Foodstuffs North Island Limited Submission on PDP

Sub-#	Feedback Topic	Support/Oppose/Seek Amendment	Comments/Reasons	Relief Sought
				and/or Part 3: Area Specific chapters (including the underlying zone). ... And amend all relevant overlay chapters as necessary to insert rules for <u>"Activities not otherwise listed in this chapter"</u> consistent with zone chapters.
3	How the plan works	Seek amendment	Each PDP chapter includes implementation advice notes. Many of these notes apply across chapters e.g. Infrastructure chapter note 5, limits the infrastructure provisions to network utility operators only. This note is easily missed any could lead to plan interpretation issues.	Review all implementation advice notes across the plan to ensure consistency, and list notes which apply across multiple chapters in the How the plan works chapter.
Part 1 – Introduction and General Provisions – Interpretation - Definitions				
4	Definitions	Seek Amendment	The PDP includes activity-based rules which manage the establishment and operation of activities within zones and sites. However, the rules (particularly with respect to the MUZ rules of interest to Foodstuffs) include terms as activity rules that do not have definitions. It is difficult for Foodstuffs to confirm	Foodstuffs seek that FNDC review all definitions, and amend overlaps or create definitions for terms which are not currently defined and incorporate nesting tables.

Barker & Associates

+64 375 0900 | admin@barker.co.nz

Kerikeri | Whangārei | Warkworth | Auckland | Hamilton | Cambridge | Tauranga | Napier | Wellington | Christchurch | Queenstown | Wānaka

Foodstuffs North Island Limited Submission on PDP

Sub-#	Feedback Topic	Support/Oppose/Seek Amendment	Comments/Reasons	Relief Sought
			activities permitted within the sites of interest in the absence of clear definitions. Foodstuffs support a clear and well written plan to support ease of reading and implementation for plan users. No definition nesting tables are used in the Draft PDP. Foodstuffs consider that it is worthwhile to include nesting tables to provide certainty for plan users as to what activities are captured in the rules. The introduction and explanation of nesting tables would need to be included within the Definitions Chapter.	
5	Definitions	Seek Amendment	As currently drafted, a supermarket would be considered a 'commercial activity' (defined term), and further classified as a 'supermarket' within the parking and trip generation standards. Supermarket is not a defined term within the PDP. In addition, the term supermarket is used inconsistently throughout the proposed provisions, which could lead to confusion and inconsistent application.	Amend the definition chapter to insert the following definition of supermarket (or to similar effect): <u>Supermarket means a self-service retail activity selling mainly food, beverages and small household goods.</u>

\$363.005

Foodstuffs North Island Limited Submission on PDP

Sub-#	Feedback Topic	Support/Oppose/Seek Amendment	Comments/Reasons	Relief Sought
-------	----------------	-------------------------------	------------------	---------------

Part 2 – District Wide Matters – Strategic Direction – Economic and Social Wellbeing

6	Strategic Direction	Seek amendment	The Strategic Direction chapters do not contain policy which give effect to proposed objectives. Foodstuffs consider that there is no clear policy direction to give effect to the proposed objective which could lead to an ineffective plan.	That the strategic direction chapter be reconsidered to provide clear direction for growth and development throughout the Far North District. Insert appropriate policy in to the Strategic Direction chapters to give effect to strategic direction objectives. That FNDC establish a centre hierarchy to set a clear policy direction for the larger urban areas within the District, and amend zoning as necessary to implement the hierarchy. That proposed objectives be evaluated in accordance with section 32AA to confirm that these are the <u>most appropriate</u> objectives.
7	Strategic Direction	Seek amendment	The Strategic Direction does not provide high level policy direction with respect to sufficient provision of business land to meet demand. Foodstuffs consider that policy should reflect and give effect to the National Policy Statement on Urban Design.	Insert objectives and policies to give effect to NPS-UD as follows(or to similar effect): <u>Objective: Ensure that there are sufficient opportunities for development of residential and business land to meet demand.</u>

S363.006

S363.007

Barker & Associates

+64 375 0900 | admin@barker.co.nz

Kerikeri | Whangārei | Warkworth | Auckland | Hamilton | Cambridge | Tauranga | Napier | Wellington | Christchurch | Queenstown | Wānaka

Foodstuffs North Island Limited Submission on PDP

Sub-#	Feedback Topic	Support/Oppose/Seek Amendment	Comments/Reasons	Relief Sought
				<u>Policy: To ensure that there is sufficient residential and business development capacity by zoning land where development is feasible and: Is serviced with development infrastructure; or Funding for development infrastructure is identified in the Long Term Plan.</u>

Energy, Infrastructure and Transport – Transport

8	TRAN-R1 and TRAN-Table 1	Seek amendment	The PDP has retained minimum parking requirements. For supermarket/convenience/general store the threshold is 1 car park per 25m²) GFA and now includes a requirement for 1 bicycle space per 15 employers. Foodstuffs note that the National Policy Statement for Urban Development (NPSUD) requires Tier 1, 2 and 3 territorial authorities to remove provisions which require a minimum number of car parks. Therefore, it is considered that these minimum standards should be removed from the PDP to ensure consistency with the NPSUD.	Delete minimum parking standards in TRAN-Table 1.
---	--------------------------	----------------	---	---

S363.008

Foodsuffs North Island Limited Submission on PDP

Sub-#	Feedback Topic	Support/Oppose/Seek Amendment	Comments/Reasons	Relief Sought	
9	TRAN-R2	Seek amendment	Of particular relevance to Foodstuff is the discretionary activity trigger for any alterations to an existing vehicle crossing onto State Highway. This would mean that any upgrades to the sites of interest with access to State Highways that result in the need to upgrade a vehicle crossing would require discretionary consent.	Amend PER-3 to ensure that existing access from State Highways can be upgraded as a permitted activity.	S363.009
10	TRAN-R5	Seek amendment	The trip generation thresholds have changed from zone-specific daily traffic volumes to district-wide standards set by a combination of daily volumes, gross business area, and occupancy-based thresholds. For a supermarket, the restricted discretionary threshold is 200m² GFA, any new development that cannot comply with this threshold would trigger a restricted discretionary activity status. As currently drafted, there is no specific direction for extensions, and it considered that where the extension results in a total GFA of or over 200m² restricted discretionary consent would be required.	Amend TRAN-R5 to increase the threshold to appropriately provide for supermarkets particularly within zones where supermarkets are a permitted activity, amendments to the provisions to provide for extension of activities.	S363.010

Foodstuffs North Island Limited Submission on PDP

Sub-#	Feedback Topic	Support/Oppose/Seek Amendment	Comments/Reasons	Relief Sought	
11	Transport Chapter	Seek amendment	The Council's Environmental Engineering Standards are referenced throughout the transport chapter setting minimum standards for the establishment of roads. Foodstuffs are concerned that this is inconsistent application of engineering standards. Furthermore, the referenced Environmental Engineering Standards do not ensure sustainable, safe and efficient provision of roading infrastructure.	Review and refine the relationship of the District Plan to the Environmental Engineering Standards to: a. Ensure the District Plan requires the delivery of infrastructure in a manner that achieves sustainable, safe and efficient provision of infrastructure. b. Ensure referencing of the Environmental Engineering Standards in the District Plan is appropriate and results in clear and measurable rules. c. Cross-referencing to Environmental Engineering Standards is consistent across all chapters.	S363.011

Part 2 – District Wide Matters – Natural Hazards

12	NH-R2	Seek Amendment	The PDP seeks to manage the risk from natural hazards to people, property and infrastructure. A number of Foodstuffs sites are subject to Coastal and Flood hazards, while Foodstuffs appreciate the importance of managing risk from natural hazards, it considers that existing activities and buildings	That NH-R2 be amended to provide for additions and alterations to existing activities as a permitted activity in the 1 in 10 and 1 in 100 River Flood Hazard Area	S363.012
----	-------	----------------	--	---	----------

Barker & Associates

+64 375 0900 | admin@barker.co.nz

Kerikeri | Whangārei | Warkworth | Auckland | Hamilton | Cambridge | Tauranga | Napier | Wellington | Christchurch | Queenstown | Wānaka

Foodsuffs North Island Limited Submission on PDP

Sub-#	Feedback Topic	Support/Oppose/Seek Amendment	Comments/Reasons	Relief Sought
			should be recognised and provided for. Foodstuffs consider that the default performance standard of no increase in GFA or footprint of structures, is overly restrictive and will require unnecessary resource consent applications.	

Part 2 – District Wide Matters – Historical and Cultural Values

13	Heritage Area Overlay – Kororareka Russell	Seek amendment	Russell Four Square is located within Kororareka Russell Heritage Area Part A (The Strand). It is a permitted activity to undertake maintenance and repair of the building (HA-R1) provided that the structure of the building is not altered and the existing visual appearance of the building is not changed, and any painting or repainting complies with heritage colours specified (HA-S2). Parking, access and earthworks are also limited within the Kororareka Russell Heritage Area. Any redevelopment of this site is likely to require resource consent as a discretionary activity. Foodstuffs generally support the concept heritage areas, and recognise the importance of the Russell Four Square building within The Strand Precinct, however Foodstuffs consider	That provisions within the Kororareka Russell Heritage Area Overlay be amended to default to a restricted discretionary activity status.
----	--	----------------	--	--

S363.013
S363.038,
S363.039,
S363.040

Barker & Associates

+64 375 0900 | admin@barker.co.nz

Kerikeri | Whangārei | Warkworth | Auckland | Hamilton | Cambridge | Tauranga | Napier | Wellington | Christchurch | Queenstown | Wānaka

Foodsuffs North Island Limited Submission on PDP

Sub-#	Feedback Topic	Support/Oppose/Seek Amendment	Comments/Reasons	Relief Sought
			that a discretionary activity default is onerous when the scope of potential effects are limited and well understood, a restricted discretionary activity default is supported	

Part 2 – District Wide Matters – General District Wide Matters – Coastal Environment

14	CE-R1, and Standards CE-S1 and CE-S2	Seek amendment	The Coastal Environment (CE) overlay effectively adopts the Northland Regional Policy Statement (RPS) mapping of the coastal environment and from that, identifies areas of high and outstanding natural character. It is considered that these rules and standards place unnecessarily restrictive rules upon urban areas such as Paihia within the CE where amenity and character has already been compromised.	Amend CE-R1, CE-S1 and S2 to exclude land zoned MUZ, RSZ and LIZ or any equivalent commercial zone, to enable development to occur in accordance with the underlying zone provisions.
----	--------------------------------------	----------------	---	---

S363.014

Part 2 – District Wide Matters – General District Wide Matters – Signs

15	SIGN-R5 and SIGN-R6	Seek amendment	Rules SIGN-R5 and SIGN-R6 refer to free standing, double sided and V-shaped signs. There are no definitions to clarify what these signs are. Foodstuffs consider that signs could potentially fall into multiple rules in the absence of clear definitions.	Amend SIGN-R5 and SIGN-R6 to manage signs, utilising standards to clearly articulate types of signs with specified limits. Or alternatively insert definitions for free standing, double sided and V-shaped signs.
----	---------------------	----------------	--	--

S363.015

S363.016

Barker & Associates

+64 375 0900 | admin@barker.co.nz

Kerikeri | Whangārei | Warkworth | Auckland | Hamilton | Cambridge | Tauranga | Napier | Wellington | Christchurch | Queenstown | Wānaka

Foodsuffs North Island Limited Submission on PDP

Sub-#	Feedback Topic	Support/Oppose/Seek Amendment	Comments/Reasons	Relief Sought	
16	Signage – SIGN -R7	Seek amendment	Foodstuffs considers that where signage is attached to a building, and the signage is directly related to the use of that building/comprises branding it should be exempt from the maximum area (SIGN-S) and maximum number (SIGN – S1) standards. Foodstuffs also notes that PER-1 and PER-3 SIGN – S2 are a double up and considers it unnecessary to specify ‘window’ or ‘wall’ which are parts of buildings. Accordingly Foodstuffs seeks the following amendments to SIGN-R7 and suggest that a separate rule be include to address signage on fences.	Amend SIGN – R7 as follows (or to similar effect): Signs on or attached to a building, window, fence or wall (excluding a scheduled heritage resource Activity status: Permitted Where: PER-1 The sign does not protrude above the highest point of the building or structure. PER-2 The sign complies with standards: SIGN-S1 Maximum area; SIGN-S2 Maximum height; SIGN-S3 Maximum number; SIGN-S4 Traffic safety; and SIGN-S5 Sign design and content. PER-3	S363.017

Foodsuffs North Island Limited Submission on PDP

Sub-#	Feedback Topic	Support/Oppose/Seek Amendment	Comments/Reasons	Relief Sought
				The sign is not for third party advertising, <u>and is directly related to a permitted activity undertaken within the building or</u> Include additional rule for fences R7

Part 3 – Area Specific Matters - Zones

	Zones	Seek amendment	The PDP utilises MUZ for all existing urban centres, with no alternative commercial zones proposed. The National Planning Standards provide a range of commercial zones: • Neighbourhood Centre Zone • Local Centre Zone • Commercial Zone • Large Format Retail Zone • Mixed Use Zone • Town Centre Zone • Metropolitan Centre Zone • City Centre Zone. In the absence of a section 32 evaluation, Foodstuffs are unable to understand why	That Council provide clear strategic direction for a compact urban form and establish a centres hierarchy within the Plan. Reconsider the approach to commercial zones and reconsider the most appropriate zoning for existing centres and villages which accurately reflects existing and planned levels of development specific to those areas. Provide sufficient section 32 evaluation to support the approach to zoning.	S363.018
--	-------	----------------	--	---	----------

Barker & Associates

+64 375 0900 | admin@barker.co.nz

Kerikeri | Whangārei | Warkworth | Auckland | Hamilton | Cambridge | Tauranga | Napier | Wellington | Christchurch | Queenstown | Wānaka

Foodsuffs North Island Limited Submission on PDP

Sub-#	Feedback Topic	Support/Oppose/Seek Amendment	Comments/Reasons	Relief Sought
			Council has chosen to only use one commercial zone being the MUZ.	
	Zoning of Foodstuff Sites Listed in Attachment 1.	Seek amendment	The PDP utilises MUZ for all existing urban centres, with no alternative commercial zones proposed. The MUZ does not provide for supermarket activities as a permitted activity. In the absence of a section 32 evaluation, Foodstuffs are unable to understand why Council has chosen to only use one commercial zone being the MUZ. The proposed RSZ and LIZ does not provide for supermarkets as a permitted activity. Foodstuffs are concerned that this zoning fails to recognise the operational requirements of supermarkets, the benefits they provide to the wider community and will unnecessarily restrict future plans to development new or existing facilities over the 10 year lifespan of the District Plan.	That Council provide clear strategic direction for a compact urban form and establish a centres hierarchy within the Plan. Reconsider the approach to commercial zones and reconsider the most appropriate zoning for existing centres and villages which accurately reflects existing and planned levels of development specific to those areas. Provide sufficient section 32 evaluation to support the approach to zoning. That Council reconsider MUZ and rezone sites to an appropriate and enabling commercial zone. That Council rezone the Waipapa Site from LIZ to a more appropriate and enabling commercial zone. S363.019 That Council provide for supermarkets within the RSZ as a permitted activity. S363.020
Mixed Use Zone				

Barker & Associates

+64 375 0900 | admin@barker.co.nz

Kerikeri | Whangārei | Warkworth | Auckland | Hamilton | Cambridge | Tauranga | Napier | Wellington | Christchurch | Queenstown | Wānaka

Foodsuffs North Island Limited Submission on PDP

Sub-#	Feedback Topic	Support/Oppose/Seek Amendment	Comments/Reasons	Relief Sought	
	Mixed Use Zone	Seek amendment	A large number of Foodstuffs sites of interest have been zoned MUZ. Being the only commercial zone proposed the MUZ, logically it is intended to provide for a range of business activities and enable supermarket activities. As drafted the MUZ does not provide any form of policy direction with respect to appropriate business activities.	That Council reconsider the approach to commercial zones and reconsider the most appropriate zoning for existing centres and villages which accurately reflects existing and planned levels of development specific to those areas. Provide sufficient section 32 evaluation to support the approach to zoning. Alternatively, that MUZ is amended to include policy supporting and enabling supermarkets within MUZ.	S363.021, S363.037
	MUZ-R1 and MUZ-S1-S9	Seek amendment	MUZ-R1 provides for new buildings and structures, and additions to existing buildings and structures where the total gross floor area is less than 400m ² and compliance with performance standards MUZ-S1-S9 can be achieved which include a 12m height limit and minimum landscaping requirements. Where compliance with the 400m ² GFA cannot be achieved, discretionary activity status is triggered. Non-compliance with the performance standards listed in MUZ-S1-S9 only (and compliance with the GFA can be	Amend MUZ-R1 to provide for an increase to GFA, to ensure that supermarkets (buildings) can be established as a permitted activity and a restricted discretionary activity status where compliance cannot be achieved with the GFA cannot be achieved. Amend MUZ-R1 to provide for additions and alterations to existing buildings with a GFA of more than 400m ² where they do not change the existing footprint. Delete the MUZ-R1 note.	S363.022

Foodsuffs North Island Limited Submission on PDP

Sub-#	Feedback Topic	Support/Oppose/Seek Amendment	Comments/Reasons	Relief Sought
			achieved), triggers restricted discretionary activity status. This is further restricted by the rule note which requires all buildings to comply with the maximum GFA except where it is specifically provided for by another rule. It is considered that a GFA of less than 400m² with a default to discretionary activity where compliance cannot be achieved is particularly onerous within the MUZ given this is the only commercial zone providing for supermarket activities. Foodstuffs consider that building bulk and scale should be managed separately to the scale of activities, MUZ-R1 note is confusing these effects, resulting unnecessary restrictions upon activities within the MUZ. Flexibility is also required for extensions and alterations for existing legally established structures of more than 400m² GFA.	
	MUZ-R1 and MUZ-S5-S6	Seek amendment	Several of the Foodstuff's sites of interest have been identified with a pedestrian frontage overlay. Additional controls for	Foodstuffs seek exemption for supermarkets from pedestrian frontage requirements.

S363.023

S363.024

Foodstuffs North Island Limited Submission on PDP

Sub-#	Feedback Topic	Support/Oppose/Seek Amendment	Comments/Reasons	Relief Sought
			pedestrian frontages and verandahs would apply to new buildings and structures and additions to existing buildings. Foodstuffs consider that these pedestrian frontage provisions are particularly onerous within the MUZ given this is the only commercial zone providing for supermarket activities.	
	MUZ-R2	Seek amendment	As currently drafted, a supermarket would be considered a 'commercial activity' (defined term), with no further definition or classification of 'supermarket'. MUZ-R2 provides for some commercial activities as a permitted activity in the MUZ where PER-R1 the activity is a service station and PER-2 any office does not exceed GFA of 200m². Any activity that fails to comply is a discretionary activity. Foodstuffs consider that this is completely inappropriate, inefficient and ineffective as the MUZ is the only commercial zone intended to enable supermarkets.	That MUZ-R2 be amended to clearly provide for supermarkets, without a GFA limit. S363.025

Settlement Zone

Barker & Associates

+64 375 0900 | admin@barker.co.nz

Kerikeri | Whangārei | Warkworth | Auckland | Hamilton | Cambridge | Tauranga | Napier | Wellington | Christchurch | Queenstown | Wānaka

Foodsuffs North Island Limited Submission on PDP

Sub-#	Feedback Topic	Support/Oppose/Seek Amendment	Comments/Reasons	Relief Sought	
	RSZ-R1	Seek amendment	RSZ-R1 provides for new buildings and structures, and additions to existing buildings and structures where the existing buildings accommodate a permitted activity. Foodstuffs consider that building bulk and scale should be managed separately to the scale of activities, RSZ-R1 note is confusing these effects, resulting unnecessary restrictions upon activities within the RSZ.	Amend RSZ-R1 to provide for an increase to buildings to a scale which is appropriate to the RSZ.	S363.026
	RSZ-R8	Seek amendment	As currently drafted, a supermarket would be considered a 'commercial activity' (defined term), with no further definition or classification of 'supermarket'. RSZ-R8 provides for some commercial activities as a permitted activity in the RSZ under PER-R1 retail activities are permitted and PER-2 office activities. Any activity that fails to comply is a discretionary activity. Foodstuffs consider that this is completely inappropriate, inefficient and ineffective as the supermarkets are essential services for small communities and RSZ is the only zone eligible.	That RSZ-R8 be amended to clearly provide for supermarkets, with an appropriate GFA limit.	S363.027

Foodstuffs North Island Limited Submission on PDP

Sub-#	Feedback Topic	Support/Oppose/Seek Amendment	Comments/Reasons	Relief Sought
	RSZ-R8	Seek amendment	RSZ-R8 provides for retail and office activities at a larger scaler scale as a permitted activity within Moerewa, with a smaller scale applied to other settlements. Whilst Foodstuffs support the GFA limit applied to retail activities within Moerewa, there is no clear justification or s32 support for a smaller limit in other settlements. Foodstuffs are concerned that this provision fails to recognise the benefits supermarkets provide to the wider community.	That RSZ-R8 be amended to clearly provide for supermarkets, with an appropriate GFA limit consistently across all settlements. S363.028
Light Industrial Zone				
	LIZ-R1	Seek amendment	Foodstuffs seek amendment to the building and structures provisions to ensure that supermarkets (buildings) can be established as a permitted activity where an appropriate GBA is met. It is considered that a GBA of less than 450m² with a default to discretionary activity is particularly onerous given approach. Flexibility is also required for extensions and alterations for existing legally established	That LIZ-R1 be amended to default to a restricted discretionary activity. S363.029 That LIZ-R1 be amended to enable additional and alterations where they do not change the existing footprint. That the reference to industrial activities in LIZ-PER be removed.

Barker & Associates

+64 375 0900 | admin@barker.co.nz

Kerikeri | Whangārei | Warkworth | Auckland | Hamilton | Cambridge | Tauranga | Napier | Wellington | Christchurch | Queenstown | Wānaka

Foodsuffs North Island Limited Submission on PDP

Sub-#	Feedback Topic	Support/Oppose/Seek Amendment	Comments/Reasons	Relief Sought	
			structures. As currently notified, any alteration to an existing building or structure that is already more than 450m² GBA would require discretionary resource consent, regardless as to whether this is internal/external or the degree of change to the approved footprint In regards to PER-2 note that no industrial activities have been provided for in the Light Industrial Zone as a permitted activity.		
	LIZ-R5	Seek amendment	As currently drafted, a supermarket would be considered a 'commercial activity' (defined term), with no further definition or classification of 'supermarket'. LIZ-R5 refers to 'convenience store' with a permitted activity limit of 200m² GFA. Any activity that fails to comply is a discretionary activity. Foodstuffs consider that this is completely inappropriate, inefficient and ineffective as the LIZ is the only zone intended to enable supermarkets.	That Council rezone the Waipapa Site from LIZ to a more appropriate and enabling commercial zone. Or alternatively That LIZ-R5 be amended to clearly provide for supermarkets.	S363.030
	LIZ-R7	Seek amendment	As currently drafted, a supermarket would be considered a 'commercial activity' (defined term). LIZ-R5 refers to 'convenience store'	Amend LIZ-R7 and LIZ-R5 to establish supermarkets as a permitted activity.	S363.031

Barker & Associates

+64 375 0900 | admin@barker.co.nz

Kerikeri | Whangārei | Warkworth | Auckland | Hamilton | Cambridge | Tauranga | Napier | Wellington | Christchurch | Queenstown | Wānaka

Foodsuffs North Island Limited Submission on PDP

Sub-#	Feedback Topic	Support/Oppose/Seek Amendment	Comments/Reasons	Relief Sought
			with a permitted activity limit of 200m² GFA, whilst convenience store is not defined. LIZ-R7 ensures all commercial activities are a discretionary activity. Foodstuffs consider that lack of clear definition and activity status will result in confusion and an ineffective plan.	
	LIZ-S8	Seek amendment	All stormwater collection systems must be designed in accordance with the Council's Environmental Engineering Standards 2022. Foodstuffs are concerned that this is an inconsistent application of engineering standards. Furthermore, the referenced Environmental Engineering Standards do not ensure sustainable, safe and efficient management of stormwater.	Review and refine the relationship of the District Plan to the Environmental Engineering Standards to: - Ensure the District Plan requires the management of stormwater in a manner that achieves sustainable, safe and efficient provision of infrastructure. - Ensure referencing of the Environmental Engineering Standards in the District Plan is appropriate and results in clear and measurable rules. - Cross-referencing to Environmental Engineering Standards is consistent across all chapters.

S363.032

Foodstuffs PDP Further Submission Points



To: Far North District Council

Re: Further Submission on Proposed Far North District Plan – Foodstuffs North Island Limited

Full Name: Foodstuffs North Island Limited

Phone: 029 850 2780

Address for Service: Email is the preferred contact method - & Barker & Associates Attention: Matt Norwell Mattn@barker.co.nz

Date: 4 September 2023

Further Submission Information:

This is a further submission on the Far North District Council's (**FNDC**) Proposed Far North District Plan (**PDP**).

Foodstuffs North Island Limited (**Foodstuffs**) has an interest greater than the interest the general public has, as it made an original submission on the PDP (#363), and the submission points identified within this further submission, specifically affect Foodstuffs interests in the Far North District.

Foodstuffs could not gain an advantage in trade competition through this further submission.

The specific original submission points of the PDP that Foodstuffs further submission relates to are attached.

Foodstuffs supports or opposes the specific submission points as listed in the attached document. The reasons are provided in the attached document.

The decisions that Foodstuffs wishes Far North District Council (**FNDC**) to make to ensure the issues raised by Foodstuffs are dealt with are also contained in the attached document.

Foodstuffs wishes to be heard in support of this further submission and will consider presenting a joint case at hearings.

Matt Norwell, Director Barker & Associates, on behalf of Foodstuffs North Island Limited

Barker & Associates

+64 375 0900 | admin@barker.co.nz

Kerikeri | Whangārei | Warkworth | Auckland | Hamilton | Cambridge | Tauranga | Napier | Wellington | Christchurch | Queenstown | Wānaka

Foodstuffs PDP Further Submission Points

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
General /Plan Content					
385.018	McDonalds Restaurants NZ Limited	General	Support	Foodstuffs supports the use of a broader suite of zones for commercial land uses.	Accept
344.001	Paihia Properties Holding Corporate Trustee Limited and UP Management Ltd	General	Support	Foodstuffs supports Strategic direction and centres hierarchy.	Accept
S516.007	Ngā Tai Ora – Public Health Northland	General	Support	Foodstuffs supports Strategic direction and centres hierarchy.	Accept
344.002	Paihia Properties Holding Corporate Trustee Limited and UP Management Ltd	General	Support	Foodstuffs supports the use of a broader suite of zones for commercial land uses.	Accept
S524.033	Vision Kerikeri (Vision for Kerikeri and Environs, VKK)	General	Support	Foodstuffs supports the use of a broader suite of zones for commercial land uses.	Accept
S529.098	Carbon Neutral NZ Trust	General	Support	Foodstuffs supports the use of a broader suite of zones for commercial land uses.	Accept
S446.034	Kapiro Conservation Trust	General	Support	Foodstuffs supports the use of a broader suite of zones for commercial land uses.	Accept
S339.002	Te Aupouri Commercial	Plan content	Support	Foodstuffs supports the insertion of nesting tables into the definitions chapter.	Accept

Barker & Associates

+64 375 0900 | admin@barker.co.nz

Kerikeri | Whangārei | Warkworth | Auckland | Hamilton | Cambridge | Tauranga | Napier | Wellington | Christchurch | Queenstown | Wānaka

Foodstuffs PDP Further Submission Points

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S340.007	Rosemorn Industries Limited	Plan content	Support	Foodstuffs supports the insertion of nesting tables into the definitions chapter.	Accept
S421.227	Northland Federated Farmers of New Zealand	Plan content	Oppose	Foodstuffs proposes some changes to the Settlement zone provisions.	Reject
432.002	Ngawha Generation Limited	Plan content	Support	Foodstuffs supports the insertion of nesting tables into the definitions chapter.	Accept
S371.003	Bunnings Limited	Plan content	Support	Foodstuffs supports the insertion of nesting tables into the definitions chapter.	Accept
Definitions					
S250.001	Willowridge Developments Limited	Definitions	Support	Foodstuffs supports the insertion of Nesting tables.	Accept
S344.004	Paihia Properties Holdings Corporate Trustee Limited and UP Management Ltd	Definitions	Support	Foodstuffs supports the insertion of Nesting tables.	Accept
S371.006	Bunnings Limited	Definitions	Support	Foodstuffs supports the insertion of Nesting tables.	Accept
S385.001	McDonalds Restaurants (NZ) Limited	Definitions	Support	Foodstuffs supports the insertion of Nesting tables.	Accept
Transport					
S82.013	Good Journey Limited	Transport objectives	Support	Foodstuffs generally supports the deletion of car park minimums.	Accept

Barker & Associates

+64 375 0900 | admin@barker.co.nz

Kerikeri | Whangārei | Warkworth | Auckland | Hamilton | Cambridge | Tauranga | Napier | Wellington | Christchurch | Queenstown | Wānaka

Foodstuffs PDP Further Submission Points

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S82.014	Good Journey Limited	Transport polices	Support	Foodstuffs generally supports the deletion of car park minimums.	Accept
S82.015	Good Journey Limited	Transport rules	Support	Foodstuffs generally supports the deletion of car park minimums.	Accept
S344.009	Paihia Properties Holdings Corporate Trustee Limited and UP Management Ltd	Transport rules	Support	Foodstuffs support amendments to refine the relationship of the DP to the Environmental engineering standards.	Accept
S45.007	Puketona Business Park Limited	TRAN-R1	Support in part	Foodstuffs generally supports the deletion of car park minimums.	Accept in part
S463.021	Waiaua Bay Farm Limited	TRAN-R1	Support	Foodstuffs generally supports the deletion of car park minimums.	Accept
S215.010	Haigh Workman Limited	TRAN-R2	Support	Foodstuffs generally supports the deletion of car park minimums.	Accept
S344.008	Paihia Properties Holdings Corporate Trustee Limited and UP Management Ltd	TRAN-R2	Support	Foodstuffs supports amendments to PER-3 to ensure that existing access from State Highways can be upgraded as a permitted activity.	Accept
S45.010	Puketona Business Park Limited	TRAN-R2	Support in part	Foodstuffs supports amendment to ensure that PER-3 of Rule TRAN-R2 and Rule TRANR9 are consistent but seeks that access of state highway is a permitted activity.	Accept in part
S107.002	Lynley Newport	TRAN-R2	Support in part	Foodstuffs supports amendment to ensure that PER-3 of Rule TRAN-R2 and Rule TRANR9 are consistent but	Accept in part

Barker & Associates

+64 375 0900 | admin@barker.co.nz

Kerikeri | Whangārei | Warkworth | Auckland | Hamilton | Cambridge | Tauranga | Napier | Wellington | Christchurch | Queenstown | Wānaka

Foodstuffs PDP Further Submission Points

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
				seeks that access of state highway is a permitted activity.	
S328.009	Traverse Ltd	TRAN-R2	Support	Amend PER-3 to ensure that existing access from State Highways can be upgraded as a permitted activity.	Accept
S356.038	Waka Kotahi NZ Transport Agency	TRAN-R2	Oppose	Foodstuffs considers that access from State Highways can be upgraded as a permitted activity in accordance with its original submission.	Reject
S371.008	Bunnings Limited	TRAN-R2	Support in part	Foodstuffs considers that access from State Highways can be upgraded as a permitted activity.	Accept in part
S385.007	McDonalds Restaurants NZ Limited	TRAN-R2	Support in part	Foodstuffs considers that access from State Highways can be upgraded as a permitted activity.	Accept in part
S400.010	BR and R Davies	TRAN-R2	Support	Foodstuffs considers that access from State Highways can be upgraded as a permitted activity.	Accept
S512.016	Fire and Emergency New Zealand	TRAN-R2	Oppose	Foodstuffs considers that this rule needs to be amended.	Reject
S502.090	Northland Planning and Development 2020 Limited	TRAN-R2	Support	Foodstuffs considers that access from State Highways can be upgraded as a permitted activity.	Accept
S331.031	Ministry of Education Te Tāhuhu o Te	TRAN-R5	Oppose in part	Foodstuffs considers that this rule needs to be amended as outlined in its original submission.	Reject in part
S336.006	Z Energy Limited	TRAN-R5	Oppose	Foodstuffs considers that this rule needs to be amended to appropriately provide for	Reject

Barker & Associates

+64 375 0900 | admin@barker.co.nz

Kerikeri | Whangārei | Warkworth | Auckland | Hamilton | Cambridge | Tauranga | Napier | Wellington | Christchurch | Queenstown | Wānaka

Foodstuffs PDP Further Submission Points

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
				supermarkets as outlined in its original submission.	
S342.014	Waipapa Pine Limited and Adrian Broughton Trust	TRAN-R5	Support in part	Foodstuffs considers that this rule needs to be amended to appropriately provide for supermarkets as outlined in its original submission.	Accept in part
S378.002	Marshall Investments Trustee (2012) Limited	TRAN-R5	Support in part	Foodstuffs considers that this rule needs to be amended to appropriately provide for supermarkets as outlined in its original submission.	Accept in part
S384.006	LD Family Investments Limited	TRAN-R5	Support in part	Foodstuffs considers that this rule needs to be amended to appropriately provide for supermarkets as outlined in its original submission.	Accept in part
S165.009	Arvida Group Limited	TRANS-Table 1	Support	Foodstuffs supports the deletion of TRANS- Table 1.	Accept
S82.017	Good Journey Limited	TRANS-Table 1	Support	Foodstuffs supports the deletion of TRANS- Table 1.	Accept
S463.026	Haigh Workman Limited	TRANS-Table 1	Oppose	Foodstuffs seeks the deletion of TRANS- Table 1.	Reject
S463.026	Waiaua Bay Farm Limited	TRANS-Table 1	Support	Foodstuffs supports the deletion of TRANS- Table 1.	Accept
Natural Hazards					
S250.003	Willowridge Developments Limited	NH-R2	Support	Foodstuffs supports amendments to provide for extensions and alterations. This aligns with its original submissions..	Accept

Barker & Associates

+64 375 0900 | admin@barker.co.nz

Kerikeri | Whangārei | Warkworth | Auckland | Hamilton | Cambridge | Tauranga | Napier | Wellington | Christchurch | Queenstown | Wānaka

Foodstuffs PDP Further Submission Points

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S257.021	Te Hiku Community Board	NH-R2	Support in part	Foodstuffs supports amendments to provide for extensions and alterations. This aligns with its original submissions.	Accept in part
S335.025	BP Oil New Zealand Limited, Mobil Oil New Zealand Limited, Z Energy	NH-R2	Oppose	Foodstuffs seeks amendments to this rule to provide for extensions and alterations.	Reject
S339.022	Te Aupōuri Commercial Development Ltd	NH-R2	Support	Foodstuffs supports amendments to provide for extensions and alterations. This aligns with its original submissions.	Accept
S344.010	Paihia Properties Holdings Corporate Trustee Limited and UP Management Ltd	NH-R2	Support	Foodstuffs supports amendments to provide for extensions and alterations. This aligns with its original submissions.	Accept
S357.022	Sean Frieling	NH-R2	Support in part	Foodstuffs supports amendments to provide for extensions and alterations.	Accept in part
S358.022	Leah Frieling	NH-R2	Support in part	Foodstuffs supports amendments to provide for extensions and alterations.	Accept in part
S421.070	Northland Federated Farmers of New Zealand	NH-R2	Oppose	Foodstuffs seeks amendments to this rule to provide for extensions and alterations.	Reject
S464.028	LJ King Ltd	NH-R2	Support in part	Foodstuffs supports amendments to provide for extensions and alterations.	Accept in part

Barker & Associates

+64 375 0900 | admin@barker.co.nz

Kerikeri | Whangārei | Warkworth | Auckland | Hamilton | Cambridge | Tauranga | Napier | Wellington | Christchurch | Queenstown | Wānaka

Foodstuffs PDP Further Submission Points

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S472.022	Michael Foy	NH-R2	Support in part	Foodstuffs supports amendments to provide for extensions and alterations.	Accept in part
S485.027	Elbury Holdings	NH-R2	Support in part	Foodstuffs supports amendments to provide for extensions and alterations.	Accept in part
S519.027	Elbury Holdings	NH-R2	Support in part	Foodstuffs supports amendments to provide for extensions and alterations.	Accept in part
S541.024	Elbury Holdings	NH-R2	Support in part	Foodstuffs supports amendments to provide for extensions and alterations.	Accept in part
S543.026	LJ King Limited	NH-R2	Support in part	Foodstuffs supports amendments to provide for extensions and alterations.	Accept in part
S547.026	LJ King Limited	NH-R2	Support in part	Foodstuffs supports amendments to provide for extensions and alterations.	Accept in part
S464.028	LJ King Limited	NH-R2	Support in part	Foodstuffs supports amendments to provide for extensions and alterations.	Accept in part
Heritage Area Overlay					
S356.053	Waka Kotahi NZ Transport Agency	HA-R6	Oppose	Foodstuffs seeks amendments for a Restricted discretionary status for the Kororareka Russell HA provisions.	Reject
S421.105	Federated Farmers of New Zealand	HA- R9	Support	Foodstuffs supports the change in activity status.	Accept

Barker & Associates

+64 375 0900 | admin@barker.co.nz

Kerikeri | Whangārei | Warkworth | Auckland | Hamilton | Cambridge | Tauranga | Napier | Wellington | Christchurch | Queenstown | Wānaka

Foodstuffs PDP Further Submission Points

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S277.013	Alec Jack	HA-R10	Support	Foodstuffs supports the change in activity status.	Accept
S277.014	Alec Jack	HA-R11	Support	Foodstuffs supports the change in activity status.	Accept
S512.025	Fire and Emergency New Zealand	HA-R3	Oppose	Foodstuffs seeks amendments for a Restricted discretionary status for the Kororareka Russell HA provisions.	Reject
Coastal Environment					
S341.011	Ed and Inge Amsler	CE-R1	Support in part	Foodstuffs considers commercial zones should be excluded from this rule.	Accept in part
S344.013	Paihia Properties Holdings Corporate Trustee Limited and UP Management Ltd	CE-R1	Support	Foodstuffs considers commercial zones should be excluded from this rule.	Accept
S431.039	John Andrew Riddell	CE-R1	Support in part	Foodstuffs considers commercial zones should be excluded from this rule.	Accept in part
S250.018	Willowridge Developments Limited	CE-S1	Support in part	Foodstuffs considers commercial zones should be excluded from this rule.	Accept in part
S251.008	New Zealand Maritime Parks Ltd	CE-S1	Support in part	Foodstuffs considers commercial zones should be excluded from this rule.	Accept in part
S285.001	Leisa Henwood	CE-S1	Support in part	Foodstuffs considers commercial zones should be excluded from this rule.	Accept in part

Barker & Associates

+64 375 0900 | admin@barker.co.nz

Kerikeri | Whangārei | Warkworth | Auckland | Hamilton | Cambridge | Tauranga | Napier | Wellington | Christchurch | Queenstown | Wānaka

Foodstuffs PDP Further Submission Points

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S256.003	Josh Henwood	CE-S1	Support in part	Foodstuffs considers commercial zones should be excluded from this rule.	Accept in part
S289.001	Terry Henwood	CE-S1	Support in part	Foodstuffs considers commercial zones should be excluded from this rule.	Accept in part
S294.005	Bruce and Kim Rogers	CE-S1	Support in part	Foodstuffs considers commercial zones should be excluded from this rule.	Accept in part
S313.001	Chris Sharp	CE-S1	Support in part	Foodstuffs considers commercial zones should be excluded from this rule.	Accept in part
S341.012	Amsler	CE-S1	Support in part	Foodstuffs considers commercial zones should be excluded from this rule.	Accept in part
S344.014	Paihia Properties Holdings Corporate Trustee Limited and UP Management Ltd	CE-S1	Support	Foodstuffs considers commercial zones should be excluded from this rule.	Accept
S368.003	Far North District Council	CE-S1	Support in part	Foodstuffs considers commercial zones should be excluded from this rule.	Accept in part
S431.043	John Andrew Riddell	CE-S1	Support in part	Foodstuffs considers commercial zones should be excluded from this rule.	Accept in part
S344.015	Paihia Properties Holdings Corporate Trustee Limited and UP Management Ltd	CE-S2	Support	Foodstuffs supports amendments to exclude land zoned MUZ-RSZ and LIZ.	Accept

Barker & Associates

+64 375 0900 | admin@barker.co.nz

Kerikeri | Whangārei | Warkworth | Auckland | Hamilton | Cambridge | Tauranga | Napier | Wellington | Christchurch | Queenstown | Wānaka

Foodstuffs PDP Further Submission Points

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
Signs					
S371.011	Bunnings Limited	SIGN-R5	Support	Foodstuffs supports the proposed amendments.	Accept
S385.011	McDonalds Restaurants Limited NZ	SIGN-R5	Support	Foodstuffs supports the proposed amendments.	Accept
S371.012	Bunnings Limited	SIGN-R6	Support	Foodstuffs supports the proposed amendments.	Accept
S385.012	McDonalds Restaurants Limited NZ	SIGN-R6	Support	Foodstuffs supports the proposed amendments.	Accept
S371.014	Bunnings Limited	SIGN-R7	Support	Foodstuffs supports the proposed amendments.	Accept
S385.013	McDonalds Restaurants Limited NZ	SIGN-R7	Support	Foodstuffs supports the proposed amendments.	Accept
Rural Settlement Zone					
S338.017	Our Kerikeri Community Charitable Trust	RSZ-R8	Oppose	Foodstuffs seeks an amendment of this provisions to provide for supermarkets.	Reject
S449.019	Kapiro Conservation Trust	RSZ-R8	Oppose	Foodstuffs seeks an amendment of this provisions to provide for supermarkets.	Reject
S522.039	Vision Kerikeri (Vision for Kerikeri and Environs, VKK)	RSZ-R8	Oppose	Foodstuffs seeks an amendment of this provisions to provide for supermarkets.	Reject
S529.018	Carbon Neutral NZ Trust	RSZ-R8	Oppose	Foodstuffs seeks an amendment of this provisions to provide for supermarkets.	Reject

Barker & Associates

+64 375 0900 | admin@barker.co.nz

Kerikeri | Whangārei | Warkworth | Auckland | Hamilton | Cambridge | Tauranga | Napier | Wellington | Christchurch | Queenstown | Wānaka

Foodstuffs PDP Further Submission Points

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
Mixed Use Zone					
S179.046	Russell Protection Society (INC)	Mixed use rules	Oppose	Foodstuffs seeks and amendments of some provisions to provide for supermarkets.	Reject
S74.020	Brownie Family Trust	MUZ-R1	Oppose	Foodstuffs seeks exemptions for supermarkets for pedestrian frontage requirements.	Reject
S251.010	New Zealand Maritime Parks Ltd	MUZ-R1	Support	Foodstuffs supports amendments to the provision.	Accept
S344.028	Paihia Properties Holdings Corporate Trustee Limited and UP Management Ltd	MUZ-R1	Support	Foodstuffs supports amendments to the provision.	Accept
S385.020	McDonalds Restaurants NZ Limited	MUZ-R1	Support	Foodstuffs supports amendments to the provision.	Accept
S561.091	Kāinga Ora Homes and Communities	MUZ-R1	Oppose	Foodstuffs seeks amendments of some provisions to better provide for supermarkets.	Reject
S344.030	Paihia Properties Holdings Corporate Trustee Limited and UP Management Ltd	MUZ-R1	Support	Foodstuffs supports amendments to the provisions.	Accept
S336.019	Z Energy Limited	MUZ-R2	Oppose	Foodstuffs seeks supermarkets are provided for by this rule.	Reject
S320.014	Far North Holdings Limited	MUZ-R2	Support in part	Foodstuffs seeks supermarkets are provided for by this rule.	Accept in part

Barker & Associates

+64 375 0900 | admin@barker.co.nz

Kerikeri | Whangārei | Warkworth | Auckland | Hamilton | Cambridge | Tauranga | Napier | Wellington | Christchurch | Queenstown | Wānaka

Foodstuffs PDP Further Submission Points

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S74.037	Brownie Family Trust	MUZ-S1	Oppose	Foodstuffs seeks amendments to this standard to reflect amendments sought in MUZ-R1.	Reject
S522.019	Vision Kerikeri (Vision for Kerikeri and Environs, VKK)	MUZ-S1	Oppose	Foodstuffs seeks amendments to this standard to reflect amendments sought in MUZ-R1.	Reject
S251.013	New Zealand Maritime Parks Ltd	MUZ-S1	Oppose	Foodstuffs seeks amendments to this standard to reflect amendments sought in MUZ-R1.	Reject
S338.023	Our Kerikeri Community Charitable Trust	MUZ-S1	Oppose	Foodstuffs seeks amendments to this standard to reflect amendments sought in MUZ-R1.	Reject
S341.007	Ed and Inge Amsler	MUZ-S1	Oppose	Foodstuffs seeks amendments to this standard to reflect amendments sought in MUZ-R1.	Reject
S529.028	Carbon Neutral NZ Trust	MUZ-S1	Oppose	Foodstuffs seeks amendments to this standard to reflect amendments sought in MUZ-R1.	Reject
S385.023	McDonalds Restaurants (NZ) Limited	MUZ-S1	Oppose	Foodstuffs seeks amendments to this standard to reflect amendments sought in MUZ-R1.	Reject
S449.029	Kapiro Conservation Trust	MUZ-S1	Oppose	Foodstuffs seeks amendments to this standard to reflect amendments sought in MUZ-R1.	Reject
S344.030	Paihia Properties Holdings Corporate	MUZ-S1	Support	Foodstuffs supports amendments to this standard to reflect amendments sought in MUZ-R1.	Accept

Barker & Associates

+64 375 0900 | admin@barker.co.nz

Kerikeri | Whangārei | Warkworth | Auckland | Hamilton | Cambridge | Tauranga | Napier | Wellington | Christchurch | Queenstown | Wānaka

Foodstuffs PDP Further Submission Points

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
	Trustee Limited and UP Management Ltd				
S179.048	Russell Protection Society (INC)	MUZ-S2	Oppose	Foodstuffs seeks amendments to this standard to reflect amendments sought in MUZ-R1.	Reject
S385.024	McDonalds Restaurants (NZ) Limited	MUZ-S2	Oppose	Foodstuffs seeks amendments to this standard to reflect amendments sought in MUZ-R1.	Reject
S251.014	New Zealand Maritime Parks Ltd	MUZ-S2	Oppose	Foodstuffs seeks amendments to this standard to reflect amendments sought in MUZ-R1.	Reject
S344.033	Paihia Properties Holdings Corporate Trustee Limited and UP Management Ltd	MUZ-S2	Support	Foodstuffs supports amendments to this standard to reflect amendments sought in MUZ-R1.	Accept
S179.049	Russell Protection Society (INC)	MUZ-S3	Oppose	Foodstuffs seeks amendments to this standard to reflect amendments sought in MUZ-R1.	Reject
S251.015	New Zealand Maritime Parks Ltd	MUZ-S3	Oppose	Foodstuffs seeks amendments to this standard to reflect amendments sought in MUZ-R1.	Reject
S385.025	McDonalds Restaurants (NZ) Limited	MUZ-S3	Oppose	Foodstuffs seeks amendments to this standard to reflect amendments sought in MUZ-R1.	Reject
S344.034	Paihia Properties Holdings Corporate Trustee Limited and UP Management Ltd	MUZ-S3	Support	Foodstuffs supports amendments to this standard to reflect amendments sought in MUZ-R1.	Accept

Barker & Associates

+64 375 0900 | admin@barker.co.nz

Kerikeri | Whangārei | Warkworth | Auckland | Hamilton | Cambridge | Tauranga | Napier | Wellington | Christchurch | Queenstown | Wānaka

Foodstuffs PDP Further Submission Points

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S74.040	Brownie Family Trust	MUZ-S4	Oppose	Foodstuffs seeks amendments to this standard to reflect amendments sought in MUZ-R1.	Reject
S179.050	Russell Protection Society (INC)	MUZ-S4	Oppose	Foodstuffs seeks amendments to this standard to reflect amendments sought in MUZ-R1.	Reject
S344.035	Paihia Properties Holdings Corporate Trustee Limited and UP Management Ltd	MUZ-S4	Support	Foodstuffs supports amendments to this standard to reflect amendments sought in MUZ-R1.	Accept
S74.041	Brownie Family Trust	MUZ-S5	Oppose	Foodstuffs seeks amendments to this standard to provide and exemption for supermarkets.	Reject
S179.051	Russell Protection Society (INC)	MUZ-S5	Oppose	Foodstuffs seeks amendments to this standard to provide and exemption for supermarkets.	Reject
S257.002	Te Hiku Community Board	MUZ-S5	Oppose	Foodstuffs seeks amendments to this standard to provide and exemption for supermarkets.	Reject
S358.002	Leah Frieling	MUZ-S5	Oppose	Foodstuffs seeks amendments to this standard to provide and exemption for supermarkets.	Reject
S357.002	Sean Frieling	MUZ-S5	Oppose	Foodstuffs seeks amendments to this standard to provide and exemption for supermarkets.	Reject
S472.002	Michael Foy	MUZ-S5	Oppose	Foodstuffs seeks amendments to this standard to provide and exemption for supermarkets.	Reject

Barker & Associates

+64 375 0900 | admin@barker.co.nz

Kerikeri | Whangārei | Warkworth | Auckland | Hamilton | Cambridge | Tauranga | Napier | Wellington | Christchurch | Queenstown | Wānaka

Foodstuffs PDP Further Submission Points

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S344.036	Paihia Properties Holdings Corporate Trustee Limited and UP Management Ltd	MUZ-S5	Support	Foodstuffs supports amendments to reflect sought in MUZ-R1.	Accept
S74.042	Brownie Family Trust	MUZ-S6	Oppose	Foodstuffs seeks amendments to this standard to provide and exemption for supermarkets.	Reject
S179.052	Russell Protection Society (INC)	MUZ-S6	Oppose	Foodstuffs seeks amendments to this standard to provide and exemption for supermarkets.	Reject
S257.003	Te Hiku Community Board	MUZ-S6	Oppose	Foodstuffs seeks amendments to this standard to provide and exemption for supermarkets.	Reject
S541.013	Elbury Holdings	MUZ-S6	Oppose	Foodstuffs seeks amendments to this standard to provide and exemption for supermarkets.	Reject
S485.015	Elbury Holdings	MUZ-S6	Oppose	Foodstuffs seeks amendments to this standard to provide and exemption for supermarkets.	Reject
S519.015	Elbury Holdings	MUZ-S6	Oppose	Foodstuffs seeks amendments to this standard to provide and exemption for supermarkets.	Reject
S358.003	Leah Frieling	MUZ-S6	Oppose	Foodstuffs seeks amendments to this standard to provide and exemption for supermarkets.	Reject
S357.003	Sean Frieling	MUZ-S6	Oppose	Foodstuffs seeks amendments to this standard to provide and exemption for supermarkets.	Reject

Barker & Associates

+64 375 0900 | admin@barker.co.nz

Kerikeri | Whangārei | Warkworth | Auckland | Hamilton | Cambridge | Tauranga | Napier | Wellington | Christchurch | Queenstown | Wānaka

Foodstuffs PDP Further Submission Points

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S472.003	Michael Foy	MUZ-S6	Oppose	Foodstuffs seeks amendments to this standard to provide and exemption for supermarkets.	Reject
S543.014	LJ King Limited	MUZ-S6	Oppose	Foodstuffs seeks amendments to this standard to provide and exemption for supermarkets.	Reject
S547.014	LJ King Limited	MUZ-S6	Oppose	Foodstuffs seeks amendments to this standard to provide and exemption for supermarkets.	Reject
S464.014	LJ King Ltd	MUZ-S6	Oppose	Foodstuffs seeks amendments to this standard to provide and exemption for supermarkets.	Reject
S344.037	Paihia Properties Holdings Corporate Trustee Limited and UP Management Ltd	MUZ-S6	Support	Foodstuffs supports relief sought to reflect amendment sought in MUZ-R1.	Accept
S74.043	Brownie Family Trust	MUZ-S7	Oppose	Foodstuffs seeks amendments to this standard to reflect amendment sought in MUZ-R1.	Reject
S179.053	Russell Protection Society (INC)	MUZ-S7	Oppose	Foodstuffs seeks amendments to this standard to reflect amendment sought in MUZ-R1.	Reject
S257.004	Te Hiku Community Board	MUZ-S7	Oppose	Foodstuffs seeks amendments to this standard to reflect amendment sought in MUZ-R1.	Reject
S541.014	Elbury Holdings	MUZ-S7	Oppose	Foodstuffs seeks amendments to this standard to reflect amendment sought in MUZ-R1.	Reject

Barker & Associates

+64 375 0900 | admin@barker.co.nz

Kerikeri | Whangārei | Warkworth | Auckland | Hamilton | Cambridge | Tauranga | Napier | Wellington | Christchurch | Queenstown | Wānaka

Foodstuffs PDP Further Submission Points

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S485.016	Elbury Holdings	MUZ-S7	Oppose	Foodstuffs seeks amendments to this standard to reflect amendment sought in MUZ-R1.	Reject
S519.016	Elbury Holdings	MUZ-S7	Oppose	Foodstuffs seeks amendments to this standard to reflect amendment sought in MUZ-R1.	Reject
S358.004	Leah Frieling	MUZ-S7	Oppose	Foodstuffs seeks amendments to this standard to reflect amendment sought in MUZ-R1.	Reject
S357.004	Sean Frieling	MUZ-S7	Oppose	Foodstuffs seeks amendments to this standard to reflect amendment sought in MUZ-R1.	Reject
S472.004	Michael Foy	MUZ-S7	Oppose	Foodstuffs seeks amendments to this standard to reflect amendment sought in MUZ-R1.	Reject
S543.015	LJ King Limited	MUZ-S7	Oppose	Foodstuffs seeks amendments to this standard to reflect amendment sought in MUZ-R1.	Reject
S547.015	LJ King Limited	MUZ-S7	Oppose	Foodstuffs seeks amendments to this standard to reflect amendment sought in MUZ-R1.	Reject
S464.015	LJ King Ltd	MUZ-S7	Oppose	Foodstuffs seeks amendments to this standard to reflect amendments sought in MUZ-R1.	Reject
S344.038	Paihia Properties Holdings Corporate Trustee Limited and UP Management Ltd	MUZ-S7	Support	Foodstuffs supports amendments sought to reflects amendments sought in MUZ-R1.	Accept

Barker & Associates

+64 375 0900 | admin@barker.co.nz

Kerikeri | Whangārei | Warkworth | Auckland | Hamilton | Cambridge | Tauranga | Napier | Wellington | Christchurch | Queenstown | Wānaka

Foodstuffs PDP Further Submission Points

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S179.054	Russell Protection Society (INC)	MUZ-S8	Oppose	Foodstuffs seeks amendments to this standard to reflect amendments sought in MUZ-R1.	Reject
S257.005	Te Hiku Community Board	MUZ-S8	Oppose	Foodstuffs seeks amendments to this standard to reflect amendments sought in MUZ-R1.	Reject
S541.015	Elbury Holdings	MUZ-S8	Oppose	Foodstuffs seeks amendments to this standard to reflect amendments sought in MUZ-R1.	Reject
S485.017	Elbury Holdings	MUZ-S8	Oppose	Foodstuffs seeks amendments to this standard to reflect amendments sought in MUZ-R1.	Reject
S519.017	Elbury Holdings	MUZ-S8	Oppose	Foodstuffs seeks amendments to this standard to reflect amendments sought in MUZ-R1.	Reject
S358.005	Leah Frieling	MUZ-S8	Oppose	Foodstuffs seeks amendments to this standard to reflect amendments sought in MUZ-R1.	Reject
S357.005	Sean Frieling	MUZ-S8	Oppose	Foodstuffs seeks amendments to this standard to reflect amendments sought in MUZ-R1.	Reject
S472.005	Michael Foy	MUZ-S8	Oppose	Foodstuffs seeks amendments to this standard to reflect amendments sought in MUZ-R1.	Reject
S543.016	LJ King Limited	MUZ-S8	Oppose	Foodstuffs seeks amendments to this standard to reflect amendments sought in MUZ-R1.	Reject

Barker & Associates

+64 375 0900 | admin@barker.co.nz

Kerikeri | Whangārei | Warkworth | Auckland | Hamilton | Cambridge | Tauranga | Napier | Wellington | Christchurch | Queenstown | Wānaka

Foodstuffs PDP Further Submission Points

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S344.039	Paihia Properties Holdings Corporate Trustee Limited and UP Management Ltd	MUZ-S8	Support	Foodstuffs seeks amendments to this standard to reflect amendments sought in MUZ-R1.	Accept
S179.055	Russell Protection Society (INC)	MUS-S9	Oppose	Foodstuffs seeks amendments to this standard to reflect amendments sought in MUZ-R1.	Reject
S344.040	Paihia Properties Holdings Corporate Trustee Limited and UP Management Ltd	MUS-S9	Support	Foodstuffs supports amendments to this standard to reflect amendments sought in MUZ-R1.	Accept
Light Industrial Zone					
S437.002	FNR Properties Limited	LIZ-R5	Oppose	Foodstuffs seeks amendments to provide for supermarkets.	Reject
S432.015	Ngawha Generation Limited	LIZ-R7	Support in part	Foodstuffs seeks amendments to provide for supermarkets.	Accept in part
S336.026	Z Energy Limited	LIZ-R7	Oppose	Foodstuffs seeks amendments to provide for supermarkets.	Reject

Attachment 2: Relevant extracts from the Hearings Panel recommendations and from the Decision.



