



THE PLANNING  
COLLECTIVE

### Submission on Far North Proposed District Plan

Clause 6 of Schedule 1, Resource Management Act 1991 (Form 5)

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To: Far North District Council (via email: [pdp@fndc.govt.nz](mailto:pdp@fndc.govt.nz))

#### 1. SUBMITTER DETAILS

**Name of Submitter:** Omata Estate, owners of 212 and 212B Aucks Road, Russell (legally described as Lot 1 DP 391936 and Lot 2 DP 391936).

This is a submission on the Far North Proposed District Plan (“PDP”).

Omata Estate could not gain an advantage in trade competition through this submission.

#### 2. SCOPE OF SUBMISSION

The specific aspects and provisions of the PDP that this submission relates to are:

- a) The proposed zoning for the Omata Estate land at 212 and 212B Aucks Road, Russell. The land is legally described as Lot 1 DP 391936 and Lot 2 DP 391936.
- b) The zoning pattern applied to land situated between the settlements of Okiato and Te Wahapu.
- c) The rules and standards relating to the construction of new buildings and structures within the Coastal Environment.
- d) The special information requirements contained in the Coastal Environment and Natural Hazards chapters of the PDP.

#### 3. SUBMISSION

##### Site Description

Omata Estate owns the land at 212 and 212B Aucks Road which comprises two land parcels situated between the settlements of Okiato and Te Wahapu as shown in Figure 1 overleaf.

212 Aucks Road is legally described as Lot 2 DP 391936 (held in Record of Title Identifier 368875) and has an area of 13.04 hectares.

212B Aucks Road is legally described as Lot 1 DP 391936 (held in Record of Title Identifier 368874) and has an area of 12.07 hectares.

The land parcels are predominantly developed as a vineyard with an associated café/restaurant. The remaining land is undeveloped and covered in established native vegetation. The land is accessed via a Right of Way from Aucks Road. An aerial image of the sites is provided in Figure 2 below.



Figure 1: Aerial image depicting site locality (Source: GRIP Maps)

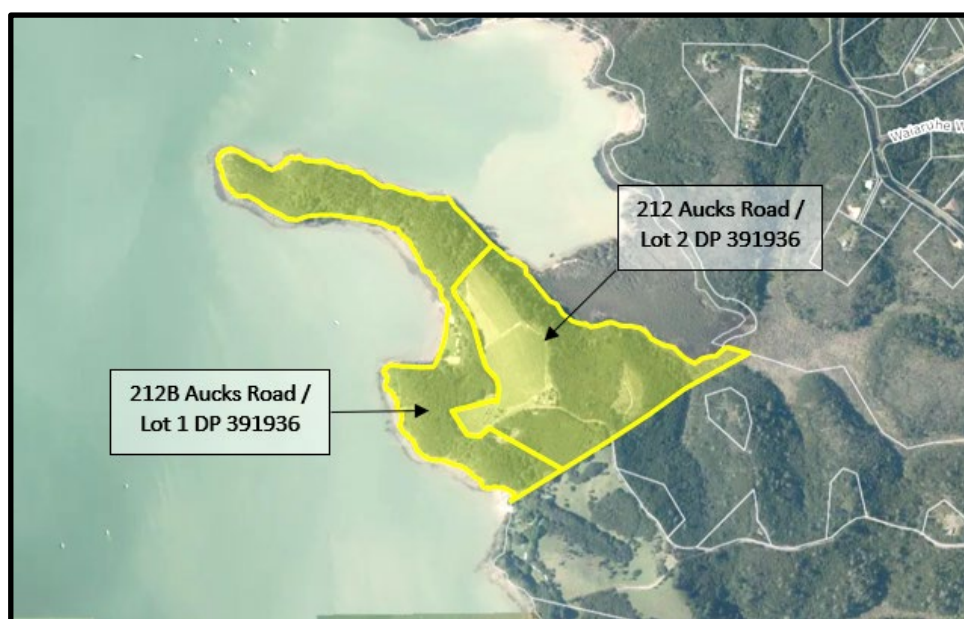


Figure 2: Aerial image of subject sites (Source: GRIP Maps)

#### Far North Operative District Plan Zoning

Under the Far North Operative District Plan (“ODP”), the subject sites are zoned General Coastal as shown on the planning map provided as **Attachment 1**. The surrounding land to the south is zoned Coastal Living (shown as yellow) and the scenic reserve to the north-east is zoned Conservation (shown as green).

