

BEFORE HEARINGS COMMISSIONERS APPOINTED

BY THE FAR NORTH DISTRICT COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the hearing of submissions on the Proposed
Far North District Plan

SUBMITTER Carrington Estate Jade LP and Carrington Farms
Jade LP

HEARING TOPIC: Hearing 1 – Strategic Direction, Tangata Whenua
and Part 1/General/Miscellaneous Topics

STATEMENT OF PLANNING EVIDENCE OF ANDREW CHRISTOPHER MCPHEE

13 May 2024

INTRODUCTION

1. My name is Andrew Christopher McPhee. I am a Director / Consultant Planner at Sanson and Associates Limited and Bay of Islands Planning (2022) Limited.
2. I have been engaged by Carrington Estate Jade LP and Carrington Farms Jade LP (**Carrington**) to provide evidence in support of its further submission to the Proposed Far North District Plan (**PDP**).
3. I note that while the Environment Court Code of Conduct does not apply to a Council hearing, I am familiar with the principles of the code and have followed these in preparing this evidence.

QUALIFICATIONS AND EXPERIENCE

4. I graduated from The University of Auckland in 2007 with a Bachelor of Planning (Honours).
5. I began my planning career with Boffa Miskell, where I was a graduate planner until 2009. The same year I joined the Auckland Regional Council in the Policy Implementation Team. When the Auckland Councils amalgamated in 2010, I worked in a number of planning roles, leaving in 2015 as a Principal Planner in the Central and Island Planning Team.
6. I joined the Far North District Council (**FNDC**) in 2015 as a Senior Policy Planner working principally on the review of the district plan. I left FNDC in December 2023 and joined Sanson and Associates Limited and Bay of Islands Planning (2022) Limited with my co-director Steven Sanson.
7. I have been involved in a number of plan change and resource consent hearing processes in my time at Auckland Council, including as the planning lead for a number of topics for the Auckland Unitary Plan process. At FNDC I project managed private plan change 22 and was the portfolio lead for a number of topics for the PDP.
8. I am a full member of the New Zealand Planning Institute and a member of the Resource Management Law Association. In February 2024, I was certified with excellence as a commissioner under the Ministry for the Environment's Making Good Decisions programme.

SCOPE OF EVIDENCE

9. Hearing 1 addresses submission points relating to the PDP - Strategic Direction, Tangata Whenua and Part 1 / General / Miscellaneous topics. The s42A reports splits these matters into three reports in line with the structure of the PDP.
 - a) Strategic Direction
 - b) Tangata Whenua

c) Part 1

10. I have been asked by the Carrington Estate LP and Carrington Farms LP to provide expert planning evidence in relation to planning matters arising from their further submission relating to Strategic Direction. My evidence relates to the Urban Form and Development (**UFD**) strategic objectives, specifically the introduction of a new objective seeking the management of activities adjoining special purpose zones to ensure the unique values or functions are protected.
11. In preparing this evidence, I have reviewed the Section 42A report Strategic Direction and have adhered to the instructions of hearing Minute 1 'take a lead from the s42A Report in terms of content of evidence, specifically that evidence highlights areas of agreement and disagreement with the s42A Report, outlines any changes in Plan wording proposed (along with the rationale for these changes) together with an assessment pursuant to S32AA of the RMA'.

PDP FRAMEWORK

12. The directions overview in Part 2 – District-Wide Matters under Strategic Direction states that *“For the purposes of preparing, changing, interpreting, and implementing the District Plan, all other objectives and policies in all other chapters of this District Plan are to be read and achieved in a manner consistent with these Strategic Directions.”*
13. It is my opinion that the above statement confirms that the objectives contained within the Strategic Direction chapter set the benchmark for subsequent provisions in the PDP. Therefore, it is important that those matters considered to be of strategic importance to the district are appropriately recognised and provided for in the Strategic Objectives chapter.

FURTHER SUBMISSION FS401.034

14. Carrington’s further submission supports the Waiaua Bay Farm Limited (**WBF**) original submission seeking a new UFD strategic objective (S463.006). *“Activities on land adjoining a Special Purpose Zone are managed to have regard to, and avoid or mitigate potential adverse effects on, the unique values or functions of the Special Purpose Zone.”*
15. Without repeating the WBF submission it seeks to introduce a strategic objective to protect the values attributed to all ‘special purpose zones’ from adjoining land use. The outcome sought from the objective is akin to managing reverse sensitivity effects from activities on adjoining land.
16. The s42A Report rejects submission S463.006 (WBF) and further submission FS401.034 (Carrington). The reasoning provided being that this issue was addressed in the s32 report for the Kauri Cliffs zone. It considered that a policy around managing activities outside of the area was not appropriate.

17. The s42A report also considered that the activities in the Kauri Cliffs zone are not regionally or nationally significant and deemed it appropriate that land use on adjoining sites be managed through the provisions of the underlying zones.