PROPOSED FAR NORTH DISTRICT PLAN

RECOMMENDATIONS OF THE INDEPENDENT HEARINGS

PANEL

RECOMMENDATION REPORT 6 and 7

**Hearings 6 and 7: General District Wide Matters - Earthworks;
Light; Noise; Signs; Genetically Modified Organisms; and
Temporary Activities**

March 2026

- helicopters that are in operation for emergency purposes such as medical emergencies, search and rescue, firefighting;
- other helicopter operations such as landings, departures, hover, overflights, taxiing, lifting, ground operations, training, or relocations; and
- any other activity necessary for emergency purposes and training for emergency purpose.

This definition is identified in **Recommendation Report 17, Appendix 2.1**, Definitions.

Accordingly, submissions and further submissions on this aspect of the noise provisions are accepted, accepted in part, or rejected as set out in **Appendix 3.2**.

6 Topic 4 – Signs

6.1 Relevant Provisions

The relevant provisions we address in the Signs topic relate to the overview and request for new provisions, objectives, policies, rules and standards.

6.2 Overview of Submissions Received

There were 17 primary submissions and 13 further submissions on the Signs provisions.

The submissions were generally about clarification, interpretation matters and general support, maximum sign area and height, reducing visual clutter, temporary signs and community signs, third-party signs, exemptions, transport network safety and other general matters.

6.3 Matters Raised in Submissions and Evidence

The hearing report recommendations related to several amendments to improve the clarity and implementation of the PDP, amendments to standard SIGN-S2 to add a height restriction of 6m; amendments to the duration of temporary signs to erect signs no more than 8 weeks before the activity and removed 1 week after the activity; the insertion of an exemption to standards SIGN-S1 and SIGN-S3 for the Waitangi Estate zone, the insertion a new rule for digital signs in the Light Industrial zone as a discretionary activity; and amendments to PER-3 of rule SIGN-R7 to specifically refer to lawfully established activities.

The reporting officer also recommended a number of new definitions.

The reporting officer's right of reply identifies a number of issues remained. We consider them as follows:

- Key Issue 1 – Definition of Community Sign and Amendment of Rule SIGN-R8 to Include Community Sign;
- Key Issue 2 – Sign area in Standard SIGN-S1
- Key Issue 3 – Height of Signs in Standard SIGN-S2
- Key issue 4 - Third Party Signage

- Key Issue 5 - Waitangi Estate Signage
- Key Issue 6 – Level Crossing Signage
- Key Issue 7 – Signs on or attached to a building, window, fence or wall

6.4 Key Issue 1 - Definition of Community Sign and Amendment of Rule SIGN-R8 to Include Community Sign

Ms Jacobs on behalf of Waitangi Limited suggested amendments to the definition of ‘Community Sign’, as recommended in the hearing report, to clarify the intent and reduce the potential for duplication.

This was supported by the reporting officer in the right of reply, which recommended the definition of ‘Community Sign’ be amended to read as follows:

Community Sign means a sign displaying information relating to the location of:

- a. *public facilities*
- b. *place-names; or*
- c. *destinations of historical, cultural, spiritual, sporting, or scenic significance.*
- d. ~~*The advertising of public, sporting, recreation, community, social or cultural events.*~~

The reporting officer also recommended that rule SIGN-R8 be amended to include reference to ‘Community Sign’.

6.4.1 Hearings Panel Recommendations

The Hearings Panel agree with the recommendations of the reporting officer and the amendment to the definition of Community Sign outlined above. This amended definition is included in **Recommendation Report 17, Appendix 2.1**, Definitions.

The Hearings Panel recommends that ‘community sign’ is added as clause (6) under PER 2 in rule SIGN-R2. This is identified in the recommended version of the Signs chapter provided as **Appendix 2.4**.

Accordingly, submissions and further submissions on this aspect of the noise provisions are accepted, accepted in part, or rejected as set out in **Appendix 3.3**.

6.5 Key Issue 2 - Standard SIGN-S1

Mr Badham gave evidence on behalf of McDonalds in which he considered that the notified standards for maximum sign area for the Mixed Use zone (standard SIGN-S1) were overly restrictive for a commercial setting, resulting in unnecessary consenting costs for existing and future stores.

The view of the reporting officer was that Mr Badham’s evidence did not provide any compelling reason to support such a statement but that to the contrary, Carbon Neutral NZ Trust, Vision Kerikeri, Our Kerikeri Community Charitable Trust and Kapiro

Conservation Trust considered that the Mixed Use zone signage provisions were too enabling and may enable excessive signage.

The reporting officer, having considered the evidence presented, maintained his position that the Mixed Use zone signage standards were appropriate for the reasons stated in paragraph 104 of the hearing report.

6.5.1 Hearings Panel Recommendations

Having considered the evidence presented and the submissions we agree with the reporting officer and those groups who largely represent the local community. Therefore, we do not recommend any amendments to standard SIGN-S1.

Accordingly, we recommend that submissions and further submissions are accepted, accepted in part, or rejected as set out in **Appendix 3.3**.

6.6 Key Issue 3 – Height of Signs in Standard SIGN-S2

Mr Badham's evidence also considered that the hearing report's recommended amendment to standard SIGN-S2 to amend the maximum height for freestanding signs to 6 metres was outside the scope of McDonald's Restaurants Ltd original submission point (S385.015).

The Reporting Officer disagreed with Mr Badham and considered that the recommended amendment was within scope because:

- Submission point S385.015 sought that the maximum height for freestanding signs is amended from "must not exceed the height of the building" to "must not exceed 12m in height".
- The submission states that freestanding signs are intended to be higher than the building to provide wayfinding assistance and to be visible from a distance, and to provide flexibility, noting that Standard MUZ-S1 permits a building or structure up to 12 m in height in the Mixed Use zone.
- Although Mr Badham considers that he had recommended a more "restrictive requirement", the reporting officer considered that the 6m height limit is more permissive than the notified framework which required freestanding signs to be the same height of the building. In the Far North context, many buildings are single storey, which means freestanding signs could only be built to approximately 3-4m height. Therefore, the recommended 6-metre height limit for freestanding signs is more permissive than the notified framework and enables freestanding signs to be higher than the building in many contexts.
- The reporting officer's hearing report recommendation was to accept in part submission point S385.015 (as stated in paragraph 116 of the hearing report), because the 6 metre height goes some way to achieve the relief sought by McDonalds (albeit not to the full 12 m height which would be excessive).

In the right of reply, the reporting officer maintained his position and recommendations set out in Key Issue 2 of the hearing report for the reasons stated above and in paragraphs 95 to 109 of the hearing report.

6.6.1 Hearings Panel Recommendations

Having considered all of the evidence before us we agree with the evidence of the reporting officer and those submitters in opposition to increased signage height. We accordingly agree with the recommendations of the reporting officer on this matter, and do not recommend any further amendments to standard SIGN-S2.

Therefore, we recommend that submissions and further submissions are accepted, accepted in part, or rejected as set out in **Appendix 3.3**.

6.7 Key Issue 4 - Third Party Signage

In support of their submissions on 'Third Party' signage, Carbon Neutral NZ Trust, Vision Kerikeri, Our Kerikeri Community Charitable Trust and Kapiro Conservation Trust produced evidence on third-party signs including photos of locations within Kerikeri and Waipapa where they consider that third party signage is excessive and required greater control by the Council. We did not hear any evidence to oppose this.

The current framework (as notified) for third party signage was explained in paragraphs 142 to 143 of the hearing report. The notified framework does not allow third party signs as a permitted activity, rather it requires resource consent for third-party signage, as a restricted discretionary activity in the Mixed Use zone and as a non-complying activity in other zones.

After considering the evidence, the reporting officer maintained their position on third party signs for the reasons stated in at paragraphs 142 to 147 of the hearing report.

6.7.1 Hearings Panel Evaluation

We have re-read the submissions and evidence, reviewed the photographs supplied to us in evidence by the submitters and read the hearing report and right of reply.

We prefer the evidence of those submitters from the community. Taking into account the activities that may occur in the Mixed Use zone, we consider that non-complying activity status should apply.

Having considered the submissions and evidence and the provisions (including the Overview and Policies) of the Mixed Use zone and what is allowed as of right in the zone the view of the Panel is that Third Party signs should be a Non-Complying Activity in 'all' zones. That will provide for any effects on the community to be appropriately managed, recognising the range of activities that may occur in the Mixed Use zone.

6.7.2 Hearings Panel Recommendations

The Hearings Panel recommend that 'Third-party signs' be a 'non-complying activity' in all zones; accordingly restricted discretionary activity rule, SIGN-R15, is deleted. These amendments are identified in **Appendix 2.4**.

The Hearings Panel also recommend that submissions and further submissions are accepted, accepted in part, or rejected as set out in **Appendix 3.3**.

6.8 Key Issue 5 - Waitangi Estate Signage

Waitangi Limited (S503) sought a number of exemptions to signage provisions due to the nature of activities that occur at the Waitangi Estate including the Waitangi Treaty Grounds. These were addressed by the reporting officer and related to signs within overlays; signs visible from a public place; and temporary signs.

6.8.1 Hearings Panel Evaluation

Signs Within Overlays

With regard to Ms Jacobs evidence for Waitangi Estate and signs located within overlays, such as ONF, ONL, Heritage areas or scheduled heritage resource; and whether it is clear which provisions would apply, the reporting officer considered that it was sufficiently clear. However, the reporting officer recommended a clause 16 correction be made to standard SIGN-S1 to use the term “schedule heritage resource” for consistency with the defined term, as opposed to “Scheduled historic resource”. Also, to assist in clarification and ensure consistent interpretation, the reporting officer recommended an additional ‘note’ being ‘advice note 2’ be added above the rules to clarify that the rules that apply to signs within overlays will apply over rules addressing Area Specific Matters (i.e. zone rules). The recommended wording is as follows:

In addition to Note 1, any rule in SIGNS that specifically applies to a District Wide Matters chapter for Heritage Area Overlays, Schedule Heritage Resource, Outstanding Natural features, or Outstanding Natural Landscapes will apply over rules addressing Area Specific Matters. Where there is conflict, the most stringent rule applies.

The reporting officer considers that this advice note is appropriate because it will reduce the potential for ambiguity, confusion or overlap between provisions. This will, in turn, improve district plan interpretation and implementation, with reduced costs / risks and uncertainty for district plan users.

We agree with this approach and the reporting officer’s recommendations.

Signs Visible from a Public Place

Ms Jacobs also sought an amendment to rule SIGN-R8 Standard PER-1 to preclude signs that are not ‘visible from a public place’ from needing to comply with standards for maximum sign area and number of signs. The evidence on behalf of Waitangi Limited was that it has many signs, including within a museum that would be caught by the provisions otherwise.

The reporting officer’s evidence was that he could not think of any situation in his experience as a planner where signs within an enclosed building have been required to comply with a rule in a district plan. He also noted that the definition of signs in the Operative District Plan only includes signs visible from public places and this is set out below:

SIGN includes every advertising and informative device of whatever nature, whether painted, electronically displayed, written, printed, carved, inscribed, endorsed, illuminated, projected onto or otherwise fixed to or upon any building, wall, pole, structure or erection of any kind

whatsoever, or onto any rock, stone, tree or other object if such a device is visible from any public place. For the purposes of this Plan "sign" shall include any hoarding and any tethered inflatable sign. A sign does not include material placed within a window, provided it is non-flashing and does not contain a moving message. However, permanently engraved advertisements on windows are considered a sign. A sign does not include 'official signs'. The area of the sign shall be calculated by measuring the rectangular area which encloses all symbols or letters which make up the sign surface and which are differentiated from its background if affixed to a wall. Where a sign is an uneven shape, the area shall be calculated by measuring a rectangle around all symbols or letters which make up the sign surface to enclose the uneven shape. Support structures or the façade on which the sign is attached/affixed is not included in such calculations.

The reporting officer noted that there was no consequential definition of 'public place' and in the reporting officer's view a public place is anywhere the public has access to, irrespective of ownership. This would include a significant part of the Waitangi Estate; it would also mean the coastline or from the CMA. In the reporting officer's opinion this approach is unhelpful as there would be increased ambiguity and for the reasons provided in the right of reply, the reporting officer did not support the change requested by Waitangi Estate.

We agree with the evidence and recommendation of the reporting officer.

Maximum Area for Temporary Signs and Waitangi Estate

Ms Jacobs evidence on behalf of the Waitangi Estate sought that it be precluded from complying with the maximum area for a temporary sign.

The reporting officer noted that the evidence given at the hearing for Temporary Activities, Waitangi Limited now seeks no limit to temporary activities on substantial parts of the Waitangi Estate. The reporting officer considered that this could result in permanent 'temporary signs' being established without a limit on number or size. The reporting officer understood that the author of the Temporary Activities hearing report intends to discuss matters of 'scope' in their right of reply.

In the right of reply, the reporting officer advised that he has attempted to balance the wide range of significant and potentially sensitive values of the Waitangi Estate, general amenity concerns and the commercial and corporate aspirations of Waitangi Limited. However, the reporting officer maintained the position set out in the hearing report, for the reasons stated in paragraph 159 of that report.

Again, we agree with the reporting officer and do not consider the requested exclusion appropriate.

6.8.2 Hearings Panel Recommendations

Having considered all of the evidence before us we agree with the evidence and recommendations of the reporting officer with regard to the matter of Signs and the Waitangi Estate.

We recommend the addition of Advice Note 2 to clarify that the rules that apply to signs within overlays will apply over rules addressing Area Specific Matters (i.e. zone rules). This amendment is identified in **Appendix 2.4**.

We do not recommend any amendments to exclude Waitangi Estate from the maximum area for temporary signs.

Therefore, we recommend that submissions and further submissions are accepted, accepted in part, or rejected as set out in **Appendix 3.3**.

6.9 Key Issue 6 - Level Crossing Signage

KiwiRail sought an amendment to policy SIGN-P3 to expressly recognise level crossing sightlines as part of SIGN-P3(c).

The reporting officer had recommended retaining the policy on the basis that the policy in the Transport chapter, policy TRAN-P3a, appropriately addresses safe and efficient ‘transport networks’ by managing building and structures in relation to sight lines.

However, the evidence of Ms Heppelthwaite for KiwiRail was that the policy does not explicitly address level crossing sightlines and is predominantly focussed on ‘roads’. Ms Heppelthwaite recommended the amendment proposed by KiwiRail in its submission. On further review, the reporting officer noted that policy SIGN-P3 is similarly worded with regard to the ‘transport network’ and ‘roads’ and it is not sufficiently clear that it is intended to apply to the rail networks.

The reporting officer also noted that both policies TRAN-P3 and SIGN-P3 seek to manage safety of the ‘transport network’ by managing visual obstructions that may impact on sightlines/location. Therefore, the reporting officer considered that there is an element of duplication; and while the preferred approach would be to manage all matters regarding buildings and structures (including signs) in relation to transport safety as part of TRAN-P3, the reporting officer was mindful that signs present a particular set of risks to transport networks as set out in SIGN-P3 in clauses (b) and (c) in particular. Therefore, a particular consideration of level crossing sightlines in the SIGNS chapter would likely be helpful. Therefore, the reporting officer recommended amending policy SIGN-P3 as follows:

- SIGN-P3 Ensure that signs do not compromise the safe and efficient use of the transport network by managing:*
- a. the type, scale, design, location and direction of signs having regard to the road type and speed environment;*
 - b. distraction or confusion for users through the control of proliferation, illumination, flashing and moving images and digital signage;*
 - c. any obstruction caused by signs projecting over the road boundary or within level crossing sightlines; and*
 - d. signage that does not relate to the activity on-site.*

6.9.1 Hearings Panel Evaluation

We agree with the reporting officer's suggested amended wording; and we consider that the proposed change improves certainty and provides clarity that signs are not appropriate within sightlines for level crossings. This provides a more efficient and effective district plan while providing for the health and safety of the community.

6.9.2 Hearings Panel Recommendations

The Hearings Panel recommends amendment to policy SIGN-P3 to include reference to level crossing sightlines in clause (c). This amendment is identified in **Appendix 2.4**.

Therefore, we recommend that submissions and further submissions are accepted, accepted in part, or rejected as set out in **Appendix 3.3**.

6.10 Key Issue 7 - Signs On or Attached to a Building, Window, Fence or Wall

Mr Badham evidence on behalf of Foodstuffs and McDonalds requested the deletion of "windows, fence or wall" from rule SIGN-R7 (signs on or attached to a building, window, fence or wall) and considered that Rule SIGN-R7 is overly restrictive.

Having considered the written evidence of Mr Badham and the matters raised at the hearing, in the right of reply the reporting officer agreed with Mr Badham that signs on windows, walls and fences are commonly used to advertise. However, the reporting officer's view was that this underlined the need for such signs to be included in the controls set out in rule SIGN-R7, Standard PER-2, namely the requirement to comply with standards SIGN-S1 to S5. The reporting officer saw no reason to exclude signs on windows, fences or walls from the rule as it could result in a significant and unencumbered increase in total signage.

The reporting officer also noted the additional complexity and confusion that excluding some or all of these signs (window, wall, fence) from the rule would create.

The reporting officer did, however, agree with Mr Badham that there may be some duplication between rule SIGN-R7 PER 1 and standard SIGN-S2(2). However, rule SIGN-R7 applies to all zones, whereas standard SIGN-S2 applies only to Mixed Use, Industrial, Hospital, Ngawha, and Airport zones. The reporting officer agreed that these provisions would duplicate each other in some circumstances, but in Rural zones for example, only rule SIGN-R7, PER-1 would apply.

The reporting officer considered that deleting standard SIGN-S2, row 2, standard 2 "*Signs attached to a building must not protrude above the highest point of the building*", would be a more appropriate method to resolve the perceived duplication.

6.10.1 Hearings Panel Evaluation

We agree with the reporting officer's recommendations and consider the deletion of, row 2, standard 2 of SIGN-S2 being "*Signs attached to a building must not protrude above the highest point of the building*" is appropriate to clarify intent, reduce duplication across the rules and standards and achieve the same outcome in a more efficient manner.

6.10.2 Hearings Panel Recommendations

The Hearings Panel recommends the deletion of, row 2, standard 2 of SIGN-S2. This amendment is identified in **Appendix 2.4**.

The Hearings Panel recommend that submissions and further submissions are accepted, accepted in part, or rejected as set out in **Appendix 3.3**.

7 Topic 5 – Genetically Modified Organisms

7.1 Relevant Provisions

The relevant provisions we address in the Signs topic relate to the overview and request for new provisions, objectives, policies, rules and standards.

7.2 Overview of Submissions Received

There were 7 original submissions and 8 further submissions on the Genetically Modified Organisms provisions.

The submissions were generally about scope of the Genetically Modified Organisms (GMO) chapter in relation to the Hazardous Substances and New Organisms Act (**HSNO**); definitions and inclusions; and the provisions.

7.3 Matters Raised in Submissions and Evidence

The main submissions on GMOs came from Ngati Rangi ki Ngawha Hapu (S304), Ngati Rangi ki Ngawha (S433), GE Free Tai Tokerau (S433), Federated Farmers (S421) and key interest groups such as Forest and Bird (S511), Kapiro Conservation Trust (S442), and members of the public. These submissions either supported the provisions, supported in part, or opposed them (3 submission points).

There were no recommended changes to the GMO chapter in the Council's hearing report.

7.4 Hearings Panel Evaluation

We did not hear any evidence at the hearing opposing the GMO provisions. Those submitters we did hear from were supportive of the recommendation that no amendments be made to the GMO chapter provisions.

With regard, to the other submitters and submission points we have, in the absence of any evidence to the contrary, adopted the recommendations of the reporting officer.

7.5 Hearings Panel Recommendations

The Hearings Panel recommend the GMO chapter provisions as identified in **Appendix 2.5**.

The Hearings Panel recommend that submissions and further submissions are accepted, accepted in part, or rejected as set out in **Appendix 3.4**.



PROPOSED FAR NORTH DISTRICT PLAN

RECOMMENDATIONS OF THE INDEPENDENT HEARINGS

PANEL

RECOMMENDATION REPORT 9

Hearing 9: Rural Zones; Horticulture Zone and Horticulture

Processing Facilities Zone

March 2026

A number of amendments were made in response to submissions and we received no evidence from submitters on the matters raised in submissions or the proposed amendments set out in the hearing report. On that basis, we have concluded that the submissions are not in contention and have accepted and recommend all those changes as set out in the hearing report.

The Right of Reply report sets out a number of consequential amendments that flow from recommended changes following the hearing and from ourselves, including the following:

- References to “character and amenity” are now “character and amenity values”;
- All references to the “Horticulture zone” are now “Horticulture precinct”;
- The changes sought by KiwiRail and approved by us have been added.

6.2.1 Hearings Panel Evaluation

As there are no additional matters in contention relating to this zone, we have concluded that the provisions recommended by the Council officer in the hearing report and updated in the right of reply report have addressed all matters in submissions are appropriate.

6.2.2 Hearings Panel Recommendations

We recommend the changes as set out in the Council right of reply report and annexed as **Attachment 2.4**. Our recommendations on all other submission points relating to the RLZ are set out in **Appendix 3.3**.

7. Topic 5 – Settlement Zone

7.1 Relevant provisions

The relevant provisions for the Settlement zone (**SZ**) we address in the Recommendation Report for this topic relate to:

- Overview
- RSZ-O1 – O4 Objectives
- RSZ-P1 – P5 Policies
- RSZ-R1 – R16 Rules
- RSZ-S1 – S7 Standards

We note that whilst the zone title is Settlement zone (**SZ**) the zone provisions are all prefaced with RSZ.

The Settlement zone Overview states that this zone caters for range of existing rural and coastal settlements which are neither supported, nor plan to be supported, by a Council reticulated wastewater and stormwater networks and only some have reticulated water supply.

It is noted that the larger settlements in the SZ provide commercial, community and industrial services for the surrounding rural community and the travelling public. These non-residential activities are usually small scale such as schools, medical centres, halls, marae, food outlets and service stations. The Overview states that they play a major role in the community such as providing a source of employment, education healthcare and as social meeting places.

7.2 Key Issues

There were five key issues addressed in the hearing report following the structure of the provisions and including Subdivision SUB-S1 as it relates to lot sizes in the Settlement zone.

As with the RRZ and SZ the hearing report recommended amendments to rules and standards to align with recommendations made in the Rural Wide Issues and Rural Production zone (RPROZ) and amendments to standards to better manage reverse sensitivity effects with adjoining RPROZ land and to achieve consistency with other zone standards.

7.2.1 Matters Raised in Submissions and Evidence

We heard evidence from Ms Cook-Munro on behalf of Federated Farmers (S421) and she expressed support for the recommended amendments to the SZ chapter, as set out in the hearing report.

We heard planning evidence from Mr Badham on behalf of Foodstuffs North Limited (S363) (**Foodstuffs**) with regard to the establishment and operation of supermarkets (primarily Four Square stores).

Mr Badham took issue with PER-1 of RSZ-R1 (New buildings or structures, relocated buildings or extensions or alterations to existing buildings or structures) and stated that the current drafting confuses effects associated with building bulk and scale with the scale and intensity of activities, being a matter that is managed (in the case of supermarkets) under RSZ-R8 – Commercial activities. He added that the structure of having one rule for buildings and structures linked to compliance with the standards combined with a second rule for the activity itself results in unnecessary complexity and duplication and recommends changes to this approach to improve the efficiency of the PDP. He also acknowledges that this structure is used consistently across all zone chapters in the PDP and if a change to the chapter structure was made in the RSZ, changes to all other zone chapters would be required for consistency.

Mr Badham stated that RSZ-R8 (Commercial Activity) does not make sufficient provision for supermarkets in settlements. He makes the point that supermarkets are an important service/activity for the economic and social wellbeing of people in the rural and coastal communities that the SZ covers. Mr Badham set out a number of reasons for this in his evidence and we summarise as follows:

- a) There are no definitions for either “retail activity” or “supermarket”, which makes the application of RSZ-R8 unclear;

- b) Supermarkets are distinguished from other types of retail activities by the diverse range of retail offerings, which necessitate a separate rule for greater clarity and certainty to plan users;
- c) The scale and intensity of supermarket activities, and their potential effects on rural and coastal character and amenity values, can be efficiently and effectively managed through a permitted activity rule framework;
- d) The costs and benefits of a 300m² GFA restriction on the footprint of supermarkets (outside of Moerewa) have not been comprehensively assessed in the Section 32 Report, including the impact that imposing a consenting barrier could have on deterring supermarkets from establishing in settlements.

To resolve Foodstuffs' concerns Mr Badham sought an increase in the maximum GFA for supermarkets from 300m² to 400m² in all settlements.

At the hearing we asked Mr Badham to provide additional information relating to:

- the typical Four Square stores in the Far North; and
- The expected operational requirements for new Four Square stores.

We received this response and he advised that the typical store was between 450m² to 1,200m² and new stores necessitated a minimum floor area of 500m². We were advised by Mr Badham that this GFA includes retail space and back of house storage areas only (and not truck turning spaces, secure external back yards to store heating ventilation and air-condition units, and mechanical plants and pallet storage). Mr Badham states:

Foodstuffs approach to the design of current Four Squares shows that they ideally need a minimum GFA of 500m² in order to provide the services and storage space expected to serve a regional community. 3.5. As a result, it is my opinion that a minimum GFA of 500m² would be more appropriate in the RSZ than 300m².²⁷

7.2.2 Hearings Panel Evaluation

In response to this evidence Ms Pearson, in the right of reply report, reiterated her planning opinion regarding any confusion RSZ-R1 as set out in the hearing report and she stated:

I reiterate my position, as set out in paragraph 65 of the Settlement section 42A report, that the relationship between the RSZ-R1 building and structure rules, and the other land use rules and the standards, has been mirrored across all of the rural zones (as well as other zones across the PDP). In my view there is a distinct difference in the purpose of the R1 rules (that manage the physical effects of buildings and structures by requiring compliance with the relevant zone standards) and the balance of the RSZ activity rules (which manage effects associated with that particular activity occurring as opposed to the building or structure it is housed in). I do not consider this to be confusing or duplicating, as suggested by Mr Badham, particularly now the Settlement section 42A report recommends

²⁷ Additional statement by David Badham on behalf of Foodstuffs North Island Ltd.

that the wording of RSZ-R1 is amended to fix a drafting error identified post notification by the Council²⁸. I also disagree that RSZ-S1 could result in an unnecessary resource consent for a discretionary activity as this would only occur if the activity status of the proposal itself was already a discretionary activity under another land use rule in the chapter.²⁹

In relation to minimum floor area for a supermarket (Four Square), Ms Pearson retained her view that any supermarket larger 300m² (as notified) would likely be out of character for the majority, if not all, of the Far North settlements in terms of the potential impact on the character and amenity values of the settlement and the impacts on neighbouring sites.

We considered this issue carefully and consider that there needs to be recognition that small supermarkets (i.e. Four Square stores or similar) play a vital role in the various settlements in the Far North. We acknowledge that establishing these stores in existing settlements is a commercial decision and we accept that some regard needs to be had to economies of scale in determining the viability of these stores.

We are assisted by the further information provided by Mr Badham and consider that supermarkets within the SZ should have a higher minimum floor area threshold than other retail activities, given the important community and economic role that these stores perform in the Far North settlements. The standard recommended by Mr Badham is as follows:

Activity status: Permitted

Where:

PER-1

Any retail activity (including supermarkets) does not exceed:

- 1. GFA of 400m² if the site is located in the settlement of Moerewa; or*
- 2. GFA of 300m² in all other settlements.*

PER-1A

Any supermarkets does not exceed a GFA of 500m² in all settlements.

Activity status where compliance not achieved with PER-1A:

Restricted Discretionary

Matters of discretion are restricted to:

²⁸ The error in the notified version of all the rural R1 rules was that buildings containing controlled or restricted discretionary activities arbitrarily defaulted to a discretionary activity. The revised drafting in the rural section 42A reports ensures that all buildings containing a permitted, controlled or restricted discretionary activity are also permitted, provided that they comply with the standards.

²⁹ Hearing 9 right of reply report paragraph 185

a. the location and design of buildings, outdoor areas, parking and loading areas and access;

b. hours of operation;

c. screening and landscaping;

d. wastewater treatment and disposal;

e. water supply for drinking and firefighting; and

f. stormwater disposal.

While we understand the caution adopted by Ms Pearson, we are of the view that the risk of adverse effects on the character and amenity created by supermarkets up to 500m² as a permitted activity are not significant and are otherwise outweighed by the positive socio-economic benefits they provide to these settlements. In that regard we recommend that RSZ-R8 be amended to provide for supermarkets up to 500m² as a permitted activity. We have therefore adopted the new RSZ-R8 (Commercial Activity) PER-1A standard as recommended by Mr Badham.

7.2.3 Hearings Panel Recommendations

For the reasons set out above we recommend that the provisions as recommended by the Council officer in the right of reply be adopted (as set out in **Appendix 2.5**) except for the amendment to RSZ-R8 as follows:

Activity status: Permitted

Where:

PER-1

Any retail activity (including supermarkets) does not exceed:

- 3. GFA of 400m² if the site is located in the settlement of Moerewa; or*
- 4. GFA of 300m² in all other settlements.*

PER-1A

Any supermarkets does not exceed a GFA of 500m² in all settlements.

Activity status where compliance not achieved with PER-1A:

Restricted Discretionary

Matters of discretion are restricted to:

a. the location and design of buildings, outdoor areas, parking and loading areas and access;

b. hours of operation;

c. screening and landscaping;

d. wastewater treatment and disposal;

e. water supply for drinking and firefighting; and

f. stormwater disposal.

Our recommendations on all other submission points relating to the SZ are set out in **Appendix 3.4**.

8. Topic 6 – Horticultural Processing Facilities Zone

8.1 Relevant Provisions

The relevant provisions for the Horticulture Processing Facilities zone (**HPFZ**) we address in this Recommendation Report topic are:

Overview

HPFZ-O1 - O4	Objectives
HPFZ-P1 – P4	Policies
HPFZ- R1 – R8	Rules
HPFZ-S1 – S6	Standards

The HPFZ is a special zone which the Overview states is to recognise and provide for the operation of large-scale horticulture processing and storage facilities within the district. These large-scale horticulture processing and storage facilities along with the horticulture growing sector have been recognised as playing an important role and making a significant contribution to the economic and social wellbeing of the Far North District.

The Horticulture Processing Facilities zone provides for existing horticulture processing and storage facilities that are of a scale that support a range of growers, are within an established network of horticulture growers and are in close proximity to strategic and significant transport infrastructure.

8.2 Key Issues

The hearing report identified four key issues associated with the Overview, objectives and policies, the rules and standards that apply to the zone. The hearing report, in response to submissions made a number of amendments to the provisions to align with the rural wide recommendations discussed above as well as changes to HPFZ-P3 so that it functions as an ‘avoid’ policy (with regard to the purpose and function of the zone) and an increase of the maximum impermeable surface limit in HPFZ-R2 from 30% to 50%. The right of reply included some minor consequential amendments that have been made across all rural zoned and discussed above.

We received no evidence at the hearing relating to the submissions made or recommended amendments set out in the hearing report.

8.2.1 Hearings Panel Evaluation

We do not recommend any changes to the HPFZ as set out in the right of reply report and set out in **Appendix 2.6** to the Recommendation Report.



PROPOSED FAR NORTH DISTRICT PLAN

**RECOMMENDATIONS OF THE INDEPENDENT HEARINGS
PANEL**

RECOMMENDATION REPORT 11

**Hearing 11: Renewable Energy, Infrastructure, Transport and
Designations**

March 2026

5. Topic 3: Transport

5.1 Relevant Provisions

The relevant provisions addressed in the hearing report for this topic relate to the Transport chapter.

The Panel considers that it is worth noting here, for Council's information, the implications for the Far North District Council of the National Policy Statement on Urban Development (**NPS-UD**) as it will affect parking requirements throughout the District and is something that the Council **HAS** to comply with.

The PDP was prepared to give effect to the National Policy Statements that were in effect at the time of notification (27 July 2022). One of the policy statements considered was the NPS-UD as it was decided that, at the time of notification, the NPS-UD did not apply to the Far North District on the basis that the District did not contain an 'urban environment'.

We were told via the hearing report and at the hearing that Council acknowledges that once the Kerikeri-Waipapa Spatial Plan – Te Pātukurea (**KKWSP**) is adopted (June 2025), Kerikeri and Waipapa will meet the criteria for an area 'intended to be' an urban environment under the NPS-UD, which will define Council as a Tier 3 local authority. The most significant implication of the Council being defined as a Tier 3 local authority is that the NPS-UD direction relating to car parking now applies. Policy 11 of the NPS-UD requires that district plans of Tier 3 local authorities do not set minimum car parking requirements (other than for accessible parking spaces). Policy 11 is implemented via clause 3.28, which requires the removal of objectives, policies, rules, or assessment criteria requiring a minimum number of car parking spaces to be provided.

We were also told that Council had sought legal advice as to whether the NPS-UD requires the removal of parking requirements across the entire Far North District or just in urban environments. The legal advice confirmed that the removal of parking requirements applies to the entire District, that the PDP as a whole must not set minimum parking requirements and that the NPS-UD provisions for car parking do not distinguish between urban and non-urban environments in this way.

5.2 Submissions and Key Issues

A total of 326 original submissions points and 632 further submissions points were received on the Transport topic. Of the 326 original submissions, 93 were in support, 119 supported in part, two were neutral and 58 were in opposition. It was noted that 54 submissions were recorded as not stating a position. The 632 further submissions covered a wide range of issues and viewpoints, with the majority requesting a range of amendments to specific Transport (**TRAN**) provisions.

The submissions were all covered in the hearing report and the appendices provided to us with the main submissions coming from NZTA, MOE, Nga Tai Ora, Kapiro Residents Association, Carbon Neutral NZ, Te Hiku Development Trust, KiwiRail, Top Energy, Twin Coast Cycle Trail, Lynley Newport, Nicole Wooster, BR and R Davies, Foodstuffs, Paihia Properties and Haigh Workman Limited.

The submissions covered several key themes and these were shown in the Executive Summary.

The key changes recommended in the hearing report related to:

- a) Amendments to the overview, objectives, policies and rules of the TRAN chapter to give effect to the NPS-UD, specifically with respect to car parking minimums;
- b) Remove all references to the Engineering Standards in the TRAN provisions where they were being used to determine activity status and/or whether a resource consent is required;
- c) Include content from the Engineering Standards where it is needed to manage adverse environmental effects related to traffic and transport issues to effectively ‘decouple’ the Engineering Standards from the PDP;
- d) Introduce new provisions relating to the management of level crossings over railway corridors;
- e) Clarify the relationship between TRAN provisions and provisions in Part 2 of the PDP, to be consistent with the Renewable Energy and Infrastructure chapters;
- f) Improve the consistency between provisions within the TRAN chapter and also with provisions in other chapters such as the Subdivision chapter;
- g) Introduce a new Transport Network Hierarchy map to show the road classifications for all vested roads in the Far North District to assist with interpretation of the TRAN chapter provisions;
- h) Provide a permitted pathway for maintenance of the existing transport system and existing vehicle crossings with an existing road corridor, without the need to comply with standards relating to road or vehicle crossing design; and
- i) Other various amendments in response to submitter requests.

The reporting officer (Ms Pearson) stated that in preparing her report that she had relied on the expert advice of transportation planner Mr Mat Collins who had prepared a report on the provisions of the TRAN chapter (the “Abley Report”) which was attached as Appendix 3 to her report.

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

- Key Issue 1: Reference to Engineering Standards
- Key Issue 2: Parking
- Key Issue 3: Trip Generation
- Key Issue 4: General Matters
- Key issue 5: TRAN Overview, Objectives and Policies
- Key issue 6: TRAN Rules - General Comments
- Key issue 7: TRAN-R2

- Key issue 8: TRAN-R3 and TRAN-R4
- Key issue 9: TRAN-R6, TRANR7, TRAN-R8 and TRAN-R9
- Key issue 10: Standards – General Comments
- Key issue 11: TRAN-S2, TRANS-S3 and TRAN-S5
- Key Issue 12: TRAN-S4
- Key Issue 13: TRAN-Tables 2-8, 10
- Key Issue 14: TRAN-Table 9

Submitters who provided evidence, hearing statements and/or attended the hearing raising issues relevant to the Transport topic were Foodstuffs North Island Limited, Fire and Emergency NZ (**FENZ**), KiwiRail Holdings Limited (**KiwiRail**) (S416), McDonalds Restaurants NZ Limited (**McDonalds**) (S416), Te Whatu Ora – Health New Zealand (**Health NZ**) (S42), Top Energy Limited (S483), Waiaua Bay Farm Ltd (S463), Waipapa Pine Limited and Adrian Broughton Trust (**Waipapa Pine Ltd**), Waka Kotahi New Zealand Transport Agency (**NZTA**) (S356), Woolworths NZ Limited (**Woolworths**) (S458) and Z Energy Ltd (S336).

The reporting officer's view was that most submitters generally supported her recommendations while some submitters raised common issues. As such, she only addressed evidence in her right of reply where she considered that additional comment was required and grouped the issues raised where appropriate. She did not comment on the evidence/statements from Top Energy Limited and Z Energy Ltd as neither of these submitters had any outstanding concerns with the Transport chapter.

The reporting officer also noted the hearing statement prepared on behalf of Waiaua Bay Farms by Mr Tuck confirming that Waiaua Bay Farms will pursue all outstanding matters relating to transport through the rezoning hearings and as such had no further comments to make in relation to the statement.

Having taken into account the submissions, hearing report, the evidence and submissions at the hearing the Panel generally agrees with the view of the reporting officer and her approach in the right of reply.

The right of reply grouped the outstanding matters under the following headings:

- Issue 1 – Jurisdictional overlap with NZTA functions (TRAN-R2 and TRAN-R9)
- Issue 2 – Trip generation (TRAN-R5 and TRAN-Table 11)
- Issue 3 – Integrated Transport Assessments for the Hospital Zone (TRAN-P7)
- Issue 4 – Other evidence on Transport Rules and Standards.

We address these as follows.

5.3 Key Issue 1: Jurisdictional overlap with NZTA functions (TRAN-R2 and TRAN-R9)

5.3.1 Matters Raised in Submissions and Hearings Panel Evaluation

There were opposing views with respect to how the Transport chapter manages sites or activities that have access onto a State Highway with Mr Andrew McPhee on behalf of Waipapa Pine Ltd (S384, FS374) contending that any consideration of new or altered vehicle crossings accessed from a State Highway or Limited Access Road (**LAR**) should be determined by NZTA and not by the Council. To resolve this issue Mr McPhee considered that TRAN-R9 should be amended to be a controlled activity, with the matters of control limited to whether approval for the crossing has been obtained from NZTA.

Mr Bruce Hawkins on behalf of Waka Kotahi NZTA (S356) supported the position in the hearing report with respect to TRAN-R2, TRAN-R5 and TRAN-R9 and considered that there was no jurisdictional overlap or duplication of NZTA functions. Mr Hawkins noted that NZTA has a limited range of powers pertaining to its core functions and, in achieving its aims, must operate in partnership with local authorities charged with administration of land use and environmental management under the RMA. He considered that this is particularly important when managing the effects of new land uses proposed by landowners/developers, and changes of uses, on State Highway and LAR traffic efficiency and safety.

Mr Badham on behalf of Foodstuffs (S363) stated that there was still a confusing overlap between TRAN-R2 and TRAN-R9 that had not been resolved by amendments recommended in the hearing report. Mr Badham pointed to the conflict between the heading of TRAN-R2, which specifically “*excludes access from a State Highway or Limited Access Road*”, and the reference in TRAN-R2, PER-3 to the vehicle crossing not being off a State Highway. Mr Badham’s assessment was that the full discretionary activity status for failing to comply with TRAN-R2, PER-3 conflicts with TRAN-R9 for “*new or altered vehicle crossings access from a State Highway or Limited Access Road*”, which states that these are a restricted discretionary provided they comply with the standards in TRAN-S2.

Mr Badham recommended three changes to address his concerns, and these were clearly shown in the Council right of reply. They related to TRAN-R2 PER-3 being deleted to address the unnecessary confusion and overlap with TRAN-R9, a single rule within TRAN-R9 should state that a new or altered vehicle crossing accessed from a State Highway or LAR is a restricted discretionary activity; the reference to standard TRAN-S2 should be deleted as it is unnecessary; and the default to a full discretionary activity under TRAN-R9 is unnecessary as full discretion is not required for consideration of a new or altered vehicle crossing to the State Highway or LAR.

Mr Badham also appeared on behalf of McDonalds and made a similar submission with respect to TRAN-R9 to that of Foodstuffs, i.e. that a simple restricted discretionary activity is appropriate where there is a new or altered vehicle crossing onto the State Highway or a LAR and that defaulting to a full discretionary activity for non-compliance with TRAN-S2 is unnecessary.

The hearing report responded to the issue of alleged jurisdictional overlap between the PDP and the functions of NZTA in paragraphs 188 to 191 and the position of the reporting officer had not changed as a result of the evidence or statements received. However, the

point was made that NZTA must operate in partnership with district councils to ensure their respective decision-making processes align and do not conflict with each other and there is no risk that the land use decisions made under a district plan and the vehicle crossing approval process under the Government Roadway Powers Act are not aligned. We agree that the resource consent process is the vehicle that brings the two decision-making processes together to enable this decision-making partnership, rather than creating a duplication of function.

The Reporting officer agreed with Mr Badham that the reference to State Highways in TRAN-R2, PER-3 should be deleted as it does create conflict with TRAN-R9. However, her intention in the hearing report was to separate the scope of these two rules and retaining the reference to State Highways in TRAN-R2, PER 3 was an oversight. However, she did not consider that PER 3 needs to be deleted entirely as it still needs to refer to arterial roads.

With respect to the most appropriate activity status for TRAN-R9 the reporting officer after considering the evidence agreed with TRAN-R9 being a restricted discretionary activity, as she considered it important that Council retains the ability to decline the resource consent if NZTA had fundamental concerns with a proposed access onto a State Highway or LAR. If TRAN-R9 was a controlled activity, as proposed by Mr McPhee, Council is required to grant the resource consent, even if the State Highway or LAR access will not be granted by NZTA, again resulting in the granting of a resource consent that cannot be given effect to. We agree with the reporting officer's view and accept her recommendations for the reasons above.

With respect to TRAN-R9 (as raised by Foodstuffs and McDonalds) and whether it is appropriate to require a new or altered vehicle crossing or access onto a State Highway or LAR to comply with TRAN-S2 to remain a restricted discretionary activity and to obtain consent for a full discretionary activity if TRAN-S2 is not complied with, the reporting officer agreed with Mr Badham that the matters of discretion already listed in TRAN-R9 are sufficient to consider the potential impacts on the transport network resulting from vehicle crossings onto a State Highway or LAR. We also agree.

In relation to vehicle crossings onto State Highways or LAR and whether they should not be required to comply with TRAN-S2 the Reporting officer's view was that an applicant should ensure that a vehicle crossing is at least designed to meet TRAN-S2, with any other requirements from NZTA applied in addition to this standard, not in place of but did agree that a full discretionary activity status is not required if TRAN-S2 is not complied with and that a restricted discretionary activity status is equally appropriate for TRAN-R9 and for a non-compliance with TRAN-S2. We agree with the reporting officer's view.

