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To: District Plan Team – Attention: Greg Wilson
Strategic Planning & Policy
5 Memorial Avenue
Private Bag 752
Kaikohe 0440.
Email: greg.wilson@fndc.govt.nz

RE: Submission on the Proposed Far North District Plan 2022

1. **Details of persons making submission**

BOI Enterprises Limited (the '**Submitters**')
C/- Bay of Islands Planning (2022) Limited
Attention: Steven Sanson
PO Box 318
PAIHIA 0247

2. **General Statement**

The Submitters are directly affected by the Proposed Far North District Plan ('**PDP**'). They seek a change in zoning to their landholdings currently proposed.

The Submitters cannot gain an advantage in trade competition through this submission. They are directly impacted by the PDP. The effects are not related to trade competition.

3. **Background & Context**

Background

The Submitters have multiple properties that are located along The Lakes Drive, Kerikeri. The Lakes Drive is a recent subdivision of Waipapa Road and includes a variety of urban services such as footpaths, kerb and channel, streetlights and a new intersection from Waipapa Road.

Whilst residential development has / is occurring down this street, properties which front Waipapa Road have a natural inclination to follow recent and existing development patterns which show an emerging mixed use, and not at all rural residential character.

The properties subject to this submission are also subject to a resource consent application (Ref: RC 2220841-RMACOM).

The proposal for RC 2220841 includes the following activities:

- Construction of a commercial building to be used as a medical centre; and
- Construction of a commercial building to be used for various commercial uses (café, retail, offices).

Site Description

The land to which this submission relates comprises the following Records of Title.

- 994593 (Lot 2 DP 561725); and
- 994592 (Lot 1 DP 561725).

Referred to as the '**Landholdings**' herein.

The Landholdings under consideration are found in **Figure 1 and 2** below.



Figure 1 – Site – RT 994592 (Source: Prover)



Figure 2 – Site – RT 994593 (Source: Prover)

RT 994592 is 4,001m² and RT 994593 is 3,000m². Both are currently zoned Rural Living under the Operative District plan.

The PDP seeks to change the zoning to Rural Residential as outlined in **Figure 3** below.

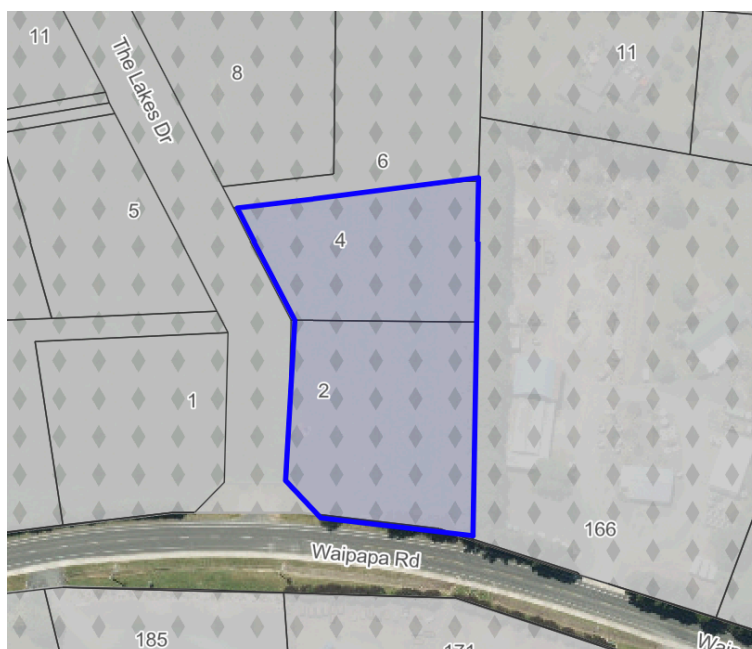


Figure 3 – Rural Residential Zone (Source: Far North District Council)

4. **The specific provisions of the Proposed Far North District Plan that this submission relates to are:**

- The PDP Maps which relate to the site.

