

FORM 5

SUBMISSION ON PROPOSED DISTRICT PLAN

FAR NORTH DISTRICT COUNCIL

To: Far North District Council
Private Bag 752
Kaikohe 0400

Name of Submitter: Neil Construction Limited

Neil Construction Limited provides this submission on the Proposed District Plan (“**PDP**”) for the Far North District.

The Submitter could not gain an advantage in trade competition through this submission and the submission does not raise matters that relate to trade competition or the effects of trade competition.

The Submitter seeks amendments to various objectives, policies, rules and other provisions of the PDP, as set out more specifically in this submission.

Introduction

The Submitter owns land to the north of Kerikeri township, previously known as ‘Tubbs Farm’, and has been progressively developing this land for rural-residential purposes for more than a decade. An initial approval to subdivide the entire farm property was granted in 2010. Subsequent resource consents have enabled the existing two stages and a current application seeks to provide for a further four stages of development to achieve full build-out.

To date, the Submitter has made a significant infrastructure investment in the property. Stages 1 and 2 comprising 55 rural-residential lots in the eastern part of the farm are complete and fully sold out. In the absence of any significant additional capacity in the Kerikeri reticulated wastewater system, the Submitter’s property has made a significant contribution to the supply of on-site serviced rural-residential lots, for which there continues to be high demand.

The Submitter’s remaining undeveloped land comprises 68.2490 hectares. If the current subdivision consent application is ultimately granted (it is subject to an appeal to the Environment Court), the land would yield over 120 rural-residential lots all in excess of 3,000m². The remaining undeveloped land is illustrated in **Figure 1**.



Figure 1: NCL's current landholding (black and white outline)

The Submitter's land has an established development history that has been progressing under a Coastal Living Zone regime that has applied to the land since the Revised Far North District Plan was adopted in July 2003. The original farm property extended from the tidal reaches of the Rangitane River outlet and had substantial views of the Kerikeri Inlet from its central ridgeline and eastern slopes. The site's topographical and ecological relationship with the coast at that time, and the fact that the land was comprised in one large land holding, are the likely reasons for the Coastal Living zoning.

The Stage 1 and 2 subdivision stages have now severed the remaining part of the site from the coastal environment and land adjacent to any tidal influence within the Rangitane River. The balance land is not visible from the coast.

Submission

The Submitter **opposes** the proposed provisions of the PDP that seeks to inappropriately restrict rural residential use of its land, and seeks amendments to address its concerns. The proposed provisions that are opposed are:

- Zoning applied under the planning maps;
- Part 1 – Significant resource management issues;
- Part 2 – Strategic Directions Overview;

- Part 2 – Urban form and development - Overview and Objectives SD-UFD-O1, SD-UFD-O2, SD-UFD-O3, and SD-UFD-O4;
- Part 2 – Rural environment - Overview and Objectives SD-RE-O1 and SD-RE-O2;
- Part 2 – Subdivision – Overview, Objectives SUB-O1 and SUB-O2, Policies SUB-P3, SUB-P9, and SUB-P11, Rules SUB-R3, SUB-R6 and SUB-R7, and Standards SUB-S1 and SUB-S2;
- Part 2 – Earthworks - Standard EW-S1;
- Part 3 – Rural lifestyle – Overview, Objectives RLZ-O1, RLZ-O2, RLZ-O3, and RLZ-O4, Policies RLZ-P1, RLZ-P2, RLZ-P3, and RLZ-P4, Rules RLZ-R2 and RLZ-R3, and Standard RLZ-S3;
- Part 3 - Rural Residential – Overview, Objectives RRZ-O1, RRZ-O2, RRZ-O3 and RRZ-O4, Policies RRZ-P1 and RRZ-P2, and Rules RRZ-R2 and RRZ-R3; and
- Part 4 – Appendices - APP3 Subdivision management plan criteria.