For consistency the reporting officer considered the above issue as it applied to other parts of TRAN-R2 (the rule that manages vehicle crossings onto all other roads) that require compliance with standards for vehicle crossings or manage the location of vehicle crossings e.g. PER-4, PER-5, PER-6 and PER-Y and considered that restricted discretionary activity status would also be appropriate for non-compliance with PER-3 of TRAN-R2, otherwise crossings onto arterial roads would have a more onerous activity status than crossings onto State Highways or Limited Access Road (**LAR**).

The reporting officer recommended that the matters of discretion set out in TRAN-R9 be used in TRAN-R2 for non-compliance with these permitted conditions, which would again ensure that TRAN-R2 and TRAN-R9 are consistent in how they direct where vehicle crossings are located and how they are to be formed. She considered that there is sufficient scope in the submissions requesting that the relationship between TRAN-R2 and TRAN-R9 be more clearly defined and consistent for the Panel to make this change. We agree.

In her addendum right of reply the reporting officer commented on an error that had been identified by Mr Papesch on behalf of Waiaua Bay Farm Ltd in relation to TRAN-Table 9 with respect to how it applied to the Kauri Cliffs zone.

Mr Collins confirmed that Mr Papesch had identified an error and that it should be corrected to accurately reflect Table 3-16 in the 2023 Engineering Standards. The reporting officer agreed with this position and recommended that TRAN-Table 9 is amended as the correction is clearly within scope of submissions requesting decoupling of the Engineering Standards from the PDP, as ensuring accurate alignment between TRAN-Table 9 and Table 3-16 of the Engineering Standards is part of that process. We agree with this view and with the amendment.

5.3.2 Hearings Panel Recommendations

For the reasons outlined above, the Hearings Panel recommend that the submissions on this Key Issue are accepted, accepted in part or rejected as set out in **Appendix 3.3** and that the following amendments are made:

- a) The reference to State Highways in TRAN-R2, PER 3 is deleted.
- b) That non-compliance with PER-3 to PER-6 and PER-Y of TRAN-R2 is a restricted discretionary activity, using the same matters of discretion that are used in TRAN-R9.
- c) That non-compliance with TRAN-S2 is a restricted discretionary activity, rather than a discretionary activity.

These amendments are identified in **Appendix 2.3**.

The section 32AA evaluation for clearly separating the scope of TRAN-R2 and TRAN-R9 was set out in Key Issue 7 of the hearing report. As the amendment to TRAN-R2, PER 3 to remove the State Highway reference is part of that separation and was missed in error, we agree with the reporting officer that further evaluation under section 32AA is not required.

We consider that amending the activity status of both TRAN-R2 and TRAN-R9 to be restricted discretionary in a wider range of situations will lead to more efficient and effective decision making. The potential adverse effects on the transport network resulting from new or altered vehicle crossings are well known and understood, meaning full discretionary activity status is unnecessary. Plan users will also have a clearer understanding of the types of matters that need to be addressed through a restricted discretionary resource consent application, which provides more certainty for both applicants and Council staff. As such, we consider that the amendments to TRAN-R2 and

TRAN-R9 are an appropriate way of giving effect to the relevant objectives in terms of section 32AA of the RMA.

5.4 Key Issue 2: Trip generation (TRAN-R5 and TRAN-Table 11)

5.4.1 Matters raised in evidence and Hearings Panel Evaluation

Mr Badham and Mr Hills provided evidence on behalf of Foodstuffs North Island Limited (S363.010) (**Foodstuffs**) in relation to TRAN-R5 and the associated trip generation threshold in TRAN-Table 11 for supermarkets. Their evidence was that the 200m² permitted threshold for supermarkets was too low and would lead to triggering unnecessary and costly assessments. They recommended an increase to 750m² to align with standards more recently adopted in Whangārei and Auckland.

No representative from Woolworths (S458.005) appeared at the hearing but a statement was tabled in advance of the hearing by Mr Ross Burns clarifying the relief that Woolworths was now requesting since reviewing the hearing report and this was shown in the Right of Reply report.

Mr Badham on behalf of McDonalds (S385.008, S385.009) had two remaining areas of contention with the trip generation provisions (being TRAN-R5 and TRAN-Table 11). He considered that the hybrid approach of using defined and undefined terms in TRAN-Table 11 sends a conflicting message to plan users and will create uncertainty when assessing proposals for compliance with TRAN-R5. Mr Badham considered that the NZTA framework for informing thresholds is a blunt tool and did not necessarily need to be the only consideration when setting trip generation thresholds and was concerned that the thresholds in TRAN-Table 11 will create consenting barriers for developments, particularly when activities are otherwise permitted under the PDP.

The reporting officer in her right of reply considered that Mr Badham's statement did not clearly specify what relief would be acceptable to resolve these issues and instead cross referenced to the relief requested in submission points S385.008 and S385.009, neither of which suggest specific wording amendments for either TRAN-R5 or TRAN-Table 11.

This issue was covered extensively at the hearing by the various experts and Mr Collins also provided more detail as to why 200m² is an appropriate threshold to require an ITA for a supermarket in his reply evidence which was supplied with the Right of Reply report. Ms Pearson who was relying on Mr Collins advice, recommended that the 200m² threshold be retained. We were told that the 200m² threshold did not indicate whether the size of a supermarket (or extension) is appropriate, it is simply a trigger for when more detailed information is required from a suitably qualified and experienced transport professional to understand the potential impact of a proposal on the transport network. Raising the trip generation threshold for supermarkets only moves the bar for when an ITA is required, it does not indicate whether the associated resource consent application for the activity will be approved.

Ms Pearson's Right of Reply report reiterated that the 200m² threshold for supermarkets equates to 200 Equivalent Car Movements (**ECM**) per day and 40 ECM per hour, which is the exact same threshold for all land use activities in TRAN-Table 11.

We were told that Increasing the GFA threshold for supermarkets would mean that the supermarket threshold would be out of step with all other activities listed in TRAN-Table

11, which all have their GFA thresholds set using the same 200 ECM per day and 40 ECM per hour. We note that Mr Hills and Mr Collins were both in agreement that the conversion process for translating these ECM into a GFA threshold for supermarkets, using industry standard vehicle trip rates set by NZTA, is appropriate.

Mr Collins' reply evidence provided more details on why the 200 ECM per day and 40 ECM per hour thresholds were also appropriate for supermarkets but did indicate that he could support a minor GFA threshold increase from 200m² to 225m² to reflect a mid-point between the daily and hourly ECM thresholds, but he did not support the requested increase to 750m² as raising the threshold to this level would effectively allow supermarkets to generate more than three times as much traffic as any other land use activity in TRAN-Table 11 before any ITA assessment is required.

We were told at the hearing that with the car parking minimums being recommended to be removed from the Transport chapter, that ITAs will become a more critical tool for assessing the impact of developments on the transport network under the PDP as the removal of car parking minimums means that trip generation becomes the only metric that sets the point where the scale of an activity warrants more detailed consideration from a transport perspective. Ms Pearson's view was that this lends weight to the argument for keeping the trip generation threshold at 200m² for supermarkets, so that this level of transport analysis and information is not just reserved for the most significant and large-scale developments in the Far North.

At the hearing we (the Panel) did ask for more information about the scale of supermarkets in the Far North District to better understand how proportionately the 200m² threshold applies to the size of supermarkets currently. We were told in the Right of Reply report that Woolworths operates three existing stores in Kerikeri, Kaikohe and Paihia and that the GFA of these stores range from 1,200m² – 3,800m². Mr Badham had also provided information about the size of the six Four Square stores operated by Foodstuffs in the Far North as part of supplementary evidence provided to the Hearing Panel for Hearing 9 – Rural and confirmed that the GFA ranges from 450m² (Houhora) to 1,120m² (Ruawai). Mr Badham did not provide GFA figures for Foodstuffs supermarkets in urban zones and the Reporting officer assumed they are similar in scale to those operated by Woolworths.

The view of the reporting officer in her right of reply was that the scale of existing supermarkets in the Far North was not a particularly relevant factor when setting a trip generation trigger for an ITA. The zone rules manage the scale of supermarkets from a land use perspective and it is those GFA thresholds set by the zone rules that indicate whether the scale of a new supermarket (or an extension of an existing supermarket) is appropriate in the context of the zone it is proposed in. The trip generation thresholds in TRAN-Table 11 simply set out when an ITA is required for any land-use activity that generates more than 200 ECM/day or 40 ECM/hour, which is the same threshold for all land use activities, regardless of the type of activity, the zone it is located in or whether it is new or existing.

With regard to the submissions from McDonalds, and after reviewing submission points S385.008 and S385.009 again, the reporting officer considered that the issue relating to 'undefined' terms such as 'drive-thru' and 'restaurants/bars/cafes' in TRAN-Table 11 is better resolved through the Urban Zones topics being heard in Hearing 14. In the reporting

officer's view, using (and potentially defining and rationalising) these terms have broader implications than just the TRAN chapter and these types of activities are most commonly found in urban zones. From discussions with the reporting officer for the Urban Zones topic Ms Pearson understood that there are submission points on the lack of definitions for these terms (or similar) already allocated to the Urban Zones topic (e.g. 'drive-through activity' in the Mixed Use zone and 'restaurants cafes and takeaway food outlets' in the Light Industrial zone). If any definitions are recommended for these terms in the Urban Zone hearing reports, she will address any consequential changes to the TRAN chapter as part of the final miscellaneous Hearing 17 reporting.

McDonalds did not specify what trip generation threshold for 'drive-thru' and 'restaurants/bars/cafes' in TRAN-Table 11 would satisfy their concerns, as this had not been requested in either the original submission from McDonalds or in Mr Badham's statement. We were told that the only comment on this issue from McDonalds was that the thresholds for these two activities should be increased as they have been set using a 'blunt tool' without consideration of other factors, however no alternative threshold had been suggested. As such, the Reporting officer was unable to determine what increase in the trip generation threshold for these two activities would satisfy McDonalds and reiterated her position as put forward by Mr Collins in paragraph 36 of reply evidence that the thresholds for drive-thru activities and restaurants/bars/cafes are appropriate as they are consistent with the ODP, have been established using industry standard trip rates, and activities in TRAN-Table 11 and are consistent with the thresholds in other comparative district plans.

As such, the reporting officer did not recommend any changes to TRAN-Table 11 in response to the hearing statement on behalf of McDonalds.

5.4.2 Hearings Panel Recommendations

Based on the evidence from Ms Pearson and Mr Collins and having taken into consideration the other expert evidence we recommend that the trip generation threshold for supermarkets in TRAN-Table 11 for supermarkets is increased from 200m² to 225m² to more accurately reflect the mid-point between 200 ECM/day and 40 ECM/hour. This amendment is identified in **Appendix 2.3**.

As the suggested increase in GFA for supermarkets is minor and continues to reflect the 200 ECM/day and 40 ECM/hour limits that TRAN-Table 11 has used for all listed activities, we do not consider that additional evaluation under section 32AA of the RMA is required.

Accordingly, we recommend that the submissions on this Key Issue are accepted, accepted in part or rejected (as set out in **Appendix 3.3**).

5.5 Key Issue 3: Integrated Transport Assessments for the Hospital Zone (TRAN-P7)

5.5.1 Matters raised in submission and evidence and Hearings Panel Evaluation

Ms Hamilton (planning) and Ms Foulwer (corporate) on behalf of Health NZ (S42) provided evidence which supported most of the recommendations for the Transport chapter, shown in the hearing report except for TRAN-P7 with both proposing that the Hospital zone should be exempt from the requirement in TRAN-P7 to provide an Integrated Transport Assessment (ITA) for the following reasons:

Public hospital and healthcare services are fundamentally different to other land uses (many of which are designed to attract patronage / value trip generation).

The drivers for health service demand exist – regardless of whether the hospital or health service activities are provided or not – and are beyond the control of Health NZ e.g. whether someone needs to make an emergency trip to a hospital.

Many of the transport effects that may be identified in an ITA cannot be managed or controlled through the design of sites used for public health activities and it is not reasonable to curtail the scale of health services to address transport issues i.e. reduce the scale of a hospital or the level of service provided.

Requiring the preparation of an ITA will direct health funding away from the provisions of public health care services for the community in the Far North e.g. if Health NZ are required to contribute to roading upgrades, this will redirect health funding away from the provision of public health care services.

Ms Hamilton confirmed at the hearing that the requested exemption for hospitals and healthcare services from the ITA requirements was limited to land zoned Hospital and is not being requested for all healthcare services across the Far North District. The three sites zoned Hospital, being the two Health NZ facilities – Kaitiaki Hospital and Bay of Islands Hospital (in Kawakawa) and the privately run Rāwene Hospital that provides health services to the Hokianga.

In her right of reply the reporting officer acknowledged (as does the Panel) the pressure on healthcare funding for Far North hospitals that was raised by Ms Hamilton and Ms Fowler at the hearing. We also understand why there is a concern with the financial cost of providing an ITA as part of a hospital upgrade proposal if the trip generation thresholds are exceeded.

The reporting officer's view was that singling out hospitals as the only activities that do not need to provide an ITA sets a precedent that is inappropriate when there are other similar activities that could equally argue that the trips to their operations are based on 'need' rather than a choice. She considered that Ms Hamilton's example of the education sector is an excellent comparison as follows:

- Both hospitals and schools receive government funding and are under pressure financially to deliver services;
- Both hospital land and land used for schools is valuable and a scarce resource;
- Both hospitals and schools are located where the community need is greatest and the demand for both healthcare and education services is there, regardless of whether the facilities are there, or have sufficient capacity; and
- People have little choice over how frequently they visit hospitals or schools and little choice in the timing of when those trips are made.

The reporting officer also considered that a comparison could also include trips associated with childcare facilities and kohunga reo as most families would argue that attending early childhood education is not a choice, it is necessary for pre-school education and to provide childcare for working parents.

The reporting officer did however, agree with Ms Hamilton that, to a certain extent, trips to supermarkets are not trips that people have a choice to make or not make – obtaining the basic necessities for a household is a need, not a want. The key difference, in her view, to a hospital visit is that there is more flexibility as to when trips to a supermarket are made and how frequently, but it is another comparative example of an activity where it is need that drives trips, rather than choice.

The reporting officer maintained her view that if an activity generates traffic, the potential impact of that traffic on the safe and efficient operation of the transport network is the same, whether those trips are based on a want or a need. A hospital not providing an ITA when they undertake a significant extension or upgrade that results in trips exceeding those provided for in TRAN-Table 11 does not mean that those trips do not occur, or that the transport network is not impacted, as this will happen regardless. However, it does mean that there is no information about current performance levels of the network prior to any extension or upgrade of a hospital occurring or understanding of how increased traffic from the hospital extension could impact the network. This means it will be difficult to understand if any roading upgrades are required (either immediately or at some point in the future), which means there is a missed opportunity to allow Council/NZTA to factor in those upgrades into their upcoming works programmes. The reporting officer's position was strongly supported by Mr Collins in his reply evidence.

As a result of the reporting officer reviewing the original submissions from Health NZ she noted that Health NZ was only asking for an exemption for hospitals from the ITA requirements under Policy TRAN-P7 – they are not asking for an exemption from complying with the trip generation thresholds in TRAN-Table 11, or the requirement for a resource consent under TRAN-R5 if those thresholds are exceeded. She also stated that Health NZ did not submit on TRAN-R5 or TRAN-Table 11 which means that Health NZ has not opposed the trip generation threshold for hospitals or healthcare activities (which is 250m²) or the requirement to obtain a resource consent for when those thresholds are exceeded. This being the case if a healthcare activity or a hospital on land zoned Hospital results in an increase of 250m² GFA or greater, resource consent will still be required under TRAN-R5 for infringing that threshold.

Ms Pearson's view was that even if we (the Panel) decided to exempt development within the Hospital zone from providing an ITA, a resource consent was still required under TRAN-R5. The only outcome would be that Health NZ is not required to provide the supporting information or analysis that would normally be provided in an ITA to assist Council to understand the potential effects of the proposal on the transport network. In her view, this would make it very difficult for Council to make its consent decision and would undermine the sole purpose of TRAN-R5 and TRAN-Table 11, which is to set a threshold for when an ITA is needed. Ms Pearson also noted that Health NZ did not provide any transport evidence at the hearing to support why an ITA is not warranted for the specific hospital sites in the Far North.

Given the above analysis, the reporting officer does not consider it appropriate to provide an exemption to the ITA requirement for Hospital zoned land as requested by Health NZ.

Having considered the submission and evidence, the Panel agrees with the reporting officer's view and that of Mr Collins (the only expert transport/traffic evidence received)

that the three Hospital zone sites should not be exempt from preparing an ITA as required in TRAN-P7.

5.5.2 Hearings Panel Recommendations

The Hearings Panel recommend that no exemption is provided for the three Hospital zone sites within the Far North District from the need to prepare an ITA in TRAN-P7, based on the evidence before us.

As no changes are recommended, no further analysis under section 32AA of the RMA is required.

Accordingly, we recommend that the submission from Health NZ (S42) is rejected. This is identified in **Appendix 3.3**.

5.6 Key Issue 4: Other Evidence on Transport Rules and Standards

5.6.1 Matters Raised in Evidence and Hearings Panel Evaluation

Mr Badham on behalf of Foodstuffs (S363.011) supported decoupling the engineering standards from the Transport chapter, however he had concerns with the wording of Note 2 above the rule table that still requires further clarification as to the relationship between the Transport chapter and the engineering standards. In particular, Mr Badham was concerned with:

- The use of the word ‘will’ in Note 2, which does not clarify what approval ‘will’ be required or what the requirements are. It also does not reflect that not every proposal for access, roads, footpaths or carparking ‘will’ require engineering approval. Mr Badham recommends replacing ‘will’ with ‘may’.
- The reference to “the most recently adopted” standards, which he considers to be *ultra vires* as this unspecific language does not meet the requirements for the incorporation of documents are set out in clause 30 of Schedule 1 of the RMA.

Ms Heppelthwaite on behalf of KiwiRail (S416.024) supported most of the recommendations to the Transport chapter with respect to provisions relating to the railway corridor. The one exception was the explanatory note in TRAN-SX which, relying on corporate evidence provided by Mr Paetz, she requested that this explanatory note be deleted as Mr Paetz argues that TRAN-SX should apply to all rail level crossings, irrespective of whether they have barrier arms or not.

Mr Roberts pre-circulated a hearing statement on behalf of FENZ but did not appear at the hearing. Instead, Mr Brown appeared on behalf of FENZ to answer questions. However, we note that Mr Robert’s statement confirmed that FENZ supported the following amendments in the hearing report:

- a) The reference to emergency response access in TRAN-P3(b).
- b) The inclusion of an explanatory note in TRAN-R2 referring to the emergency responder requirements in the Building Code and FENZ guidance on those requirements. Mr Roberts confirms that this note is a minimum requirement and interim measure, as it has limited statutory weight, and that FENZ’s preference is TRAN-R2 as notified (see below).

FENZ continued to request the following amendments to the TRAN chapter and Mr Brown spoke to these issues:

- A reference to the Fire and Emergency New Zealand F5-02 GD Designers' Guide to Firefighting Operations: Emergency Vehicle Access in the introduction of the TRAN chapter (as opposed to within TRAN-P3 as originally requested).
- Retention of TRAN-R2, PER-2 as notified to ensure compliance with the SNZ PAS 4509:2008 New Zealand Fire Fighting Water Supplies Code of Practice remains a permitted condition for new or altered vehicle crossings and access.
- An amendment to TRAN-S1 to include emergency responder access as a matter of discretion, noting that although car parking minimums have been removed, TRAN-S1 still controls all on-site parking and manoeuvring areas and therefore emergency responder access is still relevant.
- An amendment to TRAN-Table 9 to align with the requirements of SNZ PAS 4509:2008 New Zealand Fire Fighting Water Supplies Code of Practice with respect to emergency responder access.

The reporting officer confirmed verbally at the hearing that she could support altering the word 'will' in Note 2 to 'may' but did not consider that there was a *vires* issue with referring to the Engineering Standards generally in a non-statutory part of the Transport chapter. Mr Badham confirmed at the hearing that he agreed with Ms Pearson's position and no longer recommended specifically referring to the April 2022 version of the Engineering Standards in Note 2.

The reporting officer had recommended a change to the wording of Note 2 in Appendix 1 of her right of reply accordingly and we have accepted her recommendation.

Both Mr Collins and Ms Pearson agreed with the position put forward by KiwiRail at the hearing that the note for TRAN-SX could be deleted so that the standard applies to all rail level crossings, regardless of whether barrier arms are present. Ms Pearson recommended deletion of this note in Appendix 1 accordingly and we have accepted her recommendation.

The reporting officer, Ms Pearson, stated that she could support amending matter of discretion (b) in TRAN-S1 to refer to the potential for adverse effects on the safety and efficiency of the transport network, including emergency responder access. She accepted the point put forward by Mr Roberts in the FENZ planning statement that despite the parking minimums being removed, TRAN-S1 still manages onsite parking design and manoeuvring and considering emergency responder access is a relevant consideration when designing those spaces. She had recommended a change to this matter of discretion in Appendix 1 accordingly and we agree with this recommendation.

The reporting officer also considered that adding a reference to the Fire and Emergency New Zealand F5-02 GD Designers' Guide to Firefighting Operations: Emergency Vehicle Access as part of the Introduction text could be supported as a signpost to plan users that best practice information is available to inform the design of their proposals. However, she did not consider that reference to the document is essential, as set out in her hearing report, but had included recommended text in Appendix 1 if we (the Panel) decided to adopt the suggestion of Mr Roberts.

We have adopted the suggestion of Mr Roberts and recommend the text shown in **Appendix 2.3**.

The reporting officer did not consider that the language used in SNZ: PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS 4509:2008) is appropriate to be used in the context of the Transport chapter but that it may be appropriate for other chapters as the primary purpose of SNZ PAS 4509:2008 is to manage water supplies for fire-fighting, not access to properties for emergency responders. After reviewing SNZ PAS 4509:2008 in more detail the reporting officer confirmed that only one paragraph in the background text for Section 6 – Fire Service Vehicle Access to Water Source makes any reference to access requirements for fire service appliances.

The reporting officer noted that that the paragraph states that the New Zealand Building Code has final authority with respect to appropriate roading widths, surfaces and gradients, which is consistent with her hearing report (paragraph 309). It was also The reporting officer's view that the language used in this paragraph is not certain enough to be used as the basis for a permitted activity condition under TRAN-R2, in particular:

The wording says that 'in general' the roading gradient should not exceed 16%, which indicates that in some scenarios gradients more than 16% could be appropriate. Mr Brown indicated at the hearing that, although a maximum gradient of 16% is ideal, it is not necessarily needed everywhere and there are other factors that contribute to whether a gradient is appropriate or not, including the seal of the access. The advice of Mr Collins that 16% is unnecessarily restrictive compared to other districts and that it would have a major impact on the ability to develop land across the Far North District if it were a permitted activity requirement.

The wording states "the minimum roading width should not be less than 4m" but does not clarify if this should be the minimum formed carriageway width or the minimum legal width. As Mr Collins clarified at the hearing (and in his reply evidence), the maximum width of a fire appliance is 2.55m and a minimum formed carriageway width of 3m is sufficient to allow a fire appliance to access the site (3m being the narrowest formed width provided for in TRAN-Table 9). TRAN-Table 9 also sets a minimum legal width of an access at 4m, which is in line with the 4m roading width discussed in SNZ PAS 4509:2008. Ms Pearson's view (based on the advice of Mr Collins) was a 4m legal width would account for the scenario put forward by Mr Brown at the hearing, being the need to open doors and access the sides of the appliance along a rear access driveway with fences constructed along both boundaries.

The reporting officer, relying on the advice of Mr Collins in his reply evidence that a maximum carriageway height of 4m is not necessary for all sites in terms of being clear of structures as not all sites need to use the accessway for emergency responders, i.e. some sites can be accessed by fire appliances directly from the street or private road. The reporting officer also considered it overly onerous to include rules or standards in the Transport chapter to require that all accessways be kept clear of hanging cables and vegetation. While she recognised that this is an ideal situation from the perspective of FENZ, rules/standards of this type would be difficult to administer, monitor and ensure ongoing compliance with and, in her view, are not an efficient way to manage the issue.

In response to the question from the Panel regarding maximum gradients for private accessways in the ODP, Ms Pearson confirmed that Appendix 3B-1 of the ODP specified:

A maximum sealed gradient of 1:4 (25%) for all zones; except for Commercial and Industrial zones and the Orongo Bay Special Purpose Zone, where the maximum sealed gradient is 1:5 (20%).

As such, the 22% maximum gradient proposed in TRAN-Table 9 is more stringent than the ODP for most zones, but slightly more permissive for Mixed Use, Light Industrial, Heavy Industrial and Orongo Bay zones.

Taking all of the above into consideration, the reporting officer did not change her position from the hearing report with respect to deleting the reference to SNZ PAS 4509:2008 from TRAN-R2. The reporting officer considered that the minimum legal width of 4m, combined with the minimum formed carriageway width of 3m in TRAN-Table 9 is sufficient to provide for fire appliances. She also considered that the specific and measurable standards in TRAN-Table 9 are preferable to the non-specific language used in SNZ PAS 4509:2008, but they achieve the same outcome for roading width as requested by FENZ. For the reasons set out above, she did not agree that further restrictions on gradient or carriageway height are necessary to provide for fire appliances.

We agree with the reporting officer's position and reasoning.

5.6.2 Hearings Panel Recommendation

The Hearings Panel recommend that the submissions from Foodstuffs Ltd ((S363.011) and KiwiRail (S416.024) are accepted, as identified in Appendix 3.3.

The Hearings Panel also recommends the following amendments:

- a) The word 'will' is amended to 'may' in Note 2 above the Rule table.
- b) The explanatory note for TRAN-SX is deleted.
- c) Matter of discretion (b) in TRAN-S1 is amended to refer to emergency responder access.
- d) Reference to the Fire and Emergency New Zealand F5-02 GD Designers' Guide to Firefighting Operations: Emergency Vehicle Access should be added into the Introduction text.

These amendments are identified in **Appendix 2.3**.

The Panel has adopted the recommendations from the reporting officer and recommend these accordingly. We have also considered the reporting officer's comment on including FENZ Guidelines in the Introduction text and although she considered it not necessary, we are of the view that by adding it, it will alert plan users to the FENZ Guidelines and will not detract from the Transport chapter.

The Hearings Panel also recommend that the amendment to the definition of limited access road be included in the Definitions chapter of the PDP. This is identified in **Appendix 2.1**, Definition in **Recommendation Report 17**.

Note 2 above the rule table, the explanatory note for TRAN-SX and the introduction are non-statutory parts of the Transport chapter and do not require evaluation in terms of section 32AA of the RMA.

We consider that the additional reference to emergency responder access in matter of discretion (b) in TRAN-S1 is a minor change to clarify that consideration of emergency responder access is part of assessing the safety and efficiency of the transport network. As the intent of the matter of discretion is not changing, we do not consider that further evaluation under section 32AA of the RMA is required.

6. Topic 4: Designations

6.1 Relevant Provisions

The relevant provisions were addressed in the hearing report for this topic and relate to the Designations chapter.

Nineteen (19) requiring authorities lodged notices under clause 4 of the Act to include 158 designations in the PDP some with or without modification. 41 of the designations were rollovers without modification, 145 were rollovers with modification and three were new designations. The hearing report at section 2.6 covered the 'Evaluation and recommendation process' that should be followed. For those notices of requirement that are included without modification and on which the Council has received no submissions the Council must simply 'roll over' the designation in the PDP.

The 19 requiring authorities including the Far North District Council (**FNDC**) with existing designations in the ODP gave notice, within the 40 working days of the PDP being notified, in respect of some or all of their existing designations requiring that they be included in the PDP (with or without modification). One authority sought a new designation.

A full list of the designations was shown in Appendix 1 to the hearing report.

We were advised (see 2.7.4 of the hearing report) that pre-hearing meetings were held with FNDC and NZTA Waka Kotahi to clarify some issues.

We were also provided with a report 'Appendix 1 Addendum – Officers Recommended Amendments to Designation Chapter' which was also tabled at the hearing on 28 March 2025. The report covered some very minor amendments to some of the Minister of Corrections and Spark NZ Limited designations.

In the right of reply the reporting officer provided the Panel with additional information on designation FN 253 – KKWWTP (Kerikeri Wastewater Treatment Plant), with the information relating to an application to amend FN 253 which was made and granted after the PDP was notified. The new conditions were set out in Appendix 1 to the Addendum and have been read and considered by the Panel.

As a result of a request from the Panel the reporting officer provided an addendum to the right of reply report relating to the Lucklaw Farms Limited submission on the Rangiputa Oxidation Pond – FN 160 and on the Meteorological Service of New Zealand Limited (**Met Service**) designations for MS 124 and MS 143.

In respect of MS 124 and MS 143 the reporting officer had tried on a number of occasions prior to the hearing to seek clarity from the Met Service and this had not been forthcoming



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

**RECOMMENDATION REPORT 12
Hearing 12: Historic and Cultural Values**

March 2026

4. Topic 2 – Heritage Area Overlays and Historic Heritage

4.1 Relevant Provisions

The relevant provisions we address for this topic relate to:

- Heritage Area Overlays: Overview
- Heritage Area Overlays: Objective (HA-O1)
- Heritage Area Overlays: Policies (HA-P1 – HA-P16)
- Heritage Area Overlays: Rules (HA-R1 – HA-R13)
- Heritage Area Overlays: Standards (HA-S1 – HA-S3)
- Historic Heritage: Overlay
- Historic Heritage: Objectives (HH-O1 – HH-O3)
- Historic Heritage: Policies (HH-P1 – HH-P15)
- Historic Heritage: Rules (HH-R1 – HH-R10)
- Schedule 2 – Schedule of historic sites, buildings and objects (SCHED2)
- Planning maps.

4.2 Overview of Submissions Received

A total of 236 original submission points and 680 further submission points were received on the Heritage Area Overlays and Historic Heritage topic.

As set out in the Council’s hearing report the main submissions on the Heritage Area Overlays and Historic Heritage topic came from:

- HNZPT (S409);
- Iwi and hapu groups such as Ngati Rangi ki Ngawha Hapu (S304);
- Non-governmental organisations, such as Waitangi Limited (S501), Russell Protection Society (S179) and Federated Farmers (S421); and
- Other individual submitters, such as John Andrew Riddell (S431) and Trent Simpkin (S23).

4.3 Key Issues

The Council’s hearing report recommended refinements to the spatial extent of several Heritage Area Overlays (including addition and removal of land), amendments to better align the Heritage Area Overlay and Historic Heritage provisions and restructuring and redrafting some rules in these provisions to remove duplication, confusion and inefficiency. Some of these matters were resolved prior and were not in contention at the hearing. However, other overlay extents and various provisions were challenged.

The key issues identified that we have addressed following the hearing, and based on the Council's hearing report, right of reply and from submitter evidence, are set out below:

- Key Issue 1: Heritage Area Overlay mapping (spatial extents not in contention)
- Key Issue 2: Heritage Area Overlay – overview, objectives, policies, rules and standards; and consideration of challenges to proposed spatial extents; and
- Key Issue 3: Historic Heritage provisions – overview, objectives, policies, rules and schedule (including in relation to dry stone walls and infrastructure).

Our assessment, evaluation and recommendations follow the above structure, noting that the Heritage Area Overlays and Historic Heritage provisions work together to manage historic heritage values (both related to specific sites and features as well as broader areas) in an integrated way. The difference being that the Historic Heritage chapter includes additional provisions that manage broader geographic locations where there are significant clusters of historic heritage features. These features may include the built form of a settlement, elements of the surrounding landscape and/or archaeological values, as well as items that have been included in the SCHED2 schedule.

We acknowledge the submission and evidence presented by Ms Cook-Munro from Northland Federated Farmers of New Zealand Incorporated on this topic, which we note mostly supports and accepts the Council reporting recommendations. The only area that remained in contention for this submitter was in relation to a suggestion to include an additional statement in the Overview of the Heritage Area Overlay provisions to recognise that farming activity is an important existing activity that takes place within these areas.

We note that a key issue with the proposed Heritage Area Overlay provisions is how these relate to and are to be administered alongside the relevant underlying zone provisions.

4.4 Key Issue 1: Heritage Area Overlay Mapping (Spatial Extents not in Contention)

The PDP included Heritage Area Overlays of the same or similar spatial extents to those which are in the Operative District Plan. These existing heritage area overlays extents were generally not in contention through the hearing process.

In addition, the submission from HNZPT sought the inclusion of some eighteen new Heritage Areas, acknowledging that post-submission discussions were held between this submitter and the Council's report writers and specialists. The Council's hearing report recommended that these new areas should not be included in the PDP because the landowners impacted by these requests had not had a fair and adequate opportunity (through the schedule 1 process) to submit and become involved in the process.

We agree with this recommendation and note that HNZPT did not pursue this aspect of their submission further at the hearing – other than for the specific areas covered at Key Issue 2 below.

4.4.1 Matters Raised in Submissions

The submission from HNZPT and others sought the retention and/or adjustment of the following proposed Heritage Area Overlays that have been recommended in the PDP:

- Kohukohu Heritage Area Overlay

- Rangihoua Heritage Area Overlay
- Kerikeri Heritage Area Overlay
- Kororāreka Russell Heritage Area Overlay
- Mangōnui and Rangitoto Peninsula Heritage Area Overlay
- Paihia Heritage Area Overlay
- Pouerua Heritage Area Overlay
- Rāwene Heritage Area Overlay
- Te Waimate Heritage Area Overlay.

The Council's hearing report recommended accepting in part these submission points and either retaining or amending the majority of the above Heritage Area Overlay extents, as set out below.

- Kohukohu Heritage Area Overlay – retain as notified
- Rangihoua Heritage Area Overlay – retain as notified
- Kerikeri Heritage Area Overlay - amend boundary as per the submission of Emily and Richard Fladgate (refer map at **Appendix 4** to this recommendation report)
- Kororāreka Russell Heritage Area Overlay
- Mangōnui and Rangitoto Peninsula Heritage Area Overlay
- Paihia Heritage Area Overlay - Amend to include the Waitangi Islands within Part B (refer map at **Appendix 4** to this recommendation report)
- Pouerua Heritage Area Overlay
- Rāwene Heritage Area Overlay – retain as notified
- Te Waimate Heritage Area Overlay.

These recommendations were not challenged at the hearing by submitters and were not in contention, other than for the Mangōnui and Rangitoto Peninsula, Paihia, Pouerua, Rāwene and Te Waimate Heritage Area Overlays, which we discuss further below at Key Issue 2.

4.4.2 Hearings Panel Evaluation

Given there were no issues in contention relating to the spatial extent of the above Heritage Area Overlays, other than for the Mangōnui and Rangitoto Peninsula, Paihia, Pouerua, Rāwene and Te Waimate Heritage Area Overlays (as discussed below), we were not required to make a recommendation on the spatial extent of these areas. The extent of mapping changes for the following overlays is illustrated at **Appendix 4** to this report.

- Kerikeri Heritage Area Overlay (refer first map in the appendix)
- Paihia Heritage Area Overlay (refer second map in the appendix)

4.4.3 Hearings Panel Recommendations

1. The Hearings Panel recommend that the submissions from:
 - a) HNZPT (S409.036 and 046) be accepted in part;
 - b) HNZPT (S409.001, 016, 034 and 037) be accepted in part;
 - c) HNZPT (S409.038) be accepted in part;
 - d) HNZPT (S409.045 and 049) be rejected; and
 - e) Emily and Richard Fladgate (S12.001) be accepted.

The Hearings Panel recommend that the spatial extents of the Heritage Area Overlays within the PDP, for the Kohukohu, Rangihoua, Kerikeri and Kororāreka Russell Heritage Area Overlays, be retained or amended as per the evaluation at section 4.4.2 within the Council's hearing report.

4.5 Key Issue 2: Heritage Area Overlay – Overview, Objectives, Policies, Rules and Standards; and Consideration of Challenges to Spatial Extents

The following matters required our consideration as a result of issues that remained unresolved between the Council reporting and the evidence and submissions presented to us at the hearing on behalf of submitters. These being in relation to the Heritage Area Overlay provisions (overview, objectives, policies, rules and standards) and spatial extents. We have addressed these as sub-issues under the following headings in our discussion:

- Non-statutory layers (Heritage Alert layer and ArchGIS layer)
- Pouerua Heritage Area Overlay
- Paihia Heritage Area Overlay
- Mangōnui and Rangitoto Heritage Area Overlay
- Kororāreka Russell Heritage Area Overlay
- Spatial extent of other Heritage Area overlays
- Infrastructure
- Earthworks
- Other matters

For all other matters that were not in contention at the hearing, relating to the overview, objectives, policies, rules, standards and spatial extents of Heritage Area overlays, we adopt the recommendations set out in the Council's hearing report for this topic. These are set out in **Appendix 2.2** to this recommendation report.

4.5.1 Matters Raised in Submissions, Hearings Panel Evaluations and Recommendations

Non-statutory Heritage Alert and ArchGIS layers

Planning and expert evidence was provided from Mr Bracey and Mr Edwards in support of the HNZPT submission, suggesting to us that the PDP should use non-statutory heritage

alert layers (and/or include the ArchSite archaeological database as a mapping layer) to raise awareness of heritage values in certain locations. It was the opinion of these witnesses that a non-statutory heritage alert layer would raise awareness of these values, without imposing a consenting burden on landowners. These areas included, for example, the Oruru Valley and the Kawakawa and Kaeo Townships. The Council's right of reply considered the pros and cons of including such information in the PDP but ultimately recommended to us that a non-statutory alert layer not be included.

We have carefully considered this suggestion and note that the Council's reporting of the potential benefits and disadvantages has provided us with a helpful framework for our recommendations. We ultimately agree with the conclusions of the Council officers and recommend that an alert layer (even as a non-statutory information layer) as suggested by HNZPT should not be included as part of this hearing process. Such a suggestion should more correctly have community "buy-in", before being included, for this type of process to be successful. We found that HNZPT didn't provide this district plan review process with enough detail early on to give landowners the opportunity to be part of the PDP.

We acknowledge that the HNZPT evidence from Messrs Edwards and Bracey opined that there is heritage of significance in the District that is unknown but likely and that *"it would be wrong under the RMA to do nothing"* and an alert layer would be a light touch in the right direction (and would assist with NZHPT authority process). The witnesses pointed us to an example, in Gisborne, where such a system is working well. They also advised that it was quite a high bar to get a new listing in the Plan through the schedule 1 process (in terms of costs and time) and that it would be more efficient to reference these sites now.

We acknowledge that the suggestion is a good idea that could be worth pursuing at a later point in time, but we were also conscious that this type of information must be specific and accurately mapped in order to give people an opportunity to participate in the process of including such information in the district plan. Such a process must be robust and inclusively prepared to provide for natural justice considerations.

We understand that the Council is underway with archaeological investigations for the Oruru Valley to provide for such an outcome and we encourage this to continue and for similar processes to occur in other areas of the district.

1. For the above reasons, we therefore recommend no change is required in response to the submission from HNZPT (S409.049) and that this submission point be rejected.

Pouerua Heritage Area Overlay Spatial Extent

As set out in the Council's right of reply, Mr Alec Jack and Mr Kerry Ludbrook appeared at Hearing 12 strongly opposing the proposed spatial extent of the Pouerua Heritage Area Overlay and requesting that this revert back to be the same as the Operative District Plan boundary for the Pouerua Heritage Precinct. Mr Jack also called the owners of Greenfields Farm Limited (Mr Sam Chapman-Smith and Ms Fiona Chapman-Smith) as witnesses to speak to the negative impacts of the Heritage Area Overlay on their ability to continue farming their property. He also called Mr Pita Tipene as a cultural expert witness.

Essentially, these submitters and witnesses sought that the Pouerua Heritage Area spatial extent be redrawn to match the operative precinct extent. We understand that there was a lot of feeling in the community to support this stance. We also note that no engagement

on the proposed extent of new heritage area was undertaken by the Council – which we see was recommended at paragraph 249 of the section 32 reporting on this topic. We also heard (both from Māori and non-Māori groups) that the overlay must retain its Māori heritage focus, with little support in the community to expand and protect European heritage. Mr and Mrs Ludbrook informed us that they supported the Heritage Area Overlay in principle, but not the spatial extent proposed. They told us that they love the land and they don't want to destroy archaeological sites.

At the hearing, the HNZPT representatives listened to the evidence presented on this matter and ultimately accepted the above submissions and evidence by indicating to us that they were comfortable in agreeing with these submitters and for the Pouterua Heritage area to be reduced to match the earlier precinct. Mr John Brown for the Council also acknowledged the situation and changed his earlier advice in response.

We therefore appreciate that there is unanimous support for the outcome sought in the Jack and Ludbrook submissions and we congratulate the parties for the way in which they collaborated during the hearing process to resolve the issues. That left us with little in the way of undisputed issues to consider and we agree with the Council's right of reply that the proposed Pouterua Heritage Area Overlay extent in the PDP should be amended to match the Operative District Plan boundary for the Pouterua Heritage Precinct. This mapping amendment is identified in **Appendix 4** to this report (refer third map in the appendix).

2. For the above reasons, we therefore recommend that the submissions from:

- (a) HNZPT (S409.039 and S409.040); Warren Bliss (S62.001); Alec Jack (S277.002 and S277.024); Kerry Ludbrook (S220.001); and Shirley Dryden (S326.001), to the extent to which they relate to our recommendation, be accepted in part.

Paihia Heritage Area Overlay

As signalled in our Minute 30, we heard very strongly from submitters (including the Paihia Property Owners Group, Mr Rendell and Mr Mandeno) that the proposed spatial extent and the related implications of the Paihia Heritage Area Overlay was not supported.

Submitters informed us of previous determinations of the Environment Court on this matter and that there had been inadequate community engagement to justify the proposed provisions. Submitters also opined that there is likely to be very little chance of finding undiscovered items of archaeological significance within the highly urbanised area of the proposed Paihia Heritage Area Overlay.

We heard that submitters were particularly concerned over the proposed earthworks rules associated with the overlay, but that they understood and appreciated the proposed requirements for building colours to be in keeping with the heritage character of the area.

The Council's right of reply acknowledged these concerns but recommended no changes to the proposed extent of the Paihia Heritage Area Overlay, primarily relying on the expert advice from Mr Brown.

When considering this matter, we note that generally, when introducing new heritage areas, there needs to be a degree of community support for such an outcome, including an agreed acknowledgment of the values that are within the area and which need to be protected. We have sympathy for the issues being raised by the local community in this

location and suggest that the proposed spatial extent of the overlay should have been more properly included at the draft plan stage, not in response to submissions. We find that, in this instance, the Council has taken the scope of the submission from HNZPT too far, without proper justification and engagement with the local community.

At the hearing, we heard from the Council officers acknowledging the “importance of bringing communities, iwi/hapu/whanau along on the journey...” and that it “... doesn’t work for kaitiaki of whenua if you alienate the very people that need to be on board”.

Again, we understand that there may be merit in the idea of expanding the spatial extent of this heritage area, given the heritage significance of this place. However, we have ultimately agreed with the robust discussion from the local community and tangata whenua (hapu). This included appearances at the hearing from Ms Amsler (speaking on behalf of the Paihia Property Owners Group – a group of 54 properties in the proposed heritage area), Mr Rendell (40 Marsden Road, Paihia) and Mr Mandeno (22 Marsden Road, Paihia). Therefore, it is our recommendation to keep the extent of the Heritage Area Overlay for Paihia to be the same as within the notified PDP extent and remove the proposed new earthworks rule for all Heritage Area B (including in rural locations).

We acknowledge that the community has not had sufficient opportunity to effectively engage on the proposed provisions and, from the submissions and evidence received at the hearing, we heard the clear community concern.

Therefore, we recommend changes to the spatial extent of the Paihia Heritage Area Overlay (to revert back to the notified extent) and to the earthworks rule (as discussed later in this report). However, we agree with including the proposed colour controls, as these were not in contention, plus keeping in place the accidental discovery protocol. Note: we have not included an additional map in **Appendix 4** showing the amendment to the Paihia Heritage Area Overlay extent, because we recommend this extent be as per the notified PDP (other than the additions recommended above at section 4.4.3 of this report).

3. For the above reasons, we therefore recommend that the submissions from:

- (a) HNZPT (S409.035 and S409.038); Murdoch Phillips (S171.001); The Paihia Property Owners Group (S565.001, S330.001 and S330.002); Bayswater Inn Ltd (S29.007); Bell Family Trust (S450.001); and Don Mandeno (S532.001) , to the extent to which they relate to our recommendation, be accepted in part.

Mangōnui and Rangitoto Heritage Area overlay spatial extent

Mr Palmer provided us with detailed information to support the submission from him and Ms Hu opposing the notified extent of the Rangitoto Heritage Area Overlay (Part B) on the basis that it is unjustified and based on flawed technical evidence. He was not seeking that the overlay be removed in its entirety, but that it be reduced in extent.

Mr Palmer provided us with extensive supporting information and gave a well-prepared presentation disputing the expert evidence of Mr Brown. We note that he did not object to having some heritage area on the peninsula, but rather he objected to the currently proposed extent. He recommended that the Heritage Area Overlay should be limited to land directly associated with or proximal to listed heritage resources (on the eastern side of the harbour). He also opined that the earthworks rule/standard is an over-reach.

The Council's right of reply sets out a summary of the key reasons provided to support this submission point and acknowledges some of the concerns raised by Mr Palmer. The Council's right of reply recommends (as illustrated within the first map at Appendix 5) a reduction in the extent of the overlay for the Rangitoto Heritage Area.

We agree with the position reached by the Council officers on this matter and note that the inclusion of a heritage area overlay does not represent a 'double-counting' of values. Section 6 of the RMA specifically requires the identification of historic heritage, with this being in addition to other values, including outstanding natural landscapes and natural character. The Council's right of reply (paragraph 51) sets out a good discussion on this matter. This mapping amendment is identified in **Appendix 4** to this report (refer fourth map in the appendix).

4. For the above reasons, we therefore recommend that the submissions from:

- (a) HNZPT (S409.047 and 048); James Conner (S13.002); Hinemoa Conner (S14.002); Te Hiku Community Board (S257.011); Leah Frieling (S358.011); Sean Frieling (S357.011); Michael Foy (S472.011); Ian Diarmid Palmer and Zejia Hu (S249.001); and RHL and LM Ferguson Family Trust (S513.001), to the extent to which they relate to our recommendation, be accepted in part.

Kororāreka Heritage Area Overlay

Mr Riddell's submission and evidence to us spoke to the interrelationship between the Heritage Area Overlay for Kororāreka and the provisions of the Kororāreka Russell Township zone provisions (which we discuss later in this report). The Council's right of reply combines these two matters. However, while we acknowledge the overlapping nature of the provisions, we firstly deal with the overlay issues here and then consider the zone issues later in this report.

In his evidence, Mr Riddell had concerns about the treatment of Part D of the Kororāreka Russell Heritage Area Overlay. These concerns are well summarised in the Council's right of reply (paragraphs 60-61) and include two recommended changes to rule HA-R4. The Council's right of reply also sets out a comprehensive consideration of this matter (paragraphs 74-77) noting the overlap with relevant Kororāreka Russell Township zone provisions, including KRT-S5, which we discuss further later in our report.

We acknowledge, as has the Council's reporting officer, that Mr Brown retains his advice that the notified provisions for the overlay should remain on the basis that these assist with the protection of historic heritage. However, we agree with the reporting officer and Mr Riddell that, in this instance, the combination of overlay and zone rules and standards (based on the proposed revised spatial extent of the overlay, as recommended in the Council's hearing report – at Appendix 2) will achieve an appropriate outcome and new buildings and structures in the Kororāreka Russell Heritage Area Overlay (Part D) be provided with a permitted pathway under HA-R4. The Council's right of reply of the provisions also includes recommended changes to the matters of discretion under rule HA-R4 and we agree with these recommendations. The associated mapping amendment for this overlay is identified in **Appendix 4** to this report (refer fifth map in the appendix).

5. For the above reasons, we therefore recommend that the submissions from:

- (a) HNZPT (S409.034 and S409.037), relating to the spatial extent of the Kororāreka Russell Heritage Area Overlay, be accepted in part.

Spatial Extent of Other Heritage Area Overlays

Mr Bracey (for HNZPT) suggested that the Rāwene Hospital and Cemetery Area warrant inclusion in the Rāwene Heritage Area Overlay (as a new Part C area). He opined that the heritage value lies not in the buildings themselves, but in the site's long-standing use as a base for free public health services. He clarified at the hearing that HNZPT is not seeking to restrict the operation or future development of the hospital or cemetery but rather to recognise the historic significance of the site in the context of healthcare.

The Council's right of reply did not support this suggestion, primarily given the underlying special purpose Hospital zone that applies to this location, would complicate future resource consenting considerations for the primary hospital related development and activities. We agree with this observation and consider that the primary purpose of this site is as a hospital and it must be able to operate without the added constraint of a heritage overlay. We also understand that there are no specific sites and/or areas of significance in this location that would warrant inclusion as a heritage area overlay.

Mr Hookway tabled an email regarding the proposed extent of the Te Waimate Heritage Area Overlay as it applied to his property at 211 Waikuku Road. The Council's hearing report and the Council's right of reply have confirmed that the Te Waimate Heritage Area Overlay does not apply to this property and the mapping has been confirmed. This mapping amendment is identified in **Appendix 4** to this report (refer sixth map in the appendix).

6. For the above reasons, we recommend that the relevant aspects of the submissions from:
- (a) HNZPT (S409.041 and S409.042), which relate to the spatial extent of the Rāwene and Te Waimate Heritage Area Overlays, be accepted in part – noting that no changes or required amendments need to be made to the proposed provisions in response, other than the mapping changes identified in **Appendix 4**.

Infrastructure (Top Energy)

The submission from Top Energy was supported at the hearing by planning evidence from Ms McGrath (jointly prepared with Mr Badham) and a helpful presentation. The matters in this evidence which required our consideration related to the following rules within the Heritage Area chapter of the PDP, relating to earthworks and infrastructure.