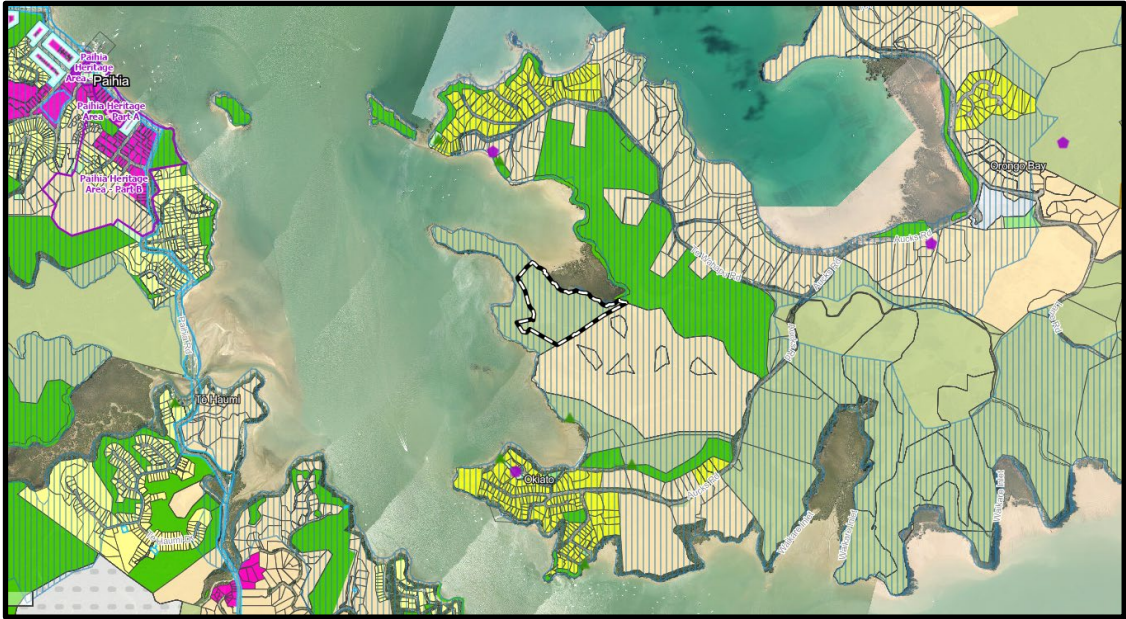
#### Far North Proposed District Plan Zoning

Under the PDP, the subject sites are zoned Rural Production as shown on the planning map provided in **Attachment 2**.

The PDP identifies the sites as being within the Coastal Environment and subject to the following overlays:

- High Natural Character Overlay (reference no. 427, 429, 431 and 432).
- River Flood Hazard Zone (100 year ARI Event) which applies along the eastern length of 212 and 212B Aucks Road.
- Coastal Flood (Zone 3: 100 Year + Rapid Sea Level Rise Scenario) which applies along the eastern portion of 212 Aucks Road and the lowlying areas of 212B Aucks Road.
- Coastal Flood (Zone 2: 100 Year Scenario) which applies along the eastern portion of 212 Aucks Road and the lowlying areas of 212B Aucks Road.
- Coastal Flood (Zone 1: 50 Year Scenario) which applies along selective margins of 212 and 212B Aucks Road.

The wider zoning pattern that has been applied to the surrounding land is shown in Figure 3 below. To summarise, the settlements of Okiato and Te Wahapu are zoned Settlement (shown as yellow). The esplanade and scenic reserves are zoned Natural Open Space (shown as vibrant green). The surrounding larger blocks of land between the settlements are either zoned Rural Lifestyle (shown as Light Brown) or Rural Production (shown as dull green).



*Figure 3: PDP zoning pattern for land between Okiato and Te Wahapu  
(Source: Far North Proposed District Plan Online Maps, 17 October 2022)*

#### Proposed Zoning Pattern

Section 1.1 of the Section 32 Report on the Rural Environment outlined that the Rural Production zoning has been applied to sites which had a General Coastal zoning under the ODP<sup>1</sup>. This statement indicates that no site-specific assessment has been undertaken to determine the most appropriate zoning that should be applied to the Omata Estate land or surrounding land.

