



## SECTION 42A REPORT

### Urban

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## **List of Abbreviations**

**Table 1: List of Submitters and Abbreviations of Submitters' Names**

<b>Submitter Number</b>	<b>Abbreviation</b>	<b>Full Name of Submitter</b>
S158	Department of Corrections	Ara Poutama Aotearoa the Department of Corrections
S368	FNDC	Far North District Council
S512	FENZ	Fire and Emergency New Zealand
S363	Foodstuffs	Foodstuffs North Island Limited
S482	Heavy Haulage Assoc Inc	House Movers Section of New Zealand Heavy Haulage Association Inc
S561	Kāinga Ora	Kāinga Ora Homes and Communities
S138	Kairos Connection Trust	Kairos Connection Trust and Habitat for Humanity Northern Region Ltd
S331	MOE	Ministry of Education Te Tāhuhu o Te Mātauranga
S359	NRC	Northland Regional Council
S344	Paihia Properties	Paihia Properties Holdings Corporate Trustee Limited and UP Management Ltd
S489	RNZ	Radio New Zealand
S520	Retirement Villages Assoc	Retirement Villages Association of New Zealand Incorporated
S521	VKK	Vision Kerikeri (Vision for Kerikeri and Environs, VKK)
S356	NZTA	Waka Kotahi NZ Transport Agency
S360	Waste Management	Waste Management NZ Limited
S458	Woolworths	Woolworths New Zealand Limited

**Note:** This table contains a list of submitters relevant to this topic which are abbreviated and does not include all submitters relevant to this topic. For a summary of all submitters please refer to Section 5.1 of this report (overview of submitters). Appendix 2 to this Report also contains a table with all submission points relevant to this topic.

**Table 2: Other abbreviations**

<b>Abbreviation</b>	<b>Full Term</b>
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FNDC	Far North District Council
NPS	National Policy Statement
PDP	Proposed District Plan
RMA	Resource Management Act
RPS	Regional Policy Statement



## **1 Executive summary**

1. The Far North Proposed District Plan ("PDP") was publicly notified in July 2022. The Urban Chapters are located in Area-Specific Matters section of the PDP.
2. A total of 253 original submissions were made regarding the General Residential Zone, accompanied by 409 further submissions. Among the original submissions, 42 points expressed full support for the zone, while 140 were in partial agreement. Meanwhile, 39 points voiced opposition to its provisions, and 32 either remained neutral or did not specify a stance.
3. A total of 381 original submissions were received regarding the Commercial Zone, along with 566 further submissions. Of the original submissions, 140 points expressed support for the zone, 105 supported it in part, and 72 opposed its provisions. Additionally, 64 submission points either remained neutral or did not specify a position.
4. A total of 182 original submissions and 198 further submissions were received regarding the Industrial Zones. Of the original submissions, 47 expressed support for the zone, 63 indicated partial agreement, and 43 opposed it. Additionally, 29 submission points remained neutral or did not specify a position.
5. The submissions can largely be categorised into several key themes:
  - Key Issue 1: NPS-Urban Development and Hearings Panel Minute 7 Response
  - Key Issue 2: Zone Selection
  - Key Issue 3: Zone Boundaries
  - Key Issue 4: Definitions
  - Key Issue 5: Plan Wide or Urban Wide Submissions
  - Key Issue 6: Urban Design
  - Key Issue 7: Infrastructure
  - Key Issue 8: Subdivision Framework
  - Key Issue 9: General Residential Zone – Objectives
  - Key Issue 10: General Residential Zone – Policies
  - Key Issue 11: Residential Intensity
  - Key Issue 12: Retirement Villages



- Key Issue 13: General Residential Zone – Rules
  - Key Issue 14: General Residential Zone – Standards
  - Key Issue 15: Impermeable Surface
  - Key Issue 16: Inclusionary Housing
  - Key Issue 17: Mixed Use Zone – Overview
  - Key Issue 18: Mixed Use Zone – Objectives
  - Key Issue 19: Mixed Use Zone – Policies
  - Key Issue 20: Residential Units – Ground Floor
  - Key Issue 21: Supermarkets
  - Key Issue 22: Mixed Use Zone – Rules
  - Key Issue 23: Mixed Use Zone – Standards
  - Key Issue 24: Mixed Use Zone – Pedestrian Frontage/Verandahs
  - Key Issue 25: Mixed Use Zone – Landscaping Standards
  - Key Issue 26: Light Industrial Zone – Overview
  - Key Issue 27: Light Industrial Zone – Objectives
  - Key Issue 28: Light Industrial Zone – Policies
  - Key Issue 29: Light Industrial Zone – Rules
  - Key Issue 30: Waste Management
  - Key Issue 31: Light Industrial Zone – Standards
  - Key Issue 32: Heavy Industrial Zone – Policies, Rules and Consequential Amendments
  - Key Issue 33: Heavy Industrial Zone – Standards
  - Key Issue 34: Industrial Zones – Landscaping Standards
6. This report has been prepared in accordance with Section 42A of the Resource Management Act ("RMA") and outlines recommendations in response to the issues raised in submissions. This report is intended to both assist the Hearings Panel to make decisions on the submissions and further submissions on the PDP and also provide submitters with an



opportunity to see how their submissions have been evaluated, and to see the recommendations made by officers prior to the hearing.

7. The key changes recommended in this report relate to:

- Introducing a “Medium Density Residential Zone” (MDRZ) and a “Town Centre Zone”(TCZ) to Kerikeri.
- Consequential removal of specific multi-unit residential provision GRZ-R9, as it relates to Kerikeri so that the provision for multi-unit development in the GRZ of Kerikeri does not undermine medium density development in the new MDRZ closer to the town centre.
- Amendments to objectives and policies throughout the urban zones framework to refer to “planned” character, make reference to well-functioning urban environment, consideration of reverse sensitivity, and allow consideration of alternative telecommunications options.
- Amendments to enable visitor accommodation outside the pedestrian frontage in the MUZ as a restricted discretionary activity, and to delete rule for residential activity on the ground level of sites within the pedestrian frontage (MUZ-R17).
- Amendments to activity status for educational facility as a restricted discretionary activity in the GRZ.
- Insert new definition and associated rules for supermarkets in the MUZ and LIZ.
- Waipapa control area for Waipapa that provides for commercial, large format retail and supermarkets.
- Add new rules for “light industrial activity” in the urban zones.
- Amendments to residential intensity rule GRZ-R1 to allow 1 residential unit per site or per 600m<sup>2</sup> as a Restricted Discretionary activity.
- Removal of reference to GFA in Rule MUZ-R1.
- New rules for “trades training” activities in the Industrial zones, waste management facilities in the HIZ, and community corrections facilities or supported residential care within the MUZ.
- Insertion of a minimum net floor area for the MUZ for residential units.
- Amendments to several standards for the GRZ including changing façade length standard to a fencing standard, decreasing the



outdoor living space to 40m<sup>2</sup> (from 50m<sup>2</sup>), and providing a 3m setback from the Kiwirail designation boundary for the rail corridor.

- Amendments to decrease the height limit for the MUZ in Russell and to increase the height limit to 15m for the HIZ.
- Amendments to coverage standards to better manage stormwater effects (including MUZ-S10) and for consistency with the plan wide approach to stormwater management and decoupling the Engineering Standards from the PDP.
- Amendments to simplify and clarify the landscaping requirements on road boundaries for the Industrial Zones.
- Consequential amendments throughout the urban zones framework for clarity and consistency between terms, recommended amendments to other provisions, and other chapters.

## **2 Introduction**

### **2.1 Author and qualifications**

8. My full name is Sarah Trinder, and I am a Senior Policy Planner at Far North District Council. I hold the qualification of a Bachelor of Science (Honours), Majoring in Geography, from The University of Auckland in 2010. I am an Associate member of the New Zealand Planning Institute.
9. I have 13 years' experience in planning and resource management including policy evaluation and development, and associated Section 32 assessments; evidence preparation, and the processing of resource consent applications, outline plans and notices of requirement. I have worked in planning in both government authorities and a private consultancy. During this time, I was involved in the development of the Auckland Unitary Plan, and the Far North District Plan.
10. I previously worked at Barker and Associates which represents a number of clients who are submitters on the PDP. I did not work for Barker and Associates during the original submission process and was not involved with any work for the Far North Proposed District Plan for any of their clients.
11. I note that Nicole Wooster is a submitter (S259) who is employed by FNDC and related to Tammy Wooster (Manager – Integrated Planning at FNDC). Therefore, in preparing this Section 42A report, the approval of the recommendations for Ms Wooster's submission point (S259.017) has been provided by Roger Ackers - Group Manager Planning and Policy, rather than James R Witham – Team Leader District Plan. Mr Witham has not approved the recommendations on these submissions due to potential or perceived conflict of interest.

### **2.2 Code of Conduct**





12. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
13. I am authorised to give this evidence on the Council's behalf to the Proposed District Plan hearings commissioners ("Hearings Panel").

### **2.3 Expert Advice**

14. In preparing this report, I rely on advice from various experts including:
  - Matt Lindenberg of Lindenberg Planning: Planning Evidence – FNDC Hearing 14 – Matt Lindenberg (Planning);
  - Lawrence McIlrath, Market Economics: Economic Memorandum, and Statement of evidence and statement of evidence in relation to Minute 7.
  - Jane Rennie, Boffa Miskell: Urban design evidence MDRZ and Urban design evidence TCZ.
  - The scope of this evidence focuses on evaluating submissions received in relation to the Urban Zones Chapters of the PDP. Scope/Purpose of Report
15. This report has been prepared in accordance with Section 42A of the Resource Management Act to:
  - assist the Hearings Panel in making their decisions on the submissions and further submissions on the Proposed District Plan; and
  - provide submitters with an opportunity to see how their submissions have been evaluated and the recommendations being made by officers, prior to the hearing.
16. This report responds to submissions on the Urban Zones (General Residential, Mixed Use and Industrial Zones).
17. I am aware of the following requests for new zones, which apply to land that is currently zoned Mixed Use and General Residential in the PDP, this is discussed at a high-level in this report and further, more detailed recommendations, including on spatial extent of the new zones, will be made at the Rezoning hearing 15D:
  - S561 (Kāinga Ora) which seeks to introduce a new Medium Density Residential Zone for General residential zoned land in Kerikeri.



- S561 (Kāinga Ora) and various others which seek to introduce a new Town Centre Zone for mixed use zoned land in Kerikeri.
18. These submission points will be introduced as part of this report, but the rezoning hearing enables a full consideration of the zone change requests and relevant submitter evidence, against an agreed set of criteria, alongside other zone request changes and taking into consideration the recommended provisions for the zone chapters.
  19. Wherever possible, I have provided a recommendation to assist the Hearings Panel.
  20. Separate to the Section 42A report recommendations in response to submissions, Council has made a number of Clause 16(2) amendments to the PDP to achieve consistent formatting of rules and standards, including inserting semi colons between each standard, followed by “and” after the second to last standard (where all of the standards must be met to comply) or “or” after the second to last standard (when only one of the standards must be met to comply). These changes are neutral and do not alter the effect of the rules or standards, they simply clarify the intent. The Clause 16 corrections are reflected in Appendix 1 to this Report (Officer’s Recommended Provisions in response to Submissions).

### **3 Statutory Requirements**

#### **3.1 Statutory documents**

21. I note that the Urban Section 32 report provides detail of the relevant statutory considerations applicable to the Urban topic.
22. It is not necessary to repeat the detail of the relevant RMA sections and full suite of higher order documents here. Consequently, no further assessment of these documents has been undertaken for the purposes of this report.
23. However, it is important to highlight the higher order documents which have been subject to change since notification of the Proposed Plan which must be given effect to. Those that are relevant to the Urban zones are discussed in 4.1.2 below

##### **3.1.1 Resource Management Act**

24. On the 24 March 2025, the Government announced that RMA will be replaced with two new pieces of legislation:
  1. A Natural Environment Act – focused on managing the natural environment
  2. A Planning Act – focused on planning to enable development and infrastructure.



25. In the announcement, the Government stated that the new legislation will narrow the scope of the resource management system and the effects it controls, with the enjoyment of private property rights as the guiding principle. It was also signalled that there will be a shift has from a precautionary to a more permissive approach to better enable development, streamline processes, and enhance New Zealand's ability to meet its housing, infrastructure, and environmental objectives. This includes nationally standardised land use zones, one combined plan per region (including a regional spatial plan) and more cohesive and streamlined national direction. The intention is that the two new pieces of legislation will be introduced to Parliament by the end of 2025, with a Select Committee process in 2026, and passage into law before the 2026 general election. The RMA continues to be in effect until when and if this new replacement legislation is passed.

### **3.1.2 National Policy Statements**

#### **3.1.3 National Policy Statement – Urban development (NPS-UD)**

26. The National Policy Statement on Urban Development 2020 (NPS-UD) came into effect 20 August 2020. The NPS-UD promotes the concept of "well-functioning urban environments" which are those urban environments that have good accessibility for all people between housing, jobs and community services, natural spaces, and open spaces, including by way of public or active transport and support a reduction in greenhouse gas emissions, amongst other matters.
27. The NPS-UD classifies urban areas into different tiers relating to population size and projected growth. The Far North District is not a local authority specified in the Appendix of the NPS-UD as being either a tier 1 or tier 2 local authority. The remainder of Council's are either classified as a tier 3 or do not contain an 'urban environment'. With the adoption of the Kerikeri-Waipapa Spatial Plan – Te Pātukurea the Kerikeri – Waipapa area will meet both (a) and (a) of the definition in the NPS-UD of urban environment (intended to be 'urban' in character AND is or is intended to be part of a housing and labour market of at least 10,000 people -and hence FNDC becomes a tier 3 Local Authority (refer to Section 3.3 for further explanation on Kerikeri-Waipapa Spatial Plan).
28. The NPS-UD sets out requirements to planning for growth and development in urban environments, including the need to provide at least sufficient development capacity to meet expected demand.
29. FNDC undertook a Housing and Business assessment in July 2024 this has been used to inform decisions in both the PDP and Kerikeri-Waipapa spatial plan.
30. The housing demand for the Far North District in the short, medium and long term is based on the population projections provided by infometrics.



It is important to point out that the Kerikeri / Waipapa Spatial Plan adopted an ambitious “Blue Sky” growth projection assuming a faster growth rate and a larger share of the Far North District’s growth occurring in Kerikeri – Waipapa<sup>1</sup>.

#### 3.1.4 **National Policy Statements** Gazetted since Notification of the PDP

31. The PDP was prepared to give effect to the National Policy Statements that were in effect at the time of notification (27 July 2022). This section provides a summary of the National Policy Statements, relevant to Strategic Direction that have been gazetted since notification of the PDP. As District Plans must be “prepared in accordance with” and “give effect to” a National Policy Statement, the implications of the relevant National Policy Statements on the PDP must be considered.
32. The National Policy Statement for Indigenous Biodiversity (NPS-IB) took effect on 4 August 2023. This was after the PDP was notified (27 July 2022), but while it was open for submissions. The objective of the NPS-IB is to maintain indigenous biodiversity so there is at least no overall loss in indigenous biodiversity. The objective is supported by 17 policies. These include Policy 1 and Policy 2 relating to the principles of the Treaty of Waitangi and the exercise of kaitiakitanga by tangata whenua in their rohe.
33. The National Policy Statement for Highly Productive Land (NPS-HPL) took effect on 17 October 2022. The NPS-HPL has a single objective: Highly productive land is protected for use in land-based primary production, both now and for future generations. The objective is supported by nine policies and a set of implementation requirements setting out what local authorities must do to give effect to the objective and policies of the NPS-HPL, including restrictions on the urban rezoning, rural lifestyle rezoning, and subdivision of highly productive land and requirements to protect highly productive land from inappropriate use and development.

#### 3.1.5 **National Direction -Proposed Changes**

34. On 29 May 2025 the Government began public consultation on proposed changes to national direction under the Resource Management Act 1991 (RMA). The proposed changes are broad and wide ranging, with amendments to 12 instruments and four new instruments.
35. The packages of changes are:
  - Package 1: Infrastructure and development

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<sup>1</sup>Te Pātukurea Spatial Plan for Kerikeri Waipapa adopted 18<sup>th</sup> July 2025. [7c20325a1437bc62ed2ee7934b0ea346a9477919.pdf](https://www.govt.nz/assets/Uploads/7c20325a1437bc62ed2ee7934b0ea346a9477919.pdf) (see Section 3.3 of this Report for further explanation)



- Package 2: Primary sector
  - Package 3: Freshwater
36. A fourth package "Going for Housing Growth" will open for consultation in early June.
37. The changes summarised below are relevant to the submissions received on the urban zones.

### **Package 1: Infrastructure and development**

#### **Proposed New National Policy Statement for Infrastructure**

38. Package 1 includes a proposal for new a National Policy Statement for Infrastructure (NPS-I) that will provide:
- consistent definitions to support the proposed policies
  - an objective setting out a range of infrastructure outcomes expected from the resource management system
  - general policies to better enable and protect infrastructure, while managing its effects on various environments, and recognising and providing for Māori rights and interests
  - policies on managing the interface between infrastructure and other activities
  - policies to enable infrastructure while managing its effects on the environment.
39. In summary it will:
- Cover energy (except where covered by other NPSs), three waters, transport networks and asset, social infrastructure (eg. hospitals, emergency services, defence and corrections facilities), parks, resource recovery or waste disposal facilities, and "green" infrastructure that delivers flood management services.
  - Apply to all RMA decisions affecting the operation, maintenance, renewal and upgrade of existing infrastructure, and to development of new infrastructure.
  - Require decision-makers to recognise and provide for the benefits of infrastructure, and the functional need or operational need of infrastructure to locate in particular environments.



- Include requirements for addressing the long timeframes and costs of consenting infrastructure projects are proposed.
- Set national requirements for providing for Māori interests.
- Provide nationally consistent direction for assessing and managing adverse effects of infrastructure on the environment and aims to manage the tensions between providing long-term certainty for infrastructure services and providing for compatible housing and other development.

#### **Proposed National Environmental Standards for Granny Flats (Minor Residential Units)**

40. A new National Environmental Standard for Granny Flats (Minor Residential Units) (NES-GF) is proposed to support the development of granny flats (minor residential units) in identified areas.
41. The intent of NES-GF is to enable one small, detached, self-contained, single-storey house (minor residential unit) per site for residential use as a permitted activity (as set out in the Planning Standards definition of 'minor residential unit'). In summary it will:
  - Impose standards related to max floor area, number of units (1), max building coverage per site, and setbacks from boundaries and principle units.
  - Apply to residential, rural, mixed-use and Māori-purpose zones, where specified permitted activity standards are met.
  - Allow district plan standards to be more lenient than those in the NES-GF.
  - Apply existing district plan rules where a development does not meet one or more of the specified permitted activity standards in the NES-GF.
  - Include a new schedule to the Building Act 2004 to provide a building consent exemption for granny flats up to 60 square metres, subject to a set of conditions, and associated changes will also be made to the Local Government Act 2002.<sup>1</sup>

#### **Proposed changes to New Zealand Coastal Policy Statement**

42. A range of amendments to the New Zealand Coastal Policy Statement (NZCPS) are proposed. These include:
  - a. Better enabling priority activities (ie, specified infrastructure, renewable electricity generation, electricity transmission, aquaculture and resource extraction) while still protecting the environment.



- b. Policy 6 to be amended to be more directive, and to make it easier to give consent to priority activities in the coastal environment, and to expand the functional need test into a 'functional or operational needs' test.
- c. Changes intended to better enable aquaculture activities, particularly to Policy 8.

### **Going for Housing Growth Programme**

- 43. The Going for Housing Growth programme, released as discussion documents for feedback on 19 June 2025, seeks to progress the key policy and regulatory changes needed to address issues associated with the barriers to housing supply. Going for Housing Growth is structured around three pillars which span a range of legislation and work programmes across government. These are:
  - Pillar 1 – Freeing up land for urban development, including removing unnecessary planning barriers.
  - Pillar 2 – Improving infrastructure funding and financing to support urban growth.
  - Pillar 3 – Providing incentives for communities and councils to support growth.
- 44. The Pillar 1 proposals are intended to increase development capacity available for housing and business uses, improve land use flexibility, remove unnecessary planning barriers, and provide for well-functioning urban environments. The changes are aimed at ensuring that councils are providing an abundance of development capacity, including in areas of high demand and accessibility, while providing more certainty for councils and communities about what is required.

## **3.2 Council's Response to Current Statutory Context**

- 45. The evaluation of submissions and recommendations in this report are based on the current statutory context (that is, giving effect to the current National Policy Statements). I note that the proposed amendments and replacement National Policy Statements do not have legal effect until they are adopted by Government and formally gazetted.
- 46. Sections 55(2A) to (2D) of the RMA sets out the process for changing District Plans to give effect to National Policy Statements. A council must amend its District Plan to include specific objectives and policies or to give effect to specific objectives and policies in a National Policy Statement if it so directs. Where a direction is made under Section 55(2), Councils must directly insert any objectives and policies without using the Schedule 1 process, and must publicly notify the changes within five working days of making them. Any further changes required must be done through the



RMA schedule 1 process (such as changing rules to give effect to a National Policy Statement).

47. Where there is no direction in the National Policy Statement under Section 55(2), the Council must amend its District Plan to give effect to the National Policy Statement using the RMA schedule 1 process. The amendments must be made as soon as practicable, unless the National Policy Statement specifies a timeframe. For example, changes can be made by way of a Council recommendation and decision in response to submissions, if the submissions provide sufficient 'scope' to incorporate changes to give effect to the National Policy Statements.
48. I have been mindful of this when making my recommendations and believe the changes I have recommended are either within scope of the powers prescribed under Section 55 of the RMA or within the scope of relief sought in submissions.

### **3.3 Te Patukurea – Kerikeri-Waipapa Spatial Plan**

49. Under section 74 of the RMA, the Council is required to have regard to any management plans and strategies prepared under other Acts, including the Kerikeri-Waipapa Spatial Plan.
50. The Kerikeri Waipapa spatial plan is a non-statutory document that sets out how Council will manage growth by identifying areas appropriate for housing, business and industry. The plan serves as a blueprint for future planning and investment for the area. The Spatial plan was adopted by Council on 18 June 2025.
51. This plan is particularly relevant for the Kerikeri Waipapa spatial plan area but also holds some relevance district wide as to what urban change pressures the fastest growing area in the district is experiencing.
52. The growth projections are based on a high growth blue skies approach which will see Kerikeri Waipapa grow to an estimated population of 25,000 by 2054. Under this scenario it has been identified that 4,690 additional dwellings, 18.5 hectares of commercial land and 4.7 hectares of industrial land will be required.
53. The plan shows areas for residential, industrial and commercial growth with the aim of providing houses where people want to live outside of potential hazard zones, supporting the economies of both town centres, and opening up new opportunities to access nature. The key elements of the plan include:
  - Directing growth to within and immediately adjacent to the existing built-up environments of Kerikeri and Waipapa and away from rural areas





- Establishing walkable catchments to support a compact and sustainable urban form
  - Providing for 20-40% of residential growth through intensification, enabling medium-density development within established centres in Kerikeri and Waipapa, where appropriate. This approach supports greater housing choice and affordability by allowing for duplexes, terraces, and walk-up apartments
  - Enabling commercial and industrial growth in Kerikeri which supports its role as the key economic hub for the district
  - Enabling appropriate commercial and industrial growth in Waipapa in a way that does not reduce the economic vitality of Kerikeri
  - Identifying new transport connections, local green spaces, and recreational and community facilities, along with enhancements to 'blue-green' networks, to support the health and wellbeing of Te Awa o ngā Rangatira and associated wai (water) and repo (swamp/marsh), while also enhancing biodiversity
  - Enabling town-centre growth and intensification of commercial development in both Kerikeri and Waipapa, including promoting a more functional layout for large-format retail within the two townships
  - Appropriately accounting for additional land necessary for industrial uses and infrastructure.
54. The adopted Spatial plan contains a long-term growth scenario for greenfield land that combines elements of Scenarios D (Kerikeri south focussed expansion) and E (Waipapa focussed expansion). However, Council also acknowledged feedback received during consultation in support of an alternative growth proposal known as Scenario F (Kerikeri Northwest Expansion). This proposal, led by a private developer, involves greenfield development in the northwest of Kerikeri and includes potential flood mitigation infrastructure and fully developer funded services. To reflect those submissions and acknowledge the potential of the proposal, Scenario F has been identified in the plan as a conditional, developer-led future growth area, specified as a **Contingent Future Growth Area**. This means the area may be considered in the future, but only if a number of conditions are met. Including Scenario F as a contingent future growth area does **not** change the adopted growth scenario or infrastructure planning decisions made through Te Pātukurea. Any formal incorporation of the contingent future growth area in the future would require further consultation or spatial plan review if needed. This approach ensures the adopted plan remains focused and deliverable, while keeping the door open to future opportunities that meet clear criteria.



55. As stated above, Te Patukurea is a matter that should be “had regard to” under Section 74(2)(b)(i) of the RMA when making recommendations in response to submissions on the Urban Zones framework of the PDP (to the extent that any amendments recommended are within the scope of submissions on the PDP).

### 3.4 National Planning Standards

56. The National Planning Standards determine the sections that should be included in a District Plan, including the Strategic Direction chapters, and how the District Plan should be ordered. The Urban provisions proposed and recommended in this report follow this guidance. Specifically:
1. Assessment of the section of urban zones used (discussed in Key Issue 2)
  2. Definitions as it relates to urban zones (discussed in Key issue 4)
57. Of relevance are the National Planning Standard descriptions of urban zones as follows:

General Residential Zone	Areas used predominantly for residential activities with a mix of building types, and other compatible activities
Medium Density Residential Zone	Areas used predominantly for residential activities with moderate concentration and bulk of buildings, such as detached, semi-detached and terraced housing, low-rise apartments, and other compatible activities.
Town Centre Zone	Areas used predominantly for: <ul style="list-style-type: none"> <li>• in smaller urban areas, a range of commercial, community, recreational and residential activities.</li> <li>• in larger urban areas, a range of commercial, community, recreational and residential activities that service the needs of the immediate and neighbouring suburbs.</li> </ul>
Mixed Use Zone	Areas used predominantly for a compatible mixture of residential, commercial, light industrial, recreational and/or community activities.
Light Industrial Zone	Areas used predominantly for a range of industrial activities, and associated activities, with adverse effects (such as noise, odour, dust, fumes and



	smoke) that are reasonable to residential activities sensitive to these effects.
Heavy Industrial Zone	Areas used predominantly for industrial activities that generate potentially significant adverse effects. The zone may also be used for associated activities that are compatible with the potentially significant adverse effects generated from industrial activities.

58. The following National Planning Standard urban definitions are also relevant:

Ancillary activity	means an activity that supports and is subsidiary to a primary activity.
Commercial activity	means any activity trading in goods, equipment or services. It includes any ancillary activity to the commercial activity (for example administrative or head offices).
Community facility	means land and buildings used by members of the community for recreational, sporting, cultural, safety, health, welfare, or worship purposes. It includes provision for any ancillary activity that assists with the operation of the community facility.
Educational facility	means land or buildings used for teaching or training by child care services, schools, or tertiary education services, including any ancillary activities.
Industrial activity	means an activity that manufactures, fabricates, processes, packages, distributes, repairs, stores, or disposes of materials (including raw, processed, or partly processed materials) or goods. It includes any ancillary activity to the industrial activity.
Residential activity	means the use of land and building(s) for people's living accommodation.
Residential unit	means a building(s) or part of a building that is used for a residential activity exclusively by one household, and must include sleeping, cooking, bathing and toilet facilities.

### 3.5 Treaty Settlements



59. There have been no further Deeds of Settlement signed to settle historic Treaty of Waitangi Claims against the Crown, in the Far North District, since the notification of the PDP.

### **3.6 Iwi Management Plans – Update**

60. Ngā Tikanga mo te Taiao o Ngāti Hine' the Ngāti Hine Environmental Management Plan was in draft form at the time of the notification of the PDP. This was updated, finalised and lodged with the Council in 2022, after notification of the PDP in July 2022. The Ngāti Hine Environmental Management Plan provides the following direction that is relevant to consideration of urban submissions:
- a. Urban growth (3.8 population growth and movement) is significant to Ngāti Hine who have seen significant changes to their papakainga, whenua and home. They believe growth to date has been opportunistic, sporadic and developer driven and has seen the necessary infrastructure always playing catch-up. To resolve these issues Ngāti Hine seek that:
    - i. Ngāti Hine will continue to work collaboratively with decision makers and those who have an interest in the development of their rohe.
    - ii. Decision makers fully recognise that the rohe is Ngāti Hines home and that Ngāti Hine are ahikaa, rangatira and kaitiaki. No development will progress without prior consultation and meaningful engagement with Ngāti Hine.
    - iii. Ngāti Hine supports planning initiatives where development of urban centres is in a manner and at a rate which ensures adequate infrastructure is in place before development occurs. Ngāti Hine requires ongoing engagement throughout any processes of development.
    - iv. Ngāti Hine supports low impact design and innovative solutions which improve the quality of urban centres and their rohe generally. Where the landscape, taonga and resources are maintained as much as possible.
    - v. Ngāti Hine to participate in spatial planning with Councils to identify strategic areas for development (i.e. impacts of climate change on coastal areas).
61. The Ahipara Takiwā Environmental Management Plan was in draft form at the time of the notification of the PDP. This was updated, finalised and lodged with Council in 2023, after notification of the PDP in July 2022. The Environmental Management Plan provides direction that is relevant to the consideration of the Urban chapter:



- a. In terms of population growth and movement:
  - i. Ngā Marae o Ahipara want to work collaboratively with decision makers and those who have an interest in the development of their rohe.
  - ii. Decision makers shall fully recognise that this rohe is Ahipara Takiwā's home and that Ngā Marae o Ahipara are ahikaa, rangatira and kaitiaki.
  - iii. No development will progress without prior consultation and meaningful engagement with Ngā Marae o Ahipara.
  - iv. Ngā Hapū o Ahipara supports planning initiatives which will ensure that development of residential areas is in a manner and at a rate which ensures adequate infrastructure is in place before development occurs. Ongoing meaningful discussion and consultation is required.
  - v. Ahipara Takiwā seek to participate in spatial planning with Councils to identify strategic areas for development (i.e. impacts of climate change on coastal areas).

### **3.7 Section 32AA evaluation**

- 62. This report uses 'key issues' to group, consider and provide reasons for the recommended decisions on similar matters raised in submissions. Where changes to the provisions of the PDP are recommended, these have been evaluated in accordance with Section 32AA of the RMA.
- 63. The s32AA further evaluation for each key issue considers:
  - a. Whether the amended objectives are the best way to achieve the purpose of the RMA.
  - b. The reasonably practicable options for achieving those objectives.
  - c. The environmental, social, economic and cultural benefits and costs of the amended provisions.
  - d. The efficiency and effectiveness of the provisions for achieving the objectives.
  - e. The risk of acting or not acting where there is uncertain or insufficient information about the provisions.
- 64. The s32AA further evaluation contains a level of detail that corresponds to the scale and significance of the anticipated effects of the changes that have been made. Recommendations on editorial, minor and consequential changes that improve the effectiveness of provisions without changing the policy approach are not re-evaluated.



### **3.8 Procedural matters**

65. Two informal prehearing meetings were held with Kāinga ora these were held on the 1<sup>st</sup> August 2024 and 14h April 2025. The outcomes of these meetings clarified matters in their submission, update and alignment with the Kerikeri / Waipapa spatial plan. Initial discussions around recommendations for Medium density residential and Town centre zone.

#### **3.8.1 Proposed Plan Variation 1**

66. FNDC notified Proposed Plan Variation 1 (Minor Corrections and Other Matters) for public submissions on 14 October 2024. The submission period closed on 12 November 2024. Proposed Plan Variation 1 makes minor amendments to; correct minor errors, amend provisions that are having unintended consequences, remove ambiguity and improve clarity and workability of provisions. This includes amendments to the zoning of some properties, and the Coastal flood hazard areas.
67. Specific to the Urban topic, Proposed Plan Variation 1 proposes to amend Rule 1 in the General Residential, Mixed Use and Light Industrial Zones, which includes an additional permitted activity that relates to new buildings or structures, and extensions or alterations to existing buildings or structures. Additionally, Proposed Plan Variation 1 proposes an amendment to HIZ-S3 in the Heavy Industrial Zone which relates to setback (excluding from MHWS or wetland, lake and river margins).
68. Submissions on Plan Variation 1 related to the above-mentioned changes are to be addressed at Hearing 17, General/ Miscellaneous/ Sweep up.
69. Submissions received on the Plan Variation 1 proposal to rezone land from General Residential to Kororāreka Russell Township will be evaluated as part of Hearing 15C.

## **4 Consideration of submissions received**

### **4.1 Overview of submissions received**

70. A total of 253 original submissions and 409 further submissions were received on the General Residential Zone.
71. A total of 381 original submissions and 566 further submissions were received on the Commercial Zone.
72. A total of 182 original submissions and 198 further submissions were received on the Industrial Zones.
73. The main submissions on the Urban Zones Chapter came from:
  - a. Central and Local Government organisations such as Ministry of education (S331) and Kāinga Ora (S561).



- b. Local Planning companies such as Northland Planning and Development 2020 Limited (S502).
  - c. Iwi Authorities such as Te Rūnanga Ā Iwi O Ngāpuhi (S498) and Te Rūnanga o Ngāti Takoto Trust (S390).
  - d. Hapū and marae such as Te Rūnanga o Ngāti Rēhia (S559).
  - e. Key Interest Groups such as Kapiro Residents Association (S427, S428), Our Kerikeri Community Charitable Trust (S271, S338).
  - f. Individuals such as BR and R Davies (S400) and Leah Frieling (S358).
74. The key issues identified in this report are listed in Section 1 above.
75. Section 4.2 constitutes the main body of the report and considers and provides recommendations on the decisions requested in submissions. Due to the large number of submissions received and the repetition of issues, as noted above, it is not efficient to respond to each individual submission point raised in the submissions. Instead, this part of the report groups similar submission points together under key issues. This thematic response assists in providing a concise response to, and recommended decision on, submission points.

#### **4.2 Officer Recommendations**

76. A copy of the recommended plan provisions for the Urban chapter is provided in **Appendix 1 – Officer’s Recommended Amendments to this report**.
77. A full list of submissions and further submissions on the Urban chapter is contained in **Appendix 2 – Officer’s Recommended Decisions on Submissions to this report**.
78. Additional information can also be obtained from the Summary of Submissions (by Chapter or by Submitter) Submissions database Far North District Council ([fndc.govt.nz](http://fndc.govt.nz)) the associated Section 32 report on this chapter [section-32-overview.pdf](#) ([fndc.govt.nz](http://fndc.govt.nz)) the overlays and maps on the ePlan Map - Far North Proposed District Plan ([isoplan.co.nz](http://isoplan.co.nz)).

#### **4.2.1 Key Issue 1: NPS-Urban Development and Hearings Panel Minute 7 Response**

##### **Overview**



Provision(s)	Officer Recommendation(s)
Plan wide implications	<ul style="list-style-type: none"> <li>Confirmed that under the NPS-UD Kerikeri/ Waipapa is an 'urban environment' and that the Far North is a Tier 3 Local authority</li> </ul>

## Analysis of Submissions on Key Issue 1

### Matters raised in submissions

79. Kiwi Fresh Orange Company Limited (S554.001) opposes the Overview, arguing that the Proposed District Plan (PDP) should be amended to give effect to the National Policy Statement on Urban Development (NPS-UD). They emphasize the need to enable development that supports a well-functioning urban environment in Kerikeri and Waipapa. The submitter requests amendments to the assessment against the NPS-UD, seeking confirmation that Kerikeri qualifies as an "Urban Environment" based on its existing urban character, current population, and projected growth in the medium term. Additionally, they propose classifying the Far North District Council (FNDC) as a Tier 3 local authority.

### Analysis

80. Kiwi Fresh Orange Company Limited presented expert planning, conomic and legal evidence at Hearing Topic 1 in relation to NPS-UD. Subsequently, the Hearings Panel issued Minute 7<sup>2</sup> - A request for additional information and peer review. To respond to both Minute 7 and the submission point from Kiwi Fresh Orange Company Limited, Council has engaged Matt Lindenburg to provide Planning evidence and Mr McIlrath to provide a peer review of Mr Thompson's economic evidence.
81. Mr Lindenburg's evidence provides a summary of Ms O'Conner's planning evidence from Hearing stream 1 on behalf of Kiwi Fresh Orange Company Limited, a response to each of the Panel's Minute 7 queries regarding the NPS-UD and addressed Council's position in relation to the NPS-UD and how it has informed other recommendations in this report.
82. Based on the evidence from Mr Lindenburg, I consider that the Far North District is a Tier 3 local authority and needs to give effect to the NPS-UD. As a result of this recommendation, there are implications in relation to the urban zones in terms of how they are now required to be managed. These will be addressed in Key Issue: 2 Zone Selection below.

### Recommendation

83. I recommend that Kiwi Fresh Orange Company's submission S554.001 is accepted in part, insofar as the Far North District is considered a Tier 3 local authority and required to give effect to the NPS-UD.

<sup>2</sup> FNDC PDP – Minute 7 of the Independent Hearings Panel, dated 16 July 2024. [Minute 1](#)





## Section 32AA evaluation

84. No change to the provisions is recommended as a direct result of the submission point above. This submission point informs recommendations in Key Issue 2: Zone Selection, where an appropriate section 32AA assessment has been undertaken.

### 4.2.2 Key Issue 2: Zone Selection

#### Overview

Provision(s)	Officer Recommendation(s)
Commercial Zones	<ul style="list-style-type: none"> <li>Insert new Town Centre Zone – finalised provisions and spatial extent to be considered at Hearing 15D</li> </ul>
Residential Zones	<ul style="list-style-type: none"> <li>Insert new Medium Density Residential Zone - finalised provisions and spatial extent to be considered at Hearing 15D</li> </ul>

#### Analysis of Submissions on Key Issue 2

##### Matters raised in submissions

##### *Residential zones and Urban Growth*

85. Jane E Johnston (S560.004) and Kiwi Fresh Orange Company Limited (S554.003) oppose the current process, highlighting issues related to housing affordability and urban expansion. Johnston advocates for a high-density residential zone as an alternative to existing rural and coastal zones, without requiring commercial ground-floor restrictions. Kiwi Fresh Orange Company Limited identifies flaws in urban growth assessments and proposes a fourth option in the FNDC Urban Section 32 Report, allowing rural land to be rezoned for urban use if future servicing is feasible.
86. Jane E Johnston (S560.008) also seeks to insert new Specific Purpose Zone applicable to the tourist resort townships around the Bay, which applies specific provisions to allow for tourism related activities and facilities and acknowledges the significant investment in communal maritime facilities.
87. Five submission points from Kāinga Ora (S561.112, S561.113, S561.114, S561.115 & S561.116), request the introduction of a framework to support the proposed Medium Density Residential Zone. The submitter seeks to incorporate Objectives, Policies, Rules and Standards, along with defined matters of discretion and assessment criteria, to ensure a structured approach to development within the zone.



88. Further submissions oppose Kāinga Ora submission, include Jeff Kemp and others (FS25.131, FS32.166 FS47.126 & FS348.016), for the following reasons:
- Undermines character, amenity values and other aspects of the environment that our communities' value.
  - Providing for residential intensification also needs to consider the most appropriate and efficient way to provide capacity with reference to the integration of infrastructure with development and creation of well-functioning urban environments.
  - There is no requirement for the proposed Medium Density Zone.
89. Further submissions in support include Peter Malcolm and others (FS 584.009 FS23.384) acknowledge the following:
- Central Kerikeri is an appropriate location to enable residential intensification as it has sufficient servicing, low natural hazard risk and is accessible to public transport, services and amenities. Enabling intensification within the Kerikeri Town Centre will help reduce sprawl, improve economic viability and promote vibrant communities.

#### *Commercial zoning*

90. Multiple submitters<sup>3</sup> propose additional Commercial and Mixed Use Zones to improve urban management and strategic development. They advocate for urban design guidelines, a reassessment of zoning for existing centres, and the establishment of a centre hierarchy to ensure alignment with current and planned development. Submitters raise concerns about the broad application of MUZ limiting commercial activities, and submitters request a Section 32 evaluation to support zoning changes. Several submitters (Puketotara Lodge and others) propose rezoning Kerikeri town centre as a *Town Centre Zone*.
91. Kāinga Ora (S561.111, S561.117, S561.118, S561.119, S561.120, S561.121) proposes new provisions in their submission to support the establishment of the Town Centre Zone. In its submission, Kāinga Ora states the following:

*"The proposed Mixed Use Zone is applied at the core of the town centre of Kerikeri where a mixture of residential, commercial, recreational and/or community activities are compatible. Kāinga Ora submits that area Town*

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<sup>3</sup> S188.002, S188.003, S209.002, S209.006, S209.003, S252.003, S252.006, S271.033, S325.002, S344.002, S344.027, S363.001, S363.018, S363.037, S385.018, S393.003, S446.034, S446.040, S471.002, S471.003, S475.002, S475.003, S499.002, S516.078, S524.033, S529.098, S534.003, S534.033, S535.003, S535.004, S549.002, S549.003



*Centre zoning is a more appropriate zone recognising the regional significance and anticipated growth of Kerikeri. A Town Centre zone is also more compatible with the National Planning Standards. Kāinga Ora therefore submits that the proposed Mixed Use zone be replaced with a new Town Centre Zone in Kerikeri, as shown in Appendix 3 and Appendix 5 of this Submission.*

*According to the National Planning Standards, Town Centre zones are predominantly to be used: - in smaller urban areas, a range of commercial, community, recreational and residential activities. - in larger urban areas, a range of commercial, community, recreational and residential activities that service the needs of the immediate and neighbouring suburbs. The introduction of this new zone for Kerikeri will achieve the following:*

*(i) recognise Kerikeri as an established town centre, different in size and functions (head offices, district community facilities and in proximity to airport) from other townships in Far North; and*

*(ii) Avoid light industrial activities to be located within the town centre of Kerikeri. Furthermore, Kerikeri is the town centre least affected by flooding and therefore is more suitable for intensification as other centres are affected more significantly"*

92. A considerable amount of further submission support was received on the submissions for a Town Centre Zone in Kerikeri, for the following key reasons:

- The extension of the MUZ will enable Kerikeri's residential and commercial area to expand next to the existing town centre and CBD facilities without creating urban sprawl;
- Promotion of commercial shops/cafes/offices on the ground floor with terraced apartments on top up to a maximum of 3 floors (12m);
- The MUZ does not give effect to Objective 1 and Policy 1 of the National Policy Statement on Urban Development (NPS-UD);
- The Section 32 Evaluation - Urban 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. The evaluation fails to consider the full range of commercial zoning options and identify reasonably practicable options to achieve objectives and the evaluation fails to evaluate appropriate zone criteria and boundaries;
- The PDP does not provide strategic direction or policy support for the suite of urban zones proposed;



- The Mixed Use Zone provisions do not sufficiently enable a range of commercial activities.
- Review Commercial Zones (support TCZ but not 6 storey height).
- Support enabling building heights up to 6 storeys (22m) in the Kerikeri Town Centre. There is currently a shortage of affordable and public housing within this area. Central Kerikeri is an appropriate location to enable residential intensification as it has sufficient servicing, low natural hazard risk and is accessible to public transport, services and amenities. Enabling intensification within the Kerikeri Town Centre will help reduce sprawl, improve economic viability and promote vibrant communities.