HA-R5 – Earthworks

Top Energy requested an additional permitted activity standard associated with new underground network utilities which are setback a minimum of 20m from a scheduled Heritage Resource and which comply with standard HA-S3 (Accidental Discovery Protocol); and for an amendment to the currently proposed permitted activity standard relating to all other earthworks which do not result in disturbance of sub-soils below a depth of 500mm. Two explanatory notes were also recommended in the Top Energy submission and evidence to support these recommended amendments.

The Top Energy presentation summarised the reasons for these amendments as:

- Undergrounding of cables should be encouraged in these sensitive environments because overhead cables are more likely to detract from heritage values.
- PER-1 requires compliance with the Accidental Discovery Protocol.
- Matters of discretion are largely focussed on assessing adverse effects on the heritage values of Heritage Area Overlays or any adjacent scheduled Heritage Resources.
- Given the lack of permanent visual or character impact from earthworks for new underground infrastructure, and the minimum setback requirement for earthworks from scheduled Heritage Resources, it is appropriate to exclude this activity from this resource consent requirement.

For reasons set out in the Council's right of reply, the reporting officer for this topic did not agree with the suggestion from Top Energy to specifically exempt infrastructure activities from the 500mm depth control. We agree with these reasons and do not accept this submission point from Top Energy. While we understand the desire for underground infrastructure where possible, the values associated with Heritage Areas are too important not to require at least some form of assessment prior to earthworks.

HA-R6 and HA-R10 – Infrastructure

The submission from Top Energy sought further amendments to Rules HA-R6 and HA-R10 in addition to those proposed in the Council's hearing report. These amendments included the removal of the words "all zones" from the headers of the rules and various changes to the rules themselves, including an increase in the 1m alignment limit for maintenance and upgrade requirements to 3m. The Council's right of reply disagreed with these requests for reasons set out in that report.

We disagree with the Council's reporting officer on this issue and prefer the evidence of Top Energy, noting that this is particularly an issue of relevance in the rural environment. However, we do not agree that the setback limit should be extended to 3m and we prefer to limit this to 2m.

We recommend that Rules HA-R6 and HA-R10 be amended as follows:

HA-R6	Infrastructure <u>not located within a site containing a scheduled Heritage Resource</u> and <u>renewable electricity generation infrastructure</u>	
All zones Heritage Area Overlays: Kerikeri — Part B Kororāreka Russell - Part D Mangōnui and	Activity status: Permitted Where: - PER-1 The activity is not located within a site containing a scheduled Heritage Resource	Activity status where compliance not achieved: Not applicable

Rangitoto Peninsula — Part B Paihia — Part B Pouerua Rāwene — Part B Te Waimate		
<u>All zones</u> <u>Heritage Area Overlays:</u> <u>Kerikeri — Part A</u> <u>Kohukohu</u> <u>Kororāreka Russell — Part A — The Strand, Part B — Wellington Street and Part C — Christ Church</u> <u>Mangōnui and Rangitoto Peninsula — Part A</u> <u>Paihia — Part A</u> <u>Rangihoua</u> <u>Rāwene — Part A</u>	<u>Activity status: Permitted</u> <u>Where:</u> <u>PER-1</u> The infrastructure is: 1. <u>Located underground;</u> 2. <u>Maintenance, repair or upgrading of any existing above ground infrastructure that is located within 42m either side of the original location or where the alignment is wholly located within the road reserve;</u> 3. <u>Connections to buildings or structures for network utilities; or</u> 4. <u>New above ground infrastructure that is wholly located within the road reserve.</u>	Activity status where compliance with PER-1 is not achieved: Restricted Discretionary Matters of discretion are restricted to: a. whether the proposed infrastructure will adversely affect the heritage values of the Heritage Area Overlay; b. whether the proposed infrastructure will adversely affect the heritage values of any nearby adjacent Scheduled Heritage Resource; c. whether there is a practicable reason why the infrastructure needs to be located within the Heritage Area Overlay or on a site that contains a Scheduled Heritage Resource; d. any assessments or advice from a suitably qualified and experienced heritage or cultural expert; e. the colour of all exterior surfaces and their appropriateness within the Heritage Area Overlay; f. any landscaping or fencing to maintain heritage boundary treatments and curtilage; g. the location and relationship of the infrastructure in relation to adjoining sites and the road;

		h. <u>any assessments or advice from a suitably qualified and experienced heritage or cultural expert (where provided); and</u> i. <u>any consultation with Heritage New Zealand Pouhere Taonga, Department of Conservation and tangata whenua (where provided).</u>
--	--	--

HA-R10 Infrastructure <u>within a site containing a scheduled Heritage Resource and renewable electricity generation infrastructure</u>		
All zones— All Heritage Area Overlays: Kerikeri — Part A - Kohukohu - Kororāreka Russell — Part A — The Strand, Part B — Wellington Street and Part C — Christ Church - Mangōnui and Rangitoto Peninsula — Part A - Paihia — Part A - Pouerua - Rangihoua - Rāwene — Part A - Te Waimate	Activity status: <u>Restricted Discretionary</u> <u>This rule shall not apply to:</u> 1. <u>infrastructure located underground;</u> 2. <u>maintenance, repair or upgrading of any existing above ground infrastructure that is located within 42m either side of the original location; or</u> 2. <u>connections to buildings or structures for network utilities.</u> <u>Matters of discretion are restricted to:</u> a. <u>the operational and functional needs of the infrastructure to be located within the site containing the scheduled Heritage Resource;</u> b. <u>whether a scheduled Heritage Resource will be adversely affected by the proposed works;</u> c. <u>location, scale, design of the proposed works;</u> d. <u>any adverse effects on any archaeological site;</u> e. <u>any landscaping or fencing to maintain heritage boundary treatments and curtilage;</u> f. <u>the location and relationship of the infrastructure in relation to adjoining sites and the road;</u> g. <u>any assessments or advice from a suitably qualified and experienced heritage or cultural expert (where provided); and</u> h. <u>any consultation with Heritage New Zealand Pouhere Taonga, Department of Conservation and tangata whenua (where provided).</u>	Activity status where compliance not achieved: Not applicable

7. For the above reasons, we recommend that the submissions from:

- a) Top Energy (S483.120-27 and S483.189) be accepted in part.

Earthworks

A number of submissions challenged the earthworks component of Rule HA-R5 within the Heritage Area chapter of the PDP and in particular the list of exceptions proposed under PER-1(3). As per the interim guidance we provided in Minute 30 and the discussion above relating to the spatial extent of the Paihia Heritage Area Overlay, we do not agree with the recommended amendments suggested in the Council's right of reply.

We recommend that the PER-1 aspect of Rule HA-R5 be amended as follows:

HA-R5	Earthworks	
All zones All Heritage Area Overlays: Kerikeri — Part B - Mangonui and Rangitoto Peninsula — Part B Paihia — Part B - Pouerua - Rāwene — Part B - Te Waimate - Kororāreka Russell — Part B	Activity status: Permitted Where: PER-1 The earthworks: - are setback a minimum of 20m from a scheduled Heritage Resource; and - comply with standard HA-S3 Accidental Discovery Protocol; - do not result in disturbance of sub-soils below a depth of 500mm - comply with the relevant permitted activity rules within the Earthworks chapter; and - are not within 20m of a scheduled Heritage Resource. Note 1: When applying PER-1(1), the 20m distance must be measured from the edge of the footprint of any building, site or structure as described in Schedule 2 – Schedule of historic sites, buildings and objects. Note 2: The Heritage New Zealand Pouhere Taonga Act 2014 requires all applicants to obtain an authority from Heritage New Zealand Pouhere Taonga before any archaeological site is modified or destroyed. This is the case regardless of whether the land on which the site is located is designated, or whether the activity is permitted under the District Plan or a resource or building consent has been granted.	Activity status where compliance with PER-1 is not achieved: Restricted Discretionary Matters of discretion are restricted to: - whether the proposed earthworks will adversely affect the heritage values of the Heritage Area Overlay; - whether the proposed earthworks will adversely affect the heritage values of any nearby adjacent scheduled Heritage Resource; - any adverse effects on any archaeological site; - any assessments or advice from a suitably qualified and experienced heritage or cultural expert; - any methods of site rehabilitation; - whether or not EW-S3 Accidental Discovery Protocol has been met; and - any assessments or advice from a suitably qualified and experienced heritage or cultural expert (where provided); and - any consultation with Heritage New Zealand Pouhere Taonga, Department of Conservation and tangata whenua (where provided).
All zones	PER-2	

- Heritage Area overlay: - Kerikeri — Part A - Kororāreka Russell — Part A The Strand -	The earthworks:- 1. do not exceed 2m³ in volume over an area of 5m²; 2. are not within 20m of a scheduled Heritage Resource; and 3. complies with standard HA-S3 Accidental Discovery Protocol. -	Activity status where compliance not achieved with PER-2 or PER-3: Discretionary - -
- All zones - Heritage Area overlays: - Kohukohu - Kororāreka Russell Heritage overlay — Parts B Wellington Street and C Christ Church - Mangōnui and Rangitoto Peninsula — Part A - Paihia — Part A - Rāwene — Part A - Rangihoua - -	PER-3 The earthworks:- 1. do not exceed 200m³; 2. are not within 20m of a scheduled Heritage Resource; and 3. complies with HA-S3 Accidental Discovery Protocol.	

8. For the above reasons, we therefore recommend that the submissions from:

- a) Russell Protection Society Inc (S179.109); Alec Jack (S277.011); HNZPT (S409.032); Federated Farmers (S421.102); Top Energy Limited (S483.121) and Foodstuffs (S363.039), to the extent to which they relate to our recommendation on this particular matter, be accepted in part.

Other Matters

The Council's right of reply provided a discussion responding to various other matters raised in evidence and discussed at the hearing, including:

- Acknowledgment of farming in the Heritage Area chapter overview;
- Colour controls;
- Foodstuffs concerns;
- Cost of engagement;
- Impact of scheduled heritage resource rules for larger sites; and
- Artificial crop protection structures.

We confirm our agreement with the analysis provided by the reporting officer in relation to the above matters, as set out in the Council's right of reply. This includes the correction of a minor error in the wording of rule HH-R1 as a consequential change resulting from recommended changes to other provisions in this chapter. We also accept the recommended changes to Rules HA-R2 and HA-R4 which will assist when considering the impact of scheduled Heritage Resource rules for larger sites (HA-S1). We also accept the recommended changes to Standard HA-S2 relating to heritage colours; along with the new appendix (APP-7) that sets out a specified "*Heritage colour palette and BS5252 standard colour palette*". We have included a copy of this document at **Appendix 3.4** to this report.

We also agree with the Council's right of reply which recommends adding in a new rule (HA-RX) relating to the screening of artificial crop protection structures in heritage areas with screen planting. While we have found differently for similar provisions in rural zones where there are no heritage features or overlay, we agree with the Council's reporting officer that these structures should not be occurring in identified heritage areas without any form of screen planting.

We also note that the Council's right of reply recommended the addition of a new policy specific to Rāwene as such a policy appeared to be missing from the Heritage Area provisions. While we have not specifically considered the issue of scope, we recommend that this additional policy is included, as did the Council's right of reply, as the inclusion does not introduce any new material that would prejudice any party and the inclusion simply corrects an omission of this policy during plan drafting.

Finally, the Council's right of reply set out a discussion, in response to our questioning, as to what obligation the Council had, when drafting the PDP, to consider both pre-European Māori heritage and European / colonial heritage under the Heritage New Zealand Pouhere Taonga Act. The Council's right of reply contained a very helpful response and discussion on this matter and confirmed that the approach taken by the Council in drafting the PDP did not raise any legal issues. We agree with the Council's right of reply that the RMA and the HNZPTA are complementary pieces of legislation and work in parallel in the protection of historic heritage and archaeology.

9. For the above reasons, we recommend that the submissions from:

- a) Federated Farmers (S421.089-097); HNZPT (S570.002 and 004); Trent Simpkin (S23.001); and Alec Jack (S277.015); Foodstuffs (S363.038-040); and Heather Adams and Duncan Ross (S545.004), to the extent to which they relate to our recommendation on this matter, be accepted in part.

4.6 Key Issue 3: Historic Heritage Provisions – Overview, Objectives, Policies, Rules and Schedule (including in relation to dry stone walls and infrastructure)

4.6.1 Matters Raised in Submissions

Dry stone walls – the submission from HNZPT sought to include new provisions (including changes to the overview and a new objective and policy) within the PDP that provided for a blanket protection of drystone walls across the District where these type of structures were not individually scheduled. While the Council’s hearing report acknowledged that dry stone walls, as features, have heritage value, the inclusion of blanket protection for dry stone walls within the PDP was not recommended through this current plan review.

Infrastructure – the submission from Top Energy sought to amend the Historic Heritage provisions to enable the provision of infrastructure. These suggestions were considered by the Council’s hearing report, with recommendations to accept some and reject other aspects of these submission points.

Overview, objectives and policies – the submissions from HNZPT, Federated Farmers and others sought various amendments to the overview, objectives and policies of the Historic Heritage provisions. Again, the Council’s hearing report recommended accepting some of these submission point suggestions and rejecting others.

Rules – various submissions, including from HNZPT, sought to amend some of the notified rules within the Historic Heritage chapter of the PDP. Again, the Council’s hearing report recommended accepting some of these suggestions, including in relation to achieving a consistency of reference within the rules to compliance with Heritage colours.

Schedule – submissions from HNZPT, Northland Planning and Development 2020 Limited sought the addition of four new listings into SCHED2 Schedule of historic sites, buildings and objects; while Malcolm Tindal sought corrections to the notified version of SCHED2 Schedule of historic sites, buildings and objects. After analysis of these suggestions, the Council’s hearing report recommended amendments to Sites 100 and 176 in the schedule; along with the addition of four sites (or separation into four separate listing in the schedule) on Waitangi Estate for Hobsons Memorial, the Treaty House, the Flag pole and the Whare Runanga.

4.6.2 Hearings Panel Evaluation

There were no issues in contention relating to the majority of the Historic Heritage provisions. However, evidence was presented to us at the hearing regarding the following matters.

Dry stone walls – Mr Bracey and Mr Edwards presented evidence on behalf of HNZPT to support the suggestion of including a blanket protection of stone walls throughout the District. HNZPT suggested that the PDP could include similar protection provisions to that which is contained within the Whangarei District Plan, where there are many examples of dry stone walls located in areas where there has been evidence of volcanic activity.

We recognise that dry stone walls are important as heritage features within the rural landscape of the Far North District and that these structures have heritage value (as recognised by Mr Brown in his memo to us that accompanied the Council’s right of reply). Notwithstanding their merits, we consider that it is too difficult to provide general

protection of these features at this point in time at such a late stage in the PDP process, without this topic being considered through a full schedule 1 process.

We also heard evidence that it may be difficult to distinguish between a stone wall that may have been recently constructed using natural stone on a property and one that has heritage significance. We therefore do not agree with the HNZPT evidence and prefer the reasoning within the Council's recommendation reporting to us – with no changes to the PDP recommended.

Infrastructure (specifically relating to rule HH-R6) – Ms McGrath provided planning evidence on behalf of Top Energy seeking further amendments (to those recommended in the Council's hearing report) to better align rule HH-R6 with revised rules HA-R6 and HA-R10. These amendments include changing the proposed activity status from discretionary to restricted discretionary, with matters of discretion focussed on heritage effects and the operational needs of infrastructure. In addition, the submission requested that underground infrastructure, infrastructure within 3m of its original alignment, and new infrastructure within road reserves be excluded from the rule.

The Council's right of reply agreed that exemptions can be added to HH-R6 for underground infrastructure setback 20m from a scheduled Heritage Resource and that the activity status can be amended from discretionary to restricted discretionary; however, increasing the 1m location flexibility to 3m was not supported. We agree with the Council's right of reply analysis on this matter but our recommendation is that the metric be changed from 1m to 2m to provide for some flexibility.

Matters not in contention

For all other matters that were not in contention at the hearing, relating to the overview, objectives, policies, rules, standards of the Historic heritage chapter and spatial extents of items listed in the schedule, we adopt the recommendations set out in the Council's hearing report for this topic.

4.6.3 Hearings Panel Recommendations

The Hearings Panel recommend that:

- a) The PDP be amended as per the recommendations within the Council's hearing report for the Historic Heritage Area provisions; and for the metric within Rule HH-R6 to be amended from 1m to 2m; all as identified in **Appendix 2.3**.
- b) The Schedule 2 (SCHED2) – Schedule of historic sites, buildings and objects be amended to correct details for Site 176.
- c) That four new sites be added to Schedule 2 (SCHED2) – Schedule of historic sites, buildings and objects, relating to Hobsons Memorial, the Treaty House, the Flag pole and the Whare Runanga, as identified in **Appendix 3.2** and **Appendix 4**.

Accordingly, we recommend that submissions and further submissions are accepted, accepted in part or rejected as identified in **Appendix 5.2**.



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

RECOMMENDATION REPORT 13

Hearing 13: Hazards and Risk

March 2026

2. Procedural Issues

2.1 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.

In response to Minute 41, Kiwi Fresh Orange Limited provided a legal memorandum with commentary on the new NPS-NH. We note that Kiwi Fresh Orange Limited agrees with the Council that giving effect to the entirety of the NPS-NH at this stage of the PDP would be difficult as the risk matrix approach in the NPS-NH is reliant on information that is not all currently available.

3. Topic 1: Natural Hazards

3.1 Relevant Provisions

The relevant provisions we address for this topic concern the overview, objectives, policies and rules of the Natural Hazards chapter.

In addition, this topic considers the coastal hazard rules under the Coastal Environment chapter, being assessed separately to the submissions and evidence considered at Hearing 4.

We note that the coastal hazard rules are to be incorporated into the Coastal Environment chapter but we have attached them as a separate document to this report at this stage, as the Council will need to make a number of structural and numbering changes to achieve this integration.

3.2 Link between the Relevant PDP and the RPS Provisions

It is noted that the PDP provisions relating to flood hazards, including coastal flood hazards, are based on information provided by the Northland Regional Council (**NRC**) through the Regional Policy Statement (**RPS**) for Northland – with a clear policy directive in the PDP to establish this link.

We heard from some submitters that it may be difficult to update the PDP in response to any updates made by the NRC to the relevant RPS provisions. However, we have proceeded on the basis, as recommended by the Council officers, that a RMA Schedule 1 process would be required to update the relevant district plan provisions in response to such updates.

Following receipt of the Council's right of reply, we sought clarification from the Council officers regarding this issue, by asking the following three questions relating to the process for updating natural hazard mapping and whether, as an alternative (within the scope of the

submission point from the NRC at S359.013), this information could be included as a non-statutory layer in the PDP without changing the rule framework and to ensure that the most up to date hazard mapping informs future decision making:

Question 1: Can the natural hazard mapping be moved to a non-statutory layer that is referenced by the District Plan and, if so, would this impact the currently proposed rule framework?

Question 2: Should the related definitions for specific natural hazards reference the NRC mapping as at a specified date (given that, as we understand it, these maps can be updated from time to time)?

Question 3: What is meant by “...options to streamline future updates of natural hazard mapping in the PDP...” as stated at paragraph 63(a) of the reply?

We received a memorandum in response to the above questions from the Council Reporting Officer (Mr Wyeth) dated 11 September 2025 which carefully considered these points.

In response to Question 1 it was Mr Wyeth’s advice to us that, while there may be benefits in having natural hazard mapping sitting outside the district plan as a dynamic non-statutory layer, the RPS does not currently provide for or allow this option to occur for Districts within the Northland Region.

In response to Question 2 Mr Wyeth recommended that the PDP definition for natural hazards could include a note to state:

The mapping of [river flood hazard area] in the District Plan maps is based on the most-up-to date Northland Regional Council mapping when the District Plan was notified. A person may provide a more detailed site-specific assessment prepared by a suitably qualified and experienced engineer to confirm the extent, depth and flow characteristics of the river flood hazard and may also refer to any more recent mapping undertaken by the Northland Regional Council.

He also recommended that the advice notes in the Natural Hazards chapter and the Coastal hazard rules subsection (relating to assessments of natural hazards by a suitably qualified and experienced engineer) could also make it explicit that this can include an updated, more recent assessment of the relevant natural hazard and/or utilise more recent natural hazard mapping by Northland Regional Council.

In response to Question 3, Mr Wyeth helpfully provided the following explanation:

This statement in paragraph 63(a) of my right of reply was intended to recognise that the PDP must give effect (i.e. implement) to the RPS. Therefore, future changes to update the natural hazard maps in the district plan (without any changes to the provisions) to give effect to RPS maps (once operative) should be a relatively straightforward process as the ability to challenge the mapping would be limited. Options to streamline this process could include:

- a. NRC and Council consulting with communities on new hazard mapping together with the aim of increasing knowledge, buy-in and support and to help streamline the statutory Schedule 1 process;*

- b. *Incorporate updates to natural hazard mapping through other plan changes; and*
- c. *Clear communications on the need to give effect to RPS and include NRC natural hazard maps in the district plan and limited discretion in how this is done (with the aim of discouraging unnecessary challenges in submission).*

Mr Wyeth acknowledged that none of these options can remove the administrative time and effort associated with the Schedule 1 plan change process under the RMA, but opined that it may assist in achieving some efficiencies.

From the above exchange, we have determined that no changes are required to the approach adopted by the Council in referencing the NRC, RPS flood hazard information. However, we agree with the suggestion that a note be added to the definition of "natural hazards" (being the text as set out above) and advice notes be added to the Natural Hazards chapter and the Coastal hazard rules subsection (also as set out above).

3.3 Hearings Panel Recommendations

1. For the reasons set out above, the Hearings Panel recommends the definition of "natural hazard" include a note as follows:

NATURAL HAZARD

has the same meaning as in section 2 of the RMA (as set out below)

means any atmospheric or earth or water related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire, or flooding) the action of which adversely affects or may adversely affect human life, property, or other aspects of the environment.

Note:

The mapping of hazard areas in the District Plan maps is based on the most-up-to date Northland Regional Council mapping when the District Plan was notified. A person may provide a more detailed site-specific assessment prepared by a suitably qualified and experienced engineer to confirm the extent, depth and flow characteristics of the river flood hazard and may also refer to any more recent mapping undertaken by the Northland Regional Council.

The note is also recommended to be included in the Natural Hazards chapter and within the coastal hazard rules in the Coastal environment chapter.

The definition above is included in **Appendix 2.1 – Definitions of Recommendation Report 17.**

The amendments recommended above are identified in **Appendices 2.1 and 2.2.**

3.4 Overview of Submissions Received

A total of 321 original submissions and 514 further submissions were received on the Natural Hazards topic.

As set out in the hearing report the main submissions on the Natural Hazards topic came from:

- A range of private individuals, landowners and businesses affected, or potentially affected, by natural hazards;
- Planning and engineering firms, including Northland Planning and Development (S502), Thomson Survey (S204) and Haigh Workman (S215);
- Infrastructure providers, including Transpower (S454), Top Energy (S483), the Telco Companies (S282), KiwiRail (S416) and Waka Kotahi - NZTA (S356);
- Central and local government organisations, including NRC (S359) and Ministry Of Education (MOE) (S331);
- Environmental organisations, including Forest and Bird (S511), Kapiro Conservation Trust (S446), Carbon Neutral Trust (S529) and Vision Kerikeri (S524); and
- Primary sector submitters, including Federated Farmers (S421) and HortNZ (S159).

In response to submission points, the hearing report recommended largely retaining the objectives and policies of the PDP as notified, with some minor amendments, as well as specific amendments to a number of the notified version of the natural hazard rules.

We record that representatives from the Carbon Neutral Trust appeared at Hearing 13 to provide us with information regarding flooding and mitigation measures within the Kerikeri catchment, stressing the importance of a pre-cautionary approach to the issue. We found this information very helpful, including the expert engineering report prepared by PK Engineering, provided by this submitter, which highlighted that the Kerikeri-Waipapa area is subject to frequent flood risk.

3.5 Key Issues

The recommendations within the hearing report on submission points were based on comprehensive analysis (supported by specific technical advice provided by relevant experts at Tonkin + Taylor) of the relevant issues and we agree with the majority of those recommendations. As such, we have not repeated all considerations in our discussion below, given that we largely adopt the recommendations of the Hearing Report. Where we differ in our recommendations, including to those of the Council's right of reply, we have highlighted these and provide our reasoning within each discussion point.

As summarised at section 3 of the Council's right of reply, submissions and evidence presented or tabled at the hearing by Federated Farmers, the Fuel Companies, John Riddell and KiwiRail confirmed general support for the hearing report recommendations.

The key issues that remained in contention at the hearing and which were the subject of submissions and evidence for our consideration are those that have been identified in the right of reply. We have therefore followed the structure of the right of reply on the key issues to be addressed for the Natural Hazards topic, as set out below.

- Key Issue 1: New objective for existing infrastructure
- Key Issue 2: Rules and standards
- Key Issue 3: Mapping of natural hazards
- Key Issue 4: Questions from the Panel

Our assessment, evaluation and recommendations on each issue follows.

3.6 Key Issue 1 – New objective for existing infrastructure

3.6.1 Matters Raised in Submissions

Mr Badham provided planning evidence to support the submission from Top Energy (S483.110), which continued to request that a new objective be included in the Natural Hazards chapter which states:

“The operation, maintenance, repair and upgrade of existing infrastructure within areas subject to identified natural hazards is enabled to ensure a resilient and reliable network”.

The Council’s right of reply considered this evidence and maintained that such an objective is not required because there is a clear connection between policy NH-P10 (in the Natural Hazards chapter) and the outcomes anticipated by objective I-O1 (in the Infrastructure chapter) which seek to ensure that the Far North District has resilient infrastructure. It was the reporting officer’s evidence to us that the addition of the objective suggested by Mr Badham would create duplication of planning policy within the PDP and was not required.

3.6.2 Hearings Panel Evaluation

Throughout our evaluation of submissions to the PDP and evidence received at the hearings, we have taken a consistent approach that the PDP needs to be read as a whole and to avoid unnecessary duplication of provisions where possible. In that regard, we agree with the analysis and recommendation set out in the right of reply and do not agree with Mr Badham (for Top Energy) that the suggested objective is required.

3.6.3 Hearings Panel Recommendations

As we agree with the right of reply recommendation on this issue, no changes are required to the proposed wording of the objectives.

Accordingly, we recommend that the submission from Top Energy (S483.110) be rejected.

3.7 Key Issue 2 – Rules and Standards

3.7.1 Matters Raised in Submissions

Rule NH-R2 (extensions and alterations to existing buildings or structures) and Rule NH-R3 (new buildings or structures)

Mr Badham provided planning evidence to support the submission from Foodstuffs (S363.012) and Mr McPhee provided planning evidence to support Waipapa Pine and Adrian Broughton Trust (now Fletcher Building) (S342.007), with both opposing the 10m² Gross Floor Area footprint thresholds for buildings and structures within the NH-R2 and

NH-R3 rules. Mr McPhee suggested that the provisions of rule NH-R3 PER-1 should not apply to land within the Heavy Industrial zone.

The Council's right of reply analysed these suggestions but ultimately did not support the changes sought for a variety of reasons, including the lack of an alternative provided by Mr Badham and the distinction between the specific provisions of the natural hazards chapter (which seek to address natural hazard risk from flooding, for example) and the lack of similar provisions within underlying zones.

Telecommunication Facilities

Mr Horne provided planning evidence to support the Telco Companies¹ submissions (S282.007-009) seeking a more permissive framework for telecommunications infrastructure within the natural hazards provisions. Essentially, it was Mr Horne's evidence to us that the National Environmental Standards for Telecommunication Facilities 2016 (NES-TF) except such matters. He suggested various further amendments to rules NH-R3 and NH-R9 alongside similar edits to the relevant coastal hazard rules at CE-R12 and CE-R16.

The Council's right of reply broadly supported these suggestions and has recommended amendments to rules NH-R3 and CE-R12 to permit telecommunications poles including any attached antennas, ancillary equipment or line, that are not currently regulated under the NES-TF. However, the reporting officer did not recommend amending rules NH-R9 and CE-R16.

Rule NH-R4 (new buildings or structures (excluding buildings used for a residential activity) ancillary to farming)

Ms Brennan on behalf of the submission by Federated Farmers (S421.077) advised us that buildings that were ancillary to farming are often larger than 100m² for efficiency reasons and, responding to questions from the Panel, opined that linking the size to the Building Act 2004 limits (where ancillary farm buildings up to 110m² were provided for) was supportable.

The reporting officer in the right of reply agreed with this suggestion for amending NH-R4 because it makes sense to align NH-R4 with the 110m² thresholds in the Building Act 2004 given the focus of the rule on ancillary farming buildings and this being a relatively low increase to the notified GFA threshold of 100m².

Standard NH-S1 (information requirements)

Mr Badham on behalf of the submission by Top Energy (S483.118) highlighted two key concerns with the Hearing Report's recommendations for standard NH-S1 and suggested that the standard be amended.

Again, the reporting officer in the right of reply agreed with these suggestions and recommended amendments to standards NH-S1 and CE-S5 to make it clear these standards apply in mapped River Flood Hazard Areas and Coastal Hazard Area respectively. The reporting officer also recommended amendments in response to NH-S1,

¹ Telco Companies: Chorus New Zealand Limited, Spark New Zealand Trading Limited, Spark TowerCo Limited, Vodafone New Zealand Limited

CE-S5 and the relevant advice notes so that there is no specific requirement for engineering and expert assessments to evaluate relevant objectives and policies.

3.7.2 Hearings Panel Evaluation

Rule NH-R2 (extensions and alterations to existing buildings or structures) and Rule NH-R3 (new buildings or structures)

We agree with the recommendation within the Council's right of reply that 10m² in NH-R3 PER 1 is appropriate and that any greater building footprint would be seen as too enabling within a hazard area and would allow an unacceptable level of permitted risk.

We acknowledge that Councillor Felicity Foy recommends that the 10m² building footprint could be increased to 30m² to allow more flexibility. We record her dissenting opinion and advise that this recommendation was a majority decision by the Hearing Panel.

Telecommunications Facilities

We agree with the recommendation within the Council's right of reply that new PER 3 of NH-R3, relating to telecommunications facilities, is appropriate, with the corresponding consequential amendments to rule CE-R12 also being appropriate.

Rule NH-R4 (new buildings or structures (excluding buildings used for a residential activity) ancillary to farming activity)

We also agree with the recommendation within the Right of Reply Report that the 100m² GFA permitted area be increased to 110m² which is consistent with recommendations we have made on similar issues throughout the PDP consideration (see **Recommendation Report 4**), including rural zones (See **Recommendation Report 9**).

Standard NH-S1 (information requirements)

We also agree with the recommendation within the right of reply that the information requirements at NH-S1 and at CE-S5 be amended as set out within the recommended amendments within **Appendix 2.1 and Appendix 2.2**. This is because the amendments will make it clear that these standards apply in mapped River Flood Hazard Areas and Coastal Hazard Areas respectively; and to confirm that there is no specific requirement for engineering and expert assessments to evaluate relevant objectives and policies.

3.7.3 Hearings Panel Recommendations

We agree with the Council's right of reply recommendations on the above issues, including the amendments required to the proposed wording of the relevant rules and standards.

Accordingly, we recommend that:

1. No changes be made to Rules NH-R2 and NH-R3 and that the submissions from Foodstuffs (S363.012) and Waipapa Pine and Adrian Broughton Trust (now Fletcher Building) (S342.007) be rejected.
2. An additional permitted activity clause PER-3 (stating *"the structure is a telecommunications pole including any attached antennas, ancillary equipment or line"*) be added to NH-R3 and CE-R12 and that the submission from the Telco Companies (S282.007-009) is accepted in part.

3. The threshold within Rule NH-R4 for the size of new buildings or structures ancillary to farming be increased from 100m² to 110m² and the submission from Federated Farmers (S421.077) be accepted in part.
4. Amendments are made to NH-S1 and CE-S5 to reference “an area” rather than “a site” with the information requirements under NH-S1 to be amended (as set out below) and the submission from Top Energy (S483.118) be accepted in part.

NH-S1 Information requirements – All natural hazards

Any application for a resource consent in relation to an area ~~site~~ that is ~~potentially affected by natural hazards~~ located within a mapped River Flood Hazard Area must be accompanied by a report prepared by a suitably qualified and experienced engineer that addresses the matters identified in the relevant ~~objectives, policies, performance standards and matters of control/discretion.~~

CE-S5 Information requirements – Coastal hazard area

Any application for a resource consent in relation to an area ~~site~~ that is ~~potentially affected by a coastal hazard~~ located within a mapped Coastal Hazard Area must be accompanied by a report prepared by a suitably qualified and experienced engineer that addresses the matters identified in the relevant ~~objectives, policies, performance standards and matters of control/discretion.~~

The amendments are identified in **Appendix 2.1 and Appendix 2.2.**

3.8 Key Issue 3 – Mapping of Natural Hazards

3.8.1 Matters Raised in Submissions

The Council’s right of reply sets out (at paragraphs 45-46) details of statements tabled at the hearing from Elbury Holdings (S541.012) and from Elbury Holdings, Fiona King, LJ King LTD, West Coast Farms and Leah Frieling (S605.003). These statements sought changes to the mapping of natural hazards within the PDP in relation to specific properties, for the reason that more detailed information was available (including from expert engineering reporting) to confirm that the flood risk was no longer a relevant issue.

The reporting officer’s analysis of these submission points, supported by expert advice from Tonkin + Taylor, within the right of reply (at paragraphs 47-49) concluded that there was not enough evidence provided by the submitters to change the recommended mapping. The hearing report (at paragraphs 312-314) also addressed this issue in terms of the fact that the PDP natural hazard maps being based on the NRC RPS mapping, rather than as maps that have been prepared at a detailed scale by the FNDC.

3.8.2 Hearings Panel Evaluation

We agree with the reporting officer’s analysis of these submission points.

3.8.3 Hearings Panel Recommendations

As we agree with the right of reply recommendation on these mapping issues, no changes are required to the PDP mapping of natural hazards in response to these submission

points. It follows therefore that we recommend the submissions from Elbury Holdings (S541.012) and from Elbury Holdings, Fiona King, LJ King LTD, West Coast Farms and Leah Frieling (S605.003) be rejected.

3.9 Key Issue 4 – Questions from the Panel

The Council's right of reply responded to five questions that the Panel put to the reporting officer during the hearing, with these set out below along with the corresponding responses.

Question 1: Coastal hazard rules and Coastal Environment Chapter considerations

We acknowledge and appreciate the response to this question which confirms that, for the purposes of responding to submissions through hearings, the PDP team agreed that it was preferable for the coastal hazard rules to be considered together with other natural hazard provisions given the strong overlap. For this reason, the submissions on the coastal hazard rules were allocated to Hearing 13 (hazards and risks) rather than Hearing 4 which considered all other submission points on the Coastal Environment Chapter.

Question 2: Clarification of thresholds in NH-R2 and NH-R3

We also acknowledge the response to this question and agree with the Council's right of reply which confirms this has been addressed as part of Key Issue 2 considerations.

Question 3: Reliance on Building Act 2004 to manage natural hazards

Again, we acknowledge that this question has been answered above under Key Issue 2 and through the section 32 and 42A reports for the Natural Hazards Chapter.

Question 4: Clarification of rules relating to wildfire risk

The Panel raised an issue in relation to rules NH-R5 and NH-R6 as to the focus of the rules on "*vulnerable activities*" rather than with reference to "*residential units*". The Council's right of reply confirmed that 'vulnerable activity' is defined in the PDP as meaning "*residential activities, care facilities (including day care centres), retirement villages, visitor accommodation, marae and medical facilities with overnight stay facilities*". The reporting officer confirmed that the intent of this definition is to capture those activities most vulnerable to natural hazards, including residential units, whereby more specific (and stringent) requirements apply. For this reason, the reporting officer considered that it is appropriate for NH-R5 and NH-R6 to apply to buildings used for vulnerable activities as defined in the PDP to capture additional vulnerable activities in addition to residential units.

We agree with the reporting officer for the reasons set out in the right of reply.

Question 5: Process to update natural hazard mapping

The Council's right of reply included an initial response to the above issue, where the reporting officer confirmed his opinion that it is much more certain and effective for natural hazard mapping to be included in the PDP as a regulatory layer given these maps are supported by regulatory rules and policy direction. Following initial deliberations, the Panel required further clarification of this issue – as per the discussion under section 3.2 of this report.

3.9.1 Hearings Panel Recommendations

No further changes are required to the provisions as a result of the above responses.

3.10 Definitions and Consequential Amendments

We also note here that we agree with the definition of "Coastal Hazard Area" and "Land Susceptible to Instability" as set out in the appendix to the hearing report for this topic. These are included in the finalised Definitions in **Appendix 2.1 of Recommendation Report 17**).

In addition, consequential amendments arise in relation to rules SUB-R8; SUB-R11 and SUB-R12, the Subdivision chapter. These were recommended by the reporting officer in including the hearing report; and we agree. These provisions are identified in **Appendix 2.1 of Recommendation Report 16**.

4. Topic 2: Hazardous Substances

4.1 Relevant Provisions

The relevant provisions we address for the Hazardous substances topic concern the overview, objectives, policies and rules of the Hazardous substances chapter.

4.2 Overview of Submissions Received

A total of 13 original submissions (with 48 individual submission points) and 14 further submissions (with 74 individual submission points) were received on the Hazardous substances topic.

As set out in the hearing report the main submissions on the Hazardous substances topic came from:

- The Oil Companies (S335);
- Power companies including Transpower (S454) and Top Energy Ltd (S483);
- Primary sector, including Horticultural NZ (S159) and Federated Farmers (421);
- Iwi and Hapu, including Te Hiku Iwi Development Trust (S304), Ngati Rangī ki Ngawha Hapu (S304) and Ngati Rangī ki Ngawha (S515); and
- Government agencies, including Ngā Tai Ora - Public Health Northland (S516) and Ministry of Education (S337).

4.3 Key Issues

The key issues identified in the hearing report followed the structure of the chapter and considered the overview, objectives, policies, rules and related definition. There were not many submission points that sought fundamental changes to the proposed provisions, with the hearing report recommending only minor changes in response to submissions.

Equally, matters raised by submitters and in evidence at the hearing were relatively focussed on a small number of key issues and we have followed the right of reply structure in discussing the key issues and in making our recommendations.



**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

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).

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.



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

RECOMMENDATION REPORT 16

Hearing 16: Subdivision

March 2026

RECOMMENDATION REPORT 16

1 Introduction

1.1 Report Structure

This is **Recommendation Report 16** 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.

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 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.

1.3 Consequential Amendments

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

2 Procedural Issues

2.1 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: Subdivision

3.1 Relevant Provisions

The relevant provisions we address for this topic concern the overview, objectives, policies, rules and standards of the Subdivision chapter within the Subdivision section under Part 2 (District-wide matters) of the PDP. We have focussed our consideration on the suggested amendments to these provisions as set out at Appendix 1 to the hearing report; and at Appendix 1 to the right of reply (Addendum version). We have set out final recommended amendments in **Appendix 2** of this recommendation report.

Consequential amendments arise in relation to the Rural Production chapter¹ (as per the suggested amendments to these provisions set out at Appendix 1.1 to the Hearing Report for this topic; and at Appendix 1.1 to the Right of Reply Report). We have set out these consequential amendments in this recommendation report; however our recommended amendments to the Rural Production chapter are set out at Appendix 2.1 of Report 9.

3.2 Overview of Submissions Received

A total of 92 original submissions and 69 further submissions were received on the Subdivision topic.

As set out in the hearing report the main submissions on the Subdivision topic came from:

- Central and Local Government, such as MOE (S331) and Kāinga Ora (S561);
- Local Planning companies, such as Northland Planning and Development 2020 Limited (S502);
- Hapū and marae, such as Te Rūnanga o Ngāti Rēhia (S559);
- Key Interest Groups, such as Kapiro Residents Association (S428) and Vision Kerikeri (S521); and
- Individuals, such as Ian Diarmid Palmer (S556) and John Andrew Riddell (S431).

3.3 Key Issues

The hearing report comprehensively addressed all submission points relating to this topic. The key issues that remained in contention at the hearing and which were the subject of submissions and evidence for our consideration are those that have been identified in the Council's right of reply. For those submission points on this topic that were not in contention at the hearing, we confirm our agreement with the hearing report's recommendations. We have therefore followed the structure of the Council's right of reply for the key issues that remained in contention and that required our consideration and findings for the Subdivision topic, as set out below:

- Key Issue 1: Management plan subdivision (SUB-R7)
- Key Issue 2: Environmental benefit subdivision (SUB-R6)

¹ Relating to Policy RPROZ-P6

- Key Issue 3: Additional matters of control and discretion
- Key Issue 4: Matters addressed in other hearings
- Key Issue 5: Infrastructure (electricity and telecommunications)
- Key Issue 6: Errors
- Key Issue 7: “Site” versus “allotment”
- Key Issue 8: Significant Natural Areas (SNAs)
- Key Issue 9: Requests for new provisions or wording amendments
- Key Issue 10: Other hearing statements

Our assessment, evaluation and recommendations on each issue follows.

3.4 Key Issue 1 – Management Plan Subdivision (SUB-R7)

3.4.1 Matters Raised in Submissions

We received planning evidence from Mr Peter Hall (on behalf of Bentzen Farm Ltd (S167.053, 058 and 108), Setar Thirty Six Ltd (S168.059 and 148), Matauri Trust Ltd (S243.076 and 127) and also from Mr John Riddell (S431.064, 087 and 088) relating to the proposed Management Plan Subdivision rule (SUB-R7), as summarised in the Council’s Right of Reply Report. Mr Hall broadly supported the proposed provisions and Mr Riddell sought to strengthen the provisions with a number of suggested amendments, including in relation to what should be the appropriate lot sizes when utilising these provisions.

As set out in the Council’s right of reply, some of the suggestions within this evidence have been recommended for inclusion, while others have not. This includes consideration of whether some of the policies should be recast as “provide for” policies rather than “avoid” policies, noting that the policy provisions need to be read together.

Vision Kerikeri, Carbon Neutral Trust (S529.147 and 149) and Kapiro Conservation Trust (Community Groups) also presented lay evidence to us on the Management Plan Subdivision provisions, with a suggestion that the requirements of Appendix 3 (relating to rule SUB-R7) be strengthened. The Council’s right of reply carefully considers each of these suggestions and ultimately concluded that no changes are required in response because the relevant issues are covered in other parts of the Plan and would be engaged if necessary.

3.4.2 Hearings Panel Evaluation

We agree with the consideration of this evidence by the Council officers and in particular note the discretionary activity nature of such applications provides for a wide range of considerations to be taken into account when administering the provisions. For example, these include considering the location, form and scale of subdivision and development to achieve sustainable environmental management and the protection of natural character, landscape, amenity, heritage and cultural values, particularly in the coastal environment.

3.4.3 Hearings Panel Recommendations

The Hearings Panel agree with and adopt the recommendations and reasoning set out within the Council's right of reply and we recommend the following amendments to SUB-P8, SUB-P9 and SUB-R7 and the following consequential amendments to RPROZ-P6:

SUB-P8

Avoid rural lifestyle subdivision in the Rural Production zone unless the subdivision:

- a. will protect areas of significant indigenous vegetation, or significant habitats of indigenous fauna or natural inland wetlands a qualifying SNA in perpetuity as required in SUB-R6 and result in the SNA being added to the District Plan SNA schedule; and*
- b. achieves the environmental outcomes required in SUB-R7; Provides a management plan which results in superior environmental outcomes, including through, where relevant:*
 - i. the protection of natural character, landscape, amenity, heritage or cultural values; and/or*
 - ii. the restoration, enhancement and legal protection of indigenous biodiversity; or*
- c. is around an existing residential unit; as provided for by SUB-R3.*
- d. will not result in the loss of versatile soils for primary production activities.*

SUB-P9

~~Avoid subdivision rural lifestyle subdivision in the Rural Production zone and~~ Restrict rural residential subdivision in the Rural Lifestyle zone unless the development ~~achieves the environmental outcomes required in the management plan subdivision rule SUB-R7~~ provides a management plan which results in superior environmental outcomes, including through, where relevant:

- i. the protection of natural character, landscape, amenity, heritage, or cultural values; and/or*
- ii. the restoration, enhancement and legal protection of indigenous biodiversity.*

SUB-R7

DIS-1

- 1. the average size of all lots in the management plan subdivision, excluding lots used solely for access, utilities, roads and reserves is no less than 21ha in the Rural Production zone and 5,000m² in the Rural Lifestyle zone;*

RPROZ-P6

(...)

- d. *provides for rural lifestyle living unless there is an environmental benefit, or is around an existing residential unit in accordance with SUB-R3.*

The Hearings Panel recommend that submissions from Bentzen Farm Ltd (S167.053, 058 and 108), Setar Thirty Six Ltd (S168.059 and 148) and Matauri Trust Ltd (S243.076 and 127), in so far as they relate to our recommended amendments to rule SUB-R7 and the related policies SUB-P8, SUB-P9 and RPROZ-P6, be accepted in part; and that the submission points from Mr John Riddell (S431.064, 087 and 088) be rejected.

3.5 Key Issue 2 – Environmental Benefit Subdivision (SUB-R6)

3.5.1 Matters Raised in Submissions

Messrs Hall (Bentzen Farm Ltd (S167.057), Setar Thirty Six Ltd (S168.058), Matauri Trust Ltd (S243.075) and Riddell (S431.074) also provided planning evidence on the environmental benefit subdivision rule SUB-R6. We also heard planning evidence from Ms Lynley Newport (S118.003 and 004).

As set out in the Council's right of reply, Mr Hall's evidence did not support the requirement for a 40ha balance lot, as required by this proposed rule, suggesting that this requirement should be reduced to 20ha. The Council's response disagreed with Mr Hall and recommended that the balance lot size should be consistent with the minimum subdivision standard for the zone, in order to prevent rural fragmentation and also to achieve the outcomes sought by the wider RPROZ provisions. In addition, it was noted that no analysis was provided by Mr Hall to clearly support the outcomes he was seeking to achieve. The Council's response did however suggest that the discretionary activity pathway for RDIS-6 would be more appropriate than a non-complying activity status.

Mr Riddell suggested additional matters of discretion were required for this rule. The Council's response agreed with some (but not all) of these suggestions, along with recommending other framing provisions to provide greater clarity for plan users.

Ms Newport recommended to us that the environmental benefit rule could apply in retrospect to enable additional subdivision rights for property owners who have previously provided legal protection to areas of significant indigenous vegetation, significant indigenous habitat, or natural wetland, but who have not received subdivision benefits from such protection. The Council's response to this request is well considered and ultimately disagrees with Ms Newport's suggestion because applying the SUB-R6 rule retrospectively raises a significant risk of 'double dipping', where the same protected area generates development benefits twice. Alongside a lack of data to confirm Ms Newport's suggestions, we note that rule SUB-R6 includes a matter of discretion to check whether "this rule has not been used previously to gain an additional subdivision entitlement" (i.e. there is no environmental benefit because the benefit is already in the environment).

3.5.2 Hearings Panel Evaluation

We agree with the Council's consideration of the evidence presented in relation to rule SUB-R6, including in response to the evidence of Ms Newport which we agree lacks any supporting substantive analysis or evidence to justify why such action is necessary.

We have however suggested that the proposed additional matter of discretion (j) under RDIS-7 should be refined as some of the additional proposed wording is superfluous.

3.5.3 Hearings Panel Recommendations

We agree with and adopt the recommendations and reasoning set out within the Council's right of reply (other than in relation to matter of discretion (j) where we recommend a minor amendment). This is set out below.

SUB-R6

RDIS-3

All of an area of indigenous vegetation, indigenous habitat or natural inland wetland assessed as significant under RDIS-2 contained within the individual Record of Title is protected.

~~The significant indigenous vegetation, significant indigenous habitat or natural wetland must be added to the list of scheduled Significant Natural Areas in the District Plan, which will be incorporated into the District Plan as part of the next plan update plan change.~~

...

RDIS-5

An ecological management plan is prepared to address the ongoing management of the covenanted area to ensure that the values are maintained and the plan includes:

1. *Fencing requirements for the covenant area;*
2. *Monitoring and reporting measures;*
3. *Ongoing pest plant and animal control; and*
4. *Any enhancement or edge planting required within the covenant area*

RDIS-6

All proposed new environmental allotments are to be:

1. *~~a~~A minimum size of 21ha in area; and*
2. *~~t~~The balance lot must be greater than 40ha-*

Matters of discretion are restricted to:

...

~~j. the extent to which any relevant objectives and policies in the Ecosystems and Indigenous Biodiversity Chapter are met.~~

Activity status where compliance not achieved with RDIS -1, RDIS-2, RDIS-3, RDIS-4 and RDIS-5 is not achieved: Discretionary

Activity status where compliance not achieved with RDIS-6, 2.: Discretionary

Where:

DIS-1

1. The balance allotment is greater than 8ha in size

Activity status where compliance not achieved with RDIS-6, 1, DIS-1 and RDIS-7 and RDIS-8 is not achieved: Non-complying

The Hearings Panel recommend that submissions from Bentzen Farm Ltd (S167), Setar Thirty Six Ltd (S168) and Matauri Trust Ltd (S243), in so far as they relate to our recommended amendments to rule SUB-R6, be accepted; and the relevant submission points from Mr Riddell (S431) and Ms Newport (S118.003) be rejected.

3.6 Key Issue 3 – Additional Matters of Control and Discretion

3.6.1 Matters Raised in Submissions

Mr Riddell (S431.065) requested the addition of three further matters of control or discretion (as relevant) to various subdivision rules, relating to measures: to mitigate and adapt to climate change; to provide for active transport; and in relation to the consideration of effects on existing or planned local character and sense of place.

The Council's right of reply carefully considers these suggestions and has agreed in part with Mr Riddell's suggestion to add an additional matter of control for rule SUB-R3; but, the Council officer recommends no further changes are required to the existing proposed provisions. In doing so, the report finds that the matters suggested by Mr Riddell are either implicit in the proposed rules as currently drafted, or can be considered when an application for a discretionary activity is being assessed by the Council.

3.6.2 Hearings Panel Evaluation

We agree with the Council's recommendations in response to Mr Riddell's requests and recommend that this submission be accepted.

3.6.3 Hearings Panel Recommendations

We agree with and adopt the recommendations and reasoning set out within the Council's right of reply and we recommend the following amendments to rule SUB-R3:

SUB-R3

Matters of control are limited to:

(...)

i. _____ where relevant, measures to provide for active transport, protected cycleways and for walking.

