



Proposed District Plan submission form

Clause 6 of Schedule 1, Resource Management Act 1991

Feel free to add more pages to your submission to provide a fuller response.

Form 5: Submission on Proposed Far North District Plan

TO: Far North District Council

This is a submission on the Proposed District Plan for the Far North District.

1. Submitter details:

Full Name:	Adrian & Sue Knight		
Company / Organisation Name: (if applicable)			
Contact person (if different):			
Full Postal Address:	478 Kerikeri Road, RD3, Kerikeri		
	0293		
Phone contact:	Mobile: 0274980996	Home:	Work:
Email (please print):	midknight@outlook.co.nz		

2. (Please select one of the two options below)

- I could not gain an advantage in trade competition through this submission
 I could gain an advantage in trade competition through this submission

If you could gain an advantage in trade competition through this submission, please complete point 3 below

3. I am directly affected by an effect of the subject matter of the submission that:
 _____ (A) Adversely affects the environment; and
 _____ (B) Does not relate to trade competition or the effect of trade competition
- I am not directly affected by an effect of the subject matter of the submission that:
 _____ (A) Adversely affects the environment; and
 _____ (B) Does not relate to trade competition or the effect of trade competition

Note: if you are a person who could gain advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991

The specific provisions of the Plan that my submission relates to are:

(please provide details including the reference number of the specific provision you are submitting on)

See attached



Confirm your position: <input type="checkbox"/> Support <input type="checkbox"/> Support In part <input type="checkbox"/> Oppose (please tick relevant box)
My submission is: (Include details and reasons for your position) See attached
I seek the following decision from the Council: (Give precise details. If seeking amendments, how would you like to see the provision amended?) See attached
<input type="checkbox"/> I wish to be heard in support of my submission <input type="checkbox"/> I do not wish to be heard in support of my submission (Please tick relevant box)
If others make a similar submission, I will consider presenting a joint case with them at a hearing <input type="checkbox"/> Yes <input type="checkbox"/> No
Do you wish to present your submission via Microsoft Teams? <input type="checkbox"/> Yes <input type="checkbox"/> No
Signature of submitter: (or person authorised to sign on behalf of submitter) Adrian & Sue Knight Date: 20/10/2022

Important information:

1. The Council must receive this submission before the closing date and time for submissions (5pm 21 October 2022)
2. Please note that submissions, including your name and contact details are treated as public documents and will be made available on council's website. Your submission will only be used for the purpose of the District Plan Review.
3. Submitters who indicate they wish to speak at the hearing will be emailed a copy of the planning officers report (please ensure you include an email address on this submission form).



Send your submission to:

Post to: Proposed District Plan
Strategic Planning and Policy, Far North District Council
Far North District Council,
Private Bag 752
KAIKOHE 0400

Email to: pdp@fndc.govt.nz

Or you can also deliver this submission form to any Far North District Council service centre or library, from 8am – 5pm Monday to Friday.

Submissions close 5pm, 21 October 2022

Please refer to pdp.fndc.govt.nz for further information and updates.

Please note that original documents will not be returned. Please retain copies for your file.

Note to person making submission

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least one of the following applies to the submission (or part of the submission):

- It is frivolous or vexatious
- It discloses no reasonable or relevant case
- It would be an abuse of the hearing process to allow the submission (or the part) to be taken further
- It contains offensive language
- It is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

SUBMISSION NUMBER

Delete Horticulture Zone

Relief Sought

1. That FNDC delete the proposed Horticulture Zone in its entirety, rezoning areas Rural Production, General Rural, Commercial or Rural Residential zones as appropriate. **S325.001**

Reason

The Horticulture Zone is not an appropriate zone for the following reasons:

- a. The Horticulture Zone does not achieve the purpose of the RMA insofar as it does not promote the sustainable management of natural and physical resources;
- b. The Horticulture Zone fails to give effect to the National Planning Standards and the National Policy Statement for Highly Productive Land (**NPS-HPL**);
- c. The Horticulture Zone section 32 evaluation is incomplete and flawed:
 - i. The evaluation does not provide sufficient level of detail that corresponds to the scale and significance of creating a special purpose zone;
 - ii. The evaluation fails to consider the full range of zoning options and identify reasonably practicable options to achieve objectives;
 - iii. The evaluation fails to evaluate appropriate zone criteria and boundaries;
- d. The PDP does not provide strategic direction or policy support for the suite of rural zones proposed, nor does it support the Horticultural Zone;
- e. The Horticulture Zone has only been proposed within the Kerikeri area; and
- f. The Horticulture Zone provisions are not sufficiently different from the Rural Production Zone (and in some instances are more permissive).