Reasons for submission

- The Submitter is concerned that the Rural Lifestyle Zone is not an appropriate zoning for the land it owns, or for the land to the east that has previously been subdivided.
- The Submitter’s 68.2940ha landholding is not in the coastal environment, and is not subject to any other overlays related to natural features or landscapes or any particular constraints that would make more intensive rural residential development inappropriate.
- The land is essentially the same in terms of its characteristics as the land it adjoins to the south, which is proposed to be identified as Rural Residential Zone. Its inclusion within the proposed Rural Residential Zone would enable a coherent and unbroken band of rural residential land surrounding the urban area of Kerikeri to the north and wrapping around the coastal edge.
- The requested rezoning to Rural Residential Zone would provide defensible boundaries to the zone in the form of the Rangitane River, the Kerikeri Inlet, and Redcliffs Road. That will ensure that there is minimal pressure for further expansion of the zone in the future.
- The relatively challenging contour of the land and its mixed soil quality mean that its use for any significant productive rural purpose is remote, particularly if it is subdivided to the extent that is anticipated by the proposed Rural Lifestyle Zone. Established rural residential development to the south and east will impose significant potential for reverse sensitivity effects that would further constrain productive use of the land.
- A better outcome in these circumstances is to utilise the land more efficiently for rural residential use, adding much needed housing to Kerikeri in a way that does not impose any burden on the community in terms of providing or funding infrastructure. The proposed Rural Lifestyle Zone would still result in fragmentation of rural land, but would simply use the land in a manner that is inefficient.
- The broader Tubbs Farm land area has already been subject to significant rural residential subdivision and development in accordance with resource consents and the existing planning framework. This has involved substantial infrastructure investment in this land to date, and has created an emerging residential land use pattern that should be continued.

Relief sought

The Submitter seeks the following decisions from Far North District Council in respect of the PDP:

- That the Planning Maps be amended so that the Submitter's land and properties to the east are re-identified from Rural Lifestyle Zone to Rural Residential Zone, as illustrated in **Figure 2**.

S349.001

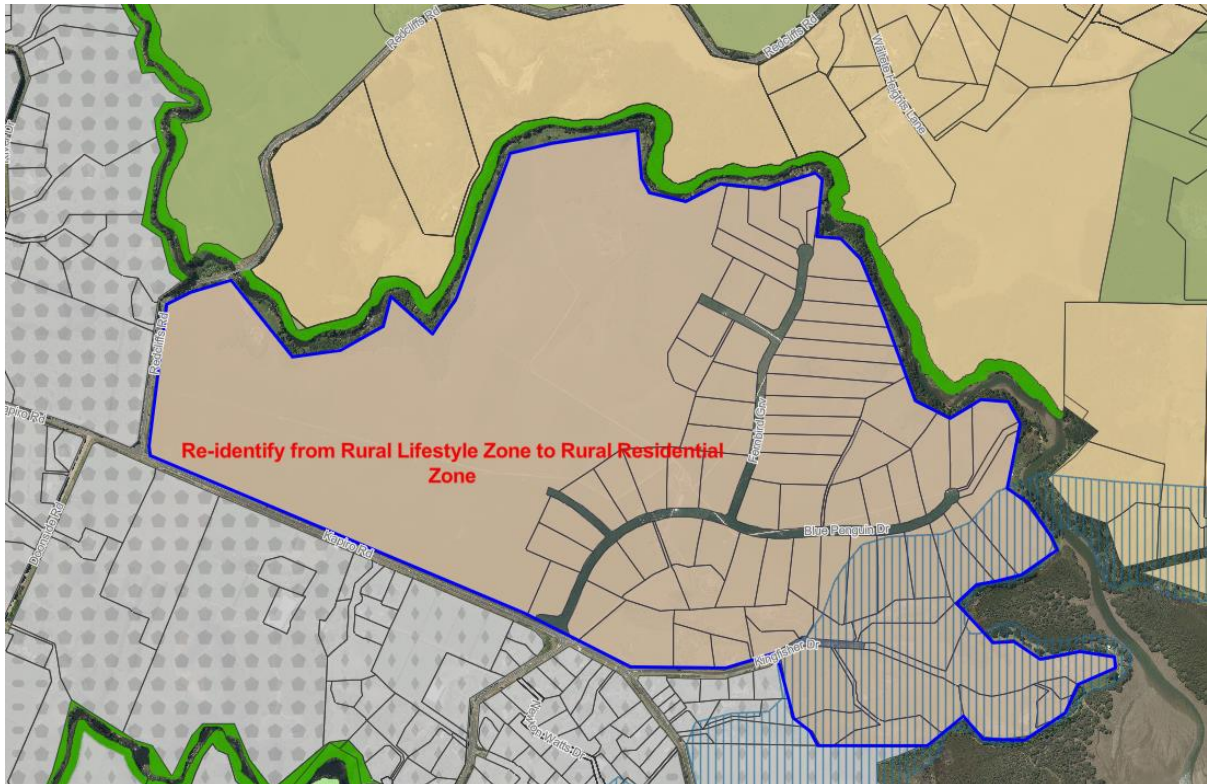


Figure 2: Area sought to be reidentified as Rural Residential Zone (blue outline)