2. We recommend that the Council accept in part the submission of Mr Riddell (S431.065).

3.7 Key Issue 4 – Matters Addressed in Other Hearings

3.7.1 Matters Raised in Submissions

We heard planning evidence relating to proposed provisions within other parts of the Plan, including the Rural, the Coastal Environment and the Infrastructure chapters. This was evidence from Messrs Hall and Riddell; and also Mr David Badham (for Top Energy) and Mr Andrew McPhee (for Oromahoe Land Owners).

The Council's right of reply firstly considers Mr Hall's suggestion that the current recommendation for a 40ha minimum lot size in the RPROZ as a controlled activity should be amended to a 20ha minimum. Ms Lynley Newport, Mr Dennis Thompson and Mr Peter Malcolm also presented alternatives to these provisions for our consideration. The Council's right of reply considered these suggestions, including returning to matters addressed in the Rural topic, ultimately recommending to us that no changes should be made.

Secondly, the right of reply considered Mr Riddell's suggestion that some urban zones located within the coastal environment should be exempt from rule SUB-R20. The Council's right of reply does not agree with Mr Riddell and reasons that a discretionary activity status for subdivision within an urban Coastal Environment overlay is appropriate.

Thirdly, Ms Excel provided an impassioned presentation to us on behalf of Bay of Islands Watchdogs, in relation to the proposed subdivision provisions where restrictions on dogs could be considered. The right of reply report disagrees with the suggestions made by Ms Excel and considers that the proposed Indigenous Biodiversity Chapter provisions are appropriate in certain situations when considering subdivision, with this likely to occur on a case by case basis and only where such controls would be appropriate.

Fourthly, the Community Groups presented to us and reiterated their submission points in relation to the provision of esplanade reserves, consistent with their submissions at Hearing 5. The Council's right of reply provides a thorough consideration of these points and ultimately finds that the proposed provisions relating to esplanade reserves are appropriate. The addition of an explanatory note within the Public Access Chapter assists to clarify matters.

Finally, there was conflicting evidence from Mr Badham and Mr McPhee in relation to rules SUB-R9 and SUB-R10 in the context of evidence presented at the Infrastructure topic Hearing 11. The right of reply confirmed that the recommended provisions for this rule, as contained within the Council's hearing report, were consistent with those recommended at Hearing 11 and Mr McPhee agreed that these were appropriate. It was Mr Badham that continued to recommend that any breaches to the rule (with compliance being a controlled activity) should be assessed as a non-complying activity, rather than

the recommended discretionary activity status. The Council right of reply disagrees with this suggestion, for the reasons at paragraph 105, which links to the Infrastructure Reply.

3.7.2 Hearings Panel Evaluation

We agree with and adopt the Council's recommendations and reasons in relation to these submission points. However, we disagree with the Council's statement (at paragraph 87 of the right of reply) where the Council's reporting officer acknowledges Mr Hall's point of view regarding economic evidence. Mr Hall is not an economist and he did not bring expert evidence to make such statements, which are outside his area of expertise.

We found the tables provided at paragraphs 93 and 96 of the right of reply to be particularly helpful in assisting with our understanding of the proposed subdivision provisions for rural zones. It cannot be said that there is insufficient opportunity for subdivision and development in rural zones, particularly within the RPROZ and we agree with the Council reporting officer who advises that "these provisions collectively provide a reasonable and balanced range of opportunities for residential development across the rural zones".

We also agree with the Council's recommendations in relation to subdivision within the coastal environment overlays, subdivision restrictions on dogs and esplanade reserves, being topics that we canvassed during earlier hearings (including Hearings 4 and 5).

We also agree with the Council's recommended amendments to rule SUB-R9 and SUB-R10 in order to maintain consistency with our findings for Hearing 11.

We also note that the subdivision provisions contain policies SUB-P6 and SUB-P11 which require a consideration of site servicing and infrastructure at subdivision stage. These policies are appropriate. However, we also note that all of the urban zones contain a policy (i.e. GRZ-P2, MUZ-P2, LIZ-P2, HIZ-P2 and KRT-P1) requiring all subdivision to provide servicing. We are of the view that the urban zone policies are not necessary and the consideration of infrastructure and servicing is sufficiently included in policies SUB-P6 and SUB-P11. Therefore, we consider that the urban zone policies can be deleted.

3.7.3 Hearings Panel Recommendations

The Hearings Panel agree with and adopt the recommendations and reasoning set out within the Council's right of reply.

We also recommend a correction to SUB-R10, that relates to an earlier change in related provisions:

SUB-R10

...Matters of ~~discretion~~ control are restricted limited to:...

We recommend that the subdivision servicing policies in the urban zones such as GRZ-P2, MUZ-P2, LIZ-P2, HIZ-P2 and KRT-P1 be deleted, as they only relate to subdivision and are otherwise provided for by SUB-P6 and SUB-P11.

Accordingly, we recommend that submissions and further submissions are accepted, accepted in part or rejected as set out in **Appendix 3**.

3.8 Key Issue 5 – Infrastructure (Electricity and Telecommunications)

3.8.1 Matters Raised in Submissions

In addition to evidence from Mr Badham (for Top Energy) (S483) and the Telecommunications providers (S278 and S517)², we received corporate evidence from Messrs McCarrison, Kantor and Clune and planning evidence from Mr Horne on behalf of various telecommunications providers.

The evidence from Mr Badham included suggestions for strengthening protection of existing electricity infrastructure, including in particular the mapped Critical Electricity Line Overlay, in relation to objective SUB-O2 and other suggestions relating to the proposed subdivision policy provisions. The Council’s right of reply does not agree with these suggestions given that similar objectives and policy intent is already included in the Infrastructure chapter and the Plan is to be read holistically and avoid duplication.

Mr Badham also made useful suggestions for the improvement of standard SUB-S6 in relation to telecommunications and power supply connections, with which the right of reply agrees in part – other than where the standard applies to rural zones – with the addition of the words “Telecommunications and” within CON-1 for rule SUB-R3 in relation to various zones. Mr Horne also made a number of helpful suggestions for recommended amendments to this standard and the right of reply also agrees in principle with these suggestions for certain zones, but not for rural zones (other than the Settlement zone).

The Council right of reply canvases the suggestion to add the wording “reasonably practicable” to the standard, considering this term to be too subjective – preferring more certainty through words such as infrastructure that is “available to the boundary of the site” (being consistent with other district plans).

Overall, after carefully considering the submitters’ suggestions, the Council right of reply (at paragraph 124) recommends various amendments to the proposed provisions.

3.8.2 Hearings Panel Evaluation

We agree with and adopt the Council’s recommendations and reasons in relation to these submission points, noting that this topic was well-canvassed at Hearing 11.

We also note that the subdivision provisions contain policies SUB-P6 and SUB-P11 and standard SUB-S6 which require a consideration of site servicing and infrastructure at subdivision stage. These policies and standard are appropriate. However, we also note that all of the urban zones contain a policy (i.e. GRZ-P2, MUZ-P2, LIZ-P2, HIZ-P2 and KRT-P1) requiring all subdivision to provide servicing. We are of the view that the urban zone policies are not necessary and the consideration of infrastructure and servicing is sufficiently included in policies SUB-P6 and SUB-P11. Therefore, we consider that the urban zone policies can be deleted.

² Telecommunication providers are: Chorus New Zealand Limited, Spark New Zealand Trading Limited, One New Zealand Group Limited, Connexa Limited, Fortysouth Group LP

3.8.3 Hearings Panel Recommendations

The Hearings Panel agree with and adopt the recommendations and reasoning set out within the Council's right of reply.

We also recommend the Council make the following amendments to SUB-S6:

SUB-S6	Telecommunications and power supply	
General Residential zone	<u>Every new allotment (excluding any allotments for access, roads, network utilities or reserves) shall be provided with a connection, or easements to secure connection, to:</u>	Matters of discretion are restricted to: alternative provision of <u>telecommunication and electricity supply.</u>
Medium Density Residential zone	<u>A reticulated electricity supply system at the boundary of the new allotment; and</u> <u>Telecommunications services at the boundary of the new allotment, provided by:</u> <u>An open access fibre network, where it is available to the boundary of each new lot; or</u> <u>Where connection to an open access fibre network is not available, by a mobile/wireless, which includes satellite service; and</u> <u>The applicant shall provide, with any subdivision consent application written confirmation from a telecommunication network operator confirming that a suitable connection can be made; and</u> <u>At the time of subdivision, sufficient land for telecommunications, transformers, and any associated ancillary services must be set aside. For a subdivision that creates more than 15 lots, proof of consultation with the telecommunications network utility operators will be required.</u>	
Town Centre zone		
Kororāreka Russell Township zone		
Mixed Use zone		
Light Industrial zone		
Heavy Industrial zone		
Settlement zone		
Rural Residential zone	<u>Connections shall be provided at the boundary of the site area of the allotment for:</u> <u>telecommunications</u> <u>Fibre where it is available; or</u> <u>Copper where fibre is not available; and³</u> <u>Electricity supply through the local electricity distribution network.</u>	
Horticulture Processing Facility zone	Note: <u>This standard does not apply to allotments for a utility, road, reserve or for access purposes.</u>	

³ S178.005 and others

In addition, we recommend that the subdivision servicing policies in the urban zones such as GRZ-P2, MUZ-P2, LIZ-P2, HIZ-P2 and KRT-P1 be deleted, as they only relate to subdivision and are otherwise provided for by SUB-P6, SUB-P11 and SUB-S6.

Accordingly, we recommend that submissions and further submissions are accepted, accepted in part or rejected as set out in **Appendix 3**.

3.9 Key Issue 6 – Errors

3.9.1 Matters Raised in Submissions

Mr Tuck, on behalf of Waiaua Bay Farm Limited (S463), identified a drafting error in the proposed subdivision provisions that is not consistent with the considerations at Hearing 15A. The Council's right of reply acknowledged the drafting error and recommended the exclusion for the Kauri Cliffs Golf Living Sub-zone should be amended to only relate to rule SUB-R20, rather than rule SUB-RXX.

3.9.2 Hearings Panel Evaluation

We agree with the Council's right of reply and note that this is not a matter in contention following consideration of the issue during Hearing 15A and our related recommendations, which are set out in **Recommendation Report 15A**.

3.9.3 Hearings Panel Recommendations

We agree with and adopt the recommendations and reasoning set out within the Council's right of reply.

We also recommend that the Council should accept the relevant submission point from Waiaua Bay Farm Limited (S463) relating to SUB-R20.

We recommend the following amendments to SUB-R20 and SUB-RXX:

SUB-R20	<i>Subdivision creating one or more additional allotments of a site within the Coastal Environment (excluding Outstanding Natural Character Areas)</i>	
<i>All zones (excluding Kauri Cliffs Golf Living sub-zone)</i>	<i>Activity status: Discretionary</i>	<i>Activity status where compliance not achieved: Not applicable</i>
SUB-RXX	<i>Subdivision of land within 100m of a Mineral Extraction zone</i>	
<i>All zones (excluding Kauri Cliffs Golf Living sub-zone)</i>	<i>Activity status: Discretionary</i>	<i>Activity status where compliance not achieved: N/A</i>

Accordingly, we recommend that submissions and further submissions are accepted, accepted in part or rejected as set out in **Appendix 3**

3.10 Key Issue 7 – “Site” versus “Allotment”

3.10.1 Matters Raised in Submissions

Mr Ian Palmer (S556.001 and S556.002) presented us with an elaborate analysis at the hearing as justification and reasoning for his suggestion that reference to the term “allotment” within standard SUB-S1 was incorrect and should more appropriately refer to the term “site”. The Council right of reply considers this suggestion but ultimately does not support the change because:

“The use of the term “allotment” within the subdivision provisions is considered both appropriate and necessary to ensure consistency with *section 218* of the Resource Management Act 1991, which defines subdivision by reference to the creation of new allotments. This terminology provides legal certainty and a direct link to the statutory framework governing subdivision.”⁴

The Council right of reply acknowledges that there may be instances (as highlighted by Mr Palmer) where practical complexities arise during administration and implementation of the provisions; however, the reference to “allotment” remains legally correct and there is the possibility of unintended consequences arising by referring to “site”.

3.10.2 Hearings Panel Evaluation

We agree with the Council right of reply, including in response to Mr Palmer highlighting reference to the Auckland Unitary Plan, which applies minimum “site” size to subdivision, however noting that a number of other district plans continue to reference “allotment” in this context. We confirm that reference to “allotment” within standard SUB-S1 of the PDP remains the most appropriate and robust approach given the statutory definition in section 218 of the RMA.

3.10.3 Recommendations and Reasons

No recommended amendments are required in response to this submission point.

Accordingly, we agree with and adopt the recommendations and reasoning set out within the Council’s right of reply and recommend that the submission from Ian Diarmid Palmer (S556.001 and S556.002) be rejected.

3.11 Key Issue 8 – Significant Natural Areas (SNAs)

3.11.1 Matters Raised in Submissions

Legal submissions were provided and spoken to by Mr Tim Williams on behalf of the Royal Forest and Bird Protection Society of New Zealand Incorporated (FS346). The primary thrust of Mr William’s submissions was in relation to the Council’s recommendation to remove rule SUB-R17 relating to subdivision of a site containing a scheduled SNA, which is proposed to be removed because SNAs are not mapped within the Plan. This topic was also raised at Hearing 4 in relation to the Indigenous Biodiversity and Natural Character provisions. It was Mr William’s recommendation to us that rule SUB-R17 should be reinstated and apply to all SNAs that meet the RPS criteria, rather than only those that were scheduled. In addition, Mr Williams also outlined several concerns with SUB-P8 and

⁴ Hearing 16 – Council right of reply report paragraph 133

SUB-P9, which in his view would be relied upon to protect SNAs under the revised framework.

In responding to this suggestion, the right of reply reiterates that the Plan has been drafted to be read as a whole and the provisions of the Ecosystems and Indigenous Biodiversity chapter would be relevant for instances where the protection of indigenous biodiversity was achievable and assessed at the time of considering applications that had a discretionary or non-complying activity status. In addition, a relevant matter of control within the subdivision provisions for controlled activity applications is in place. It was therefore the Council right of reply assessment that the Ecosystems and Indigenous Biodiversity chapter policy provisions, in conjunction with the currently proposed subdivision provisions, are sufficiently robust to ensure the protection and enhancement of existing indigenous biodiversity and to encourage restoration.

As addressed above at Key Issue 2, the addition of a further matter of discretion to rule SUB-R6 is proposed to reference the Ecosystems and Indigenous Biodiversity chapter, along with the recommended amendments to policies SUB-P8 and SUB-P9 above.

3.11.2 Hearings Panel Evaluation

We agree with the analysis and recommendations of the Council's right of reply in response to this submission point. It is important to have a consistent approach to Plan drafting and to ensure that provisions which are located in one part of the Plan don't need to be repeated in another part, unless there is very good reason to do so. In this instance, we find that there is not.

3.11.3 Hearings Panel Recommendations

No recommended amendments are required in response to this matter.

Accordingly, we recommend that submissions and further submissions are accepted, accepted in part or rejected as set out in **Appendix 3**

3.12 Key Issue 9 – Requests for New Provisions or Wording Amendments

3.12.1 Matters Raised in Submissions

Vision Keriikeri, Carbon Neutral Trust, Kapiro Conservation Trust (S521, S522, S524, S527, S529, S442, S443, S445, S446, S449, FS569, FS62, FS566 and FS333) presented to us in support of their submission points suggesting new policies and rules for the subdivision chapter, as well as suggested amendments to proposed policy SUB-P5. Included with this presentation was tabled draft evidence from Ms Dvorakova. However, this witness was not in attendance at the hearing and there was no ability for us to question or interrogate the recommendations of Ms Dvorakova.

Nevertheless, the Council's right of reply responded to each of the suggested amendments to provisions within the Community Groups' presentation, including in relation to improving walkability, transport safety, block structure and public access through subdivision design; ultimately concluding that the currently proposed provisions (in the Plan as a whole) provide for the consideration of these prescriptive issues adequately.

The right of reply highlights that the objectives and policies of the Transport Chapter, including policy TRAN-P3, for example, provides for the consideration of connectivity, for example, and the needs of all transport users, including pedestrians, cyclists, and those with limited mobility. In addition, as discussed at Key Issue 3 above, the right of reply also recommended the addition of a further matter of control for SUB-R3 relating to measures to provide for active transport, protected cycleways, and walking connections.

3.12.2 Hearings Panel Evaluation

We agree with the analysis and recommendations of the Council's right of reply in response. Similar to our consideration of Key Issue 8 above, we confirm that it is important to have a consistent approach to Plan drafting and to ensure that provisions which are located in one part of the Plan don't need to be repeated in another part, unless there is very good reason to do so. Again, in this instance we find that there is no need.

3.12.3 Hearings Panel Recommendations

No recommended amendments are required in response to this matter.

We agree with and adopt the recommendations and reasoning set out within the Council's right of reply and recommend that the relevant submissions and further submission points from Vision KeriKeri, Carbon Neutral Trust, Kapiro Conservation Trust (under S521, S522, S524, S527, S529, S442, S443, S445, S446, S449, FS569, FS62, FS566 and FS333) be rejected.

3.13 Key Issue 10 – Other Hearing Statements

3.13.1 Matters Raised in Submissions

Written hearing statements were tabled, without appearance, by the following persons:

1. Mr Hodgson, on behalf of Horticulture New Zealand (S159 and FS354), tabled planning evidence in support of several of the subdivision Hearing Report recommendations.
2. Ms Grinlinton-Hancock, on behalf of KiwiRail (S416), tabled a statement accepting the Hearing Report's recommendation on KiwiRail's submission point.
3. Ms Cook-Munro, on behalf of Northland Federated Farmers of New Zealand Inc (S421), tabled a statement accepting the Hearing Report's recommendations on a number of submission points and, where these were not supported, indicated they do not wish to pursue those particular points further.
4. Mr Hamilton, on behalf of Transpower New Zealand (S454), tabled a statement which generally accepted the Hearing Report's recommendations.

The Council right of reply simply noted these points, as they did not require any analysis.

3.13.2 Hearings Panel Evaluation

We agree with the right of reply response to these tabled submission points.

3.13.3 Hearings Panel Recommendations

No recommended amendments are required in response to this issue.

3.14 Key Issue 11 – Addendum Reporting Clarification

3.14.1 Matters Raised by the Council Officers

The Council's right of reply Addendum⁵ Report was prepared to address ambiguity identified internally by the Council officers within the wording of SUB-R3 subsequent to the issue of the original right of reply.

The clarification was required to ensure the recommended additional subdivision provision (CON-3), which enables subdivision around an existing residential unit in the Rural Production zone, is not inadvertently applied within precincts or development areas that have the Rural Production zone as their underlying zone.

The recommended amendments explicitly state that CON-3 does not apply where a precinct or development area prevails and this provides necessary clarity and ensure there are no unintended consequences or misinterpretations that could undermine the intent of the precinct or development area provisions.

3.14.2 Hearings Panel Evaluation

We agree with the Council's right of reply Addendum recommendations as the proposed amendments will resolve ambiguity and maintain the integrity of both the precinct and development area frameworks and the PDP as a whole.

3.14.3 Hearings Panel Recommendations

We adopt the recommendations set out within the Council's right of reply Addendum Report and recommend the following amendments (in addition to those recommended in the hearing report) to SUB-R3:

SUB-R3

CON-3

1. Except where there is a Precinct or Development Area overlay
sSubdivision around an existing residential unit in the Rural Production
zone where:
 - a. The residential unit has been legally established or building
consent granted on or before the [DATE OF CL10 DECISIONS ON
PDP];
 - b. one rural lifestyle allotment is created;
 - c. allotment size is between 2000m²- 2ha; and
 - d. Balance allotment is a minimum of 40ha in size.

⁵ Dated 12 December 2025

3.15 Key Issue 12 – Specific Provisions for Subdivision in Tapuaetahi Precinct

3.15.1 Hearings Panel Evaluation

Our **Recommendation report 15A** addresses submissions relating to rezoning to special purpose zones for Māori Purpose, Kauri Cliffs and Carrington Estate.

In that report we provided our evaluation and recommendations for submissions from Tapuaetahi Incorporation (S407.003) on the Tapuaetahi Precinct. From this recommendation, consequential changes to the Chapter 16 Subdivision are required relating to rule SUB-R3 and standard SUB-S1. These provisions are included in the provisions in **Appendix 2**.

3.15.2 Hearings Panel Recommendation

We confirm our recommended amendments to SUB-R3 and SUB-S1 regarding the Tapuaetahi Precinct (subdivision as a controlled and/or Discretionary activity) as follows:

<i>SUB-R3</i>	<i>Subdivision of land to create a new allotment</i>	
<u>Māori Purpose zone</u> <u>Tapuaetahi Precinct</u>	<u>Activity Status: Controlled</u> <u>Where:</u> <u>CON-1</u> 1. <u>The subdivision complies with standards:</u> <u>SUB-S3 Water supply;</u> <u>SUB-S4 Stormwater management;</u> <u>SUB-S5 Wastewater disposal;</u> <u>SUB-S6 Telecommunications and power supply; and</u> <u>SUB-S7 Easements for any purpose.</u> <u>CON-2</u> 1. <u>The subdivision complies with standards:</u> <u>SUB-S1 Minimum allotment sizes.</u> <u>Matters of control are limited to:</u> a. <u>Matters of control in SUB-R3.</u>	<u>Activity status where compliance not achieved with CON-1 or CON-2: Discretionary</u>

We also confirm our recommend amendments to the addition of new minimum allotment sizes to standard SUB-S1 (minimum allotment sizes) for Tapuaetahi Precinct as follows:

<i>Subdivision</i>		
<i>SUB-S1</i>	<i>Minimum allotment sizes</i>	
<i>Zone/Precinct</i>	<i>Controlled Activity</i>	<i>Discretionary Activity</i>
<u>Tapuaetahi Precinct</u>	<u>600m²</u>	<u>N/A</u>

<i>Area A</i>		
<i>Tapuaetahi Precinct Area B</i>	<i>3,000m²</i>	<i>1,000m²</i>

4 Conclusion

For the reasons set out in this recommendation report, we recommend the adoption of a set of changes to the PDP provisions relating to Subdivision.

Our recommended amendments are shown in **Appendix 2**.

As outlined in this recommendation report, our recommendations also include recommendations for consequential amendments to or from other recommendation reports.

In evaluating and determining our findings we have had regard to the submissions received, the Hearing Reports (including the original hearing report, the right of reply report and the reply addendum report) 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, 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 will be easier to implement and understand.



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

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:

WETLAND, LAKE AND RIVER MARGINS	In the Light Industrial and Heavy Industrial zones means the area of land within 20 metres of a: a. wetland <u>that is not an artificially constructed pond;</u> b. lake <u>greater than 1ha, and is not:</u> 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 In the General Residential, Medium Density Residential, Russell Township, Quail Ridge, Town Centre, or Mixed Use or in the Waitangi Estate Special Purpose Whakanga (Tourism) sub-zones means the area of land within 26 metres of a: a. wetland <u>that is not an artificially constructed pond;</u> b. lake <u>greater than 1ha, and is not:</u> 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 In all other zones means the area of land within 30 metres of a: a. wetland <u>that is not an artificially constructed pond;</u> b. lake <u>greater than 1ha, and is not:</u> 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 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> Note: The width is measured in relation to the bed of the waterbody
---------------------------------	--

- 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.

Definitions

Term	Definition
ACCESS LOT	means a lot owned in common in undivided shares by the owners of two or more adjacent lots for the principal purpose of providing road frontage and/or access to those lots, where their interests in the access lot are recorded in the Certificates of Title for those adjacent lots.
ACCESSIBLE PARKING SPACE	means a parking space designed and reserved for the exclusive use of people whose mobility is restricted and who have a mobility permit issued. It also means 'mobility park/parking' and 'disabled/disability park/parking' as referred to in various external standards and guidance documents.
ACCESSORY BUILDING	means a detached building, the use of which is ancillary to the use of any building, buildings or activity that is or could be lawfully established on the same site, but does not include any minor residential unit.
ACCESSWAY	means that part of an allotment that can be or has been formed or otherwise constructed for use by vehicles to provide the legal and/or physical access from the road to buildings or required parking, loading or standing spaces.
ACTIVE STREET FRONTAGE	means street frontage on the ground floor of a building that enables direct visual or physical contact between the street and the interior of the building to ensure casual surveillance of the public domain.
ADDITIONAL INFRASTRUCTURE	means: a. Public open space; b. Community infrastructure as defined in section 197 of the Local Government Act 2002; c. Land transport (as defined in the Land Transport Management Act 2003) that is not controlled by local authorities; d. Social infrastructure, such as schools and healthcare facilities; e. A network operator for the purpose of telecommunications (as defined in section 5 of the telecommunications Act 2001); or f. A network operated for the purpose of transmitting or distributing electricity or gas.
AFFORESTATION	a. means planting and growing commercial forestry trees on land where there is no commercial forestry and where commercial forestry harvesting has not occurred within the last 5 years; but b. does not include vegetation clearance from the land before planting.
AGRICULTURAL AVIATION ACTIVITIES	means the intermittent operation of an aircraft from a rural airstrip or helicopter landing area for primary production activities and conservation activities for biosecurity or biodiversity purposes, including stock management and the application of fertiliser, agrichemicals, or vertebrate toxic agents. For clarity, "aircraft" includes fixed-wing aeroplanes, helicopters, and unmanned aerial vehicles.
AIRPORT ACTIVITY	means the use of land and/or buildings where the principal activities relate to the function and operation of the Kaitiāia, Kaikohe and Kerikeri Airports. These include, but are not limited to: a. Aircraft operations, including landing, taxiing and take off, freight, luggage and passenger facilities; b. Airport navigational, control and safety equipment; c. Aviation, educational and training and recreational facilities and activities; d. Maintenance and servicing of aircraft; e. Fuel installations and fuel servicing facilities; f. Warehousing and storage; g. Catering and preparation of food; h. Access roads, car parking, walkways and cycleways; i. Emergency services; and j. Grazing. They may include ancillary activities such as the sale of food and beverage which are ancillary to the principal activity.
AIRPORT PROTECTION SURFACE	means a surface in the airspace above and adjacent to the Airport, as illustrated in APP4. Activities that protrude through these protection shafts are restricted to enable aircraft to maintain a satisfactory level of safety while manoeuvring at low altitude in the vicinity of the Airport.
AIRPORT RETAIL AND	means the use of land and/or buildings at the Kerikeri and Kaitiāia Airports for a range of

COMMERCIAL ACTIVITY	activities that are ancillary to Airport Activities which require/benefit from an airport location. These activities involve providing goods and services to passengers, visitors, employees and businesses using the Airport and include: a. Airline services, including administrative offices; b. Ancillary retail and office activities; c. Ancillary meeting and function facilities; d. Rental vehicle services; e. Post or courier services; f. Air logistics, cargo and freight services; g. Warehousing, storage and distribution of goods; h. Cleaning services; and i. Fuel station.
ALLOTMENT	has the same meaning as in section 218 of the RMA (as set out in the box below) 2. In this Act, the term allotment means— a. any parcel of land under the Land Transfer Act 2017 that is a continuous area and whose boundaries are shown separately on a survey plan, whether or not— i. the subdivision shown on the survey plan has been allowed, or subdivision approval has been granted, under another Act; or ii. a subdivision consent for the subdivision shown on the survey plan has been granted under this Act; or b. any parcel of land or building or part of a building that is shown or identified separately— i. on a survey plan; or ii. on a licence within the meaning of subpart 6 of Part 3 of the Land Transfer Act 2017; or c. any unit on a unit plan; or d. any parcel of land not subject to the Land Transfer Act 2017. 3. For the purposes of subsection (2), an allotment that is— a. subject to the Land Transfer Act 2017 and is comprised in 1 record of title or for which 1 record of title could be issued under that Act; or b. not subject to that Act and was acquired by its owner under 1 instrument of conveyance—shall be deemed to be a continuous area of land notwithstanding that part of it is physically separated from any other part by a road or in any other manner whatsoever, unless the division of the allotment into such parts has been allowed by a subdivision consent granted under this Act or by a subdivisional approval under any former enactment relating to the subdivision of land. For the purposes of subsection (2), the balance of any land from which any allotment is being or has been subdivided is deemed to be an allotment.
AMENITY VALUES	has the same meaning as in section 2 of the RMA (as set out below) means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.
ANCILLARY ACTIVITY	means an activity that supports and is subsidiary to a primary activity.
AQUIFER	means a permeable geological formation, group of formations, or part of a formation, beneath the ground, capable of receiving, storing, transmitting and yielding water.
ARTIFICIAL CROP PROTECTION STRUCTURES	means structures with material used to protect crops and plants and/or enhance growth (excluding greenhouses).
AT-RISK INDIGENOUS TAXA	means species that are listed as at-risk in the New Zealand Threat Classification System.
AUDIBLE BIRD SCARING DEVICE	means a gas gun, avian distress alarm, or other such device used primarily for the purposes of scaring birds.
BED	has the same meaning as in section 2 of the RMA (as set out below) means— a. in relation to any river— i. for the purposes of esplanade reserves, esplanade strips, and subdivision, the space of land which the waters of the river cover at its annual fullest flow without overtopping its banks; ii. in all other cases, the space of land which the waters of the river cover at its fullest flow without overtopping its banks; and b. in relation to any lake, except a lake controlled by artificial means,—

	i. for the purposes of esplanade reserves, esplanade strips, and subdivision, the space of land which the waters of the lake cover at its annual highest level without exceeding its margin; ii. in all other cases, the space of land which the waters of the lake cover at its highest level without exceeding its margin; and c. in relation to any lake controlled by artificial means, the space of land which the waters of the lake cover at its maximum permitted operating level; and d. in relation to the sea, the submarine areas covered by the internal waters and the territorial sea.
BEST PRACTICABLE OPTION	has the same meaning as in section 2 of the RMA (as set out below) in relation to a discharge of a contaminant or an emission of noise, means the best method for preventing or minimising the adverse effects on the environment having regard, among other things, to— a. the nature of the discharge or emission and the sensitivity of the receiving environment to adverse effects; and b. the financial implications, and the effects on the environment, of that option when compared with other options; and c. the current state of technical knowledge and the likelihood that the option can be successfully applied.
BIODIVERSITY COMPENSATION	means a conservation outcome that results from actions that are intended to compensate for any more than minor residual adverse effects on indigenous biodiversity after all appropriate avoidance, minimisation, remediation, and biodiversity offsetting measures have been sequentially applied. Biodiversity compensation for adverse effects on indigenous biodiversity must apply the following principles: 1. Adherence to effects management hierarchy: Biodiversity compensation is a commitment to redress more than minor residual adverse effects, and should be contemplated only after steps to avoid, minimise, remedy, and offset adverse effects are demonstrated to have been sequentially exhausted. 2. When biodiversity compensation is not appropriate: Biodiversity compensation is not appropriate where indigenous biodiversity values are not able to be compensated for. Examples of biodiversity compensation not being appropriate include where: a. the indigenous biodiversity affected is irreplaceable or vulnerable; b. effects on indigenous biodiversity are uncertain, unknown, or little understood, but potential effects are significantly adverse or irreversible; c. there are no technically feasible options by which to secure a proposed net gain within acceptable timeframes. 3. Scale of biodiversity compensation: The indigenous biodiversity values lost through the activity to which the biodiversity compensation applies are addressed by positive effects to indigenous biodiversity (including when indigenous species depend on introduced species for their persistence), that outweigh the adverse effects. 4. Additionality: Biodiversity compensation achieves gains in indigenous biodiversity above and beyond gains that would have occurred in the absence of the compensation, such as gains that are additional to any minimisation and remediation or offsetting undertaken in relation to the adverse effects of the activity. 5. Leakage: Biodiversity compensation design and implementation avoids displacing harm to other indigenous biodiversity in the same or any other location. 6. Long-term outcomes: Biodiversity compensation is managed to secure outcomes of the activity that last as least as long as the impacts, and preferably in perpetuity. Consideration must be given to long-term issues around funding, location, management, and monitoring. 7. Landscape context: Biodiversity compensation is undertaken where this will result in the best ecological outcome, preferably close to the impact site or within the same ecological district. The action considers the landscape context of both the impact site and the compensation site, taking into account interactions between species, habitats and ecosystems, spatial connections, and ecosystem function. 8. Time lags: The delay between loss of, or effects on, indigenous biodiversity values at the impact site and the gain or maturity of indigenous biodiversity at the compensation site is minimised so that the calculated gains are achieved within the consent period or, as appropriate, a longer period (but not more than 35 years). 9. Trading up: When trading up forms part of biodiversity compensation, the proposal demonstrates that the indigenous biodiversity gains are demonstrably

	greater or higher than those lost. The proposal also shows the values lost are not to Threatened or At Risk (declining) species or to species considered vulnerable or irreplaceable. 10. Financial contributions: A financial contribution is only considered if: a. there is no effective option available for delivering biodiversity gains on the ground; and b. it directly funds an intended biodiversity gain or benefit that complies with the rest of these principles. 11. Science and mātauranga Māori: The design and implementation of biodiversity compensation is a documented process informed by science, and mātauranga Māori. 12. Tangata whenua and stakeholder participation: Opportunity for the effective and early participation of tangata whenua and stakeholders is demonstrated when planning for biodiversity compensation, including its evaluation, selection, design, implementation, and monitoring. 13. Transparency: The design and implementation of biodiversity compensation, and communication of its results to the public, is undertaken in a transparent and timely manner.
BIODIVERSITY OFFSETS	means a measurable conservation outcome that results from actions that are intended to: a. Redress any more than minor residual adverse effects on indigenous biodiversity after all appropriate avoidance, minimization, and remediation measures have been sequentially applied; and b. Achieve a net gain in type, amount, and condition of indigenous biodiversity compared to that lost. Biodiversity offsetting for adverse effects on indigenous biodiversity must apply the following principles: 1. Adherence to effects management hierarchy: A biodiversity offset is a commitment to redress more than minor residual adverse effects and should be contemplated only after steps to avoid, minimise, and remedy adverse effects and demonstrated to have been sequentially exhausted. 2. When biodiversity offsetting is not appropriate: Biodiversity offsets are not appropriate in situations where indigenous biodiversity values cannot be offset to achieve a net gain. Examples of an offset not being appropriate include where: a. Residual adverse effects cannot be offset because of the irreplaceability or vulnerability of the indigenous biodiversity affected; b. Effects on indigenous biodiversity are uncertain, unknown, or little understood, but potential effects are significantly adverse or irreversible; c. There are no technically feasible options by which to secure gains within an acceptable timeframe. 3. Net gain: This principle reflects a standard of acceptability for demonstrating, and then achieving, a net gain in indigenous biodiversity values. Net gain is demonstrated by a like-for-like quantitative loss/gain calculation of the following, and is achieved when the indigenous biodiversity values at the offset site are equivalent to or exceed those being lost at the impact site: a. Types of indigenous biodiversity, including when indigenous species depend on introduced species for their persistence; and b. Amount; and c. Condition (structure and quality). 4. Additionality: A biodiversity offset achieves gains in indigenous biodiversity above and beyond gains that would have occurred in the absence of the offset, such as gains that are additional to any minimization and remediation undertaken in relation to the adverse effects of the activity. 5. Leakage: Biodiversity offset design and implementation avoids displacing harm to other indigenous biodiversity in the same or another location. 6. Long-term outcomes: A biodiversity offset is managed to secure outcomes of the activity that last at least as long as the impacts, and preferably in perpetuity. Consideration must be given to long-term issues around funding, location, management and monitoring. 7. Landscape context: Biodiversity offsetting is undertaken where this will result in the best ecological outcome preferably close to the impact site or within the same ecological district. The action considers the landscape context of both the impact site and the offset site, taking into account interactions between species, habitats and ecosystems, spatial connections and ecosystem functions. 8. Time lags: The delay between loss of, or effects on, indigenous biodiversity values

	at the impact site and the gain or maturity of indigenous biodiversity at the offset site is minimized so that the calculated gains are achieved within the consent period or, as appropriate, a longer period (but not more than 35 years). 9. Science and mātauranga Māori: The design and implementation of a biodiversity offset is a documented process informed by science and mātauranga Māori. 10. Tangata whenua and stakeholder participation: Opportunity for the effective and early participation of tangata whenua and stakeholders is demonstrated when planning biodiversity offsets, including their evaluation, selection, design, implementation and monitoring. 11. Transparency: The design and implementation of a biodiversity offset, and communication of its results to the public, is undertaken in a transparent and timely manner.
BLASTING	means the detonation of a single explosive charge within a formatted blast-hole or a series of connected explosive charges within an array of blast-holes.
BORE	means any hole drilled or constructed in the ground that is used to: a. investigate or monitor conditions below the ground surface; or b. abstract gaseous or liquid substances from the ground; or c. discharge gaseous or liquid substances into the ground; but it excludes test pits, trenches, soak holes and soakage pits.
BOUNDARY	means a. in relation to fee simple titles, the site boundary; b. in relation to cross-lease titles, the boundary of any restrictive covenant area within which any building, accessory buildings and land is exclusively restricted to the users of those buildings and land.
BOUNDARY ADJUSTMENT	means a subdivision that alters the existing boundaries between adjoining allotments, without altering the number of allotments.
BUILDING	means a temporary or permanent movable or immovable physical construction that is: a. partially or fully roofed; and b. fixed or located on or in land; but excludes any motorised vehicle or other mode of transport that could be moved under its own power.
BUILDING COVERAGE	means the percentage of the net site area covered by the building footprint.
BUILDING FOOTPRINT	means, in relation to building coverage, the total area of buildings at ground floor level together with the area of any section of any of those buildings that extends out beyond the ground floor level limits of the building and overhangs the ground.
CAMPING GROUND	means any area of land used, or designed or intended to be used, for rent, hire, donation, or otherwise for reward, for the purpose of placing or erecting on the land temporary living places for occupation, by 2 or more families or parties (whether consisting of 1 or more persons) living independently of each other, whether or not such families or parties enjoy the use in common of entrances, water supplies, cookhouses, sanitary fixtures, or other premises and equipment; and includes any area of land used as a camping ground immediately before the commencement of these regulations.
CHILD CARE SERVICE	means a facility for the care and/or education of children under the age of seven from 7am-7pm and includes but is not limited to: a. creches; b. early childhood centres; c. day care centres; d. kindergartens; e. Kohanga Reo; f. Playgroups; and g. day nurseries.
CLEANFILL AREA	means an area used exclusively for the disposal of cleanfill material.
CLEANFILL MATERIAL	means virgin excavated natural materials including clay, gravel, sand, soil and rock that are free of: a. combustible, putrescible, degradable or leachable components; b. hazardous substances and materials; c. products and materials derived from hazardous waste treatment, stabilisation or disposal practices; d. medical and veterinary wastes, asbestos, and radioactive substances; e. contaminated soil and other contaminated materials; and

	f. liquid wastes.
COASTAL ENVIRONMENT	means the area identified on the planning maps as being located within the seaward extent of the coastal environment line.
COASTAL HAZARD AREA	means areas of coastal erosion hazard and coastal flooding hazard mapped by the Northland Regional Council and included in the District Plan maps as follows: a. Coastal Flood Hazard Zone 1 (CFHZ1) — extent of the 50-year ARI static water level at 2130 including 0.6 m sea level rise (RCP8.5M)). b. Coastal Flood Hazard Zone 2 (CFHZ2) — extent of the 100-year ARI static water level at 2130 including 1.2 m sea level rise (RCP8.5M). c. Coastal Flood Hazard Zone 3 (CFHZ3) — extent of the 100-year ARI static water level at 2130 including 1.5 m sea level rise (RCP8.5H+). d. Coastal Erosion Hazard Zone 1 (CEHZ1) — an area potentially susceptible to coastal erosion (66% probability) by 2080 with 0.33 m sea level rise from 2019 — (RCP 8.5M). e. Coastal Erosion Hazard Zone 2 (CEHZ2) — an area potentially susceptible to coastal erosion (5% probability) by 2130 with 0.85 m sea level rise from 2019 — (RCP 8.5M). f. Coastal Erosion Hazard Zone 3 (CEHZ2) — an area potentially susceptible to coastal erosion (5% probability) by 2130 with 1.17 m sea level rise from 2019 — (RCP 8.5H+).
COASTAL WATER	has the same meaning as in section 2 of the RMA (as set out below) means seawater within the outer limits of the territorial sea and includes— a. seawater with a substantial fresh water component; and b. seawater in estuaries, fiords, inlets, harbours, or embayments.
COMMERCIAL ACTIVITY	means any activity trading in goods, equipment or services. It includes any ancillary activity to the commercial activity (for example administrative or head offices).
COMMERCIAL COMPOSTING	means large-scale composting facility which is designed to handle a very high volume of organic waste.
COMMERCIAL FORESTRY	means exotic continuous-cover forest or plantation forestry.
COMMERCIAL SERVICE	means a business providing personal, property, financial, household, private or business services to the general public as a commercial activity. It includes: a. bank; b. commercial indoor fitness centres/gymnasiums/play areas; c. professional and financial services; d. commercial sexual services; e. dry cleaner; f. funeral director premises; g. hairdresser; h. real estate agent; i. show home; j. travel agent; and k. veterinary clinic.
COMMUNITY CORRECTIONS ACTIVITY	means the use of land and buildings for non-custodial services for safety, welfare and community purposes, including probation, rehabilitation and reintegration services, assessments, reporting, workshops and programmes, administration, and a meeting point for community work groups.
COMMUNITY FACILITY	means land and buildings used by members of the community for recreational, sporting, cultural, safety, health, welfare, or worship purposes. It includes provision for any ancillary activity that assists with the operation of the community facility.
COMMUNITY SCALE RENEWABLE ELECTRICITY GENERATION ACTIVITIES	means renewable electricity generation primarily supplying an immediate community, with provisions for excess electricity to be supplied to the distribution network.
COMMUNITY SIGN	means a sign displaying information relating to the location of: a. public facilities; b. place-names; or c. destinations of historical, cultural, spiritual, sporting, or scenic significance.
CONSERVATION ACTIVITY	means the use of land for activities undertaken for the purposes of maintaining, protecting and/or enhancing the natural, historic and/or ecological values of a natural or historic resource. It may include activities which assist to enhance the public's appreciation and recreational enjoyment of the resource and includes:

	a. planting; b. pest and weed control; c. plant and tree nurseries; and d. track construction.
CONTAMINANT	has the same meaning as in section 2 of the RMA (as set out below) includes any substance (including gases, odorous compounds, liquids, solids, and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar, or other substances, energy, or heat— a. when discharged into water, changes or is likely to change the physical, chemical, or biological condition of water; or b. when discharged onto or into land or into air, changes or is likely to change the physical, chemical, or biological condition of the land or air onto or into which it is discharged.
CONTAMINATED LAND	has the same meaning as in section 2 of the RMA (as set out below) means land that has a hazardous substance in or on it that— a. has significant adverse effects on the environment; or b. is reasonably likely to have significant adverse effects on the environment.
COUNCIL	means the Far North District Council.
CRAFT	means any boat or floating structure used to travel across the surface of rivers and lakes.
CRITICAL ELECTRICITY LINE OVERLAY	means overhead 33kV and 110kV electricity lines within the district identified on the planning maps. Setbacks from the Critical Electricity Line Overlay are to be measured from a point directly below the centerline of the line.
CRITICAL ELECTRICITY LINES	means lines that are critical to the quality, reliability and security of electricity supply throughout the district or region, including lines that: a. supply essential public services such as the hospital, civil defense facilities or Lifeline sites; or b. supply large (1MW or more) industrial or commercial electricity consumers; or c. supply 1000 or more consumers; or d. are difficult to replace with an alternative electricity supply if they are compromised.
CROP SUPPORT STRUCTURE	means an open structure on which plants are grown.
CROSSING	means in relation to vehicle access, the formed and properly constructed vehicle access from the carriage way of any road up to and including that portion of the road boundary of the site across which vehicle access is permitted by this Plan and includes any culvert, bridge or kerbing.
CULTIVATION	means the alteration or disturbance of land (or any matter constituting the land including soil, clay, sand and rock) for the purpose of sowing, growing or harvesting of pasture or crops.
CUSTODIAL CORRECTIONS FACILITIES	means a facility where people are detained in the justice system. It includes a prison, detention centre, youth detention centre and secure unity.
CUSTOMARY ACTIVITY	means the use of land or buildings for Māori cultural activities within Te Ao Māori which includes but is not limited to marae activities, making or creating customary goods, rongoā, raranga, whakairo, waka ama and other activities that recognise and provide for the special relationship between tangata whenua and places of customary importance.
CUSTOMER CONNECTION	means any infrastructure provided by a network utility operator that is required to connect customers including cabling, transformers and switch gear, poles lines and pillars.
DEVELOPMENT INFRASTRUCTURE	means the same as development infrastructure defined in the National Policy Statement on Urban Development 2020. development infrastructure means the following, to the extent they are controlled by a local authority or council controlled organisation (as defined in section 6 of the Local Government Act 2002): a. network infrastructure for water supply, wastewater, or stormwater; b. land transport (as defined in section 5 of the Land Transport Management Act 2003).
DIGITAL SIGN	means any sign that displays changeable electronic messages or images via LED, neon, or electronic projection.

DISCHARGE	has the same meaning as in section 2 of the RMA (as set out below) includes emit, deposit, and allow to escape.
DOUBLE-SIDED SIGN	means a sign having two sign faces of equal area and proportions which are located exactly opposite each other on the sign structure.
DRAIN	means any artificial watercourse designed, constructed, or used for the drainage of surface or subsurface water, but excludes artificial watercourses used for the conveyance of water for electricity generation, irrigation, or water supply purposes.
DRINKING WATER	means water intended to be used for human consumption; and includes water intended to be used for food preparation, utensil washing, and oral or other personal hygiene.
DRIVE THROUGH FACILITIES	means any part of any fast food, beverage or restaurant activity where the product is sold directly to the customer while in their vehicle.
DUST	means all non-combusted solid particulate matter that is suspended in the air, or has settled after being airborne. Dust may be derived from materials including rock, sand, cement, fertiliser, coal, soil, paint, animal products and wood.
EARTHWORKS	means the alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the land including soil, clay, sand and rock); but excludes gardening, cultivation, and disturbance of land for the installation of fence posts.
ECO-EDUCATION	means organised learning activities, facilities and programmes focused on the natural environment, ecological principles, and conservation.
ECO-TOURISM	means nature-based tourism, active and passive recreation, visitor accommodation and ancillary activities, either for profit or not for profit, that are directed towards natural environments and are intended to support conservation efforts.
EDUCATIONAL FACILITY	means land or buildings used for teaching or training by child care services, schools, and tertiary education services, including any ancillary activities.
EFFECT	has the same meaning as in section 3 of the RMA (as set out below) includes— a. any positive or adverse effect; and b. any temporary or permanent effect; and c. any past, present, or future effect; and d. any cumulative effect which arises over time or in combination with other effects—regardless of the scale, intensity, duration, or frequency of the effect, and also includes— e. any potential effect of high probability; and f. any potential effect of low probability which has a high potential impact.
EFFECT MANAGEMENT HIERARCHY	means an approach to managing the adverse effects of an activity on indigenous biodiversity that requires that: a. adverse effects are avoided where practicable; then b. where adverse effects cannot be avoided, they are minimized where practicable; then c. where adverse effects cannot be minimized, they are remedied where practicable; then d. where more than minor residual adverse effects cannot be avoided, minimized, or remedied, biodiversity offsetting is provided where possible; then e. where biodiversity offsetting of more than minor residual adverse effects is not possible, biodiversity compensation is provided then f. if biodiversity compensation is not appropriate, the activity itself is avoided.
EMERGENCY HELICOPTER OPERATION	includes a. helicopters that are in operation for emergency purposes such as medical emergencies, search and rescue, firefighting; b. other helicopter operations such as landings, departures, hover, overflights, taxiing, lifting, ground operations, training, or relocations; and c. any other activity necessary for emergency purposes and training for emergency purpose.
EMERGENCY SERVICE	means ambulances, Civil Defence, Coastguard New Zealand, Fire and Emergency New Zealand, New Zealand Police, Land Search and Rescue, and Surf Life Saving New Zealand.
EMERGENCY SERVICE FACILITY	means fire stations, ambulance stations, police stations and associated ancillary facilities.