The PDP outlines that the purpose of the Rural Production Zone is to:

*“...provide for primary production activities including non-commercial quarrying, farming, intensive indoor primary production, plantation forestry activities, and horticulture. The Rural Production Zone also provides for other activities that support primary production and have a functional need to be located in a rural environment, such as processing of timber, horticulture, apiculture and dairy products. There is also a need to accommodate recreational and tourism activities that may occur in the rural environment, subject to them being complementary to the function, character and amenity values of the surrounding environment. This zone includes land subject to the Coastal Environment Overlay, which has provisions to protect the natural character of the coastal environment.”*

As detailed above, the Omata Estate land is predominantly used as a vineyard with an associated café/restaurant. These activities operate over approximately five hectares of the landholding, and the balance of the sites comprises of established native vegetation. The sizes of the allotments, existing land use, large areas of native vegetation and the undulating

<sup>1</sup> [Section-32-Rural-Environment.pdf \(fndc.govt.nz\)](#), Section 1.1

topography of the Omata Estate land limits the ability for the land to be practically utilised for rural productive activities. Furthermore, the surrounding properties predominantly contain rural residential development. Rural production activities are not commonplace within the site's locality. Applying a Rural Production zoning to the Omata Estate land does not accurately represent the use of the land nor the localised character of the sites which is inherently rural lifestyle living.

The Manaaki Whenua Landcare Research Land Use Capacity (LUC) Maps indicate that the Omata Estate land contains Class 6 (non-arable) soils. A copy of the LUC maps is provided as **Attachment 3** to this submission. The Class 6 soils indicate that the land has slight to moderate limitations to pastoral use and that the land is suitable for pasture, tree crops and forestry and in some case vineyards. Erosion is generally the dominant limiting factor to the productive potential of this soil type. The Class 6 soils do not fall within the PDP definition of versatile soils nor does the soil type trigger the site to meet the PDP definition of highly productive land.

For the abovementioned reasons, Omata Estate opposes the Rural Production zoning of their landholdings and seeks that the land be rezoned to Rural Lifestyle.

The PDP provides the following overview of the Rural Lifestyle Zone:

*“The role of the Rural Lifestyle Zone is to provide an area specifically for rural lifestyle living. Accommodating the demand for rural lifestyle living in appropriate areas of the district, close to transport routes with good access to services in urban areas and settlements, is intended to reduce ad-hoc or sporadic rural lifestyle development throughout the Rural Production Zone that adversely impacts on primary production activities. With the stronger subdivision framework for the Rural Production Zone, the removal of the Coastal Living Zone and the creation of a Horticulture Zone for the Kerikeri and Waipapa area, it is important to still provide for rural lifestyle development of larger lots than what is promoted by the Rural Residential Zone. This zone enables people to undertake primary production activities, or primarily undertake a residential activity while having the option of growing their own food, or having horses or other livestock at a domestic scale.*

*This zone is characterised by open space and vegetated landscapes, interspersed by farm buildings, structures and residential units. Areas suitable for rural lifestyle living have been identified because they are already fragmented with residential land uses, are on low value soils or where consent has already been granted to undertake more dense living than anticipated in the Rural Production Zone. The zone is expected to provide an appropriate transition from rural residential areas to the Rural Production zone, while retaining a sense of spaciousness and rural character. For this reason, rural lifestyle character and amenity are managed through density rules and the consideration of building locations at the time of subdivision, in addition to the use of building setback controls from boundaries.*

*Given the proximity of this zone to urban areas and settlements, there is the potential for activities that are more typically associated with urban areas to seek to establish in this zone. Residential living at urban or rural residential densities, stand-alone retail/business activities, community facilities and industrial activities are not provided for or anticipated in the zone as they can reduce rural character and amenity, lead to reverse sensitivity, and cumulative effects and undermine the role and function of residential, commercial, industrial and mixed use zones. Activities that are complimentary to rural lifestyle living such as farming activities and home occupations are provided for in the zone, at a scale appropriate to the size of the lots. The Rural Lifestyle Zone is not intended to transition to an urban zone or Settlement Zone over time...”*

The Rural Lifestyle zoning of the Omata Estate land would better reflect the existing land use activities occurring on the site and would be in keeping with the rural lifestyle character of the site and its locality. This zoning would be the most appropriate given the existing level of rural development of the adjacent land to the south-east which has been zoned Rural Lifestyle under the PDP.