### **Analysis**

93. As stated above in Key Issue 1 NPS- UD, Council has revised its position on the application of the NPS-UD. We are now treating Kerikeri – Waipapa as an urban environment and the Far North District as a Tier 3 local authority. This shift has influenced our analysis of the submission points seeking to introduce new zones for Kerikeri.
94. Council has engaged Mr Linenburg (Planning)<sup>4</sup>, Mr McIlrath (Economics)<sup>5</sup>, and Ms Rennie (Urban design)<sup>6</sup> to provide technical expertise to assist in my assessment of the merits of introducing a MDRZ and a TCZ for Kerikeri.

#### *Giving effect to the NPS-UD*

95. The approach notified in the PDP, firstly did not recognise Kerikeri / Waipapa as an urban environment, as stated by Mr Lindenberg, this meant the approach did not enable Kerikeri - Waipapa to evolve over time, or allow for a diverse range of housing and business options as per NPS-UD, Policy 1. The notified approach is also now not aligned with the Kerikeri/Waipapa Spatial plan.
96. The MDRZ and TCZ are necessary to enable intensification and commercial activity in locations identified as having high housing demand, proximity to employment and commercial centres. The inclusion of these zones provides a mechanism to give effect to the NPS-UD by enabling a greater diversity of housing types and price points near town centres, supports a clear urban hierarchy and provides a planning framework that anticipates and accommodate future growth pressures.

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<sup>4</sup> Statement of evidence of Matthew Armin Lindenberg on Behalf of Far North District Council – Hearing Topic 14 (Planning) dated 23 June 2025.

<sup>5</sup>Statement of Evidence Jane Rennie on behalf of FNDC, MDRZ and TCZ, dated 23 June 2025

<sup>6</sup> Technical Memo -Overview of key considerations, Market Economics, Lawrence McIlrath, dated 17<sup>th</sup> June 2025.



97. I agree with the conclusions in Mr Lindenberg's evidence that the inclusion of both a new MDRZ and TCZ within the PDP, is the most appropriate way for Council to give effect to the relevant policy direction of the NPS-UD. This approach is within the scope of submissions on the PDP.

*Medium density residential zone framework (MDRZ)*

98. The Medium Density Residential Zone, is a National Planning Standards zone and it aims to promote the development of a greater variety of housing types, including detached dwellings, terrace housing, and low-rise apartments.
99. I agree with Mr McIlrath's statement, that the central principle to a MDRZ is to enable intensification by allowing higher density housing than currently permitted. Intensification brings a multitude of economic benefits. Mr McIlrath states that the MDRZ is expected to deliver changes in the type and distribution of dwellings developed in Kerikeri. The change can be expected to occur through time. I agree with Mr McIlrath's concluding statement, that a carefully targeted MDRZ, that is focused around high-accessibility area's near Kerikeri's centre, is likely to maximise economic, social and infrastructure benefits.
100. The proposal to introduce a MDRZ in Kerikeri is supported by Ms Rennie as it aligns with the town's role as the primary centre in the Far North District and national policy direction (NPS-UD and the RMA Enabling Housing Act). The MDRZ is intended for walkable areas (within 300–500m) of the town centre and is seen as a more targeted response than the broader GRZ.
101. The MDRZ would allow for greater housing diversity and density near amenities, services, and future public transport, especially on flat, accessible land. Many sites in this area are underutilised or contain older housing stock suitable for redevelopment. I agree with Ms Rennie's assessment, that introducing a MDRZ is a suitable and beneficial approach to address Kerikeri's housing needs and support its anticipated growth.
102. Ms Rennie has also undertaken an initial assessment of the MRDZ bulk and location controls in the Kāinga Ora submission, our thinking and that of Kāinga Ora are aligned. As concluded above, applying a MRDZ for Kerikeri is the most appropriate option for giving effect to NPS-UD and allowing plan enabled capacity for Kerikeri-Waipapa. A Medium Density Zone has been spatially identified for the Kerikeri-Waipapa Spatial Plan and Kāinga Ora has also recommended a spatial application of the MDRZ in their submission.
103. In Mr McIlrath's Technical Memo, relating to the spatial application of a MDRZ, it highlights the importance of concentrating medium density development in the area immediately surrounding the Kerikeri commercial area. This location will support commercial activity. He also highlights implications with a spatial extent that is too wide, noting that this can



dilute the concentration of growth around the town centre, reduce the benefits of intensification, lead to less efficient infrastructure provision, and result in isolated or opportunistic developments that do not support a cohesive urban form. These economic considerations and urban design considerations and any additional evidence will be assessed and recommendations made at Hearing 15D - Kerikeri/Waipapa rezoning.

#### *Associated changes to the General Residential Zone*

104. As a result of the recommendation for a new MDRZ for Kerikeri there is a consequential need to assess how residential development is addressed for Kerikeri as a whole. Ms Rennie undertook an assessment of GRZ-R9 Multi unit development rule as notified and the MDRZ rule proposed by Kāinga Ora to understand the rules utility on a sample site in Kerikeri<sup>7</sup>. Ms Rennie's evidence states that superior urban design outcomes could be achieved through the use of Kāinga Ora's MDRZ standards as they would allow two units on the sample lot side by side, both fronting the street.
105. I consider that in order to effectively and efficiently implement the recommended MDRZ, there needs to be a consequential removal of specific multi-unit residential provision GRZ-R9, as they relate to Kerikeri. This is because the GRZ in Kerikeri should not undermine medium density development in the new MDRZ closer to the town centre. I specifically address the redrafting of GRZ-R9 Residential Activity (Multi-Unit development) in the Key Issue 13: General Residential Zone - Rules.

#### *Town Centre Zone*

106. The TCZ, is a National Planning Standards zone that primarily provides for community and civic centres. It serves as a focal point for the surrounding area.
107. I concur with Ms Rennie's assessment, that it is acknowledged that Kerikeri is a primary centre within the district and that it is anticipated that it will continue grow, and that it will also provide a large proportion of the long-term growth for the district as a whole. A new TCZ can provide for intensification through increased building heights compared to that of the MUZ. I agree with Ms Rennie's conclusion; the TCZ is considered more appropriate for achieving the intended role and function of the Kerikeri town centre within the district. The TCZ can provide clearer direction of the types of activities that will support the town centre's success by guiding suitable activities, activating public spaces, and promoting high-quality, people-focused design. At this stage there is some misalignment in the height limit sought by Kāinga Ora for the TCZ. Ms Rennie has recommended heights between 15-16m would be more appropriate for the Kerikeri context. I agree with this assessment. These urban design

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<sup>7</sup> Section 5.25 Statement of Evidence Jane Rennie on behalf of FNDC, MDRZ , dated 23 June 2025.



considerations and any additional evidence will be assessed and recommendations made at Hearing 15D - Kerikeri/Waipapa rezoning.

#### *Spatial Application of the TCZ*

108. As concluded above, applying a TCZ for Kerikeri is the most appropriate option for giving effect to NPS -UD. The spatial application of the TCZ for Kerikeri is likely to be reduced compared with the extent proposed by Kāinga Ora in their submission, whereby they have sought all of the existing MUZ to be rezoned TCZ. The spatial application of the zone will be recommended at Hearing 15D - Kerikeri/Waipapa rezoning to allow time for evidence to be presented.

#### **Recommendation**

109. For the reasons stated above, I recommend that:
- a) Submissions seeking Medium Density Residential Zone and a Town Centre Zone in Kerikeri are accepted in part, and these new zones are inserted into the PDP.
  - b) The spatial application of the new zones is addressed at the rezoning Hearing 15D, where all submitters on these matters will be provided with the opportunity to provide evidence on the spatial extent of the zones.
  - c) Consequential amendments to the General Residential Zone Rule GRZ-R9 (Multi-unit development) in Kerikeri to ensure that multi-unit development is encouraged and concentrated in the Medium Density Residential Zone.

#### **Section 32AA**

110. I consider that a Medium Density Residential Zone and Town Centre Zone for Kerikeri is appropriate for the following key reasons:
- Efficient Land Use – It allows for more housing within existing urban areas and concentrates commercial activities in the town centre, reducing urban sprawl and preserving green spaces and productive land.
  - Greater Housing Supply – Helps achieve plan enabled capacity by enabling a variety of housing types, such as townhouses and low-rise apartments, close to amenities.
  - Improved Infrastructure Efficiency – Concentrating housing near transport corridors and town centre makes public transport and utilities more cost-effective.





- Walkability & Accessibility – Residents can live closer to workplaces, shops, and amenities, reducing reliance on cars and promoting sustainable living.
- Diverse Housing Options – Encourages a mix of housing styles, catering to different demographics, lifestyles and improving affordability.
- Economic Benefits – the town centre encourages business activity, retail and commercial services to locate in a central area, supporting local employment and investment, and acts as a “community hub” for social interaction, strengthening community identity.
- Urban Design & Sustainability – Consistent with urban design principles, including those identified within Kerikeri-Waipapa Spatial Plan. Enhances walkability, well-integrated roads, public spaces, attractive streetscapes. The six key Planning and Urban Design principles are:
  - Te Taiao Environment (Protect and enhance our unique landscape)
  - Ahuatanga Taone (Sustainable Urban form)
  - Kōwhiringa Whare (Housing choice)
  - Ahi Kā (Local character and identity)
  - Ara Tūhono (Accessibility)
  - Whanaungatanga (Connected community)

111. In addition, the change to Rule GRZ-R9 (Multi-unit development) to exclude Kerikeri is appropriate as it ensures multi-unit development in the GRZ in Kerikeri, does not undermine medium density development in the new MDRZ (closer to the town centre). This change provides a clear distinction and hierarchy between the Residential Zones.

### 4.2.3 Key Issue 3: Zone Boundaries

#### Overview

Provision(s)	Officer Recommendation(s)
Mapping	<ul style="list-style-type: none"> <li>• No large-scale spatial changes as a result of these submission points.</li> </ul>

#### Analysis of Submissions on Key Issue 3





### **Matters raised in submissions**

112. Te Hiku Community Board (S257.006) and others<sup>8</sup> request amendments to the planning maps to extend the MUZ in various locations, including Paihia township, Coopers Beach, Cable Bay and Doubtless Bay, Ahipara, Pukerenui and other serviced settlements.
113. Good Journey Limited (S82.003) seeks to retain the current extent of the MUZ from Ngati Kahu Road on the western edge of Taipa to the Oruaiti River in the east, covering the settlements of Taipa, Cable Bay, Coopers Beach, and Mangonui.
114. Jane E Johnston (S560.005 & S560.006) seeks to reduce the MUZ by half to three quarters, to enable high-density residential living without requiring commercial use. The submitter also requests changes to the zone's application, proposing non-contiguous areas established as nodes to encourage precincts of similar activities and improve travel flow and separation between nodes.
115. Adrian and Sue Knight (S325.003) and others (S188.004, S209.004, S252.004, S393.004, S534.004 & S535.005) oppose the MUZ boundary for Kerikeri and propose several amendments, including:
  - a. Revising the MUZ boundary in Kerikeri town centre to reflect existing commercial activities and establish logical zoning for business development.
  - b. Rezoning land along Kerikeri Road and at Redwoods to a Commercial or MUZ to support tourism and horticulture-based commercial activities.
  - c. If rezoning is not approved, requesting an overlay, precinct, or other modifications to zoning provisions to enable these activities.

### **Analysis**

The MUZ in the PDP was largely a rollover of the commercial zone in the Operative District Plan. Targeted areas were upzoned or re zoned mixed use in the PDP as a result of the studies undertaken by BERL in 2015 and 2017<sup>9</sup> and a further land demand tool that identified the 10 year forecasted requirements for additional commercial land. This tool did not take into account the latent capacity of the existing commercially zoned sites. It was considered that to a large degree, the latent capacity would be able to cater for demand in most areas. This work was the primary evidence used to inform the supply and location of business zoned land in the PDP. Further work will be undertaken for these areas as part of both the district wide and place based spatial planning projects. Additionally,

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<sup>8</sup> S330.006, S357.006, S358.006, S464.017, S472.006, S485.018, S541.016, S519.018, S543.017, S547.017

<sup>9</sup> Section 4.2 of Urban Environment s32 report, Page 16



where the HBA<sup>10</sup> indicates deficiencies the district wide strategy will look closely at these areas.

116. Broad submissions were received around the spatial application of the MUZ in various parts of the district. I will briefly comment to the metrics of the MUZ based on the various locations.
117. Submitters seek a greater area of MUZ is sought for Coopers Beach, Cable Bay / Doubtless Bay area. Stating that the zone will encourage more activation of this area and allow a wider range of housing options. Additional demand for mixed use land has not been identified in this area. In my opinion, the multi-unit development rule in the GRZ allows for a wider range of housing options in these locations.
118. At the time the PDP was being prepared, it did not identify additional medium or long-term demand for commercial land for Ahipara, Pukenui, Paihia and other serviced settlements. I have no further evidence to suggest otherwise at this time.
119. In response to the submission of Jane E Johnstone, as indicated above, I am recommending the introduction of a Medium Density Residential Zone, where the HBA has predicted demand for this type of housing in the long term, that is Kerikeri. This is somewhat in line with the request for a high-density residential zone. I note that the MUZ throughout the district does allow residential uses, but also that changes are also proposed as to how residential uses are accommodated in the MUZ in Key Issue 20 below.
120. For Kerikeri, earlier studies had identified additional long-term demand for commercial land for Kerikeri-Waipapa. The response in the PDP was more MU zoning in Kerikeri and Waipapa on sites that we contiguous with the existing MU zoned land and serviced or planned to be serviced with development infrastructure.
121. Extending the MU zoning along Kerikeri road to the South, would create linear commercial development. Linear or ribbon development can be detrimental to the 'well-functioning' of towns for reasons such as traffic congestion, lack of community hub and increased infrastructure costs, as examples. The rezoning of land at Redwoods would create an isolated pocket of MU zoning on land that is not serviced or planned to be serviced by development infrastructure. Zoning is not about reflecting existing uses but establishing an appropriate zoning framework moving forward. Existing approved resource consents appear to be appropriately managing the uses in this location.

## **Recommendation**

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<sup>10</sup> Housing and Business development capacity assessment, Far North District Council, Market Economics, dated July 2024. [HBA Report FINAL.pdf](#)



122. For reasons stated above, I recommend that submissions seeking amendments to the Mixed Use Zone boundaries are rejected, with the exception of Adrian and Sue Knight (S325.003) and others (S188.004, S209.004, S252.004, S393.004, S534.004 & S535.005) whose submissions are accepted in part, with the introduction of a Town Centre Zone in Kerikeri evaluated in Key Issue 1 above. I note that site-specific requests for rezoning of land from or to Mixed Use Zone will be addressed in the rezoning hearings (Hearing 15C and 15D).

### Section 32AA

123. No change to the provisions is recommended at this stage. On this basis, no evaluation under Section 32AA is required.

## 4.2.4 Key Issue 4: Definitions

### Overview

Provision(s)	Officer Recommendation(s)
Residential Activity	<ul style="list-style-type: none"> <li>Retain as notified</li> </ul>
Visitor Accommodation	<ul style="list-style-type: none"> <li>Retain as notified</li> </ul>
Supported Residential Care	<ul style="list-style-type: none"> <li>Retain as notified</li> </ul>
Large Format Retail	<ul style="list-style-type: none"> <li>Retain as notified</li> </ul>
Drive-through Activities	<ul style="list-style-type: none"> <li>Insert definition</li> </ul>
Commercial Activity	<ul style="list-style-type: none"> <li>Retain as notified</li> </ul>
Trade Supplier	<ul style="list-style-type: none"> <li>Amendments to definition</li> </ul>
Light Industrial Activities	<ul style="list-style-type: none"> <li>Insert new definition</li> </ul>

### Analysis of Submissions on Key Issue 4

#### Matters raised in submissions

##### *Residential Activity*

124. Department of Corrections (S158.005) supports and requests to retain the definition of *Residential Activity*. Te Rūnanga o Whaingaroa, Te Runanga o Ngai Takoto Trust and Te Rūnanga Ā Iwi O Ngapuhi (S486.032, S390.022 & S498.023), also support the definition but propose amendments to include Social Housing and Emergency Housing to better address whānau and hapū housing needs.



125. Waitangi Limited (S503.003) requests an amendment to the definition of *Residential Unit* to explicitly exclude motels. Additionally, the submitter seeks a revision of *Residential Activity* and related rules to exclude motels and similar activities, with amendments to the *Visitor Accommodation* rule to clarify distinctions between hotels and motels.

#### *Supported Residential Care*

126. Department of Corrections (S158.013) is neutral towards the GRZ but requests the removal of the reference to *Supported Residential Care Activity*. If the definition is retained, the submitter seeks to keep the corresponding land use activity rule.

#### *Household*

127. Department of Corrections (S158.002) opposes the definition but supports the National Planning Standards and PDP's definitions for *Residential Activity* and *Residential Unit*. The submitter notes that *Residential Unit* refers to a *Household*, which is not defined in the PDP, and requests clarity that a household is not limited to a family or flatting arrangement. The submitter proposes a new definition for *Household* to include individuals or groups living together, whether related or providing care and support, as follows:

##### "Household

Means a person or group of people who live together as a unit whether or not:

- a. Any or all of them are members of the same family; or
- b. One or more members of the group (whether or not they are paid) provides day-to-day care, support and supervision to any other member(s) of the group."

#### *Drive-through Activity*

128. McDonalds Restaurants (NZ) Limited (S385.004) proposes the inclusion of a new definition for *Drive-through Activity*, no wording for a definition was included in the submission.

#### *Food and Beverage Activity / Retail Activities*

129. McDonalds Restaurants (NZ) (S385.019 & S385.032) requests the addition of definitions for *Retail Activities* and *Food and Beverage* to provide clarity within the planning framework.
130. Ngā Tai Ora – Public health Northland (S516.015) and McDonald's Restaurants (NZ) Limited (S385.033) propose adding a definition for *Food and Beverage Activity*, with Ngā Tai Ora providing specific wording for its inclusion:



*"Activities where the primary business is selling food or beverages. Includes restaurants and cafes, food halls; and takeaway food bars and bakeries. Excludes retail shops; and grocery stores."*

#### *Commercial Activities*

131. Z Energy Limited (S335.029) and others (S336.001) support the definition of *Commercial Activities* and request that it remains unchanged.
132. FRN Properties Limited (S437.003) partially supports the definition of *Commercial Activities* but considers it vague, potentially leading to interpretation issues. The submitter requests a more precise definition that clearly outlines the activities included.
133. Archibald Northland Limited (S79.001) supports in part the definition for *Commercial Services* and requests the inclusion of *car sales* in the list of specified activities.

#### *Large format retail/ Trade Supplier*

134. Bunnings Limited and McDonalds Restaurants (NZ) Limited (S371.007 & S385.003) seek amendments to the definition of Large Format Retail. Bunnings requests the removal of reference to Gross Floor Area and the explicit exclusion of Trade Suppliers, while McDonalds seeks to remove Gross Floor Area reference and redefine the term to align with retail activities the Council aims to capture.
135. Bunnings Limited (S371.004) seek amendments to the definition of Trade Supplier as follows:

#### *"Trade Supplier*

*Means a business that involves the sale of wholesale goods to businesses, as well as ~~limited~~ retail sales to the general public, and sell supplies which fall into the following categories:*

- 1. Automotive and/or marine ~~suppliers~~ supplies*
- 2. Building suppliers;*
- 3. Catering equipment suppliers;*
- 4. Farming and agricultural suppliers;*
- 5. Garden and patio ~~landscaping~~ landscape suppliers;*
- 6. Hire services (except hire or loan of books, videos, DVDs and other similar home entertainment items);*
- 7. Industrial clothing and safety equipment suppliers; ~~and~~*



8. *Office furniture, equipment and system supplies; and*

9. *Home improvement supplies*”

#### *Light Industrial Activities*

136. Ngawha Generation Limited (S432.003 & S432.004) opposes the current definitions, noting the absence of a specific definition for Light Industrial Activities and Heavy Industrial Activities. The submitter requests the inclusion of new definitions to explicitly cover activities related to renewable electricity, including construction, operation and maintenance.

#### *Heavy industrial Activities*

137. Mainfreight Limited (S509.001) requests the inclusion of a new definition for Heavy Industrial Activities, specifying that such activities are considered noxious and result in significant discharges to air, land, or water, or have similar environmental impacts.

### **Analysis**

#### *Residential Activity*

138. Residential activity is a National Planning Standards definition as follows:
- "means the use of land and building(s) for people's living accommodation."*
139. I consider it unnecessary to amend the definition to include social housing and emergency housing as this defined term is sufficiently broad and would include those matters.
140. With regard to the request from Waitangi Limited to amend the definition of residential unit to include the words 'one household' so that motels are excluded, is not necessary. In my opinion, the definition is sufficiently clear that it does not include motels. Visitor accommodation means *"means land and/or buildings used for accommodating visitors, subject to a tariff being paid, and includes any ancillary activities ."*
141. I find the visitor accommodation definition also clear in that it specifically includes motels and hotels though the use of the words "tariff to be paid".

#### *Supported Residential Care*

142. I consider that the definition of supported residential care should remain in the PDP. This term is referred to in several chapters and has associated rules. This type of activity may have different effects. The rules are recommended to be retained.

#### *Household*

143. Department of Corrections states that a definition of *Household* is necessary to be clear that a household is not limited to a family or flatting



arrangement. I consider that a definition of Household is not necessary, the definition proposed by Department of Corrections contains additional and superfluous matters. If necessary, the use of the dictionary definition of household is sufficient for plan users.

#### *Commercial activities*

144. The definition of commercial activities in the PDP is a National Planning Standards definition. The National Planning Standards directs that where terms in the definition list are used in a plan, and the term is used in the same context, the local authority must use the definition as defined. However, they may define terms that are a subcategory of, or have a narrower application.
145. In response to FNR Properties submission point, commercial activities is a National Planning Standards definition and cannot be changed. This defined term is used throughout the PDP and specific activities have been defined separately where necessary. Otherwise, I consider commercial activities to be clear in its application.
146. In response to Archibald Northland Limited, in my opinion car sales are clearly included within the definition of commercial activity, as cars are considered goods as they are tangible items that can be brought, sold and traded.
147. In response to Ngā Tai Ora – Public health Northland and McDonald's Restaurants (NZ) Limited consider food and beverage activity and retail activities are clearly and sufficiently covered by the definition of commercial activity.
148. I recommend that no amendments to the definition of commercial activity be made and that it is retained as notified.

#### *Trade Supplier*

149. Bunnings Limited requests several amendments to the definition of Trade supplier. Bunnings and other contemporary home improvement type stores, such as Mitre 10, include a component of Trade retail to the general public and often café type facilities. I agree that home improvement type stores could best fit within this definition, it is still important to reflect that the retail component should be limited in scale. Rules for 'Trade supplier' are included within the Light and Heavy Industrial Zones but an additional rule would be required for the MUZ. I note that the report recommends providing for LFR in the 'Waipapa control area', which is also consistent with the Spatial Plan. I support in part the amendments proposed by Bunnings.
150. I do not support changes to the definition of Large format retail. This definition is consistent throughout other second generation plans. The use of this definition and associated rules has been discussed in Key Issue 22: Mixed Use Zone - Rules and Key Issue 29: Light Industrial Zone - Rules.





#### *Drive-through Activity*

151. In response to McDonalds Restaurants (NZ) Limited's request to insert a new definition for Drive-through activity, I note that the term 'Drive-through' is used in the MUZ rules and additionally the term 'drive-thru' in the transport chapter.
152. Whangarei District Plan includes a definition for Drive-through facilities and states that the definition is included within the commercial activities definition group and means 'any part of any fast food or restaurant activity where the product is sold directly to the customer while in their vehicle.'
153. I consider the addition of a definition would add clarity to the plan, in the absence of suggested wording by McDonalds NZ, I consider the wording used in the Whangarei District Plan to be appropriate. With the inclusion of the word beverage to specifically accommodate drive through coffee facilities.

*"means any part of any fast food, beverage or restaurant activity where the product is sold directly to the customer while in their vehicle."*

#### *Light and Heavy Industrial Activities*

154. The National Planning Standards includes a definition of Industrial activity, which is used in the PDP. This definition lacks specificity and in my opinion could include those activities which may not be appropriate in a LIZ. I consider that to ensure complete clarity in the types of activities we anticipate in the LIZ and HIZ, the addition of a new definition for Light Industrial activities would be beneficial. This would then allow the introduction of a specific rule framework for Light Industrial activities.
155. In absence of wording for a definition for Light Industrial activities, I have looked to how this issue and subsequent definitions are dealt with in other second generation to plans. The following definition has been used in Gore PDP.

*Light Industrial activities means: "any manufacturing, processing, storage, logistics, repair or distribution activity that does not generate objectionable odour, dust or noise or elevated risk to people's health and safety. Light industrial activities include, but are not limited to, warehouse storage, automotive repairs, minor engineering and light manufacturing activities, product assembly."*

156. In looking to the Light Industrial rule framework, the use of this new definition and a subsequent permitted activity rule will clearly provide for the type of activities stated by Ngawha Generation Limited and Bunnings Limited. No new definition for Heavy Industrial Activities is recommended. The National Planning Standards definition of 'Industrial Activities' is used for Heavy Industrial Activities. In the Plan, Light Industrial activities and Industrial activities are treated differently with separate rules, this is clearly set out in the rules with appropriate exclusions.





157. The term Light Industrial activity is used throughout the plan in the applicable zone frameworks where this type of activity is given an activity status that is appropriate for the zone.

### Recommendation

158. For reasons stated above, I recommend that the above submissions seeking amendments to definitions are rejected (as set out in Appendix 2) with the exception of:

- a. Bunnings Limited submission requesting amendments to definition of Trade Supplier, which is accepted in part. The revised definition of Trade supplier is:

*"Means a business that involves the sale of wholesale goods to businesses, as well as limited retail sales to the general public, and sell supplies which fall into the following categories:*

- 1. Automotive and/or marine suppliers*
- 2. Building suppliers;*
- 3. Catering equipment suppliers;*
- 4. Farming and agricultural suppliers;*
- 5. Garden and patio landscape suppliers;*
- 6. Hire services (except hire or loan of books, videos, DVDs and other similar home entertainment items);*
- 7. Industrial clothing and safety equipment suppliers; and*
- 8. Office furniture, equipment and system suppliers; and*
- 9. Home improvement supplies."*

- b. McDonalds Restaurants submission seeking a new definition for "drive through facilities", which is accepted in part. The recommended definition is Drive-through activity:

*"means any part of any fast food, beverage or restaurant activity where the product is sold directly to the customer while in their vehicle."*

- c. Ngawha Generation submissions (S432.003 & S432.004) seeking insertion of a definition of 'Light Industrial activity'. The recommended new definition is:

*"any manufacturing, processing, storage, logistics, repair or distribution activity that does not generate objectionable odour, dust or noise or elevated risk to people's health and safety. Light industrial*



activities include, but are not limited to, warehouse storage, automotive repairs, minor engineering and light manufacturing activities, product assembly."

## Section 32AA

159. I consider the new definitions and amendments to definitions are appropriate to provide clarify the intent of the provisions, improve usability and certainty of the plan, and achieve consistency between various terms and definitions used in the PDP. The amendments and new definitions recommended above are expected to aid with interpretation, reducing time/cost/uncertainty for plan users and lead to more consistent outcomes. The recommended amendments are considered to be more appropriate in achieving the purpose of the RMA and the PDP objectives than the notified version of the PDP.

### 4.2.5 Key Issue 5: Plan Wide or Urban Wide Submissions

#### Overview

Provision(s)	Officer Recommendation(s)
GRZ-S4, MUZ-S4, LIZ-S4 and HIZ-S4 Setback from MHWS	Delete standard
GRZ-R1, MUZ-R1, LIZ-R1 and HIZ-R1 New buildings or structures, and extensions or alterations to existing buildings or structures	Amend to include relocated buildings and additional activity status. Other changes as per Appendix 1.
GRZ-S3, MUZ-S3, LIZ-S3, and HIZ-S3 Setback (excluding from MHWS or wetland, lake and river margins)	Amend to include a 3m setback from KiwiRail designation boundary Amend to insert additional matters of restricted discretion
GRZ-R6 Educational facility	Amend to include a restricted discretionary pathway
LIZ-RXX Trades Training	New permitted rule
HIZ-RY Trades training	New Discretionary Rule
GRZ-R2 Impermeable surface coverage, MUZ-S10 Coverage,	Minor amendment to include downstream sites other changes as per Appendix 1



Provision(s)	Officer Recommendation(s)
LIZ-S8 Coverage and HIZ-S8 Coverage	

## Analysis of Submissions on Key Issue 5

### Matters raised in submissions

#### *Airbnb*

160. Airbnb (S214.001, S214.006, S214.007 & S214.008) request consistent provisions for visitor accommodation across all the PDP zones. More specifically, Airbnb request a permitted activity threshold of ten guests per nights and a restricted discretionary activity status where compliance with this standard is not achieved.

#### *John Andrew Riddell*

161. John Andrew Riddell (S431.121, S431.122, S431.127, S431.128, S431.129) request that all MHWS setback rules in the Urban zones should be amended so that any building or structure less than 20 metres back from the coastal marine area, or from river and backs, has a non-complying activity status, on the grounds the amendment is necessary to achieve the purpose of the RMA.

#### *Heavy Haulage Association Inc*

162. Heavy Haulage Assoc Inc (S482.001, S482.006, S482.007 & S482.008) requests amendments to R1 in the urban zones to provide for relocated buildings as a permitted activity subject to compliance with specific performance standards and a restricted discretionary status when these standards are not complied with. Heavy haulage Assoc Inc consider that the definition for "*building*" in the PDP does not clearly include relocated buildings and that the separate definition of "*relocated buildings*" in the PDP appears to create a distinction between these two types of buildings. On this basis, the submitter considers that it is unclear whether the permitted activity rules in most zones for "*new buildings and structures*." also apply to relocated buildings. Heavy haulage Assoc Inc considers that district plan provisions controlling newly constructed building and relocated buildings should be the same as the effects are essentially the same, noting this was the conclusion of the Environment Court in *New Zealand Heavy Haulage Association Inc v The Central Otago District Council* [C45/2004].

#### *KiwiRail*

163. KiwiRail (S416.057, S416.062, S416.063 & S416.064) request the inclusion of new matters of discretion in the urban zones setback standards to ensure plan users consider relevant health and safety matters and the efficient operation of the rail network when infringing their requested 5m rail corridor setback. For example, the matters of



discretion that KiwiRail request to insert in GRZ-S3, MUZ-S3, LIZ-S3 and HIZ-S3, are as follows:

*"The location and design of the building as it relates to the ability to safely use, access and maintain buildings without requiring access on, above or over the rail corridor."*

*"The safe and efficient operation of the rail network."*

164. To support the requested setbacks, KiwiRail (S416.046, S416.050, S416.051 & S416.052) requests amendments to GRZ-P8, MUZ-P8, LIZ-P6 & HIZ-P7 to provide for the consideration of setbacks to the railway corridor. These amendments request the insertion of an additional matter into the 'consideration' policy of each zone as follows: *"the location and design of buildings adjacent to the railway corridor."*

#### *Transpower*

165. Transpower New Zealand Ltd (S454.106) and others<sup>11</sup> submissions from Transpower request new provisions within the urban zones, to ensure critical infrastructure, such as transmission facilities, are provided for.

#### *FENZ*

166. FENZ (S512.049, S512.054, S512.055 & S512.056) requests a new permitted activity rule for emergency service facilities and for these activities to be exempt from standards relating to setback distances and vehicle crossings. FENZ note that fire stations are currently located in a range of zones in the Far North District and that the PDP currently only includes rules for emergency service facilities in some zones with different activity status. FENZ considers that emergency service facilities should be provided for as permitted activities across all zones in the PDP to ensure new fire stations can be efficiently developed as appropriate. This is a plan-wide request from FENZ with multiple submission points on the PDP seeking the same relief.
167. Six submissions from FENZ (S512.095, S512.096, S512.101, S512.102 & S512.103) also seek a new permitted activity condition and/or matter of discretion to be added to Rule R1 across all zones on infrastructure servicing, including emergency response transport/access and adequate water supply for firefighting. FENZ acknowledge that some PDP zones include provisions relating to providing appropriate infrastructure servicing and that NH-R5 in the Natural Hazard chapter requires adequate firefighting water supply for *'vulnerable activities.'* However, FENZ consider that an additional standard on infrastructure servicing for emergency response/firefighting water supply within all individual zone chapters may be beneficial.

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<sup>11</sup> S454.107, S454.116, S454.117, S454.118, S454.119, S454.120, S454.121,



168. Four submissions from FENZ (S512.072, S512.077, S512.078 & S512.079) have sought the insertion of an advice note within the Setback Standard to explain that building setback requirements are further controlled by the Building Code, including the provision for firefighter access to buildings and egress from buildings.
169. FENZ (S512.093) supports GRZ-S6 in part, recognizing that firefighting access requirements are managed through the New Zealand Building Code (NZBC). However, they emphasize the importance of ensuring plan users are made aware of these controls during the resource consent process, allowing for their incorporation early in the building design phase. The submitter requests the insertion of an advice note into the standard to address this consideration.
170. FENZ (S512.041) supports GRZ-R9 in part, advocating for the inclusion of specific references to emergency response access and infrastructure servicing. The submitter requests amendments to the rule to reflect these considerations:

*"Matters of discretion are restricted to:*

*a. the effects on the neighbourhood character, residential amenity and the surrounding residential area from all of the following.*

*d. Building intensity, scale, location, form and appearance*

*e. Location and design of parking and access (including emergency response access)*

*f. Location of outdoor living spaces in relation to neighbouring site*

*g. Infrastructure servicing (including adequate firefighting water supplies complaint with SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice).*"

*Ministry of education*

171. MOE (S331.062, S331.087 & S331.088) support various PDP objectives and policies across the urban zones on the basis that they provide for activities compatible with the role and function of those zones. These include support for GRZ-O3, HIZ-O1 and HIZ-P3.
172. Eleven<sup>12</sup> MOE submissions also seek various amendments to provisions across the urban zones to support educational facilities in those zones. These amendments consist of amending:

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<sup>12</sup> S331.063, S331.064 S331.079, S331.080, S331.081, S331.082, S331.083, S331.084, S331.085, S331.086 & S331.089



GRZ-P4

*"Enable non-residential activities that...*

*a. Are of residential scale expected in the General Residential zone;..."*

GRZ-R6 as follows or the complete deletion of the rule:

*"PER-2*

*The number of students attending at one time does not exceed 30 ~~four~~, excluding those who reside onsite.*

*Activity status where compliance not achieved with PER-1 or PER-2: Restricted ~~D~~ discretionary.*

*Matters of discretion are restricted to:*

- *Design and layout*
- *Transport safety and efficiency*
- *Scale of activity and hours of operation*
- *Infrastructure servicing."*

MUZ-O1:

*"The Mixed use zone is the focal point for the Districts commercial, community and civic activities and provides for complementary and compatible residential development and non-residential activities which support the operation of the Mixed Use zone ~~where it complements and is not incompatible with these activities.~~"*

MUZ-P1:

*"enable a range of commercial, community, civic, ~~and~~ residential activities and non-residential activities in the Mixed use zone where:"*

MUZ-P7:

*"Consider the following effects when assessing applications to establish residential, ~~Early childhood~~, retirement and education facilities: ..."*

*'MUZ-R12 as follows or the complete deletion of the rule:*

*"Activity status: ~~Restricted-Discretionary~~ Permitted*

*Where*

*PER-1*



*Educational facilities established after 27 July 2022 comply with standard:  
NOISE-S5 Noise Insulation*

*Activity status where compliance not achieved in PER-1: Restricted  
Discretionary*

*Matters of discretion are restricted to:*

- a) the matters of discretion of the infringed standard.*
- b) traffic generation, safety and access;*
- c) provision of parking; and*
- d) consideration of reverse sensitivity effects.*

*Activity status where compliance not achieved: Not applicable"*

*LIZ-O5:*

*"The Light Industrial zone accommodates a limited range of commercial activities which either support light industrial activities, have an operational need to be located within the zone or are not anticipated in the ~~Mixed-Use~~ Light Industrial zone."*

*LIZ-P3:*

*"Avoid the establishment of activities that do not support the function and operation of the Light Industrial zone, including...*

- e. childcare centres; and..."*

*LIZ-P4*

*"Allow commercial activities in the Light Industrial zone that: ...*

- b. Have an operational need to be located in the Light Industrial zone; or"*

*LIZ-R19*

*"Educational facility excluding childcare centres*

*Activity status: ~~Non-complying~~ Restricted Discretionary Matters of discretion are restricted to:*

- Reverse sensitivity effects*
- Compatibility of the education activity within the zone*
- Design and layout..."*



HIZ-R14:

*"Educational facility (excluding childcare services) Activity status: ~~Non-complying~~ Discretionary"*

*Trent Simpkin and Tristan Simpkin*

173. Trent Simpkin and Tristan Simpkin (S283.006, S283.013, S283.017, S283.041 & S287.006) requests that rules in relation to impermeable surface coverage in urban zones are amended to increase the maximum impermeable surface coverage to be based on the size of lots. The submitter also seeks to amend these rules to add a new permitted activity condition which would state that if a TP10 report is provided by an engineer the activity is permitted. The submitter considers that the impermeable surfaces rule is frequently not complied with in home design due to low thresholds, necessitating many homes to still seek resource consent. The submitter notes that all activities breaching impermeable surface rules require a TP10/Stormwater report and therefore considers that if this is provided it should not need to go through the resource consent process.
174. Trent Simpkin (S283.006) also requests a 10m 'no setback' on any boundary. Stating that this was a handy rule as residential sites often have retaining walls taking surcharge.

*Puketotara Lodge*

175. Puketotara Lodge (S481.002) seek to ensure the effects of stormwater discharge are adequately controlled, particularly between sites and adjacent sites. To achieve this, Puketotara Lodge requests matters of discretion point c. of rule R2 in urban zones is amended as follows:
  - c. *"the availability of land for disposal of effluent and stormwater on the site without adverse effects on ~~adjoining~~ adjacent waterbodies (including groundwater and aquifers) or on ~~adjoining~~ adjacent sites;"*
176. To further achieve the relief sought, Puketotara Lodge (S481.002 & S481.007) request three additional matters of discretion relating to stormwater management are added to the relevant impermeable surface rule in all zones. Puketotara Lodge note the absence of a specific "stormwater management" rule in the PDP despite there being one in the Operative Plan. To address this perceived gap, the additional matters of discretion requested by Puketotara Lodge are as follows:
  - a. *"Avoiding nuisance or damage to adjacent or downstream properties;"*
  - b. *The extent to which the diversion and discharge maintains pre-development stormwater run-off flows and volumes; and*





- c. *The extent to which the diversion and discharge mimics natural run-off patterns."*

#### *Camping grounds*

177. Six submissions from the Motor Caravan Association (S438.012, S438.013, S438.014, S438.015, S438.018 & S438.019) propose amendments to the GRZ and LIZ rules, advocating for camping grounds to be classified as a discretionary activity. Some submissions specifically request rules for camping sites to accommodate six or more guests, as a discretionary activity, with certain proposals including a conditional activity status for such sites.

#### *FNDC*

178. FNDC (S368.066, S368.070, S368.071 and S368.072) supports GRZ-R1, MUZ -R1, LIZ -R1 and HIZ-R1 in part but raises concerns with the rule as currently drafted. FNDC considers that, non-compliance with this rule as notified would become a discretionary activity which was not the intent if the activity itself is permitted, controlled or restricted discretionary. FNDC request that PER-1 of GRZ-R1, MUZ -R1 , LIZ -R1 and HIZ-R1 is amended to also include buildings or structures that will accommodate controlled and/or restricted discretionary activities in addition to permitted activities.
179. FNDC (S368.095, S368.096 & S368.097) partially supports MUZ-S9, LIZ-S7 and HIZ-S7, identifying a typo in the standard. The submitter requests amendments to each standard to correct the error:

*"Side Site boundaries that adjoin any zone other than Mixed Use, Light Industrial or Heavy Industrial zones must..."*

180. FNDC (S368.019, S368.020 & S368.021) partially supports GRZ-P2, LIZ-P2 and HIZ-P2 and seeks amendments to correct a minor grammatical issue in point d of each policy:

*"... d. potable water and stormwater where they are ~~it is~~ available."*

#### *RNZ*

181. RNZ (S489.039 & S489.041) supports 'Notes' in part, acknowledging that part of the zone is within 1,000m of RNZ's facilities and proposing the insertion of an additional note.

*"There is a risk that significant tall structures (ie. Higher than 40m) within 1,000m of Radio New Zealand's Facilities at Waipapakauri or Ōhaeawai, could present a safety risk from electro magnetic coupling. Developers of such structures should consult with Radio New Zealand at the planning stage to ensure such risks are avoided."*

### **Analysis**



*Airbnb*

182. I do not consider it appropriate to have a blanket consistent rule across all zones for visitor accommodation, considering the different context, and different outcomes anticipated for each zone, and compatibility between visitor accommodation and other activities anticipated within each zone.
183. Specifically in relation to the Urban zones, I consider that the visitor accommodation rules are appropriate for the outcomes sought in each of the zones. The Visitor accommodation rules in the GRZ allow for a permitted activity threshold of six persons per night, but the activity status for larger operations is discretionary. I support the permitted threshold being six as the GRZ is an urban environment compared to the permitted threshold in the rural zones of 10. Further I support an activity status of discretionary for larger accommodation operations as the potential adverse effects of these activities can vary significantly depending on the type and scale of accommodation proposed and the range of facilities associated with that accommodation. Visitor accommodation in the Mixed use is permitted with no threshold provided if it is above ground (outside the Pedestrian frontage overlay Restricted discretionary activity at ground floor) and complies with the noise insulation standard.
184. In the Light and Heavy industrial zones visitor accommodation is a non-complying activity, which is appropriate in my opinion for zones that are focused on industrial activities and avoiding potential reverse sensitivity effects. I do not recommend any changes to either of these zones to make the PDP more permissive for visitor accommodation activities.

*John Andrew Riddell*

185. The submissions on S4 Setback from MHWS were considered in Key Issue 20 of the Coastal Environment section 42A report<sup>13</sup> The reporting officer for that topic did not recommend any amendments as a result of this submission but did recommend deleting all Standard 4 Setback from MHWS standards across all zone chapters, on the basis that the issue was best addressed in the Coastal environment chapter. As such, I recommend deletion of S4 in all urban zones.