EMERGENCY SERVICE TRAINING ACTIVITY	means the training activities, operational support and other non-emergency activities undertaken by the New Zealand Police, Fire and Emergency New Zealand, and other emergency services.
EMERGENCY TREE WORKS	means the pruning or maintenance or removal of any tree or vegetation immediately necessary to avoid any actual and imminent threat to the safety of persons or of damage to property, or to maintain or restore power or telecommunications infrastructure.
ENVIRONMENT	has the same meaning as in section 2 of the RMA (as set out below) includes— a. ecosystems and their constituent parts, including people and communities; and b. all natural and physical resources; and c. amenity values; and d. the social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) or which are affected by those matters.
ESPLANADE RESERVE	has the same meaning as in section 2 of the RMA (as set out below) means a reserve within the meaning of the Reserves Act 1977— a. which is either— i. a local purpose reserve within the meaning of section 23 of that Act, if vested in the territorial authority under section 239; or ii. a reserve vested in the Crown or a regional council under section 237D; and b. which is vested in the territorial authority, regional council, or the Crown for a purpose or purposes set out in section 229.
ESPLANADE STRIP	has the same meaning as in section 2 of the RMA (as set out below) means a strip of land created by the registration of an instrument in accordance with section 232 for a purpose or purposes set out in section 229.
EXOTIC CONTINUOUS - COVER FOREST	As a sub-set of Commercial Forestry, means: a. a forest that is deliberately established for commercial purposes, being at least 1 ha of continuous forest cover of exotic forest species that has been planted and i. will not be harvested or replanted; or ii. is intended to be used for low-intensity harvesting or replanted; and b. includes all associated forestry infrastructure; but c. does not include: i. a shelter belt of forest species, where the tree crown cover has, or is likely to have, an average width of less than 30m; or ii. forest species in urban areas; or iii. nurseries and seed orchards; or iv. trees grown for fruit or nuts; or v. long-term ecological restoration planting of indigenous forest species; or vi. willows and poplars space planted for soil conservation purposes.
EXPLORATION	means any activity undertaken for the purpose of identifying mineral deposits or occurrences and evaluating the feasibility of mining particular deposits or occurrences of 1 or more minerals; and includes any drilling, dredging, or excavations (whether surface or subsurface) that are reasonably necessary to determine the nature and size of a mineral deposit or occurrence; and to explore has a corresponding meaning.
FARM QUARRY	means the extraction of aggregates which are: a. taken for use ancillary to farming and horticulture, including for farm tracks, access ways and hardstand areas; and b. only used within the same production unit, where the extraction was undertaken; and c. not sold, exported or removed from the production unit of origin.
FARMING	means the use of land for the purpose of agricultural, pastoral, horticultural or apiculture activities, including accessory buildings, but excludes mining, commercial forestry activities, intensive indoor primary production, intensive outdoor primary production and processing activities. Note: this definition is a subset of primary production.
FERTILISER	means a substance or biological compound or mix of substances or biological compounds in solid or liquid form, that is described as, or held out to be suitable for, sustaining or increasing the growth, productivity or quality of soils, plants or, indirectly, animals through the application to plants or soil of any of the following: a. nitrogen, phosphorus, potassium, sulphur, magnesium, calcium, chlorine, and sodium as major nutrients; or b. manganese, iron, zinc, copper, boron, cobalt, molybdenum, iodine, and selenium

	as minor nutrients; or c. fertiliser additives to facilitate the uptake and use of nutrients; or d. non-nutrient attributes of the materials used in fertiliser. It does not include livestock effluent, human effluent, substances containing pathogens, or substances that are plant growth regulators that modify the physiological functions of plants.
FORESTRY ACTIVITIES	means all types of commercial and non-commercial forestry, including: a. Commercial forestry Regulations 2017 b. Permanent indigenous forestry; and c. The harvesting of timber approved under the Forest Act 1949
FREE STANDING SIGN	means any sign which stands upright wholly on its own with its own support structure without having to be attached to any building, post or other structure.
FRESHWATER	has the same meaning as fresh water in section 2 of the RMA (as set out below) means all water except coastal water and geothermal water.
FRONTAGE	means that part of any site immediately adjoining any road.
FROST FANS OR HORTICULTURAL WIND MACHINES	means a machine used to move air around a horticultural or rural site for the purpose of drying fruit or mitigating the effects of frost.
FUNCTIONAL NEED	means the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment.
GARDEN CENTRE	Shop for the sale of plants, trees or shrubs, includes the sale of: a. landscaping supplies; b. bark and compost; and c. statuary and ornamental garden features provided that their sale is accessory to the sale of plants, trees or shrubs.
GENERAL AVIATION ACTIVITY	means the range of activities both commercial and non-commercial that are compatible to Airport activities and passenger services, and ancillary to the activities within the Airside or Landside Facilities and Operation Areas. These include, but are not limited to: a. Flying clubs; b. Flight training; c. Light aircraft manufacturing; and d. Aircraft maintenance.
GENETICALLY MODIFIED ORGANISM	means unless expressly provided otherwise by regulations, any organism in which any of the genes or other genetic material: a. have been modified by in vitro techniques; or b. are inherited or otherwise derived, through any number of replications, from any genes or other genetic material which has been modified by in vitro techniques. For the absence of doubt, this does not apply to genetically modified (GM) products that are not viable (and are thus no longer GMOs), or products that are dominantly non-GM but contain non-viable GM ingredients (such as processed foods).
GENETICALLY MODIFIED VETERINARY VACCINE	means a veterinary vaccine that is a genetically modified organism as defined in this Plan.
GREENHOUSE	means a structure enclosed by glass or other transparent material and used for the cultivation or protection of plants in controlled environment but excludes artificial crop protection structures.
GREYWATER	means liquid waste from domestic sources including sinks, basins, baths, showers and similar fixtures, but does not include sewage, or industrial and trade waste.
GROSS BUSINESS AREA	means - a. the gross floor area of any building measured from the outside faces of the exterior walls; and b. the area of any part of the site used solely or principally for the storage, sale, display or servicing of goods or the provision of services on the site but not including permanently designated vehicle parking, manoeuvring, loading and landscaped areas. The gross business area will exclude the area of network infrastructure including pipes, lines and installations, roads, water supply, wastewater, and stormwater collection and management systems, but will include the area of buildings occupied by network service providers, including offices, workshops, warehouses and any outside areas used for

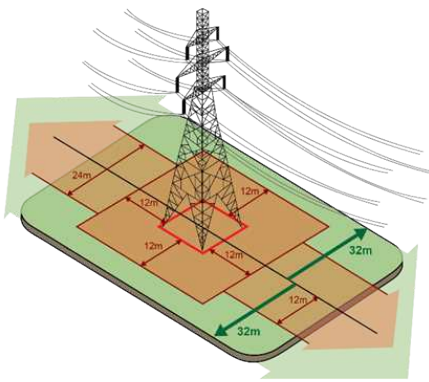
	carrying out their normal business.
GROSS FLOOR AREA	means the sum of the total area of all floors of a building or buildings (including any void area in each of those floors, such as service shafts, liftwells or stairwells), measured: a. where there are exterior walls, from the exterior faces of those exterior walls; b. where there are walls separating two buildings, from the centre lines of the walls separating the two buildings; c. where a wall or walls are lacking (for example, a mezzanine floor) and the edge of the floor is discernible, from the edge of the floor.
GROUND LEVEL	means: a. the actual finished surface level of the ground after the most recent subdivision that created at least one additional allotment was completed (when the record of title is created); b. if the ground level cannot be identified under paragraph (a), the existing surface level of the ground; c. if, in any case under paragraph (a) or (b), a retaining wall or retaining structure is located on the boundary, the level on the exterior surface of the retaining wall or retaining structure where it intersects the boundary.
GROUNDWATER	means water occupying openings, cavities, or spaces in soils or rocks beneath the surface of the ground.
GYMNASIUM	means a building or room/s used for organised or instructed indoor exercise, including aerobics or weight/circuit training, and ancillary facilities such as health care services, spa/sauna, a small apparel sales area and cafeteria for patrons.
HABITABLE ROOM	means any room used for the purposes of teaching or used as a living room, dining room, sitting room, bedroom, office or other room specified in the Plan to be a similarly occupied room.
HAZARDOUS SUBSTANCE	has the same meaning as in section 2 of the RMA (as set out below) includes, but is not limited to, any substance defined in section 2 of the Hazardous Substances and New Organisms Act 1996 as a hazardous substance. The Hazardous Substances and New Organisms Act 1996 defines hazardous substances as meaning, unless expressly provided otherwise by regulations or an EPA notice, any substance— a. with 1 or more of the following intrinsic properties: i. explosiveness; ii. flammability; iii. a capacity to oxidise; iv. corrosiveness; v. toxicity (including chronic toxicity); vi. ecotoxicity, with or without bioaccumulation; or b. which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any 1 or more of the properties specified in paragraph (a).
HEALTHCARE ACTIVITY	means the use of land and/or buildings for providing physical or mental health or welfare services, including: a. medical practitioners; b. hauora services; c. dentists and dental technicians; d. opticians; e. physiotherapists; f. medical social workers and counsellors; g. midwives; h. paramedical practitioners; i. alternative therapists; j. providers of health and wellbeing services; k. diagnostic laboratories; and l. accessory offices; but excluding hospitals.
HEIGHT	means the vertical distance between a specified reference point and the highest part of any feature, structure or building above that point.
HEIGHT IN RELATION TO BOUNDARY	means the height of a structure, building or feature, relative to its distance from either the boundary of: a. a site; or b. another specified reference point.

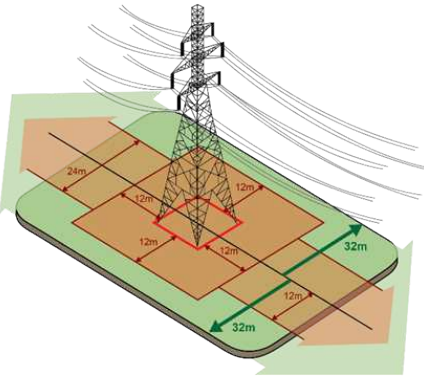
HELICOPTER LANDING AREA	means any location where helicopters land or depart. A helicopter landing area includes permanently established helicopter bases.
HERITAGE AREA	means the areas identified as an “Heritage area overlay” on the planning maps. These areas represent geographical locations where historic heritage is clustered and significant.
HIGH RISK COASTAL HAZARD AREAS	means areas of coastal erosion hazard and coastal flooding hazard mapped by the Northland Regional Council and included in the District Plan maps as Coastal Flood Hazard Zone 1 (CFHZ1) and Coastal Erosion Hazard Zone 1 (CEHZ1).
HIGHLY PRODUCTIVE LAND	means: a. If there are no highly productive land maps included in the operative Northland Regional Policy Statement, land that is treated as highly productive land under clause 3.5(7) of the National Policy Statement for Highly Productive Land; or b. If highly productive land maps have been included in the operative Northland Regional Policy Statement, land shown as highly productive land on those maps, or any consistent maps in this plan, excluding land that has ceased to be highly productive land under clause 3.5(6) of the National Policy Statement for Highly Productive Land.
HISTORIC HERITAGE	has the same meaning as in section 2 of the RMA (as set out below) a. means those natural and physical resources that contribute to an understanding and appreciation of New Zealand’s history and cultures, deriving from any of the following qualities: i. archaeological; ii. architectural; iii. cultural; iv. historic; v. scientific; vi. technological; and b. includes— i. historic sites, structures, places, and areas; and ii. archaeological sites; and iii. sites of significance to Māori, including wāhi tapu; and iv. surroundings associated with the natural and physical resources.
HOME BUSINESS	means a commercial activity that is: a. undertaken or operated by at least one resident of the site; and b. incidental to the use of the site for a residential activity.
HORTICULTURE PROCESSING FACILITY	means facilities that are: a. zoned Horticulture Processing Zone; b. used for the processing, storing (including ventilation and/or refrigeration cool stores), and distribution of fruit and vegetable produce; and c. can include ancillary office, administration activities, outdoor storage, parking and loading.
HOSPITAL	means any regionally significant infrastructure that provides for the medical, surgical or psychiatric care, treatment and rehabilitation of persons.
HOSPITAL RELATED ACTIVITIES	means activities that are ancillary to a hospital, including, but not limited to: a. Offices and administration facilities; b. Pharmacies, food and beverage activities, bookstores, gift stores and florists; c. Commercial services; d. Ambulance facilities and first aid training facilities; e. Conference facilities; f. Helicopter facilities; g. Hospices; h. Hospital maintenance, operational and service facilities, including kitchens, storage facilities, waste processing and laundries; i. Medical research and testing; j. Mortuaries; k. Private specialist and general medical facilities; l. Recreational facilities; m. Supported residential care activity; n. Training activities; and o. Visitor accommodation where this is ancillary to the hospital activity for the purposes of non-permanent accommodation for hospital staff, contractors, patients or family.
IMPERMEABLE SURFACE	means in relation to any site means any building or surface on or over the land which

	creates a barrier to water penetration in to the ground. This definition includes but is not restricted to: a. decks (including decks less than 1m in height above the ground) excluding open slatted decks where there are gaps between the boards; b. pools, but does not include pools designed to operate as a detention pond; c. any surfaced area used for parking, manoeuvring, access or loading of motor vehicles, including areas covered with aggregate; d. areas that are paved with concrete, asphalt, open jointed slabs, bricks, gobi or materials with similar properties to those listed; e. roof coverage area on plan; But excludes: i. water storage tanks occupying up to a maximum cumulative area of 2m²; and ii. paths and paving less than 1 metre wide, provided they are separated from other impermeable surfaces by a minimum of 1 metre; iii. permeable surfacing that does not create a barrier to water entering the ground. For the purpose of calculating impermeable surfaces account shall not be taken of any additional areas that are overlapped by another form of impermeable surfaces. In the case of jointly owned access lots that contain impermeable surfaces within their boundaries, the total area of these impermeable surfaces are to be divided equally and considered as parts of the various sites served by the access lot for the purpose of determining compliance with the relevant stormwater management rules.
INDUSTRIAL ACTIVITY	means an activity that manufactures, fabricates, processes, packages, distributes, repairs, stores, or disposes of materials (including raw, processed, or partly processed materials) or goods. It includes any ancillary activity to the industrial activity.
INDUSTRIAL WASTE AND TRADE WASTE	means liquid waste, with or without matter in suspension, from the receipt, manufacture or processing of materials as part of a commercial, industrial or trade process, but excludes sewage and greywater.
INFRASTRUCTURE	means the same as Section 2 of the RMA (as set out below): a. pipelines that distribute or transmit natural or manufactured gas, petroleum, biofuel, or geothermal energy; b. a network for the purpose of telecommunications as defined in section 5 of the Telecommunications Act 2001; c. a network for the purpose of radiocommunication as defined in section 2(1) of the Radiocommunications Act 1989; d. facilities for the generation of electricity, lines used or intended to be used to convey electricity, and support structures for lines used or intended to be used to convey electricity, excluding facilities, lines, and support structures if a person— i. uses them in connection with the generation of electricity for the person's use; and ii. does not use them to generate any electricity for supply to any other person. e. a water supply distribution system, including a system for irrigation; f. a drainage or sewerage system. g. structures for transport on land by cycleways, rail, roads, walkways, or any other means. h. facilities for the loading or unloading of cargo or passengers transported on land by any means. i. an airport as defined in section 2 of the Airport Authorities Act 1966. j. a navigation installation as defined in section 2 of the Civil Aviation Act 1990. k. facilities for the loading or unloading of cargo or passengers carried by sea, including a port related commercial undertaking as defined in section 2(1) of the Port Companies Act 1988. l. anything described as a network utility operation in regulations made for the purposes of the definition of network utility operator in section 166.
INTENSIVE INDOOR PRIMARY PRODUCTION	means primary production activities that principally occur within buildings and involve growing fungi, or keeping or rearing livestock (excluding calf-rearing for a specified time period) or poultry.
INTENSIVE OUTDOOR PRIMARY PRODUCTION	means primary production activities involving the keeping or rearing of livestock, or commercial aquaculture, where the regular feed source for the production of goods is substantially provided other than from the site concerned. The activity may be undertaken entirely outdoors or in a combination of indoors and outdoors, including within an outdoor enclosure. It includes free-range poultry or game bird farming and aquaculture. It excludes the following: a. woolsheds; b. dairy sheds;

	c. calf pens or wintering accommodation for stock; d. pig production for domestic use which involves no more than 25 weaned pigs or six sows; and e. extensive pig farming where vegetation cover is maintained.
INTERNAL BOUNDARY	means any boundary of the net area of a site, other than a road boundary.
LAEQ	has the same meaning as 'time-average A-weighted sound pressure level' in New Zealand Standard 6801:2008 Acoustics — Measurement of Environmental Sound.
LAF(MAX)	has the same meaning as the 'maximum A-frequency weighted, F-time weighted sound pressure level' in New Zealand Standard 6801:2008 Acoustics — Measurement Of Environmental Sound.
LAKE	has the same meaning as in section 2 of the RMA (as set out below) means a body of fresh water which is entirely or nearly surrounded by land.
LAND	has the same meaning as in section 2 of the RMA (as set out below) a. includes land covered by water and the airspace above land; and b. in a national environmental standard dealing with a regional council function under section 30 or a regional rule, does not include the bed of a lake or river; and c. in a national environmental standard dealing with a territorial authority function under section 31 or a district rule, includes the surface of water in a lake or river.
LAND DISTURBANCE	means the alteration or disturbance of land (or any matter constituting the land including soil, clay, sand and rock) that does not permanently alter the profile, contour or height of the land.
LAND DRAINAGE	means the taking, diversion and discharge of water and the maintenance, repair, reconstruction and operation of drainage channels, floodgates, stopbanks and associated assets within an existing drainage district. Note: This definition is intended to align with the operative Regional Plan for Northland.
LAND SUSCEPTIBLE TO INSTABILITY	means any of the following: a. Land which is specifically known and documented to have been subject to instability, on the basis of past geotechnical reports or council records; b. Land which is underlain by 'Low Hazard' geological units as listed below, and is sloping steeper than 1V:3H (18°); c. Land which is underlain by 'Medium Hazard' geological units as listed below, and is sloping steeper than 1V:5H (11°); d. Land which is underlain by 'High Hazard' geological units as listed below; e. Land which is overlain by boulders and is any distance downslope of slopes steeper than 1V:1H (45°); f. Land which is within 15m of a slope greater than 1V:3H (18°); g. Land which has been subject to, or is within 20m of land that has been subject to un-documented (non-engineered) cuts and fill slopes exceeding 1.5m in vertical height; or h. Land which is horizontally within 2 times the cliff height from the crest of cliffs and/or within 1.5 times the cliff height from the base of cliffs, where a cliff is taken as a slope exceeding 1V:1H (45°). The 'Low Hazard' geological units are: a. Waipapa Group; b. Caples Terrane; c. Te Kuiti Group (Kamo Coal Measures, Ruatangata Sandstone, Mangapapa Mudstone, Whangārei Limestone); d. Houhora Complex; e. Tangihua Complex; f. Waipoua Basalt; g. Kerikeri Volcanic Group (Rhyolite Domes, Basalt, Scoria). The 'Medium Hazard' geological units are: a. Matatau Complex of Northland Allochthon (Taipa Mudstone, Mahurangi Limestone); b. Otatau Group (Waititi Formation, Ōmāpere Conglomerate; Waiwhatawhata Conglomerate); c. Parengarenga Group (Paratoetoe Formation, Tom Bowling Formation, Kaurahoupa Conglomerate); d. Awhitu Group (dune sands, high terraces, alluvium); e. Tauranga Group Pleistocene and Holocene river lake and estuarine deposits; f. Kariotahi Group (dune sands, river lake and estuarine deposits).

	The ‘High Hazard’ geological units are: a. Mangakahia Complex (Punakitere Sandstone, Whangai Formation; Hukerenui Mudstone, Melange of Northland Allochthon); b. Mangōnui Formation; c. Tauranga Group Pleistocene and Holocene hill slope deposits. These are listed generally according to their GNS Science ‘Key Name’ as displayed on the NZ Geology Web Map or the unit names shown on the GNS Science QMAP series 1:250,000 geology maps: Any units not listed above should be considered against the hazard designation of units in the same geological group if available, or should be considered as land which may be susceptible to instability (i.e. meeting the criteria) where no matching geological unit can be determined. The land to be assessed under the criteria should be taken as the area to be developed under a consent application, rather than the subject property as a whole. In the case of a subdivision this would be a nominated building site within a vacant proposed lot. When determining slope angles against the criteria, maximum angles through the assessed area and immediately above and below the area should be considered. The scope of assessment should be widened as necessary to satisfy the criteria (e.g. for Criteria 4, assessment must extent all the way upslope of the assessed land).
LANDFILL	means an area used for, or previously used for, the disposal of solid waste. It excludes cleanfill areas.
LANDSCAPING	means the planned planting of trees, shrubs and plants, screening, alteration of landform and erection of structures (excluding buildings and signs) with the purpose of enhancing visual appearance and giving a natural balance to built form. Landscaping may include grassed areas, earth mounding and fencing, and “landscaped” has a corresponding meaning. In so far as landscaping is for amenity purposes it does not include car parking or driveways.
LARGE FORMAT RETAIL	means any individual retail tenancy with a gross floor area greater than 450m ² .
LARGE SCALE RENEWABLE ELECTRICITY GENERATION ACTIVITIES	means renewable energy generation activity for the purpose of exporting electricity directly into the distribution or transmission network. It does not include: a. Small Scale Renewable Energy Generation Activities; or b. Community Scale Renewable Energy Generation Activities.
LDN	has the same meaning as the ‘Day night level, or day-night average sound level’ in New Zealand Standard 6801:2008 Acoustics — Measurement of Environmental Sound.
LEISURE ACTIVITIES	means the use of land and/or buildings for informal leisure activities on an ad-hoc or irregular basis, which enhance the community's social and physical wellbeing. It includes public toilets, shelter, picnic tables, rubbish and recycling bins, and other buildings or structures ancillary to leisure activities
LIGHT SPILL	means artificial illumination from both direct and indirect sources which is emitted beyond the boundaries of the site from within which it originated.
LIMITED ACCESS ROAD	means road declared under the Government Roding Powers Act 1989 or created under the Public Works Act as a means of controlling access between roads and properties. Each parcel of land adjoining a State Highway, which is a limited access road that does not have a reasonable legal alternative access to some other road, is entitled to at least one crossing place where vehicles are permitted to enter or leave the road. LARs are not a road for the purposes of subdivision unless a notice is issued under s93 of the Government Roding Powers Act 1989. LARs in the district include most of the State Highway network and urban portions of Arterial Roads (those parts within speed restriction signs).
LOADING SPACE	means the area set aside on-site for the loading/unloading of service vehicles.
LOT	means the same as allotment (as defined in s2 of the RMA including any amendments).
MAINTENANCE	in relation to a heritage item, means activities required or undertaken to conserve as nearly, and as long, as possible the condition of the item while compensating for normal wear and tear.
MANAGED FILL	means a type of landfill, where managed fill material (such as contaminated soil and other contaminated materials or inert manufactured materials such as concrete and brick) is accepted for deposit. It does not include cleanfill areas.
MANOEUVRING SPACE	means that part of a site used by vehicles to move from the vehicle crossing to any

	parking or loading space and includes all driveways and aisles and may be part of an access strip. Parking areas and loading areas may be served in whole or in part by a common manoeuvring area.
MĀORI LAND	means land defined in section 4 Interpretation of Te Ture Whenua Māori Act 1993 / Māori land Act 1993, as Māori customary land and Māori freehold land.
MINERAL EXTRACTION ACTIVITY	means the excavation and mining of minerals, including aggregates, from the ground and includes the removal of overlying earth and soil, stacking, crushing, storing, depositing, treatment, the placement of overburden, the removal of unwanted material and the rehabilitation of the site, the works, machinery and plant used to undertake the activities above and includes quarrying activities and activities ancillary to mineral extraction activities.
MINING	means (as defined in s2 of Crown Minerals Act 1991 including any amendments).
MINOR RESIDENTIAL UNIT	means a self-contained residential unit that is ancillary to the principal residential unit, and is held in common ownership with the principal residential unit on the same site.
MONITORING MAST	means masts, and supporting sensors for the purpose of wind resource measurement. This includes guy wires and various meteorological instruments to be erected at varying heights, including: a. anemometers to measure the average wind speed, wind gusts speeds, turbulence intensity and wind shear; b. wind vanes to measure wind direction; and c. other meteorological instruments to measure temperature, air pressure, humidity and rainfall. A Building Consent may be required.
MULTI-UNIT DEVELOPMENT	means a group of two or more residential units contained within one contiguous building.
MOTORSPORT ACTIVITY	means competitive sporting events and activities which primarily involve the use of motorised vehicles, whether for racing or nonracing competition. It includes any ancillary activities.
NATIONAL GRID	means the assets used or owned by Transpower New Zealand Ltd.
NATIONAL GRID SUBDIVISION CORRIDOR	means, as depicted in Diagram 1, the area measured either side of the centre line of any above ground National Grid transmission line as follows: a. 32m of a 110kV transmission line on towers (including tubular steel monopoles where these replace steel lattice towers); b. The measurement of setback distance from National Grid transmission lines shall be undertaken from the centre line of the National Grid transmission line and the outer visible edge of any support structure; and c. The centre line at any point is a straight line between the centre points of the two support structures at each end of the span. Note: the National Grid Subdivision Corridor does not apply to underground cables or any transmission lines (or section of line) that are designated. Diagram 1: National Grid Yard and National Grid Subdivision Corridor  Steel Lattice Tower - 110kV Transmission Line

NATIONAL GRID YARD	means: - the area located 12m in any direction from the outer visible edge of a National Grid support structure; and - the area located 12 metres either side of the centreline of any overhead National Grid transmission line of towers (including tubular steel monopoles where these replace steel lattice towers). Diagram 1 National Grid Yard and National Grid Subdivision Corridor.  Steel Lattice Tower - 110kV Transmission Line
NATURAL AND PHYSICAL RESOURCES	has the same meaning as in section 2 of the RMA (as set out below) Includes land, water, air, soil, minerals, and energy, all forms of plants and animals (whether native to New Zealand or introduced), and all structures.
NATURAL HAZARD	has the same meaning as in section 2 of the RMA (as set out below) means any atmospheric or earth or water related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire, or flooding) the action of which adversely affects or may adversely affect human life, property, or other aspects of the environment. Note: The mapping of hazard areas in the District Plan maps is based on the most-up-to date Northland Regional Council mapping when the District Plan was notified. A person may provide a more detailed site-specific assessment prepared by a suitably qualified and experienced engineer to confirm the extent, depth and flow characteristics of the river flood hazard and may also refer to any more recent mapping undertaken by the Northland Regional Council.
NET FLOOR AREA	means the sum of any gross floor area; and - includes: - both freehold and leased areas; and - any stock storage or preparation areas; but - excludes: - void areas such as liftwells and stair wells, including landing areas; - shared corridors and mall common spaces; - entrances, lobbies and plant areas within a building; - open or roofed outdoor areas, and external balconies, decks, porches and terraces; - off street loading areas; - building service rooms; - parking areas and basement areas used for parking, manoeuvring and access; and - non-habitable floor spaces in rooftop structures.
NET GAIN	means that the measurable positive effects of actions exceed the point of no net loss.
NET SITE AREA	means the total area of the site, but excludes: - any part of the site that provides legal access to another site; - any part of a rear site that provides legal access to that site;

	c. any part of the site subject to a designation that may be taken or acquired under the Public Works Act 1981.
NETWORK UTILITY	means project, work, system or structure that is a network utility operation undertaken by a network utility operator.
NETWORK UTILITY OPERATOR	has the same meaning as in s166 of the RMA (as set out below) means a person who— a. undertakes or proposes to undertake the distribution or transmission by pipeline of natural or manufactured gas, petroleum, biofuel, or geothermal energy; or b. operates or proposes to operate a network for the purpose of i. telecommunication as defined in section 5 of the Telecommunications Act 2001; or ii. radiocommunication as defined in section 2(1) of the Radiocommunications Act 1989; or c. is an electricity operator or electricity distributor as defined in section 2 of the Electricity Act 1992 for the purpose of line function services as defined in that section; or d. undertakes or proposes to undertake the distribution of water for supply (including irrigation); or e. undertakes or proposes to undertake a drainage or sewerage system; or f. constructs, operates, or proposes to construct or operate, a road or railway line; or g. is an airport authority as defined by the Airport Authorities Act 1966 for the purposes of operating an airport as defined by that Act; or h. is a provider of any approach control service within the meaning of the Civil Aviation Act 1990; or i. undertakes or proposes to undertake a project or work prescribed as a network utility operation for the purposes of this definition by regulations made under this Act— and the words network utility operation have a corresponding meaning.
NO NET LOSS	means that the measurable positive effects of actions match any loss of extent or values over space and time, taking into account the type, values function and location of the indigenous biodiversity offset.
NOISE	has the same meaning as in section 2 of the RMA (as set out below); and includes vibration.
NOISE GENERATING ACTIVITIES	means high levels of noise generated from activities that are nationally significant or regionally significant infrastructure.
NOISE SENSITIVE ACTIVITY	means buildings or land that may be affected by noise and require a higher standard of amenity. These include: a. residential or living activities; b. educational facilities; c. health facilities, including hospitals; d. community facilities; and e. visitor accommodation.
NON-CUSTODIAL REHABILITATION ACTIVITY	means the use of land and buildings for non-custodial rehabilitative and reintegration activities and programs undertaken by, or on behalf of, Ara Poutama Aotearoa the Department of Corrections.
NOTIONAL BOUNDARY	means a line 20 metres from any side of a residential unit or other building used for a noise sensitive activity, or the legal boundary where this is closer to such a building.
OFFENSIVE TRADE	means activities listed as offensive trades in Schedule 3 of the Health Act 1956 (as set out below) a. Blood or offal treating; b. Bone boiling or crushing; c. Collection and storage of used bottles for sale; d. Dag crushing; e. Fellmongering; f. Fish cleaning; g. Fish curing; h. Flax pulping; i. Flock manufacturing, or teasing of textile materials for any purpose; j. Gut scraping and treating; k. Nightsoil collection and disposal; l. Refuse collection and disposal; m. Septic tank desludging and disposal of sludge; n. Slaughtering of animals for any purpose other than human consumption;

	o. Storage, drying, or preserving of bones, hides, hoofs, or skins p. Tallow melting; q. Tanning; r. Wood pulping; or s. Wool scouring.
OFFICE	means any of the following: a. Administrative offices where the administration of an organisation, whether trading or non-trading, is conducted; b. Commercial offices such as bank, insurance agents, typing services, duplicating service and estate agents, being places where trade (other than that involving the immediate exchange of money for goods or the display or production of goods) is transacted; or c. Professional offices such as the offices of accountants, solicitors, architects, surveyors, engineers, where a professional service is available and carried out.
OFFICIAL SIGN	means all signs required or provided for under any statute or regulation, or are otherwise related to aspects of public safety.
OPERATIONAL NEED	means the need for a proposal or activity to traverse, locate or operate in a particular environment because of technical, logistical or operational characteristics or constraints.
OUTDOOR LIVING SPACE	means an area of open space for the use of the occupants of the residential unit or units to which the space is allocated.
OVERLAND FLOW PATH	means the route along which stormwater flows over land in a rain event, and excludes permanent watercourses or intermittent rivers or streams.
PAPAKĀINGA	means an activity undertaken to support traditional Māori cultural living for tangata whenua residing in the Far North District on: a. Māori land; b. Treaty Settlement Land; c. Land which is the subject of proceedings before the Māori land court to convert the land to Māori land; or d. General land owned by Māori where it can be demonstrated that there is an ancestral link identified. Papakāinga may include (but is not limited to) residential, Māori cultural, commercial, conservation and recreation activities, marae, wāhi tapu and urupā.
PARK FURNITURE	Park furniture including bollards, gates, stiles, seating, memorials, picnic tables, barbeques and rubbish bins.
PARK MANAGEMENT ACTIVITY	means the day to day management, operations and maintenance of parks and reserves. It includes: a. Repair, maintenance and development of facilities, structures and buildings; b. Planting, removal, trimming and maintenance of turf, trees (except Notable Trees) and other non-indigenous vegetation and associated earthworks; c. Animal and pest control operations; and d. Repair, maintenance and development of walkways, cycleways, or vehicle tracks and associated earthworks.
PESTS	means an organism specified as a pest in the current Northland Pest Management Plan.
PLANTATION FORESTRY	As a sub-set of Commercial Forestry, means a forest deliberately established for commercial purposes, being— a. at least 1 ha of continuous forest cover of forest species that has been planted and has or will be harvested or replanted; and b. includes all associated forestry infrastructure; but c. does not include— i. a shelterbelt of forest species, where the tree crown cover has, or is likely to have, an average width of less than 30 m; or ii. forest species in urban areas; or iii. nurseries and seed orchards; or iv. trees grown for fruit or nuts; or v. long-term ecological restoration planting of forest species; or vi. willows and poplars space planted for soil conservation purposes.
PRIMARY PRODUCTION	means: a. any aquaculture, agricultural, pastoral, horticultural, mining, quarrying or forestry activities; and b. includes initial processing, as an ancillary activity, of commodities that result from the listed activities in a); c. includes any land and buildings used for the production of the commodities from a)

	and used for the initial processing of the commodities in b); but d. excludes further processing of those commodities into a different product.
PROSPECTING	means any activity undertaken for the purpose of identifying land likely to contain mineral deposits or occurrences; and includes the following activities: geological, geochemical, and geophysical surveying, aerial surveying, taking samples by hand or hand-held methods.
QUARRY	means a location or area used for the permanent removal and extraction of aggregates (clay, silt, rock or sand). It includes the area of aggregate resource and surrounding land associated with the operation of a quarry and which is used for quarrying activities.
QUARRYING ACTIVITIES	means the extraction, processing (including crushing, screening, washing, and blending), transport, storage, sale and recycling of aggregates (clay, silt, rock, sand), the deposition of overburden material, rehabilitation, landscaping and cleanfilling of the quarry, and the use of land and accessory buildings for offices, workshops and car parking areas associated with the operation of the quarry.
RAFT	has the same meaning as in section 2 of the RMA (as set out below) means any moored floating platform which is not self-propelled; and includes platforms that provide buoyancy support for the surfaces on which fish or marine vegetation are cultivated or for any cage or other device used to contain or restrain fish or marine vegetation; but does not include booms situated on lakes subject to artificial control which have been installed to ensure the safe operation of electricity generating facilities.
REAL ESTATE AND DEVELOPMENT SIGN	means a sign that is erected to: a. advertise the sale or rental of a property; or b. provide health and safety and other relevant information related to any construction or demolition works on a site.
RECEIVING SITE	means, for the purposes of measuring noise and light overspill, any site exposed to and receiving noise or light overspill generated from within any other site, where the site from which the noise or light overspill originated is not in the same ownership as the site receiving the noise or light overspill.
RECESSION PLANE	means a plane inclined at a certain degree angle from a site boundary towards the interior of a site through which no part of a building, unless otherwise specified, may protrude subject to the relevant 'Height to boundary' rule.
RECLAMATION	means the manmade formation of permanent dry land by the positioning of material into or onto any part of a waterbody, bed of a lake or river or the coastal marine area, and: a. includes the construction of any causeway; but b. excludes the construction of natural hazard protection structures such as seawalls, breakwaters or groynes except where the purpose of those structures is to form dry land.
RECREATION ACTIVITY	means the use of land, water bodies and/or buildings for the purpose of the active or passive enjoyment of organised sports (excluding motorsport), recreation or leisure, whether competitive or non-competitive, and whether a charge is made for admission or not.
REFLECTIVITY	means in reference to light, the ratio of the amount of light reflected from a surface to the amount of light falling on that surface. The approximate reflectance value (RV) of a colour indicates the amount of light that a colour will reflect. Flat black has a reflectance value of 0% and absorbs most light. In contrast white has a reflectance value of 100% and reflects 100% of the light that falls on it. All colours fit between these two extremes. Colours have measured RVs and this information is available from most paint companies.
REGIONALLY SIGNIFICANT INFRASTRUCTURE	means Regionally significant infrastructure identified in Appendix 3 of the RPS: 1. Energy, water, communication a. Main pipelines for the distribution or transmission of natural or manufactured gas or petroleum and key delivery points and storage facilities; b. Key facilities required for communication (including telecommunication, broadband, wireless networks and radio); c. The 'national grid' as defined by the Electricity Industry Act 2010 including facilities for the transmission of electricity from the 'national grid' (such as substations, grid injection points etc.) to the 'network'; d. Network electricity lines and associated infrastructure that constitute the sub-transmission network;

	e. Electricity distribution assets which supply essential public services (such as hospitals or lifelines facilities), large (1MW or more) industrial or commercial consumers, 1000 or more consumers or are difficult to replace with an alternative supply if they are compromised"; f. Electricity generation facilities (including Ngāwhā geothermal power station and Wairua hydroelectric power station) which supply electricity to either the national grid or the local electricity distribution network; g. Regional and district council water storage, trunk lines and treatment plants; h. Regional and district council wastewater trunk lines and treatment plants and key elements of the stormwater network including treatment devices; i. Marsden Point oil refinery and truck loading facility. 2. Transport a. State highways; b. Roads as well as walking and cycling facilities that are of strategic significance as identified in the Regional Land Transport Strategy; c. Whangārei, Kaitiāia and Bay of Islands airports; d. Installations and equipment for air navigation; e. Northport, including the adjoining land used for the movement and storage of cargo; f. Railway lines and associated railway facilities. 3. Significant social and community facilities: a. Flood management / protection schemes managed by regional and / or district councils; b. Public hospitals; c. The Northland Events Centre and Kensington Stadium; d. Northland Region Corrections Facility; e. Northland Polytechnic — (NorthTech) main campuses and Auckland University Faculty of Education — Whangārei; f. Puwera Regional Landfill Facility.
RELOCATED BUILDING	means a used building more than 2 years old that has been removed from a site, from within or from outside the District, and transported to another site. The definition includes used buildings that have been divided into sections for the purpose of transport and reassembly on the new site. The definition also includes alterations or additions to such buildings that occur concurrently with their initial establishment on the new site.
REMNANT FOREST	means any indigenous natural area which has never been clear-felled.
RENEWABLE ELECTRICITY GENERATION	means generation of electricity from solar, wind, hydro-electricity, geothermal, biomass, tidal, wave and ocean current energy sources.
RENEWABLE ELECTRICITY GENERATION ACTIVITIES	means the construction, operation and maintenance of structures associated with renewable electricity generation. This includes small and community-scale distributed renewable generation activities and the system of electricity conveyance required to convey electricity to the distribution network and/or the national grid and electricity storage technologies associated with renewable electricity.
REPAIR	in relation to a heritage item, means the repairs of materials by patching, piercing in, splicing and consolidating existing materials, and including minor replacement of minor components, such as individual bricks, cut stone, timber sections, tiles and slates, where these have been damaged beyond reasonable repair or are missing. The replacement should be of the original or similar material, colour, texture, form and design as the original it replaces, and the number of components replaced should be substantially less than the existing components.
REPAIR CENTRE	means the use of land and/or buildings to provide retail activities and commercial services required on a day to day basis.
RESIDENTIAL ACTIVITY	means the use of land and building(s) for people's living accommodation.
RESIDENTIAL UNIT	means a building(s) or part of a building that is used for a residential activity exclusively by one household, and must include sleeping, cooking, bathing and toilet facilities.
RESIDUAL ADVERSE EFFECT	means an adverse environmental effect which remains after mitigation measures are implemented.
RESIDUAL RISKS	means in relation to hazardous substances, any risk of an adverse effect that remains after other industry controls and legislation and regional planning instruments, have been complied with.
RETIREMENT VILLAGE	means a managed comprehensive residential complex or facilities used to provide residential accommodation for people who are retired and any spouses or partners of

	such people. It may also include any of the following for residents within the complex: recreation, leisure, supported residential care, welfare and medical facilities (inclusive of hospital care) and other non-residential activities.
RIVER	has the same meaning as in section 2 of the RMA (as set out below) means a continually or intermittently flowing body of fresh water; and includes a stream and modified watercourse; but does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal).
RIVER FLOOD HAZARD AREA	means areas of river flooding mapped by the Northland Regional Council and included in the District Plan maps as follows: a. 1 in 10 Year River Flood Hazard Area — the area potentially susceptible to river flooding in a 10% Annual Exceedance Probability (AEP) / 10Yr Average Return Interval (ARI) storm event. b. 1 in 100 Year River Flood Hazard Area — the area potentially susceptible to river flooding in a 1% AEP / 100Yr ARI storm event plus climate change.
ROAD	has the same meaning as in section 2 of the RMA (as set out below) has the same meaning as in section 315 of the Local Government Act 1974; and includes a motorway as defined in section 2(1) of the Government Roding Powers Act 1989 Section 315 of the Local Government Act 1974 road definition road means the whole of any land which is within a district, and which- a. immediately before the commencement of this Part was a road or street or public highway; or b. immediately before the inclusion of any area in the district was a public highway within that area; or c. is laid out by the council as a road or street after the commencement of this Part; or d. is vested in the council for the purpose of a road as shown on a deposited survey plan; or e. is vested in the council as a road or street pursuant to any other enactment;— and includes f. except where elsewhere provided in this Part, any access way or service lane which before the commencement of this Part was under the control of any council or is laid out or constructed by or vested in any council as an access way or service lane or is declared by the Minister of Works and Development as an access way or service lane after the commencement of this Part or is declared by the Minister of Lands as an access way or service lane on or after 1 April 1988; g. every square or place intended for use of the public generally, and every bridge, culvert, drain, ford, gate, building, or other thing belonging thereto or lying upon the line or within the limits thereof; but, except as provided in the Public Works Act 1981 or in any regulations under that Act, does not include a motorway within the meaning of that Act or the Government Roding Powers Act 1989 Section 2(1) of the Government Roding Powers Act 1989 motorway definition motorway - a. means a motorway declared as such by the Governor-General in Council under section 138 of the Public Works Act 1981 or under section 71 of this Act; and b. includes all bridges, drains, culverts, or other structures or works forming part of any motorway so declared; but c. does not include any Local Road, access way, or service lane (or the supports of any such road, way, or lane) that crosses over or under a motorway on a different level.
ROAD BOUNDARY	means a boundary of any site contiguous to the boundary or proposed final boundary of any legal road or private road (as defined by s315 of the Local Government Act).
ROAD CORRIDOR	means the road reserve area from the private property boundary on one side of the road to the property boundary on the other.
ROOTZONE AREA	means the circular area surrounding a notable tree, measured from the center of the trunk, with a radius calculated by multiplying the trunk diameter by 12, measured 1.5m above ground level.
RURAL AIRSTRIP	means any defined area of land intended or designed to be used, whether wholly or partly, for the landing, departure, movement, or servicing of aircraft in the rural area.
RURAL INDUSTRY	means an industry or business undertaken in a rural environment that directly supports, services, or is dependent on primary production.
RURAL PRODUCE	means fruit, vegetables, flowers or other similar farm products primarily grown and/or

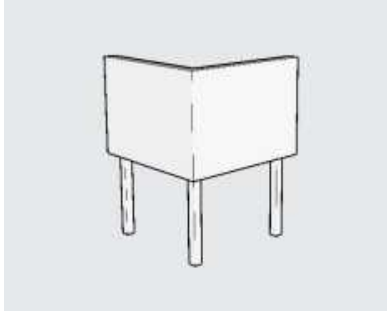
	processed on a property in a rural zone.
RURAL PRODUCE MANUFACTURING	means the use of land and/or buildings for the manufacturing of products from rural produce grown on the same site.
RURAL PRODUCE RETAIL	means the sale of rural produce grown or produced, including products manufactured from that produce.
RURAL TOURISM ACTIVITY	means the use of land or buildings for tourism activities that enable people to visit and experience within the rural environment. It does not include: a. Rural produce retail; b. Rural produce manufacturing; c. Visitor accommodation; d. Home business.
SCHEDULED HERITAGE RESOURCE	means the historic buildings, sites, objects and places identified on the planning maps as a 'heritage item' and listed in Schedule 2 — Schedule of historic sites, buildings and objects.
SCHEDULED SITE AND AREA OF SIGNIFICANCE TO MĀORI	means a site and area of significance to Māori, identified on the planning maps and listed in Schedule 3: Schedule of sites and areas of Significance to Māori.
SEASONAL WORKER ACCOMMODATION	means the use of land and buildings for the sole purpose of accommodating the short-term labour requirement of a farming activity, rural industry or post-harvest facility.
SENSITIVE ACTIVITY	1. means: a. Residential activities; b. Education facilities; c. Guest and visitor accommodation; d. Health care facilities which include accommodation for overnight care; e. Hospital; f. Marae; or g. Place of assembly. except that; i. subclause f. above is not applicable in relation to electronic transmission. ii. subclause g. above is not applicable in relation to noise or electronic transmission. 2. In relation to electricity transmission, has the same meaning as sensitive activities in the National Policy Statement on Electricity Transmission (2008) or its replacement.
SENSITIVE ENVIRONMENT	For the purpose of the Hazardous Substances and Mineral Extraction chapters, means: a. The coastal environment; b. An outstanding natural feature or landscape; c. Scheduled site and area of significance to Māori; d. River flood hazard areas; e. Coastal hazard areas; f. Scheduled heritage resource; and g. The area within a 100m setback from the edge of a surface water body.
SENSITIVE MATERIAL	means: a. Human remains and kōiwi; b. An archaeological site; c. Māori cultural artefact/taonga tuturu; d. A protected New Zealand object as defined in the Protected Objects Act 1975 (including any fossil or sub-fossil).
SETBACK	means the horizontal distance between any activity or development and any relevant boundary, waterbody or feature. a. Where any building or part of a building is required to be set back from any site boundary no part of that building shall be closer to the site boundary than the minimum distance specified, except that the eaves of any building and any roof, gutter or downpipe may project over any setback by not more than 600 mm, provided that where any building line restriction has been imposed or any road widening is required by this Plan or otherwise in accordance with the Local Government Act 1974, and its amendments, the setback shall be determined from the proposed final site boundary. b. Where an activity or development is required to be set back from a water body (other than the coastal marine area), the setback shall be measured from the bank of a river or margin of a lake or wetland. c. Where an activity or development is required to be set back from any heritage or resource feature identified in the Plan, the setback shall be measured from the

	boundary of the heritage or resource feature as shown in the District Plan Maps.
SEWAGE	means human excrement and urine.
SHADOW FLICKER	means alternating changes in light intensity caused when the sun passes behind the wind turbine and casts a shadow on the ground or stationary objects. As the rotor blades rotate, shadows pass over the same point causing an effect called shadow flicker.
SHELTERBELTS	means any trees planted primarily to provide shelter for stock, crops or buildings from the prevailing wind(s) or to mitigate potential spray drift from agricultural applications.
SIGN	means any device, character, graphic or electronic display, whether temporary or permanent, which: a. is for the purposes of: i. identification of or provision of information about any activity, property or structure or an aspect of public safety; ii. providing directions; or iii. promoting goods, services or events; and b. is projected onto, or fixed or attached to, any structure or natural object; and c. includes the frame, supporting device and any ancillary equipment whose function is to support the message or notice.
SIGNIFICANT HAZARDOUS FACILITY	means the use of land and/or buildings (or any part of) for one or more of the following activities: a. Any Major Hazard Facility designated under the Health and Safety at work (Major Hazard Facilities) Regulations 2016, including the Ngawha Geothermal Plant; b. Manufacturing, including the associated storage, of hazardous substances (including agrichemicals, fertilisers, acids/alkalis or paints); c. Petroleum exploration and petroleum production facility; d. The storage/use of more than 100,000L of petrol or diesel; e. The storage/use of more than 6 tonnes of LPG; f. Galvanising plants; g. Electroplating and metal treatment; h. Tanneries; i. Timber treatment; j. Freezing works and rendering plants; k. Wastewater treatment plants; l. Metal smelting and refining (including battery refining or recycling); m. Milk processing plants; or n. Polymer foam manufacturing. The storage of petrol and diesel in (c) and (d) above does not include the underground storage at service stations and commercial refuelling facilities undertaken in accordance with HSNOCOP 44 Below Ground Stationary Container Systems for Petroleum - Design and Installation and HSNOCOP 45 Below Ground Stationary Containers Systems for Petroleum - Operation (or more recent relevant WorkSafe guidance for underground fuel storage).
SIGNIFICANT INDIGENOUS VEGETATION OR SIGNIFICANT HABITAT OF INDIGENOUS FAUNA	means an area identified as significant indigenous vegetation or significant habitat of indigenous fauna in accordance with Appendix 5 of the Regional Policy Statement for Northland 2016.
SITE	means: a. an area of land comprised in a single record of title under the Land Transfer Act 2017; or b. an area of land which comprises two or more adjoining legally defined allotments in such a way that the allotments cannot be dealt with separately without the prior consent of the council; or c. the land comprised in a single allotment or balance area on an approved survey plan of subdivision for which a separate record of title under the Land Transfer Act 2017 could be issued without further consent of the Council; or d. despite paragraphs (a) to (c), in the case of land subdivided under the Unit Titles Act 1972 or the Unit Titles Act 2010 or a cross lease system is the whole of the land subject to the unit development or cross lease.
SITE AND AREA OF SIGNIFICANCE TO MĀORI	means a site or place that tangata whenua has, or at any time has had an interest in; and the site holds cultural or spiritual significance to Māori, including wāhi tapu.
SMALL SCALE MANUFACTURING	Places where articles, goods or produce are made and prepared for sale or rent and the light manufacturing activity is contained entirely within a building, does not require the use, storage or handling of hazardous substances requiring separate resource consent and does not require any air discharge consent.

SMALL SCALE RENEWABLE ELECTRICITY GENERATION	means renewable electricity generation where at least 50% of the energy generated is supplied to the site it is located, and includes domestic and micro-scale renewable electricity generation.
SPECIAL AUDIBLE CHARACTERISTIC	has the same meaning as 'special audible characteristic' in section 6.3 of New Zealand Standard 6802:2008 Acoustics — Environmental Noise.
SPORT AND ACTIVE RECREATION ACTIVITY	means the use of land, water bodies and/or buildings for organised sport, recreation activities, tournaments and sports education e.g. parks, playgrounds, sportsgrounds, swimming pools, and multi-sport facilities. It includes ancillary activities to sport and recreation activities.
STERILISATION	when new activities (for example residential development) constrain the ability to access and, therefore, exploit a resource to its full potential (for example, the use of land for mining).
STORAGE FACILITIES	Business that provides facilities to the public for storing possessions.
STORMWATER	means run-off that has been intercepted, channelled, diverted, intensified or accelerated by human modification of a land surface, or run-off from the surface of any structure, as a result of precipitation and includes any contaminants contained within.
STRUCTURAL MITIGATION ASSET	means structures that have been built to mitigate the effects of natural hazards and include flood management schemes (for example: stopbanks, spillways and flood gates) and hard protection structures (for example: seawalls, groynes or other erosion protection).
STRUCTURAL ROOTZONE	is determined by the is determined by using the Australian Standards (AS 4790-2009) Protection of trees on development sites, which is an area around the tree trunk where large anchorage roots are likely to existing known as the structural rootzone (SRZ). The formula used is $SRZ = (D \times 50)^{0.42} \times .064$ - the diameter is taken at ground level.
STRUCTURE	has the same meaning as in section 2 of the RMA (as set out below) means any building, equipment, device, or other facility, made by people and which is fixed to land; and includes any raft.
SUBDIVISION	has the same meaning as "subdivision of land" in section 218 of the RMA (as set out below) means a. the division of an allotment— i. by an application to the Registrar-General of Land for the issue of a separate certificate of title for any part of the allotment; or ii. by the disposition by way of sale or offer for sale of the fee simple to part of the allotment; or iii. by a lease of part of the allotment which, including renewals, is or could be for a term of more than 35 years; or iv. by the grant of a company lease or cross lease in respect of any part of the allotment; or v. by the deposit of a unit plan, or an application to the Registrar-General of Land for the issue of a separate certificate of title for any part of a unit on a unit plan; or b. an application to the Registrar-General of Land for the issue of a separate certificate of title in circumstances where the issue of that certificate of title is prohibited by section 226.
SUBSTATION	means those parts of works or electrical installations, being a building, structure, or enclosure exceeding 10m ² in area, and incorporating fittings that are used for the purposes of the control of the transformation, transmission, or distribution of electricity.
SUPERMARKET	means a self-service retail activity selling mainly food, beverages and small household goods.
SUPPORT STRUCTURE	means any pole, mast or building designed or used for bearing the weight of or keeping a safe distance above the ground any aerial, sign, scaffolding, or reticulation network owned or operated by a network utility operator, and includes any support structures necessary for the transformation, transmission or distribution of electricity, including bridges, power poles, lines, conductors and transformers.
SUPPORTED RESIDENTIAL CARE ACTIVITY	means land and buildings in which residential accommodation, supervision, assistance, care and/or support are provided by another person or agency for residents.

