

**BEFORE THE INDEPENDENT HEARINGS PANEL
FAR NORTH DISTRICT COUNCIL**

UNDER

the Resource Management Act 1991

IN THE MATTER

of the Proposed Far North District Plan

**MEMORANDUM OF COUNSEL ON BEHALF OF
AUDREY CAMPBELL-FREAR**

REZONING HEARING

18 November 2024



Counsel acting:

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MAY IT PLEASE THE PANEL

- 1.1 Audrey Campbell-Frear is primary submitter #209 and further submitter #172 on the Proposed District Plan (PDP). Aspects of Ms Campbell-Frear's submissions have been allocated to hearings streams 15A to 15D: Rezoning.
- 1.2 The Panel have sought feedback with respect to Draft Minute 14: Rezoning Criteria and Process. Ms Campbell-Frear is grateful to the Panel for the opportunity to provide feedback.
- 1.3 As a preliminary matter, while it is common for the hearing topic for such submissions to be called "Rezoning", it may be fairer to characterise it as "Zoning". This is a Council-initiated full plan review. It is the Council's PDP seeking to "rezone" land compared to the ODP, including to some special zones proposed by the Council. Submitters are responding to the Council's proposed zoning, so that the Panel may determine the appropriate zoning. Submitters are not seeking to "rezone" land as there is no presumption that the Council's proposed zoning is correct.
- 1.4 The Panel seeks feedback on its proposals to:
 - Reverse the statutory order for evidence exchange, from the usual "Council first" to "submitter first"; and
 - Establish "rezoning evaluation criteria" for submitter evidence to address and demonstrate and for Council officers to use in their assessment.
- 1.5 With respect to the first matter Ms Campbell-Frear's response is that the usual evidence exchange process should apply – "Council first".
 - As stated above, this is a Council-initiated full plan review. The reverse evidence order would apply for a private plan change or a resource consent application, where an applicant is seeking to change the status quo. Here it is the Council seeking to change the status quo, and it is for the Council to establish the appropriateness of its proposed zoning in light of the submissions it has received.
 - "Council first" ensures that submitters are aware of the Council's preliminary view of their submission before engaging expert evidence.
 - The Panel could timetable a Section 42A Addendum round, as is now

common, to have a full picture from the Council and submitters before the hearings.

- The proposed criteria refer to assessing infrastructure servicing and engaging with Council infrastructure staff. It would be extremely inefficient for approximately 400 submitters to individually contact Council infrastructure staff for information about servicing, and there is no assurance that the Council has sufficient staff to respond to that degree of submitter engagement. If there are limited staff resources available, is it those submitters who engage earliest who get a response in time for evidence preparation? Who oversees consistency?

1.6 If the Panel is minded to proceed with the “submitter first” evidence exchange timetable, Ms Campbell-Frear requests that at a minimum the Council should provide the following information in advance of submitter evidence to enable submitters to fairly engage in the process:

- An indication of any submissions the Council in principle accepts / supports (for example mapping errors, or resource consents granted).
- A comprehensive response from the Council’s infrastructure staff responding to the zoning submissions and setting out a consistent approach to assessment of infrastructure servicing.

1.7 With respect to the Panel’s proposed rezoning evaluation criteria, Ms Campbell-Frear:

- Notes that the level of prescriptive detail required of submitters does not appear to correlate to the rigour with which the Council approached its s32 task on notification of the PDP (a matter raised in submissions).
- Seeks that the “criteria” are expressly indicated by the Panel as being an indicative guideline only.

1.8 Again, Ms Campbell-Frear is grateful for the opportunity to provide feedback on the proposed Minute.



Sarah Shaw

18 November 2024