*Heavy Haulage Association Inc*

186. As it has been discussed in other zone topic section 42A reports<sup>14</sup>, I consider that the definition of 'building' in the PDP already covers relocated buildings, even if the words 'relocated buildings' is not used in the definition. As such, I do not recommend the insertion of a specific rule for relocated buildings. However, I also agree with the other reporting officers that existing R1 rules in each of the urban zones can provide

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<sup>13</sup> Coastal Environment s42A report, paragraph 494 for specific analysis of John Andrew Riddell's submission points.

<sup>14</sup> For example, in paragraphs 62-68 of section 42A report for Motuaroa Island, prepared by Kenton Baxter, dated 20 May 2024. These paragraphs provide a more detailed explanation for this position.



additional clarity by amending the description to include specific reference to relocated buildings.

*KiwiRail*

187. I understand the potential safety concerns that KiwiRail have raised with respect to the proximity of buildings and structures to the rail corridor. I agree that it is difficult to maintain buildings and structures (e.g. clean, paint, repair) without sufficient clearance between the structure and the rail corridor boundary. However, I am not convinced that a 5m setback is required to provide that clearance – from a practical perspective I consider that most maintenance tasks would be able to be completed with a smaller 2-3m space between the building/structure and the rail corridor boundary.

188. The notified setback rules in the urban zones are as follows:

- GRZ-S3: 1.2m from all site boundaries and 3m from a road boundary.
- MUZ-S3 and LIZ-S3: 3m from all site boundaries zoned General Residential, Rural Residential, Rural Lifestyle, Māori Purpose – Urban, Open Space, Natural Open Space or Sport and Recreation.
- HIZ-S3: 10m from all site boundaries, except that a minimum of 5m applies from any site in the Light Industrial Zone.

189. In my opinion, 3m is sufficient to undertake all of the maintenance activities of concern to KiwiRail without necessitating landowners entering the rail corridor. As such, I do not consider that a specific 5m setback from the rail corridor is required in these zones.

190. With respect to the GRZ, I consider that 1.2m may not be sufficiently wide enough to provide space for maintenance activities and that a 3m rail corridor setback (measured from the boundary of the KiwiRail designation KRH) is appropriate to match the setbacks across other urban zones. This change will have a small impact on the GR zoned land in Kawakawa and Kaikohe adjoining or bisected by the rail corridor and is not considered to be a significant change for those properties.

191. For the LIZ and MUZ, I consider that the setback standard in its current drafting does not provide for a setback from the KiwiRail designation. I recommend the addition of wording to MUZ-S3, LIZ-S3 and HIZ-S3 to include at least a 3m setback from the KHR designation boundary. I recommend that GRZ-S3 (setbacks) is amended to include a 3m setback from the KiwiRail designation as follows:

*"The building or structure, or extension or alteration to an existing building or structure must be set back at least 1.2m from all site boundaries, except that:*



*1. the setback must be at least 3m measured from a road boundary; and*

*2. for a boundary adjoining a rail corridor, the setback must be at least 3m from the KHR designation boundary."*

192. For the MUZ I recommend and addition to MUZ-S3 to include any KHR Designation boundary as follows:

*"The building or structure, or extension or alteration to an existing building or structure must be setback at least 3m from the boundary of any site zoned General Residential, Rural Residential, Rural Lifestyle, Māori Purpose - Urban, Open Space, Natural Open Space, Sport and Active Recreation or any KHR designation boundary"*

193. For the LIZ I recommend and addition to LIZ-S3 and HIZ-S3 to include any KHR Designation boundary as follows:

*"The building or structure, or extension or alteration to an existing building or structure must be setback at least 3m from the KHR designation boundary of any rail corridor or boundary of any site zoned General Residential, Rural-Residential, Māori Purpose, Open Space, Natural Open Space, or Sport and Active Recreation."*

194. However, I agree with KiwiRail that the matters of discretion for non-compliance with these setbacks are generic and do not address potential health and safety issues or operational issues related to the rail corridor. As such, I agree with the submitter that the inclusion of the additional matters of discretion will ensure that rail corridor safety matters can be appropriately addressed when resource consent is required due to an infringement of a site boundary setback.

#### *Transpower*

195. Since making their submission, Transpower has contacted Council to advise that they no longer wish to pursue the submission points seeking changes to the zone chapters to recognise transmission facilities, including submission S454.106, S454.107, S454.116, S454.117, S454.118, S454.119, S454.120 S454.121. Transpower understands that the Infrastructure Chapter of the PDP provides the provisions for Infrastructure (and for protection of Infrastructure) on a district-wide basis, therefore no changes to the zone provisions are necessary.

#### *FENZ*

196. In terms of the submission from FENZ seeking a permitted activity rule for emergency service facilities in the Urban zones, I note that the PDP:

- Defines an emergency service facility as "means fire stations, ambulance stations, police stations and associated ancillary facilities". The relief sought from FENZ is therefore broader than



the development of fire stations which is the key focus of their submission point.

- Enables emergency service facilities to be established as a permitted activity in certain zones.

197. Under the notified rules, an emergency service facility is a permitted activity in the MU and LI zones. An emergency service facility would require resource consent as a Discretionary activity in the HIZ and GRZ. In my opinion, the activity status in the HIZ is appropriate as this zone is intended to provide for industrial activities and emergency service facilities are not or consistent with the primary purpose of the zone. Similarly for the GRZ, residential activities are anticipated and the significant vehicle movements (including large vehicles particularly on residential streets), the use of sirens and other matters arising from the operation of emergency services are likely to generate significant adverse effects on adjoining parties and should not be permitted activities. The location of these facilities within the MUZ or LIZ is a more appropriate location in my opinion as these zones are more appropriate environments for the activities. Accordingly, I recommend that submission points (S512.049, S512.054, S512.055 & S512.056) from FENZ are rejected.
198. In terms of the submission from FENZ requesting a new standard for infrastructure servicing for emergency response transport/access and water supply for firefighting, I consider that this relief is already adequately, and most efficiently, addressed through the following district-wide provisions in the PDP:
- a. Rule NH-R5 and NH-R6 (Wildfire) in the natural hazard chapter which includes specific requirement for new buildings and alternations to existing buildings used for a vulnerable activity to have water supply for firefighting purposes that complies with SNZ PAS 4509:2008 New Zealand Fire Fighting Water Supplies Code of Practice.
  - b. Rule TRAN-R2 (vehicle crossing and access, including private accessways) in the Transport chapter which includes a permitted activity standard for vehicle crossings a note directs plan users to refer to the building code with respect to emergency responder access.
199. I acknowledge that it is important for plan users to be aware of and refer to the applicable controls within the Building Code to ensure compliance can be achieved at the building consent stage. However, I am not aware of any specific examples of resource consents that have been issued for building setback infringements, that lead to non-compliance with building code requirements for firefighter access to buildings and egress from buildings.



200. I do not support the requested change because:
- a. there are a number of different pieces of legislation and standards outside of the District Plan that apply to a range of activities, that the District Plan does not include advice notes for all of these different pieces of legislation. To do so would be inefficient and cumbersome.
  - b. the plan format, which complies with the National Planning Standards, seeks to avoid the use of advice notes within rules or standards wherever possible.
  - c. there are other, more efficient methods to advise applicants of the Building Code requirements during resource consent preparation (for example, pre-application advice).

*Ministry of education*

201. I acknowledge the support from MOE for the various objectives and policies that they support across a range of urban zones and note the desire for clearer policy level direction to support educational facilities in all urban zones at a much larger scale than currently provided for. While I understand the rationale for this request, in my opinion it needs to be balanced against the purpose of each urban zone and what outcomes each zone is trying to achieve. Although I agree with MOE that Council has an obligation under the NPS-UD to ensure sufficient additional infrastructure (which includes social infrastructure like schools) is provided in the Far North district to service development capacity. I do not agree that this means that all educational facilities of all scales are appropriate in all urban zones.
202. The PDP attempts to direct larger-scale educational facilities away from the residential environment to reduce the potential for reverse sensitivity effects with the exception to this is small-scale educational facilities of up to 4 students (permitted under GRZ-R6), which allows for small group lessons, group home schooling activities or in-home childcare, all of which need to be inside residential units, minor units or accessory buildings. I consider that the reserve sensitivity risk does increase significantly compared to a standard residential activity if the number of permitted students increased to 30, as requested in the MOE submission.
203. However, I agree with MOE that the potential adverse effects of larger educational facilities are well known and that a restricted discretionary activity with appropriately targeted matters may assist with better decision making than a full discretionary activity. A restricted discretionary activity acknowledges that communities do require educational facilities in close proximity to where people live, but that the location and scale of the facility needs to be managed through the resource consent process. I largely agree with the suggested list of matters put forward in the MOE submission. I have recommended amendments to GRZ-R6 to this effect below.



204. The MUZ largely anticipates commercial activities, and educational facilities would largely be out of character, and I consider the Discretionary activity status is appropriate as notified.
205. The PDP directs larger-scale educational facilities away from the industrial environment (e.g. LIZ and HIZ) to reduce the potential for reverse sensitivity effects on industrial activities. Although, I do agree some training facilities such as forklift driver training may need to be located in industrial areas. Rather than the use of the defined term educational facility, I consider it appropriate to target the type of educational facility we would expect to see in the LIZ. I recommend the use of the term trades training, this would cover any trades-based education necessary. It is then appropriate that we use this term in the HIZ with a discretionary activity status. Minor changes are necessary to the objectives and policies for these zones to reflect these changes.
206. In terms of corresponding objective and policy support for the changes recommended above, I agree with some of the amendments sought by MOE as it aligns with my recommendations but disagree with the other points as follows:
- a. I disagree with the changes proposed to GRZ-P4 removing the term 'residential' from this policy weakens the intent of this policy for other activities. Minor changes have been recommended to this policy to reflect the planned environment.
  - b. I accept in part the wording changes proposed to MUZ-O1, I have recommended some changes to this policy which are referred to in Key Issue 18: Mixed Use Zone - Objectives
  - c. I disagree that the words 'non residential' should be included MUZ-P1 as it is unclear what non – residential activities could include or why its necessary. No changes are recommended as a result of this submission point.
  - d. I agree with changes to MUZ-P7 as the definition of educational facilities includes early childhood centres.
  - e. I disagree with the insertion of the words 'operational' into various objectives and policies as an alternative test to the 'functional' needs test. I note that the National Planning Standards define both 'functional need' and 'operational need' and the terms are used together extensively in national direction instruments (e.g. the NPS-IB and the NPS-HPL) to determine when certain activities such as infrastructure need to be located in, or traverse, particular environments. However, while using both of these tests is important in an infrastructure context, I consider that the operational test is too permissive to be used broadly in the industrial zones. I disagree with the changes proposed to LIZ-O5 and LIZ -P4. I consider changes to LIZ –P3 are appropriate to state





the exclusion of trades training and in part provides for the intent of the relief sought.

*Trent Simpkin and Tristan Simpkin*

207. In terms of the submissions from Trent and Tristan Simpkin raising general concerns with the PDP rules relating to impermeable surface coverage, these submissions provide no indication on what a “realistic” or appropriate threshold is for the urban zones based on lot sizes. The impermeable surface coverage standards for the urban environment have been largely rolled over from the ODP.
208. I also do not support the relief requested by Trent and Tristan Simpkin to provide an exemption to the impermeable surface coverage standards where an engineering report is provided confirming compliance with TP10. This would give considerable discretion to engineers, enabling them to effectively approve stormwater management design and devices without any Council oversight. It would also remove Council’s ability to consider alternatives to stormwater management mitigation and/or consider impacts on downstream properties, noting that managing off-site effects resulting from infringements of the standard is an important function of Council. I also note that TP10 has been superseded by Auckland Council’s ‘Stormwater Management Devices in the Auckland Region (GD01)’ which I understand is referenced in the Earthworks Chapter. Accordingly, I recommend that submission points from Trent and Tristan Simpkin are rejected.
209. In regard to Trent Simpkin’s submission point to provide for a 10m ‘no setback’ on any boundary. There is provision for this within GRZ-S2. The note states that this standard does not apply to:

*“..... v. A building or structure exceeding this standard for a maximum distance of 10m along any one boundary other than a road boundary, provided that the maximum height of any building or structure where it exceeds the standard is 2.7m.”*

*Puketotara Lodge*

210. I agree with the point raised by Puketotara Lodge that adverse stormwater effects can occur further downstream than the immediately adjoining properties. I understand that authors of other zone chapter section 42A reports have made minor amendments to the wording of matter c) to reflect this. As such, I recommend accepting in part the submissions of Puketotara Lodge with respect to the impermeable surface coverage rules in all urban zones and recommend that the following changes are made to matter c) in each coverage rule:

*c. "the availability of land for disposal of effluent and stormwater on the site without adverse effects on adjoining waterbodies (including groundwater and aquifers) or on adjoining sites or downstream sites"*





211. I do not agree with the other additional matters sought by Puketotara Lodge as I consider that these are adequately addressed by the above matters, particularly suggested matter c), which is now amended to refer to broader downstream effects. I also consider that the last two matters of discretion sought by Puketotara Lodge are potentially problematic to assess (e.g. maintaining pre-development stormwater flows, mimicking natural run-off patterns).
212. In my view, it is more important to focus on matters such as those covered in d) and e) to ensure all low impact design options are explored and that the overall catchment can accommodate the additional stormwater. This also ensures some consistency in wording across the relevant zone rules and standards relating to impermeable surface coverage. I therefore recommend this submission point is accepted in part.
213. Consideration has also been given to these matters for MUZ-S10, LIZ -S8 and HIZ-S8 for plan wide consistency with additional wording added as follows:

*“f.....without adverse effects on adjoining waterbodies (including groundwater and aquifers) on adjoining or downstream properties”*

#### *Camping grounds*

214. I note that if visitor accommodation activities are proposed at a larger scale than 4 guests per night or are in purpose-built buildings then consent would be required for a discretionary activity under GRZ-R4, which is the same activity status as camping grounds. Camping grounds would be a discretionary activity in the LIZ under LIZ-R9, Activities not otherwise listed in this chapter.

#### *FNDC*

215. I agree with FNDC that GRZ-R1, MUZ-R1, LIZ- R1 and HIZ-R1 as currently drafted does not account for buildings or structures required for controlled or restricted discretionary activities. I have recommended an amendment to remedy this issue, as set out in the recommendations below.
216. I recommend the minor errors in relation to FNDC submission points for MUZ-S9, LIZ-S7 and HIZ-S7 are accepted.
217. In relation to the submission points for wording changes to GRZ-P2, LIZ-P2 and HIZ-P2, these are supported in part as I have recommended amendments to these policies which make these points redundant.

#### *RNZ*

218. I appreciate that RNZ have raised some clear safety concerns relating to high structures being erected close to their two existing radio facilities.



219. However, given that RNZ know where their facilities are and have calculated the maximum safe heights for structures adjacent to the radio transmitters, I consider that the note is not necessary as there are no urban zones within 1,000m of the sites.

### Recommendation

220. For reasons stated above, I recommend that:
- a. Airbnb's submissions are rejected, and no changes are recommended as a result of these submission points.
  - b. John Andrew Riddell's submission is accepted in part and S4 is deleted from all urban zones as a result of these submission points.
  - c. Heavy Haulage Association Inc submission is accepted in part and Rules GRZ-R1, MUZ-R1, LIZ-R1 and HIZ-R1 are amended as follows:

***"New building or structure, relocated buildings or extension or alterations to existing buildings or structures***

*PER-1*

*The new building or structure, relocated building or extension or alteration....."*

221. KiwiRail's submission is accepted in part and Rule GRZ-S3, MUZ-S3, LIZ-S3, HIZ-S3 (setbacks) are amended to include a 3m setback from the KiwiRail designation as follows:

"The building or structure, or extension or alteration to an existing building or structure must be set back at least 1.2m from all site boundaries, except that:

1. the setback must be at least 3m measured from a road boundary; and

2. for a boundary adjoining a rail corridor, the setback must be at least 3m from the KHR designation boundary."

222. In addition, the following matters of discretion are inserted into the following setback standards GRZ-S3, MUZ-S3, LIZ-S3, and HIZ-S3

"a. The location and design of the building as it relates to the ability to safely use, access and maintain buildings without requiring access on, above or over the rail corridor.

b. The safe and efficient operation of the rail network."

223. Transpower's submission points are rejected and no changes recommended as a result of these submission points.



224. FENZ submissions are rejected and no changes recommended as a result of these submission points.
225. Ministry of Education's submission is accepted and Rule GRZ-R6 is amended so that non compliance with the permitted standards (PER-1 and PER-2) is a restricted discretionary activity.

GRZ-R6 Educational facility <sup>15</sup>		
General Residential zone	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The educational facility is within a residential unit or accessory building.</p> <p><b>PER-2</b> The number of students attending at one time does not exceed four, excluding those who reside onsite.</p>	<p><b>Activity status where compliance not achieved with PER-1 or PER-2: <u>Restricted Discretionary</u></b></p> <p><u>a. the character and appearance of the building(s)</u></p> <p><u>b. the siting of the building(s), decks and outdoor areas including parking relative to adjoining sites;</u></p> <p><u>c. whether the building(s) are visually dominant and create a loss of privacy for surrounding residential units and their associated outdoor areas;</u></p> <p><u>d. ability of the supporting roading network to cater for the additional vehicular and if applicable cycling and pedestrian traffic;</u></p> <p><u>e. servicing requirements and any constraints of the site;</u></p> <p><u>f. whether the location of the building(s) and educational facility activity could create reverse sensitivity effects on adjacent and surrounding residential activities;</u></p>

<sup>15</sup> S331.064

		<p><u>g. whether the layout of the development maintains the planned residential character of the surrounding area;</u></p> <p><u>h. any lighting or noise effects</u></p> <p><u>i. the frequency of the use, hours and days of operation and the number of people it can cater for; and</u></p> <p><u>j. any natural hazard affecting the site or surrounding area.</u></p>
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226. Ministry of Education's submissions are accepted in part, with a new term 'trades training', provided in the LIZ and HIZ rules, associated amendments to the objectives and policies (including LIZ-P3). Other Ministry of Education submissions are rejected with retention of MUZ-R11 and HIZ-R14 rules (applying Discretionary and noncomplying activity status to Educational Facilities) as notified.
227. Trent and Tristan Simpkin's submissions are rejected and no changes are recommended as a result of these submission points.
228. Puketotara Lodge's submission is accepted in part and matter of discretion c. in GRZ-R2, relating to impermeable site coverage is amended as follows:
- "c. the availability of land for disposal of effluent and stormwater on the site without adverse effects on adjoining waterbodies (including groundwater and aquifers) or on adjoining sites or downstream sites"*
229. I also recommend that matter of discretion f. in MUZ-S10, LIZ-S8 and HIZ-S8, relating to coverage are amended as follows:
- "f.....without adverse effects on adjoining waterbodies (including groundwater and aquifers) on adjoining or downstream properties."*
230. The submissions on camping grounds are rejected and no changes are recommended as a result of these submission points.
231. Far North District Council's submissions are accepted and rules GRZ-R1, MUZ-R1, LIZ- R1 and HIZ-R1 are amended to include additional wording to PER-1:



*"PER-1 (where applicable, words to the effect...'or controlled, or restricted discretionary')"*

232. Radio New Zealand's submission points are rejected and no changes are recommended as a result of these submission points.
233. I recommend that the submissions on the above submissions are accepted, accepted in part and rejected as set out in Appendix 2 to this report.

### **Section 32AA evaluation**

234. A Section 32AA evaluation for the proposed amendments is provided below:

#### *Effectiveness and efficiency*

- A number of the recommended amendments clarify the intent of the provisions or improve usability and certainty of the plan (e.g. inclusion of relocated buildings into rules).

#### *Costs/Benefits*

- The amendments, including a 3m setback from the Kiwrail designation boundary, do not result in significant additional costs to landowners or plan users, and will protect the rail corridor, to some extent, from potential reverse sensitivity effects.
- Amendments to activity status of several rules for certain activities, including trades training activities in the Light Industrial Zone, is generally consistent with the outcomes sought for the relevant zones.

#### *Risk of acting or not acting*

- There is limited risk in accepting the recommended amendments as the amendments are generally consistent with the overall intent of the urban zones framework.

#### *Decision about most appropriate option*

- The recommended amendments are considered to be more appropriate in achieving the purpose of the RMA and the PDP objectives than the notified version of the PDP.

## **4.2.6 Key Issue 6: Urban Design**

### **Overview**



Provision(s)	Officer Recommendation(s)
Multiple	<ul style="list-style-type: none"> <li>No changes as a result of these submission points</li> </ul>

## Analysis of Submissions on Key Issue 6

### Matters raised in submissions

235. Our Kerikeri Community Charitable Trust (S338.020) and others (S427.036, S449.027, S522.017, S522.040 & S529.026) request amendments to the MU rules to preserve local character by controlling building types, qualities, quantity, and design. Stating that the PDP should control the types, qualities and quantity of buildings occurring in towns such as Kerikeri. We need sensible design aesthetic in the new Mixed Use zone to preserve the character of the town.

### Analysis

236. Hearing 1, S42a report Strategic direction<sup>16</sup> states that this plan will not include specific urban design guidelines. The Kerikeri Waipapa Spatial Plan - Te Pātukurea - which was adopted by Council on the 18<sup>th</sup> of June 2025, sets out high level urban design principles. The Implementation plan for the Spatial Plan identifies a number of tasks, including refining those principles and the development of design guidance. Where appropriate and when developed, this design guidance can be incorporated into the Plan. This might include or inform structure planning and master planning. It is anticipated that further design work will be consulted on with the relevant stakeholders.
237. It is anticipated that spatial plans will be developed for other areas in the district which may also include urban design components in the future. Whether it is appropriate for these urban design components to be included into the plan will be considered at that time.
238. The MUZ bulk and location controls are the current mechanism to control building types, quality, quantity and design.
239. In coming to a recommendation on the introduction of a Town Centre Zone for Kerikeri, the existing character and amenity of the town centre, and its spatial extent was a key factor in developing its controls. These controls will seek to preserve local character by controlling building types, qualities, quantity, and design, to some extent. However, at this time there are no design guides available to incorporate into the PDP.

### Recommendation

240. For the reasons set out above, I recommend that the submissions from our Kerikeri Community Charitable Trust (S338.020) and others are

<sup>16</sup> Section 5.2.9 of Strategic Direction S42A report prepared by Tammy Wooster. Dated 29<sup>th</sup> April 2024. [S42A-Report-Strategic-Direction.pdf](#)



accepted in part (as set out in Appendix 2) insofar as the Town Centre Zone for Kerikeri will include some controls for building types, qualities and design, but that no Design Guidelines will be included in the PDP at this point in time.

### Section 32AA

241. No change to the provisions is recommended at this stage. On this basis, no evaluation under Section 32AA is required.

## 4.2.7 Key Issue 7: Infrastructure

### Overview

Provision(s)	Officer Recommendation(s)
GRZ-P2	<ul style="list-style-type: none"> <li>Amendments to policy GRZ-P2 to allow consideration of alternative telecommunication options</li> </ul>
MUZ-P2	<ul style="list-style-type: none"> <li>Amendments to policy GRZ-P2 to allow consideration of alternative telecommunication options</li> </ul>

### Analysis of Submissions on Key Issue 7

#### Matters raised in submissions

242. Kiwi Fresh Orange Company Limited (S554.015 & S554.018, S554.031) supports GRZ-O4, GRZ-P1 and MUZ-P1 in part, advocating for both the objective and policies to recognize alternative approaches to addressing infrastructure capacity shortages provided by the Council. The submitter requests amendments to reflect this perspective as follows:

#### *GRZ-O4*

*"Land use and subdivision in the General Residential zone is supported where there is adequacy and capacity of available, or programmed development infrastructure, or a private infrastructure solution."*

#### *GRZ-P1*

*"Enable land use and subdivision in the General Residential zone where...*

*...b. it is consistent with the scale, character and amenity anticipated in the residential environment; or*

*c. A private infrastructure solution exists."*

#### *MUZ-P1*



"... Iii. A private infrastructure solution."

*MUZ-O3*

243. Kiwi Fresh Orange Company Limited seeks to remove the word *development*, while another requests the inclusion of further details regarding *'...infrastructure or a private infrastructure solution...'*

*GRZ-P2*

244. Kiwi Fresh Orange Company Limited (S554.032) support MUZ-P2 in part, with one requesting the removal of the word *reticulated*.
245. Brad Hedger (S268.002) supports GRZ-P2, emphasizing that services should be connected where available and requesting that the policy be retained.
246. Kiwi Fresh Orange Company Limited (S554.019) supports in part GRZ-P2 and explains that the policy should also recognise alternative means to addressing shortages in infrastructure capacity provided by for Council. The submitter requests the following amendment to GRZ-P2:

*"Require all subdivision in the General Residential zone to provide the following ~~reticulated~~ services to the boundary of each lot..."*

247. Lynley Newport (S124.001) opposes GRZ-P2, arguing that the policy dictates how urban residents must receive services such as telecommunications, power, wastewater, water, and stormwater reticulation. The submitter requests an amendment to add an additional sentence to the policy:

*"~~Encourage~~ require all subdivision in the General Residential zone to provide the following reticulated services to the boundary of each lot: ...*

*...And where it is proposed to rely on alternatives to the reticulated services outlined above, the alternative shall be capable of providing the same level of service as conventional reticulated services."*

248. Traverse Ltd (S328.001) and BR & R Davies (S400.002) both seek amendments to GRZ-P2, arguing that the policy should not mandate copper connections in areas where fibre is unavailable. Traverse Ltd supports modifying the policy, while BR & R Davies oppose it outright, advocating for the same change.
249. Kiwi Fresh Orange Company Limited (S554.020) supports GRZ-P3 in part, advocating for the policy to acknowledge alternative approaches to addressing infrastructure capacity shortages provided by the Council. The submitter requests amendments to GRZ-P3 to reflect this perspective:

*"Enable multi-unit developments within the General Residential zone, including terraced housing and apartments, where there is adequacy and*





*capacity of available or programmed development infrastructure, or a private infrastructure solution.*

250. FENZ (S512.040) supports GRZ-P6 and Kiwi Fresh Orange Company Limited (S554.022 & S554.023) supports both GRZ-P6 and GRZ-P7, agreeing that GRZ-P6 appropriately acknowledges the potential need for on-site water storage in certain cases. Kiwi Fresh Orange Company Limited states that GRZ-P7 recognizes the benefits of small-scale renewable energy generation for residential development. The submitter requests that both policies be retained as notified.

#### *Rules*

251. Kiwi Fresh Orange Company Limited (S554.021) partially supports the intent of GRZ-P5 but believes it should also acknowledge alternative approaches to addressing infrastructure capacity shortages provided by the Council. The submitter requests amendments to the policy:

*"Provide for retirement villages where they: ...*

*... d. Can be serviced by adequate development infrastructure or private infrastructure options.*

#### **Analysis**

252. Where referring to 3 waters infrastructure in the PDP I am referring to the definition of Development infrastructure as used in the NPS-UD as follows:

*"means the same as development infrastructure defined in the National Policy Statement on Urban Development 2020.*

*f. development infrastructure means the following, to the extent they are controlled by a local authority or council controlled organisation (as defined in section 6 of the Local Government Act 2002):*

*g. network infrastructure for water supply, wastewater, or stormwater*

*h. land transport (as defined in section 5 of the Land Transport Management Act 2003)"*

253. The definition of development infrastructure was used in the PDP to provide certainty around land that is or is planned to be serviced by adequate development infrastructure. This relates to the definition of 'urban' which applied to those zones who had access to or were signalled to received adequate development infrastructure in the Long-term plan or 30 year infrastructure strategy.<sup>17</sup>

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<sup>17</sup> Section 32 urban



254. The inclusion of private infrastructure in urban zones lacks certainty, is not consistent with the requirements of the NPS-UD and would go against this premise. There are several risks involved with the requested amendment including:
- a. Limited Oversight & Maintenance: Private infrastructure may not meet public standards, leading to long-term maintenance issues that the council may eventually need to address.
  - b. Equity & Accessibility Concerns: Private infrastructure can create disparities in service quality, potentially disadvantaging certain residents.
  - c. Integration Challenges: Coordinating private infrastructure with public systems (e.g., roads, water supply, drainage) can be complex and costly.
  - d. Legal & Liability Issues: If private infrastructure fails, councils may face pressure to intervene, even if they were not responsible for its development.
  - e. Financial Risks: Future costs may arise if private infrastructure deteriorates and requires public investment for upgrades or replacement.
  - f. Economic inefficiency: private systems can rely on a low capital cost high maintenance cost model, which is unfavourable if ratepayers are required to take over the system. In addition, where reticulated systems or capacity becomes available landowners may be required to connect and pay contributions to do so, increasing costs and making existing systems redundant.
255. I somewhat agree with Lynley Newport, Traverse Ltd and BR & R Davies in their submission points that changes in how infrastructure is delivered means that there are other options available in some circumstances, and that reticulated telecommunication is not always necessary or desirable. As such, a softening of the language to 'encourage' in relation to telecommunications is supported. Providing for on-site solutions for this type of infrastructure is not achievable on the smaller, urban scale lots in the GRZ. Although there are no specific submissions on MUZ -P2, LIZ-P2 and HIZ-P2 consequential amendments are required to align with my recommendations to GRZ-P2.

### **Recommendation**

256. I recommend Lynley Newport (S Traverse Ltd (S328.001) and BR & R Davies (S400.002) submissions are accepted in part and GRZ-P2 is reworded to align with the above analysis:



*"Require all subdivision in the General Residential zone to provide the following reticulated wastewater, stormwater and potable water services and local electricity distribution network to the boundary of each lot and encourage all subdivision to provide the following reticulated<sup>ds</sup> services to the boundary of each lot:*

- a. telecommunications:
  - i. fibre where it is available; or
  - ii. copper where fibre is not available;
- b. local electricity distribution network;:-
- c. ~~wastewater, potable water and stormwater where they are available."~~

257. I recommend consequential amendments to MUZ-P2 as follows:

*"Require all subdivision in the Mixed Use zone to provide the following reticulated wastewater, stormwater and potable water services and local electricity distribution network to the boundary of each lot and encourage all subdivision to provide the following reticulated<sup>ds</sup> services to the boundary of each lot:*

- a. telecommunications:
  - i. fibre where it is available; or
  - ii. copper where fibre is not available;
- b. local electricity distribution network;:-
- c. ~~wastewater, potable water and stormwater where they are available"~~

258. I recommend that the other submitters seeking amendments to the provisions to consider alternatives in wording regarding infrastructure are rejected.

### Section 32AA evaluation

259. The revised policy wording to soften of the language to 'encourage' in relation to telecommunications is appropriate to enable consideration of alternatives for the reasons provided in the above analysis. As stated above, in the GRZ the requirement to connect to reticulated wastewater, stormwater, water infrastructure and local electricity distribution network is still appropriate to ensure that development within the GRZ is supported by the necessary infrastructure.

## 4.2.8 Key Issue 8: Subdivision Framework

### Overview

Provision(s)	Officer Recommendation(s)
SUB-S1 Minimum allotment sizes	No changes as a result of these submission points



## Analysis of Submissions on Key Issue 8

### Matters raised in submissions

#### *SUB-S1 Minimum allotment sizes*

260. Several submitters support SUB-S1 and the minimum lot sizes for the GRZ. Trent Simpkin (S27.001) and others<sup>18</sup> seek to retain the existing lot size, while one submission (S26.001) supports a split in site sizes of between 600m<sup>2</sup> and 300m<sup>2</sup> for smaller developments in serviced areas. Elbury Holdings (S485.025) and other submissions (S358.020, S464.026, S519.025, S543.024, S547.024 & S472.020) also advocate for retaining the 600m<sup>2</sup> lot size as a controlled activity. Additionally, there is significant Further submission support to retain lot sizes.
261. Some submitters and further submitters propose adjustments to SUB-S1 to allow for higher-density development. Tristan Simpkin (S174.003) suggests reducing the discretionary minimum lot size from 300m<sup>2</sup> to 200m<sup>2</sup> to accommodate townhouse developments in town centres. Te Hiku Community Board (S257.020) and other submitters<sup>19</sup> request amendments to allow subdivision down to 300m<sup>2</sup> as a restricted discretionary activity, with discretion based on SUB-R3. Michael Foy (S472.021) supports this amendment but specifies that it should apply only in areas where infrastructure has been upgraded and maintained, with these areas displayed on FNDC GIS Maps.
262. Kāinga Ora (S561.051) partially supports SUB-S1 but opposes minimum lot sizes for residential subdivision, arguing that a minimum building platform size would be more effective in ensuring good residential outcomes. Meanwhile, NZTA (S356.091) opposes SUB-S1, contending that a 600m<sup>2</sup> minimum lot size for controlled activities will not support good transportation outcomes and requests an amendment to allow higher-density housing.
263. LMD Planning Consultancy (S419.006) and the Roman Catholic Bishop of the Diocese of Auckland (S413.006) oppose SUB-S1, citing a limited number of vacant, serviced residential-zoned sites in Kaikohe and the wider district. They request amendments to the standard as it applies to the GRZ.

*"SUB-S1 Minimum allotment size*

*General Residential*

*Controlled Activity – ~~600m2~~ 500m2*

*Discretionary Activity – ~~300m2~~ 250m2"*

<sup>18</sup> S9.002, S174.002, S262.005, S318.005, S342.019, S370.005, S378.007, S384.005 & S437.004

<sup>19</sup> S357.020, S357.021, S358.021, S464.027, S485.026, S519.026, S541.023, S543.025 & S547.025



264. Alec Brian Cox (S170.004) opposes the Residential Zone, arguing that the subdivision rules impose minimum standards on developments. He requests an equitable approach where common ground is excluded from net allotment size and seeks to apply subdivision rules to land use changes that create multiple units.
265. FNDC (S368.004) supports in part SUB-S1 and seeks a correction to the standard as follows:
- ~~"Mixed Use 2,000m<sup>2</sup> onsite wastewater disposal 250m<sup>2</sup> reticulated wastewater disposal."~~*
- ~~"Light Industrial 2,000m<sup>2</sup> onsite wastewater disposal 500m<sup>2</sup> reticulated wastewater disposal."~~*
266. Puketona Business park Limited S45.015 seeks to retain allotment areas for subdivision in the LIZ.

### Analysis

267. There were significant submissions and further submissions in support for the retention of the SUB-S1 Lot sizes. Other submitters sought the following changes to the SUB-S1 lot sizes including:
- a. A decrease in the Controlled lot size to 500m<sup>2</sup> and the Discretionary lot size to 250m<sup>2</sup>.
  - b. A decrease in the Discretionary lot size to 200m<sup>2</sup> to accommodate town house development.
  - c. A change in activity status to allow a restricted discretionary pathway for lot sizes 300m<sup>2</sup>.
  - d. A change in activity status where infrastructure has been upgraded and maintained.
  - e. No minimum Lot sizes.
  - f. 600m<sup>2</sup> minimum lot size for controlled activities will not support good transportation outcomes and requests an amendment to allow higher-density housing.
268. I have assessed each of the submissions points above and do not recommend any changes to SUB-S1 lot sizes for GRZ for the following reasons:
- a. The increase in densities for residential development for the district's largest growth area, Kerikeri is recommended to be achieved through the use of a MDRZ which is consistent with the



KWSP. The HBA<sup>20</sup> demonstrates that there is no significant demand for house in other parts of the district. This recommendation is also sought to partially satisfy Kāinga Ora submission point for no minimum lot sizes in the GRZ and Waka Kotahi submission that a 600m<sup>2</sup> minimum lot size will not support good transportation outcomes. The MDRZ will allow higher density housing where there is demand. The HBA<sup>21</sup> also indicates that the type of demand for the district is still very much detached dwellings (typically retaining elements of spaciousness) a pattern that is consistent with other rural districts around New Zealand.

- b. Higher density subdivision is still able to be achieved though the resource consent discretionary activity pathway which is considered appropriate.
  - c. A more enabling residential activity has been developed for the GRZ with 1 residential unit per 600m<sup>2</sup> (or site). Then a restricted discretionary framework for 2 residential units. Additionally, the Multi-unit and Minor Residential Unit rules are available to be utilised to enable a range of different housing developments.
269. In some areas of the district there are uncertainties with three waters infrastructure servicing. In response to Michael Foy submission point, around an infrastructure availability and condition overlay on GIS maps. I note that currently sites within the urban area are assessed on a case by case basis and development type and location can influence capacity.
270. While there are merits to developing a high level map around reticulated infrastructure capacity, there are potential uncertainties regarding available and adequate information, and the necessity for continual updates to mapping can be expensive and time consuming. I recommend that this submission point be rejected.
271. In response to Alec Brain Cox submission, I suggest his submission point is best considered at the subdivision hearing, I recommend this submission point be deferred.
272. This submission in relation to the subdivision SUB-S1 from FNDC, was in relation to an error. The onsite wastewater options for both the MU and LI Zones should be removed as they are both 'urban' as defined in the PDP. The intention of PDP urban zoned land is the availability, or planned availability of adequate development infrastructure.

## Recommendation

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<sup>20</sup> Housing and Business development capacity assessment, Far North District Council, Market Economics, dated July 2024. [HBA Report FINAL.pdf](#)

<sup>21</sup> Housing and Business development capacity assessment, Far North District Council, Market Economics, dated July 2024. [HBA Report FINAL.pdf](#)



273. For the reasons stated above, I recommend that the above submissions are rejected and there are no changes to the subdivision lot sizes for the GRZ.
274. I recommend that submission point S170.004 is deferred to Hearing 17 Subdivision.

#### Section 32AA evaluation

275. No change to the provisions is recommended at this stage. On this basis, no evaluation under Section 32AA is required.

### 4.2.9 Key Issue 9: General Residential Zone - Objectives

#### Overview

Provision(s)	Officer Recommendation(s)
GRZ-O2	Amendment to include reference to well-functioning urban environment

#### Analysis of Submissions on Key Issue 9

##### Matters raised in submissions

276. Waka Kotahi (S356.115 & S356.128) supports the GRZ in part and requests the addition of an Objective and Policy to promote residential zoning in locations with closer access to employment and amenities.

##### GRZ-O1

277. Kairos Connection Trust (S138.011) support GRZ-O1 in part, while Kiwi Fresh Orange Company Limited (S554.012), Summerset Group Holdings Limited (S218.002) and Retirement Villages Association of New Zealand Incorporated (S520.002) fully support the objective. All submitters request that GRZ-O1 be retained.
278. Kāinga Ora (S561.066) supports GRZ-O1 in part, emphasizing that the objective provides a planning framework to achieve good housing outcomes. The submitter requests that GRZ-O1 be retained as notified.

##### GRZ-O2

279. Kairos Connection Trust (S138.012) and Kāinga Ora (S561.067) support GRZ-O2 in part, with both submitters requesting its retention. Kāinga Ora further emphasizes the objective's role in establishing a planning framework for good housing outcomes.
280. Kiwi Fresh Orange Company Limited (S554.013) opposes GRZ-O2 specifically objecting to the phrase *while reducing urban sprawl* within the Objective. They propose rewording it to better address housing demand



while ensuring that residential zone expansions support a well-functioning and high-quality urban environment. The submitter requests an amendment to the Objective to reflect these considerations:

*"The General Residential zone consolidates urban residential development around available or programmed development (including private infrastructure) to improve the function and resilience of the receiving residential environment while ~~reducing urban sprawl~~. Providing for urban growth in locations where the outcomes will achieve a quality well functioning urban environment."*

#### GRZ-03

281. Kiwi Fresh Orange Company Limited (S554.014) support GRZ-03 and request to retain the objective as notified.

#### GRZ-04

282. Kairos Connection Trust (S138.013) supports GRZ-04 in part, emphasizing the importance of council providing clarity on servicing capacity for Plan-enabled development. The submitter requests the retention of the objective.

#### GRZ-05

283. Kiwi Fresh Orange Company Limited (S554.016) supports GRZ-05 and requests to retain the objective.

#### GRZ-06

284. Kāinga Ora (S561.068) supports GRZ-06 in part, advocating for its retention as notified for GR zoned sites. Additionally, the submitter seeks new provisions to specifically address Medium Density Residentially zoned sites around Kerikeri Town Centre.
285. Kiwi Fresh Orange Company Limited (S554.017) supports GRZ-06 and requests to retain the objective as notified.

### Analysis

286. In response to Waka Kotahi submission points to include an objective and policy framework for residential zoning in locations with closer access to employment and amenities I consider that this is addressed as in GRZ-01 and the proposed amendments to include '*creating and well -functioning urban environments*'. Well-functioning urban environments has the meaning in Policy 1 of the NPS-UD<sup>22</sup> and includes "*..... c. have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport.*"

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<sup>22</sup> National Policy Statement on Urban Development 2020.





#### GRZ-01

287. I acknowledge the submissions seeking the retention of GRZ-01.

#### GRZ-02

288. As per the analysis in Key Issue 7: Infrastructure I do not support the inclusion of private infrastructure within this objective. I do support in part wording to better integrate this objective with terminology in the NPS-UD. Objectives of the NPS -UD seek that New Zealand has well-functioning urban environments. The use of this terminology is more up to date than simply urban sprawl. However, I do not support the 'location' aspect to the request, as location alone is not a determining factor for well-functioning urban environments, which should be achieved in all locations.

#### GRZ-03, 04, 05 and 06

289. I acknowledge the submissions seeking the retention of these objectives.

#### Recommendation

290. I recommend that Kiwi Fresh Orange Company Limited (S554.013) submission is accepted in part and amendments to GRZ-02 are made to replace the term 'urban sprawl' with "Providing for urban growth in locations where the outcomes will achieve a quality well-functioning urban environment."
291. For the reasons stated above, I recommend the other submissions are rejected.

#### Section 32AA evaluation

292. The recommended amendment primarily clarifies the intent of the provisions and provides increased certainty on the outcomes sought (to achieve "well-functioning urban environment", to give effect to the NPD-UD). The recommended amendment is appropriate and consistent with the relevant higher order direction.

### 4.2.10 Key Issue 10: General Residential Zone - Policies

#### Overview

Provision(s)	Officer Recommendation(s)
GRZ-P1	<ul style="list-style-type: none"> <li>Minor amendment to included 'planned'</li> </ul>
GRZ-P2	<ul style="list-style-type: none"> <li>Amendments addressed in Key Issue 7: Infrastructure</li> </ul>
GRZ-P3	<ul style="list-style-type: none"> <li>Amendments addressed in Key Issue 11: Residential Intensity</li> </ul>
GRZ-P4	<ul style="list-style-type: none"> <li>Retain as notified</li> </ul>



Provision(s)	Officer Recommendation(s)
GRZ-P5	<ul style="list-style-type: none"> <li>Amendments addressed in Key Issue 12: Retirement Villages</li> </ul>
GRZ-P6	<ul style="list-style-type: none"> <li>Retain as notified</li> </ul>
GRZ-P7	<ul style="list-style-type: none"> <li>Retain as notified</li> </ul>
GRZ-P8	<ul style="list-style-type: none"> <li>Minor amendments for plan wide consistency and to include connectivity</li> </ul>

## Analysis of Submissions on Key Issue 10

### Matters raised in submissions

293. NZTA (S356.129) supports the policies within the GRZ but requests the addition of a new policy to promote residential zoning in proximity to employment and amenities.