The proposed Horticulture Zone fails to give effect to the National Planning Standards and does not comply with the zone framework standard 8, mandatory direction 3. While FNDC have proposed the Horticulture Zone as a “special purpose zone”, the proposed Horticulture Zone does not comply with all of the special purpose zone criteria¹ as required under mandatory direction 3:

- a. *Are significant to the district, region or country*

Comment:

The proposed Horticulture Zone has been applied selectively to the Kerikeri area and has not been mapped throughout the district despite there being other areas of current or future intensive horticulture.

- b. *Are impracticable to be managed through another zone*

Comment:

Horticultural land could be managed via both the Rural Production zone or the General Rural Zone. The purpose of the Rural Production Zone is to provide for areas predominantly used for primary production activities², whilst the General Rural Zone is to provide for primary production activities and a range of activities that support primary

² National Planning Standards, Zone Framework Standard

production. Council has not utilised the General Rural Zone, nor has section 32 evaluation been undertaken to consider this option.

c. Are impractical to be managed through a combination of spatial layers.

Comment:

A review of the proposed Rural Production Zone and Horticulture Zone provisions has confirmed that there is very little difference between the provisions of the two zones, therefore it is entirely possible to manage horticultural land by way of a zone (and a spatial layer if there is section 32 justification for a spatial response).

FNDC have established zone criteria to support the mapping and identification of the Horticulture Zone³ including that the land must be located within the Kerikeri/Waipapa area. This criterion is contrary to the NPS-HPL. Whilst it is acknowledged that the NPS-HPL was released following the PDP notification for submission, Council must give effect to the NPS-HPL and this policy statement sufficiently provides for the protection of highly productive land, rendering the Horticulture Zone defunct.

Under the National Planning Standards, the strategic direction provisions are key to understand the balance and trade-offs between often conflicting matters of national, regional and local importance. The proposed Strategic Direction objectives and policies are silent with respect to the proposed rural zones. The Overview Section 32 evaluation does not include any evaluation of the proposed objectives⁴. The National Planning Standards provide a number of rural zone options⁵ which have not been evaluated within the Rural Environment section 32. In the absence of complete section 32 evaluation, it is not possible to understand why Council have chosen the suite of zones proposed.

The purpose of the Horticulture Zone is to manage land fragmentation and reverse sensitivity effects and achieve greater protection of highly productive land⁶. The proposed Horticulture Zone (particularly that west of Kerikeri Road) is already fragmented not only by existing residential and commercial activities, but by smaller allotments.

The Horticulture Zone includes land that is not viable for horticulture due to factors such as soil type, lot sizes, and proximity of rural residential neighbours restricting the ability to spray (reverse sensitivity).

³ Section 32 Rural Environment – page 26

⁴ Proposed objectives against section 32(1)(a) of the RMA to determine the extent to which the objectives are the most appropriate way to achieve the purpose of the RMA.

⁵ General Rural Zone, Rural Production Zone, Rural Lifestyle Zone

⁶ Section 32 Rural Environment - page 9

Review Commercial Zones

Relief Sought

1. That FNDC review the suite of commercial zones proposed and rezone Kerikeri town centre to Town Centre Zone (or similar commercial zone) that appropriately reflects commercial development and activities within Kerikeri township; or S325.002
2. If relief 1 is not accepted that FNDC amend the Mixed Use Zone provisions to provide for an increased range of commercial and community activities.

Reason:

The Mixed Use Zone is not the most appropriate zone for Kerikeri town centre for the following reasons:

- a. The Mixed Use Zone does not give effect to objective 1 and policy 1 of the National Policy Statement on Urban Development (**NPS-UD**);
- b. The Section 32 Evaluation – Urban Environments incomplete and flawed:
 - i. The evaluation does not provide sufficient level of detail that corresponds to the scale and significance of due to the importance of the zone being the only commercial zone proposed within the District;
 - ii. The evaluation fails to consider the full range of commercial zoning options and identify reasonably practicable options to achieve objectives;
 - iii. The evaluation fails to evaluate appropriate zone criteria and boundaries;
- c. The PDP does not provide strategic direction or policy support for the suite of urban zones proposed;
- d. The Mixed Use Zone provisions do not sufficiently enable a range of commercial activities.