Omata Estate seeks that the Far North District Council also considers rezoning the Rural Production zoned land between Okiato and Te Wahapu to the Rural Lifestyle Zone to provide a more succinct zoning pattern that better aligns with the predominant rural lifestyle use of this area.

#### Coastal Environment Chapter

The Section 32 Report on the Coastal Environment outlines that the PDP has utilised the Northland Regional Council’s Regional Policy Statement mapping of the Coastal Environment and areas of High Natural Character<sup>2</sup>.

The entirety of the Omata Estate land is identified as being within the Coastal Environment and the areas of the site covered by the established native vegetation are identified as being of High Natural Character.

The Coastal Environment Chapter of the PDP stipulates that a Discretionary resource consent is required to establish new buildings or structures established on sites outside of urban zones where they are not ancillary to a farming activity, are no greater than 25m<sup>2</sup> and are outside of the Outstanding Natural Landscape (Rule CE-R1, PER-2). This activity status applies regardless of whether the new building is located outside of the High Natural Character areas.

In the context of the Omata Estate land, both sites are entirely situated within the Coastal Environment. Therefore, there is no ability to locate buildings or development outside of the Coastal Environment. The PDP should provide for new buildings and structures to be established on rural sites within the Coastal Environment through a Restricted Discretionary resource consent where it can be determined that the adverse effects of development can be

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<sup>2</sup> [Section-32-Coastal-Environment.pdf \(fndc.govt.nz\)](#), Section 2.2

appropriately avoided, remedied, or mitigated. This is a better outcome and more appropriate in terms of a s32 cost and benefit analysis.

Omata Estate seeks that Rule CE-R1 be amended to provide for the establishment of new buildings or structures to be located outside of urban zones as a Restricted Discretionary activity where they meet the CE-S1 Maximum Height and CE-S2 Colours and Materials standards. Appropriate matters of discretion and assessment criteria would be to ensure that the adverse effects of the development on the Coastal Environment are appropriately avoided, remedied or mitigated.

Coastal Hazard Area Information Requirements

CE-S5 in the Coastal Environment Chapter of the PDP outlines the following information requirement for resource consent applications for sites potentially affected by a coastal hazard:

CE-S5	Information requirements
<b>Coastal hazard area</b> .....	Any application for a resource consent in relation to a <b>site</b> that is potentially affected by a coastal hazard 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.

Omata Estate seeks that the abovementioned information requirement be removed from the PDP as the requirement for applicants to provide a site-specific engineering report should be dependent on the nature and scale of a resource consent application and the proximity of a proposal to a coastal hazard area. Applying a blanket requirement to provide a site-specific engineering report for any resource consent applications for a site potentially affected by a coastal hazard would result in undue cost constraints to applicants and does not meet the requirements of s32.

Natural hazard Information Requirements

NH-S1 in the Natural Hazards Chapter of the PDP sets out the following information requirements:

Standards	
NH-S1	Information requirements
<b>All natural hazards</b> .....	Any application for a resource consent in relation to a <b>site</b> that is potentially affected by <b>natural hazards</b> 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.

As above, Omata Estate seeks that this information requirement be removed from the PDP as the requirement for applicants to provide a site-specific engineering report should be dependent on the nature and scale of a proposal and the proximity of the proposal to an area identified as being potential affected by a natural hazard. Applying a blanket requirement to provide a site-specific engineering report for any resource consent applications for a site potentially affected by a natural hazard would result in undue cost constraints to applicants and does not meet the requirements of s32.