#### GRZ-P1

294. Kairos Connection Trust (S138.014) supports in part GRZ-P1 and requests to retain the policy.

#### GRZ-P3

295. Arvida Group Limited (S165.010) and Leah Frieling (S358.018) support GRZ-P3 and request the policy is retained as notified.
296. Kairos Connection Trust (S138.015) support GRZ-P3 in part and request its retention. However, they seek further clarity from the Council regarding the servicing capacity for "Plan Enabled" development.

#### GRZ-P8

297. Kiwi Fresh Orange Company Limited (S554.024) support GRZ-P8 and requests the policy is retained as notified.
298. Our Kerikeri Community Charitable Trust (S271.038), Carbon Neutral NZ Trust (S529.103), VKK (S524.038), and Kapiro Conservation Trust (S446.039) support GRZ-P8 in part. They emphasize that residential zones bordering commercial areas require strong connectivity to achieve real integration. To address this, the submitters propose amendments to the policy to reinforce connectivity within residential zones.

*"Manage land use and subdivision to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application: ...*

*... c. alignment with any strategic or spatial document;*

*d. Provisions made to ensure connectivity; ..."*



299. Kāinga Ora (S561.070) supports GRZ-P8 in part and requests an amendment to point a. of the policy to ensure consistency with GRZ-O1 and GRZ-P1, as follows:

*"Manage land use and subdivision to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:*

- a. Consistency with the scale, design, amenity and character of the planned residential environment..."*

## **Analysis**

### *GRZ-P1 and GRZ-P3*

300. I acknowledge the submissions seeking retention of these policies. Plan enabled development is to be further addressed at the rezoning hearings.
301. I consider the addition of 'planned' to GRZ-P1 to be consistent with other recommendations in this chapter.

### *GRZ-P8*

302. I consider that it is appropriate that connectivity needs to be addressed in this policy (GRZ-P8) as it is a component of a well-functioning urban environment. I have suggested an additional clause based on the request from the group of submitters.
303. I do not support the inclusion of reference to other documents in this policy as the request is very broad and is unable to be appropriately assessed to determine the costs and benefits of doing so.
304. Kāinga Ora in various objectives and policies in the urban zones has sought the inclusion of the term 'planned' when considering scale, amenity and or character of the environment. I have accepted this change as it aligns with the future of development that can be achieved through the provisions of the plan which may look different to what is the current residential environment.

## **Recommendation**

305. For the above reasons, I recommend that Kainga Ora's submissions on Policy GRZ-P8 are accepted, and the policy is amended to "*amenity and character of the planned residential environment....*" I also recommend that Our Kerikeri Community Charitable Trust and others submissions seeking reference to 'connectivity' between urban areas is accepted and Policy GRZ-P8 is amended accordingly.
306. I note that changes to GRZ-P2 are addressed in Key Issue 7: Infrastructure, changes to GRZ-P3 as addressed in Key Issue 11: Residential Intensity, changes to GRZ-P5 are addressed in Key Issue 12:



Retirement Villages, and changes to GRZ-P8 under clause 16 as part of plan wide consistency addressed in Hearing 4.

307. For the reasons set out above, I recommend that the submissions on the are accepted, accepted in part and rejected as set out in Appendix 2.

### Section 32AA evaluation

308. I consider that the reference to “planned” residential environment and connectivity between urban areas is appropriate because it:
- Referring to a “planned” environment helps signal where and how residential growth is expected, reducing ambiguity and streamlining the consenting process (it signals that residential amenity will or may change over time in accordance with the “planned” character of a particular zone).
  - Aligns with their broader objective to enable well-functioning, inclusive, and sustainable communities (consistent with the NPS-UD).
  - Is consistent with the application of the NPS-UD which emphasises the need to enable housing in areas with good access to jobs, transport, and amenities.
  - By referencing a planned environment in the policy framework, the PDP promotes compact, efficient urban form, which assists to reduce sprawl and make better use of existing infrastructure.

#### 4.2.11 Key Issue 11: Residential Intensity

##### Overview

Provision(s)	Officer Recommendation(s)
Definition Multi Unit	<ul style="list-style-type: none"> <li>Retain</li> </ul>
GRZ-R3 Residential activity (standalone residential units)	<ul style="list-style-type: none"> <li>Residential intensity above 1 residential unit per site or per 600m<sup>2</sup> is a Restricted Discretionary activity</li> </ul>
GRZ-R9 Residential activity (multi-unit development)	<ul style="list-style-type: none"> <li>Retain rule with exclusion for Kerikeri</li> </ul>
GRZ-R11 Minor residential unit	<ul style="list-style-type: none"> <li>Permitted activity subject to standards</li> </ul>
GRZ -P3	<ul style="list-style-type: none"> <li>Minor changes</li> </ul>

##### Analysis of Submissions on Key Issue 11



## Matters raised in submissions

### *GRZ-R3 Residential activity (Standalone residential units)*

309. Department of Corrections (S158.010) supports GRZ-R3 and requests that the land use activity rule for *Residential Activities* in the GRZ be retained as notified.
310. Nicole Wooster (S259.017) supports GRZ-R3 in part, advocating for an amendment to allow the same level of density provided in the subdivision allotment standards to be permitted under this rule.
311. Kairos Connection Trust (S138.016) supports GRZ-R3 in part, advocating for the retention of provisions allowing multiple standalone residential units on a single site. The submitter requests amendments to the rule to uphold this flexibility, though specific proposed changes:

*"GRZ-R3*

*Activity status: Permitted*

*Where:*

*PER-1*

*The number of standalone residential units on a site does not exceed one unit per 600m<sup>2</sup> of site area; and the site does not contain a multi-unit development.*

*Activity status: Restricted discretionary*

*Where:*

*RD-1*

*The number of standalone residential units on a site does not exceed 300m<sup>2</sup> of site area; and the site does not contain a multi-unit development."*

312. Kāinga Ora (S561.072) supports GRZ-R3 in part and requests an amendment to allow an additional permitted unit to help achieve affordable housing outcomes. The submitter proposes specific changes to the rule to reflect this approach:

*"... PER-1*

*1. The number of standalone residential units on a site does not exceed one two; and*

*~~2. The site does not contain a multi-unit development.~~*



*Activity status where compliance not achieved with PER-1: Restricted Discretionary.*

313. Te Rūnanga o Ngāti Rēhia (S559.030) opposes GRZ-R3, arguing that its current status in the ODP as a permitted activity allows organizations to provide community housing without requiring subdivision, while also limiting the ability of families to purchase land together with multiple units. The submitter requests amendments to reinstate the permitted activity status for locating multiple standalone residential units on a single site.
314. BR & R Davies (S400.004) oppose GRZ-R3, while Traverse Ltd (S328.003) does not explicitly state a position. However, both submitters highlight that GRZ-R3 restricts the number of permitted residential units to one per title. They request amendments to the rule to allow residential units at a density of 600m<sup>2</sup> per unit.
315. LMD Planning Consultancy (S419.003) and the Roman Catholic Bishop of the Diocese of Auckland (S413.003) oppose GRZ-R3, both arguing that many residential-zoned sites exceed twice the minimum lot sizes prescribed under subdivision rules. They assert that the number of residential units permitted on a site should correspond to its area, as outlined in the Operative District Plan. Both submitters propose amendments to the rule:

*"... PER-1*

*The number of ~~standalone~~ residential units on a site does not exceed one per the minimum lot size permitted in the subdivision standard for the zone; and ~~the site does not contain any multi-unit development.~~*

PER-2

Minor Residential Unit

*A minor residential unit constructed within an existing residential site of 500m<sup>2</sup> or more, either attached at ground level or an upper level while complying with the standards S1-S7.*

*GRZ-R9 Residential activity (Multi-unit development)*

316. Transverse Ltd (S328.005) and other submitters<sup>23</sup> have raised issues with the Multi unit framework. These include:
- e. Amendments to the definition to remove the requirement for the multi-unit development to be within one contiguous building.
  - f. Amendments to the definition and subsequent rule framework that a multi-unit development should be three or more residential units.

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<sup>23</sup> S400.006, S413.001, S419.001, S561.008 and S561.069



- g. Deletion of the definition and amendments to the residential activity rules for three or more residential units to be a restricted discretionary activity.
  - h. Amendments to GR-P3 to recognise a range of residential developments not strictly multi-unit developments.
- 317. Martin John Yuretich (S40.002 & S40.017) and other submitters<sup>24</sup> express general support for the multi-unit framework. With some tying that support to the fact that such development should be restricted to areas where infrastructure has been upgraded and maintained to support the maximum development potential. Four of these submissions also seek to have these areas displayed on FNDC GIS Maps or as an overlay.
- 318. Te Rūnanga o Ngāti Rēhia (S559.028) supports the Rules for the General Residential Zone but highlights a lack of clarity in subdivision and zone rules regarding the confirmation of wastewater infrastructure servicing capacity at the time of a subdivision or land use consent application. The submitter requests the insertion of a permitted or controlled activity rule to ensure greater certainty about the ability of existing infrastructure to support plan-enabled development.
- 319. Our Kerikeri Community Charitable Trust (S338.071) and others<sup>25</sup> support GRZ-R9 in part, while two submissions<sup>26</sup> don't state their position. The submitters express concerns around rules regarding outdoor space being inadequate and there is a danger that in the drive for high density, the planning rules will not achieve the overall goal of protecting what is valued by the community. The submitters request to amend the PDP provisions for Multi-Unit Developments to the following:
  - a. 'Include requirements for outdoor space beyond the area needed to move and park vehicles private, including private and shared outdoor space on the north, east or west side of a building.'
  - b. Where multi-unit developments take place alongside each other, the rules for shared 'greenspace' reflects the greater density and the need for places for people to share and connect pedestrian walkways and access to community facilities and amenities.'
- 320. Robyn Josephine Baker (S69.004) opposes GRZ-R9, arguing that Multi-unit Developments in the GRZ are untenable due to inadequate

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<sup>24</sup>S41.002, S41.017 S146.002, S163.005, S257.018, S257.019, S348.014, S348.004, S357.018, S357.019, S358.019, S377.002, S395.002, S410.002, S411.002, S439.002, S464.002, S464.024, S464.025, S470.002, S472.018, S472.019, S485.004, S485.023, S485.024, S519.004, S519.023, S519.024, S541.002, S541.021, S541.022, S543.002, S543.022, S543.023, S544.002, S547.002, S547.023, S569.002 & S574.022

<sup>25</sup> S427.021, S427.069, S449.033, S522.020, S522.056 & S529.198

<sup>26</sup> S338.026 & S529.032



infrastructure for fresh water, sewage treatment and roads. The submitter requests the deletion of GRZ-R9.

321. Traverse Ltd (S328.006) does not state a position, while BR and R Davies (S400.007) opposes GRZ-R9. Both submitters request an amendment to clarify that GRZ-R9 applies only where residential units are not otherwise permitted by GRZ-R3, should the requests relief for Rule GRZ-R3 (S328.003).
322. Kāinga Ora (S561.069) opposes GRZ-P3 and seeks amendments to align the policy with proposed changes to the definition of Multi-Unit Development, ensuring consistency with objective GRZ-O1. The submitter requests to following amendment to GRZ-P3:
- "Enable ~~multi-unit~~ a range of residential developments within the General Residential zone, including terraced housing and apartments, where there is adequacy and capacity of available or programmed development infrastructure."*
323. Ngā Kaingamaha o Ngāti Hine Charitable Trust (S555.002) supports GRZ-R9 in part and requests amendments to adjust the activity status of non-compliance, with CON-1 and CON-2 from discretionary to restricted discretionary. They propose limiting the matters of discretion to align with controlled activities and request the deletion of building intensity from subpoint a.i. of Rule GRZ-R9.
324. Kāinga Ora (S561.073) supports GRZ-R9 in part, arguing that multi-unit developments can include both detached and attached units. They advocate for a restricted discretionary activity status for developments consisting of three or more units and request amendments to GRZ-R9 to reflect this approach.

*"Activity status: ~~Controlled~~ Restricted Discretionary*

*Where:*

*CON RD-1*

*~~The site area per multi-unit development is at least 600m<sup>2</sup>; and~~*

*~~The number of residential units in a multi-unit development on a site does not exceeds two three; and~~*

*~~There is no standalone residential unit on the site.~~*

*~~CON RD-2...~~*

*... Matters of discretion are restricted to:*





*The effects of the neighbourhood character, residential amenity and the surrounding residential area from all of the following.*

*Building intensity, scale, location, form and appearance.*

*Activity status for more than ~~three~~ two units: Restricted Discretionary."*

325. LMD Planning Consultancy (S419.005) and Roman Catholic Bishop of the Diocese of Auckland (S413.005) opposes GRZ-R9, highlighting the prevalence of 600m<sup>2</sup> residential-zoned serviced sites in the district. The submitters requests amendments to the rule:

*"GRZ-R9*

*Activity status: Controlled*

*Where:*

*CON-1*

*The minimum site area per unit in a multi-unit development is at least 600m<sup>2</sup> the minimum lot size allowed as a controlled activity in the subdivision rule for the zone; and The number of residential units in a multi-unit development on a site does not exceed three; and there is no standalone residential unit on the site.*

*CON-2*

*The minimum net internal floor area, ~~excluding outdoor living space~~, of a residential unit within a multi-unit development shall be: ..."*

#### *GRZ-R11 Minor residential unit*

326. Lynley Newport (S125.001) supports the inclusion of GRZ-R11 and Minor Residential Unit provisions and seeks to retain the Rule.
327. Submitters from LMD Planning Consultancy (S419.004) and the Roman Catholic Bishop of the Diocese of Auckland (S413.004) oppose GRZ-R11, arguing that Minor Residential Units can be easily constructed within existing residential sites and provide valuable housing options for families and tenants. They request an amendment to GRZ-R3 to classify Minor Residential Units as a permitted activity.

#### **Analysis**

328. A number of submitters, including BR & R Davies (S400.004), seek the liberalisation of residential intensity provisions. The decisions sought are wide reaching for all the residential activity provisions in the GRZ. For example, requests for additional residential units provided for per site, a reduction in the activity status for additional residential units, and similar requests in relation to the multi-unit development rule.



329. Residential intensity in the GRZ is provided for under GRZ-R3 Residential activity, GRZ-R9 Residential Activity (Multi-unit development) and GRZ-R11 Minor Residential Unit. It is important to look at residential intensity as part of a wider context. Other recommendations in this report have created greater flexibility with residential intensity options including:
- a. Change in activity status for residential activity above ground floor in the MUZ outside the Pedestrian frontage overlay.
  - b. Introduction of a MDRZ for Kerikeri.
330. The PDP was notified with the addition of a multi-unit development framework for the GRZ. This was tagged to a definition that stated that a multi-unit development: *"means a group of two or more residential units contained within one contiguous building"*. This definition was used to develop the controlled activity rule and to differentiate between attached and detached residential unit development, with the push towards increased residential density through attached units. While I agree with the thinking behind this direction, I suggest there may be some room to improve the residential intensity framework for the GRZ for the following reasons:
- a. Ms Rennie assessed the Multi-unit development rule in comparison to the medium density framework proposed by Kāinga Ora, and states that while there would be similar outcomes, the medium density framework standards would better urban design outcomes<sup>27</sup>.
  - b. The HBA<sup>28</sup> states that the Far North District is not presently demanding that type of development just yet. Demand will arise in the long term which will see demand change to attached housing typologies.
  - c. The HBA also indicates that Kerikeri is best placed to adapt to medium density development in the longer term.
  - d. The introduction of a MDRZ for Kerikeri will direct more intensive residential development to that location which is a more efficient approach.
331. I have considered removing the multi-unit development framework from all of the GRZ noting the issues above. However, as the framework is used in the Kororāreka Russell Township Zone and could still have some utility (particularly in delivering additional housing choice) in other towns in the district I believe it should be retained, albeit in a reduced capacity in the

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<sup>27</sup> Section 5.25 Statement of Evidence Jane Rennie on behalf of FNDC, MDRZ, dated 23 June 2025.

<sup>28</sup> Housing and Business development capacity assessment, Far North District Council, Market Economics, dated July 2024. [HBA Report FINAL.pdf](#)



presence of a MDRZ. Given the establishment of the MDRZ in Kerikeri, it is appropriate to remove the provision for the GRZ in Kerikeri to accommodate the recommendation of a MDRZ for Kerikeri.

332. I recommend that the rule title for GRZ-R9 is amended from Residential Activity (Multi-unit development) to just Multi-unit development. This allows clarity as to what type of development this rule is addressing. Additionally, rule CON-1 point 3 states that there is no standalone residential unit on the site. I consider it unnecessary that there is no standalone unit on the site as a large site could be used for a combination of residential types which could still fit in with the planned character and amenity of the GRZ.
333. Our Kerikeri Community Charitable Trust and others seek changes to the Multi-unit rule in relation to outdoor space and shared greenspace. The Multi-unit rule still requires compliance with GRZ -S6 – Outdoor living space. This standard does not differentiate between standalone residential units and multi-unit developments. Consideration of connectivity has been addressed in Key Issue 10: General Residential Zone - Policies and added to GRZ-P8.
334. To address the various concerns around residential intensity I have considered amending the Residential activity rule GRZ-R3 so that the land use density aligns with the controlled subdivision minimum lot size framework. Then any proposed development that is more intensive than the subdivision controlled minimum lot size of 600m<sup>2</sup> to have a two step framework, two units would have a restricted discretionary framework, and sites with greater than 2 residential units would be a Discretionary activity. This would allow greater flexibility and alignment with the subdivision chapter and provides for a variety of housing types, densities and sizes in order to accommodate different demographics and help address affordability.
335. Additionally, to complete the residential framework for the GRZ, I recommend that the minor residential unit rule GRZ-R11 becomes a permitted activity, subject to appropriate controls. This follows the proposal to introduce a National environmental standard for Granny Flats in early 2026 and the forthcoming proposed changes to the Building Act. The introduction of a permitted rule for minor residential units allows for additional residential typologies. I note that the NES will likely supersede rules in the PDP. However, as I am assessing and reviewing the residential framework as a whole, it is prudent to consider the complete set of provisions where possible. I have sought to align with the proposed NES as much as possible, given that it is in 'draft' stage.
336. I recommend controls for minor residential unit to ensure they maintain a relationship to the principle residential unit, provide a level of residential amenity and align with other zones. These include a limitation to 1 minor



residential unit per site, compliance with zone standards, a separation distance and GFA.

337. The amendments proposed to GRZ-P3 by Kāinga Ora to replace 'multi-unit' with 'a range' are considered appropriate and in accordance with the various recommended amendments to the residential intensity framework for the GRZ zone. There are a variety of pathways to achieve different housing typologies. The policy need not be limited to 'muti-unit' development.
338. In response to Martin John Yurtich and Te Rūnanga o Ngāti Rēhia around certainty of infrastructure availability, I recommend no changes to these provisions as a result of these submission points (similarly submission points have been addressed in Key Issue 8: Subdivision Framework) and make the following comments:
- a. In some areas of the district we have uncertainties with three waters infrastructure servicing. Currently sites within the urban area are assessed on a case by case basis and development type and location can influence capacity. With some potential uncertainties, and the necessity for continual updates identification of wastewater capacity can often cause more problems than its worth. It is to be noted that the HBA<sup>29</sup> states that projected housing demand is expected to remain for detached dwellings, with the shift towards smaller (medium density attached dwellings) to occur in the longer term.

### Recommendation

339. For the above reasons, I recommend that:
- a. the submissions seeking that the above mentioned rules are retained as notified are accepted in part.
  - b. those seeking greater density, an additional permitted residential unit, or amendments for permitted number of units corresponding to site area, are accepted in part.
  - c. the submissions seeking amendments to the Multi-unit framework are accepted in part.
340. I recommend the following amendments to provisions:
341. Amendments to GRZ-R3 Residential Activity as follows:

<b>GRZ-R3</b>	<b>Residential activity (standalone residential units)</b>
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<sup>29</sup>Housing and Business development capacity assessment, Far North District Council, Market Economics, dated July 2024. [HBA Report FINAL.pdf](#)



<p><b>General Residential zone</b></p>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> 1. The number of standalone residential units on a site does not exceed one; and <u>or</u></p> <p><b>PER-2</b> 2. <u>The minimum site area per residential unit is 600m<sup>2</sup></u> 3. <u>The site does not contain a multi-unit development.</u></p> <p><u>Note:</u> <u>This rule does not apply to a Minor residential unit constructed in accordance with GZ-R11</u></p>	<p><b>Activity status where compliance not achieved with PER-42: <u>Restricted Discretionary</u></b></p> <p><b><u>Where:</u></b></p> <p><b><u>RDIS-1:</u></b> <u>There are two residential units per site</u></p> <p><b><u>Matters of discretion are restricted to:</u></b></p> <ul style="list-style-type: none"> <li>a) <u>The bulk, location, design and density of buildings</u></li> <li>b) <u>balance of open space and buildings; and</u></li> <li>c) <u>the extent, quality and design of outdoor living areas; and</u></li> <li>d) <u>compatibility with the character of the area; and</u></li> <li>e) <u>amenity effects on neighbouring properties; and</u></li> <li>f) <u>provision for privacy between residential units and between sites; and</u></li> <li>g) <u>landscaping;</u></li> <li>h) <u>outdoor storage, including rubbish collection areas; and</u></li> <li>i) <u>design of the access, car parking and service areas; and</u></li> <li>j) <u>fencing.</u></li> </ul> <p><b>Activity status where compliance not achieved with PER-1 or RDIS-1: Discretionary.</b></p>
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342. Minor amendment to GRZ-R9 Multi-unit development to exempt Kerikeri from the controlled activity status of this rule and to change the rule title to Multi-Unit development.



343. Amendments to GRZ-R11 Minor Residential Unit to a permitted activity subject to standards:

<p><b>Activity status: Discretionary Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The number of minor residential units on a site does not exceed one.</p> <p><b>PER-2</b> The minor residential unit shares vehicle access with the principal residential unit.</p> <p><b>PER-3</b> The separation distance between the minor residential unit and the principal residential unit does not exceed 15m.</p> <p><b>PER-4</b> The minor residential unit: 1. Does not exceed a GFA of 65m<sup>2</sup>; and 2. With an optional attached garage or carport that does not exceed GFA of 18m<sup>2</sup>, where the garage or carport is used to vehicle storage general storage and laundry facilities.</p>	<p><b>Activity status where compliance not achieved with PER-3 or PER-4: Discretionary Not applicable</b></p> <p><b>Activity status where compliance not achieved with PER-1 or PER-2: Non complying</b></p>
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### Section 32AA evaluation

344. The proposed amendments are considered appropriate for the following reasons:
345. Removal of a Controlled activity status for Multi-unit residential development in the GRZ in Kerikeri is appropriate for consistency and integration with recommendation of a Medium Density Residential Zone for Kerikeri which directs medium density residential to establish closer to the town centre. Medium density residential can still be established in the GRZ, subject to a resource consent process.
346. Other changes (e.g. amendments to the rule title to GRZ-R9) provide clarify on the intent of the rule and reduces ambiguity.



- 347. Alignment between the land use density and subdivision controlled minimum lot size (600m<sup>2</sup>) achieves consistency and provides for a variety of housing types.
- 348. Permitting minor residential units to provide for additional residential typologies is consistent with objectives and policies for the zones.

#### 4.2.12 Key Issue 12: Retirement Villages

##### Overview

Provision(s)	Officer Recommendation(s)
GRZ – R10 Retirement Villages	RD activity retained and rule amended
MUZ- R13 Retirement Villages	D rule retained
GRZ-P5	Minor amendments
GRZ-S6 Outdoor living space	Add an exclude to this standard for retirement villages

##### Analysis of Submissions on Key Issue 12

##### Matters raised in submissions

- 349. Three retirements village providers made submissions on the PDP, Arvida Group Limited (S165.011) Retirement Villages Association of New Zealand (S520.003) and Summerset Group Holdings Limited (S218.003). These providers have sought changes to the Mixed Use and General Residential zones frameworks to specifically provide for retirement villages.
- 350. The amendments requested include:
  - a. Arvida Group Limited (S165.011) support GRZ-P5 and seek to retain the policy
  - b. RVA and Summerset request amendments to Policy GRZ-P5 to provide more detail around what retirement villages offer to the community and how they operate, changes requested are as follows:

*"Provide for a diverse range of housing and care options that are suitable for the particular needs and characteristics of older persons in the General Residential Zone such as retirement villages, where they:*

- a. Compliment the character and amenity values of the surrounding area, recognising the functional and operational needs of retirement villages may require greater density than the surrounding area to enable efficient provision of services;*



~~b. Contribute to the diverse needs of the community.~~

~~c. Do not adversely affect road safety or the efficiency of the transport network; and~~

~~c. Can be serviced by adequate development infrastructure."~~

351. Retirement Villages Assoc (S520.004) seeks to introduce new policies in the General Residential Zone, with Summerset Group Holdings Limited (S218.004) supporting the submission. The proposed policies are as follows:

"GRZ-PXX

Recognise the intensification opportunities provided by larger sites within the General Residential Zone by providing for more efficient use of those sites.

GRZ-PXX

Enable the standards to be utilised as a baseline for the assessment of the effects of developments."

352. Arvida Group Limited (S165.012) requests to retain rule GRZ-R10.

353. Retirement Villages Assoc (S520.005) and Summerset Group Holdings Limited (S218.005) partially support the GRZ, including a retirement village-specific rule and the application of Restricted Discretionary Activity status. However, they oppose the matters of discretion related to internal amenity and request the insertion of a new rule along with amendments to GRZ-R10:

*"GRZ-RXX Retirement Village*

*Activity status: Permitted'*

*And*

*'GRZ-R10 Construction of Retirement Village buildings*

*Activity status: Restricted discretionary*

~~*Where*~~

~~*RD-1*~~

~~*The activity will be accommodated within a new building or structure, or extensions to an existing building or structure which comply with standards;*~~

~~*GRZ-S1 Maximum height*~~





~~GRZ-S2 Height in relation to boundary~~

~~GRZ-S3 Setback (excluding from MI IWS or wetland, lake and river margins)~~

~~GRZ-S4 Setback from MI IWS~~

~~GRZ-S5 Façade length~~

~~GRZ-S6 Outdoor living space~~

~~GRZ-S7 Outdoor storage~~

*Matters or discretion are restricted to:*

*ai. The effects of any breach of GRZ-S1, GRZ-S2, GRZ-S3, GRZ-S4, GRZ-S5 and GRZ-S7.*

*a. Safe integration of vehicle and pedestrian access with the adjoining road network.*

*b. Provision of landscaping and bunding, on-site amenity for residents, recreational facilities and stormwater systems.*

*c. Design and layout of pedestrian circulation.*

*d. Residential amenity for surrounding sites in respect of outlook and privacy.*

*e. The effects arising from the quality of the interface between the retirement village and adjacent street or public spaces. Visual quality and interest in the form and layout of the retirement village, including buildings, fencing, location and scale of utility areas and external storage areas.*

*f. the benefits associated with the construction, development, use and provision of accommodation to meet the needs of the elderly.*

*g. the need to provide for the efficient use of larger sites*

*h. the functional and operational needs of retirement villages*

~~*Activity status where compliance not achieved with RD-1: Discretionary"*~~

354. FNDC (S368.024) partially supports GRZ-R10, noting that the rule does not accommodate the establishment of retirement villages in existing buildings, making conversions discretionary. The submitter seeks amendments to GRZ-R10:

*"RD-1*



*The activity will be accommodated within a new building or structure, or extensions to an existing building or structure which comply with standards..."*

355. BR and R Davies (S400.008) and Traverse Ltd (S328.007) express concerns that RD-1 of GRZ-R10 could be interpreted as requiring a singular building or structure. The submitters request amendments to clarify this provision:

*"The activity will be accommodated within a new buildings or structures or extensions to an existing buildings or structures which comply with the following standards..."*

356. Retirement Villages Assoc (S520.006) and Somerset Group Holdings Limited (S218.006) identify delays, costs, and uncertainties in the notification process as a key consenting issue for retirement village operators, requesting the insertion of a notification presumption.
357. Somerset Group Holdings Limited (S218.007) and others (S520.007) request new objectives in the MUZ to support diverse densities, housing types, and lot sizes that address housing needs and demands
358. Additionally, submissions (S218.008 & S520.008) seek new policies in the MUZ consistent with those proposed by the Retirement Villages Association in the GRZ.
359. Somerset Group Holdings Limited (S218.009 & S218.010) and others (S520.009 & S520.010) request the insertion of new rules into the MUZ:
- a. Insert rules consistent with those proposed by the Retirement Villages Association in the GRZ.
  - b. Insert a notification presumption consistent with those proposed by the Retirement Villages Association in the GRZ.

### **Analysis**

360. The submissions of both RVA and Somerset highlight the importance of retirement villages in our community and that, while retirement villages are a residential activity, they can have a different look and feel to typical residential uses, and differing amenity needs in some cases.

### *General Residential Zone*

361. With regard to the changes sought to GRZ-P5, I generally agree that retirement villages can be different to residential developments, which could mean that the development does not necessarily compliment the planned character and amenity values of the GRZ. I also agree that retirement villages contribute to the diverse needs of the community and may need provision for greater density. I do not support the deletion of the efficiency of the transport network and the inclusion of operational



and functional need. Functional and operational need are defined terms that are generally used in the infrastructure context, I consider these tests too permissive to be used broadly in the GRZ.

362. I support in part changes proposed to this policy and recommend amendments as follows:

*"Provide for a diverse range of housing and care options that are suitable for the particular needs and characteristics of older persons such as retirement villages where they:*

*a. compliment the character and amenity values of the surrounding area, -whilst recognising that delivering a range of housing and care options may mean different densities provided within a retirement village development;*

*b. ~~contribute to the diverse needs of the community;~~*

*c. do not adversely affect road safety or the efficiency of the transport network; and*

*d. can be serviced by adequate development infrastructure"*

363. I do not support the additional policies around intensification of larger sites; this may have broader and unquantified implications for the plan which I cannot support.

364. The request to include an additional rule for the construction of building for retirement villages is supported in part. I agree that rest homes are a residential activity and that the potential effects associated with building scale and intensity could be comparable to what is provided for in the recommended residential intensity and multi-unit development rules, particularly where development is compliant with the bulk and location standards.

365. However, the PDP does not differentiate between an activity and the construction of new building in the GRZ. Maintaining the existing plan wide approach is considered to be most effective and efficient means to manage the development of retirement villages and therefore I propose amendments to GRZ-10 Retirement village as opposed to creating a new rule. In addition, amendments to GRZ-R1 have been proposed to include all activity types within GRZ-R1, PER-1.

366. I consider that retaining the restricted discretionary activity status is appropriate to address the relevant effects of rest homes through a targeted set of criteria through the resource consent process, and that the construction of retirement villages buildings itself is a permitted activity in accordance with GRZ-R1.



367. For GRZ-R1 in relation to the standards to be complied with for retirement villages, I consider that all standards excluding GRZ-S6 outdoor living space are relevant to potential effects associated with residential character, amenity and visual amenity. In terms of on-site amenity, I have introduced a specific exclusion for compliance with GRZ-S6 Outdoor living space as it is recognised that retirement villages have access to a wide range of community spaces. Amenity is provided by villages as a whole rather than individual space.
368. I agree that retirement villages have different requirements to residential units and that differing outcomes for on-site amenity may be appropriate. Such as specific outdoor living space considerations. Other matters of restricted discretion should include:
- a. safe integration of vehicle and pedestrian access with the adjoining road network.
  - b. provision of landscaping and bunding, on-site amenity for residents, recreational facilities and stormwater systems.
  - c. residential amenity for surrounding sites in respect of outlook and privacy.
  - d. The effects arising from the quality of the interface between the retirement village and adjacent street and public spaces.
  - e. the benefits associated with provision of accommodation to meet the needs of the elderly.
369. RVA and Summerset also request that retirement villages are precluded from public notification. I recommend rejecting this submission and retaining the ability to assess this on a case by case basis. There is no certainty that the effects of such activities will be no more than minor.

#### *Mixed Use Zone*

370. Retirement villages in the MUZ are a Discretionary activity. I have recommended that it may be appropriate for some residential activities on the ground floor of buildings outside the pedestrian frontage overlay. However, in my opinion, the MUZ is still largely balanced towards commercial activities. Large scale residential activity such as a retirement village with residential activities at the ground floor, would have the potential to substantially reduce the opportunity for commercial and publicly accessible activities at the ground level and for the zone to achieve its purpose. In addition, this may result in reverse sensitivity effects, particularly given the potential scale of retirement villages. Given this, I am not of the view that retirement villages are the type of activity that should be further enabled in the MUZ.

#### **Recommendation**



371. For the reasons set out above, I recommend that the submissions on Retirement villages seeking amendments to the rules are accepted in part, and the others are rejected.

372. For the reasons set out above, I recommend amendments to GRZ-P5 as follows:

"Provide for a diverse range of housing and care options that are suitable for the particular needs and characteristics of older persons such as retirement villages where they:

a. compliment the character and amenity values of the surrounding area,-whilst recognising that delivering a range of housing and care options may mean different densities provided within a retirement village development;

b.- contribute to the diverse needs of the community;

c. do not adversely affect road safety or the efficiency of the transport network; and

d. can be serviced by adequate development infrastructure."

373. For the reasons set out above, I recommend that the submissions from our Retirement Villages Assoc (S520.005) and others accepted in part (as set out in Appendix 2) and GRZ-R10 is amended as below:

GRZ-R10 Retirement village		
General Residential zone	<p><b>Activity status: Restricted discretionary</b></p> <p><b>Where</b></p> <p>-</p> <p><b><del>RDIS-1</del></b></p> <p><del>The activity will be accommodated within a new buildings or structures, or extensions to an existing building or structure which comply with standards:</del></p> <p><del>GRZ-S1 Maximum height;</del></p> <p><del>GRZ-S2 Height in relation to boundary;</del></p> <p><del>GRZ-S3 Setback (excluding from MHWS or wetland, lake and river margins);</del></p> <p><del>GRZ-S4 Setback from MHWS;</del></p> <p><del>GRZ-S5 Façade length;</del></p> <p><del>GRZ-S6 Outdoor living space; and</del></p> <p><del>GRZ-S7 Outdoor storage.</del></p> <p><b>Matters of discretion are restricted to:</b></p>	<p><b>Activity status where compliance not achieved: with <del>RDIS-1: Discretionary</del> <u>Not applicable</u></b></p>

	<p>a. <u>The effects of any breach of GRZ-S1, GRZ-S2, GRZ-S3, GRZ-S5 and GRZ-S7.</u></p> <p>b. safe integration of vehicle and pedestrian access with the adjoining road network.</p> <p>c. provision of landscaping and bunding, on-site amenity for residents, recreational facilities and stormwater systems.</p> <p>d. <del>design and layout of pedestrian circulation.</del></p> <p>e. residential amenity for surrounding sites in respect of outlook and privacy.</p> <p>f. <u>The effects arising from the quality of the interface between the retirement village and adjacent street and public spaces.</u>  <del>visual quality and interest in the form and layout of the retirement village, including buildings, fencing, location and scale of utility areas and external storage areas.</del></p> <p>g. the benefits associated with provision of accommodation to meet the needs of the elderly.</p>	
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374. For the reasons set out above, I recommend an additional note to GRZ-S6 as follows:

*"This standard does not apply to GRZ-R10 retirement villages"*

### Section 32AA

375. This option is efficient and effective at achieving the relevant objectives as the restricted discretionary activity status will ensure quality design outcomes can be assessed through the resource consent process. The restricted discretionary activity status will also provide improved efficiencies to the resource consent process by providing certainty to all plan users.

376. This option provides an efficient framework to manage the development of larger scale retirement villages as a restricted discretionary activity through the resource consent process. Although decision makers have



limited discretion to consider environmental effects, it is considered that the potential effects can be readily identified and assessed through the proposed matters of discretion and assessment criteria.

377. The recommendation also ensures that effects of building scale and intensity on the attractiveness and safety of the street from retirement villages are assessed and managed through the resource consent process.

#### 4.2.13 Key Issue 13: General Residential Zone - Rules

##### Overview

Provision(s)	Officer Recommendation(s)
GRZ-R4 Visitor accommodation	<ul style="list-style-type: none"> <li>Retain as notified</li> </ul>
GRZ-R5 Home business	<ul style="list-style-type: none"> <li>Amendments to PER-3 and PER-4</li> </ul>
GRZ-R10 Retirement village	<ul style="list-style-type: none"> <li>Changes addressed in Key Issue 12: Retirement Villages</li> </ul>
GRZ-RXX	<ul style="list-style-type: none"> <li>Insert new rule for Light Industrial Activity</li> </ul>

##### Analysis of Submissions on Key Issue 13

##### Matters raised in submissions

###### *GRZ-R4 Visitor Accommodation*

378. Kiwi Fresh Orange Company Limited (S554.025) supports the GRZ but requests the inclusion of a new rule to classify hotels and motels as a restricted discretionary activity. The submitter proposes that matters of discretion align with the issues outlined in GRZ-P4.
379. Rosemary Archibald (S296.001) opposes GRZ-R4, specifically the restriction of a maximum of six guests per night in visitor accommodation within the residential zone. The submitter requests an amendment to the provision for Driftwood, located at 333 State Highway 10, Cable Bay, proposing an allowance of up to 20 guests per night or six rooms per night.

###### *GRZ-R5 Home Business*

380. Pou Herenga Tai Twin Cycle Trail Charitable Trust (S425.056) supports GRZ-R5 and requests its retention as notified. The submitter highlights that permitting this activity, especially in zones adjoining the Trail, will enhance its activation and help realize its social and economic potential.
381. Traverse Ltd (S328.004) and BR and R Davies (S400.005) both raise concerns regarding GRZ-R5 and its permitted activity requirements for a *home business*, which is defined as a commercial activity. They highlight uncertainty about whether industrial activities listed under PER-3 are also permitted within the GRZ alongside commercial activities. Both submitters



request an amendment to GRZ-R5 to clarify whether industrial activities should be included or remain classified as non-complying under GRZ-R16

382. John Andrew Riddell (S431.139) requests an amendment to PER-4 of GRZ-R5 to specify that the hours of operation should apply only when the business is open to the public. The submitter argues that this clarification is necessary to align with the purpose of the Act.

#### *GRZ-R10 Retirement Village*

383. Per Lugnet (S324.001 & S324.002) requests that a land use consent is issued that preserves the present property rights at Lot 9, 9 Midgrad Road without adding additional costs when the property is developed.

### **Analysis**

#### *GRZ-R4 Visitor accommodation*

384. In response to Kiwi Fresh Orange company Limited (S554.025), I consider that Hotels and motels are included as visitor accommodation in the PDP. For the GRZ, visitor accommodation exceeding 6 guests becomes a discretionary activity. Hotels and Motels are not the type of activity that is anticipated in the GRZ and can impact on the amenity of the area. This can include adverse effects such as noise, traffic movements, effects on the transport network and parking.
385. Rosemary Archibald appears to be referring to an existing visitor accommodation operation in her submission point. If the activity is lawfully established, existing use rights will allow the continued operation even if the activity no longer complies with current district plan rules. However, not enough information has been provided to determine this. Regardless, if it is not legally established then it is appropriate that a resource consent is sought rather than any establishment be approved through the PDP process.

#### *GRZ-R5 Home business*

386. The definition of home business states that the home business is a commercial activity. This means that industrial activities are not provided for under this rule and hence are non-complying under the GRZ-R16 industrial activities. It is correct that some of the activities stated in PER-3 are types of activities we would associate with industrial activity. I consider that the definition of commercial activity is clear and should not give rise to activities that necessarily need to be confined to the inside of a building. I recommend the deletion of PER-3.
387. I agree with John Andrew Riddell submission (S431.139), that the hours of operation shall only apply when the business is open to the public. But consider that things such as unloading or loading of vehicles or deliveries could occur outside of the house that the business is open to the public





and could have an effect on residential amenity. As such I propose the following amendments:

*"PER-4*

*Unloading or loading of vehicles or the receiving of customers or deliveries only occur between:*

*Hours of operation are between:  
7am - 8pm Monday to Friday.*

*8am - 8pm Weekends and public holidays."*

#### GRZ-R10 Retirement Village

388. In response to Per Lugnet (S324.001 & S324.002) submission point the district plan review is not the pathway to obtain a resource consent. His concerns are in relation to a property and existing property rights. Mr Lugnet has submission points that are coded to the rezoning hearings on which he has 'opted in' to the rezoning evidence exchange process. I recommend that this submission point is deferred and is addressed through the rezoning hearings.

#### Recommendation

389. I recommend that Traverse Ltd (S328.004), BR and R Davies (S400.005) and John Andrew Riddell (S431.139) submission are accepted, and amendments to GRZ- R5 (home business) are made as follows:

GRZ-R5 Home business		
General Residential zone	<b>Activity status: Permitted</b>  <b>Where:</b>  <b>PER-1</b> The home business is undertaken within: 1. a residential unit; or 2. an accessory building that does not exceed GFA of 40m <sup>2</sup> .  <b>PER-2</b> There is no more than one full-time equivalent person engaged in the home business who resides off-site.  <b>PER-3</b>	<b>Activity status where compliance not achieved with PER-2, PER-3 and PER-4: Restricted Discretionary</b>  <b>Matters of discretion are restricted to:</b>  a. scale, intensity and character of the business; b. traffic generation, safety and access; c. provision of parking; d. noise, odour and dust; e. disturbance and loss of privacy for surrounding sites; and f. hours of operation.



	<p>All manufacturing, altering, repairing, dismantling or processing of any materials or articles associated with an activity is carried out within a building.</p> <p><b>PER-4</b>  <u>Unloading or loading of vehicles or the receiving of customers or deliveries only occur between:</u><sup>30</sup>  <u>Hours of operation are between:</u>            1. 7am - 8pm Monday to Friday.            2. 8am - 8pm Weekends and public holidays.</p>	<p><b>Activity status where compliance not achieved with PER-1:</b>  <b>Discretionary</b></p>
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390. For other submissions discussed above, I generally recommend these are rejected, for or the reasons set out above. I recommend that the submissions on the are accepted, accepted in part and rejected as set out in Appendix 2.

#### Section 32AA evaluation

391. I consider that the recommended amendments to the Rule GRZ-R5 (home business) are appropriate because:
392. It is unlikely that a home business activity would involve the “*manufacturing, altering, repairing, dismantling or processing of any materials or articles associated with an activity*” (typically associated with an industrial activity which requires a resource consent in the GRZ), therefore Standard PER-3 is redundant.
393. The hours of operation standard does not need to unnecessarily restrict activities that do not generate adverse effects (for example, home office work), and should be targeted toward the “Unloading or loading of vehicles or the receiving of customers or deliveries” so the standard does not generate unnecessary resource consent applications.
394. The above recommended changes clarify the intent of the rule and ensure that it is efficient and effective by placing restrictions only on the aspects of the activity that may generate adverse effects.

