

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

Rosemorn Industries Limited (RIL)
Ref: 16633
C/- Reyburn and Bryant
Attention: Thomas Keogh
PO Box 191
WHANGAREI

2. General statement

2.1 RIL 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 RIL own a property located on the corner of Cottle Hill Drive and State Highway 10, Kerikeri. The site is held in a single title referenced RT 970800 (Lot 2 DP 556235). The site has a total area of 2.3224ha. A plan showing the site is provided in [Figure 1](#) below.



Figure 1: The site.

Operative and Proposed District Plan zoning

- 3.2 The site is located in the 'Rural Production Zone' under the operative Far North District Plan (OFNDP).
- 3.3 The site is located in the 'Horticulture Zone' under the proposed Far North District Plan (PFNDP). See [Figure 2](#) below.

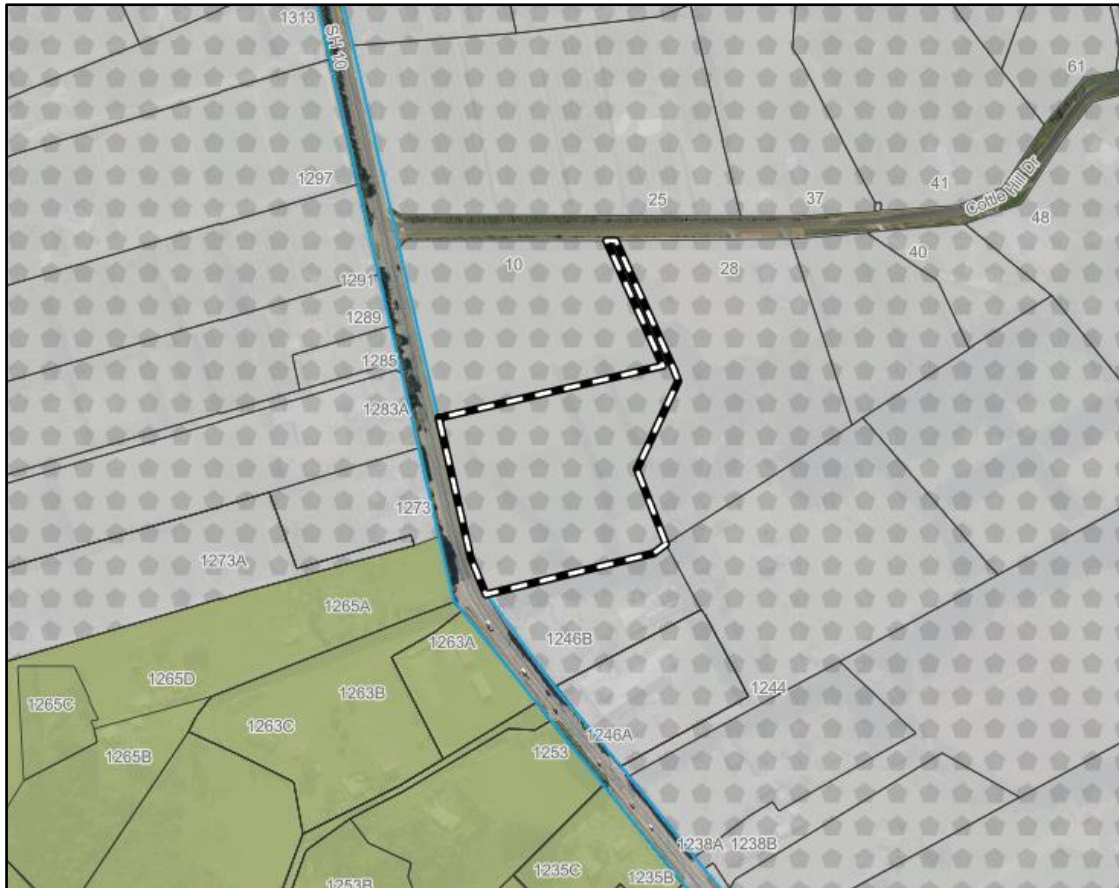


Figure 2: PFNDP zoning.

Resource consents – Far North District Council (FNDC) and Northland Regional Council (NRC)

- 3.4 RIL purchased the site with the intention of establishing a self-storage facility. Pre-application discussions were held with the FNDC, and a resource consent application was subsequently lodged with the FNDC and NRC in January 2022.
- 3.5 The FNDC application is currently being processed (reference 2220509-RMALUC). The application seeks consent for a self-storage facility with a total Ground Floor Area of 3,610m². The application requires resource consent as a discretionary activity under the OFNDP. A section 92 response was submitted on 19 October 2022 and a decision is expected shortly. RIL intend to proceed with construction as soon as the consent is approved.
- 3.6 The NRC application was approved on 25 February 2022 (reference AUT.043429.01.01 – AUT.043429.3.01). The consent approves approximately 30,133m³ of earthworks across 22,569m² of the site and the associated diversion and discharge of stormwater. The application required resource consent as a controlled activity under the Proposed Regional Plan for

Northland (Appeals Version) (PRP). RIL intend to proceed with the earthworks as soon as the FNDC consent is approved.

Range of commercial and industrial activities in the surrounding environment

3.7 Notwithstanding the Rural Production zoning applicable in the surrounding environment under the OFNDP, there are a range of commercial and industrial activities that have established on both sides of State Highway 10 (SH10) to the north and south of the subject site. These activities include, but are not limited to, Northland Scaffolding Ltd, Mt Pokaka Timber Products Ltd, Campbell Copters, Gas Works and Plumbing Limited, Diamond House Thai Massage and Spa, Totalspan, Living Nature, Henwood Construction, Daisy Downs for Dogs, Wagon Wheel Holiday Park, Craig Buckland Transport Limited, Northland CCTV, Tyre Save Direct, and Keri Party Hire. Cottle Hill Nurseries have also recently established on the adjoining site to the north (Lot 3 DP 556235).