The PDP does not provide alternative commercial zones, providing only a Mixed-Use Zone. The Section 32 Evaluation – Urban Environment does not provide any justification for this approach nor does it evaluate options utilising the full range of National Planning Standard commercial zones⁷. The PDP does not include any form of direction by way of mapping or provisions to set a clear hierarchy of centres. This lack of strategic direction will hinder the ability to achieve a sustainable and compact urban form.

The approach to commercial zoning within the PDP has resulted in the inability to utilise the Mixed Use Zone as intended by the National Planning Standards. This approach has led to ineffective and inefficient methods in the PDP, which does not provide for the sustainable development and use of business land.

⁷ Neighbourhood Centre Zone, Local Centre Zone, Commercial Zone, Large Format Retail Zone, Mixed Use Zone, Town Centre Zone, Metropolitan Centre Zone, City Centre Zone

Rezone Kerikeri Fringe to Enable Commercial Activities

Relief Sought

3. That FNDC:
 - a. Review the notified Mixed Use Zone boundary around the Kerikeri town centre and main commercial strip and change to reflect the existing commercial activities and establish logical zone boundaries to enable appropriate business land capacity and development opportunity; and
 - b. Rezone land to an appropriate commercial or mixed use zone to legitimise and enable tourist and horticulture based commercial activities to occur:
 - a. along both sides of Kerikeri Road from the roundabout with State Highway 10 to Kerikeri town centre; and
 - b. at the Redwoods in accordance with the map in Appendix 1.
4. If relief sought 3(b) is not accepted, that FNDC establish an overlay/precinct or similar, or amend the provisions of the applicable zone, to legitimise and enable tourist and horticulture based commercial activities to occur:
 - a. along both sides of Kerikeri Road from the roundabout with State Highway 10 to Kerikeri town centre; and
 - b. at the Redwoods in accordance with the map in Appendix 1. S325.003

Reason:

The Section 32 Evaluation – Urban Environment does not include any specified zone criteria; as such it is unclear as to why the Mixed Use Zone boundaries have been established as notified for Kerikeri town centre. The proposed Kerikeri Mixed Use Zone mapped area extends west along Kerikeri Road, stopping short of The Ridge and Ranui Avenue. The proposed Mixed Use Zone boundary does not follow a logical defensible boundary, nor does it include existing lawfully established commercial activities located along Kerikeri Road or at the Redwoods.

Commercial activities, particularly tourist and horticulturally based commercial activities, are well established along Kerikeri Road and at the Redwoods. These activities contribute to the vibrancy, character and amenity of the introduction to Kerikeri town centre. The PDP should provide for and enable these activities along Kerikeri Road and at the Redwoods.

Appendix 1



Rural Residential Zoning (West of Kerikeri Road)

Relief Sought

1. That FNDC review the Rural Residential zone on the edge of Kerikeri and rezone land in accordance with the Map in Appendix 1. **S325.004**

Reason:

Rural Residential Zone is the most appropriate zoning in the mapped location because:

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

The Rural Residential Zone is intended to provide for development around existing urban areas where they are contiguous with the urban environment, to cater for growth and to provide a transition between urban and rural zones. The area sought to be rezoned will achieve these outcomes.

The Section 32 Rural Environments does not provide any further zone criteria, nor does it provide any justification or evaluation of the extent or zone boundaries other than to state that the Rural Living Zone under the Operative District Plan has been rezoned. Comparison of the Operative District Plan maps with the PDP maps has confirmed that the notified boundary of the Rural Residential Zone does not follow the operative Rural Living Zone boundary, rather it appears to have been relocated south-west to follow a stream boundary and then follow an arbitrary cadastre boundary.

In the absence of consistent and supportable zone boundaries, the Rural Residential Zone should extend to the south-west of Access Road to incorporate existing allotments which are Rural Residential in character, nature and amenity. The boundary of the area sought to be rezoned continues the line following the stream, utilising a physical feature as a defensible zone boundary.

This area is rural residential in character, developed for residential purposes and containing existing residential activities. The land is fragmented with existing smaller allotment sizes. Rezoning additional land to Rural Residential Zone will contribute additional residential capacity.

The area is materially compromised for rural production activities due to the existing fragmentation and potential for reverse sensitivity effects.

Appendix 1