#### 4.2.14 Key Issue 14: General Residential Zone - Standards

##### Overview



Provision(s)	Officer Recommendation(s)
GRZ-S1 Maximum height	<ul style="list-style-type: none"> <li>Minor addition of 'planned' in matters of restricted discretion</li> </ul>
GRZ-S2 Height in relation to boundary	<ul style="list-style-type: none"> <li>Retain as notified</li> </ul>
GRZ-S5 Façade length	<ul style="list-style-type: none"> <li>Change to standard drafting - Now fencing standard</li> </ul>
GRZ-S6 Outdoor living space	<ul style="list-style-type: none"> <li>Amendment to decrease outdoor living space to 40m<sup>2</sup> and additional standard clarity</li> </ul>
GRZ-S7 Outdoor storage	<ul style="list-style-type: none"> <li>Retain as notified</li> </ul>

## Analysis of Submissions on Key Issue 14

### Matters raised in submissions

#### *GRZ-S1 Maximum height*

395. VKK (S522.041) and other submitters<sup>31</sup> collectively emphasize the need to strictly enforce the current 8m height restriction in the GRZ and request an amendment to remove the option of exceeding this limit via the resource consent process.
396. Kāinga Ora (S561.074 & S561.075) supports retaining the 8m maximum height in the GRZ, but only if the Medium Density Residential Zone is included in the notified District Plan with an 11m building height. If the Medium Density Residential Zone is not accepted, the submitters propose increasing the maximum height in the GRZ to 11m. Both submissions seek to amend the matters of discretion accordingly:

*"Where the standard is not met, matters of discretion are restricted to:*

- a. The planned character and amenity of the surrounding built environment."*

#### *GRZ-S2 Height in relation to boundary*

397. Trent Simpkin (S283.039) supports GRZ-S2 in part, favouring the retention of the new daylight angles (35/45/55) for different boundaries. However, the submitter seeks an amendment to chimney exemptions, proposing a 2m width to ensure chimneys remain proportional to house designs and align with the latest flue systems.
398. John Andrew Riddell (S431.181) supports retaining the approach of GRZ-S2, advocating for height-to-boundary requirements that adjust based on the orientation of the relevant boundary.

<sup>31</sup> S338.021, S338.022, S338.025, S427.019, S449.028 S449.030, S449.031, S522.018, S522.042, S529.027, S529.029 & S529.030



#### *GRZ-S5 Façade Length*

399. Lynley Newport (S126.001) and Kāinga Ora (S561.076) both oppose GRZ-S5, though for different reasons. Lynley Newport argues that the standard is only relevant in areas of special architectural character and is unnecessary elsewhere, while Kāinga Ora contends that it should be treated as a design consideration rather than a formal standard for multi-unit developments. Both submitters request the complete deletion of GRZ-S5 and all references to it.

#### *GRZ-S6 Outdoor living space*

400. Northland Planning and Development 2020 Limited (S502.007) support in part the definition for *Outdoor Living Space* but requests to amend the definition to clarify if a deck that is partially closed, is an outdoor living space.
401. Kāinga Ora (S561.077) supports GRZ-S6 in part, arguing that the 50m<sup>2</sup> minimum outdoor living space requirement per dwelling is excessive. The submitter requests amendments to reduce this minimum threshold:

*"Outdoor living space*

*Each residential unit must have an exclusive outdoor living space:*

*Of at least ~~50m<sup>2</sup>~~ 30m<sup>2</sup> at ground level with a minimum dimension of 5m or...*

*Where the standard is not met, matters of discretion are restricted to: ...*

*The planned residential amenity for the occupants of the residential unit..."*

402. Northland Planning and Development 2020 Limited (S502.027) supports GRZ-S6 in part, noting that outdoor living space is defined by national standards. The submitter seeks clarification within the applicable rules to determine whether decks that are partially covered with a roof qualify as outdoor living space. They request amendments to address this issue:

*"... 2. The outdoor living space must:*

- ii. Be directly ~~accessibly~~ accessible from a habitable room in the residential unit;*
- iii. Be free of buildings, storage, parking spaces and manoeuvring areas;*
- iv. ~~Be orientated to the north, east or west side (or a combination) of the residential unit.~~*



*Note: Outdoor Living Space includes decks which are open on at least two sides and covered/partially covered with a roof."*

403. Traverse Ltd (S328.008) does not explicitly state a position on GRZ-S6, while BR & R Davis (S400.009) oppose the standard, arguing that its requirement for 50m<sup>2</sup> of outdoor living space for ground floor units is excessive. They request either the deletion of the standard or a reduction in the threshold to no more than 20m<sup>2</sup>.

*GRZ-S7 Outdoor storage*

404. Lynley Newport (S126.002) opposes GRZ-S7, arguing that its application to outdoor storage extends into civil law matters and may unintentionally encourage the construction of 1.8m high solid walls around residential sections in town. The submitter requests the complete deletion of GRZ-S7 and all references to it.
405. Kāinga Ora (S561.078) supports in part GRZ-S7 and requests to amend the matters of discretion as follows:

*"...Where the standard is not met, matters of discretion are restricted to:*

- a. the planned streetscape and amenity of the surrounding area;*
- b. The planned amenity of adjoining properties..."*

**Analysis**

*GRZ-S1 Maximum height*

406. I do not support the submitters seeking to remove the option of exceeding the height limit through the resource consent process, technically seeking that non-compliance with the height limit of 8m be prohibited activity. This status should be reserved for activities with the highest probable adverse effects that are not appropriate in any circumstance. The notified standard requires non-compliance with GRZ-S1 would be a restricted discretionary activity. Which allows assessment of the non-compliance in relation to the character, amenity, dominance, loss of privacy, shading, landscaping and natural hazards and site constraints relevant to its degree of non-compliance and location. In my opinion, this is entirely appropriate framework to manage a defined set of potential effects.
407. The Kāinga Ora submission presents an either/or submission point. As stated above I have recommended the insertion of a MDRZ for Kerikeri. Hence aligning with Kāinga Ora's position. I also support their proposed amendments to the restricted discretionary criteria for GRZ-S1 as it allows assessment of the environment that is planned under the provisions and aligns with other recommendations and aligns with other urban provisions.

*GRZ-S2 Height in relation to boundary*



408. When considering the Trent Simpkin submission point around chimney exemptions, I have undertaken some research around chimney types and developments that have chimneys up to 2m in width. It seems this exemption would likely be used when a chimney is in a multi storey building and that chimneys that are greater than 2m width is more of a design consideration rather than a functional necessity. Additionally, in general heat pumps are now seen as a more efficient and cost-effective heating option and are becoming more popular. I consider due to the scale of the issue a specific exemption is not necessary, and it is appropriate for chimneys of this scale to go through a restricted discretionary consenting process.

#### *GRZ-S5 Façade length*

409. In the absence of s32 assessment of this standard, my understanding is that façade length standards are used as a design consideration. They work to minimise visual impact on streetscapes and are typically used to protect the character of historic areas (which are already controlled through heritage area provisions). The MDRS<sup>32</sup> used a 20% glazing rule for street facing facades to ensure passive surveillance and the enhancement of streetscape. Waipa District Council uses a similar glazing standard in combination with a fencing standard for its residential zone, where the building connects to a public space. It seems other Councils (including Whangārei District Council) have used a fencing standard to control frontages and allow for passive surveillance thereby promoting CPTED design principles.
410. I consider the use of a Fencing standard more appropriate for what the PDP is trying to achieve. This aligns with other submission points seeking urban design considerations for the plan and aligns with the objectives and policies of the GRZ which focus on high amenity living environments. I recommend the inclusion of fencing standard in place of the building frontage standard.

#### *GRZ-S6 Outdoor living space*

411. The definition of outdoor living space is a National Planning Standards definition as follows:

*"means an area of open space for the use of the occupants of the residential unit or units to which the space is allocated."*

412. My understanding is that the definition was intentionally was left broad so that Councils could consider in detail where it applies. The reasoning behind an outdoor living space standard is twofold, to ensure a balance between individual enjoyment of private spaces and the overall amenity of a development or area. The use of a deck with a covered or partially covered roof or enclosed sides can make an outdoor living space more

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<sup>32</sup> [Medium density residential standards: A guide for territorial authorities](#). Ministry for the environment. Dated July 2022.



useable throughout the seasons. The addition of the note proposed by Northland Planning and development to this standard and the other factors in the standard such as its orientation, accessibility and its necessity to be free to obstructions ensure this area is useable.

413. Councils throughout New Zealand use a mixture of minimum outdoor living dimensions. The MDRS<sup>33</sup> used an outdoor living space requirement of just 20m<sup>2</sup>, with a minimum 3m dimension. Traverse Ltd submission seeking a 20m<sup>2</sup> outdoor living space may have been based off these standards. The GRZ is trying to achieve a variety of housing typologies and densities, it is not solely a medium density residential zone and reflects the range of spaciousness, amenity and private space considerations that are largely present in the existing environment. However, with the recommended change to provide for multiple residential units on a site and the provision of Multi unit developments the provision could afford some amendment. I support a reduction in size of the outdoor living space from 50m<sup>2</sup> to 40m<sup>2</sup>.
414. I do not support any changes to the definition and suggest it is retained as notified. The additional note and a slight decrease in the size will address Northland Planning and developments decision sought and go some way to address Kāinga Ora's, Traverse's and BR & R Davis concerns.
415. I support Kāinga Ora addition of the word 'planned' in the matters of restricted discretion as mentioned previously this change has been acknowledged urban wide. I do not support the other changes proposed by Northland Planning and development to delete references to the orientation of the private open space as this is important to ensure that the provision for open space is of good quality and therefore usable and desirable for the residents.

#### *GRZ-S7 Outdoor storage*

416. As mentioned above in the absence of any s32 justification for this standard I have assumed that it is an urban design control to ensure quality streetscapes. Lynley Newport states in her submission, this standard will result in 1.8m fences everywhere, I consider that there will be few instances where this will apply as it only applies to areas of storage of stockpiling, which are not considered typical GRZ activities. Additionally fences on a façade will also need restricted discretionary consent under GRZ-S5. Therefore, I consider it appropriate that this standard be retained subject to my recommended changes proposed by Kāinga Ora. As discussed above, the amendments ensure plan wide consistency for acknowledgement of the planned environment rather than the current state.

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<sup>33</sup> [Medium density residential standards: A guide for territorial authorities](#). Ministry for the environment. Dated July 2022.

## Recommendation

417. I recommend that Lynley Newport (S126.001) and Kāinga Ora (S561.076) submissions are accepted in part and changes to GRZ-S5 and how it achieves urban design considerations of the street façade are made as follows:

GRZ-S5	Façade length	
General Residential zone	<p>The new building or structure, or extension or alteration to an existing building or structure must include a recess where the façade exceeds 20m along any road or public land. The recess must:</p> <ol style="list-style-type: none"> <li>1. be at least 1m in depth for a length of at least 2m;</li> <li>2. be for the full height of the wall; and</li> <li>3. include a break in the eave line and roofline of the façade.</li> </ol> <p><b>This standard does not apply to:</b></p> <ol style="list-style-type: none"> <li>i. Fences or walls no more than 2m in height; or</li> <li>ii. Uncovered decks</li> </ol> <p><u>Solid fences between buildings on the site or any road, or public land can be up to 1.2m in height (or 1.8m in height if they are at least 50% visually permeable).</u></p>	<p><b>Where the standard is not met, matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>a. the character and amenity of the surrounding area;</li> <li>b. screening, planting and landscaping on the site; and</li> <li>c. the design and siting of the building or structure;</li> </ol> <p>a. <u>the extent to which privacy is provide for residential units, while enabling opportunities for passive surveillance of public places;</u></p> <p>b. <u>the extent to which shading and visual dominance effects to immediate neighbours and the street are minimised; and</u></p> <p>c. <u>screening, planting and landscaping on the site.</u></p>

418. I recommend that Kainga Ora, Northland Planning and Development Ltd, Traverse Ltd, BR & R Davis submissions are accepted and changes to GRZ-S6 are made to decrease the outdoor living space size to 40m<sup>2</sup>. I also recommend consequential amendments to the inclusion of permitted framework for a minor residential unit as follows:

GRZ-S6	Outdoor living space	
General Residential zone	<ol style="list-style-type: none"> <li>1. Each residential unit must have an exclusive outdoor living space<sup>34</sup>:</li> </ol>	<p><b>Where the standard is not met, matters of discretion are restricted to:</b></p>



	<ul style="list-style-type: none"> <li>i. of at least 540m<sup>2</sup> at ground level with a minimum dimension of 5m; or</li> <li>ii. at least 8m<sup>2</sup> (with a minimum dimension of 2m) where the residential unit is not on the ground floor.</li> </ul> <p>2. <u>Each minor residential unit<sup>35</sup> must have an exclusive outdoor living space:</u></p> <ul style="list-style-type: none"> <li>i. <u>Of at least 20m<sup>2</sup> at ground level with a minimum dimension of 3m; or</u></li> <li>ii. <u>At least 8m<sup>2</sup> ( with a minimum dimensions of 2m) where the residential unit is not on the ground floor.</u></li> </ul> <p>3. The outdoor living space must:</p> <ul style="list-style-type: none"> <li>i. be directly accessibly from a habitable room in the residential unit;</li> <li>ii. be free of buildings, storage, parking spaces and manoeuvring areas; and</li> <li>iii. be oriented to the north, east or west side (or a combination) of the residential unit.</li> </ul> <p><u>Note 1: Outdoor living space includes decks which are open on at least two sides and covered/partially covered with a roof.</u></p> <p><u>Note 2: This standard does not apply to GRZ – R10 retirement villages</u></p>	<ul style="list-style-type: none"> <li>a. the provision of sufficient outdoor living space;</li> <li>b. the residential amenity for the occupants of the residential unit;</li> <li>c. accessibility and convenience for residents;</li> <li>d. alternative provision of outdoor living space, such as proximity to accessible public open space;</li> <li>e. the provision of adequate access to sunlight on the outdoor living space throughout the year; and</li> <li>f. topographical or other site constraints making compliance with the standard impractical.</li> </ul>
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419. I recommend that Kainga Ora's submission on GRZ-S1 (maximum height) and GRZ-S7 is accepted with reference to 'planned' in related matters of discretion, for consistency with other recommendations.



420. For the reasons set out above, I recommend that the submissions are accepted, accepted in part and rejected as set out in Appendix 2.

#### **Section 32AA evaluation**

421. The reference to 'planned' in matters of discretion is appropriate for the same reasons provided in the Section 32AA evaluation for the equivalent change to Policy GRZ-P8 in paragraph 308 above.
422. A fencing standard in place of a building frontage (façade length) standard is more appropriate because it aligns with the objectives and policies of the GRZ which focus on high amenity living environment, allows for passive surveillance, promoting CPTED design principles, and is consistent with the approach taken for other similar second generation district plans.
423. The recommended amendment to decrease outdoor living space to 40m<sup>2</sup> (from 50m<sup>2</sup>) is necessary to achieve a range of housing typologies and densities, and to enable more efficient use of land. Other consequential amendments to GRZ-S7 (outdoor storage) are appropriate to improve clarity and achieve consistency.

#### **4.2.15 Key Issue 15: Impermeable Surface**

##### **Overview**

<b>Provision(s)</b>	<b>Officer Recommendation(s)</b>
GRZ-R2 Impermeable surface coverage	No changes in response to these submission points other changes are addressed in Appendix 1

##### **Analysis of Submissions on Key Issue 15**

##### **Matters raised in submissions**

424. Traverse Ltd (S328.002) and BR & R Davies (S400.003) argue that the 50% impermeable surface coverage limit in the General Residential Zone will likely increase the need for resource consent, given the 600m<sup>2</sup> minimum controlled activity and 300m<sup>2</sup> discretionary activity lot sizes. Both submitters request an amendment to GRZ-R2 to raise the threshold to at least 60%.
425. Brad Hedger (S268.001) supports in part GRZ-R2 and requests to amend PER-1 of GRZ-R2 as follows:

*"Impermeable surface coverage...*

*PER-1*



*The impermeable surface coverage of any site is no more than 50% or 300m<sup>2</sup>, whichever is the lesser..."*

426. Kāinga Ora (S561.071) supports GRZ-R2 in part, advocating for impermeable surface coverage to be addressed as a standard rather than a rule in the activity status table. They request its removal from the Rules section and propose its inclusion as a standard instead. Kāinga Ora also seeks amendments to GRZ-R2 as follows:

*"Impermeable surface coverage..."*

*PER-1*

*The impermeable surface coverage of any site is not more than ~~50%~~ 60%..."*

427. Kapiro Conservation Trust (S443.008) and others<sup>36</sup> support GRZ-R2 in part but highlights the importance of monitoring and limiting the cumulative impermeable area in residential and urban zones. The submitter requests amendments to GRZ-R2 to address this concern:

- i. Greater limits on impermeable areas and/or requirements for minimum permeable areas;*
- ii. and adopt measures to limit the cumulative total impermeable surface and/or protect a specified cumulative total permeable area.*

*Best Practice environmentally sustainable techniques*

428. Eleven submission points<sup>37</sup> including Kapiro Residents Association (S428.019 & S428.020), VKK (S521.022 & S521.023), and Carbon Neutral NZ Trust (S529.227) support in part the Objectives, Policies and Rules for the GRZ and requests an amendment to the PDP to include objectives, policies, rules and standards that require best practice environmentally sustainable techniques for new developments, including the following:

- Permeable materials where feasible for surfaces such as driveways, paths etc.*
- Best practice for lowest environmental impact and water sensitive designs, requiring greywater recycling techniques and other technologies to ensure efficient use of water, rain storage tanks for properties connected to a public water supply,*

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<sup>36</sup> S428.008, S428.010, S521.008, S521.013, S521.014, S529.217, S529.218 & S529.054

<sup>37</sup> S428.019, S428.020, S428.021, S428.022, S521.024, S521.025, S529.228, S529.229, S521.022 S521.023 & S529.227



*additional water storage for buildings that rely solely on roof water (to cope with drought) and other measures.*

- *Renewable energy technologies and energy-efficient technologies and similar requirements that foster improved environmental design/technologies and lower lifecycle climate impacts.*
- *Specified area (percentage) of tree canopy cover and green corridors should be required within new subdivisions. These will be increasingly important for shade/cooling for buildings and pedestrians in future.*

### **Analysis**

429. For the GRZ the impermeable surface coverage of any site is 50%, this threshold has been rolled over from the ODP<sup>38</sup> and is comparable to other GRZ standards throughout the country.
430. The purpose of this threshold is to set the trigger for the point where the mechanism to manage stormwater runoff onsite needs to be more specifically considered through the resource consent process. Without further evidence that the increase in impermeable surfaces limit is not going to result in any unintended consequences I consider that breaches of the maximum impermeable surfaces limit is appropriate to be considered as a restricted discretionary reason for resource consent.
431. Any impermeable surface coverage above this limit requires assessment again a set of matters of restricted discretion including landscaping, methods of controlling stormwater, low impact design methods, the use of green space and cumulative effects of catchment impermeability. An impermeable surface rule helps reduce impermeable surface coverage; In my experience developers will use innovative measures where appropriate to comply with this rule.
432. I note that other chapters have incorporated minor changes to assessment criteria for other zone chapters in response to the Puketotara Lodge submission points to include a specific assessment of downstream effects. I do not recommend any amendments in response to these submission points to the rule, GRZ-R2, itself.
433. In response to the submission points from Kapiro Residents Association and others, I consider that best practice environmentally sustainable techniques for new developments are encouraged in the GRZ framework. GRZ-O6 states that residential communities are resilient to changes in climate and are responsive to changes in sustainable development techniques. This Objective is supported by GRZ-P6 which goes further to

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<sup>38</sup> Far North District Council Operative District Plan 2009 Residential zone 7.6.5.1.6 STORMWATER MANAGEMENT.



encourage and support the use of on-site water storage to enable sustainable and efficient use of water resources and GRZ-P7 which encourages energy efficient design and the use of small -scale renewable electricity generation in the construction of residential development. GRZ-P8 also allows consideration of opportunities for low impact design principles. Further, the non-compliance with impermeable surfaces GRZ-R2 requires assessment of low impact design methods.

434. With regard to renewable energy opportunities, amendments recommended to GRZ-P2 allows some flexibility in servicing of development by renewable energy. Amendments are recommended to GRZ-P8 to allow consideration of opportunities of public open space. These minor changes go some way to address the concerns. Provision for renewable energy is a separate chapter within the PDP – Renewable Electricity Generation. It is also to be noted that additional submission points of this nature are allocated to Hearing topic subdivision.

#### **Recommendation**

435. For the reasons stated above, I recommend that the above submissions in relation to change in the impermeable surface permitted threshold are rejected.
436. For the reason above, I recommend that the above submissions in relation to best practice environmentally sustainable techniques are accepted in part and changes are addressed elsewhere.

#### **Section 32AA evaluation**

437. No change to the provisions is recommended at this stage. On this basis, no evaluation under Section 32AA is required.

### **4.2.16 Key Issue 16: Inclusionary Housing**

#### **Overview**

<b>Provision(s)</b>	<b>Officer Recommendation(s)</b>
GRZ provisions	<ul style="list-style-type: none"><li>• No changes as a result of these submissions</li></ul>

#### **Analysis of Submissions on Key Issue 16**

##### **Matters raised in submissions**

438. Kairos Connection Trust, Habitat for Humanity Northland Regional Ltd (S138.021), and Te Rūnanga o Ngāti Rēhia (S559.038) support the GRZ and propose the introduction of inclusionary housing provisions. They suggest either a separate Inclusionary Housing Chapter or integrating new provisions into the Subdivision and GRZ chapters. Both submitters advocate for a percentage share of the estimated sale value of subdivided



lots to be allocated to a nominated Community Housing Provider to facilitate affordable housing within high-growth urban areas.

439. Te Rūnanga o Ngāti Rēhia (S559.039) supports the GRZ in part and advocates for adopting a similar approach to the Queenstown Lakes District Council regarding subdivision and land use development rules. They specifically seek provisions related to contributions for affordable housing.

### Analysis

440. Some submission points regarding Inclusionary housing were addressed in Hearing 1<sup>39/40</sup>. Where it was stated that relief in regard to inclusionary housing was unlikely to be provided as part of the PDP. As currently the PDP does not have the appropriate mechanisms set up, further work would need to be done in order to consider inclusionary housing.

### Recommendation

441. I recommend that the submissions from Kairos Connection Trust, Habitat for Humanity Northland Regional Ltd (S138.021), Te Rūnanga o Ngāti Rēhia (S559.038) Te Rūnanga o Ngāti Rēhia (S559.039) are rejected and no changes are made to the PDP to make specific provision for inclusionary or affordable housing.

### Section 32AA evaluation

442. No change to the provisions is recommended at this stage. On this basis, no evaluation under Section 32AA is required.

## 4.2.17 Key Issue 17: Mixed Use Zone – Overview

### Overview

Provision(s)	Officer Recommendation(s)
Overview	<ul style="list-style-type: none"><li>Minor changes</li></ul>

### Analysis of Submissions on Key Issue 17

#### Matters raised in submissions

443. Lynley Newport, S137.004 seeks to retain the Mixed use zone.

<sup>39</sup> Section 5.2.6 S42A Part 1 prepared by Sarah Trinder dated 29 April 2024. [S42A-Report-Part-1.pdf](#)

<sup>40</sup> S42A Part 1 Writers Right of reply prepared by Sarah Trinder dated 14 June 2024. [S42A-Reports-Writers-Right-of-Reply-Part-1-and-General-miscellaneous.pdf](#)



444. Brownie Family Trust (S74.006) support in part the MUZ Overview, seeking the following amendments:

*'... and beverage establishments as well as social and educational services, with ~~limited~~ residential activities.*

445. Far North Holdings (S320.011) seeks the following amendment to the Overview:

*"... The Mixed Use zone provides a framework in which commercial and residential activities can co-exist and it enables a range of compatible activities. The focus of the zone is to revitalise urban centres and other identified areas such as Opuia Marina, Marine Business Park, Commercial Estate, Colenzo Triangle and the Opuia Marine Development Area 'OMDA', and support..."*

### **Analysis**

446. I disagree with Brownie Family Trust submission point. The MUZ principally accommodates commercial activities, with some compatible residential activities anticipated, subject to certain specified limitations.
447. Far North Holdings seeks to amend the overview in anticipation of the rezoning sought for their properties. Amending the overview to include these properties in a list would be pre-empting the recommendations of the rezoning submission points. I will address any consequential changes if necessary as part of the final miscellaneous Hearing 17 reporting.
448. Other consequential amendments are necessary to the overview as a result of changes to the Mixed use framework. Educational facilities are a discretionary activity in the MUZ so I don't consider it appropriate to list these activities in what we would traditionally find in the MUZ. Additionally, I consider the addition of the word 'development' in relation to the definition of development infrastructure used in relation to the urban zones.

### **Recommendation**

449. I recommend that submissions S74.006 and S320.011 are rejected for the reasons stated above.
450. Consequential amendments to the overview to remove 'educational' from the first paragraph are recommended, and addition of the word 'development' in relation to infrastructure in paragraph 2 of the overview.
451. For the reasons set out above, I recommend that the submissions are accepted, accepted in part and rejected as set out in Appendix 2.

### **Section 32AA evaluation**



452. Minor amendments to the provisions are recommended at this stage, to improve the clarity of the provisions without amending the intent. On this basis, no evaluation under Section 32AA is required.

#### 4.2.18 Key Issue 18: Mixed Use Zone – Objectives

##### Overview

Provision(s)	Officer Recommendation(s)
MUZ-O1	Minor amendments for clarity
MUZ-O3	Minor amendments
MUZ-O5	retain as notified

##### Analysis of Submissions on Key Issue 18

##### Matters raised in submissions

453. Russell Protection Society (S179.044) seeks to retain all objectives within the MUZ chapter, while multiple submitters support the retention of various MUZ objectives as notified. Z Energy Limited (S336.009), Kāinga Ora (S651.079) & Kiwi Fresh Orange Company (S554.026) request the retention of MUZ-O1, while eight<sup>41</sup> submitters seek to retain MUZ-O2. Kāinga Ora (S561.081) supports and requests the retention of MUZ-O3. Brownie Family Trust (S74.010) and three other submitters (S336.012, S554.029 & S561.082) advocate for maintaining MUZ-O4 as notified. Lastly, Z Energy Limited (S336.013) and NZTA (S356.116) requests to retain MUZ-O5.
454. Good Journey Limited (S82.004) requests amendments to all MUZ Objectives due to apparent drafting errors.
455. Brownie Family Trust (S74.007) supports in part MUZ-O1 and requests to amend the policy as follows:
- "The Mixed Use zone is a focal point for the Districts commercial, community and civic activities, and provides for compatible residential development and compatible residential activities and is not incompatible with these activities."*
456. Seven submitters, Brownie Family Trust (S74.009) and others<sup>42</sup>, request amendments to MUZ-O3, proposing to replace "Light Industrial" with *Mixed Use*.

##### Analysis

<sup>41</sup> S74.008, S271.034, S336.010, S446.035, S524.034, S529.099, S554.027 & S561.080

<sup>42</sup> S137.001, S320.012, S336.011, S368.092, S431.113 & S554.028





#### MUZ-O1

457. I consider that minor drafting updates to MUZ-O1 will add clarity to this objective and align with the relief sought by the Brownie Family Trust submission. I recommend the following amendments

*"The Mixed Use zone is the focal point for the district's commercial, community and civic activities, and provides for compatible residential development ~~where it~~ that complements ~~and is not incompatible with these activities.~~"*

#### MUZ-O3

458. I recommend drafting errors are updated including replacing Light Industrial with Mixed use in MUZ-O3.

#### MUZ-O5

459. Amendments to MUZ-O5 have been addressed above in key Issue Residential units ground floor.

### Recommendation

460. I recommend that Brownie Family Trust (S74.007) submission is accepted in part and recommend minor changes to MUZ-O1 as follows:

*The Mixed Use zone is the focal point for the district's commercial, community and civic activities, and provides for compatible residential development ~~where it~~ that complements ~~and is not incompatible with these activities.~~*

461. I recommend minor errors in MUZ-O3 are amended.
462. For the reasons set out above, I recommend that the submissions referred to in the analysis above are accepted, accepted in part and rejected as set out in Appendix 2.

### Section 32AA evaluation

463. Only minor changes to the provisions is recommended at this stage, to clarify the intent of the objective and to aid with interpretation, to achieve more consistent outcomes. On this basis, no evaluation under Section 32AA is required.

## 4.2.19 Key Issue 19: Mixed Use Zone – Policies

### Overview

Provision(s)	Officer Recommendation(s)
MUZ-P1	<ul style="list-style-type: none"> <li>Minor amendments</li> </ul>
MUZ-P2	<ul style="list-style-type: none"> <li>Minor amendments for plan wide consistency</li> </ul>



Provision(s)	Officer Recommendation(s)
MUZ-P3	<ul style="list-style-type: none"> <li>Retain as notified</li> </ul>
MUZ-P4	<ul style="list-style-type: none"> <li>Retain as notified</li> </ul>
MUZ-P5	<ul style="list-style-type: none"> <li>Redraft to reflect amended activity types and statuses</li> </ul>
MUZ-P6	<ul style="list-style-type: none"> <li>Retain as notified</li> </ul>
MUZ-P7	<ul style="list-style-type: none"> <li>Minor amendment and addition of reverse sensitivity</li> </ul>
MUZ-P8	<ul style="list-style-type: none"> <li>Minor amendments for plan wide consistency</li> </ul>
MUZ-PXX	<ul style="list-style-type: none"> <li>Addition of a new avoid policy</li> </ul>

## Analysis of Submissions on Key Issue 19

### Matters raised in submissions

464. Multiple<sup>43</sup> submitters, including Waka Kotahi, support the retention of various MUZ Policies as notified, including MUZ-P1-P4 and MUZ-P6-P8. Additionally, Russell Protection Society (S179.045) seeks to retain all policies within the MUZ.
465. Good Journey Limited (S82.005) requests to amend all policies in the MUZ due to apparent drafting errors.

#### MUZ-P1

466. Brownie Family Trust (S74.012) supports MUZ-P1 in part and requests an amendment to provide guidance on the nature of future development.
467. Z Energy (S336.014) supports MUZ-P1 in part and requests amendments to refine the policy:

*"Enable a range of commercial, community, civic, and residential activities in the Mixed Use zone where:*

- 1. ~~It~~ they supports the function, role, sense of place and amenity of the zone, while recognising the existing environment; and..."*

#### MUZ-P3

468. Lynley Newport (S137.002) supports MUZ-P3 in part and requests the deletion of part a. from the policy. Stating at too much attention is paid to how something looks, people will choose to reside in this zone because of convenience and not because of visual outlook.

#### MUZ-P5

<sup>43</sup> S74.013, S74.014, S74.015, S74.017, S74.018, S74.019, S257.001, S271.035, S336.015, S336.016, S356.117, S356.118, S357.001, S358.001, S446.036, S472.001, S554.034, S524.035, S554.036, S529.100, S554.033, S554.037, S554.038, S561.084, S561.085, S561.086, S561.087, S561.089



469. Kiwi Fresh Orange Company Limited (S554.035) opposes MUZ-P5 and requests the policy is amended as follows:

*"Restrict activities that are likely to have an adverse effect on the function, role, sense of place and amenity of the Mixed use zone, including*

- 1. Residential activity, retirement facilities and visitor accommodation activities located on the ground floor of buildings, except where a site adjoins an Open Space zone;*
- 2. Light or heavy industrial activity (excluding warehousing);*
- 3. Storage and warehousing*

*Large format retail activity over 400m<sup>2</sup>; and"*

*MUZ-P7*

470. Z Energy Limited (S336.017) supports MUZ-P7 in part, however, requests the following changes to the policy:

*"Consider the following effects when assessing applications to establish residential, early childhood, retirement and education facilities: ...*

- c. Shadowing and visual domination; and*
- d. Light spill; and*
- e. Reverse sensitivity."*

*MUZ-P8*

471. Our Kerikeri Community Charitable Trust (S271.036) and three other submissions (S529.101, S524.036 & S446.037) request the following amendments to MUZ-P8:

*"Manage land use and subdivision to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:*

- 1. Consistency with the scale, density, design, amenity and character of the surrounding mixed use environment, and with the urban design guidelines;...*
- f. Alignment with any strategic or spatial document;*
- g. Provisions made to ensure connectivity; ..."*

472. Z Energy Limited (S336.018) highlights that the PDP policy focuses solely on activities at zone interfaces, while conflicts arise due to interactions between activities rather zones themselves. The proposed amendments



aim to address reverse sensitivity effects on existing service stations located next to residential and commercial areas, irrespective of zoning. To achieve this, Z Energy seeks modifications to MUZ-P8 to better manage these concerns:

*"Manage land use and subdivision to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application: ...*

*c. At zone interfaces and the interface between commercial and noise-sensitive activities: ...*

473. *Any adverse effects on the character and amenity of adjacent zones or the adjacent activity: ... "*

474. One submission from Kāinga Ora (S561.090) supports MUZ-P8 in part and requests to insert the following:

*"... a. consistency with the scale, density, design, amenity and character of the planned mixed use environment..."*

#### *New Policies*

475. Far North Holdings Limited (S320.013) requests the inclusion of a new policy, MUZ-P9.

*"Promote the use of Development Areas to provide for areas where plans such as concept plans, structure plans, outline development plans, master plans or growth area plans, apply to determine future land use and development and when the associated development is complete the Development Area spatial layers are removed through a trigger in the development area provisions."*

#### **Analysis**

##### *MUZ-P1*

476. I support the amendments proposed by Z Energy as it improves the readability of the policy. In response to Brownie Family Trust, I do not consider this necessary as the policies read as a package provide guidance on the nature of future development *MUZ-P3*.

477. I disagree with the submission from Lynley Newport regarding the deletion of clause of a of MUZ-P3. The visual amenity of the MUZ is important as well designed, visually appealing spaces enhance the enjoyment and experience of living and working in a MUZ.

##### *MUZ-P7*

478. This policy relates to reverse sensitivity issues. The amendments provided by Z Energy allows the listed sensitive activities to be appropriately designed to manage reverse sensitivity effects where there is an interface



with lawfully established non-residential activities. The relief sought is consistent with design principle 1: The Site of the National medium density design guide (Ministry for the Environment, May 2022) which seeks that current or proposed nearby non-residential activities are identified and that residential development responds to them. The MUZ allows for a range of activities to co-exist with the focus on commercial activities.

#### *MUZ-P8*

479. As outlined in relation to similar policies in other chapters the function of MUZ-P8 as a 'consideration policy' vs assessment criteria has been considered in a number of previous hearings on the PDP. For example, in the Coastal Environment Section 42A Report it stated in relation to the corresponding policy in that chapter: "*I note that CE-P10 functions as a 'consideration' policy, which is an approach that has been adopted consistently at the end of the policies across the PDP chapters to provide a consistent way of ensuring all relevant matters can be assessed when resource consent is required under the relevant chapter. I consider that this is an appropriate drafting approach to achieve consistency across the PDP and recommend that CE-P10 is retained on that basis.*"
480. The recommended amendments to the chapeau of CE-P10 are equally applicable to MUZ-P8 and other consideration policies in the PDP.
481. On that basis, I recommend that MUZ-P8 is retained as a 'consideration policy', consistent with other PDP chapters, and the chapeau is amended to be clearer on its purpose and application.
482. I agree with the submission point from Kāinga Ora and that the mixed use environment could look different if it was to be developed to the scale, density, amenity and character anticipated in the MUZ. I have also recommended changes to General residential framework in this way, this ensures plan wide consistency.
483. In relation to the amendments proposed by Z Energy to include proposed amendments to address reverse sensitivity effects on existing service stations located next to residential and commercial areas, irrespective of zoning I do not support the proposed changes and consider that the inclusion of reverse sensitivity in relation to the noise sensitive activities MUZ -P7 and MUZ-O4 addresses these concerns.
484. In response to Our Kerikeri Community Charitable Trust and others I have considered this issue in the GRZ-Policies and consider similar wording around connectivity is appropriate. I suggest amendments as follows:

*"...c. opportunities for connectivity, within and between developments, public open space, services and facilities;"*



#### *New Policy*

485. The New policy sought by Far North Holdings limited is in relation to development areas. A Development Area is one of many spatial tools in the National Planning Standards. Currently we have no development areas in the PDP, although I note Far North Holdings seeks a development area. A Development Area may be utilised in certain circumstances. However, the use of a particular tool is not an environmental outcome and it should be used only where appropriate to do so. I recommend this submission point is rejected a development area does not need to be expressed via a policy, this is not an efficient way of drafting the plan.
486. There have been changes proposed to the MUZ rule framework and gaps identified in the Policies. I consider it appropriate that a new policy is recommended to clarify that some activities are to be avoided in the MUZ. The activities that are to be avoided include: residential activity, visitor accommodation or supported residential care on the ground floor of building within the pedestrian frontage overlay. Industrial, offensive trade activities, landfill, primary production and rural industry. I recommend the following new policy.

*"Avoid the establishment of:*

*a. residential activity, visitor accommodation or supported residential care on the ground floor of a building within the pedestrian frontage overlay;*

*b. Industrial and offensive trade activities and landfill*

*c. primary production and rural industry"*

#### **Recommendation**

487. For the reasons set out above, I recommend that the submissions set out in the above analysis are accepted, accepted in part and rejected as set out in Appendix 2, for the reasons explained above. In particular, I recommend a number of changes to MUZ-P1, P2, P7 and P8 to achieve plan-wide consistency, amendments to MUZ-P5 to reflect the amended activity types and activity statuses recommended within this report, and addition of reverse sensitivity to MUZ-P7 and a new policy MUZ-PXX.
488. I recommend that Far North Holdings Ltd submission seeking a new policy on development areas is rejected for the reasons stated above.

#### **Section 32AA evaluation**

489. The recommended amendments are appropriate to clarify the intent of the provisions, achieve integration between the objectives, policies and associated rules and standards, and to improve usability and certainty of the plan. The amendments recommended above are expected to aid with interpretation, reducing time/cost/uncertainty for plan users and lead to more consistent outcomes. For these reasons, the recommended



amendments are considered to be more appropriate in achieving the purpose of the RMA and the PDP objectives than the notified version of the PDP.

#### 4.2.20 Key Issue 20: Residential Units - Ground Floor

##### Overview

Provision(s)	Officer Recommendation(s)
MUZ-O5	Retain as notified
MUZ-P5	Retain as notified
MUZ-PXX	Insert new avoid policy in relation to the changes to ground floor residential activity
MUZ-R3 Visitor accommodation	RD outside pedestrian frontage
MUZ-R4 Residential activity	RD outside pedestrian frontage
MUZ-R5 Residential unit	Delete rule
MUZ-R17 Residential activity on the ground level of sites with pedestrian frontage identified on the planning maps	Delete rule

##### Analysis of Submissions on Key Issue 20

##### Matters raised in submissions

490. Vaughan Norton-Taylor (S50.003 & S50.004) and other submitters<sup>44</sup>, with significant further submission support seek to allow residential activities on the ground floor of building in the MUZ. The submitters seek amendments and or deletion of the proposed plan provisions MUZ-O5, MUZ-P5 and MUZ-R3 Visitor accommodation, MUZ-R4 Residential activity and MUZ-R5 Residential unit with the following reasoning:

- If the dwelling is only residential there is no reason to have residential activity on the ground floor.

<sup>44</sup> S74.011, S74.016, S74.022, S74.023, S74.024, S138.017, S138.018, S138.019, S256.001, S256.004, S285.002, S283.005, S285.004, S287.005, S289.002, S289.004, S293.001, S293.002, S293.004, S294.003, S294.001, S294.004, S320.015, S341.003, S341.004, S341.005, S368.093, S476.005, S536.003, S536.004, S554.030, S559.031, S561.083, S561.088, S561.093, S561.094 and S561.095.



- Where building height is limited to 5m it does not allow for a second storey.
  - Restriction on residential use should be limited to the main street frontage where a 'pedestrian frontage' overlay has been applied.
  - No consideration for access for the disabled has been given.
  - Rule as drafted is unduly harsh on new compatible visitor accommodation.
  - Costs to meet the rule may actively work against the zone's intentions.
  - Amend to allow residential units on ground floor where the unit does not adjoin a road boundary.
491. Department of Corrections and New Zealand Maritime parks Limited (S158.012 and S251.012) seek to retain MUZ-R4 residential activities. Department of Corrections states that the permitted activity is appropriate in the context of the establishment and operation of supported and transitional accommodation activities, such as those provided for by Department of Corrections. NZMPL supports the provision of mixed residential and commercial activities. This is considered to promote vibrancy and vitality within urban centres. Further requiring residential activities to be established above street frontages ensures active streetscapes are maintained.

### **Analysis**

492. The MUZ accommodates a variety of activities, with the use of primarily one commercial zone and one residential zone. Outside of Kerikeri, the need to be considerate of compatibility of activities in the MUZ is important. As stated above, the MUZ still largely anticipates commercial activities.
493. In saying that I consider there are some areas of the MUZ where it would be appropriate to allow residential activities on the ground floor of buildings, with limited effect on the operation of commercial activities. The more peripheral areas of the zone ground floor residential may be appropriate and would continue to support the vibrancy and vitality of commercial areas and uses.
494. A Pedestrian frontage overlay has been used in the district's key towns to create an interactive area along the road frontage, enhancing pedestrian amenity and safety and visual quality. This Pedestrian frontage overlay in the PDP has been rolled over from the FNOP and is in locations that are predominantly zoned Mixed Use.





495. I propose a restricted discretionary rule framework for residential activities on the ground floor of buildings outside the pedestrian frontage overlay, with the Restricted discretionary rule framework to include criteria to not only include the bulk and location standards for the MUZ, but to also include consideration of the building design and site layout, passive surveillance of the adjoining street and provide privacy for residents.
496. The extent to which residential activity can occur on the ground floor without affecting the pedestrian circulation and interest along the road. The nature of any neighbouring activity the extent to which the design provides for residential activity and privacy. I recommend the retention of the non-complying activity status for residential activity on the ground floor within the pedestrian frontage.
497. In response to Department of Corrections and New Zealand Maritime Parks Limited who seek MUZ-R4 to be retained I consider that the proposed changes still address the vibrancy and vitality within urban centres. The non-complying activity status for Residential activities on the ground floor within the pedestrian frontage overlay activity has not changed. I consider this will still ensure active street frontages are maintained.
498. As a result of recommended changes to the residential activity rules. I also recommend the same changes to the visitor accommodation rule, and the consideration of ground floor residential activity in the pedestrian frontage as a non-complying activity within these rules. Through the redrafting of the residential activity rule, as a consequential amendment, I considered it unnecessary to have an additional residential unit rule and have included compliance with the noise insulation standard within MUZ-R4, and recommend deleting MUZ-R5
499. I do not consider there is any amendments necessary to MUZ-O5 or MUZ-P5 as a result of the recommended rule changes. As it is not a permitted activity for residential activity on the Ground floor in the MUZ, I have only created a restricted discretionary pathway outside the pedestrian frontage overlay. I have recommended the addition of a new 'avoid' policy in relation to residential ground floor activities within the pedestrian frontage and other non-complying activities for the MUZ zone. This new policy is addressed in Key Issue 19: Mixed Use Zone - Policies.

