

IN THE MATTER of the Resource Management Act
1991 (“the Act”)

AND

IN THE MATTER of a submission pursuant to Clause
6 of Schedule 1, of the Act in
respect of the **Proposed Far North
District Plan**

SUBMISSION ON THE PROPOSED FAR NORTH DISTRICT PLAN

To: Proposed District Plan
Strategic Planning and Policy, Far North District Council
Far North District Council
Private Bag 752
KAIKOHE 0400
Email: pdp@fndc.govt.nz

1. Details of persons making submission

Braedon & Cook Ltd
Ref: 17334

C/- Reyburn and Bryant
Attention: Joseph Henehan
PO Box 191
WHANGAREI

2. General statement

- 2.1 Braedon & Cook Ltd cannot gain an advantage in trade competition through this submission. They are directly affected by the plan changes. The effects are not related to trade competition.

3. Background and context

Site description

- 3.1 Braedon & Cook Ltd own an existing farm located at 121 Redcliffs Road, Kerikeri. The site is legally described as Lot 3 DP 108139 and is held in a single title referenced RT NA60C/189. The farm has an area of 75.412ha. A plan showing the location of the land is provided at [Figure 1](#) below:

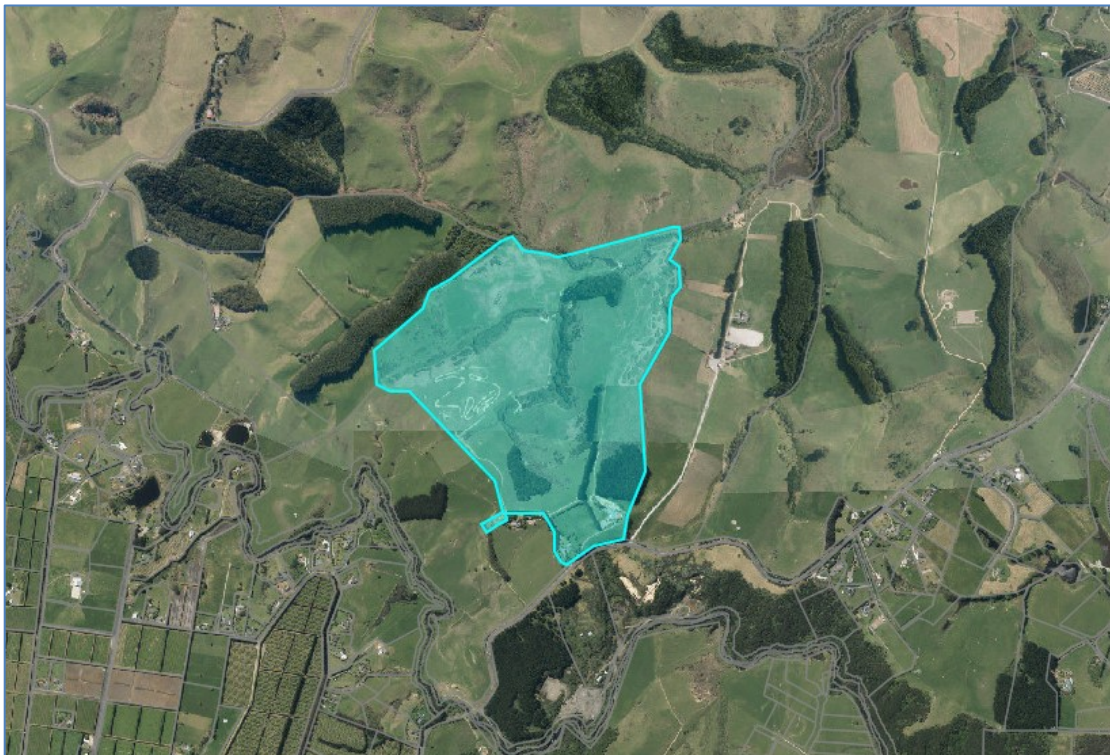


Figure 1: Site location (Source: FNDC GIS)

- 3.2 The site is currently occupied by an agricultural farm. The site contains various buildings that are ancillary to this use.