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

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

- a) The Horticulture Zone (in general); and
- b) The provisions of the Rural Production Zone; and
- c) The provisions of the Horticulture Zone; and
- d) The definitions.

5. The submitter seeks the following amendments/relief:

The Horticulture Zone (in general)

5.1 That the Horticulture Zone is abandoned in favour of the Rural Production Zone.

S340.001

The provisions of the Rural Production Zone

5.2 That the objectives and policies of the Rural Production Zone include more specific direction on when it is appropriate to extend existing commercial and/or industrial activities.

S340.002
S340.003

The provisions of the Horticulture Zone

5.3 As an alternative to the relief sought under 5.1 above, that:

- a. The provisions of the Horticulture Zone are amended so that the extension of existing commercial or industrial activities are specifically provided for as a discretionary activity; and
- b. That objectives and policies are included in the Horticulture Zone to provide clear direction on when it is appropriate to extend existing commercial and/or industrial activities.

S340.004

S340.005
S340.006

The definitions

5.4 That nesting tables are included to better delineate how definitions relate to one another.

S340.007

Other relief sought

5.5 RIL also seek any other changes to the provisions in the PFNDP 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:

The Horticulture Zone (in general)

- 6.1 The Horticulture Zone should be abandoned in favour of the Rural Production Zone.
- 6.2 The Rural Production Zone chapter in the PFNDP includes specific policy direction (including avoidance policies) regarding the use of highly productive land (see RPROZ-O1, O2, O3 and P1, P2, P4, P5, P6 and P7). These provisions provide adequate protection for highly productive land against the encroachment of development, and/or inappropriate land use. The Horticulture Zone, as a consequence, is not necessary to give effect to the National Policy Statement for Highly Productive Land.

The provisions of the Rural Production Zone

6.3 There are rules in the Rural Production Zone chapter that provide for the extension of existing commercial and industrial activities (RPROZ-R27 and R28), which is important given the range of existing commercial and industrial activities that have legally established in the surrounding area (as detailed in section 3.7 of this submission).

6.4 However, the objectives and policies in the Rural Production Zone chapter do not provide any clear direction on when, or under what circumstances it is appropriate for existing commercial and industrial activities to be extended. Clear direction is required given the level of investment associated with purchasing properties and establishing the existing activities, and the implications that the PFNDP could have with respect to any future plans for those sites and activities.

The provisions of the Horticulture Zone

6.5 As an alternative to the relief sought under section 5.1 of this submission, that the provisions of the Horticulture Zone should be amended so that the extension of existing commercial and industrial activities are specifically provided for as a discretionary activity.

6.6 As identified in section 3.7 of this submission, there are a range of industrial and commercial activities that have established within the surrounding environment under the provisions of the OFNDP. With respect to RIL, they have invested significantly in purchasing the site and lodging resource consent applications with the FNDC and NRC to facilitate the establishment of a self-storage facility. The provisions of the Horticulture Zone do not acknowledge the range of existing activities that have legally established, or provide for the extension of those activities.

6.7 In accordance with the approach adopted under RPROZ-R27 and 28, the provisions of the Horticulture Zone should be amended so that the extension of existing commercial and industrial activities are specifically provided for as a discretionary activity.

6.8 In addition to the rules sought in section 6.7 of this submission, the objectives and policies of the Horticulture Zone should be updated to provide clear direction on when, or under what circumstances it is appropriate for existing commercial and industrial activities to be extended. Clear direction is required given the level of investment associated with purchasing properties and establishing the existing activities, and the implications that the PFNDP could have with respect to any future plans for those sites and activities.

The definitions

6.9 There are no nesting tables included in the definitions section of the PFNDP. This makes it difficult to determine how definitions relate to one another.

6.10 Using 'storage facilities' as an example, this is specifically defined in the PFNDP. However, there are no rules in any of the zones that relate specifically to storage facilities. It is therefore not clear whether storage facilities are intended to be captured by the rules in each of the zones that provide for activities not listed as discretionary activities (i.e. HZ-R16 and RPROZ-R31), or whether they are meant to be considered as either commercial or industrial activities. The insertion of nesting tables will provide clarity in this regard.

6.11 Both the Auckland Unitary Plan and Whangarei District Plan include nesting tables, which is consistent with the approach promoted under section 14(5) of the National Planning Standards.

Conclusions

6.12 The proposed approaches represent the most effective and efficient use of the land, particularly given the resource consent granted by the NRC and being processed by the FNDC.

6.13 The proposed approaches best achieve sustainable management under Part 2 of the Act.

7. The submitter wishes the Far North District Council's decision to address the above issues by:

7.1 Abandoning the Horticulture Zone in favour of the Rural Production Zone; and

7.2 Amending the objectives and policies of the Rural Production Zone to provide more specific direction on when it is appropriate to extend existing commercial and/or industrial activities; or

7.3 As an alternative to the above, amending the provisions of the Horticulture Zone so that the extension of existing commercial or industrial activities are specifically provided for as a discretionary activity, and including objectives and policies that provide clear direction on when it is appropriate to extend existing commercial and/or industrial activities.

7.4 Including nesting tables that better delineate how definitions relate to each other.

7.5 Alternative relief with similar effect.

8. The submitter wishes to be heard in support of their submission at a hearing.



Thomas Keogh

Planning Consultant

On behalf of Rosemorn Industries Limited

Dated this 21st of October 2022