#### 4. RELIEF SOUGHT

Omata Estate submission is **supportive in part** of the PDP. **Matters of objection** are outlined below along with the relief sought the Far North District Council:

- S548.001 a) **Submit in opposition to the proposed zoning of the Site:** The Omata Estate land at 212 and 212B Aucks Road (legally described as Lot 1 DP 391936 and Lot 2 DP 391936) should be rezoned to Rural Lifestyle under the PDP for the reasons outlined in this submission.
- S548.002 b) **Submit in opposition to the proposed zoning of the surrounding sites:** The land between the settlements of Okiato and Te Wahapu should be rezoned to Rural Lifestyle under the PDP.
- S548.003 c) **Submit in opposition to the proposed Rule CE-R1:** Rule CE-R1 in the Coastal Environment Chapter of the PDP be amended to provide for the establishment of new buildings on structures outside of an urban zone (not within a High Natural Character area or Outstanding Natural Character area) as a Restricted Discretionary activity with associated matters of discretion and assessment criteria.
- S548.004 d) **Submit in opposition to the proposed Standard CE- S5:** Standard CE-S5 is requested to be removed from the Coastal Environment Chapter of the PDP as a site-specific engineering report should be dependent on the nature and scale of a proposal and the proximity of the proposal to an area identified as being potential affected by the coastal hazard.
- S548.005 e) **Submit in opposition to the proposed Standard NH-S1:** Standard NH-S1 be removed from the Natural Hazards Chapter of the PDP as a site-specific engineering report should be dependent on the nature and scale of a proposal and the proximity of the proposal to an area identified as being potential affected by a natural hazard.
- f) Any other relief required to achieve the outcomes sought in this submission.

#### 5. HEARING OF SUBMISSION

Omata Estate do wish to be heard in support of its submission and will consider presenting a joint case at a hearing with others if they make a similar submission.

Yours sincerely



Jessica Andrews  
The Planning Collective Limited  
(*person authorised to sign on behalf of submitter*)

Date: 21 October 2022



**Attachments:**

- 1 Far North Operative District Plan (“ODP”) Map
- 2 Far North Proposed District Plan Zoning (“PDP”) Map
- 3 The Manaaki Whenua Landcare Research Land Use Capacity (LUC) Maps