### **Recommendation**

500. I recommend that Vaughan Norton-Taylor (S50.003 & S50.004) and other submitters<sup>45</sup>, Department of Corrections and New Zealand Maritime parks

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<sup>45</sup> S74.011, S74.016, S74.022, S74.023, S74.024, S138.017, S138.018, S138.019, S256.001, S256.004, S285.002, S283.005, S285.004, S287.005, S289.002, S289.004, S293.001, S293.002, S293.004, S294.003, S294.001, S294.004, S320.015, S341.003, S341.004, S341.005, S368.093, S476.005, S536.003, S536.004, S554.030, S559.031, S561.083, S561.088, S561.093, S561.094 and S561.095.



Limited (\$158.012 and \$251.012) submissions are accepted in part, and recommend the following amendments to the provisions:

501. Amendments to MUZ-R3 Visitor accommodation as follows:

<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The visitor accommodation is within a residential unit that is located above the ground floor level of a building unless the residential unit existed at 27 July 2022.</p> <p><b>PER-2</b> The residential unit complies with standard: NOISE-S5 Noise insulation.</p>	<p><b>Activity status where compliance not achieved with PER-1: <u>Restricted Discretionary</u></b></p> <p><b><u>Where:</u></b></p> <p><b><u>RDIS – 1</u></b> <u>The residential unit is located outside the pedestrian frontage overlay</u></p> <p><b>Matters of discretion are restricted to:</b></p> <ul style="list-style-type: none"> <li>a. <u>private outdoor living area that is functional and accessible</u></li> <li>b. <u>a reasonable level of privacy and outlook</u></li> <li>c. <u>safe and convenient pedestrian access to residential units from the street</u></li> <li>d. <u>Building design and layout</u></li> <li>e. <u>Effects on the safety, amenity and attractiveness of the street and public open spaces.</u></li> </ul>
	<p><b>Activity status where compliance not achieved with <u>PER-2</u>: Discretionary</b></p> <p><b><u>Activity status where compliance not achieved with RDIS-1: Non complying</u></b></p>

502. I recommend amendments to MUZ-R4 Residential Activity as follows:

<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The residential activity is within a residential unit that is located above the</p>	<p><b>Activity status where compliance not achieved with PER-1: <u>Restricted Discretionary</u></b></p> <p><b><u>Where:</u></b></p> <p><b><u>RDIS – 1</u></b></p>
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<p>ground floor level of a building unless the residential unit existed at 27 July 2022.</p> <p><b>PER-2<sup>46</sup></b>  <u>The minimum net internal floor area, excluding outdoor living space, of a residential unit shall be:</u></p> <ol style="list-style-type: none"> <li>1. <u>1 bedroom = 45m<sup>2</sup></u></li> <li>2. <u>2 bedroom = 62m<sup>2</sup></u></li> <li>3. <u>3 bedroom = 82m<sup>2</sup></u></li> </ol> <p><b>PER-3</b>  <u>Residential units established after 27 July 2022 comply with standard:</u>  <u>NOISE-S5 Noise insulation.</u></p>	<p><u>The residential unit is located outside the pedestrian frontage overlay</u></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>a. <u>private outdoor living area that is functional and accessible</u></li> <li>b. <u>a reasonable level of privacy and outlook</u></li> <li>c. <u>safe and convenient pedestrian access to residential units from the street</u></li> <li>d. <u>Building design and layout</u></li> <li>e. <u>Effects on the safety, amenity and attractiveness of the street and public open spaces.</u></li> </ol> <p><b><u>Activity status where compliance not achieved with PER-2 and PER-3:</u></b>  <b><u>Discretionary</u></b></p> <p><b><u>Activity status where compliance not achieved with RIS-1: Non complying</u></b></p>
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503. The deletion of MUZ-R5 and MUZ-R17.

504. I recommend MUZ-O5 and MUZ-P5 are retained as notified.

### Section 32AA

505. A restricted discretionary rule framework for residential activities on the ground floor of buildings (and equivalent changes to the visitor accommodation rule) outside the pedestrian frontage overlay is appropriate because there are some areas on the Mixed Use Zone where residential activity can occur on the ground floor without affecting the pedestrian circulation and interest along the road. The resource consent process enables consideration of the appropriateness of these activities on a case-by-case basis.

#### 4.2.21 Key Issue 21: Supermarkets

<sup>46</sup> S368.666



## Overview

Provision(s)	Officer Recommendation(s)
Insert definition	Insert new definition for supermarkets
Insert Rule MUZ	New restricted discretionary rule for supermarkets
Insert Rule LIZ	New rule for large format retail Within the 'Waipapa control area' is a permitted activity and outside the 'Waipapa control area' as a discretionary activity

## Analysis of Submissions on Key Issue 21

### Matters raised in submissions

506. Foodstuffs (S363) Woolworths (S458) and Paihia Properties (S344) have sought amendments to the way supermarkets are dealt with in the PDP. They seek a permissive framework in both the Mixed use and Light industrial zones with the following amendments proposed:
- f. A policy framework to support and enable supermarkets (S363.021 & S458.002).
  - g. Insert a definition for supermarkets (S363.030).
  - h. Increase the MUZ-R1 GFA threshold permitting supermarkets and a restricted discretionary status when GFA compliance cannot be met. (S344.028 & S363.022). Amend LIZ-R1 to default to a restricted discretionary activity (S363.029).
  - i. Amendments to the MUZ-R1 and LIZ-R1 to allow additions and alterations to buildings exceeding GFA threshold, provided the footprint remains unchanged (S363.022 & S363.029).
  - j. Deletion of the note in MUZ-R1 (S344.029 & S363.022).
  - k. Promotion a framework for supermarkets that separately manages bulk and scale of activities (S344.029).
  - l. Eight submissions<sup>47</sup> request amendments to Standards MUZ-S1-S9 to align with and support the relief sought for MUZ-R1 above.
  - m. Amendments to MUZ-R2 to clearly provide for supermarkets without a GFA limit (S363.025).
  - n. Amendment to MUZ-S5 to exempt supermarkets from pedestrian frontage requirements. (S363.023).

<sup>47</sup> S344.030, S344.033, S344.034, S344.036, S344.037, S344.038, S344.039, S344.040



- o. Amendment to MUZ-S6, proposing an exemption for supermarkets from verandah requirements. (S363.024).
- p. Amendments to LIZ-R7 and LIZ-R5 to allow supermarkets as a permitted activity (S363.031).

### Analysis

- 507. I agree with Foodstuffs that as notified, supermarkets would fall into the definition of 'commercial activity' and are therefore restricted to 400m<sup>2</sup> premises in all of the MUZ and additionally also a Discretionary activity in the LIZ.
- 508. While I agree that supermarkets have a functional need to locate in areas where there are significant population, I disagree that there should be an unrestricted permitted activity pathway in the MUZ. Additionally, the light industrial zone primarily provides for Light Industrial activities so this type of activity is not the focus of this zone. As acknowledged in the notified set of provisions, there is potential for significant reverse sensitivity effects and conflicts between permitted uses in the MUZ.
- 509. In my view, a full-scale supermarket that is larger than 450m<sup>2</sup> would be substantially inconsistent with the existing character in some MU zoned areas throughout the district. In my opinion, a restricted discretionary pathway could help effectively manage these adverse effects. I am unclear from the Foodstuffs submission as to what scale of permitted activity GFA threshold would be considered sufficient to address their concerns.
- 510. Food stuffs seek the insertion of a new definition for supermarkets as follows:  
  
*"Supermarket means a self-service retail activity selling mainly food, beverages and small household goods."*
- 511. In considering supermarkets district wide, and particularly in relation to the LIZ, I refer to Mr McIlrath's economic technical memo<sup>48</sup>. He states that supermarkets often seek to locate in locations with Large format retail activities, but allowing them in industrial zones risks displacing industrial activities. In Waipapa, local nuances must be considered—such as consumer convenience, co-location benefits, and competition. While supermarkets align with LFR due to their need for car access and high transaction frequency, careful attention must be paid to their impact on infrastructure, traffic, and spatial relationships to residential areas and centres. Permitting supermarkets in LFR zones requires a detailed assessment of these factors to avoid negative effects like congestion and public transport disruption. I consider the potential negative effects of Supermarkets in the Waipapa control area to be outweighed by the

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<sup>48</sup> Technical memo: Overview of key considerations, Market Economics, Lawrence McIlrath, dated 17<sup>th</sup> June 2025.



benefits of its location in one small spatial area of the district, noting consideration will need to be given to the transport rules.

512. I support in part insertion of a definition into the plan, and specific rule framework to be clear of the assessment of supermarkets throughout the district.
513. As the result of the insertion of a new definition for Supermarkets I suggest a new restricted discretionary Rule for Supermarkets, with matters of discretion to include things such as effects on the transport network, landscaping, building design etc. The use of a restricted discretionary rule will allow consideration of adverse effects in line with a particular set of matters.
514. As I have recommended a new restricted discretionary rule for supermarkets, I do not consider it necessary to have exemptions from the verandah and pedestrian frontage standards as supermarkets are restricted discretionary activities already and addressing the criteria relating to these standards is appropriate. Exemptions could result in significant 'gaps' in the pedestrian frontage and undermine the purpose of the verandah and pedestrian frontage standards.
515. I also recommend a new rule in the LIZ specifically for supermarkets which are a discretionary activity but permitted in the spatially defined Waipapa control area.
516. In considering the requested exemption for alterations where the building footprint remains the same. I have considered this issue more widely as it applies to the Commercial and industrial zones and consider that if there is no change in the building footprint compliance is only necessary with the height and height in relation to boundary standards for the zone. As per changes recommended to MUZ-R1 and LIZ-R1.
517. With respect to the Foodstuffs requested amendments to MUZ-R1, I have assumed that the two types of effects that Foodstuffs consider to be conflated are the potential built dominance, shading and privacy effects typically managed by bulk and location controls and the effects associated with the scale of an activity e.g. traffic movements, hours of operation, overall footprint. I disagree that the drafting of MUZ-R1 confuses these two types of effects or how they are managed.
518. Taking all of the above into account, I have not recommended a permitted framework for supermarkets as it is not necessary to include a specific policy framework for all activity types.

### **Recommendation**

519. For the reasons set out above, I recommend that Foodstuff's submissions on supermarkets are accepted as set out in Appendix 2, and recommend the following changes:



520. Insert new definition for supermarket as follows:

"Supermarket means a self-service retail activity selling mainly food, beverages and small household goods."

Amend MUZ-R1 to include:

"PER -3 Extension or alteration to an existing building or structure that does not increase the building footprint, complies with standards:

MUZ-S1 Maximum height; and

MUZ-S2 Height in relation to boundary."

See full rule amendments in Appendix 1.

521. Amend MUZ-R2 Commercial activity to exclude supermarkets.

522. Insert new rule MUZ-RXX Supermarkets as follows:

<b>MUZ-RXX<sup>49</sup></b>	<b><u>Supermarkets</u></b>	
<b><u>Mixed Use zone</u></b>	<p><b><u>Activity status: Permitted</u></b></p> <p><b><u>PER-1</u></b>  <u>The new building or structure, relocated building or extension or alteration to an existing building or structure on the site, does not exceed GFA 450m<sup>2</sup></u></p>	<p><b><u>Activity status where compliance not achieved: Restrict Discretionary</u></b></p> <p><b><u>Matters of discretion are restricted to:</u></b></p> <ul style="list-style-type: none"> <li>a. <u>The extent of any effect on the transport network;</u></li> <li>b. <u>Any access is designed and located to provide efficient circulation on site and avoid potential adverse effects on adjoining sites, the safety of pedestrians and the safe and efficient functioning of the road network;</u></li> <li>c. <u>Minimises building bulk, and signage while having regard to the functional requirements of the activity; and</u></li> <li>d. <u>Landscaping is provided especially within surface car parking areas to enhance amenity values.</u></li> </ul>

523. Insert LIZ-RYY Supermarkets as follows:

<sup>49</sup> S363.025

<u>LIZ-RXX</u>	<u>Supermarkets</u>	
<u>Light Industrial zone - Waipapa control area</u>	<u>Activity status: Permitted</u>	<u>Activity status where compliance not achieved: Not applicable</u>
<u>Light Industrial zone excluding the Waipapa control area</u>	<u>Activity status: Discretionary</u>	<u>Activity status where compliance not achieved: Not applicable</u>

### Section 32AA

524. The use of a restricted discretionary rule for supermarkets in the MUZ will allow consideration of adverse effects in line with a particular set of matters, specifically relevant to supermarkets. This approach allows consideration of supermarkets on a case-by-case basis through the resource consent process considering the relevant context, and potential for conflicts between land uses. This approach strikes an appropriate balance for providing for supermarkets in within the relevant zones and managing their environmental effects.
525. The use of a permitted rule for supermarkets within the Waipapa control area is in line with other activity decisions for the Waipapa control area and in keeping with the already established activities in that location. This approach directs supermarkets to this location while retaining the Light Industrial zoned land for industrial uses.

## 4.2.22 Key Issue 22: Mixed Use Zone – Rules

### Overview

<b>Provision(s)</b>	<b>Officer Recommendation(s)</b>
MUZ-R1 New buildings or structures, or extensions or alterations to existing buildings or structures	Amendments to Remove reference to GFA in this rule, include an exemption pathway where this is no increase in building footprint, remove note





Provision(s)	Officer Recommendation(s)
MUZ-R2 Commercial activity	Minor amendment, amendment to increase office threshold to 300m <sup>2</sup> and addition of drive through activity where non-compliance for both is a restricted discretionary activity
MUZ-R4 Residential unit	Insert minimum net internal floor area requirements
MUZ- XX	Insert rule for community corrections facilities
MUZ-XX	Insert rule for supported residential care
MUZ-R14 Large format retail	Retain as Notified
MUZ -R15 Drive-through activity	Delete

## Analysis of Submissions on Key Issue 22

### Matters raised in submissions

526. Kāinga Ora (S561.091) supports the retention of MUZ-R1, while Z Energy Limited (S336.019) supports retaining MUZ-R2. Several submissions from Ed and Inge Amsler (S341.006<sup>50</sup>) support various MUZ rules, including the retention of MUZ-R6-11. Additionally, Russell Protection Society (S179.046) seeks to retain all MUZ rules.
527. Brownie Family Trust (S74.020<sup>51</sup>) supports the retention of various MUZ rules, these include MUZ-R1, MUZ-R6-17 and MUZ-R19-22.
528. Paihia Properties (S344.031) seeks to insert additional permitted activity rules should their specific site remain MUZ.
529. Vaughan Norton-Taylor (S50.001, S50.002 & S536.002) seeks the removal of MUZ-R1-R2. Kāinga Ora (S561.096) opposes MUZ-R11, requesting its removal due to its duplication of MUZ-R6. Meanwhile, Brownie Family Trust (S74.032) supports the removal of MUZ-R18.
530. Kāinga Ora (S561.125) requests the removal of MUZ-R2 in its entirety and seeks to include new provisions in the activity table to list Service Stations and offices greater than 200m<sup>2</sup> as a Discretionary activity.
531. Additionally, Good Journey Limited (S82.006) seeks amendments to all rules within the MUZ.
532. Department of Corrections (S158.015) opposes the rules and requests the insertion of a new permitted rule:

<sup>50</sup> S341.015, S341.016, S341.017, S341.018 & S341.019

<sup>51</sup> S74.025, S74.026, S74.027, S74.028, S74.029, S74.030, S74.031, S74.033, S74.034, S74.035, S74.036, S74.050, S74.051, S74.052, S74.053 & S74.054



*"MUZ-RX Community Corrections Activity*

*Activity status: Permitted*

*Activity status where compliance is not achieved: Not applicable"*

*MUZ-R1 New buildings or structures, or extensions or alterations to existing buildings or structures*

533. Our Kerikeri and others (S338.024, S449.032, S522.043 & S529.031) request amendments to MUZ-R1, seeking the removal of the option to exceed the height limit via the resource consent process.
534. McDonalds and New Zealand Maritime Parks Ltd (S251.010 and S385.020) request amendments to MUZ-R1 as follows:
- Delete PER -1
  - Increase size threshold for new buildings or structures.
  - Insert a new clause which permits alterations where they do not result in an increased building footprint.
  - Permit extensions of an appropriate scale where they comply with MUZ-S1, MUZ-S2, MUZ-S3, MUZ-S4, MUZ-S10 to avoid unnecessary consenting requirements.
  - Default to a restricted discretionary activity for non- compliance with PER 2.
535. Additionally, Good Journey Limited (S82.006) seeks a restricted discretionary status for new building and structures over 400m2. While Vaughan Norton-Taylor (S536.001) opposes MUZ-R1 and requests status quo.

*MUZ-R2 Commercial activity*

536. Brownie Family Trust (S74.021) expresses partial support for MUZ-R2 while requesting an amendment to establish distinct rules for commercial activities and service stations, proposing that the activity status for new service stations be changed to discretionary.
537. Lynley Newport (S137.003) supports MUZ-R2 in part and requests an amendment to PER-1 of the rule to clarify that the commercial activity it is not a service station in PER-1.
538. New Zealand Maritime Parks Ltd (S251.011) supports MUZ-R2 in part and requests the removal of PER-1 and PER-2 from the rule.
539. Ed and Inge Amsler and FNHL (S320.014 & S341.002) oppose MUZ-R2, requesting the deletion of the 200m<sup>2</sup> Permitted Activity limit for office



GFA in PER-2 of the rule. Kāinga Ora (S561.092) seeks to delete MUZ-R2 in its entirety and include new provisions to list service stations and offices greater than 200m<sup>2</sup> as a discretionary activity.

540. McDonald's Restaurants (NZ) Limited (S385.021) supports MUZ-R2 and requests to retain the rule, with a clarification that restaurant and café activities are defined and recognized as a subset of commercial activity.

*MUZ-R4 Residential activity*

541. Department of Corrections (S158.014) also seeks to amend MUZ-R4 Residential activity to provide for supported residential care if a separate definition of supported residential care is used in the plan. Ata Poutama has a submission point to address this definition which is considered in Key Issue 4: Definitions.
542. Kaitia Business Association and Northland Planning and Development (S501.003, and S502.031) seek to amend MUZ-R4 to exclude temporary overnight accommodation or emergency/assisted or social housing Stating that these types of activities are not suitable in the CBD. They consider that this type of activity should be directed to the GRZ.
543. Submitter, Kairos connection (S138.020) supports the Rules in part and requests the insertion of a new rule as follows:

*"The minimum net internal floor area of a residential unit shall be"*

- *35m<sup>2</sup> for studio units*

*The minimum net internal floor area for studio units may be reduced by 5m<sup>2</sup> where a balcony, ground floor terrace or roof terrace of 5m<sup>2</sup> or greater is provided*

- *45m<sup>2</sup> for one or more bedroom unit*

*The minimum net internal floor area for one or more bedroom units may be reduced by 8m<sup>2</sup> where a balcony, ground floor terrace or roof terrace or roof terrace of 8m<sup>2</sup> or greater is provided."*

544. FNDC (S368.006) requests an amendment to MUZ-R4 to establish a minimum net internal floor area requirement for residential units in the MUZ, following an investigation and assessment of an appropriate standard.

*MUZ-R16 Activities not otherwise listed in this chapter*

545. McDonalds Restaurants (NZ) Limited (S385.022) opposes MUZ-R16 and requests the inclusion of a provision allowing drive-throughs as a permitted activity in the Mixed-Use Zone.

**Analysis**



*MUZ-R1 New buildings or structures, or extensions or alterations to existing buildings or structures*

546. As mentioned previously the MUZ is an environment that provides for a variety of activities, that are predominantly commercial in nature. Currently activities in this zone with a GFA larger than 400m<sup>2</sup> are a discretionary activity.
547. In response to the variety of changes sought to this rule I provide analysis and recommendations below:
- a. Multiple submitters sought additional flexibility to the GFA rule. Instead of having a GFA permitted trigger in MUZ-R1 I have recommended the removal of this trigger and the direction to activities listed within the chapter. This would mean that large format retail activities (individual retail tenancy with a gross floor area greater than 450m<sup>2</sup>) are addressed under MUZ-R14 with a discretionary status as notified. Changing the way MUZ-R1 works aligns with other chapters in the PDP, to control the activity and not the building as such. This change also allows a slight increase in the permitted GFA of activities for retail tendencies - an increase from 400m<sup>2</sup> – 450m<sup>2</sup>, as when they reach the 450m<sup>2</sup> threshold they are defined as Large format retail activities.
  - b. To ensure that minor alterations or internal changes are not necessarily constrained, I recommend introducing a new provision that allows extensions or alterations that do not increase the existing building footprint to be permitted, subject only to compliance with MU-S1- Maximum height and MUZ-S2 Height in relation to boundary. This recognises that such changes do not generate additional effects on other matters covered in the standards such as setbacks, coverage and landscaping. This is line with changes proposed for the LIZ.
  - c. Where a new building or an extension increases the building footprint, all of the built form standards should continue to apply as set out in PER-3.
548. Consequentially I recommended amendment to remove the GFA trigger from MUZ -R1. I consider it necessary to include GFA triggers in the other Permitted activity rules, Commercial activity, Healthcare facility, Emergency Service facility. I consider that regardless of the activity there could be adverse effects for activities with a larger GFA in the MUZ. I consider 450m<sup>2</sup> to be a threshold that allows a slight increase from the previously permitted GFA of 400m<sup>2</sup> and aligns with the GFA for Large format retail of 450m<sup>2</sup>. In my opinion the discretionary activity status for activities with a GFA greater than 450m<sup>2</sup> is appropriate. It is to be noted that for Waipapa, commercial activities, large format retail and supermarkets are directed towards the LIZ, Waipapa control area.



#### *MUZ-R2 Commercial activity*

549. I also consider that the Permitted Activity office GFA limit is overly restrictive. I would expect to see office buildings in the MUZ. Offices complement other commercial activities like retail and can promote the efficient use of commercial resources, particularly above other activities on Pedestrian Frontages. Some of the offices for example in Kerikeri that are integrated into the MUZ have a larger GFA than 200m<sup>2</sup>. In the absence of a specific size limit sought, as submissions only seek retention or deletion of this control I suggest a 300m<sup>2</sup> GFA size be appropriate, with a restricted discretionary activity status for offices over this threshold. It is still appropriate to retain some control on the size of offices to avoid dominance of offices in the MUZ environment, while providing for the assessment of transport effects for larger offices exceeding that limit.
550. Other changes sought to this rule include the addition of the word 'not' to PER-1. This was a typo I consider that it was always intended that service stations were a Discretionary activity.

#### *MUZ-R4 Residential activity*

551. Kairos connection and FNDC both seek the addition of minimum net internal floor area requirements. It is my understanding that exclusion of the minimum floor area requirements for the MUZ was an oversight. The size and wording proposed by Kairos connection are somewhat line with those in GRZ -R9 multi unit development. I consider that the limits in GRZ-R9 are appropriate and are Kario Connection (S138.020) is accepted in part. I recommend the minimum net internal floor area requirements are added to MUZ-R4 Residential Unit as follows:

*"The minimum net internal floor area, excluding outdoor living space, of a residential unit within a residential unit shall be:*

*1 bedroom = 45m<sup>2</sup>*

*2 bedroom = 62m<sup>2</sup>*

*3 bedroom = 82m<sup>2</sup>"*

552. I response to Northland Planning and development and Kaitaia Business Association's request for exclusion of temporary overnight accommodation or emergency/ assisted social housing I do not consider an exclusion appropriate. This type of activity fits within the definition of residential activity " *the use of land and building (s) for people's living accommodation.*" I consider activity associated with emergency or temporary / assisted social housing could not be to dis similar to that of visitor accommodation.

#### *MUZ-R15 Drive-through activity*



553. Given the broad nature of activities provided for the in MUZ, I do not consider it appropriate that Drive throughs have a permitted activity status. Drive throughs may generate a variety of potential adverse effects, and as such, a restricted discretionary pathway is more appropriate to assess those effects for any given location. The establishment of Drive throughs requires consideration of the transport network, noise, hours of operation and light, particularly if there are sensitive uses in the environment. I recommend adding a pathway for drive through to the Commercial activity rule, and subsequently MUZ -R15 is deleted.

#### *New Rules*

554. There were two submission points from Department of Corrections to add additional rules for Community corrections facilities and Supported residential care into the MUZ framework.
555. Community corrections activity are discretionary activities in the MUZ under MUZ -R16. When looking at the urban zone's framework, this type of activity is best accommodated in the LIZ. Community corrections activities can be compatible with a mixture of activities including trades training. Furthermore, as community corrections facilities are not sensitive to the effects of industrial environments (e.g. noise, high traffic movements, etc), they are not prone to reverse sensitivity. I recommend the retention of a discretionary status for community corrections activities with the direction of this type of activity to the LIZ.
556. In Key Issue 4: Definitions, it was recommended that the definition of supported residential care was retained in the plan. Subsequently rules in the MUZ are considered necessary for this type of activity. Supported residential care is a residential activity this type of activity is important to be located close to amenities and services. These activities have a largely residential character and are consistent with the character and amenity of the MUZ and any effects can be managed through the imposition of a restriction on the number of occupants in the same way as they are in the GRZ framework. I recommend the introduction of a permitted rule for supported residential care above ground floor, with a Permitted activity limit of 6 occupants. Like the other residential activity rules. Their location on the ground floor outside the pedestrian frontage overlay would be a restricted discretionary activity and non-complying on the ground floor of buildings within the pedestrian frontage.

#### **Recommendation**

557. I recommend that submission S158.015 is accepted and new rules for community corrections facilities is inserted to the PDP as a Discretionary activity.
558. I recommend that submission S158.014 is accepted with a new permitted activity rule for supported residential care above ground floor.
559. I recommend that submissions S501.003 and S502.031 are rejected.



560. For the reasons set out above, I recommend that the submissions set out in the above analysis are accepted, accepted in part and rejected as set out in Appendix 2.

### Section 32AA evaluation

561. The recommended amendments to remove reference to GFA triggers in Rule MUZ-R1 and to amend the office GFA threshold to 300m<sup>2</sup> in MUZ-R2 is appropriate to remove overly restrictive limitations (a blanket GFA limit for all activities), promote efficient use of land and buildings, ensure the GFA limits for each specific “activity” are relied on (rather than a limit on the building, the use for which may change over time). This approach is generally consistent with the anticipated outcomes for the zone and approach taken in other chapters of the PDP.
562. I minimum net internal floor area requirement for residential units in the MUZ is appropriate for consistency with the approach taken in the GRZ to ensure living spaces are sufficient size.
563. The new rules for community corrections facilities (as a Discretionary activity) and supported residential care (permitted above ground floor) are appropriate to provide a pathway for these types of activities within the urban zones framework, in the right location.
564. The deletion of drive through activity is appropriate because drive throughs are provided for as commercial activities as explained above.

### 4.2.23 Key Issue 23: Mixed Use Zone - Standards

#### Overview

Provision(s)	Officer Recommendation(s)
MUZ-S1 Maximum height	<ul style="list-style-type: none"> <li>Amendments to include decrease in height limit for Russell</li> </ul>
MUZ-S2 Height in relation to boundary	<ul style="list-style-type: none"> <li>Minor amendment</li> </ul>
MUZ-S3 Setback (excluding from MHWS or wetland, lake and river margins)	<ul style="list-style-type: none"> <li>Minor amendment and amendments to address KiwiRail setback</li> </ul>
MUZ-S7 Outdoor storage	<ul style="list-style-type: none"> <li>Retain as notified</li> </ul>
MUZ-S10 Coverage	<ul style="list-style-type: none"> <li>Amendments to manage stormwater</li> </ul>

#### Analysis of Submissions on Key Issue 23





### Matters raised in submissions

565. Multiple<sup>52</sup> submitters, including Brownie Family Trust support the retention of various MUZ standards as notified. Requests include the retention of MUZ-S1, MUZ-S2, MUZ-S3, MUZ-S7, and MUZ-S10, with MUZ-S7 receiving support from twelve<sup>53</sup> submitters.
566. McDonalds Restaurants (NZ) Limited (S385.028 & S385.030) support MUZ-S7, and MUZ-S10 in part, requesting greater flexibility for alterations and extensions.
567. Good Journey Limited (S82.007) requests amendments to the Standards in the MUZ, highlighting minor drafting errors in the plan. These errors may unintentionally require resource consent for activities that were clearly intended to be permitted based on the wording.

#### *MUZ-S1 Maximum height*

568. Russell Protection Society (S179.047) and John Andrew Riddell (S431.109, S431.110, S431.111 & S431.112) both seek amendments to MUZ-S1 regarding height limits in the Russell Commercial area. The Russell Protection Society requests an 8m height limit to align with Paihia, while John Andrew Riddell proposes a maximum height of 8.5m and seeks consistency across standards MUZ-S1–S3 for Koroāreka Russell.
569. Far North Holdings Limited (S320.016) requests the inclusion of two additional clauses in standard MUZ-S1:

*"The maximum height of a building or structure, or extension or alteration to an existing building or structure, is 12m above ground level, except: ...*

*ii. The height limit within the OMDA is 16m above ground level.*

*iii. The height limit at Marine Business Park, Commercial Estate, and Colenzo Triangle where the maximum height limit is 12m."*

#### *MUZ-S2 Height in relation to boundary*

570. The Brownie Family Trust (S74.038) partially supports MUZ-S2 and has requested the inclusion of provisions within the standard to manage the impact of development in the MUZ.
571. Ed and Inge Amsler (S341.008) oppose MUZ-S2 and request amendments to the standard. Their proposed changes seek to introduce exemptions

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<sup>52</sup> S74.004, S74.037, S74.046, S179.048, S179.049, S179.056, S251.013, S251.014, S251.015, S267.003, S338.023, S341.007, S385.023, S385.024, S385.025, S427.020, S431.186, S449.029, S464.016, S522.019, S529.028,

<sup>53</sup> S74.043, S179.053, S257.004, S357.004, S358.004, S472.004, S485.016, S519.016, S541.014, S543.015, S547.015 & S464.015





for areas adjacent to Open Space or Natural Open Space zones that are currently covered by protected vegetation under MUZ-S2.

*MUZ-S3 Setback (excluding from MHWS or wetland, lake and river margins)*

- 572. One submission (S294.002) supports MUZ-S3 and advocates for retaining the standard without setbacks for sites within the MUZ.
- 573. Brownie Family Trust (S74.039) partially supports MUZ-S3 and requests an amendment, seeking to introduce a setback standard to manage the effects of development within the MUZ.
- 574. Ed and Inger Amsler (S341.009) partially supports MUZ-S3 and requests the removal of the 3m rear setback from a Natural Open Space Zone while retaining the 0m setback from the road.
- 575. Josh Henwood (S256.002) opposes MUZ-S3 and seeks an amendment to establish a minimum setback of 1.2m. Meanwhile, two submissions (S285.003 & S289.003) advocate for the complete removal of MUZ-S3, arguing that no setbacks should be required in the MUZ.

*MUZ-S10 Coverage*

- 576. Vaughan Norton-Taylor (S50.005) opposes MUZ-S10 and requests an amendment to eliminate the 10% coverage requirement in the MUZ.
- 577. Vaughan Norton-Taylor (S536.005) requests the deletion of MUZ-S10 and the retention of status quo.

**Analysis**

*MUZ- S1 Maximum height*

- 578. Russell Protection Society and John Andrew Riddell seek amendments the height limits for the Russell Commercial area. The height limit in the ODP was 8.5m. In relation to the height limits for Russell it was stated in the s32 that "*It has not been considered necessary to alter the 12 metre height restriction applying to the Mixed Use zone in Russell given the controls applying through the Heritage Area and Coastal Environment overlays*".
- 579. The recommendations made in Hearing 4, S42A Coastal environment report<sup>54</sup> developed a carve out for development within the Coastal environment in the MUZ for Russell. Therefore, if there is a reduction in height limit for the Russell commercial area this would again need to be specified, as it is for Paihia.
- 580. I recommend the addition of a 8.5m height limit for the Russell commercial area as specified in the ODP this allows consistency with the Paihia height

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<sup>54</sup> Section 5.2.10 S42A coastal environment prepared by Jerome Wyeth. Dated 8<sup>th</sup> July 2024.



and recognises that an increase in the height for Russell will enable a fundamental change in the character.

581. In relation to Far North Holdings submission I recommend no changes until such time as any recommendations are made regarding the Opuia Marina, In the rezoning hearings, as the assessment of the inclusion of these provisions will only be necessary if the site is rezoned to Mixed use. Any changes necessary can be addressed in the final sweep up hearing, Hearing 17.

*MUZ-S2 Height in relation to boundary and MUZ- S3 Setback (Excluding from MHWS or wetland, lake and river margins)*

582. There is no height in relation to boundary and set back controls between the sites in the MUZ. Setback controls are unnecessary for the MUZ their absence allows maximum site potential and continuation of building facades in a main street environment. It also allows the contiguous use of verandahs as a key design control in the pedestrian frontage area of the MUZ. To some extent setback is controlled by the Building Act in relation to fire. Consequently, changes to this may be needed as the result of the confirmed MRDZ and TCZ provisions for Kerikeri.
583. In response to the submitters that seek no setbacks in the MUZ I make the following comments, setbacks between different zones allows consideration of different activities types anticipated in those zones and a 1.2m setback or no setback between sites in my opinion may not sufficiently allow for this. In response to Josh Henwood, it is to be noted that the 3m setback only applies between the specified zone interface and not within the zone. I recommend retaining the 3m setback between the specified zones in MUZ-S3.
584. In relation to Ed and Inge Amsler submission. I consider this a site-specific issue that should be assessed for appropriateness by way of resource consent and do not consider any changes to the standard are necessary.

*MUZ-S7 Outdoor storage*

585. As outlined above in Key Issue 21: Supermarkets and Key Issue 22: Mixed Use Zone - Rules, I have recommended an exemption pathway for alterations where they do not increase the building footprint. Contiguous verandas provide several benefits including providing weather protection for pedestrians and can enhance the aesthetic appeal of a building. I do not consider any further exemptions from the pedestrian frontage standards to be appropriate.

*MUZ-S10 Coverage*

586. MUZ-S10 is a design and amenity consideration as well as a method of addressing stormwater. The 10% threshold is consistent across the commercial and industrial zones.



587. Key Issue 1 of the Section 42A Engineering Standards report<sup>55</sup> recommended decoupling the Engineering Standards and the PDP. Technical advice has been sought on this matter from Tom Kiddle – Senior Civil Engineer. It is recommended that 2. Of this standard is amended so that stormwater is controlled within the site and the addition of a note to demonstrate compliance by way of an engineering report.

### Recommendation

588. For the reasons set out above, I recommend that the submissions on the are accepted, accepted in part and rejected as set out in Appendix 2, in particular that the submissions seeking a decrease in height limit for Russell are accepted, and submissions seeking consideration of stormwater matters as part of Standard MUZ-S10 (coverage) are accepted in part, with the insertion of a new standard and associated note (explained at paragraph 587 above).

### Section 32AA evaluation

589. The decrease in height limit for Russell to 8.5m is appropriate to achieve consistency with the Paihia height and recognises that an increase in the height for Russell to 12m would enable a fundamental change in the character.
590. The new standard and associated note within MUZ-S10 (coverage) is appropriate to ensure that stormwater effects are effectively managed in the PDP, considering the approach to decouple from Engineering Standards and for consistency with the approach taken in other chapters.

## 4.2.24 Key Issue 24: Mixed Use Zone - Pedestrian Frontage/Verandahs

### Overview

Provision(s)	Officer Recommendation(s)
MUZ-S5 Pedestrian frontages	<ul style="list-style-type: none"> <li>Minor changes</li> </ul>
Pedestrian frontage mapping	<ul style="list-style-type: none"> <li>Minor mapping errors</li> </ul>
MUZ-S6 Verandahs	<ul style="list-style-type: none"> <li>Retain as notified</li> </ul>

### Analysis of Submissions on Key Issue 24

#### Matters raised in submissions

##### *Pedestrian frontage standard*

<sup>55</sup>Section 5.3.1 S42 Engineering standards Prepared by Sarah Trinder, dated 22<sup>nd</sup> October 2024. [Section-42A-Report-Engineering-Standards.pdf](#)



591. Brownie Family Trust (S74.041) and five others (S179.051, S257.002, 357.002, S358.002 & S472.002) support MUZ-S5 and seek to retain the Standard.
592. Z Energy Limited (S336.020) supports MUZ-S5 in part and requests amendments to the standard to better align with their concerns:

*"For sites with pedestrian frontage identified on the planning maps:*

- 1. At least 65% of the building frontage at ground floor ~~must~~ be is clear glazing; and*
- 2. The principle public entrance to the building must be located on the front boundary.*

*Except where the activity is a service station."*

593. FNDC (S368.094) requests an amendment to correct a drafting error within MUZ-S5:

*"... 2. The principle public entrance to the building must be located on the road ~~front~~ boundary."*

594. McDonald's Restaurants (NZ) Limited (S385.026) supports in part MUZ-S5 and requests to amend the standard as follows:

*"For sites with pedestrian frontage identified on the planning maps:*

- 1. Any new building must have:*
  - a. ~~1.~~ At least ~~65%~~ 25% of the building frontage at ground floor must be clear glazing; and*
  - b. ~~2.~~ .... "*

*Pedestrian frontage overlay mapping*

595. Two submissions (S561.122 & S561.123) oppose the Pedestrian Frontage, requesting the deletion of controls identified on the Planning Maps for 1 & 2 Cottage Court, Kaikohe. Additionally, the submitters seek amendments to ensure the frontage is placed in a more appropriate location that aligns with the opposite side of the street.
596. Mhairi Wylde and Ted Davis (S72.001) requests the deletion of the Pedestrian Frontage notation for 6 Routley Avenue (Lot 1 DP 5004674) and any other General Residential-zoned properties adjoining a MUZ where the notation has extended into an adjacent property.
597. Kaitia Business Association (S501.002) requests an amendment to the pedestrian frontage area in Kaitia, proposing an extension to incorporate the existing business district.



#### *Verandah Standard*

598. Te Hiku Community Board (S257.003) and eleven other<sup>56</sup> submissions support MUZ-S6 and request the Standard is retained as notified.

599. Kaitaia Business Association and Northland Planning and Development Ltd (S501.001 & S502.032) request amendments to MUZ-S6, proposing the inclusion of a new point 3 to refine or expand the standard's provisions:

*"...3. Verandah facades must comply with the Amenity Protection By-Law and be regularly maintained and cleaned accordingly."*

600. Z Energy Limited (S336.021) requests an amendment to MUZ-S6, proposing the inclusion of an additional sentence at the end of the standard to clarify or expand its provisions:

*"... except where the activity is a service station."*

601. McDonalds Restaurants (NZ) Limited (S385.027) supports MUZ- S6 in part and seeks an amendment to the standard as follows:

*"For sites within pedestrian frontage identified on the planning maps:*

*1. Any new building, ~~or extension or alteration to a building (including alterations to the façade)~~ must be built up to the road boundary; and..."*

#### **Analysis**

##### *Pedestrian frontage standards*

602. The pedestrian frontage requirements have been imposed to create an interactive area along the road frontage, enhancing pedestrian amenity and safety and visual quality the glazing threshold in the standard is a component in achieving this. In looking at glazing standards in other second generation district plans it seems thresholds can be up to 75%. I am uncomfortable with a threshold as low as 25% of the building frontage as requested by McDonald's Restaurants (NZ) Limited this would not achieve the objectives of the Pedestrian frontage. I recommend the retention of the glazing percentage in this standard.

603. In addition to my recommendation against providing an exemption for Supermarkets from the pedestrian frontage standard in Key Issue 21: Supermarkets, I do not support an exemption for Service stations. A restricted discretionary resource consent is appropriate given a service station requires a discretionary activity in the MUZ. I note that I have

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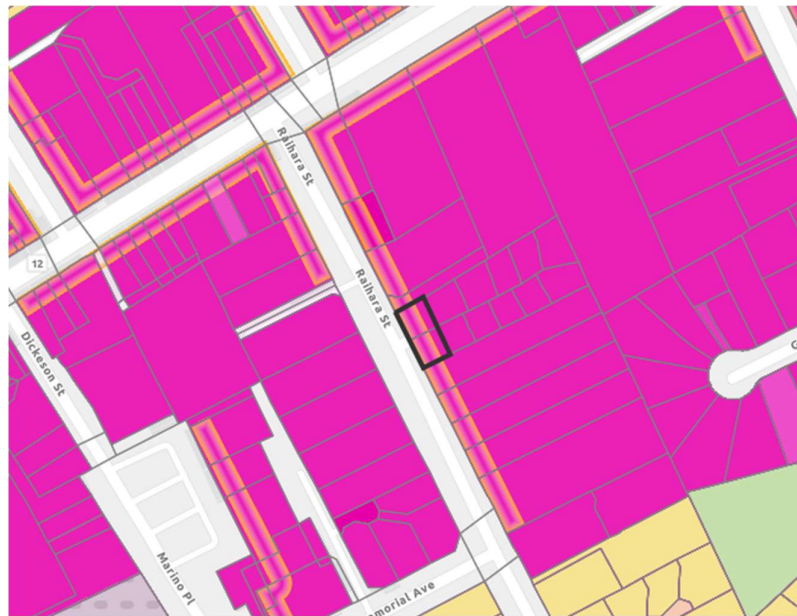
<sup>56</sup> S74.042, S179.052, S357.003, S358.003, S472.003, S485.015, S519.015, S541.013, S543.014, S547.014 & S464.014

recommended an exception pathway for alternations where there is no increase in building footprint.

604. I accept the minor wording changes from FNDC.

*Pedestrian frontage mapping*

605. Figure 1 below, highlights 1 & 2 Cottage Court, Kaikohe, outlined in black. The pedestrian frontage overlay is represented in orange, while the mixed-use zone is shown in pink.