Land use capability

- 3.3 The Regional Policy Statement for Northland (RPS) identifies that the highly versatile soils are Land Use Capability Classes 1c1, 2e1, 2w1, 2w2, 2s1, 3e1, 3e5, 3s1, 3s2, 3s4 - as mapped in the New Zealand Land Resource Inventory (NZLRIS).
- 3.4 The NZLRIS maps identify the site as containing largely class 4. The NZLRIS soil type maps are provided in [Figure 4](#) below:

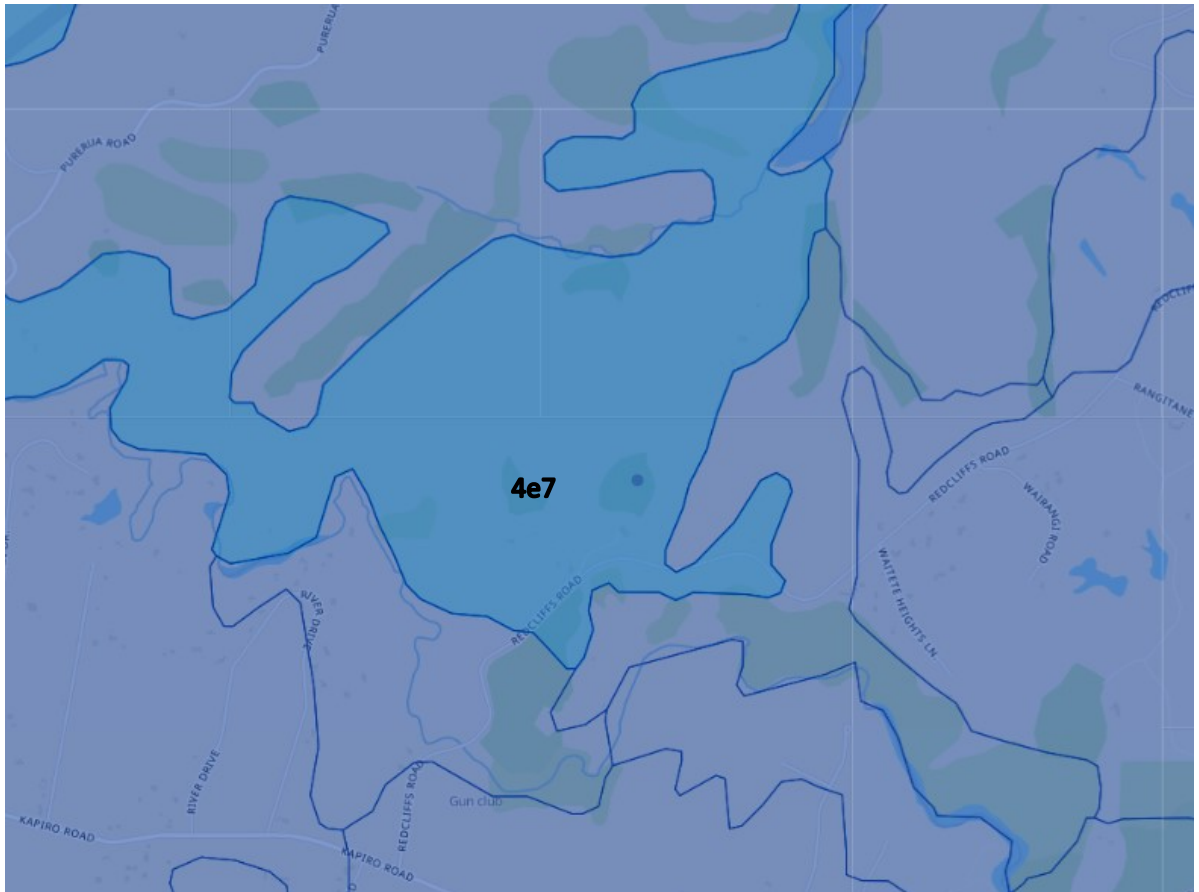
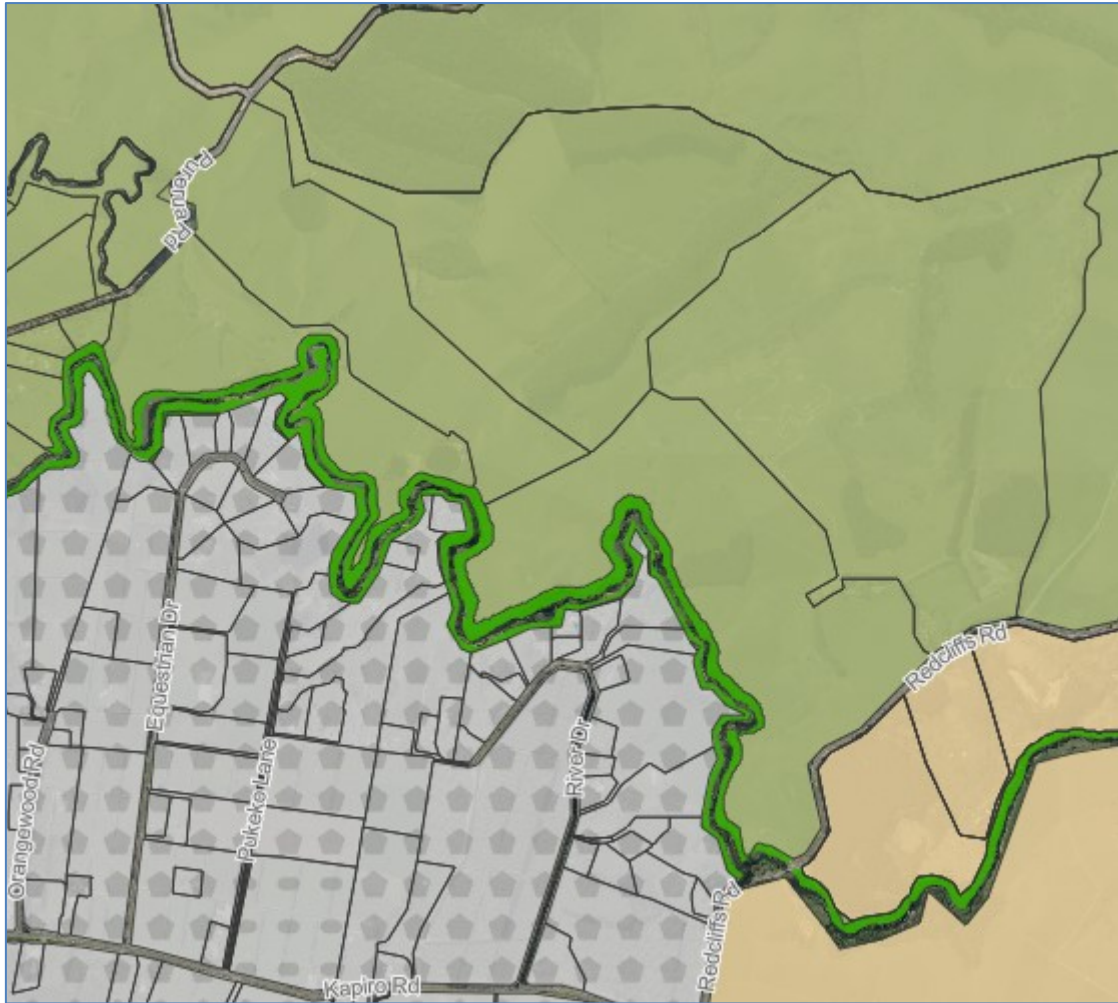


