



## 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:

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

Full Name: E. Otway Ltd

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

Company Name: Organisation

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

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

Full Postal Address: \_\_\_\_\_

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

Phone contact: \_\_\_\_\_ Home: \_\_\_\_\_ Work: \_\_\_\_\_  
 Mobile: \_\_\_\_\_

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:  Support  Support In-f  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



- I wish to be heard in support of my submission  
 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  
 Yes  No

Do you wish to present your submission via Microsoft Teams?  
 Yes  No

**Signature of submitter:**  
*(or person authorised to sign on behalf of submitter)*

**Date:**

21-10-22

*(A signature is not required if you are making your submission by electronic means)*

**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](mailto: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](http://pdp.fndc.govt.nz) for further information and updates.

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

## Delete Horticulture Zone

### Relief Sought

S393.001

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

### 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 criteria<sup>1</sup> 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 activities<sup>2</sup>, whilst the General Rural Zone is to provide for primary production activities and a range of activities that support primary

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<sup>2</sup> 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 Zone<sup>3</sup> 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 objectives<sup>4</sup>. The National Planning Standards provide a number of rural zone options<sup>5</sup> 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 land<sup>6</sup>. 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).

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<sup>3</sup> Section 32 Rural Environment – page 26

<sup>4</sup> 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.

<sup>5</sup> General Rural Zone, Rural Production Zone, Rural Lifestyle Zone

<sup>6</sup> Section 32 Rural Environment - page 9

## Review Commercial Zones

### Relief Sought

S393.002

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
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 zones<sup>7</sup>. 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.

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<sup>7</sup> 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: **S393.004**
    - 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.


### 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



 **SPATIALIZE**  
Created by SPATIALIZE on 11/03/2022

**SUBMISSION TO FNDC PDP COMMERCIAL - REDWOODS**

AS Scale 1:5,000  
0 200 m  
100 m  
NORTH  
Data Source: ESRI, Land Information New Zealand, Fair Work, District Council

## Liz Searle

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**From:** Charles Otway <chaz.trans@gmail.com>  
**Sent:** Friday, 21 October 2022 4:45 PM  
**To:** Proposed District Plan  
**Subject:** Redwoods re-zoning submission  
**Attachments:** FNDC re-zoning submission.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Theresa

**CAUTION:** This email originated from outside Far North District Council.

Do not click links or open attachments unless you recognise the sender and know the content is safe.

To whom this may concern,

Enclosed is my re-zoning submission, I look forward to the hearing.

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Kind regards,  
Charles Otway ( c otway ltd)