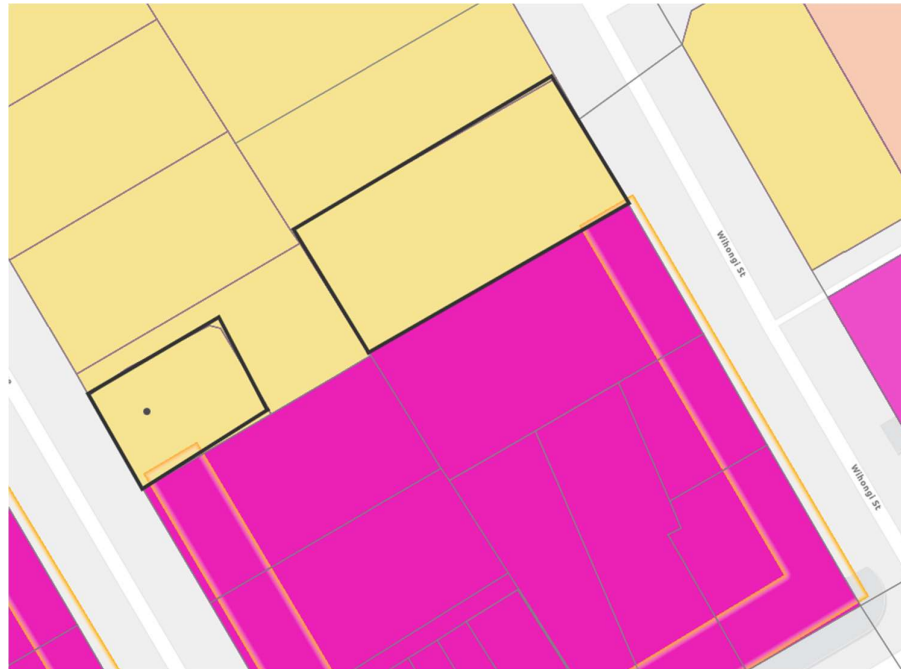


*Figure 1: 1 & 2 Cottage Court, Kaikohe*

606. Properties 1 & 2 Cottage Court, Kaikohe, are centrally located within the pedestrian frontage overlay on the east side of Raihara Street, alongside several surrounding properties and four sites on the opposite side of the road. The pedestrian frontage requirements aim to create an interactive and engaging streetscape, enhancing pedestrian amenity, safety, and visual quality, as outlined in the Section 32 Urban Environment Report. While I acknowledge that these properties are residential type uses they are zoned for mixed use, meaning these sites are expected to contribute positively to urban aesthetics, traffic functionality, and pedestrian accessibility. Retaining the overlay aligns with the Operative District Plan (ODP) and is essential for preserving a cohesive pedestrian-friendly environment within a well-integrated urban space. Further, excusing two properties in the middle of a pedestrian frontage is not desirable when looking at the purpose of the provisions. In my opinion, this is best reviewed in its entirety in the future during spatial planning work for Kaikohe.



607. Figures 2 and 3 below illustrate the site, the surrounding affected general residential properties, and the extent of the pedestrian frontage overlay, all outlined in black. Zoning is represented as follows: yellow for general residential, pink for mixed-use, and orange for pedestrian frontage.



*Figure 2: Left site: 6 Routley Avenue. Right site: 11 Wihongi Street.*



*Figure 32: Five sites that have mapping errors regarding the pedestrian frontage overlay*

608. In response to S72.001, 6 Routley Avenue is zoned general residential, and pedestrian frontage overlay, which is intended to apply for MU zones

and other potential zones such as the Town Centre Zone. As stated in the s32 Report, pedestrian frontage requirements are designed to enhance walkability, streetscape interaction, and urban connectivity, particularly within mixed-use areas where commercial and residential activities coexist. These sites are not intended to provide all of those services. The pedestrian frontage overlay on this site appears to be a mapping presentation matter affecting four additional general residential sites in the area: 11 Wihongi Street, 11 Routley Avenue, 8 Clifford Street, and 11 Clifford Street. These five properties are adjacent to mixed-use sites that contain pedestrian frontage, but the overlay should not extend beyond those boundaries into general residential zones. In my opinion, the representation extends to the side boundaries of these sites, but does not extend along their road frontage and it is clear that the pedestrian frontage is not intended to apply. However, there is some minor overlap in the spatial presentation of the requirement and I recommend that this extend be amended to not include the residential properties to improve clarity.

609. The Kaitia Business Association (S501.002) has not clearly specified the additional areas sought to be included in relation to the existing business district or proposed amendments to the pedestrian frontage overlay. The overlay aligns with the ODP, extending along most of Commerce Street, continuing down to South Road. Due to the lack of detail, the submitter is encouraged to provide more precise information at the hearing for a thorough evaluation of the request.

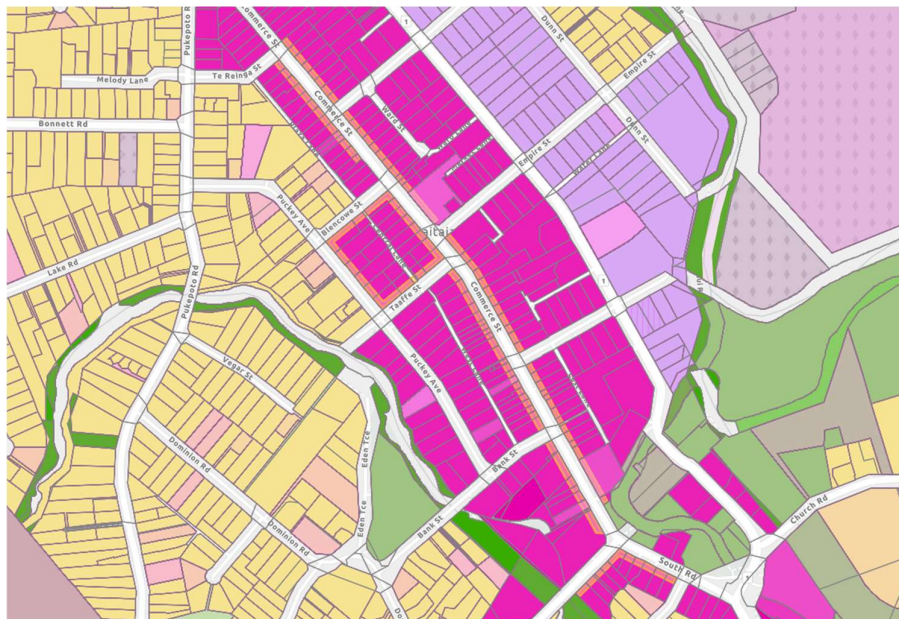


Figure 4: Pedestrian frontage overlay in Kaitia

*Verandah standards*





610. I do not support the requested amendments by Kaitia Business Association and Northland Planning and Development to include reference to a 'Amenity Protection Bylaw' to direct the maintenance of the verandahs. Referencing a bylaw in the district plan would require the incorporation of that bylaw by reference and is generally undesirable as a bylaw operates under a different legislation which has different scope and powers than the RMA. Further, if changes were made to the bylaw the rule would need to reflect the change then a plan change would need to occur and this change would require a full RMA participatory processes to be undertaken. In addition, I have reviewed the list of Council's bylaws and there is currently no 'Amenity protection bylaw'.
611. In addition to my recommendation to not provide an exemption for Supermarkets from the Verandah standard in Key Issue 21: Supermarkets, I do not support an exemption for Service stations. A restricted discretionary resource consent is acceptable especially when a service station is already a discretionary activity in the MUZ. Also note there is an exemption for alterations when there is no increase in building footprint which allows for activities like 'rebranding'. However, there is no demonstrable reason to exclude service stations from complying with this standard.

#### **Recommendation**

612. For the reasons above, I recommend S561.122 & S561.123 are rejected.
613. I recommend S72.001 is accepted and the mapping error is corrected.
614. I recommend rejecting S501.002 due to the lack of clarification.
615. For the reasons set out above, I recommend that the submissions on the are accepted, accepted in part and rejected as set out in Appendix 2.

#### **Section 32AA evaluation**

616. The correction of the mapping error and minor changes to achieve consistency in terms used throughout the PDP is appropriate for effective and efficient plan interpretation and implementation.

### **4.2.25 Key Issue 25: Mixed Use Zone - Landscaping Standards**

#### **Overview**

<b>Provision(s)</b>	<b>Officer Recommendation(s)</b>
MUZ-S8 Landscaping and screening on a road boundary	<ul style="list-style-type: none"> <li>Retain as Notified</li> </ul>



Provision(s)	Officer Recommendation(s)
MUZ-S9 Landscaping for sites that adjoin any sites other than mixed use or industrial	<ul style="list-style-type: none"> <li>Amendment to the matters of restricted discretionary to add health and safety considerations</li> </ul>

## Analysis of Submissions on Key Issue 25

### Matters raised in submissions

#### *MUZ-S8 Landscaping and screening on a road boundary*

617. Russell Protection Society (INC) (S179.054) and nine<sup>57</sup> other submissions express support for MUZ-S8 and request for the retention of the existing standard.
618. Z Energy Limited (S336.022) partially supports MUZ-S8 and requests amendments to exclude existing service station sites from landscaping requirements. The submission proposes adding a specific amendment to the end of the standard to reflect this change:

*"... except where:*

- 1. The site is utilised by an existing service station activity."*

#### *MUZ-S9 Landscaping for sites that adjoin any sites other than mixed use or industrial*

619. Russell Protection Society (S179.005 & S179.055) support MUZ-S9 and seek the standard is retained.
620. Brownie Family Trust (S74.044 & S74.045) partially supports MUZ-S8 and S9 and seeks amendments. Their proposal aims to introduce provisions to manage visibility and enhance pedestrian safety near vehicle crossings.

### Analysis

621. I acknowledge Z Energy submissions that landscaping could in some circumstances be a health and safety implication for the operation of service stations. However, I have observed a number of service stations with varying levels of landscaping in the past which suggests that health and safety risks from landscaping do not occur in all instances. Further, the relief as sought could result in any existing landscaping being removed, which is not the intent of the provisions. Service stations are a discretionary activity in this zone (given that they can be highly conspicuous and affect amenity, particularly without landscaping), this will mean that a resource consent application will be necessary for any new

<sup>57</sup> S257.005, S357.005, S357.007, S358.005, S472.005, S485.017, S519.017, S541.015, S543.016 & S547.016



service station or any change in building footprint of an existing service station and can assess these matters. The matters of restricted discretion for non-compliance with this provision already include matters to consider health and safety and/or alternatives. This approach is considered appropriate.

622. In response to the submission point from Brownie Family Trust MUZ-S8 requires that “....*where a site adjoining a road boundary, at least 50% of that road boundary, not occupied by building or driveways shall be landscaped with plants or trees.*” I consider that the 50% value in this standard allows flexibility to work around any visibility or pedestrian safety issues near vehicle crossing. Additionally, any non-compliance with this standard allows assessment of health and safety implications for pedestrians and the transport network. MUZ-S9 only applies to those site boundaries with any zone other than MUZ, LIZ or HIZ, hence a small number of sites and not along a road boundary. In response to this submission point I recommend the addition of restricted discretionary criteria as per MUZ-S8 to consider health and safety implication for pedestrians and the transport network.

#### Recommendation

623. I recommend S74.045 is accepted in part and the following is added to MUZ-S9 as a matter of restricted discretion:

*"e. health and safety implications for pedestrians and the transport network."*

624. For the reasons set out above, I recommend that the submissions on the are accepted, accepted in part and rejected as set out in Appendix 2.

#### Section 32AA evaluation

625. The recommended amendment to MUZ-R9 is appropriate to ensure that health and safety implications for pedestrians and the transport network can be considered throughout the resource consent process when landscaping is being considered.

### 4.2.26 Key Issue 26: Light Industrial Zone – Overview

#### Overview

Provision(s)	Officer Recommendation(s)
Overview	<ul style="list-style-type: none"> <li>Amend to remove reference to no requirements for pedestrian access or amenity or public spaces</li> <li>Amendments to provide consistency with the recommended definition for 'Light Industrial activity' specifically that such activities do not</li> </ul>



Provision(s)	Officer Recommendation(s)
	generate objectionable odour, dust or noise or elevated risk to people's health and safety

## Analysis of Submissions on Key Issue 26

### Matters raised in submissions

626. Lynley Newport (S134.001, S134.002) seeks the retention of Light and Heavy Industrial Zones
627. Our Kerikeri Community Charitable Trust (S338.040) and other submissions (S371.016, S427.027, S449.040, S522.026, S529.039) from various submitters, propose amending the Overview to incorporate connectivity, amenity, and public spaces. As part of this request, they also seek the removal of the following sentence:

*"... the Light Industrial Zone is not required to focus on pedestrian access or amenity or provide public spaces..."*

### Analysis

628. I acknowledge Lynley Newport's submissions and recommend the retention of the Light and Heavy industrial zones to complete the industrial zones framework.
629. The LIZ complements the HIZ by providing for a range of Light industrial activities in accordance with the recommended definition for this activity. As the consequential amendment the overview section needs to be amended to clarify that Light Industrial activities do not generate objectionable odour, dust or noise or elevated risk to people's health and safety whereas the HIZ accommodates industrial activities that may generate such effects. While there are differences in the scale and nature of activities anticipated in each zone, both zones include provisions that address amenity effects to some extent.
630. In response to submissions seeking amendments to the LIZ overview, I support the relief sought to remove the statement that *"the Light Industrial Zone is not required to focus on pedestrian access or amenity or provide public space."* Although amenity is not the primary focus of the LIZ, it remains a relevant consideration incorporated into the PDP through standards such as landscaping and screening. Furthermore, the HIZ also includes similar provisions relating to amenity, demonstrating that consideration of how to manage amenity effects is not entirely excluded from that zone either.
631. It is noted that the notified version of the LIZ includes Rule LIZ-R1. Within this rule, PER-2 specifies that a new building or structure, or an extension or alteration to an existing building or structure, must comply with all



applicable standards, including LIZ-S5, LIZ-S6 and LIZ-S7 which all relate to amenity matters including outdoor storage screening, and boundary landscaping.

632. Accordingly, the reference in the LIZ overview stating that the zone is “not required to focus on pedestrian access or amenity or provide public space” is inconsistent with the framework. For these reasons, I recommend that this reference be removed.

### Recommendation

633. I recommend Our Kerikeri Community Charitable Trust and others submissions are accepted in part and recommend the following amendments to the Overview section.

*“...The Light Industrial zone provides for a range of light industrial activities that are unlikely to produce offensive or objectionable environmental effects but may generate some adverse effects but do not generate objectionable odour, dust or noise or elevated risk to people’s health and safety, including those associated with odour, dust or noise....”*

*“...Unlike the Mixed Use zone, the Light Industrial zone is not required to focus on pedestrian access or amenity or provide public spaces...”*

634. For the above reasons, I recommend that these submissions on the Light Industrial overview are accepted, accepted in part and rejected as set out in **Appendix 2**.

### Section 32AA evaluation

635. The recommended amendments primarily clarify the intent of the provisions, and the purpose of the LIZ. They achieve consistency and integration with other recommendations made elsewhere in this report which separates out ‘light industrial activities’ from other ‘Industrial activities’.

## 4.2.27 Key Issue 27: Light Industrial Zone - Objectives

### Overview

Provision(s)	Officer Recommendation(s)
LIZ-O2	<ul style="list-style-type: none"> <li>Amendments to the non-exhaustive list of activities associated with the LIZ which is consistent with the recommended definition of ‘light industrial activity’</li> </ul>
LIZ-O5	<ul style="list-style-type: none"> <li>Amend to wording to ‘provide for’ instead of ‘accommodates’</li> </ul>

### Analysis of Submissions on Key Issue 27



## Matters raised in submissions

### *Light Industrial Objectives and Policies*

636. Ngawha Generation Limited (S432.003 & S432.004) is addressed above in relation to the Key Issue 4: Definitions. The submitter requests specific definitions for Light Industrial Activities and Heavy Industrial Activities. Additionally, twelve submissions<sup>58</sup> from Ngawha seek amendments to LIZ Objectives and Policies to ensure appropriate recognition and provision for such activities.

### *LIZ-O2*

637. Mainfreight Limited (S509.002) partially supports LIZ-O2 and requests an amendment to clause b within the Objective. Their proposed changes seek to include reference to *'warehouse and logistics facilities.'*

### *LIZ-O5*

638. Z Energy Limited (S336.024) supports LIZ-O5 and requests to retain the Objective.
639. Bunnings Limited (S371.017) supports LIZ-O5 but seeks an amendment to the Objective. The submission requests a specific modification to refine the wording:

*"The Light Industrial zone ~~accommodates~~ provides for a limited range of commercial activities which either support light industrial activities or are not anticipated in the Mixed Use zone."*

## Analysis

### *Light Industrial Objectives and Policies*

640. The additional definitions requested by Ngāwhā Generation Limited are addressed under Key Issue 4: Definitions. I have recommended a specific definition for 'Light Industrial Activities' and instead of adopting a definition for 'Heavy Industrial Activities' the notified definition of 'Industrial activity' can be used to differentiate the activities. In my opinion the consequential amendments sought to the objectives and policies are not considered necessary as these terms are now adequately defined. I also note that the Renewable Electricity Generation chapter already provides for the construction, operation, and maintenance of structures associated with renewable electricity generation. In my opinion, it is not appropriate to include such provisions within the LIZ, as sought by the submitter.
641. As a result of the recommended definitions, consequential amendments have been made throughout the chapter to refer specifically to "Light

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<sup>58</sup> S432.006, S432.007, S432.014, S432.030, S432.031, S432.032, S432.033, S432.034, S432.035, S432.036, S432.037, S432.038



Industrial activity'. Also, where reference is made to 'Heavy Industrial activity' it has been replaced by "Industrial activity".

#### *LIZ-O2*

642. In response to the submission on LIZ-O2, I consider it appropriate to amend reference to types of activities that is intended to characterise the LIZ. In my opinion, given I have recommended a definition for 'light industrial activity', which includes a non-exhaustive list of activities anticipated within the LIZ, it is more appropriate to replicate this list in LIZ-O2 for consistency. The list of activities is non-exhaustive, therefore other activities may be appropriate where they can comply with the relevant provisions.

#### *LIZ-O5*

643. I support the request to amend the wording of LIZ-O5 as follows 'accommodates provides for' in my opinion, 'provides for' is more appropriate as it better reflects the intent of the zone to enable a certain type of commercial and industrial activities. This is supported by Rule LIZ-R5, which permits convenience stores, restaurants, cafés and takeaway food outlets which are considered commercial activities. The permitted activity status of these uses indicates that they are actively anticipated and provided for. The phrase 'provides for' implies a deliberate intention to allow and support activities through the Light Industrial provisions. In contrast, 'accommodates' suggests a more passive or secondary allowance, which does not capture the permitted nature of these activities within the LIZ.

#### **Recommendation**

644. For the above reasons, I recommend that the submissions on Light Industrial Objectives and Policies generally are rejected.
645. For the above reasons, I recommend that the submission on LIZ-O2 is accepted in part.
646. I recommend the following amendments to LIZ-O2.
647. *"b. include, but are not limited to, warehouse storage, automotive repairs, minor engineering and light manufacturing activities, product assembly.*  
*~~are characterised largely by light manufacturing, contractor depots, automotive and marine repair and service industries;"~~*
648. For the above reasons, I recommend that the submissions on LIZ-O5 are accepted and accepted in part as set out in Appendix 2.
649. I recommend the following amendments to LIZ-O5.



*"The Light Industrial zone accommodates provides for a limited range of commercial activities which either support light industrial activities or are not anticipated in the Mixed Use zone."*

### Section 32AA evaluation

650. Changes addressed above primarily clarify the intent of the provisions and provide consistency with other recommendations. On this basis, no further evaluation for these recommended amendments under Section 32AA is required.

## 4.2.28 Key Issue 28: Light Industrial Zone - Policies

### Overview

Provision(s)	Officer Recommendation(s)
LIZ-P2	<ul style="list-style-type: none"> <li>Amendments to policy to allow consideration of alternative electricity and telecommunication options</li> </ul>
LIZ-P3	<ul style="list-style-type: none"> <li>Amendments to the wording of the policy to better align with the recommended amendments to the LIZ rules</li> </ul>
LIZ-P6	<ul style="list-style-type: none"> <li>Clause 16 amendment and the inclusion of a connectivity clause</li> </ul>

### Analysis of Submissions on Key Issue 28

#### Matters raised in submissions

##### *LIZ-P3*

651. Grant Alan Billington and Georgina McGarry (S372.003) oppose LIZ-P3 and seek amendments to the policy. They submitter proposes removing the direction to avoid the establishment of residential activities.

##### *LIZ-P4*

652. Z Energy Limited (S336.025) supports LIZ-P4 and requests its retention. The submitter further suggests including truck stops, as they function in a way that complements and supports various light industrial activities.

##### *LIZ-P5*

653. Mainfreight Limited (S509.003) opposes LIZ-P5 and requests its removal.

##### *LIZ-P6*

654. Our Kerikeri Community Charitable Trust (S271.037) and three other submissions (S446.038, S524.037 & S529.102) partially support LIZ-P6, emphasising the importance of ensuring connectivity to foster integrated and well-connected communities. The submitters propose an amendment to the policy to strengthen these considerations:





*"Manage land use and subdivision to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application: ...*

*b. alignment with any strategic or spatial document;*

*c. provisions made to ensure connectivity; ..."*

## **Analysis**

### *LIZ-P2*

655. Although there are no specific submissions on LIZ-P2, consequential amendments are required to align with my recommendations for GRZ-P2 for the reasons outlined in Key Issue 7.

### *LIZ-P3*

656. LIZ-P3 outlines the need to avoid the establishment of activities that do not support the function of the LIZ and then lists several such activities. As a result of submissions outlined below, I am recommending amendments to the provisions so that some of these activities are no longer non-complying as they were as notified. Therefore, it is not appropriate to include reference to heavy industrial activities. The policy also indicates residential activities and education facilities should be avoided within the Light Industrial zone. In my opinion it is necessary to clarify that activities are only to be avoided where they are not ancillary to a Light Industrial activity as provided for in the recommended provisions. Also, that education facilities are only to be avoided where they are not classified as trades training which may have a functional and/or operational need to operate in industrial zones. A further consequential amendment to include reference to offensive trade (excluding waste management facility) is also recommended. While the submitter has highlighted that noise is managed by the noise provisions, in my opinion, there are other reverse sensitivity effects that may also arise as a result of these activities, hence avoiding is appropriate.

### *LIZ-P4*

657. LIZ-P4 permits commercial activities in the LIZ that either complement and support light industrial activities or require larger sites that may not align with the amenity values anticipated in the MUZ.
658. In my opinion, the submitter's request to specifically include truck stops is not necessary. The policy does not mention specific activities. Truck stops would be included under the policy if they meet the relevant criteria. It is not considered necessary to specifically reference truck stops in the policy. Including specific activities could lead to the need for other commercial activities to also be listed, which would not be appropriate in this context.



659. Given truck stops are considered commercial activities, these would be considered discretionary activities under LIZ-R7 within the LIZ outside of the Waipapa control area. Within the Waipapa control area they would be permitted. Reasoning for the Waipapa control area is outlined below in relation to Key Issue 29.

*LIZ-P5*

660. LIZ-P5 ensures that built form is of a scale and design that aligns with the amenity of the LIZ and is complementary to the character and amenity of adjacent zones.
661. The submitter did not provide any rationale for deleting this policy, therefore in my opinion it should be retained as notified.

*LIZ-P6*

662. LIZ-P6 focuses on managing land use and subdivision in the LIZ by ensuring activities requiring resource consent align with the zone's scale, density, design, and character. It evaluates the placement and design of buildings, outdoor storage, parking, and internal roads, while assessing the compatibility of non-industrial activities. The policy addresses potential conflicts at zone boundaries through setbacks, fencing, screening, or landscaping, ensures infrastructure adequacy, and manages environmental impacts related to natural hazards, historic heritage, cultural values, natural features, landscapes, and biodiversity.
663. Our Kerikeri Community Charitable Trust and others has requested the inclusion of "alignment with any strategic or spatial document" and "provisions made to ensure connectivity."
664. In my view, it is not necessary to state that alignment with strategic and/or spatial documents as the PDP should have already given effect to these documents where relevant. A broad inclusion of 'strategic documents' if they don't presently exist, and therefore precluding the ability to assess its impact on RMA matters is problematic. The only exceptions to this are where higher level policy documents contain directions to make changes. Documents may be incorporated into a plan where the content is known and where there are suitable submissions to enable them to do so, or via plan changes. In some cases, these documents may also be considered as an 'other matter' when an activity requires resource consent. Therefore, referencing this in the PDP is not necessary.
665. I consider it is appropriate that connectivity needs to be addressed in this policy as it is a component of a well-functioning urban environment. I have suggested an additional clause based on the request from the group of submitters which is consistent with the approach in other urban chapters, such as the GRZ.



666. The function of LIZ-P6 as a 'consideration policy' vs assessment criteria has been considered in a number of previous hearings on the PDP. For example, in the Coastal Environment Section 42A Report it stated in relation to the corresponding policy in that chapter: *"I note that CE-P10 functions as a 'consideration' policy, which is an approach that has been adopted consistently at the end of the policies across the PDP chapters to provide a consistent way of ensuring all relevant matters can be assessed when resource consent is required under the relevant chapter. I consider that this is an appropriate drafting approach to achieve consistency across the PDP and recommend that CE-P10 is retained on that basis."*
667. The recommended amendments to the chapeau of CE-P10 are equally applicable to LIZ-P6 and other consideration policies in the PDP.
668. On that basis, I recommend that LIZ-P6 is retained as a 'consideration policy', consistent with other PDP chapters, and the chapeau is amended to be clearer on its purpose and application.
669. I note there are no specific submissions on this matter within the Light Industrial topic; however, it is an amendment with minor effect and therefore I consider it within the scope of a Clause 16 correction.

#### **Recommendation**

670. For the above reasons, I recommend that these submissions on the Light Industrial policies are accepted, accepted in part and rejected as set out in Appendix 2.
671. I recommend the following amendments to LIZ-P2.

*"Require all subdivision in the Light Industrial zone to provide ~~the following~~ reticulated wastewater, stormwater and potable water services and local electricity distribution network to the boundary of each lot (where available) and encourage all subdivision to provide the following reticulated services to the boundary of each lot:*

- a. telecommunications:*
  - i. fibre where it is available;*
  - ii. copper where fibre is not available;*
  - iii. ~~copper where the area is identified for future fibre deployment.~~*
- b. ~~local electricity distribution network; and~~*
- c. ~~wastewater, potable water supply and stormwater where they are available."~~*

672. I recommend the following amendments to LIZ-P3.

*"Avoid the establishment of activities that do not support the function of the Light Industrial zone, including:*

- ~~1. heavy industrial activities;~~*
- 2. offensive trade (excluding waste management facility);*



3. *residential activities (where they are not ancillary to a Light Industrial activity);*
4. *community facilities;*
5. *retirement villages;*
6. *education facilities (excluding trades training); and*
7. *sport and recreation facilities."*

673. I recommend the following amendments to LIZ-P6.

*"Consider the following matters where relevant when assessing and managing the effects of Manage land use and subdivision in the Light Industrial Zone: to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:...*

1. *consistency with the scale, density, design and character of the light industrial environment and purpose of the zone;*
2. *the location, scale and design of buildings or structures, outdoor storage areas, parking and internal roading;*
3. *opportunities for connectivity, within and between developments, public open space, services and facilities;..."*

#### **Section 32AA evaluation**

674. Changes addressed above primarily clarify the intent of the provisions and provide consistency with other recommendations. On this basis, no further evaluation for these recommended amendments under Section 32AA is required.

#### **4.2.29 Key Issue 29: Light Industrial Zone – Rules**

##### **Overview**

<b>Provision(s)</b>	<b>Officer Recommendation(s)</b>
LIZ-RX	<ul style="list-style-type: none"> <li>• New rule for 'Light Industrial activities'</li> </ul>
LIZ-RY	<ul style="list-style-type: none"> <li>• New rule for 'Industrial activity'</li> </ul>
LIZ-RXZ	<ul style="list-style-type: none"> <li>• New rule for large format retail</li> <li>• Within the 'Waipapa control area' is a permitted activity and outside the 'Waipapa control area' is a discretionary activity</li> </ul>
LIZ-R1 New buildings or structures, and extensions or alterations to existing buildings or structures	<ul style="list-style-type: none"> <li>• Amendments to the wording of the policy to include <i>relocated buildings</i> and additional permitted activities, with amendments to or removal of existing activities</li> </ul>



Provision(s)	Officer Recommendation(s)
LIZ-R5 Convenience stores, restaurants, cafes and takeaway food outlets	<ul style="list-style-type: none"> <li>Amendment to the GFA size</li> </ul>
LIZ-R7 Commercial activity	<ul style="list-style-type: none"> <li>Amendment to the rule to include '<i>Waipapa control area</i>' as a permitted activity</li> </ul>
LIZ-R11 Residential activity	<ul style="list-style-type: none"> <li>The inclusion of a new note</li> </ul>
LIZ-R16 Community corrections activity	<ul style="list-style-type: none"> <li>Amendment to a permitted rule</li> </ul>
LIZ-R18 Primary production	<ul style="list-style-type: none"> <li>Amendment to the rule from <u>Primary Production</u> to <u>Farming</u> and change to a permitted activity</li> </ul>
LIZ-RZ	<ul style="list-style-type: none"> <li>New rule for Mining and quarrying</li> </ul>
LIZ-SX	<ul style="list-style-type: none"> <li>New Standard for Pedestrian frontages</li> </ul>

## Analysis of Submissions on Key Issue 29

### Matters raised in submissions

675. Grant Alan Billington and Georgina McGarry (S372.002) oppose the LIZ Rules and seek amendments. The submitters state that if 8 Waterfront Drive, Mangonui is rezoned as Light Industrial, the activity status of LIZ-R11 Residential Activity, LIZ-R12 Retirement Village, and LIZ-R13 Visitor Accommodation should be changed to Restricted Discretionary.
676. Fourteen<sup>59</sup> submissions from Ngawha Generation Limited support a range of LIZ rules, including LIZ-R2-R4, LIZ-R6, LIZ-R8-R15, LIZ-R17 & LIZ-R19. The submitter requests that all rules be retained as notified.
677. Bunnings Limited (S371.018) supports the rules in part, but notes the absence of permitted activity status for Light Industrial Activities, despite indications in the Overview that they are provided for in the LIZ. The submitter requests amendments to the rule framework to raise the threshold for these activities.

### *LIZ-R1 New buildings or structures, and extensions or alterations to existing buildings or structures*

678. Bunnings Limited (S371.019) supports LIZ-R1 in part and seeks amendments to the building and structure provisions. The submitter clarification to ensure that Building Warehouse can be established as a permitted activity, provided an appropriate Gross Building Area is met. The submitter suggests specific modifications to this rule:

<sup>59</sup> S432.009, S432.010, S432.011, S432.012, S432.016, S432.017, S432.018, S432.019, S432.020, S432.021, S432.022, S432.023, S432.024 & S432.025



- *Increase threshold for coverage for new buildings or structures.*
- *Permit alterations where they do not result in an increased building footprint.*
- *Permit extensions of an appropriate scale where they comply with LIZ-S1, LIZ-S2, LIZ-S3, LIZ-S4, LIZ-S8 to avoid unnecessary consenting requirements.*
- *Default to a restricted discretionary activity for non-compliance with PER-1 and PER-2.*
- *Amend PER-2 to refer to 'permitted activities' instead of 'industrial activities'.*

679. FNDC (S368.011) partially supports LIZ-R1, and requests amendments to the rule. The submitter emphasizes the need to incorporate provisions for pedestrian frontage as shown on the maps. The submission proposes modifying the rule to reference a standard within the '*New buildings or structures, and extensions or alterations to existing buildings or structures*' section, as well as integrating pedestrian frontage standards similar to those in the MUZ.
680. Waste Management (S360.012) opposes LIZ-R1, arguing that applying a threshold to the gross business area (or gross floor area) of activities and new buildings in the LIZ is unnecessary. The submission notes that other proposed standards already address the effects of location and scale. The submitter requests the deletion of PER-1 from LIZ-R1.
681. LD Family Investments Limited (S384.003) supports LIZ-R1 in part, while Ti Toki Farms Limited (S262.003) opposes it. Ti Toki Farms Limited argues that the limit of gross Building Area restricts the new LIZ. The submitters question the council's intent behind the provision and advocate for its deletion. Meanwhile, LD Family Investments Limited proposes specific amendments to the rule:

*"LIZ-R1*

*Activity status: Permitted*

*Where*

*~~PER-1~~*

*~~The building or structure on the site does not exceed a GBA of 450m<sup>2</sup>.~~*

*~~PER-2~~*



~~Any ancillary activity (including residential activity) occupies no more than 15% of the GFA of the industrial building, and is located within or is attached to the same building as the industrial activity.~~

...

*Activity status where compliance not achieved with PER-3: Restricted discretionary*

*Matters of discretion are restricted to:*

- 1. The matters of discretion of any infringed standard;*
- 2. The extent of the necessity locate the ancillary activity with the industrial activity;*
- 3. The extent to which ancillary activity may result in trade distribution effects, or impacts on the function of the Light Industrial Zone; and*
- 4. The extent to which the ancillary activity adversely impacts on the transport network and road safety..."*

682. Mainfreight Limited (S509.004), Ngawha Generation Limited (S432.008), and Puketona Business Park Limited (S45.002) oppose aspects of LIZ-R1, specifically PER-1, which regulates maximum building size within the LIZ. The submitters argue that requiring resource consent for buildings exceeding 450m<sup>2</sup> unnecessarily restricts development and inhibits light industrial activities from establishing in the zone. They seek to remove PER-1 to improve flexibility and better align with the purpose of the Act and NPS-UD objectives for well-functioning urban environments.
683. Foodstuffs (S363.029) request changes to LIZ-R1 arguing that ancillary activities should default to a Restricted Discretionary activity, enable alterations that do not change the footprint, and removing references to Industrial Activities in PER-2.
684. Mainfreight Limited (S509.005) partially support LIZ-R1, highlighting that neither the LIZ nor HI Zones explicitly state that industrial activities are permitted, instead categorizing them as discretionary activities. The submitter requests amendments to LIZ-R1 to clearly establish industrial activities as permitted.

#### *LIZ-R2 Trade supplier*

685. FNR Properties Limited (S437.001 & S437.002) supports LIZ-R2 and LIZ-R5, requesting that both rules be retained as notified.

#### *LIZ-R4 Public toilet*





686. Puketona Business Park Limited (S45.031) supports LIZ-R4 and requests the retention of the restricted discretionary activity status in cases where zone standards are infringed.

*LIZ-R5 Convenience stores, restaurants, cafés and takeaway food outlets*

687. Ngawha Generation Limited (S432.013) partially supports LIZ-R5 but argues that the 200m<sup>2</sup> GFA limit is an unnecessary restriction, as activities within a light industrial area generally require larger buildings. The submitter requests the deletion of PER-1 from LIZ-R5.

*LIZ-R7 Commercial activity*

688. Z Energy Limited (S336.026) supports LIZ-R7 and requests that the rule be retained as notified.
689. Ngawha Generation limited (S432.015) opposes discretionary status of commercial activities within the LIZ, as these activities often location within this zone. Ngawha Generation Limited seeks a permitted activity status for LIZ-R7.

*LIZ-R14 Cleanfill area or landfill, including managed fill*

690. Puketona Business Park Limited (S45.003) remains neutral on LIZ-R14, asserting that new buildings should be accommodated within the LIZ without requiring resource consent unless they infringe specific standards. The submitter requests an amendment to clarify that the rule does not inadvertently impose a non-complying activity status on developments that import clean fill during earthworks for creating suitable building platforms or similar purposes.

*LIZ-R16 Community corrections activity*

691. Ngawha Generation Limited (S432.026) and Department of Corrections (S158.016) oppose LIZ-R16, arguing that the zone framework does not accommodate community corrections activities and assigns them a non-complying activity status within LIZ. The submitters request an amendment to change the activity status for Community Corrections activities to permitted.

*LIZ-R18 Primary Production*

692. Ngawha Generation Limited (S432.025 & S432.027) opposes LIZ-R18, arguing that primary production should be a permitted activity within the LIZ. The submitter requests an amendment to the rule to change its activity status to permitted.

**Analysis**

693. Grant Alan Billington and Georgina McGarry request amendments to a number of rules in the LIZ if their property at 8 Waterfront Drive is rezoned to Light Industrial. As the rezoning hearings are scheduled after the Urban hearing, the recommendations of the rezoning report writer are not yet





known. Regardless, I will address the submission point. The request seeks to change the activity status of LIZ-R11 Residential Activity, LIZ-R12 Retirement Village, and LIZ-R13 Visitor Accommodation from non-complying to restricted discretionary.

694. As outlined above in relation to Key Issue 28: Light Industrial Zone - Policies, the policy framework, particularly the recommended version of LIZ-P3, outlines the need to avoid the establishment of activities where such activities do not support the function of the LIZ. This policy lists several such activities which are to be avoided and therefore subject to non-complying resource consent requirements. Activities such as residential, retirement village, and visitor accommodation are non-complying activities, which in my opinion is appropriate. These activities are generally incompatible with those provided for in the LIZ and may give rise to significant reverse sensitivity effects and compromise the purpose of the zone. Residential activity is only provided for by LIZ-RX where it is ancillary. For example, an owner/occupier arrangement. Standalone residential activity is not intended or provided for.
695. However, in my opinion, LIZ-R11 should be clarified as it is a non-complying activity for residential activity. This could be misleading to plan users given LIZ-RX enables ancillary residential activity subject to the specified provisions. Therefore, I am recommending a note within LIZ-R11 that specifies it only applies when LIZ-RX does not apply, to improve clarity.
696. With my recommendation to include a definition of 'Light Industrial activities', a new permitted rule for Light Industrial activities should be added to the provisions in my opinion. This is a significant issue as these types of activities are intended to be accommodated within this zone. However, within the notified rule framework they are not explicitly provided for as a permitted activity. Therefore, it could be interpreted that Light Industrial activities are a discretionary activity under LIZ-R9 – Activities not otherwise listed in this chapter which is not the intention. This rule is also supported by the recommended definition for 'Light Industrial activities' as outlined in Key Issue 4 which defines these activities.
697. As outlined in Key Issue 32 in relation to the HIZ rules, I do not think it is appropriate for ancillary activities to be dealt with as part of LIZ-R1 which relates to 'new buildings or structures, relocated buildings or extensions or alterations to existing buildings or structures'. In my opinion the PER-2 relating to ancillary activities should be consolidated into the Light Industrial activity rule to avoid duplication and improve clarity.
698. For clarity and consistency, I consider that a new rule should be introduced to specifically address industrial activities. In my opinion, the activity status for such activities should be discretionary, given the potential for industrial activities to generate adverse environmental



effects, including offensive or objectionable odour, dust, and noise. These effects may give rise to reverse sensitivity concerns, particularly as the LIZ is intended to function as a transitional buffer between the HIZ and more sensitive receiving environments such as the General Residential and MU zones.

*LIZ-R1 New buildings or structures, and extensions or alterations to existing buildings or structures*

699. A number of submissions seek the deletion of performance standard PER-1 under LIZ-R1, which restricts the permitted GBA of any building or structure on a site to 450m<sup>2</sup> with non-compliance resulting in a discretionary activity. I agree with the relief sought. In my view, this standard is unnecessary, for the reasons outlined in the submissions, particularly that other standards within the LIZ already manage the location, bulk, and scale of buildings and structures. In addition, the 450m<sup>2</sup> GBA limit is unduly restrictive and may inhibit light industrial development from establishing or expanding within the zone. There are numerous existing examples of buildings within the zone that significantly exceed the 450m<sup>2</sup> threshold and are consistent with the expected character and function of the zone. In my opinion these businesses which meet the definition of a trade suppliers are anticipated and appropriate in the LIZ and can be adequately managed through other standards.
700. To ensure that minor alterations or internal changes are not unnecessarily constrained, I recommend introducing a new provision that allows extensions or alterations that do not increase the existing building footprint to be permitted, subject to compliance with LIZ-S1- maximum height and LIZ-S2 Height in relation to boundary. This recognises that such changes do not generate additional effects on other matters covered in the standards such as setbacks, coverage and landscaping.
701. Where a new building or an extension increases the building footprint, all of the built form standards should continue to apply as set out in recommended PER-2.
702. In my opinion, the submitter's proposed amendment to add an additional PER specifying that the new buildings or structures, and extensions or alterations to existing buildings or structures accommodates a permitted, restricted discretionary or discretionary activity is appropriate. This approach is consistent with other similar rules in other zones and is important to ensure that where a building or structure is associated with an activity that has a specific activity status, it is assessed accordingly, rather than automatically becoming a discretionary activity.
703. Submissions have also requested that breaches of PER-1 or PER-2 under LIZ-R1 be classified as restricted discretionary activities, rather than discretionary activities as currently notified. I am recommending the deletion of the notified PER-1, and transferring PER-2 which relates to ancillary activities to the new Light industrial activities rule. In my opinion,



a restricted discretionary activity status is more appropriate in relation to this matter where it relates to non-residential ancillary activities. This classification would better reflect the nature and scale of potential effects, which are likely to be localised and well understood, and would enable decision-makers to focus on clearly defined matters of discretion. These matters include the appropriateness of the location, potential impacts on the zone's function, trade-related effects, and any effects on the transport network.

- 704. In relation to residential ancillary activities in my opinion it is more appropriate to have a non-complying activity status where the standard is breached. This aligns with LIZ-R11 residential activity which is also non-complying.
- 705. Given that the maximum GFA for buildings in the LIZ has been removed, in my opinion the 15 percent threshold for ancillary activities is no longer appropriate. For very large buildings, for example 5,000 m<sup>2</sup>, this could result in a permitted ancillary activity of 750 m<sup>2</sup>, which I consider is not appropriate without requiring resource consent. Conversely, 15 percent of the previously notified 450 m<sup>2</sup> GFA equates to 67.5 m<sup>2</sup>, which I consider too restrictive. The New Plymouth District Plan applies a threshold of 15 percent or 180 m<sup>2</sup>, whichever is the lesser. This provides a more appropriate level of control, and I recommend adopting this approach.
- 706. Submitters have requested that PER-2 be amended to refer to "permitted activities" instead of "industrial activities." This amendment is no longer necessary, as the ancillary activities previously addressed in PER-2 have now been transferred to the newly recommended Light Industrial rule. This new rule is supported by a specific definition of 'Light Industrial activity' and provides that ancillary activities are permitted where they relate to a light industrial activity and comply with the relevant standards.
- 707. FNDC request LIZ-R1 is modified to include reference to a standard for pedestrian frontage. This modification is necessary because, although pedestrian frontages are not common in LIZ, there are areas in Awanui where this occurs. Therefore, it is essential to include reference within this rule and create an applicable pedestrian frontage standard within the Light Industrial chapter.
- 708. With respect to the matters of discretion specified where compliance is not achieved with PER-3, I support the submission by LD Family Investments Limited seeking the deletion of matters (b), (c), and (d). In my opinion, these matters of discretion are no longer appropriate within LIZ-R1 as ancillary activities are dealt with in relation to LIZ-RX and therefore these matters of discretion are recommended in relation to that rule.

*LIZ-R2 Trade supplier and LIZ-R4 Public toilet*

- 709. All submissions are in support therefore no further analysis is required.