**Address for Service:**

Omata Estate

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Warkworth, 0941

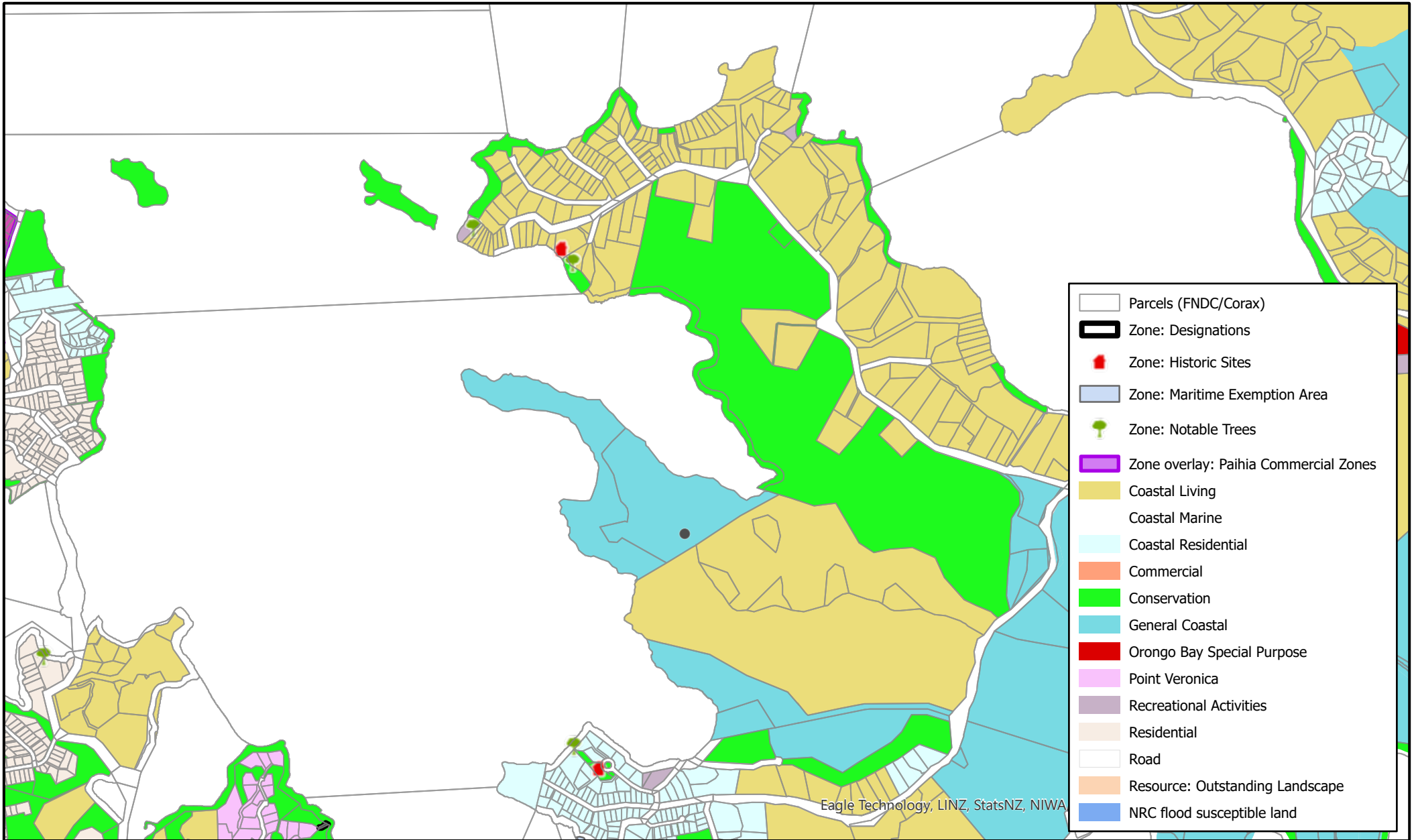
Attn: Jessica Andrews

E: [Jessica@thepec.co.nz](mailto:Jessica@thepec.co.nz)

Ph: 021-422-713

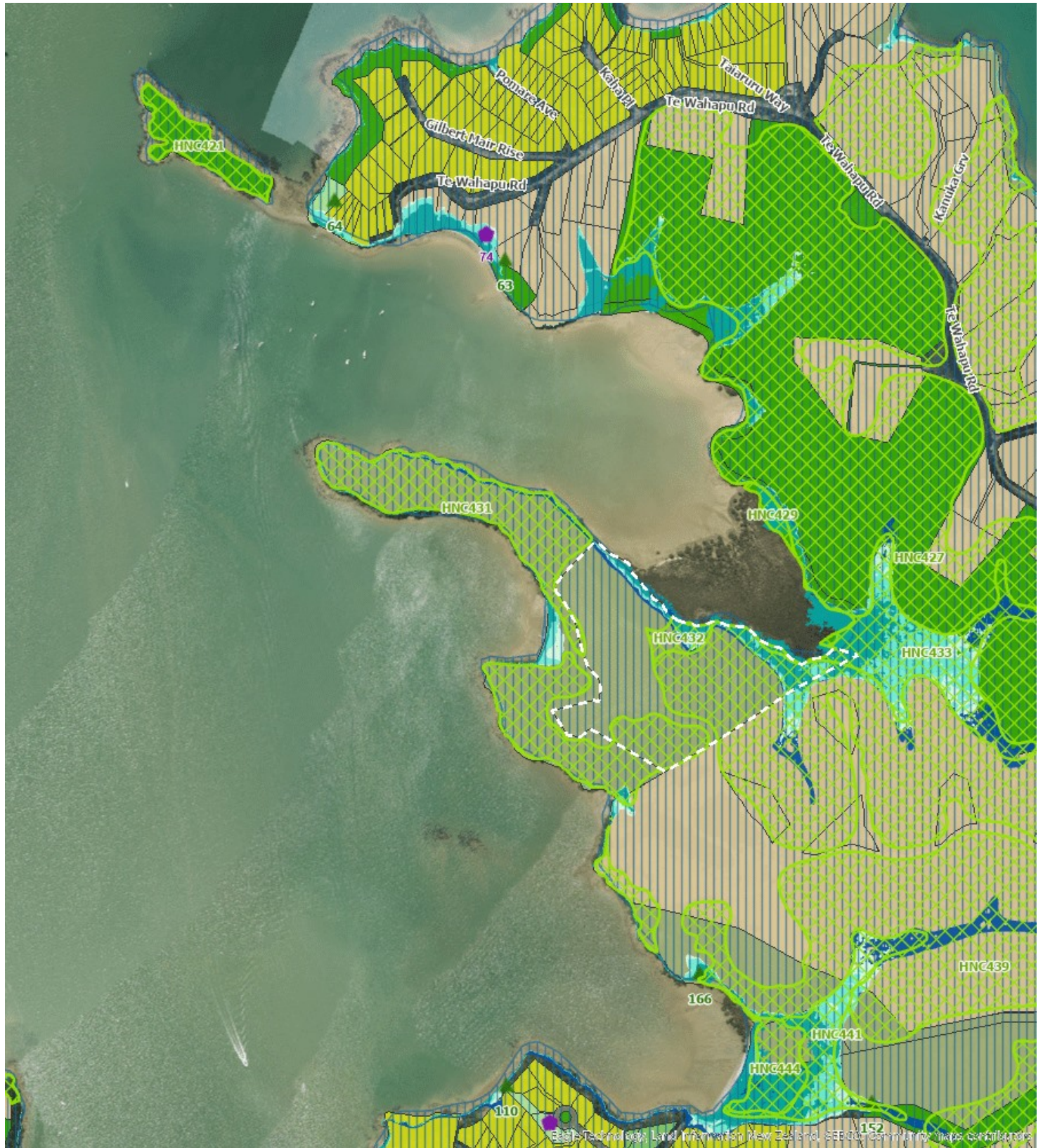
## Attachment 1:

Far North Operative District Plan (“ODP”) Map


























## Attachment 2:

### Far North Proposed District Plan Zoning (“PDP”) Map






Property Rates (FNDC)

- 
- Zones**
-  Airport
-  Carrington Estate
-  General Residential
-  Heavy Industrial
-  Horticulture
-  Horticulture Processing Facilities
-  Hospital
-  Kauri Cliffs
-  Kororāreka Russell Township
-  Light Industrial
-  Mixed Use
-  Moturoa Island
-  Māori Purpose - Rural
-  Māori Purpose - Urban
-  Natural Open Space
-  Ngawha Innovation And Enterprise Park
-  Open Space
-  Orongo Bay
-  Quail Ridge
-  Rural Lifestyle
-  Rural Production
-  Rural Residential
-  Settlement
-  Sport And Active Recreation

- Zones**
-  Airport
-  Carrington Estate
-  General Residential
-  Heavy Industrial
-  Horticulture Processing Facilities
-  Hospital
-  Kauri Cliffs
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-  Natural Open Space
-  Ngawha Innovation And Enterprise Park
-  Open Space
-  Orongo Bay
-  Quail Ridge
- 



- Rural Lifestyle 
- Rural Production 
- Rural Residential 
- Settlement 
- Sport And Active Recreation 
- Horticulture 
- Māori Purpose - Urban 
- Kauri Cliffs Special Areas**
-  Golf Living Environment
-  Golf Playing Environment
-  Lodge Environment
-  Natural Heritage Environment
- Designations**
-  River Flood Hazard Zone (100 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)
- National Grid Line**
-  National Grid Line
- Critical Electricity Line**
-  - -
- Airport Protection Surfaces**
-  Treaty Settlement Land
- Pedestrian Frontage**
-  Mineral Extraction
- Outer Control Boundary (55 dB Ldn)**
-  Air Noise Boundary (65 db Ldn)
- Coastal Environment**
-  Building Height Control
- Area A**
-  Area B
- Precincts**
-  Innovation and Enterprise Precinct
- Te Oneroa-a-Tōhe Beach Management Area**
-  Te Oneroa-a-Tōhē
- Sites & Areas of Significance to Māori**
-  Heritage Area
-  Heritage Item
-  Notable Tree
-  High Natural Character
- 