Figure 2: NZLRIS LUC soil class map

Operative and proposed District Plan zoning

- 3.5 The operative zone that applies to the site is the 'Rural Production'.
- 3.6 As shown in [Figure 5](#) below, the site is proposed to be located within the 'Rural Production Zone' under the Proposed District Plan (PDP). The site will border the new Rural Lifestyle Zone (RLZ) to the south-east:



4. The specific provisions of the Plan Change that this submission relates to are:

4.1 The submitter opposes the plan changes in part and seeks changes to the following PDP provisions:

- The District Plan mapping pertaining to the site.
- The definition of 'Highly Productive Land' in the PDP.
- The minimum lot size criteria for subdivision in the RLZ in the SUB Chapter.

5. The submitter seeks the following amendments/relief:

Mapping

5.1 To rezone the subject site (being RT NA60C/189) 'Rural Lifestyle'.

S401.001

Highly Productive Land definition

-
- 5.2 That the definition of 'Highly Productive Land' in the PDP is amended to align with the NPS HPL. Specifically, the definition should be amended to exclude the specific reference to LUC 4 soils. An amended wording is provided as follows: S401.002

Highly Productive Land

means land that is, or has the potential to be, highly productive for farming activities. It includes versatile soils and ~~Land Use Capability Class 4 land and other Land Use Capability classes~~ Land Use Capability, or has the potential to be, highly productive having regard to:

- *Soil type;*
- *Physical characteristics;*
- *Climate conditions; and*
- *Water availability.*

RLZ minimum lot size criteria

- 5.3 That the minimum lot size criteria for subdivision in the RLZ in the SUB Chapter is reduced from 4ha (controlled activity) and 2ha (discretionary activity) to 2ha (controlled activity) and 1ha (discretionary activity). S401.003

Other relief sought

- 5.4 Any other relief from compliance with provisions in the proposed plan changes where those provisions are inconsistent with the outcomes sought for the land subject to this submission.

6. The reasons for making the submission on the plan changes are as follows:

Mapping

- 6.1 This submission proposes to rezone the subject site 'Rural Lifestyle'. The reasons for this are outlined below:
- The site does not contain soils that are suitable for productive purposes. The site contains only a thin layer of topsoil that is underlaid by heavy clay and some brown rock. Much of the site is also encumbered by volcanic rocks, which inhibits the site for productive use.
 - There is already subdivision approved for the neighbouring site to the south (referenced 2220308-RMASUB). Therefore, rural residential development will be present immediately adjacent to the southern boundary of the site.

- The land is close to Kerikeri Centre (6ks), has good road access to town and Marina. School Bus service etc.
- The neighbouring land (across Redcliffs Rd) is rezoned in PDP. Neighbouring land (ex-horticultural land) across the river is used for residential.
- To fertilise the poor clay soil means inevitable run off into Rangitane River that borders land.

Highly Productive Land definition

6.2 Section 3.4 of the NPS for Highly Productive Land (NES HPL) directs regional council's to, as soon as practicably possible, map highly productive land (HPL) within its region. Until a regional policy statement with this mapping is made operative, Section 3.5(7) of the NPS HPL directs territorial authorities to apply the NPS as if references to HPL were references to land that is:

- Zoned general rural or rural production; and
- LUC 1, 2 or 3 land.

6.1 Section 3.5(7) of the NPS HPL is set out in Figure 4 below:

(7) Until a regional policy statement containing maps of highly productive land in the region is operative, each relevant territorial authority and consent authority must apply this National Policy Statement as if references to highly productive land were references to land that, at the commencement date:

(a) is

- (i) zoned general rural or rural production; and**
- (ii) LUC 1, 2, or 3 land; but**

(b) is not:

- (i) identified for future urban development; or**
- (ii) subject to a Council initiated, or an adopted, notified plan change to rezone it from general rural or rural production to urban or rural lifestyle.**

Figure 3: Section 3.5(7) of the NPS HPL

6.3 Notwithstanding the direction provided above, the PDP definition of 'highly productive land' also includes LUC class 4 soils. This is not considered to align with the aforementioned direction provided by the NPS HPL.

RLZ minimum lot size criteria

6.4 The PDP minimum lot sizes for subdivision in the RLZ are not considered to provide for an efficient use of land and resources. A 4ha minimum lot size for subdivision will result in

landholdings that are too small to be used for commercially viable productive uses, yet also too large for typical lifestyle purposes. This will also result in a cadastral pattern that will not provide a sufficient supply of rural-residential development to service demand in the Far North District. It is therefore the submitters opinion that these lot sizes should be reduced.

Conclusions

- 6.5 The proposed changes represent a more efficient and effective use of the land, particularly given the constraints to using the land for productive purposes.
- 6.6 The proposed approach best achieves sustainable management under Part 2 of the RMA.
- 7. The submitter seeks the following decision by the FNDC:**
- 7.1 That the amendments/relief set out in section 5 of this submission are adopted by FNDC.
- 7.2 Alternative relief with similar effect.
- 8. The submitter wishes to be heard in support of their submission at a hearing.**

Joseph Henehan

Planning Consultant

On behalf of Braedon & Cook Ltd

Dated this 21st of October 2022