EVALUATION OF SECTION 42A REPORT

18. The relief sought in the WBF submission is not exclusive to the Kauri Cliffs special purpose zone, it references a 'special purpose zone'. Kauri Cliffs special purpose zone is one of a twelve special purpose zones in the PDP, including the Carrington Estate special purpose zone.
19. I consider it erroneous for the s42A report to base its recommendation to reject the submission WBF based solely on the consideration of the Kauri Cliffs special purpose zone.
20. The s42A report does not sufficiently assess and justify rejecting the WBF submission because consideration of the twelve special purpose zones has not been undertaken. Each special purpose zone is different and unique. By way of example, effects from development adjacent to the Hospital or Airport special purpose zones can be different to those adjacent to the Horticulture special purpose zone.
21. While I generally agree in principal that effects of land use should be managed through the provisions of the underlying zone, there is an opportunity to implement matters of discretion to consider any potential adverse effects on special purpose zones for those activities in the PDP where the effects of activities are less understood.

APPROPRIATENESS OF THE PROPOSED NEW STRATEGIC OBJECTIVE

22. Carrington Estate is described by Northland Inc¹ as *"...a grand estate at the heart of Northland. The 3000-acre estate on the pristine and picturesque Karikari Peninsula is a world-class beachside escape, a million miles from everyday life and a unique New Zealand resort..."*
23. The PDP recognises the importance of the Carrington Estate special purpose zone by 'enabling' land use and subdivision in accordance with the approved Carrington Estate Development Plan and Schedule (**CEDPS**). The CEDPS enables a number of activities including:
- a golf course;
 - lodge complex;
 - 384 accommodation units;
 - ancillary buildings;
 - helicopter pad; and
 - a vineyard/winery complex;

¹ Northlands regional economic development agency

24. The provisions and enabled land use in the Carrington Estate special purpose zone originate from approved resource consents². As such, the effects of the enabled activities and development are understood and deemed appropriate in the context of the receiving environment.
25. Within the PDP, Carrington Estate and the other special purpose zones have individualised objectives and policies that recognise the uniqueness of these areas and activities provided for. Some of these special zones include coastal islands and regionally significant infrastructure such as hospitals and airports.
26. This in my opinion adds weight to the argument for inclusion of a Strategic Objective providing for their protection in the context of their adjoining environs. To not include a Strategic Objective undermines their status within the PDP as being 'special'.

ADDITIONAL AMENDMENTS TO THE PDP

27. The scope of this evidence is limited to that of the WBF submission in respect of an additional strategic direction to manage the potential adverse effects on the unique values or functions of the special purpose zone. While Carrington do not have scope to promote any consequential changes relative to the WBF submission, it is noted that the WBF submission in section 5.2 provides scope for consequential changes to the PDP³.
28. I consider that consequential changes to relevant chapters in the PDP is the most appropriate way to achieve the proposed strategic objective.
29. A mechanism to ensure that land use surrounding special purpose zones does not adversely affect the values, character and amenity of the special purpose zones is to influence land use adjacent to the special purpose zone.
30. To be clear I do not support consideration or assessment of all activities on land adjacent to special purpose zones, more where an activity in a zone is not enabled as a permitted or controlled activity. By proxy, where an activity is neither permitted nor controlled the effects of the application are not fully understood by Council.
31. A mechanism exists in the ODP⁴ where a matter of discretion for subdivision is applied within the Rural Production zone where the effects of the subdivision are to be considered within 500m of land administered by the Department of Conservation. A similar type of provision could be applied as a matter of discretion, or within policy frameworks, within the PDP to consider the effects on 'special purpose zones' where the activity is not 'enabled' by the zone. This approach would provide for the contributing

² RC 1990480, RC 1990480/A and RC 1990481

³WBF submission S463: "5.2 Any alternative, consequential changes, amendments or decisions that may be required to give effect to the matters raised in WBF's submission."

⁴ Operative Far North District Plan 13.8.1

factors that make the areas 'special' to be appropriately considered at the time of consent.

SECTION 32AA EVALUATION

Effectiveness and Efficiency

32. The inclusion of a specific strategic objective will appropriately recognise the strategic importance of the districts special purpose zones. Without such an objective, there is limited direction within the PDP to consider effects on these zones.

Costs/Benefits

33. The economic and social benefits of appropriately recognising the importance of the districts special purpose zones are potentially significant given the contribution these areas make to the district (or are proposed to make). Any perceived environmental or cultural costs of the proposed new strategic objective would unlikely differ from those understood at the time the PDP was notified.

Risk of Acting or not Acting

34. The risk of not acting is that there is the potential for a loss in the significant benefits provided by these special purpose zones in the district, particularly if activities on adjacent land are not cognisant of the values of the special purpose zones and not given appropriate recognition when making decisions under the PDP.

CONCLUSION

35. In conclusion, I am of the opinion that the amendments sought by Carrington and the original submitter (WBF), as outlined in this evidence, are appropriate and will assist in improving the consistency, usability and interpretation of provisions within the PDP.
36. I consider that the new strategic objective will be efficient and effective in achieving the purpose of the RMA.
37. It is noted that the submission by WBF is open to alternative place in the chapter for the proposed new strategic objective. I agree that the new strategic objective may be more appropriately sited within other Strategic direction chapters.