SURFACE WATER BODY	means any water body the surface of which is above ground, and includes wetlands but excludes artificial watercourses including drains.
SUSTAINABLE MANAGEMENT	has the same meaning as in section 5 of the RMA (as set out below) means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while— - sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and - safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and - avoiding, remedying, or mitigating any adverse effects of activities on the environment.
TELECOMMUNICATIONS KIOSK	means any structure intended for public use to facilitate telecommunication and includes boxes or booths for telephone, video or internet services.
TEMPORARY ACTIVITIES	means an activity that is temporary and limited in duration. It may include carnivals; concerts; fairs; festivals and events; markets and exhibitions; public meetings; parades; special events; sporting events; filming activities; temporary military training activities; temporary motorsport activities; and emergency response training by ambulances, Civil Defence, Coast Guard New Zealand, Fire and Emergency New Zealand, New Zealand Police, Land Search and Rescue, or Surf Life Saving New Zealand. It also includes buildings or structures accessory to temporary activities, temporary car parking areas, and the ancillary activities associated with the temporary activities.
TEMPORARY MILITARY TRAINING ACTIVITY	means a temporary activity undertaken for the training of any component of the New Zealand Defence Force (including with allied forces) for any defence purpose. Defence purposes are those purposes for which a defence force may be raised and maintained under section 5 of the Defence Act 1990 which are: - the defence of New Zealand, and of any area for the defence of which New Zealand is responsible under any Act; - the protection of the interests of New Zealand, whether in New Zealand or elsewhere; - the contribution of forces under collective security treaties, agreements, or arrangements; - the contribution of forces to, or for any of the purposes of, the United Nations, or in association with other organisations or States and in accordance with the principles of the Charter of the United Nations; - the provision of assistance to the civil power either in New Zealand or elsewhere in time of emergency; - the provision of any public service.
TERRITORIAL AUTHORITY	has the same meaning as in section 5 of the Local Government Act 2002 (as set out below) means a city council or a district council named in Part 2 of Schedule 2.
THIRD-PARTY SIGN	means the use of land, buildings or structures for the advertising of goods and services that are not sold or provided on the site on which the sign is located.
THREATENED INDIGENOUS TAXA	means species that are listed as threatened in the New Zealand Threat Classification System.
THREE WATERS INFRASTRUCTURE	means any current or planned (within a Long Term Plan or 30 Year Infrastructure Strategy) Council owned reticulated network controlling: - Wastewater; - Potable water; and - Stormwater.
TRADE SUPPLIER	means a business that involves the sale of wholesale goods to businesses, as well as limited retail sales to the general public, and sell supplies which fall into the following categories: - automotive and/or marine supplies; - building supplies; - catering equipment supplies; - farming and agricultural supplies; - garden and landscape supplies; - hire services (except hire or loan of books, videos, DVDs and other similar home entertainment items); - industrial clothing and safety equipment supplies; - office furniture, equipment and systems suppliers; and

	i. home improvement supplies.
TRANSPORT INFRASTRUCTURE	means any infrastructure, land, building, equipment or device that support the movement of people and goods by land including: a. cycle facilities including cycleways, cycle parking, cycle hire stations and cycle maintenance stands; b. pedestrian facilities and accessways including footpaths, footways and footbridges; c. railway tracks, bridges, tunnels, signalling, access tracks and facilities; d. roads including carriageways, pavements, bridges, tunnels, retaining walls, underpasses, overpasses, verge and berms; e. lighting, signals, signs, and control structures and devices associated with intelligent transport systems including vehicle detection systems (electronic vehicle identification, and infra-red vehicle occupancy counters, incident detection, emergency telephones, cables and ducting; f. safety devices including hand rails, bollards, cameras, road markings, rumble strips, barriers, fences, speed tables and speed cushions and traffic separators; g. other traffic control devices including traffic islands, level crossings, pedestrian crossings, roundabouts and intersection controls, traffic and cycle monitoring devices; h. parking control devices; i. site access including vehicle crossings; j. street and railway furniture, artworks, passenger shelters and ticketing and tolling facilities; k. ancillary equipment and structures associated with public transport systems including seats, shelters, real time information systems and ticketing facilities, bicycle storage and cabinets; l. noise attenuation walls or fences; and m. stormwater management facilities, ventilation structures, drainage devices and erosion control devices.
TREATY SETTLEMENT LAND	means property which is either: a. vested with claimant groups by the Crown as a result of treaty settlement legislation and final deeds of settlement; or b. acquired by a claimant group from the Crown pursuant to a Right of First Refusal process, provided that the properties were specifically identified by reference to site or title in treaty settlement legislation. Includes: a. cultural redress properties; b. commercial redress properties including properties returned via deferred selection, properties transferred to other iwi, hapū or whanau entities associated or affiliated with the claimant group; and properties transferred to a company in which the claimant group holds a controlling interest. Excludes: a. unspecified properties within geographic areas over which claimant groups have been awarded Right of First Refusal in treaty settlement legislation; b. properties covered by Statutory Acknowledgement or Deed of Recognition but not owned by claimant group; c. properties in which the claimant group, or an iwi, hapū or whanau entity associated or affiliated with the claimant group, no longer retains a legal interest; d. properties leased by the claimant group to an unrelated entity for a term which, including renewals, is or could be more than 35 years; and e. properties transferred to a company in which the claimant group has a minority interest.
UPGRADING	means, in relation to infrastructure, an increase in the capacity, efficiency, safety, security or resilience of existing infrastructure.
VETERINARY VACCINE	means a biological compound controlled by the Agricultural Compounds and Veterinary Medicines Act that is used to produce or artificially increase immunity to a particular disease and has been tested and approved as safe to use by a process similar to that conducted for approval and use of medical vaccines.
VIABLE GENETICALLY MODIFIED VETERINARY VACCINE	means a genetically modified veterinary vaccine that could survive or replicate in the environment or be transmitted from the inoculated recipient.
VISITOR ACCOMMODATION	means land and/or buildings used for accommodating visitors, subject to a tariff being paid, and includes any ancillary activities.

V-SHAPED SIGN	means a sign placed on a horizontal plane in a V shape containing no more than three support posts and two signs. 
VULNERABLE ACTIVITY	means residential activities, care facilities (including child care services), retirement villages, visitor accommodation, marae and medical facilities with overnight stay facilities.
WAITANGI COMMERCIAL ACTIVITIES	means commercial activities and associated parking that support tourism or recreational activities in the Waitangi Estate Special Purpose Zone, including: a. restaurants / bars / cafes; b. ancillary retail or tourism activities associated with the historic Waitangi Treaty Grounds; c. wine or beverage tasting rooms and ancillary retail; d. artisan galleries, artisan workshops, exhibitions and ancillary retail; e. gift / souvenir shops; f. rural produce retail grown or produced on the Waitangi Estate; g. market stalls; h. wellness spa activities; i. golf supply, golf rental or golf retail activities; and j. rural tourism activity; and k. functions and conferences.
WAITANGI ESTATE	All land administered by the Waitangi National Trust contained within the Waitangi Estate Special Purpose zone.
WASTE MANAGEMENT FACILITY	means a facility where waste and recyclable materials are temporarily stored, handled and processed, prior to being transported to another facility for disposal or an alternative use. These include, but are not limited to, refuse and recycling transfer stations, and materials recovery facilities.
WASTEWATER	means any combination of two or more of the following wastes: sewage, greywater or industrial and trade waste.
WATER	has the same meaning as in section 2 of the RMA (as set out below) a. means water in all its physical forms whether flowing or not and whether over or under the ground; b. includes fresh water, coastal water, and geothermal water; c. does not include water in any form while in any pipe, tank, or cistern.
WATERBODY	has the same meaning as in section 2 of the RMA (as set out below) means fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the coastal marine area.
WETLAND	has the same meaning as in section 2 of the RMA (as set out below) includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions.
WETLAND, LAKE AND RIVER MARGINS	In the Light Industrial and Heavy Industrial zones means the area of land within 20 metres of a: a. wetland that is not an artificially constructed pond; b. lake greater than 1ha, and is not: i. an artificial lake where the primary purpose is for managing stormwater; ii. a constructed farm water supply pond or dam; or iii. a farm or municipal wastewater treatment pond; or c. river greater than 3m average width. In the General Residential, Medium Density Residential, Kororāreka Russell Township, Quail Ridge, Town Centre, Mixed Use or in the Waitangi Estate Purpose Whakanga (Tourism) sub-zones means the area of land within 26 metres of a:

- a. wetland that is not an artificially constructed pond;
- b. lake greater than 1ha, and is not:
 - i. an artificial lake where the primary purpose is for managing stormwater;
 - ii. a constructed farm water supply pond or dam; or
 - iii. a farm or municipal wastewater treatment pond; or
- c. river greater than 3m average width.

In all other zones means the area of land within 30 metres of a:

- a. wetland that is not an artificially constructed pond;
- b. lake greater than 1ha, and is not:
 - i. an artificial lake where the primary purpose is for managing stormwater;
 - ii. a constructed farm water supply pond or dam; or
 - iii. a farm or municipal wastewater treatment pond; or
- c. river greater than 3m average width .

Where a river is smaller than 3m average width, the river margin is the area of land within 10m of a river.

Note: The width is measured in relation to the bed of the waterbody

	NOTE: Works within the State Highway network require the approval of NZTA. Works within the local road network require the approval of the Far North District Council.	
TRAN-R7	Upgrading of existing transport infrastructure within the existing road corridor	
All zones	Activity status: Permitted Where: PER-1 The upgrade is wholly within the existing road corridor. PER-2 The upgrade complies with standards: TRAN-S4 Requirements for road design PER-3 The road is not an arterial road.	Activity status where compliance not achieved with PER-1 or PER-2: Restricted discretionary Matters of discretion are restricted to: - the matters of discretion of any infringed standard; and - the safe, efficient, and effective operation of the road corridor.
		Activity status where compliance not achieved with PER-3: Discretionary
TRAN-R8	Electric vehicle charging stations	
All zones	Activity status: Permitted Where: PER-1 Where the parking spaces are provided in accordance with: TRAN-S1 Requirements for parking.	Activity status where compliance not achieved with PER-1: Restricted discretionary Matters of discretion are restricted to: - the matters of discretion of any infringed standard; and - location, size and design of parking and loading areas.
TRAN-R9	Trip generation	
All zones	Activity status: Permitted Where: PER-1 The use or development is no greater than the thresholds in TRAN-Table 12 - Trip generation. PER-2 The subdivision does not create lots (including balance lots) that enable use or development greater than the thresholds in TRAN-Table 12 - Trip generation. NOTES: Where there is an existing activity and an extension or alteration to that activity is proposed, the thresholds in TRAN-Table 12 should be applied to the GFA of the extension, or to the increase in the number of people or units compared to the existing activity. Where there are multiple activities on a site, the trip generation is calculated separately for each activity, then added together. For multiple on site uses and other activities not listed within TRAN-Table 12 - Trip generation, equivalent car movements (ECM) should be incorporated into the 200 trips per day or 40 trips per hour trip generation threshold as per below: 1 car trip (to or from the property) = 1 equivalent car movement. 1 truck trip (to or from the property) = 3 equivalent car movements. 1 truck and trailer trip (to or from the property) = 5 equivalent car movements.	Activity status where compliance not achieved with PER-1 or PER-2: Restricted discretionary Matters of discretion are restricted to: - any recommendations in an Integrated Transport Assessment approved by a suitably qualified and experienced transport professional; - whether the use or development compromises the safety and efficiency of the transport network, including future transport connections and the impact of parking demand on the road corridor; - the extent to which vehicle access, parking and manoeuvring areas associated with the activity are provided; - the nature of the activity and compatibility with the function and purpose of the underlying zone; - the extent to which the design and layout of the site maximise opportunities for alternative transport modes; and - whether utilising alternative transport modes can reduce trip generation and mitigate potential impacts on the transport network.
TRAN-R10	Maintenance or upgrading of the Pou Herenga Tai Twin Coast Cycle Trail	
All zones	Activity status: Permitted Where:	Activity status where compliance not achieved with PER-1: Restricted discretionary

Heavy Industrial zone			
All other zones	Sealed	Sealed or concreted	Sealed for a length of 10m from the edge of the carriageway; and Sealed where gradient exceeds 12.5%
	Unsealed	Unsealed	Sealed where gradient exceeds 12.5%

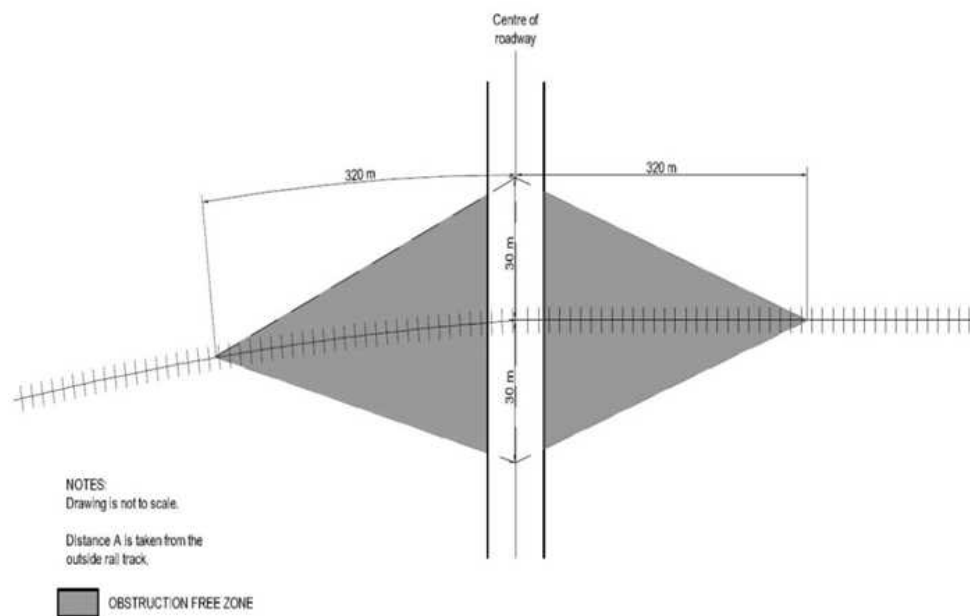
NOTE: Far North District Council Engineering Standards include additional requirements for accessway surfacing.

TRAN-Table 12 - Trip generation

Activity	Threshold
Multiple on site uses	200 ECM trips per day or 40 ECM trips per hour
Any activity not listed below	200 ECM trips per day or 40 ECM trips per hour
Healthcare activity and hospitals	250m ² GFA
Commercial activity	200m ² GFA
Drive-thru and service stations	200m ² GFA
Trade supplier	450m ² GFA
Large-format retail	450m ² GFA
Supermarket	225m ² GFA
Restaurants/bars/cafes	200m ² GFA
Office	800m ² GFA
Commercial service	200m ² GFA
Industrial activity	4000m ² GFA
Child care service	30 children
Primary and secondary schools	60 students
Tertiary education facility	150 students
Residential activity	20 residential units

NOTE: ECM refers to equivalent car movements

TRAN-Figure 9 - Approach Sight Triangles for Level Crossings with “Stop” or “Give Way” Signs



Notes:

1. There may be rules in other District-Wide Matters and the underlying zone in Part 3 - Area Specific Matters that apply to a proposed activity, in addition to the rules in this chapter. These other rules may be more stringent than the rules in this chapter. Ensure that the underlying zone chapter and other relevant District-Wide Matters chapters are also referred to, in addition to this chapter, to determine whether resource consent is required under other rules in the District Plan. Refer to the how the plan works chapter to determine the activity status of a proposed activity where resource consent is required under multiple rules.
2. Any application for a land use resource consent in relation to an area that is potentially affected by natural hazards must be accompanied by a report prepared by a suitably qualified and experienced engineer that addresses the matters identified in the relevant performance standards and matters of discretion. Any application for a subdivision consent must additionally include an assessment of whether the area includes an area of land susceptible to instability.
3. Coastal hazard rules are located in the Coastal Environment Chapter.
4. The natural hazards rules in this chapter and the coastal hazard rules in the Coastal Environment Chapter do not apply to telecommunication facilities that are regulated activities under the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 (NES-TF).

NH-R1	Maintenance, repair or upgrading of existing infrastructure, including structural mitigation assets	
River Flood hazard areas	Activity status: Permitted Where: PER-1 Any increase of footprint of the above ground infrastructure does not exceed 10m ² . PER-2 Any works to maintain, repair or upgrade infrastructure do not alter or divert an overland flow path. PER-3 Ground is reinstated to the equivalent state that existed prior to the works.	Activity status where compliance with PER-1 is not achieved: Restricted discretionary (refer Rule NH-R9) Activity status where compliance with PER-2 or PER-3 is not achieved: Restricted discretionary. Matters of discretion are limited to: a. the effects of the activity on overland flow paths and flooding on surrounding sites.
NH-R2	Extensions and alterations to existing buildings or structures	
River Flood hazard areas	Activity status: Permitted Where: PER-1 There is no increase to the GFA of the building or footprint of the structure that results in the building or structure exceeding the limits for new buildings or structures and relocated buildings in NH-R3- PER 1 and new buildings or structures and relocated buildings ancillary to farming activities in NH-R4 PER 1. PER-2 No part of the building or structure is enclosed in a manner that alters or diverts an overland flow path or reduces flood plain storage.	Activity status where compliance with PER-1 or PER-2 not achieved: Restricted discretionary (refer Rule NH-R7 for buildings and Rule NH-R9 for structures other than buildings)
NH-R3	New buildings or structures and relocated buildings	
River Flood hazard areas	Activity status: Permitted Where: PER-1 The building or structure and relocated buildings is one of the following:	Activity status where compliance with PER-1, PER-2 or PER-3 is not achieved: Restricted discretionary (refer Rule NH-R7 for new buildings and Rule NH-R9 for new structures other than buildings)

		(where provided).
HA-R4	New buildings or structures and relocated buildings	
Heritage Area Overlays: Kerikeri - Part B Kororāreka Russell — Part D Mangōnui and Rangitoto Peninsula - Part B Paihia — Part B Pouerua Rangihoua Rāwene - Part B Te Waimate	Activity status: Permitted Where: PER-1 The building or structure and relocated building complies with standards: HA-S1 Setback from a scheduled Heritage Resource. HA-S2: Heritage Colours	Activity status where compliance not achieved with PER-1: Restricted discretionary Matters of discretion are restricted to: - whether the proposed building or structure will adversely affect the heritage values of the Heritage Area Overlay; - whether the proposed building, structure will adversely affect the heritage values of any adjacent scheduled Heritage Resource; - whether there is a practicable reason why the building or structure needs to be located within the Heritage Area Overlay; - the colour of all exterior surfaces and their appropriateness within the Heritage Area Overlay; - any landscaping or fencing to maintain heritage boundary treatments and curtilage; - the location and relationship of the building or structure in relation to adjoining sites and the road; - any assessments or advice from a suitably qualified and experienced heritage or cultural expert (where provided); and - any consultation with Heritage New Zealand Pouhere Taonga, Department of Conservation and tangata whenua (where provided); and - in the Kororāreka Russell Heritage Area Overlay, the matters listed in Policy KRT-P6.
Heritage Area Overlay: Kerikeri - Part A Kohukohu Kororāreka Russell Part A - The Strand, Part B - Wellington Street and Part C - Christ Church Mangōnui and Rangitoto Peninsula - Part A	Activity status: Restricted discretionary Where: RDIS-1 If the building or structure and relocated building is located within Kororāreka Russell - Part A Heritage Area Overlay, it does not have frontage to the coastal marine area. RDIS-2 The building or structure and relocated building complies with standards: HA-S1: Setback from a scheduled Heritage Resource; and HA-S2: Heritage Colours. Matters of discretion are restricted to: - whether the proposed building or structure will adversely affect the heritage values of the Heritage Area Overlay; - whether the proposed building or structure will adversely affect the heritage values of any adjacent Scheduled Heritage Resource; - the colour of all exterior surfaces and their appropriateness within the Heritage Area Overlay;	Activity status where compliance not achieved with RDIS-1 or RDIS-2: Discretionary

Paihia - Part A Rāwene - Part A	d. any landscaping or fencing; e. the location and relationship of the building or structure in relation to adjoining sites, coastal marine area, roads; f. any assessments or advice from a suitably qualified and experienced heritage or cultural expert (where provided); g. any consultation with Heritage New Zealand Pouhere Taonga, Department of Conservation and tangata whenua (where provided); and h. in the Kororāreka Russell Heritage Area Overlay, the matters listed in Policy KRT-P6.	
HA-R5	Earthworks	
All Heritage Area Overlays:	Activity status: Permitted Where: PER-1 The earthworks: 1. are setback a minimum of 20m from a scheduled Heritage Resource; 2. comply with standard HA-S3 Accidental Discovery Protocol. NOTE 1: When applying PER-1(1), the 20m distance must be measured from the edge of the footprint of any building, site or structure as described in Schedule 2 — Schedule of historic sites, buildings and objects. NOTE 2: The Heritage New Zealand Pouhere Taonga Act 2014 requires all applicants to obtain an authority from Heritage New Zealand Pouhere Taonga before any archaeological site is modified or destroyed. This is the case regardless of whether the land on which the site is located is designated, or whether the activity is permitted under the District Plan or a resource or building consent has been granted.	Activity status where compliance with PER-1 is not achieved: Restricted discretionary Matters of discretion are restricted to: a. whether the proposed earthworks will adversely affect the heritage values of the Heritage Area Overlay; b. whether the proposed earthworks will adversely affect the heritage values of any adjacent scheduled Heritage Resource; c. any adverse effects on any archaeological site; d. any methods of site rehabilitation; e. any assessments or advice from a suitably qualified and experienced heritage or cultural expert (where provided); and f. any consultation with Heritage New Zealand Pouhere Taonga, Department of Conservation and tangata whenua (where provided).
HA-R6	Infrastructure not located within a site containing a scheduled Heritage Resource	
Heritage Area Overlays: Kerikeri — Part B Kororāreka Russell - Part D Mangōnui and Rangitoto Peninsula — Part B Paihia — Part B Pouerua Rāwene -	Activity status: Permitted	Activity status where compliance not achieved: Not applicable

	shall also comply with Rule SIGN-R5 and other standards for freestanding signs.	
SIGN-R7	Signs on or attached to a building, window, fence or wall (excluding a scheduled heritage resource)	
All zones — except for Waitangi Estate zone	Activity status: Permitted Where: PER-1 The sign does not protrude above the highest point of the building or structure. PER-2 The sign complies with standards: SIGN-S1 Maximum area; SIGN-S2 Maximum height; SIGN-S3 Maximum number; SIGN-S4 Traffic safety; and SIGN-S5 Sign design and content. PER-3 The sign is not for third party advertising and the activity is lawfully undertaken within the site.	Activity status where compliance not achieved with PER-1: Restricted discretionary Matters of discretion are restricted to: - the character and amenity of the surrounding area; - whether the sign is compatible with the built form on the site; - whether the sign contributes to visual clutter; and - any adverse cumulative effects.
		Activity status where compliance not achieved with PER-2: Restricted discretionary Matters of discretion are restricted to: - the matters of discretion of any infringed standard; - the character and amenity of the surrounding area; - whether the sign is compatible with the built form on the site; - whether the sign contributes to visual clutter; and - any adverse cumulative effects.
		Activity status where compliance not achieved with PER-3: Discretionary
SIGN-R8	Signs located within any overlay other than a Natural Hazard Overlay	
All zones — except for Waitangi Estate zone	Activity status: Permitted Where: PER-1 The sign complies with standards: SIGN-S1 Maximum area; SIGN-S2 Maximum height; SIGN-S3 Maximum number; SIGN-S4 Traffic safety; and SIGN-S5 Sign design and content. PER-2 The sign is an: - interpretation sign; - official sign; - directional sign; - health and safety sign; - real estate sign; or - community sign	Activity status where compliance not achieved with PER-1: Restricted discretionary Matters of discretion are restricted to: - the matters infringed of any standard; - whether the purpose of the sign provides locational, heritage, cultural or other relevant information that supports the protection or context to the overlay and its characteristics and qualities; and - whether there is a functional purpose for the sign.
		Activity status where compliance not achieved with PER-2: Discretionary
SIGN-R9	Signs on or attached to a scheduled heritage resource	
All zones	Activity status: Permitted Where: PER-1 The sign complies with standards: SIGN-S1 Maximum area;	Activity status where compliance not achieved PER-1: Restricted discretionary Matters of discretion are restricted to: - the matters infringed of any standard; - whether the purpose of the sign provides locational, heritage, cultural or

	drainage function. g. The extent to which the proposal supports the efficient and effective operation of the wider land drainage scheme. NOTE: This rule only applies where the subdivision of land may obstruct, divert or attenuate catchment flows or adversely affect the operation of a land drainage scheme. Technical advice from a stormwater engineer may be required to confirm whether this rule applies.	
SUB-R17	Subdivision of land within the mineral extraction zone	
Mineral Extraction zone	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
SUB-R18	Subdivision creating one or more additional allotments within an Outstanding Natural Landscape and Outstanding Natural Feature	
All zones	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
SUB-R19	Subdivision creating one or more additional allotments within wetland, lake and river margins	
All zones	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
SUB-R20	Subdivision creating one or more additional allotments within the Coastal Environment (excluding Outstanding Natural Character Areas)	
All zones (excluding Kauri Cliffs zone, Golf Living subzone and Haruru Development area)	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
SUB-R21	Subdivision of land within 100m of a Mineral Extraction zone	
All zones	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
SUB-R22	Subdivision creating one or more additional allotments that contain highly productive land	
Rural Production zone	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
SUB-R23	Subdivision creating one or more additional allotments within Outstanding Natural Character Areas in the Coastal Environment	
All zones	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable

Standards

SUB-S1 Minimum allotment sizes

Zone/Precinct	Controlled Activity	Discretionary Activity
Rural Production	40ha	8ha
Rural Residential	4,000m ²	2,000m ²
Rural Lifestyle	2ha	1ha

General Residential	600m ²	300m ²
Mixed Use	2,000m ² onsite wastewater disposal 250m ² reticulated wastewater disposal	no minimum lot size
Light Industrial	2,000m ² onsite wastewater disposal 500m ² reticulated wastewater disposal	no minimum lot size
Heavy Industrial	2ha	5,000m ²
Horticulture Processing Facility	2ha	5,000m ²
Horticulture Precinct (applies in place of Rural Production minimum allotment size)	N/A	8ha
Settlement	3,000m ²	1,500m ²
Kororāreka Russell Township	1,000m ²	800m ²
Medium Density Residential	No minimum subdivision requirements around existing dwellings where no vacant allotment is created. Vacant allotment 300m ²	No minimum lot size. Subdivision creating allotments with a minimum net site area of 700m ² or greater
Town Centre	No minimum lot size	No minimum lot size
Tapuaetahi Precinct Area A	600m ²	N/A
Tapuaetahi Precinct Area B	3,000m ²	1,000m ²
All other zones	N/A	N/A
All allotments created for public works, network utilities, reserves or access	No minimum lot size	No minimum lot size

SUB-S2 Requirements for building platforms for each allotment		
General Residential zone Medium Density Residential zone Kororāreka Russell Township zone Settlement zone Rural Production zone	Allotments created must be able to accommodate a square building envelope of the minimum dimensions specified below, which does not encroach into the permitted activity boundary setbacks for the relevant zones, or into an area that does not allow a building to be located.	
	Zone	Minimum dimensions
	General Residential, Kororāreka Russell Township, Settlement	14m x 14m
	Rural Production, Rural Lifestyle, Rural Residential	20m x 20m
	Medium Density Residential	8m x 15m
Matters of discretion are restricted to: - allotment area and dimensions for intended purpose or land use, having regard to the relevant zone standards and any district wide rules for land uses; - allotment sizes and dimensions are sufficient for operational and maintenance requirements; - compatibility with the pattern of the surrounding subdivision, land use activities, and access arrangements (including emergency response access); - any physical constraints; and - whether a suitable alternative building platform can be provided.		

		maintains the existing rural character of the surrounding area; h. any lighting or noise effects i. the frequency of the use, hours and days of operation and the number of people it can cater for; and j. any natural hazard affecting the site or surrounding area.
RSZ-R7	Grazing of animals except pig farming	
Settlement zone	Activity status: Permitted Where: PER-1 The number of poultry does not exceed 12 per site, and there are no roosters.	Activity status where compliance not achieved with PER-1: Discretionary
RSZ-R8	Commercial activity	
Settlement zone	Activity status: Permitted Where: PER-1 Any retail activity (including supermarkets) does not exceed: 1. GFA of 400m² if the site is located in the settlement of Moerewa; or 2. GFA of 300m² in all other settlements. PER 1A Any supermarket does not exceed a GFA of 500m² in all settlements. PER-2 Any office activity does not exceed: 1. GFA of 200m² if the site is located in the settlement of Moerewa; or 2. GFA of 100m² in all other settlements. PER-3 The activity complies with standards: RSZ S5 Outdoor storage; RSZ S6 Landscaping and screening.	Activity status where compliance not achieved with PER-1A: Restricted discretionary Matters of discretion are restricted to: a. the location and design of buildings, outdoor areas, parking and loading areas and access; b. hours of operation; c. screening and landscaping; d. wastewater treatment and disposal; e. water supply for drinking and firefighting; and f. stormwater disposal. Activity status where compliance not achieved with PER-3: Restricted discretionary Matters of discretion are restricted to: a. the matters of discretion of any infringed standard. Activity status where compliance not achieved with PER-1 or PER-2: Discretionary
RSZ-R9	Community facility	
Settlement zone	Activity status: Permitted Where: PER-1 The combined buildings or structures do not exceed GFA of 300m² or a maximum increase of 10% of combined GFA if doing additions or alterations to an existing community facility. PER-2 The activity complies with standards: RSZ-S5 Outdoor storage; RSZ-S6 Landscaping and screening.	Activity status where compliance not achieved with PER-2: Restricted discretionary Matters of discretion are restricted to: a. the matters of discretion of any infringed standard. Activity status where compliance not achieved with PER-1: Discretionary
RSZ-R10	Rural industry	
Settlement zone	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
RSZ-R11	Industrial activity	

Mixed use zone

Overview

The district's urban business centres have traditionally been zoned commercial and contain retail activities, commercial services, food and beverage establishments as well as social services, with limited residential activities.

The Mixed Use zone provides a framework in which commercial and residential activities can co-exist and it enables a range of compatible activities. The focus of the zone is to revitalise urban centres and support business owners, residents and visitors, while ensuring that associated effects are appropriately managed. The Mixed Use zone will contribute to the vibrancy, safety and prosperity of the district's urban centres and will be serviced by appropriate development infrastructure.

The Council has a responsibility under the RMA, the National Policy Statement on Urban Development and the RPS to ensure that there is sufficient land for housing and business to meet the future demands of the district, that development occurs in the right location and that it is appropriately serviced.

Objectives	
MUZ-O1	The Mixed Use zone is the focal point for the district's commercial, community and civic activities, and provides for compatible residential development that complements these activities.
MUZ-O2	Development in the Mixed Use zone is of a form, scale, density and design quality that contributes positively to the vibrancy, safety and amenity of the zone.
MUZ-O3	Enable land use and subdivision in the mixed use zone where there is adequacy and capacity of available or programmed development infrastructure to support it.
MUZ-O4	The adverse environmental effects generated by activities within the zone are managed, in particular at zone boundaries.
MUZ-O5	Residential activity in the Mixed Use zone is located above commercial activities to ensure active street frontages, except where the interface is with the Open Space zone.

Policies	
MUZ-P1	Enable a range of commercial (including supermarkets), community, civic and residential activities in the Mixed Use zone where: - they support the function, role, sense of place and amenity of the zone, while recognising the existing environment; and - there is: - existing infrastructure to support development and intensification, or - additional infrastructure capacity can be provided to service the development and intensification.
MUZ-P2	Require development in the Mixed Use zone to contribute positively to: - high quality streetscapes; - pedestrian amenity; - safe movement of people of all ages and abilities; - community wellbeing, health and safety; and - traffic, parking and access needs.
MUZ-P3	Require development in the Mixed Use zone that is adjacent to Residential and Open Space zones to maintain the amenity values of those areas, having specific regard to: - visual dominance; - privacy; - shadowing; - ambient noise; and - light spill.
MUZ-P4	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: - residential activity, supported residential care and visitor accommodation on the ground floor of buildings, to locations outside of the Pedestrian Frontage Overlay; - storage and warehousing; - large format retail activity and trade suppliers; - waste management activity; - Retirement villages; and

	f. Educational facilities
MUZ-P5	Promote energy efficient design and the use of renewable electricity generation in the construction of mixed use development.
MUZ-P6	Consider the following effects when assessing applications to establish residential, retirement and education facilities: a. the level of ambient noise; b. reduced privacy; c. shadowing and visual domination; d. light spill; and e. reverse sensitivity.
MUZ-P7	Avoid the establishment of: a. residential activity, visitor accommodation or supported residential care on the ground floor of a building within the pedestrian frontage overlay; b. Industrial and offensive trade activities and landfill; and c. primary production and rural industry
MUZ-P8	Consider of the following matters where relevant when assessing and managing the effects of land use and subdivision in the Mixed Use zone: a. consistency with the scale, density, design, amenity and character of the planned mixed use environment; b. the location, scale and design of buildings or structures, outdoor storage areas, parking and internal roading; c. opportunities for connectivity, within and between developments, public open space, services and facilities; d. at zone interfaces: i. any setbacks, fencing, screening or landscaping required to address potential conflicts; ii. any adverse effects on the character and amenity of adjacent; e. the adequacy and capacity of available or programmed development infrastructure to accommodate the proposed activity; including: i. opportunities for water sensitive design methods; ii. management of three waters infrastructure and industrial and trade waste; f. managing natural hazards; g. the adequacy of roading infrastructure to service the proposed activity; h. any adverse effects on historic heritage and cultural values, natural features and landscapes or indigenous biodiversity, and i. any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.

Rules

Notes:

1. There may be other rules in Part 2 - District-Wide Matters of the District Plan that apply to a proposed activity, in addition to the rules in this zone chapter. These District-Wide rules may be more stringent than the rules in this chapter. Ensure that relevant District-Wide Matters chapters are also referred to in addition to this chapter, to determine whether resource consent is required under other rules in the District Plan. Refer to the *how the plan works* chapter to determine the activity status of a proposed activity where resource consent is required under multiple rules.
2. 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.
3. Where a detached minor residential unit is established in accordance with the NES-DMRU, the provisions of that NES prevail over any inconsistent District Plan rule.
4. Where electric vehicle charging infrastructure is established in accordance with the NES-ETEVCI, the provisions of that NES prevail over any inconsistent District Plan rule.

MUZ-R1	New buildings or structures, relocated buildings or extensions or alterations to existing buildings or structures	
Mixed Use zone	Activity status: Permitted Where:	Activity status where compliance not achieved with PER-2, PER-3 and PER-5: Restricted discretionary

	PER-1 The new building or structure, relocated buildings or extension or alteration to an existing building or structure will accommodate a permitted, restricted discretionary or discretionary activity. PER-2 The new building or structure, relocated buildings or extension or alteration to an existing building or structure that increases the existing building footprint complies with the following standards:, except where the building or structure is associated with an electric vehicle charging station: MUZ-S1 Maximum height; MUZ-S2 Height in relation to boundary; MUZ-S3 Setback (excluding from MHWS or wetland, lake and river margins); MUZ-S4 Pedestrian frontages; MUZ-S5 Verandahs; MUZ-S6 Outdoor storage; MUZ-S7 Landscaping and screening on road boundaries; MUZ-S8 Landscaping and screening for sites adjoining a site zoned residential, open space or rural residential; MUZ-S9 Coverage; MUZ-S10 Colours and materials (Opua Marine Business Park); MUZ-S11 - Landscaping revegetation and fencing (Opua Marine Business Park); and MUZ-S12 Site amenity and design(Opua Marine Business Park) 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 The building or structure, if located within an airport protection surface area identified on the planning maps, does not penetrate the airport protection surfaces shown in APP4 Airport protection surfaces. PER-5 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).	Matters of discretion are restricted to: a. the matters of discretion of any infringed standard. Activity status where compliance not achieved with PER-1 or PER-4: Discretionary
MUZ-R2	Commercial activity (excluding supermarkets)	
Mixed Use zone	Activity status: Permitted Where: PER-1 The activity is not a service station. PER-2 Any office does not exceed GFA of 300m². PER-3 The activity is not a drive through.	Activity status where compliance not achieved with PER-1, PER-2 or PER-3: Restricted discretionary PER-2 Matters of discretion are restricted to: a. Any effects on the transport network. PER-1 and PER-3 Matters of discretion are restricted to: a. The extent of any effect on the transport network;

	PER-4 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.	b. Any access is designed and located to provide efficient circulation on site and avoid potential adverse effects on adjoining sites, the safety of pedestrians and the safe and efficient functioning of the road network; c. Minimises building bulk, and signage while having regard to the functional requirements of the activity; and d. Landscaping is provided especially within surface car parking areas to enhance amenity values.
		Activity status where compliance not achieved with PER-4: Discretionary
MUZ-R3	Visitor accommodation	
Mixed Use zone	Activity status: Permitted Where: PER-1 The visitor accommodation is within a residential unit that is either: - located above the ground floor level of a building unless the residential unit existed at 27 July 2022; or - 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. PER-2 The residential unit complies with standard: NOISE-S5 Noise insulation. NOTE: Rule also applies to a detached minor residential unit established in accordance with the NES-DMRU.	Activity status where compliance not achieved with PER-1: Restricted discretionary Where: RDIS — 1 The residential unit is located outside the pedestrian frontage overlay Matters of discretion are restricted to: private outdoor living area that is functional and accessible - a reasonable level of privacy and outlook - safe and convenient pedestrian access to residential units from the street - Building design and layout - Effects on the safety, amenity and attractiveness of the street and public open spaces.
		Activity status where compliance not achieved with PER-2: Discretionary
		Activity status where compliance not achieved with RDIS-1: Non-complying
MUZ-R4	Residential activity	
Mixed Use zone	Activity status: Permitted Where: PER-1 The residential activity is within a residential unit that is	Activity status where compliance not achieved with PER-1: Restricted discretionary Where:

	either: - located above the ground floor level of a building unless the residential unit existed at 27 July 2022; or - 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. PER-2 The minimum net internal floor area, excluding outdoor living space, of a residential unit shall be: 1 bedroom = 45m² 2 bedroom = 62m² 3 bedroom = 82m² PER-3 Residential units established after 27 July 2022 comply with standard: NOISE-S5. NOTE: PER-1 and PER-3 also apply to a detached minor residential unit established in accordance with the NES-DMRU.	RDIS — 1 The residential unit is located outside the pedestrian frontage overlay. Matters of discretion are restricted to: private outdoor living area that is functional and accessible - a reasonable level of privacy and outlook - safe and convenient pedestrian access to residential units from the street - Building design and layout - Effects on the safety, amenity and attractiveness of the street and public open spaces. Activity status where compliance not achieved with PER-2 and PER-3: Discretionary Activity status where compliance not achieved with RDIS-1: Non-complying
MUZ-R5	Healthcare activity	
Mixed Use zone	Activity status: Permitted Where: 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.	Activity status where compliance not achieved with PER-1: Discretionary
MUZ-R6	Community facility	
Mixed Use zone	Activity status: Permitted Where: 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.	Activity status where compliance not achieved with PER-1: Discretionary
MUZ-R7	Emergency service facility	
Mixed Use zone	Activity status: Permitted Where: 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.	Activity status where compliance not achieved with PER-1: Discretionary
MUZ-R8	Conservation activity	
Mixed Use zone	Activity status: Permitted Where: 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.	Activity status where compliance not achieved with PER-1: Discretionary
MUZ-R9	Supported Residential care	

Mixed Use zone	Activity status: Permitted Where: PER-1 The supported residential care activity is within a residential unit that is located above the ground floor level of a building unless the residential unit existed at 27 July 2022. PER-2 The number of occupants does not exceed six. PER-3 Residential units established after 27 July 2022 comply with standard: NOISE-S5.	Activity status where compliance not achieved with PER-1: Restricted discretionary Where: RDIS — 1 The residential unit is located outside the pedestrian frontage overlay Matters of discretion are restricted to: private outdoor living area that is functional and accessible a. a reasonable level of privacy and outlook b. safe and convenient pedestrian access to residential units from the street c. Building design and layout d. Effects on the safety, amenity and attractiveness of the street and public open spaces.
		Activity status where compliance not achieved with PER-2 or PER-3: Discretionary
		Activity status where compliance not achieved with RDIS-1: Non-complying
	MUZ-R10 Supermarkets	
Mixed Use zone	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 450m ² .	Activity status where compliance not achieved with PER-1: Restricted discretionary Matters of discretion are restricted to: a. The extent of any effect on the transport network; b. Any access is designed and located to provide efficient circulation on site and avoid potential adverse effects on adjoining sites, the safety of pedestrians and the safe and efficient functioning of the road network; c. Minimises building bulk, and signage while having regard to the functional requirements of the activity; and d. Landscaping is provided especially within surface car parking areas to enhance amenity values.
MUZ-R11	Community corrections activity	
Mixed Use zone	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 450m ² . PER-2 The activity does not include trades training.	Activity status where compliance not achieved with PER-1 or PER-2: Discretionary
MUZ-R12	Vegetation within airport protection surface area	
Mixed Use zone	Activity status: Permitted Where:	Activity status where compliance not achieved with PER-1: Discretionary

	PER-1 Vegetation within airport protection surface area does not penetrate the airport protection surfaces shown in APP4 Airport protection surfaces.	
MUZ-R13	Educational facility	
Mixed Use zone	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
MUZ-R14	Retirement village	
Mixed Use zone	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
MUZ-R15	Large format retail (excluding supermarkets)	
Mixed Use zone	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
MUZ-R16	Activities not otherwise listed in this chapter	
Mixed Use zone	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
MUZ-R17	Trade supplier	
Mixed Use zone	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
MUZ-R18	Industrial activity (excluding Offensive Trade)	
Mixed use zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
MUZ-R19	Primary production activity	
Mixed Use zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
MUZ-R20	Rural industry	
Mixed Use zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
MUZ-R21	Land fill	
Mixed Use zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
MUZ-R22	Offensive Trade	
Mixed Use zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable

Standards		
MUZ-S1	Maximum height	
Mixed Use zone	The maximum height of a building or structure, or extension or alteration to an existing building or structure, is 12m above ground level, except: - the maximum height differs within the following areas that are mapped within Paihia and Russell: - Paihia Area A: 8.5m - Paihia Area B: 10m; - Russell: 8.5m - the maximum height differs within the following areas in Opua Marine Business Park (refer Appendix A): - Area A: 12m; and - Area B: 8m - that any fence or standalone wall along a side or rear boundary which adjoins a site zoned General	Where the standard is not met, matters of discretion are restricted to: - the character and amenity of the surrounding area; - dominance in relation to the road and adjoining sites; - loss of privacy to adjoining sites, including potential loss in relation to vacant sites; - shading and loss of access to sunlight to adjoining sites; - landscaping; and - natural hazard mitigation and site constraints.

	Residential, Rural Residential, Rural Lifestyle, Māori Purpose - Urban, Open Space, Natural Open Space, or Sport and Active Recreation does not exceed 2m in height. This standard does not apply to: - solar and water heating components not exceeding 0.5m in height on any elevation; - chimney structures not exceeding 1.2m in width and 1m in height on any elevation; - satellite dishes and aerials not exceeding 1m in height above the building envelope and/or diameter on any elevation; - architectural features (e.g. finials, spires) not exceeding 1m in height on any elevation; or - lift overruns provided these do not exceed the height by more than 1m on any elevation.	
MUZ-S2	Height in relation to boundary	
Mixed Use zone	Where the building or structure, or extension or alteration to an existing building or structure adjoins a site zoned General Residential, Rural Residential, Rural Lifestyle, Māori Purpose - Urban, Open Space, Natural Open Space, or Sport and Active Recreation it must be contained within a building envelope defined by recession planes measured inwards from the respective boundary: 55 degrees at 2m above ground level at the northern boundary of the site. 45 degrees at 2m above ground level at the eastern and western boundaries of the site. 35 degrees at 2m above ground level at the southern boundary of the site. This standard does not apply to: - solar and water heating components not exceeding 0.5m in height on any elevation; - chimney structures not exceeding 1.2m in width and 1m in height on any elevation; - satellite dishes and aerials not exceeding 1m in height and/or diameter on any elevation; - architectural features (e.g. finials, spires) not exceeding 1m in height on any elevation; or - lift overruns provided these do not exceed the height by more than 1m on any elevation.	Where the standard is not met, matters of discretion are restricted to: - loss of privacy to adjoining sites, including potential loss in relation to vacant sites; - shading and loss of access to sunlight to adjoining sites, including buildings and outdoor areas; and - natural hazard mitigation and site constraints.
MUZ-S3	Setback (excluding from MHWS or wetland, lake and river margins)	
Mixed Use zone	The building or structure, or extension or alteration to an existing building or structure must be setback at least: 3m from the boundary of any site zoned General Residential, Rural Residential, Rural Lifestyle, Māori Purpose - Urban, Open Space, Natural Open Space, or S Sport and Active Recreation or any KHR designation boundary; and 30m from the road boundary within the Opuā Marine Business Park Appendix A. This standard does not apply to: - solar and water heating components not exceeding 0.5m in height above the building envelope on any elevation; - fences or walls no more than 2m in height above ground level; or - uncovered decks no more than 1m above ground level.	Where the standard is not met, matters of discretion are restricted to: - the natural character of the coastal environment; - screening, planting and landscaping on the site; - the design and siting of the building or structure with respect to privacy and shading; - natural hazard mitigation and site constraints; - the effectiveness of the proposed method for controlling stormwater; - the safety and efficiency of the current or future roading network; - the impacts on existing and planned public walkways; - The location and design of the building as it relates to the ability to safely use,

		access and maintain buildings without requiring access on, above or over the rail corridor; and i. The safe and efficient operation of the rail network.
MUZ-S4	Pedestrian frontages	
Mixed Use zone	For sites with pedestrian frontage identified on the planning maps: 1. At least 65% of the building frontage at ground floor must be clear glazing; and 2. The principal public entrance to the building must be located on the road boundary.	Where the standard is not met, matters of discretion are restricted to: a. the character and amenity of the streetscape; and b. the ability to reuse and adapt the building for a variety of activities; c. Functional requirements of particular activities making compliance with this standard impractical.
MUZ-S5	Verandahs	
Mixed Use zone	For sites with pedestrian frontage identified on the planning maps: 1. any new building, or extension or alteration to a building (including alterations to the façade) must be built up to the road boundary; and 2. a verandah must be provided for the full frontage of the road boundary of the site. The verandah shall: a. directly adjoin any adjacent veranda so there is no horizontal gap to provide continuous pedestrian coverage; b. have a minimum height of 3m and a maximum height of 6m above the footpath immediately below; and c. be setback a minimum of 300mm and a maximum of 600mm from a vertical line measured up from the face of the kerb.	Where the standard is not met, matters of discretion are restricted to: a. pedestrian amenity, including shelter; b. maintenance of character of the building and street; and c. whether the provision of a complying verandah would detract from the quality of the streetscape; d. Functional requirements of particular activities making compliance with this standard impractical.
MUZ-S6	Outdoor storage	
Mixed Use zone	Any outdoor storage areas, except for the display of goods for retail sale, must be fully screened by a solid fence or wall of a minimum height of 1.8m so that it is not visible from adjoining sites and roads. This standard does not apply to construction materials to be used on-site for a maximum period of 12 months.	Where the standard is not met, matters of discretion are restricted to: a. the streetscape and amenity of the surrounding area; b. the amenity of adjoining properties; c. screening, planting and landscaping measures proposed; d. topographical or other site constraints making compliance with the standard impractical; e. the ability to mitigate any adverse visual effects of reduced, alternative or no screening through the use of alternative methods; and f. the design, layout and use of the site which may compensate for reduced, alternative or no screening.
MUZ-S7	Landscaping and screening on a road boundary	
Mixed Use zone	1. Where a site adjoins a road boundary, at least 50% of that road boundary not occupied by buildings or driveways shall be landscaped with plants or trees. 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. This standard does not apply to landscaping and	Where the standard is not met, matters of discretion are restricted to: a. the character and amenity of the streetscape and surrounding area; b. topographical or other site constraints or functional requirements making compliance with this standard impractical; and c. health and safety implications for pedestrians and the transport network.

	screening within the Opuā Marine Business Park Appendix A.	
MUZ-S8	Landscaping for sites that adjoin any sites other than mixed use or light or heavy industrial zone	
Mixed Use zone	Site boundaries that adjoin any zone other than Mixed Use, Light Industrial or Heavy Industrial must: 1. be fenced with a solid fence or wall with a minimum height of 1.8m; or 2. be landscaped with plants or trees with 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; or 3. be screened with a combination of (1) and (2) above. This standard does not apply to landscaping and screening within the Opuā Marine Business Park Appendix A.	Where the standard is not met, matters of discretion are restricted to: a. the outlook, character, and amenity of adjoining sites in a residential, rural, open space or Māori purpose zone; b. the scale of the building and its distance from the boundary with residential, rural, open space or Māori purpose zones; c. the ability to mitigate any adverse visual effects of reduced, alternative or no screening through the use of alternative methods; and d. the design, layout and use of the site which may compensate for reduced, alternative or no screening; e. Health and safety implications for pedestrians and the transport network.
MUZ-S9	Coverage	
Mixed Use zone	1. At least 10% of the site shall be planted in grass, vegetation or landscaped with permeable material; and 2. Where a connection to Council's reticulated stormwater system is not available the stormwater must be disposed of within the site. An engineering / site suitability report is required to determine compliance with these standards	Where the standard is not met, matters of discretion are restricted to: a. the character and amenity of the surrounding area; b. whether the activity is within an existing consented urban stormwater management plan or discharge consent; c. the extent to which building site coverage and impermeable surfaces contribute to total catchment impermeability and the provisions of any catchment or drainage plan for that catchment; d. the extent to which water sensitive design methods have been used to reduce site impermeability; e. natural hazard mitigation and site constraints; f. the effectiveness of the proposed method for controlling stormwater without adverse effects on adjoining waterbodies (including groundwater and aquifers) on adjoining or downstream properties; g. the extent to which existing grass, vegetation or landscaping provided on site can mitigate the adverse effects resulting from reduced, alternative or no permeable surface; and h. extent of potential adverse effects on cultural, spiritual, heritage and/or amenity values of any affected waterbodies.
MUZ-S10	Colours and materials	
Mixed Use zone — Opuā Marine Business Park Appendix A	The exterior surfaces of new buildings or structures shall: 1. Achieve a reflectance value no greater than 30%; and 2. If the building or structure is painted, have an exterior finish within Groups A, B or C as defined within the BS5252 standard colour palette.	Where the standard is not met, matters of discretion are restricted to: a. The location, scale, design and colour of buildings and structures; b. The visual effects of the building or structure; c. Measures to mitigate adverse effects on the surrounding environment.