5. **The Landowners seek the following amendments/relief:**

This submission requests that the PDP:

- Amends the zoning which relates to the Landholdings from **S139.001** Rural Residential to Mixed Use.

6. **The reasons for making the submission on the Proposed District Plan are as follows:**

The reasons why it is believed that the Mixed Use Zone is a more appropriate zone for this site are:

- a) It better aligns with existing development, size of landholdings and proposed development for the site.
- b) Existing and proposed activities are not consistent with the Rural Residential Zone.
- c) The landholdings are consistent with the Mixed Use Zone.
- d) The approach proposed is more consistent with the purpose and principles of the Resource Management Act 1991. .

We briefly expand on these reasons in the following sections. These matters will be fleshed out further in the evidence we call in support of our position at the hearing.

Better aligns with existing development, size of landholdings and proposed development for the site.

The surrounds include a mixture of uses including both rural residential, light industrial, and commercial uses found along The Lakes Drive and Waipapa Road.

The specific uses include NaturalFlow, a wastewater tank and system supplier, Mangonui Haulage and their concrete plant, storage, commercial consultant offices, and an import office. These uses front Waipapa Road, making use of the transport routes in and out of Kerikeri and Waipapa.

Various other commercial and industrial uses are found along Waipapa Road.

The Landholdings make up the first two sites on the right hand side of The Lakes Drive, with one making up a corner site fronting Waipapa Road. They are of a size considered appropriate for a mixture of development, and this is already proposed through the resource consent referenced earlier.

Should the resource consent be approved, the underlying zoning for the Landholdings will not be appropriate. As the PDP has no other alternative or appropriate zoning for sites predominantly set aside for commercial uses, the only appropriate zone is Mixed Use.

Existing and proposed activities are not consistent with the Rural Residential Zone.

The objectives associated with the Rural Residential Zone requires that the zone is predominantly used for rural residential activities and small scale farming activities that are compatible with the character and amenity of the zone.

Development on the ground evidences some activities of this nature in the surround, but it also evidences land use activities which are not consistent with this objective.

Policies seek to avoid incompatible activities, such as commercial or industrial activities. Similarly, the policy does not reflect the development proposed or already undertaken in the surrounds which are sought to be zoned as Rural Residential.

The proposed zoning approach and provisions do not match or reflect development on the ground. This will result in additional compliance costs for existing activities to match a rural residential zone and character which is non-existent on the site or the surrounds.

The landholdings are consistent with the Mixed Use Zone

The objectives for the Mixed Use Zone promote focal points for the District's commercial activities, and providing for residential development (above ground). Policies seek to limit effects and the interface of other sites and activities in terms of location, scale, shadowing and visual domination, and privacy.

The proposed commercial development provides will provide a focal point for residents of Waipapa, as well as a medical centre which is sorely needed in the township. The development has been developed to limit effects at the interface of other activities and would meet many of the permitted standards proposed for the Mixed Use Zone.

More consistent with the RMA

The RMA seeks to enable people to provide for their economic, social, cultural and well-being while ensuring natural and physical resources remain available for future generations, and adverse effects are appropriately avoided, remedied or mitigated.

The proposed Rural Residential zoning of the Landholdings do not achieve the sustainable management of resources. As already noted, the current characteristics of the site and surrounds, and proposed development, make it unusable for a rural residential purpose, and do not allow the owners to provide for their economic or social wellbeing.

Nor does the zoning allow for the zone intent to be met, based on the underlying development, characteristics and factors present on the Landholdings and the surround. .

The Mixed Use Zone would be more consistent with the purpose and principles of the RMA as it would enable these matters to be provided for in a coherent and more consistent manner than when considered against the intent and aims of the Rural Residential Zone.

7. **The Landowners wish that the Far North District Council address the above matters by:**

1. Rezoning the site from Rural Residential as proposed to Mixed Use.
2. Any other relief to achieve the outcomes sought by this submission.

8. Our clients wish to be **heard** in relation this submission.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'GRV', written in a cursive style.

Steven Sanson

Director | Consultant Planner

On behalf of the Submitters

Dated this 18th October 2022

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