

**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

**LEGAL SUBMISSIONS ON BEHALF OF
AUDREY CAMPBELL-FREAR**

ZONING HEARINGS – 15C & 15D

7 October 2025



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INTRODUCTION

- 1.1 Audrey Campbell-Frear is primary submitter #209 and further submitter #172 on the Proposed District Plan (PDP).
- 1.2 Ms Campbell-Frear's primary submission addresses four themes:
 - Delete the proposed Horticulture Zone
 - Review commercial zones (hierarchy of centres)
 - Zone Kerikeri fringe to enable commercial activities
 - Review Rural Residential zoning west of Kerikeri Road
- 1.3 It is primarily the final two of these themes – zoning for Rural Residential and commercial activities – being heard in hearings 15C and 15D, although the spatial extent of the now-proposed Horticultural Precinct is also relevant.
- 1.4 Ms Campbell-Frear “opted in” to the hearing timetable for zoning submitters to file evidence in advance of the s42A report.
- 1.5 The following expert evidence has been filed on behalf of Ms Campbell-Frear for hearings 15C and 15D:
 - Leo Hills – Transport¹ (appearing online)
 - Derek Foy – Economics² (appearing online)
 - Melissa McGrath – Planning³ (appearing in person)
- 1.6 Ms Campbell-Frear is grateful for the Panel's directions allowing submitters in both 15C and 15D to appear at only one hearing.

¹ Rebuttal

² Evidence in Chief and Rebuttal

³ Evidence in Chief and Rebuttal

SPATIAL EXTENT OF A HORTICULTURE PRECINCT (15C)

- 1.7 Mr Foy, Ms McGrath and soils expert Mr Hanmore presented evidence at Hearing 9 with respect to the proposed Horticulture Zone (HZ).
- 1.8 The Council accepted that the HZ did not satisfy the criteria for a Special Purpose Zone. The Panel issued interim guidance that it is likely to recommend that the HZ be redrafted as a Horticulture Precinct (HP), with spatial extent to be considered at Hearing 15C.
- 1.9 To recap, Mr Foy and Ms McGrath's evidence from Hearing 9 stated:
- RPROZ plus the NPS-HPL provides for horticulture
 - PROPZ plus the NPS-HPL manages reverse sensitivity
 - HP provisions duplicate, are inefficient & unreasonably restrictive
 - More horticulture & irrigation is outside Kerikeri/Waipapa than in
 - Horticulture is not a majority land use in the HP
 - Irrigation is constrained in the HP
 - The majority of land in the HP is too small for viable horticulture
- 1.10 The Hearing 9 reporting planner's recommended HP wording has added an entirely new independent spatial mapping criteria for the HP to Policy 1: "the land provides an effective buffer to manage reverse sensitivity effects on horticultural activities".
- The Hearing 9 reporting planner's supplementary evidence states that this significant addition "clarifies" and better reflects the intent of the HZ/HP. Dr Hill's report on spatial extent of the HP states that the intent of including 33% non-horticultural land in the HZ was as buffers to manage interfaces and reverse sensitivity.
 - The HZ s32 report did not refer to buffers.
 - The reporting planner's supplementary evidence states that the new "buffer" spatial mapping criteria will be "explored extensively as part of the rezoning hearings". This has not occurred.

- The Council has not spatially identified which land in the HP is horticultural land to be protected and which is included as buffer to protect it.
- There is no s32 assessment of different options for extent of a buffer (including no buffer), whether RPROZ adjacent to the HP acts as a buffer, or whether provisions could be added to RPROZ to buffer adjacent to the HP.
- There is no s32 assessment of the costs of the buffer.

1.11 The proposed HP imposes significant planning burdens on land solely to protect a private industry without adequate s32 assessment. Ms McGrath maintains her opinion that the HP and its spatial extent are not appropriate; but if there is a HP, it should not apply in Locations 1, 2 or 3.

RURAL RESIDENTIAL ZONING (LOCATION 1) (15C)

1.12 The Hearing 15C reporting planner opposes zoning of Location 1 to Rural Residential, primarily because zoning additional RRZ on the urban edge signals an intention for urban growth inconsistent with the Spatial Plan and will increase reverse sensitivity, and lack of traffic assessment.

1.13 This response has to be seen in light of the PDP's:

- Creation of the special purpose RRZ (for areas zoned Rural Living in the ODP), describing the RRZ as “in a location *where an urban area may grow* and where land may be re-zoned for urban development when demand requires it”.
- Zoning of additional land from RPROZ to RRZ in several locations prior to notification, including *immediately adjacent to Location 1* using the stream as the new boundary but creating a “dog leg” around Location 1.

1.14 Location 1 is an existing rural residential developed area immediately adjacent to notified RRZ contiguous with the urban area. The NPS-UD supports housing choice. Mr Foy (with assessment by Mr Hanmore) has confirmed that the NPS-HPL zoning test is met, and there is demand. Mr Hills has confirmed that there are no traffic concerns. Ms McGrath has identified a maximum of 26 additional allotments, has addressed reverse sensitivity, and supports continuing the stream boundary already used by the Council for rezoning as a defensible boundary.

MIXED USE ZONING (LOCATIONS 2 & 3) (15D)

- 1.15 The Hearing 15D reporting planner opposes zoning of Locations 2 and 3 to Mixed Use Zone (MUZ) with a precinct, primarily for economic and Spatial Plan reasons and because existing activities can rely on consents and existing use rights.
- 1.16 These are existing locations of commercial development. Mr Foy (with assessment by Mr Hanmore) has confirmed that the NPS-HPL zoning test is met, there is demand, and that rationalising the existing business nodes with MUZ zoning is appropriate and necessary. Mr Hills has confirmed that a minor addition to the precinct provisions would address any cumulative traffic concerns for Location 2 (noting that the Council is apparently satisfied with its district wide traffic rule everywhere else). Ms McGrath has addressed the planning burden of not providing an appropriate zoning and servicing and supports the MUZ and precinct as appropriate.

CONCLUSION

- 1.17 Ms Campbell-Frear maintains her submission, and expert evidence supports:
- Not creating the HP (or not extending it to Locations 1,2 and 3)
 - Zoning Location 1 to RRZ
 - Zoning Locations 2 and 3 to MUZ with precinct.



Sarah Shaw

Counsel for Audrey Campbell-Frear

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