MUZ-S11	Landscaping, revegetation and fencing	
Mixed Use zone — Opua Marine Business Park Appendix A	1. A landscape buffer strip of 15m metres wide must be established along the road frontage of the development area; 2. The landscape buffer must be planted with native species appropriate to the coastal/estuarine location, with a dominance of harakeke and tī kōuka, and include occasional groups of taller tree species such as kahikatea; 3. Native revegetation planting using locally appropriate species must be established and maintained in the areas shown in Appendix A — Opua Marine Business Park; 4. There is no use of solid fences or walls along external site boundaries; 5. Any fencing along the road boundary must be positioned to the rear of the landscape buffer strip and constructed from visually permeable materials; and 6. Planting of locally appropriate native tree species that can achieve a large scale is required within the internal roading network.	Where the standard is not met, matters of discretion are restricted to: a. The effectiveness of the landscaping and screening to reduce adverse visual effects; b. The character and amenity of the streetscape and surrounding area; c. Topographical or other site constraints making compliance with this standard impractical; d. The ability to mitigate any adverse visual effects of reduced, alternative or no screening through the use of alternative methods; e. The design, layout and use of the site which may compensate for reduced, alternative or no screening; and f. Health and safety implications for pedestrians and the transport network.
MUZ-S12	Site amenity and design	
Mixed Use zone — Opua Marine Business Park Appendix A	1. Low impact urban design principles must be utilised in the design of the development; 2. The layout of the proposed development, building or structure must ensure that rear yards are not visible from Paihia Road; 3. The scale, location, and appearance of all signage must be controlled through common design guidelines; and 4. All external lighting must be fitted with shields to ensure light spill is focused downwards.	Where the standard is not met, matters of discretion are restricted to: a. The location, scale, design and colour of the development, buildings and structures; b. The means of integrating the building or structure into the landscape; c. The visual effects of the building or structure and proposed mitigation measures; and d. Adverse effects of lighting and signage and proposed mitigation measures.

Appendix A - Opua Marine Business Park

Town Centre zone	Activity status: Permitted	Activity status where compliance not achieved: Not applicable
TCZ-R8	Conservation activity	
Town Centre zone	Activity status: Permitted	Activity status where compliance not achieved: Not applicable
TCZ-R9	Community Corrections activity	
Town Centre zone	Activity status: Permitted	Activity status where compliance not achieved: Not applicable
TCZ-R10	Supermarkets	
Town Centre zone	Activity status: Permitted PER-1 The new supermarket or extension or alteration to an existing supermarket does not exceed GFA 450m².	Activity status where compliance not achieved with PER-1: Restricted discretionary Matters of discretion are restricted to: a. The extent of any effect on the transport network; b. Any access is designed and located to provide efficient circulation on site and avoid potential adverse effects on adjoining sites, the safety of pedestrians and the safe and efficient functioning of the road network; c. Minimises building bulk, and signage while having regard to the functional requirements of the activity; and d. Landscaping is provided especially within surface car parking areas to enhance amenity values
TCZ-R11	Educational facility	
Town Centre zone	Activity status: Restricted discretionary Where: The maximum business GFA is 800m²	Activity status where compliance not achieved: Discretionary
TCZ-R12	Activities not otherwise listed in this chapter	
Town Centre zone	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
TCZ-R13	Retirement village	
Town Centre zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
TCZ-R14	Drive-through Activity	
Town Centre zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
TCZ-R15	Industrial activity	
Town Centre zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
TCZ-R16	Primary production activity	
Town Centre	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable

Centre zone	Centre, Mixed Use, Light Industrial or Heavy Industrial must: 1. be fenced with a solid fence or wall with a minimum height of 1.8m; or 2. be landscaped with plants or trees with 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; or 3. be screened with a combination of (1) and (2) above.	discretion are restricted to: a. the outlook, character, and amenity of adjoining sites in a residential, rural, open space or Māori purpose zones; b. the scale of the building and its distance from the boundary with residential, rural, open space or Māori purpose zones; c. the ability to mitigate any adverse visual effects of reduced, alternative or no screening through the use of alternative methods; and d. the design, layout and use of the site which may compensate for reduced, alternative or no screening.
TCZ-S7	Coverage	
Town Centre zone	1. At least 10% of the site shall be planted in grass, vegetation or landscaped with permeable material; and 2. Where a connection to Council's reticulated stormwater system is not available the stormwater must be disposed of within the site An engineering/ site suitability report is required to determine compliance with these standards	Where the standard is not met, matters of discretion are restricted to: a. the character and amenity of the surrounding area; b. whether the activity is within an existing consented urban stormwater management plan or discharge consent; c. the extent to which building site coverage and impermeable surfaces contribute to total catchment impermeability and the provisions of any catchment or drainage plan for that catchment; d. the extent to which water sensitive design methods have been used to reduce site impermeability; e. natural hazard mitigation and site constraints; f. the effectiveness of the proposed method for controlling stormwater without adverse effects on adjoining waterbodies (including groundwater and aquifers) on adjoining or downstream properties; g. the extent to which existing grass, vegetation or landscaping provided on site can mitigate the adverse effects resulting from reduced, alternative or no permeable surface; and h. extent of potential adverse effects on cultural, spiritual, heritage and/or amenity values of any affected waterbodies.

Attachment 3: A list of persons to be served with a copy of this notice.

Sub. No.	Submitter Name	Address for Service
001	John-Peter Nilsson Trust and Anne-Marie Linder Nilsson	nilssontrust@gmail.com
002	Malcolm Tindal	minto6549@gmail.com
003	Ngamaia Farms Ltd	office@bayplan.co.nz
004	Northland Proprietors Trust	mikes@kcs.school.nz
005	Michelle Patricia Nilsson-Webby Family Trust	kwebbyharp@xtra.co.nz
006	Rodney and Anne Jess	18A Martin Avenue, Remuera, Auckland 1050
007	Bellingham Quarries Ltd	bellingham.quarry@xtra.co.nz
008	Kylie Stewart	kyliestewart@hotmail.com
009	Ken Lewis Limited	office@bayplan.co.nz
010	Richard Dunsheath	richard.dunsheath@gmail.com
011	The Ipipiri Nature Conservancy Trust	mail@chrisjenkins.co.nz
012	Emily and Richard Fladgate	efladgate@gmail.com
013	James Conner	jjhconner@yahoo.co.nz
014	Hinemoa Conner	jjhconner@yahoo.co.nz
015	Smartlife Trust	office@bayplan.co.nz
016	Picture Perfect Properties Ltd	shane@dreamtimecabins.co.nz
017	Jeanette Mcglashan	oturu74@gmail.com
018	J L Hayes and Sons Ltd	m.m.hayes@xtra.co.nz
019	Douglas Percy and Theodora Symes	theodorasymes@gmail.com
020	Alan and Pat Strang	the_boatshed@xtra.co.nz
021	Doug's Opuia Boutyard	totarahill@xtra.co.nz
022	Trent Simpkin	trent@arcline.co.nz
023	Trent Simpkin	trent@arcline.co.nz
024	Trent Simpkin	trent@arcline.co.nz
025	Trent Simpkin	trent@arcline.co.nz
026	Trent Simpkin	trent@arcline.co.nz
027	Trent Simpkin	trent@arcline.co.nz
028	Trent Simpkin	trent@arcline.co.nz
029	Bayswater Inn Ltd	chester@therendells.co.nz
030	Moturoa Island Limited	michaelward@xtra.co.nz
031	Simon Coe	coesimon30@gmail.com
032	Mr Lewis Thomas Grant, Mr Jake Ryan Lockwood, Mr Luke Stephen Lockwood and Mr Stephen Graham Lockwood	jenna.bernstein@russellmcveagh.com
033	Trent Simpkin	trent@arcline.co.nz
034	Seeka Limited	shae.crossan@stratum.nz
036	Elaine Collinson	ecollinson.nz@gmail.com
037	Jono Corskie	J.corskie@gmail.com
038	Natalie Todd	natalie@absolutebuild.co.nz
039	Elizabeth Irvine	cws@thomsonwilson.co.nz
040	Martin John Yuretich	marty.y@fnn.co.nz
041	Joel Vieviorka	joel.v@fnn.co.nz
042	Te Whatu Ora - Health New Zealand, Te Tai Tokerau	Jacqueline.Bell@northlanddhub.org.nz
043	Andrea Vicki Thomas	Topend.antenna.ltd@gmail.com

044	Des and Lorraine Morrison	des.lorraine@xtra.co.nz vicki@morrisonsshaw.nz
045	Puketona Business Park Limited	kay@formeplanning.co.nz
046	David King	daking@pl.net
047	Paul O'Connor	paulo_66@outlook.co.nz
048	Paul O'Connor	paulo_66@outlook.co.nz
049	Paul O'Connor	paulo_66@outlook.co.nz
050	Vaughan Norton-Taylor	vaughannt@xtra.co.nz
051	Jeff and Robby Kemp	114 Waitotara Drive, Kerikeri 0295
052	Rebecca Stilton	Rebecca@sla.net.nz
053	Far North Real Estate 2010 Limited	gponsonby@hotmail.co.nz
054	Jacqueline and Timothy Partington	Jac.partington@gmail.com
055	New Zealand Pork Industry Board	Hannah.ritchie@pork.co.nz
056	Christopher Thomas Kaye	bbjrnz@hotmail.com
057	RHL & LM Ferguson Family Trust	Butler.point@xtra.co.nz
058	Colin James McLeod	kohu66@outlook.com
059	Diane Gardiner	nzbrushstrokes@gmail.com
060	Wai 2003 and Wai 250 Claimant Groups Te Wahapu and Hokianga	wally0494@xtra.co.nz
061	Robert Sintes	robsintes@hotmail.com
062	Warren Bliss	wdbliss@gmail.com
063	Kellie Edwards	edwardsk@xtra.co.nz
064	Matthew Edward Arthur and Jennifer Ellen Arthur	office@bayplan.co.nz
065	Imerys Performance Minerals Asia Pacific	office@bayplan.co.nz
066	Alan Myles Ingham Willis	alwillis@slingshot.co.nz
067	Michael John Winch	mwinch@xtra.co.nz
068	Deidre Putt	deidre.putt@merck.com
069	Robyn Josephine Baker	rjbaker@orcon.net.nz
070	Brian and Katherine Susan Hutching	brian@totaldesign.co.nz
071	Brian and Katherine Susan Hutching	brian@totaldesign.co.nz
072	Mhairi Wylde and Ted Davis	wyldeplace@gmail.com
073	Cinna Smith	cinnasmith@rocketmail.com
074	Brownie Family Trust	edward.j.brownie@gmail.com
075	Denis Whooley and Jennifer Whooley	deniswhooley@xtra.co.nz
076	Jeffrey Putt	jezza35@hotmail.com
077	Strand Homes Ltd/ Okahu Developments Ltd	harvey@strandhomes.co.nz
078	Chris and Nicola Robertson	nickyjr117@gmail.com
079	Archibald Northland Limited	archie31@xtra.co.nz
080	Rowena Ralls	rowenaralls@iinet.net.au
081	John and Rachel Stewart	john.stewart@printing.com rachel.stewart@printing.com
082	Good Journey Limited	neil.mumby@cablebayconsulting.co.nz
083	Christopher Baker	christophermatthewbaker@gmail.com
084	James Guy Ellingham and Deborah Ellingham	guy@ellingham.nz
085	Riki and Sharon Waiariki	Ricksharon18@gmail.com
086	Nathaniel John Jull	nat@chester.co.nz
087	Imago Inocente and Dan Karl Farnham	Imagoinocente@protonmail.com

088	Dianne Margret Pope	dianne pope@gmail.com
089	Ian Harold Pope	ianpope49@gmail.com
090	Yvonne Sharp	y.s@xtra.co.nz
091	PF Olsen Ltd	heather.arnold@pfolsen.com
092	Ernie Cottle	120 Waitotara Drive, Kerikeri 0230
093	Lynley Newport	lnewport2015@gmail.com
094	Lynley Newport	lnewport2015@gmail.com
095	Lynley Newport	lnewport2015@gmail.com
096	Lynley Newport	lnewport2015@gmail.com
097	Lynley Newport	lnewport2015@gmail.com
098	Lynley Newport	lnewport2015@gmail.com
099	Lynley Newport	lnewport2015@gmail.com
100	Lynley Newport	lnewport2015@gmail.com
101	Lynley Newport	lnewport2015@gmail.com
102	Lynley Newport	lnewport2015@gmail.com
104	Lynley Newport	lnewport2015@gmail.com
105	Lynley Newport	lnewport2015@gmail.com
106	Lynley Newport	lnewport2015@gmail.com
107	Lynley Newport	lnewport2015@gmail.com
108	Lynley Newport	lnewport2015@gmail.com
109	Lynley Newport	lnewport2015@gmail.com
110	Lynley Newport	lnewport2015@gmail.com
111	Lynley Newport	lnewport2015@gmail.com
112	Lynley Newport	lnewport2015@gmail.com
113	Lynley Newport	lnewport2015@gmail.com
114	Lynley Newport	lnewport2015@gmail.com
115	Lynley Newport	lnewport2015@gmail.com
116	Lynley Newport	lnewport2015@gmail.com
117	Lynley Newport	lnewport2015@gmail.com
118	Lynley Newport	lnewport2015@gmail.com
119	Lynley Newport	lnewport2015@gmail.com
120	Lynley Newport	lnewport2015@gmail.com
121	Lynley Newport	lnewport2015@gmail.com
122	Lynley Newport	lnewport2015@gmail.com
123	Lynley Newport	lnewport2015@gmail.com
124	Lynley Newport	lnewport2015@gmail.com
125	Lynley Newport	lnewport2015@gmail.com
126	Lynley Newport	lnewport2015@gmail.com
127	Lynley Newport	lnewport2015@gmail.com
128	Lynley Newport	lnewport2015@gmail.com
129	Lynley Newport	lnewport2015@gmail.com
130	Lynley Newport	lnewport2015@gmail.com
131	Lynley Newport	lnewport2015@gmail.com
132	Lynley Newport	lnewport2015@gmail.com
133	Lynley Newport	lnewport2015@gmail.com
134	Lynley Newport	lnewport2015@gmail.com
135	Lynley Newport	lnewport2015@gmail.com
136	Lynley Newport	lnewport2015@gmail.com
137	Lynley Newport	lnewport2015@gmail.com
138	Kairos Connection Trust and Habitat for Humanity Northern Region Ltd	chrishirley130@icloud.com conrad.lapoint@habitat.org.nz

139	BOI Enterprises Limited	office@bayplan.co.nz
140	Mark and Emma Klinac	office@bayplan.co.nz
141	Mary Stanners	mmstanners@xtra.co.nz
142	Dandy Developments Limited	Danielle@fnitm.co.nz
143	Ballance Agri-Nutrients Limited	Dominic.Adams@ballance.co.nz
144	Terry Clarke	TerryC65@bigpond.com
145	Fiona Clarke	Ficlarke46@bigpond.com
146	Trevor John Ashford	trevorandjay@gmail.com
147	J L Hayes and Sons Ltd	m.m.hayes@xtra.co.nz
148	Summit Forests New Zealand Limited	chayne.zinsli@summitforest.co.nz
149	Robert Adams	longbeachrussellnz@gmail.com
150	Robert Adams	longbeachrussellnz@gmail.com
151	NFS Farms Limited	p.comer@harrisingrierson.com
152	Nina Naera	naerafamily@xtra.co.nz
153	Robert Adams	longbeachrussellnz@gmail.com
154	James Frater	jim.frater@xtra.co.nz
155	Robert Adams	longbeachrussellnz@gmail.com
156	Robert Adams	longbeachrussellnz@gmail.com
157	Tane's Tree Trust, Northland Tōtara Working Group	pdq@pqla.co.nz
158	Ara Poutama Aotearoa the Department of Corrections	andrea.millar@corrections.govt.nz
159	Horticulture New Zealand	sarah.cameron@hortnz.com
160	Manulife Forest Management (NZ) Ltd	ubuckingham@manulife.com
161	Shanon Garton	shanongarton@gmail.com
162	Denyse Pope	denyse_pope@hotmail.com
163	Julianne Sally Bainbridge	anjbainbridge@outlook.com
164	Green Inc Ltd	john@greeninc.co.nz
165	Arvida Group Limited	david.haines@hainesplanning.co.nz
166	Grace Anne Sturgess	grace.sturgess@yahoo.com
167	Bentzen Farm Limited	peter@phplanning.co.nz
168	Setar Thirty Six Limited	peter@phplanning.co.nz
169	Suzanne Linda Ashmore	brian@metroplanning.co.nz
170	Alec Brian Cox	ab.ws.cox@xtra.co.nz
171	Murdoch Phillips	docky@xtra.co.nz
172	Terra Group	gwynneth.einarsen@terragroup.co.nz
173	Tristan Simpkin	tsimpkin@arcline.co.nz
174	Tristan Simpkin	tsimpkin@arcline.co.nz
175	James Frater	jim.frater@xtra.co.nz
176	Shane Allen	shaneallen891226@gmail.com
177	Cavalli Properties Ltd	brian@metroplanning.co.nz
178	Reuben Wright	alister@setconsulting.co.nz
179	Russell Protection Society (INC)	russellprotectionsociety@outlook.com
180	Kerikeri Peninsula Conservation Charitable Trust	dean@kppc.kiwi
181	Craig and Mary Sawers	craigsawers@hotmail.com
182	NZ Agricultural Aviation Association	eonzaaa@aviationnz.co.nz
183	MLP LLC	helen.atkins@ahmlaw.nz louise.ford@ahmlaw.nz
184	Northland Transportation Alliance	Level 1, Walton Plaza 4, Albert Street, Whangarei 0148

185	Doug's Opuia Boatyard	totarahill@xtra.co.nz
186	Aksel Danger Bech	19 Cedar Park Road, RD3, Hamilton 3283
187	The Shooting Box Limited	peter@phplanning.co.nz
188	Puketotara Lodge Ltd	leversjohn@xtra.co.nz
189	Thomson Survey Ltd	denis@tsurvey.co.nz
190	Thomson Survey Ltd	denis@tsurvey.co.nz
191	Thomson Survey Ltd	denis@tsurvey.co.nz
192	Thomson Survey Ltd	denis@tsurvey.co.nz
193	Thomson Survey Ltd	denis@tsurvey.co.nz
194	Thomson Survey Ltd	denis@tsurvey.co.nz
195	Thomson Survey Ltd	denis@tsurvey.co.nz
196	Thomson Survey Ltd	denis@tsurvey.co.nz
197	Thomson Survey Ltd	denis@tsurvey.co.nz
198	Thomson Survey Ltd	denis@tsurvey.co.nz
199	Thomson Survey Ltd	denis@tsurvey.co.nz
200	Thomson Survey Ltd	denis@tsurvey.co.nz
201	Thomson Survey Ltd	denis@tsurvey.co.nz
202	Thomson Survey Ltd	denis@tsurvey.co.nz
203	Thomson Survey Ltd	denis@tsurvey.co.nz
204	Thomson Survey Ltd	denis@tsurvey.co.nz
205	Thomson Survey Ltd	denis@tsurvey.co.nz
206	Thomson Survey Ltd	denis@tsurvey.co.nz
207	Thomson Survey Ltd	denis@tsurvey.co.nz
208	Thomson Survey Ltd	denis@tsurvey.co.nz
209	Audrey Campbell-Frear	sarah@sarahshaw.co.nz
210	Paul Hayman	info@cadplanz.co.nz
211	Borders Real Estate Northland	simon.upperton@borders.net.nz
212	Borders Real Estate Northland	simon.upperton@borders.net.nz
213	Timothy and Dion Spicer	nina@tohuconsulting.nz
214	Airbnb	dylan.schwartz@ext.airbnb.com
215	Haigh Workman Limited	JohnP@haighworkman.co.nz
216	Errol McIntyre	swedesaver@gmail.com
217	New Zealand Defence Force	kbaverstock@tonkintaylor.co.nz lucy.edwards@nzdf.mil.nz
218	Summerset Group Holdings Limited	Level 27, Majestic Centre, 100 Willis Street, Wellington PO Box 5187, Wellington 6140
219	River Edge Properties Limited	wayne@zenithplanning.co.nz
220	Kerry Ludbrook	Kerry.Ludbrook@raywhite.com
221	Shirley Dryden	shirdryd@gmail.com
222	Wendover Two Limited	peter@phplanning.co.nz
223	Stephen Manley	Stephen.manley@gmail.com
224	Jim Longhurst	jimmy.longhurst@gmail.com
225	Kay Brenda Davidson	kayd12@xtra.co.nz
226	Tryphena Trustees Limited, David Haythornthwaite	david@ottopet.com
227	Isles Casey Trustee Services Limited, WWC Trustee Company Limited	barrylane51@gmail.com
228	Jayesh Govind and Others	jackgovind@nznails.co.nz
229	Laurie Pearson	lauriepearson@mac.com
230	Mataka Residents' Association Inc	manager@mataka.co.nz

231	Ovisnegra Limited	smrobinson001@gmail.com sjsdomus@btinternet.com
232	Tobias Groser	Tobygroser@gmail.com
233	Whale Bay Limited	davidhovey@optima.inc
234	Whale Bay Limited	davidhovey@optima.inc
235	WW Trustee Services 2016 Limited, Eloise Caroline Caswell, Donald Gordon Chandler	donald.chandler@gmail.com
236	Connemara Black Limited	barrylane51@gmail.com
237	Evan Williams and Katherine Williams	evan@williamsgroupnz.com
238	John Gowing and Miriam Van Lith	john@gowing.name
239	John Gowing and Miriam Van Lith, Ellis Gowing, James Gowing, Byron Gowing	john@gowing.name
240	Matthew Watson, Kaylene Watson, D R Thomas Limited	mattwatson@thefishingshow.co.nz
241	Matthew Draper and Michaela Jannard	mattdraperprivate@gmail.com
242	Zeja Hu	PO Box 273 Mangonui 0442
243	Matauri Trustee Limited	peter@phplanning.co.nz
244	Ian Diarmid Palmer and Zeja Hu	ipal9718@bigpond.net.au
245	JL and AR Matthewson Partnership	matthews1405@gmail.com
246	Far North District Council, Infrastructure and Asset Management – Infrastructure Planning	Mandy.wilson@fndc.govt.nz
247	Margaret Sheila Hulse and John Colin Hulse	colandmarga@gmail.com
248	Richard G A Palmer	rick@pmlaw.co.nz
249	Ian Diarmid Palmer and Zeja Hu	ipal9718@bigpond.net.au
250	Willowridge Developments Limited	alison@willowridge.co.nz davidb@barker.co.nz
251	New Zealand Maritime Parks Ltd	stuart@landcorp.co.nz davidb@barker.co.nz makarenad@barker.co.nz
252	Hall Nominees Ltd	sipsiuyee@yahoo.com.au
253	IDF Developments Limited	office@bayplan.co.nz
254	Heather Golley	hgolley@gmail.com
255	Arahia Burkhardt Macrae	kareponia5818@gmail.com
256	Josh Henwood	joshmhenwood@gmail.com
257	Te Hiku Community Board	Adele.Gardner@fndc.govt.nz
258	Margaret Ridge	tr@wrcr.govt.nz
259	Nicole Wooster	info@oriraorchards.co.nz
260	Anton Kusanic	kusanicnz@gmail.com
261	Amber Hookway	green-lizard@xtra.co.nz
262	Ti Toki Farms Limited	office@bayplan.co.nz
263	Waitoto Development Limited	office@bayplan.co.nz
264	Wilson Hookway	wilsonhookway@gmail.com
265	Miles Valentine	milesjvalentine@gmail.com

266	Michael Francis Toft, Robert George Vellenoweth and Colleen Wendy, Wardlaw, AJ Maloney Trustee Limited, Donald Frank Orr, Vivien Marie Coad, Deanna Lee MacDonald, Dianne Catherine Hamilton, Robert Hamilton, Timothy George Sopp, Mathew Robert Hill, Barry Charles Young, Joan Catherine Young, Campbell Family Trustee Limited	office@bayplan.co.nz
267	Brad Hedger	brad.hedger73@gmail.com
268	Brad Hedger	brad.hedger73@gmail.com
269	Brad Hedger	brad.hedger73@gmail.com
270	Kerry Michael Lupi and Susan Charlotte Lupi	office@bayplan.co.nz
271	Our Kerikeri Community Charitable Trust	annika@wwc.co.nz
272	Our Kerikeri Community Charitable Trust	annika@wwc.co.nz
273	Our Kerikeri Community Charitable Trust	annika@wwc.co.nz
274	Our Kerikeri Community Charitable Trust	annika@wwc.co.nz
275	Solid Landholdings Limited	office@bayplan.co.nz
276	Russell Landcare Trust	russelllandcaretrust@gmail.com
277	Alec Jack	alecjack@xtra.co.nz
278	Chorus New Zealand Ltd	andrew.kantor@chorus.co.nz
279	Manu Burkhardt Macrae	manu@fnr.nz
280	Paul Wright	pjwrightnz@gmail.com
281	Northern Rescue Helicopter Limited	vanessa.furze@nrhl.co.nz
282	Chorus New Zealand Limited, Spark New Zealand Trading Limited, Spark TowerCo Limited, Vodafone New Zealand Limited	sunit@incite.co.nz
283	Trent Simpkin	trent@arcline.co.nz
284	Trent Simpkin	trent@arcline.co.nz
285	Leisa Henwood	leisahenwood@gmail.com
286	Tristan Simpkin	tsimpkin@arcline.co.nz
287	Tristan Simpkin	tsimpkin@arcline.co.nz
288	Tristan Simpkin	tsimpkin@arcline.co.nz
289	Terry Henwood	terry@henwoodconstruction.co.nz
290	Matthew Otway	mattekiwi.72@gmail.com
291	Izrael Robertson	Izraelrobertson69@gmail.com
292	C and A Harman	micah@donaldsons.net.nz
293	Bruce and Kim Rogers	info@cadplanz.co.nz
294	Bruce and Kim Rogers	info@cadplanz.co.nz
295	Gray Gilrairie Holdings Limited	micah@donaldsons.net.nz
296	Rosemary Archibald	archie31@xtra.co.nz
297	Bay of Islands Kerikeri Golf Club	graeme3008@gmail.com
298	Kathleen Courtenay	lukehale@posteo.net
299	Stephen Manley	Stephen.manley@gmail.com

300	Creative Northland	kiaora@creativenorthland.com
301	Paul Wright	pjwrightnz@gmail.com
302	Kristine Kerr	kk@kuragolfcoursedesign.com
303	Living Waters – Bay of Islands	pacificecologic@gmail.com
304	Ngati Rangi ki Ngawha Hapu	whetumarama@hotmail.com
305	Nicole Butler	secretary@ngawha.nz
306	Selwyn Garton	selwyn@supafeeds.co.nz
307	Roxanne Drader	roxannedrader@gmail.com
308	Simon Ulrich	smls@slingshot.co.nz
309	Danielle Hookway	magicbabe101@gmail.com
310	Lianne Kennedy	imageline@xtra.co.nz
311	Allen Hookway	hookway@xtra.co.nz
312	Morgan Horsford	morgan.horsford@gmail.com
313	Chris Sharp	sharpaz@hotmail.co.nz
314	Karl Todd	1rakaunui@gmail.com
315	Colwyn Shortland	pukematu@me.com
316	FNR Properties Limited	nina@tohuconsulting.nz
317	Two M Investments Limited	office@bayplan.co.nz
318	Mangonui Haulage	office@bayplan.co.nz
319	FNR Properties Limited	nina@tohuconsulting.nz
320	Far North Holdings Limited	steve@sansons.co.nz
321	Per Lugnet	northstar.p@gmail.com
322	Per Lugnet	northstar.p@gmail.com
323	Per Lugnet	northstar.p@gmail.com
324	Per Lugnet	northstar.p@gmail.com
325	Adrian and Sue Knight	midknight@outlook.co.nz
326	Shirley Dryden	shirdryd@gmail.com
327	Kerry Ludbrook	kerry.ludbrook@raywhite.com
328	Traverse Ltd	joseph@reyburnandbryant.co.nz
329	Davies Kerikeri Family Trust, MR Davies, and BR & R Davies	joseph@reyburnandbryant.co.nz
330	The Paihia Property Owners Group	office@bayplan.co.nz
331	Ministry of Education Te Tāhuhu o Te Mātauranga	Vicky.Hu@beca.com
332	Alistair Kenneth Lambie	alistairklambie@gmail.com
333	P S Yates Family Trust	peter@phplanning.co.nz
334	FNR Properties Limited	nina@tohuconsulting.nz
335	bp Oil New Zealand Limited, Mobil Oil New Zealand Limited, Z Energy Limited	sarahw@4sight.co.nz
336	Z Energy Limited	sarahw@4sight.co.nz
337	Ironwood Trust Limited	owen@greengroup.co.nz
338	Our Kerikeri Community Charitable Trust	annika@wwc.co.nz
339	Te Aupōuri Commercial Development Ltd	ceo@teaupouri.iwi.nz davidb@barker.co.nz makarenad@barker.co.nz
340	Rosemorn Industries Limited	PO Box 191, Whangarei 0140
341	Ed and Inge Amsler	office@bayplan.co.nz
342	Waipapa Pine Limited and Adrian Broughton Trust	office@bayplan.co.nz

343	Jillian Jane Kearney	kearney.mcangus@gmail.com
344	Paihia Properties Holdings Corporate Trustee Limited and UP Management Ltd	RPorter@urbanpartners.co.nz DavidB@barker.co.nz
345	Nicole Way and Christopher Huljich as Trustees of the Trssh Birnie Settlement Trust	julian@rmalawyer.co.nz
346	Paradise Found Developments Limited	julian@rmalawyer.co.nz
347	Matthew Draper and Michaela Jannard	julian@rmalawyer.co.nz
348	Sapphire Surveyors Ltd	wendy@sapphiresurveyors.co.nz
349	Neil Construction Limited	philip@campbellbrown.co.nz
350	Chris Sharp	sharpaz@hotmail.co.nz
351	Carrington Estate Jade LP and Carrington Farms Jade LP	office@bayplan.co.nz
352	Philibert Jean-G Frick	pfrick@pfrick.ch
353	Amanda Kennedy, Julia Kennedy Till and Simon Till	office@bayplan.co.nz
354	The BOI Watchdogs	leoexel@hotmail.com
355	Wakaiti Dalton	wakaitidalton@gmail.com
356	Waka Kotahi NZ Transport Agency	Sarah.ho@nzta.govt.nz EnvironmentalPlanning@nzta.govt.nz
357	Sean Frieling	office@kustombuild.co.nz
358	Leah Frieling	office@westcoastfarms.co.nz
359	Northland Regional Council	ingridk@nrc.govt.nz
360	Waste Management NZ Limited	ablomfield@bentley.co.nz
361	Ian Michael Bridle	ianbridle@hotmail.com
362	Kerikeri Heights Ltd	372 Kerikeri Road, Kerikeri 0230
363	Foodstuffs North Island Limited	Mattn@barker.co.nz
364	Director-General of Conservation (Department of Conservation)	asycamore@doc.govt.nz
365	Michael Jurlina	nina@tohuconsulting.nz
366	Blair and Deanne Rogers	505 Waimate North Road, Kerikeri 0293
367	Nigel Ross Surveyor Ltd	nandlross@xtra.co.nz
368	Far North District Council	greg.wilson@fndc.govt.nz
369	Brady Wild	nina@tohuconsulting.nz
370	Linda Gigger	office@bayplan.co.nz
371	Bunnings Limited	dwilliams@bunnings.co.nz mattn@barker.co.nz aliceh@barker.co.nz
372	Grant Alan Billington and Georgina McGarry	PO Box 318, Paihia 0247
373	Nigel Ross Surveyor Ltd	nandlross@xtra.co.nz
374	Nigel Ross Surveyor Ltd	nandlross@xtra.co.nz
375	Far North Holdings Limited	wayne@zenithplanning.co.nz
376	Taheke 38 Ahu Whenua Trust	paul.birch6097@gmail.com
377	Rua Hatu Trust	paradiseview@xtra.co.nz
378	Marshall Investments Trustee (2012) Limited	office@bayplan.co.nz
379	Kahukuraariki Trust	steve@sansons.co.nz
380	Nigel Ross Surveyor Ltd	nandlross@xtra.co.nz

381	Nigel Ross Surveyor Ltd	nandlross@xtra.co.nz
382	Roman Catholic Bishop of the Diocese of Auckland	LMDP@xtra.co.nz
383	Trustees of Jet#2 Trust	judy@akaranachambers.co.nz
384	LD Family Investments Limited	office@bayplan.co.nz
385	McDonalds Restaurants (NZ) Limited	Mattn@barker.co.nz
386	Sarah Ballantyne and Dean Agnew	sarahballantyne@hotmail.com davidb@barker.co.nz
387	Birta Kortner and Jonas Kortner	birtakortner@gmail.com jonaskortner@gmail.com
388	Opononi Area School	25 Goodwin Road, Waimamaku 0473
389	Ngāti Kawa Taituha, Renata Tane, Albie Apiata, Billie Taituha and Hirini Tane	merata@nukuroa.co.nz
390	Te Runanga o Ngai Takoto Trust	craig.wells@ngaitakotoiwi.co.nz
391	Phill Grimshaw	aguila@xtra.co.nz
392	Kaizen Management Limited	michael@realsolutions.co.nz
393	C Otway Ltd	chaz.trans@gmail.com
394	Haititaimarangai Marae Kaitiaki Trust	karikarikitaki@outlook.com
395	Sean Jozef Vercammen	seanvercammen@yahoo.co.nz
396	Matauri X Incorporation	steve@sansons.co.nz
397	Ian Ray (Joe) Carr	joe.kate.carr@gmail.com
398	Warwick John Ross	PO Box 650, Kaikohe 0440
399	Te Hiku Iwi Development Trust	tia@thcr.co.nz
400	BR and R Davies	joseph@reyburnandbryant.co.nz
401	Braedon & Cook Limited	PO Box 191, Whangarei 0140
402	Mark Spaans	spaans.pot@gmail.com
403	Meridian Farm Ltd	PO Box 191, Whangarei 0140
404	Musson Family Trust	bjorn@reyburnandbryant.co.nz
405	Antoinette Pot	antopot50@gmail.com
406	Murray and Sandra Wilson	mbw.spw@gmail.com
407	Tapuaetahi Incorporation	admin@tapuaetahi.com
408	Pukanui Investments Ltd, The Ridge Childcare	d.l.s@xtra.co.nz
409	Heritage New Zealand Pouhere Taonga	Northland Area Office, PO Box 836, Kerikeri 0245
410	Kerry-Anne Smith	19b Wainui Road, Kaeo 0478
411	Roger Myles Smith	19b Wainui Road, Kaeo 0478
412	Glenn Alan Jerkovich	jerkovichtransport@gmail.com
413	LMD Planning Consultancy	LMDP@xtra.co.nz
414	Peter Malcolm	PO Box 596, Kerikeri 0245
415	LMD Planning Consultancy	LMDP@xtra.co.nz
416	KiwiRail Holdings Limited	Pam.butler@kiwirail.co.nz
417	Kathleen Jones	karmjones2@gmail.com
418	Waitomo Papakainga	Kate.Graham@beca.com
419	LMD Planning Consultancy	LMDP@xtra.co.nz
420	Muriwhenua Incorporated	john.duthie@tattico.co.nz
421	Northland Federated Farmers of New Zealand	jcookmunro@fedfarms.org.nz
422	Maurice Dabbah	helen.atkins@ahmlaw.nz louise.ford@ahmlaw.nz

423	Bernard Sabrier	helen.atkins@ahmlaw.nz louise.ford@ahmlaw.nz
424	Ventia Ltd	office@bayplan.co.nz
425	Pou Herenga Tai Twin Coast Cycle Trail Charitable Trust	cyclewaychair@gmail.com AliceH@barker.co.nz
426	Kapiro Residents Association	kapiroresidents@protonmail.com
427	Kapiro Residents Association	kapiroresidents@protonmail.com
428	Kapiro Residents Association	kapiroresidents@protonmail.com
429	Kapiro Residents Association	kapiroresidents@protonmail.com
430	Kapiro Residents Association	kapiroresidents@protonmail.com
431	John Andrew Riddell	andrew@cepservices.nz
432	Ngawha Generation Limited	taryn.collins@topenergy.co.nz davidb@barker.co.nz
433	GE Free Tai Tokerau	organics@value.net.nz linda.grammer@gmail.com
434	Francois Dotta	helen.atkins@ahmlaw.nz louise.ford@ahmlaw.nz
435	Elka Gouzer	helen.atkins@ahmlaw.nz louise.ford@ahmlaw.nz
436	Northland Fish and Game Council	cdeal@fishandgame.org.nz
437	FNR Properties Limited	nina@tohuconsulting.nz
438	New Zealand Motor Caravan Association	rayya@nzmca.org.nz james@nzmca.org.nz
439	John Joseph and Jacqueline Elizabeth Matthews	jandjmatthews@xtra.co.nz
440	Ronald Toni Wooldridge	titokihaltalt@gmail.com
441	J L Hayes and Sons Ltd	m.m.hayes@xtra.co.nz
442	Kapiro Conservation Trust	kapiroconservationtrust@gmail.com
443	Kapiro Conservation Trust	kapiroconservationtrust@gmail.com
444	Kapiro Conservation Trust	kapiroconservationtrust@gmail.com
445	Kapiro Conservation Trust	kapiroconservationtrust@gmail.com
446	Kapiro Conservation Trust	kapiroconservationtrust@gmail.com
447	Kapiro Conservation Trust	kapiroconservationtrust@gmail.com
448	Kapiro Conservation Trust	kapiroconservationtrust@gmail.com
449	Kapiro Conservation Trust	kapiroconservationtrust@gmail.com
450	Bell Family Trust	bells.paihia@gmail.com
451	Pacific Eco-Logic	victoriafroude@gmail.com
452	Opononi Area School	25 Goodwin Road, Waimamaku 0473
453	Gone North Limited	angela@artofthisworld.co.nz
454	Transpower New Zealand Ltd	environment.policy@transpower.co.nz
455	Yvonne Steinemann	yvonne@paradisedesign.co.nz
456	New Zealand Eco Farms Ltd	PO Box 191, Whangarei 0140
457	Clare Williams	clarew@qrc.ac.nz
458	Woolworths New Zealand Limited	ross.burns@countdown.co.nz
459	Allan Bruce Thorpe	bruthorpe@gmail.com
460	Shirley Grant Murray	Mshirl560@gmail.com
461	Kingheim Limited	PO Box 191, Whangarei 0140
462	Rolf Mueller-Glodde	28 Landing Road, Kerikeri 0230
463	Waiaua Bay Farm Limited	steve.tuck@mitchelldaysh.co.nz
464	LJ King Ltd	ljkingltd@gmail.com
465	Groundswell NZ	hello@groundswell.org.nz

466	Leonie Exel and Arthur Prentice	leoexel@hotmail.com
467	Ruby Coastal Investments Limited	adrian@fnhl.co.nz
468	Stephanie Lane	Stephanie.lane.nz@outlook.com
469	Angela Caroline Morley	holandramobile@gmail.com
470	Helmut Friedrich Paul Letz and Angelika Eveline Letz	1188G, State Highway 10, RD 3 Kerikeri 0293
471	Karen and Graeme Laurie	Karen.laurie5@gmail.com
472	Michael Foy	office@foyproperty.co.nz
473	Adams - Te Whata Whānau Trust	adamsshj@gmail.com
474	David Lesley Penberthy and Elena Lvovna Belyakova and Ors	kelly@landsandsurvey.co.nz
475	Robert Keith Beale	robbeale2@gmail.com
476	David Truscott	davidtruscott@actrix.co.nz
477	Te Waka Pupuri Putea Trust	cale@terarawa.co.nz
478	Alistair Kenneth Lambie	alistairklambie@gmail.com
479	Tracy and Kenneth Dalton	trydalton@gmail.com
480	Debbie and Chris Fewtrell	505 Inlet Road,
481	Puketotara Lodge Ltd	leversjohn@xtra.co.nz
482	House Movers Section of New Zealand Heavy Haulage Association Inc	stuart@stuartryan.co.nz
483	Top Energy Limited	taryn.collins@topenergy.co.nz
484	James F Phillips	ljphillips@xtra.co.nz
485	Elbury Holdings	office@elbury.co.nz
486	Te Rūnanga o Whaingaroa	phillip.grimshaw@whaingaroa.iwi.nz
487	Tupou Limited	Harold@Tupou.org
488	Fieldco Limited	ben@fieldco.co.nz
489	Radio New Zealand	Annabelle.Lee@chapmantripp.com
490	John Bayley	owen@greengroup.co.nz
491	Eric Kloet	owen@greengroup.co.nz
492	Ironwood Trust Limited	owen@greengroup.co.nz
493	William Goodfellow	owen@greengroup.co.nz
494	Ian Jepson	owen@greengroup.co.nz
495	Ricky Faesen Kloet	owen@greengroup.co.nz
496	Philip Thornton	owen@greengroup.co.nz
497	Mark John Wyborn	owen@greengroup.co.nz
498	Te Rūnanga-Ā-iwi O Ngāpuhi	16 Mangakahia Road, PO Box 263,
499	Turnstone Trust	burnette@thepc.co.nz
500	Breakwater Trust	info@northplanner.co.nz
501	Kaitaia Business Association	info@northplanner.co.nz
502	Northland Planning and Development 2020 Limited	info@northplanner.co.nz
503	Waitangi Limited	info@northplanner.co.nz
504	James William Rogers and Sara Rogers	maccotage@xtra.co.nz
505	Dr Lynn Kincla	lynnkincla@hotmail.com
506	Anthony Egerton and Stefanie Egerton	egerton.nz@gmail.com Egerton.nz@gmail.com
507	Kate Burdekin	kateburdekin@xtra.co.nz
508	Brian Francis Steere	briansteere69@gmail.com
509	Mainfreight Limited	pa@planningfocus.co.nz
510	Far North Holdings Limited	wayne@zenithplanning.co.nz

511	Royal Forest and Bird Protection Society of New Zealand	D.Baigent-Mercer@forestandbird.org.nz
512	Fire and Emergency New Zealand	nola.smart@beca.com
513	RHL and LM Ferguson Family Trust	Butler.point@xtra.co.nz
514	The General Trust Board of the Diocese of Auckland	c.covington@harrisingrierson.com
515	Ngati Rangi ki Ngawha	josephineclarke01@gmail.com
516	Ngā Tai Ora – Public Health Northland	Gavin.DeKlerk@northlanddhhb.org.nz davidb@barker.co.nz
517	Spark New Zealand Trading Limited and Vodafone New Zealand Limited	graeme.mccarrison@spark.co.nz colin.clune@vodafone.co.nz
518	New Zealand Kiwifruit Growers Incorporated	kathy.mason@nzkgi.org.nz
519	Elbury Holdings	elbury@xtra.co.nz
520	Retirement Villages Association of New Zealand	john@retirementvillages.org.nz
521	Vision Kerikeri (Vision for Kerikeri	visionkerikeri@gmail.com
522	Vision Kerikeri (Vision for Kerikeri and Environs, VKK)	visionkerikeri@gmail.com
523	Vision Kerikeri (Vision for Kerikeri and Environs, VKK)	visionkerikeri@gmail.com
524	Vision Kerikeri (Vision for Kerikeri and Environs, VKK)	visionkerikeri@gmail.com
525	Vision Kerikeri (Vision for Kerikeri and Environs, VKK)	visionkerikeri@gmail.com
526	Vision Kerikeri (Vision for Kerikeri	visionkerikeri@gmail.com
527	Vision Kerikeri (Vision for Kerikeri	visionkerikeri@gmail.com
528	Vision Kerikeri (Vision for Kerikeri	visionkerikeri@gmail.com
529	Carbon Neutral NZ Trust	carbonneutraltrust@gmail.com
530	Victoria Yorke and Andre Galvin	42 Goffe Drive, Haruru 0204
531	Robert Shaun Clarke	113B Waipapa Road, Kerikeri 0230
532	Don Mandeno	donman@xtra.co.nz
533	Colin Robert Jay and Daryl Judith Jay	61 Hobbs Road, RD2, Kaeo 0479
534	Roger Atkinson	rogatkinson99@gmail.com
535	John and Rose Whitehead	john.rose@honeyteam.co.nz
536	Vaughan Norton-Taylor	vaughannt@xtra.co.nz
537	Kathryn and Al Panckhurst	pancks@xtra.co.nz
538	Te Tii (Waitangi) B3 Trust	chairperson@tetiwaitangi.co.nz louise@tetiwaitangi.co.nz
539	Mauri-crown-tane	mauri-crown-tane@protonmail.com
540	Geoffrey Raymond Lodge	244 Otaha Road, RD2, Kerikeri 0295
541	Elbury Holdings	elbury@xtra.co.nz
542	Marianna Fenn	Marianna.nz@gmail.com
543	LJ King Limited	ljkingltd@gmail.com
544	Kelvin Richard Horsford	kelnhorsford@orcon.net.nz
545	Heather Adams and Duncan Ross	hfadams26@gmail.com dross@xtra.co.nz
546	Ian Diarmid Palmer	ipal9718@bigpond.net.au
547	LJ King Limited	ljkingltd@gmail.com
548	Omata Estate	Jessica@thepc.co.nz

549	Levin Stones Holding Limited, Keri Keri Park Lodge Limited	troy@katalymahotels.com
550	Lucklaw Farm Ltd	john@lucklaw.co.nz
551	Lucklaw Farm Ltd	john@lucklaw.co.nz
552	Trustees of the Taranaki Trust	john@lucklaw.co.nz
553	Grace Anne Sturgess	grace.sturgess@yahoo.com john@lucklaw.co.nz
554	Kiwi Fresh Orange Company Limited	mike.doesburg@wynnwilliams.co.nz robert@robertmakgill.com
555	Ngā Kaingamaha o Ngāti Hine Charitable Trust	alvin@civix.co.nz
556	Ian Diarmid Palmer	ipal9718@bigpond.net.au
557	J L Hayes and Sons Ltd	m.m.hayes@extra.co.nz
558	John Neison	58 Rangitane Loop Road, Kerikeri 0294
559	Te Runanga o Ngati Rehia	kipa@ngatirehia.co.nz
560	Jane E Johnston	agentjane99@gmail.com
561	Kainga Ora Homes and Communities	Brendon.liggett@kaingaora.govt.nz
562	RS Eng Ltd	matthewj@rseng.co.nz
563	Anna Clarke	annabannana53@gmail.com
564	Jeff Christensen	jchristrtm@gmail.com
565	The Paihia Property Owners Group	office@bayplan.co.nz
566	Karen B Wilkinson	kdwilkinson9@gmail.com
567	Andre Galvin	brian@metroplanning.co.nz
568	Scrumptious Fruit Trust	t.churton@extra.co.nz
569	Rodney S Gates and Cherie R Gates	cheriegates989@gmail.com
570	Heritage New Zealand Pouhere Taonga	bedwards@heritage.org.nz
571	Te Runanga o Te Rarawa	george@terarawa.co.nz
572	Dave and Nisha Clark	nisha.clark@gmail.com
573	Te Kowariki me Te Wananga o Te Rangi Aniwaniwa	tewananga@aniwaniwa.school.nz
574	Ecochic Properties Ltd	mhood747@gmail.com
575	Kuia, kaumatua and whanau of Moringai Whanau	ahiparaonline@gmail.com
576	Ahipara Takiwa	tui.qauqau@gmail.com
577	Moringai Whanau	jamesolly127@gmail.com
578	Roma Marae	John.paitai@gmail.com
579	Ahipara Takiwa	John.paitai@gmail.com
580	Haami Piripi ONZM	hpiripi@gmail.com

Attachment 4: Example of nested definitions relief

Attachment 1 – Nesting Tables Example from Whangārei District Plan

7. There are five “definition groupings” which gather specific land use activities into similar categories. These include: Rural Production Activities, Industrial Activities, Residential Activities, Commercial Activities and Community Activities. Within each grouping, activities are listed with the more general term on the left of Figures 1-5 and the more specific term on the right of Figures 1-5. Where a District Plan rule manages a general activity, that general activity includes all the specific activities listed in the definition grouping unless otherwise specified in the rules. Each definition grouping activity must also comply with any building and built form rules that are relevant to the activity. The five definition groupings are detailed in Figures 1-5 below.

Rural Production Activities	Farming
	Plantation Forestry
	Intensive Livestock Farming
	Farm Quarrying

Figure 1: Rural Production Activities Definition Grouping

Industrial Activities	General Industry
	Manufacturing
	Repair and Maintenance Services
	Artisan Industrial Activities
	Marine Industry
	Waste Management Facility
	Landfill
	Storage

Figure 2: Industrial Activities Definition Grouping

Residential Activities	Residential Unit	Principal Residential Unit
		Minor Residential Unit
	Supported Residential Care	
	Retirement Village	

Figure 3: Residential Activities Definition Grouping

Commercial Activities	Retail Activity	Trade Retail	Marine Retail
			Hire Premise
			Motor Vehicle Sales
			Trade Suppliers
		Drive-Through-Facilities	
		General Retail	
		Grocery Store	
	Commercial Services		

Figure 4: Commercial Activities Definition Grouping

Community Activities	Place of Assembly	Community Corrections Activity
	Recreational Facilities	
	Emergency Services	
	Care Centre	
	Educational Facilities	
	Hospital	
	General Community	

Figure 5: Community Activities Definition Grouping