- Part 1 – ‘Significant resource management issues’ - delete or amend to signal the need to make further provision for additional rural residential capacity. S349.002
- Part 2 – ‘Strategic Directions Overview’ - delete or amend to make greater provision for rural residential capacity. S349.003
- Part 2 – ‘Urban form and development’ – delete Overview and Objectives SD-UFD-O1, SD-UFD-O2, SD-UFD-O3, and SD-UFD-O4 or amend to reinforce the importance of additional rural residential development in meeting the District’s objectives in respect of urban form and development. S349.004 and S349.005
- Part 2 – Rural environment - Overview and Objectives SD-RE-O1 and SD-RE-O2 – delete or amend to remove the inferred primacy of these objectives and policies and emphasise the importance of providing for additional rural residential development in the rural environment. S349.006 and S349.007
- Part 2 – Subdivision – Overview, Objectives SUB-O1 and SUB-O2, Policies SUB-P3, SUB-P9, and SUB-P11 – delete, or amend to facilitate additional rural residential subdivision in the District, reduce the emphasis on compliance with minimum lot sizes in SUB-P3, remove the

wording in SUB-P9 relating to avoiding rural residential subdivision in the Rural Lifestyle Zone, and delete the criteria in SUB-P11. [S349.008 to S349.013](#)

- Part 2 – Subdivision - Rules SUB-R3, SUB-R6 and SUB-R7 - delete Rule SUB-R3 or amend to provide greater subdivision opportunities without reference to minimum lot sizes and reduce the reach of the extensive matters of control, amend SUB-R6 to enable additional lots through ‘environmental benefit subdivision’ and also apply the rule to the Rural Lifestyle Zone, and amend SUB-R7 to provide for ‘management plan subdivision’ with average lot sizes of 3,000m² in the Rural Lifestyle Zone as a restricted discretionary activity. [S349.014 to S349.016](#)
- Part 2 – Subdivision – Standards SUB-S1 and SUB-S2 - amend SUB-S1 to provide for lots of 3,000m² as a controlled activity and 2,000m² as a discretionary activity in both the Rural Lifestyle Zone and the Rural Residential Zone, and reduce building platform dimensions [S349.017 and S349.018](#)
- Part 2 – ‘General district wide matters’, Earthworks - Standard EW-S1 – increase area and volume thresholds for permitted earthworks. [S349.019](#)
- Part 3 – ‘Rural lifestyle’ – Overview, Objectives RLZ-O1, RLZ-O2, RLZ-O3, and RLZ-O4, Policies RLZ-P1, RLZ-P2, RLZ-P3, and RLZ-P4 – delete or amend objectives and policies to provide for rural residential subdivision of 3,000m² lots and delete references to rural character and amenity. [S349.020 and S349.021](#)
- Part 3 – ‘Rural lifestyle’ – Rules RLZ-R2 and RLZ-R3 - amend RLZ-R2 by replacing “lesser” with “greater” to enable reasonable impermeable surface area, and amend RLZ-R3 to provide for the site area per residential unit to be at least 3,000m². [S349.022 and S349.023](#)
- Part 3 – ‘Rural lifestyle’ – Standard RLZ-S3 - amend RLZ-S3 to delete 10m yard setback for lots greater than 5,000m². [S349.024](#)
- Part 3 – ‘Rural Residential’ – Overview, Objectives RRZ-O1, RRZ-O2, RRZ-O3 and RRZ-O4, Policies RRZ-P1 and RRZ-P2 - amend or delete overview and objectives and policies to remove references to rural character and amenity, future growth of the urban area, and small-scale farming. [S349.025 to S349.028](#)
- Part 3 – ‘Rural Residential’ – Rules RRZ-R2 and RRZ-R3 - amend RZ-R2 by replacing “lesser” with “greater” to enable reasonable impermeable surface area, and amend RRZ-R3 so that the site area per residential unit is at least 3,000m². [S349.029 and S349.030](#)
- Part 4 – ‘Appendices’ - APP3 Subdivision management plan criteria – amend by removing restrictions to make it easier for this subdivision option to be utilised; and [S349.031](#)
- Such other consequential amendments to the provisions of the District Plan as may be necessary to give effect to the relief sought in this submission.

The Submitter wishes to be heard in support of this submission. If other parties make a similar submission, the Submitter would consider presenting a joint case with them at any hearing.



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For and on behalf of Neil Construction Limited as its duly authorised agent.

21 October 2022

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