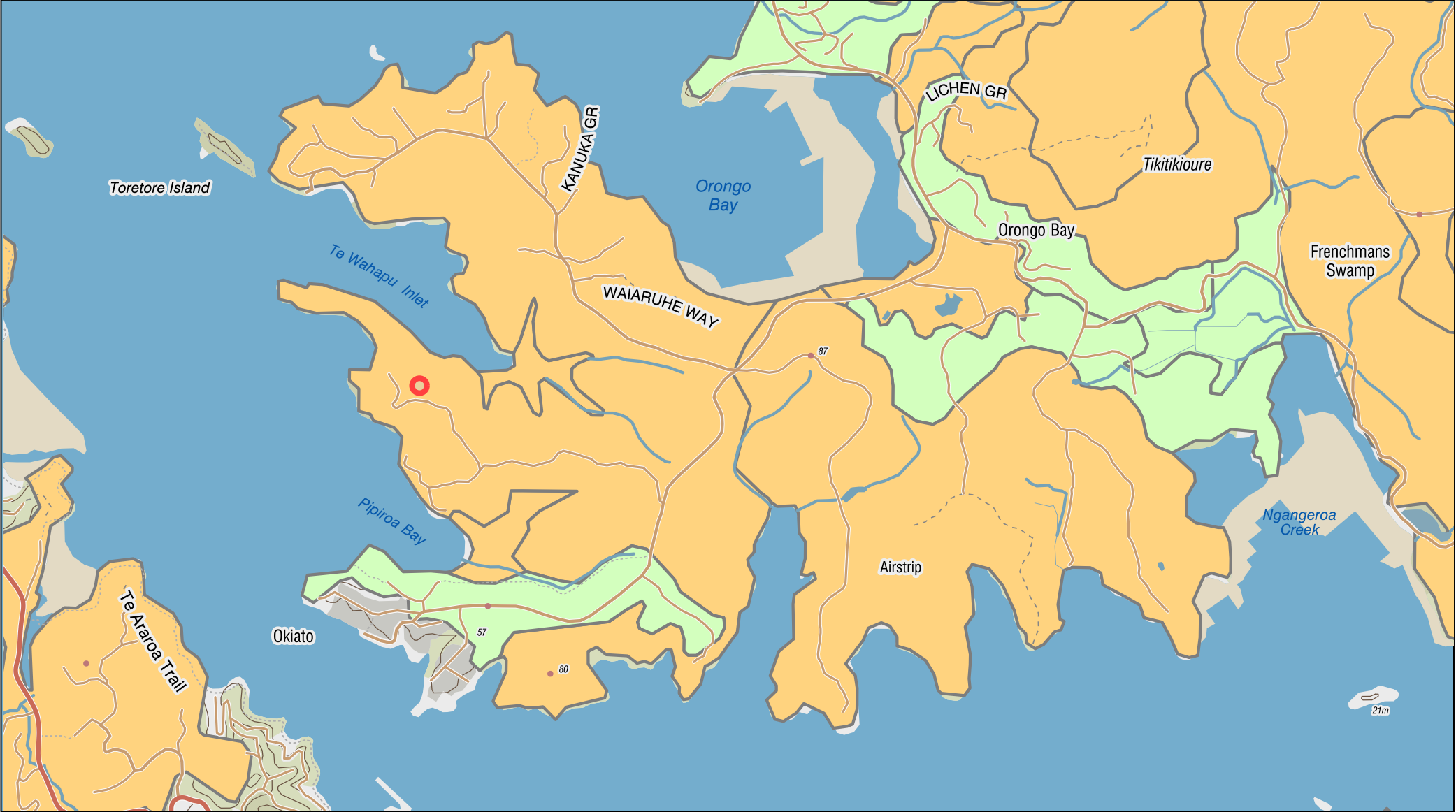


## Attachment 3:

The Manaaki Whenua Landcare Research Land Use Capacity  
(LUC) Maps



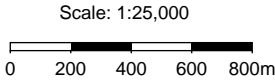
# 212 & 212B Aucks Road Land Use Capacity



**OURENVIRONMENT**



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






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## Legend

### Land Use Capability

-  Arable. Multiple-use land; few limitations
-  Arable. Good land; slight limitations
-  Arable. Moderate limitations; restricting crop types
-  Arable. Severe limitations for arable or cultivation
-  Non-arable. Unsuitable for cropping
-  Non-arable. Productive pastoral hill country
-  Non-arable. Moderate to very severe limitations
-  Non-arable. Very severe to extreme limitations

# OURENVIRONMENT



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# End of Report

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