*LIZ-R5 Convenience stores, restaurants, cafes and takeaway food outlets*

710. Ngawha Generation Limited has requested that the 200m<sup>2</sup> gross floor area (GFA) limit be deleted in relation to LIZ-R5. In my opinion, while it may be appropriate to increase the permitted GFA for activities such as convenience stores, restaurants, cafés, and takeaway food outlets within the LIZ, it is not appropriate to remove the GFA limit entirely. The LIZ is not intended to be the primary location for such commercial activities, as these are anticipated within the MUZ. However, it is reasonable for these activities to be enabled at a smaller scale within the LIZ where they support primary industrial functions. In my view, the current 200m<sup>2</sup> GFA limit is overly restrictive. I consider that increasing this limit to 300m<sup>2</sup> would provide for larger buildings and greater flexibility for developments of this nature, while still maintaining the intended function and character of the LIZ.

*LIZ-R7 Commercial activity*

711. Commercial activities in the LIZ are currently classified as a Discretionary activity. Strategically, this zone is intended to provide for Light Industrial activities. These may include light manufacturing, contractor depots, automotive and marine repair services, service industries, trade suppliers, and some compatible commercial activities. The compatible commercial activities are identified as permitted activities within the notified provisions. There is also provision for commercial activities as ancillary activities, provided they meet the definition and are undertaken in conjunction with a Light Industrial activity. The commercial activity must be located within or attached to the same building and occupy no more than 15% of the GFA or 180m<sup>2</sup> whichever is lesser.
712. The 'Overview of key considerations' memo provided by Market Economics<sup>60</sup> specifically focuses on large format retail. The document outlines that industrial zoned land needs to be protected from large format retail because it typically generates higher rental yields and land values making it more attractive to developers and displacing industrial activities.
713. Large format retail, is a subset of commercial activities. However, for clarity and consistency with the MUZ it is important to manage both activities individually in the LIZ. Therefore, in my opinion large format retail and commercial activities as a permitted activity in the LIZ is generally not appropriate. Such an approach which would undermine the primary purpose of the zone and may result in a shortfall of available land for Light Industrial activities.
714. The economic evidence provided by Market Economics, also indicates that appropriate locations for large format retail need to be provided to help

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<sup>60</sup> Technical Memo -Overview of key considerations, Market Economics, Lawrence McIlrath, dated 17<sup>th</sup> June 2025.



mitigate and manage potential trade-offs and tensions between industrial activities and large format retail, which is a subset of commercial activities.

715. Notwithstanding the above, a significant part of the Waipapa LIZ area is included in the Council's Spatial Plan for the purpose of large format retail type development. This area currently contains an existing concentration of large-format retail and associated commercial activities. While this development pattern is acknowledged in the Spatial Plan and identified as an area to be serviced, this is not yet reflected in other long-term planning documents. It should also be noted that the spatial plan is conceptual; therefore, boundaries are not precisely defined in this document and would be determined through a future structure plan. In the absence of this more detailed information, the general area mapped in the spatial plan is the most appropriately defined area. The amenity levels and traffic movement patterns within this area are aligned with commercial activities and specifically large format retail. In my opinion, this area should be rezoned to a suitable Large Format Retail Zone to differentiate this area of existing development from remaining areas of LIZ. To my knowledge, there are no suitable submissions providing scope to do so. I recommend that Council consider developing a plan change to address this issue. In my opinion, while I have not recommended zone changes for other areas of (largely disconnected) existing commercial activity, the strategic direction provided by the spatial plan and the need for ongoing management and support for existing and new development differentiates this issue.
716. In the interim, I recommend that a specific area of LI zoned land within Waipapa can be identified as suitable for a broader range of activities and development than otherwise provided for by the LIZ. This will reflect the existing land use pattern and commercial activity already present in the area, which is distinct from other parts of the Light Industrial Zone.
717. I do not consider it necessary to amend the objectives and policies of the LIZ. Instead, the most appropriate mechanism to enable commercial and large format retail activities in this specific location is through the application of a defined 'Waipapa Control Area' and shown in Figure 5 below. This control layer would apply only to a specific area of LI zoned land within Waipapa and would permit commercial and large format retail activities within this area. This approach is aligned in relation to supermarkets which has been outlined in Key Issue 21 and will similarly be permitted in this area.

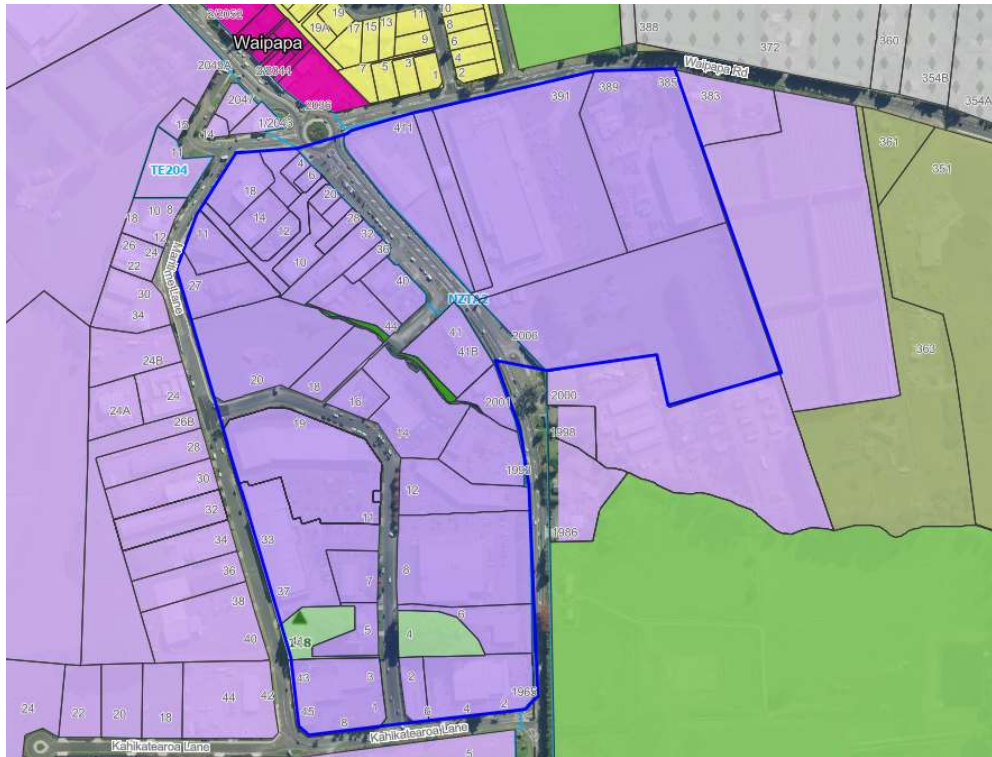


Figure 5: Waipapa Control Area

*LIZ-R14 Cleanfill area or landfill, including managed fill*

718. In my opinion, the amendments sought by the submitter to LIZ-R14 are not necessary. The PDP contains specific definitions for all relevant terms used in the rule, including:

1. *Landfill – "means an area used for, or previously used for, the disposal of solid waste. It excludes cleanfill areas."*
2. *Managed Fill – "means a type of landfill where managed fill material (such as contaminated soil and other contaminated materials or inert manufactured materials such as concrete and brick) is accepted for deposit. It does not include cleanfill areas."*
3. *Cleanfill Area – "means an area used exclusively for the disposal of cleanfill material."*

719. Given the clarity provided by these definitions, I do not consider that the rule will inadvertently impose a non-complying activity status on developments that involve the importation of cleanfill during earthworks. Such activities are appropriately managed under the provisions of the Earthworks Chapter, which is the intension.

*LIZ-R16 Community corrections activity*





720. A number of submitters seek a permitted activity status for community corrections activities. In the notified version of the Proposed District Plan, this activity is classified as non-complying in the LIZ. This activity is either non-complying or discretionary in other PDP zones.
721. The notified definition of Community Corrections Activity is as follows: *"means the use of land and buildings for non-custodial services for safety, welfare and community purposes, including probation, rehabilitation and reintegration services, assessments, reporting, workshops and programmes, administration, and a meeting point for community works groups."*
722. In my opinion, as this activity does not provide for overnight housing or accommodation and associated range of non-sensitive activities, the LIZ is an appropriate location for community corrections activities. This zone typically enables a higher intensity of development and is serviced by council infrastructure. Additionally, Light Industrial areas are generally separated from sensitive land uses such as residential activities, schools, and childcare centres. The potential adverse effects associated with community corrections activities can in my view, be more appropriately accommodated in this zone compared to others and I recommend that it be classified as a permitted activity, subject to a maximum of 12 people on site at any one time. It is necessary to manage the scale of the activity to ensure it remains appropriate within the LIZ, where light industrial activities are encouraged. In my opinion, a maximum of 12 people on site is a reasonable threshold for staffing levels typically associated with a medium-scale light industrial activity.

*LIZ-R18 Primary production*

723. I do not agree with the submitter that all primary production should be a permitted activity within the Industrial zone.
724. Primary production is defined in the PDP as follows:
- "means:*
- a. any aquaculture, agricultural, pastoral, horticultural, mining, quarrying or forestry activities; and*
  - b. includes initial processing, as an ancillary activity, of commodities that result from the listed activities in a);*
  - c. includes any land and buildings used for the production of the commodities from a) and used for the initial processing of the commodities in b); but*
  - d. excludes further processing of those commodities into a different product."*

725. I accept that certain primary production activities may be appropriate within the LIZ, for example in circumstances where land zoned Light Industrial has not yet been developed for industrial purposes and could



be utilised in the interim for alternative productive uses. In my opinion, the activities associated with 'farming' which is a notified definition within the PDP and is a subset of the definition for 'primary production' would be appropriate as a permitted activity. The definition of farming is as follows "*means the use of land for the purpose of agricultural, pastoral, horticultural or apiculture activities, including accessory buildings, but excludes mining, quarrying, plantation forestry activities, intensive indoor primary production and processing activities. Note: this definition is a subset of primary production.*"

726. In my opinion, agricultural, pastoral, horticultural or apiculture activities are unlikely to generate adverse effects that are incompatible with the purpose and character of the LIZ. However, activities such as mining and quarrying have the potential to generate significant adverse effects which may be inconsistent with the anticipated outcomes for this zone. For this reason, I recommend that mining and quarrying activities retain a non-complying activity status, while farming activities be permitted. It should also be noted there are a range of existing uses that where legally established are protected. I do not anticipate significant areas of 'new' farming activity. However, the amendment more clearly provides for changes of modes and methods of farming

### Recommendation

727. For the above reasons, I recommend that the submissions on a number of new rules, LIZ-R1, LIZ-R5, LIZ-R11, LIZ-R18 and new standard are accepted and accepted in part as set out in Appendix 2.
728. I recommend the following new rule LIZ-RX.

<b>LIZ-RX</b>	<b>Light Industrial Activity</b>	
<b>Light Industrial zone</b>	<b>Activity status: Permitted</b>	<b>Activity status where compliance not achieved with PER-1: Restricted Discretionary</b>
	<p><b>Where:</b></p> <p><b>PER-1</b></p> <p><u>Any ancillary activity (excluding residential activity) is located within or is attached to the same building and occupies no more than 15% of the GFA or 180m<sup>2</sup> whichever is lesser.</u></p> <p><b>Or</b></p> <p><b>PER-2</b></p> <p><u>Any residential ancillary activity is located within or is attached to the same building</u></p>	<p><b>Matters of discretion are restricted to:</b></p> <ul style="list-style-type: none"> <li>a. <u>the necessity to locate the ancillary activity in the Light Industrial Zone;</u></li> <li>b. <u>whether the ancillary activity is more appropriate to be located in another zone;</u></li> <li>c. <u>the extent to which the ancillary activity may result in trade distribution effects, or impact on the function of the Light Industrial zone; and</u></li> </ul>





	and occupies no more than 15% of the GFA or 180m <sup>2</sup> whichever is lesser.	d. <u>the extent to which the ancillary activity adversely impacts on the roading network and road safety.</u> <sup>61</sup>
		<b><u>Activity status where compliance not achieved with PER-2: Non-complying</u></b>

729. I recommend the following new rule LIZ-RY.

<b><u>LIZ-RY</u></b>	<b><u>Industrial activity (excluding offensive trade)</u></b>	
<b><u>Light Industrial zone</u></b>	<b><u>Activity status: Discretionary</u></b> <u>Note: This rule does not apply to Light industrial activities assessed under LIZ-RX Light industrial activity</u>	<b><u>Activity status where compliance not achieved: Not applicable</u></b> <sup>62</sup>

730. I recommend the following amendments to LIZ-R1.

<b><u>LIZ-R1</u></b>	<b><u>New buildings or structures, <u>relocated buildings or</u><sup>63</sup> and extensions or alterations to existing buildings or structures</u></b>	
<b><u>Light Industria</u></b>	<b><u>Activity status: Permitted</u></b>	<b><u>Activity status where compliance not achieved with</u></b>

<sup>61</sup> S371.018 and others

<sup>62</sup> S371.018

<sup>63</sup> S482.007



<p><b>I zone</b></p>	<p><b>Where:</b></p> <p><b>PER-1</b>  <del>The building or structure on the site does not exceed a GBA of 450m<sup>2</sup>.</del><sup>64</sup>  <u>The new building or structure, relocated buildings<sup>65</sup> or extension or alteration to an existing building or structure, will accommodate a permitted, restricted discretionary or discretionary activity.</u><sup>66</sup></p> <p><b>PER-2</b>  <del>Any ancillary activity (including residential activity) occupies no more than 15% of the GFA of the industrial building, and is located within or is attached to the same building as the industrial activity.</del></p> <p><b>PER-32</b>          The new building or structure, or extension or alteration to an existing building or structure <u>that increases the existing building footprint</u>, complies with standards:          LIZ-S1 Maximum height;          LIZ-S2 Height in relation to boundary;          LIZ-S3 Setback (excluding from MHWS or wetland, lake and river margins);  <del>LIZ-S4 Setback from MHWS;</del><sup>67</sup>          LIZ-S5 Outdoor storage;          LIZ-S6 Landscaping and screening on road boundaries;          LIZ-S7 Landscaping for sites that adjoin any sites other than mixed use or industrial; and          LIZ-S8 Coverage; and  <u>LIZ-SX Pedestrian frontages</u><sup>68</sup></p> <p><b>PER-3</b>  <u>Extension or alteration to an existing building or structure that does not increase the building footprint, complies with standards:</u></p>	<p><b>PER -2 or PER-3: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ul style="list-style-type: none"> <li>a. the matters of discretion of any infringed standard;</li> <li><del>b. the extent of the necessity to locate the ancillary activity with the industrial activity;</del></li> <li><del>c. the extent to which the ancillary activity may result in trade distribution effects, or impact on the function of the Light Industrial zone; and</del></li> <li><del>d. the extent to which the ancillary activity adversely impacts on the transport network and road safety.</del></li> </ul> <p><b>Activity status where compliance not achieved with PER-1 or PER-2: Discretionary</b></p>
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<sup>64</sup> S360.012 and others

<sup>65</sup> S482.007

<sup>66</sup> S368.011

<sup>67</sup> Consequential amendments

<sup>68</sup> S368.011



	<u>LIZ-S1 Maximum height; and</u> <u>LIZ-S2 Height in relation to boundary.<sup>69</sup></u>	
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731. I recommend the following new rule LIZ-RXZ.

<b><u>LIZ-RXZ</u></b>	<b><u>Large format retail activity</u></b>	
<b><u>Light Industrial zone - Waipapa control area</u></b>	<b><u>Activity status: Permitted</u></b>	<b><u>Activity status where compliance not achieved: Not applicable</u></b>
<b><u>Light Industrial zone excluding the Waipapa control area</u></b>	<b><u>Activity status: Discretionary</u></b>	<b><u>Activity status where compliance not achieved: Not applicable</u></b>

732. I recommend the following amendments to LIZ-R5.

<b><u>LIZ-R5</u></b>	<b><u>Convenience stores, restaurants, cafés and takeaway food outlets</u></b>	
<b><u>Light Industrial zone</u></b>	<b><u>Activity status: Permitted</u></b>	<b><u>Activity status where compliance not achieved with PER-1: Discretionary</u></b>
	<b><u>Where:</u></b>  <b><u>PER-1</u></b> The convenience store, restaurant, café or takeaway food outlet does not exceed a GFA of 2300m <sup>2</sup> . <sup>70</sup>	

733. I recommend the following amendments to LIZ-R7.

<b><u>LIZ-R7</u></b>	<b><u>Commercial activity</u></b>
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<sup>69</sup> S509.004

<sup>70</sup> S432.013



<u>Light Industrial zone - Waipapa control area</u>	<u>Activity status: Permitted</u>	<u>Activity status where compliance not achieved: Not applicable</u>
<u>Light Industrial zone excluding the Waipapa control area</u>	<u>Activity status: Discretionary</u>	<u>Activity status where compliance not achieved: Not applicable</u>

734. I recommend the following amendments to LIZ-R11.

***"Residential activity***

***Light Industrial zone***

***Activity status: Non-complying***

***Note: Applies to residential activities not provided for in LIZ-RX Light Industrial activity.***

***Activity status where compliance not achieved: Not applicable"***

735. I recommend the following amendments to LIZ-R16.

***"Community corrections activity***

***Light Industrial zone***

***Activity status: Permitted ~~Non-complying~~***

***PER-1***

***The number of people onsite does not exceed twelve.***

***Activity status where compliance not achieved with PER-1: Discretionary ~~Not applicable~~"***

736. For the above reasons, I recommend that the submissions on LIZ-R18 are accepted and accepted in part as set out in Appendix 2.

737. I recommend the following amendments to LIZ-R18.

***~~"Primary production Farming~~***



***Light Industrial zone***

***Activity status: Non-complying Permitted***

***Activity status where compliance not achieved: Not applicable***

738. I recommend the following new rule LIZ-RZ.

***"Mining and quarrying***

***Light Industrial zone***

***Activity status: Non-complying***

***Activity status where compliance not achieved: Not applicable***

739. I recommend the following new standard LIZ-SX.

LIZ-SX	Pedestrian frontages	
<b><u>Light Industrial zone</u></b>	<p>For sites with pedestrian frontage identified on the planning maps:</p> <ol style="list-style-type: none"> <li>1. <u>At least 65% of the building frontage at ground floor must be clear glazing; and</u></li> <li>2. <u>The principal public entrance to the building must be located on the front boundary.</u><sup>71</sup></li> </ol>	<p><b><u>Where the standard is not met, matters of discretion are restricted to:</u></b></p> <ul style="list-style-type: none"> <li>- a. <u>the character and amenity of the streetscape; and</u></li> <li>b. <u>the ability to reuse and adapt the building for a variety of activities.</u></li> </ul>

**Section 32AA evaluation**

740. The proposed changes to the LIZ rules respond to submission points and are intended to improve the efficiency, clarity, and effectiveness of the plan. A clarification note is recommended within LIZ-R11 to indicate that it only applies when LIZ-RX does not apply. This will assist plan users by clearly distinguishing between general residential activity and ancillary residential activity, the latter of which may be provided for under LIZ-RX. This improves the usability and interpretation of the rule framework and avoids unintended overlap or confusion.

741. Introducing a specific permitted rule for Light Industrial activities ensures that the intended core activities of the zone are explicitly provided for. This amendment addresses a gap in the notified plan, where light industrial activities could otherwise be interpreted as requiring consent. Also, a specific rule for industrial activities is recommended. Clarifying these rules improves the efficiency of the plan and removes uncertainty for users.

<sup>71</sup> S368.011



742. Several changes are also recommended to LIZ-R1 to ensure built form provisions are proportionate to likely effects. These include deleting the 450m<sup>2</sup> gross building area limit and allowing minor alterations to be permitted. These changes acknowledge existing development patterns within the zone and enable appropriate expansion and redevelopment while ensuring key effects can still be managed. Requiring buildings to accommodate a permitted, restricted discretionary and discretionary activity also ensures consistency with other similar rules within the PDP.
743. Further changes include increasing the gross floor area limit for certain supporting commercial activities to 300m<sup>2</sup>, which enables a broader range of uses while maintaining the industrial character of the zone. Permitting community corrections activities reflects their compatibility with the built form and function of the zone and avoids unnecessary consenting processes. This activity type does not involve residential use and is generally better located away from sensitive activities, making it appropriate in this context.
744. A standard that relates to pedestrian frontage is also recommended given this is now referred to in the Light Industrial rules.
745. The introduction of a 'Waipapa control area' with different activity status than other light industrial zoned land for commercial activities and large format retail are also recommended to ensure there is available land for such activities within a contained area.
746. Finally, a more nuanced approach is proposed for primary production activities. Farming is recommended as a permitted activity due to its low-impact nature, while activities like mining and quarrying would remain non-complying. This provides flexibility for underutilised industrial land without compromising the purpose of the zone. Collectively, these changes represent a more efficient and effective planning framework and better achieve the objectives of the PDP.

#### 4.2.30 Key Issue 30: Waste Management

##### Overview

Provision(s)	Officer Recommendation(s)
Definitions	<ul style="list-style-type: none"> <li>Insert new definition for waste management facility</li> </ul>
HIZ-RXX	<ul style="list-style-type: none"> <li>Insert new rule permitted rule for waste management facility</li> </ul>
HIZ-R6 and LIZ-R15 Offensive trade	<ul style="list-style-type: none"> <li>Amend title to exclude waste management facility</li> </ul>
LIZ-RXY	<ul style="list-style-type: none"> <li>Insert new rule for waste management facility</li> </ul>



## Analysis of Submissions on Key Issue 30

### Matters raised in submissions

747. Waste Management has submitted six submissions (S360.002 S360.003, S360.005, S360.006, S360.008 & S360.009) in opposition to the Objectives, Policies, and Rules in the Light Industrial and Heavy Industrial zones (LIZ and HIZ). The submitter requests amendments to the provisions to accommodate waste management facilities.

### Analysis

748. WMNZ existing facilities are located within the light Industrial and Rural production zones. WMNZ also has an interest in the Heavy Industrial zone as being a potentially viable zone within which a transfer station could be reasonably expected to be located.
749. I agree with WMNZ that the provision for waste management facilities in the Light and Heavy Industrial Zones (LIZ and HIZ) is not sufficiently clear. This uncertainty has resulted in there being no specific definition or rules/standards for the activity. I agree with the submitter that waste management facilities could fall under the defined term 'offensive trade' and also the definition of 'industrial activity', as set out in their submission. Currently this activity would be discretionary in the LIZ and permitted in HIZ.
750. As stated in the Rural S42A report the reporting officer for the Rural zones and I have discussed this issue. It was agreed that including a new definition of 'waste management facility' and associated discretionary rule for waste management in the Rural Production zone will assist plan users understand where these facilities are anticipated in the Far North District. Of note here is that the proposed definition of 'waste management facility' in that the facility is where waste and recyclable materials are temporarily stored, handled or processed.
751. The recommended definition for 'Waste management facility' is as follows  
*"means a facility where waste and recyclable materials are temporarily stored, handled and processed, prior to being transported to another facility for disposal or an alternative use. These include, but are not limited to, refuse and recycling transfer stations, and materials recovery facilities."*
752. I consider it appropriate to insert rules into both the LIZ and HIZ to provide further clarity. In my opinion waste management facilities is an activity that we could expect in the HIZ given the types of effects associated with this activity are in keeping with other activities permitted in this zone. I consider a Discretionary activity status in the LIZ to be appropriate as this type of activity does include objectionable odour and potentially significant numbers of vehicle movements, including heavy vehicles, even if it is on a temporary basis. As a result of the recommendation for a new rule in



the LIZ and HIZ for waste management facility it is necessary to exclude this activity from the offensive trade rules HIZ-R6 and LIZ-R15.

753. Although WMNZ did not submit on the MUZ, Waste management facility activities would be a discretionary activity under MUZ-R16 as *an activity not otherwise listed in this chapter* which is appropriate in my opinion.

### Recommendation

754. I recommend that the submissions from Waste Management seeking specific rules and definitions for waste management facilities are accepted in part and the submissions seeking amendments to the objectives and policies are rejected. I recommend the following new rules for waste management facilities as follows: permitted activity status in the Heavy industry zone; Discretionary activity status in the Light Industry Zone.

### Section 32AA Evaluation

755. The insertion of specific rules for waste management facilities directs these facilities to occur within the Heavy Industrial Zone and provides a pathway for consideration of them, via the resource consent process, with a full discretion to consider all adverse effects, in other zones. This approach is consistent with the objectives and policies for the relevant zones. It strikes an appropriate balance for providing for waste management facilities in the right areas and zone, and managing their environmental effects.

## 4.2.31 Key Issue 31: Light Industrial Zone – Standards

### Overview

Provision(s)	Officer Recommendation(s)
LIZ-S5 Outdoor storage	<ul style="list-style-type: none"> <li>Additional wording to the Standard to preclude outdoor storage screening requirements unless the property is at the zone interface with another non-industrial zone</li> </ul>
LIZ-S8 Coverage	<ul style="list-style-type: none"> <li>Additional points to the Standard and removal of an existing point to align with a consistent plan wide approach to stormwater management and decoupling the engineering standards from the PDP</li> </ul>

### Analysis of Submissions on Key Issue 31

#### Matters raised in submissions

756. Seven submissions (S432.028, S432.039, S432.040, S432.042, S432.043, S432.044 & S432.045) from Ngawha Generation Limited support various standards in the LIZ, including LIZ-S2, LIZ-S3, and LIZ-S5-S8. The





submitter generally considers the notified standards to be appropriate and requests their retention unless amendments arise as a result of changes to existing definitions, or the addition of new definitions sought by Ngawha Generation Limited

757. Seven submissions (S45.024, S45.025, S45.026, S45.027, S45.028, S45.029 & S45.030) from Puketona Business Park Limited do not specify a position on Standards LIZ-S2-S8 but request the retention of the LIZ Standards. The submitter also supports maintaining the matters of discretion and the restricted discretionary activity status for instances where standards are infringed.

*Rural residential development*

758. NRC (S359.020) partially supports General/Plan Content but suggests amendments to strengthen reverse sensitivity provisions, ensuring appropriate visual and physical screening and limiting the intensity of noise-sensitive activities.

*LIZ-S1 Maximum height*

759. Bunnings Limited (S371.021) supports LIZ-S1 and requests that the standard be retained as notified
760. Mainfreight Limited (S509.007) partially supports LIZ-S1 and requests an amendment to allow a building height of up to 20m.
761. Puketona Business Park Limited (S45.004) considers the proposed LIZ-S1 standards to be acceptable and requests their retention. The submitter also supports maintaining the matters of discretion and the restricted discretionary activity status for cases where standards are infringed.

*LIZ-S2 Height in relation to boundary*

762. Bunnings Limited (S371.022) supports LIZ-S2 and requests its retention. John Andrew Riddell (S431.187) also supports the approach to LIZ-S2 and requests the approach varying the required height to boundary depending on the orientation of the relevant boundary is retained.

*LIZ-S3 Setback (excluding from MHWS or wetland, lake or river margins)*

763. Bunnings Limited (S371.023) supports LIZ-S3 and requests that the standard be retained as notified

*LIZ-S5 Outdoor storage*

764. Lynley Newport (S134.003) partially supports LIZ-S5 and requests an amendment to limit its application only where there is a zone interface with a more sensitive zoning, such as General Residential.
765. Z Energy Limited (S336.027) partially supports LIZ-S5, noting that the standard requires outdoor storage areas to be fully screened by a solid



fence or wall at least 1.8m high so they are not visible from adjoining sites and public land. The submitter highlights that "outdoor storage" is not defined within the standard and lacks further clarification. As a result, the company requests amendments to LIZ-S5:

*"Any outdoor storage areas, except for the display of goods for retail sale, must be fully screened by a solid fence or wall of a minimum height of 1.8m so that it is not visible from adjoining sites and public land.*

*This standard does not apply to aboveground tanks at truck stops..."*

- 766. Ti Toki Farms Limited (S262.004) and LD Family Investments Limited (S384.004) partially support LIZ-S5 and request an amendment to remove the requirement for screening onto adjoining sites.
- 767. Bunnings Limited (S371.024 & S371.025) partially supports LIZ-S5 and LIZ-S6, advocating for greater flexibility in the provisions. The submitter seeks adjustments to ensure that the standard is not triggered when alterations or extensions are made to a legally established building or structure that contains a permitted activity.
- 768. Michael John Winch (S67.017) opposes LIZ-S5, arguing that outdoor storage and light industrial buildings are fundamental to light industrial land use and are expected to be visible from adjoining industrial land and roads. The submitter requests the deletion of LIZ-S5.
- 769. Linda Gigger (S370.003) opposes Standard LIZ-S5 and requests the deletion of the requirement to screen outdoor storage areas with a fence or wall.
- 770. Mangonui Haulage (S318.003 & S318.004) opposes LIZ-S5 and LIZ-S6, arguing that the standards should include exemptions for existing consents and well-established light industrial activities on the site.

*LIZ-S7 Landscaping for sites that adjoin any sites other than mixed use or industrial*

- 771. Bunnings Limited (S371.026) partially supports LIZ-S7 and seeks an amendment to introduce flexibility for alterations and extensions

*LIZ-S8 Coverage*

- 772. Brad Hedger (S269.001) supports LIZ-S8 and requests its retention as notified.
- 773. Bunnings Limited (S371.027) partially supports LIZ-S8, while Foodstuffs (S363.032) does not state a position. The submitters note that all stormwater collection systems must comply with the Council's Environmental Engineering Standards 2022. However, Bunnings Limited raises concerns about the inconsistent application of these engineering



standards and requests an amendment to refine the relationship between the District Plan and the Environmental Engineering Standards:

- 1. Ensure the District Plan requires the management of stormwater in a manner that achieves sustainable, safe and efficient provisions of infrastructure.*
- 2. Ensure referencing of the Environmental Engineering Standards in the District Plan is appropriate and results in clear and measurable rules.*
- 3. Cross-referencing to Environmental Engineering Standards is consistent across all chapters.*

### **Analysis**

774. A number of submissions were received in support of these provisions including:
- 1. LIZ-S2 Height in relation to boundary*
  - 2. LIZ-S3 Setback (excluding from MHWS or wetland, lake and river margins)*
775. Where no submission points oppose the supported provisions, no further analysis is required in relation to those matters. Where submission points do oppose the provisions, these are addressed in the analysis below.

### *Rural Residential Development*

776. In response to the submission from NRC, the recommended provisions within the LIZ and HIZ include specific standards relating to setbacks, outdoor storage, and landscaping and screening. These standards are intended to mitigate potential visual and amenity effects at sensitive boundaries. The amendments to these standards, as outlined below, primarily relate to reducing these requirements where industrial-zoned land adjoins other sites of industrial-zoned land, while retaining them at the interface with more sensitive zones. In my opinion, these provisions will ensure an appropriate buffer is maintained between industrial zones and adjacent zones to protect the amenity of those zones. Also, good zoning principles ensures that more sensitive zones are not located adjacent to HIZ land. The LIZ may also serve as a transitional buffer between Heavy Industrial activities and more sensitive zones such as the GR or MU zones, by providing for light industrial activities which are more compatible with sensitive zones.

### *LIZ-S1 Maximum height*

777. Generally, submitters support this standard, however Mainfreight requested an increased building height of up to 20m. In my opinion the notified 12m height limit in the LIZ is considered appropriate in the Far North District context and is appropriate for the scale of development, and



adjoining zone development. It enables the functional requirements of typical Light Industrial activities while maintaining compatibility with surrounding land uses. The height standard is broadly consistent with planning practice in comparable districts and supports the efficient use of light industrial land.

*LIZ-S5 Outdoor storage*

- 778. The notified version of LIZ-S5 requires that outdoor storage areas (excluding the display of goods for retail sale) must be fully screened by a solid fence or wall of at least 1.8m in height so they are not visible from adjoining sites or public land. This requirement does not apply to construction materials stored on-site for a maximum period of 12 months or goods for retail sale.
- 779. A number of submissions oppose this standard or seek various amendments. In my opinion, it is not necessary for this standard to apply between LIZ and/or HIZ sites, as this would place an undue burden on typical light industrial operations where some degree of outdoor storage is anticipated and appropriate. In my view, the visual effects of outdoor storage within the LIZ do not need to be managed internally within the zone or with the HIZ.
- 780. I agree with the submission made by Lynley Newport, which requests that the application of this standard be limited to zone interfaces with more sensitive zones. I support this approach and consider it appropriate to apply the standard for sites that adjoin any sites other than industrial sites. This amendment would retain the original intent of the rule while ensuring visual effects are effectively mitigated at sensitive interfaces. In my opinion, the rule should not continue to apply where a site adjoins public land, as originally notified.
- 781. The proposed amendments to LIZ-R1 (see Key Issue 29 above) will ensure that LIZ-S5 is not unnecessarily triggered by alterations or extensions that do not increase the overall building footprint. This provides greater flexibility for permitted development while still achieving the intended outcomes where relevant.
- 782. Z Energy Limited requests a specific exemption for aboveground tanks at truck stops. The submitter notes that the term "outdoor storage" is not defined which could therefore apply to above ground tanks at truck stops as they are not located within a building, and they store fuel. While the provision is clearly not intended to include facilities for storing goods, I agree that the PDP could provide additional clarity, and an exception should be made in relation to these tanks used for fuel storage.
- 783. It is also noted that existing lawful activities operating under current resource consents will not be required to comply with this standard unless changes are proposed to the activity or physical development of the site that would otherwise trigger a new consent or re-assessment.



*LIZ-S7 Landscaping for sites that adjoin any sites other than mixed use or industrial*

784. The proposed amendments to LIZ-R1 (see Key Issue 29 above) will ensure that LIZ-S7 is not unnecessarily triggered by alterations or extensions that do not increase the overall building footprint. This provides greater flexibility for permitted development while still achieving the intended outcomes where relevant.

*LIZ-S8 Coverage*

785. Submissions on the Engineering Standards approach in the PDP were considered in Key Issue 1 of the Section 42A Engineering Standards report.<sup>72</sup> It has been identified in this report that the current approach of incorporating the Engineering Standards by reference and requiring compliance in accordance with the standards has several issues. The report author, Ms Sarah Trinder, has recommended decoupling the Engineering Standards and the PDP. Technical advice was sought on this matter from Tom Kiddle – Senior Civil Engineer at Beca in relation to the Māori purpose zone and Treaty settlement overlay.<sup>73</sup> This advice was used to inform the recommendations of that topic, and these recommendations will be adapted to LIZ-S8 to provide plan wide consistency. I recommend similar amendments to this standard to provide for the permissive approach to development while safeguarding environmental and human health risks through stormwater management associated with land development.

**Recommendation**

786. For the above reasons, I recommend that the submissions on LIZ-S5 and LIZ-S8 are accepted and accepted in part as set out in Appendix 2.

787. I recommend the following amendments to LIZ-S5.

*"Where a site adjoins another site that is not zoned light industrial or heavy industrial Any outdoor storage areas, except for the display of goods for retail sale, must be fully screened by a solid fence or wall of a minimum height of 1.8m so that it is not visible from adjoining sites and public land.*

***This standard does not apply to construction materials to be used on-site for a maximum period of 12 months; and aboveground fuel tanks at truck stops."***

788. I recommend the following amendments to LIZ-S8.

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<sup>72</sup> Section 5.3.1 S42 Engineering standards Prepared by Sarah Trinder, dated 22<sup>nd</sup> October 2024. [Section-42A-Report-Engineering-Standards.pdf](#)

<sup>73</sup> [Appendix 3 Māori Purpose Zone and Treaty Settlement Land Overlay - Engineering Provisions Advice](#). S42 Engineering standards Prepared by Sarah Trinder, dated 22<sup>nd</sup> October 2024. [Section-42A-Report-Engineering-Standards.pdf](#)



~~1. "At least 10% of the site area shall be planted in grass, vegetation or landscaped with permeable material; and~~

2. Where a connection to Council's reticulated stormwater system is not available then stormwater must be disposed of within the site.

An engineering / site suitability report is required to determine compliance with this standard

~~3. The stormwater collection system is designed in accordance with Far North District Council Engineering Standards April 2022."~~

### Section 32AA evaluation

789. The recommended amendments enhance the efficiency, clarity, and appropriateness of the LIZ provisions without undermining the original intent. The changes to screening (LIZ-S5) better align with the functional realities of light industrial activities by narrowing the application of screening requirements to zone interfaces with more sensitive environments, rather than applying them universally. This supports the efficient use of light industrial land while maintaining amenity outcomes at sensitive boundaries. The proposed exemption for aboveground tanks at truck stops is also a logical refinement that addresses an ambiguity in interpretation without generating additional adverse effects.

790. The recommendation to decouple engineering standards from the PDP (LIZ-S8), is in line with expert technical advice and is consistent with the plan wide approach. In my view, the recommended provisions are more effective and efficient than the notified version.

## 4.2.32 Key Issue 32: Heavy Industrial Zone – Policies, Rules and Consequential Amendments

### Overview

Provision(s)	Officer Recommendation(s)
HIZ-O3	<ul style="list-style-type: none"> <li>Delete objective</li> </ul>
HIZ-P2	<ul style="list-style-type: none"> <li>Amendments to policy to allow consideration of alternative electricity and telecommunication options</li> </ul>
HIZ-P3	<ul style="list-style-type: none"> <li>Minor amendments</li> </ul>
HIZ-P7	<ul style="list-style-type: none"> <li>Clause 16 amendment</li> </ul>
HIZ-RX	<ul style="list-style-type: none"> <li>New rule for Light Industrial activity</li> </ul>
HIZ-R1 New buildings or structures, and extensions or	<ul style="list-style-type: none"> <li>Amendments to remove reference to ancillary activity</li> </ul>



Provision(s)	Officer Recommendation(s)
alterations to existing buildings or structures	
HIZ-R4 Ancillary activity on the same site as the industrial activity	<ul style="list-style-type: none"> <li>Amendments to make this a specific rule for 'industrial activity' and amend PER-1 which specifies the requirements for ancillary activities</li> </ul>

## Analysis of Submissions on Key Issue 32

### Matters raised in submissions

#### *HIZ-R1 New buildings or structures, and extensions or alterations to existing buildings or structures*

791. Mainfreight Limited (S509.006) partially supports HIZ-R1, highlighting that neither the Light nor Heavy Industrial Zones explicitly state that industrial activities are permitted, instead categorizing them as discretionary activities. The submitter requests amendments to HIZ-R1 to clearly establish industrial activities as permitted.
792. Waipapa Pine Limited with Adrian Broughton Trust (now Fletcher Buildings Ltd) (S342.003) oppose HIZ-R1, advocating for ancillary activities within the HIZ and requesting the removal of the 15% threshold limit and locational requirements.

#### *HIZ-R3 Service station*

793. Z Energy Limited (S336.030) supports HIZ-R3 and requests that the rule and its activity status be retained as notified

#### *HIZ-P3*

794. FNDC (S368.065) partially supports HIZ-P3 and highlights inconsistencies in the terminology used for sport and recreational activities within the PDP. The submitter requests an amendment to improve consistency in the policy's language:

*'Avoid the establishment of activities that do not support the function of the Heavy Industrial zone including...*

*... d. sport and active recreational activities; and...'*

### Analysis

795. I agree with the issue raised by Mainfreight Limited that the Light Industrial and Heavy Industrial Zones do not currently specify that industrial activities are permitted, despite the intention of these zones being to provide for such activities. As outlined above in Key Issue 29 in relation to the LIZ new rules to provide for Light Industrial activities and Industrial activities is recommended. In my opinion, it is also appropriate and necessary to include a new permitted activity rule in the HIZ to





explicitly provide for industrial activities and a separate rule for Light Industrial activities for consistency.

796. The notified version of the PDP includes the following National Planning Standards definition of industrial activity:

*"Industrial Activity – means an activity that manufactures, fabricates, processes, packages, distributes, repairs, stores, or disposes of materials (including raw, processed, or partly processed materials) or goods. It includes any ancillary activity to the industrial activity."*

797. The activities associated with this definition are appropriate within the HIZ. In my opinion 'Light industrial activities' are also appropriate as a permitted activity. Although the purpose of the HIZ is for industrial activities, light industrial activities can be accommodated within this zone without creating reverse sensitivity effects.

798. In my opinion the 15% threshold and locational requirements are appropriate for ancillary activities. However, the notified version of the Heavy Industrial provisions as they relate to ancillary activities is unclear. The 15% threshold and locational requirement is located within HIZ-R1 which relates to '*new buildings or structure, and extensions or alterations to existing buildings or structures*'. There is also a separate rule HIZ-R4 which relates to '*Ancillary activity on the same site as the industrial activity*'. In my opinion these matters should be consolidated into the Industrial activity rule to avoid duplication and improve clarity.

799. For plan wide consistency, HIZ-R1 should also include the following PER "*The new building or structure, or extension or alteration to an existing building or structure, will accommodate a permitted, restricted discretionary or discretionary activity*" which is wording used in the equivalent rules within the other zone chapters.

#### *HIZ-R3 Service station*

800. A submission was received in support of these provisions.

#### *HIZ Minor and Consequential amendments*

801. There are no specific submission points on these matters; however, consequential amendments are required to give effect to other recommendations and to ensure the recommended provisions for the HIZ can function effectively.

802. I am recommending HIZ-O3 is deleted because as outlined in the urban s.32 report "*Land zoned HI was not included in the definition of 'urban' as some parts of the district zoned HI may not have access to, or be programmed to receive, adequate development infrastructure (wastewater, potable water and stormwater).*" Therefore, requiring that land use and subdivision in this zone has available or programmed development infrastructure to support it, is not appropriate.





803. Although there are no specific submissions on HIZ-P2, consequential amendments are required to align with my recommendations for GRZ-P2 and MUZ-P2 for the reasons outlined in Key Issue 7.
804. The changes to HIZ-P2 appropriately address infrastructure in relation to the Heavy Industrial zone by stating subdivision in this zone requires *"reticulated wastewater, stormwater and potable water services and local electricity distribution network to the boundary of each lot (where available)."* This wording is more appropriate as reticulated services may not always be available in the HIZ.
805. As outlined in relation to similar policies in other chapters the function of HIZ-P7 as a 'consideration policy' vs assessment criteria has been considered in a number of previous hearings on the PDP. For example, in the Coastal Environment Section 42A Report it stated in relation to the corresponding policy in that chapter: *"I note that CE-P10 functions as a 'consideration' policy, which is an approach that has been adopted consistently at the end of the policies across the PDP chapters to provide a consistent way of ensuring all relevant matters can be assessed when resource consent is required under the relevant chapter. I consider that this is an appropriate drafting approach to achieve consistency across the PDP and recommend that CE-P10 is retained on that basis."*
806. The recommended amendments to the chapeau of CE-P10 are equally applicable to HIZ-P7 and other consideration policies in the PDP.
807. On that basis, I recommend that HIZ-P7 is retained as a 'consideration policy', consistent with other PDP chapters, and the chapeau is amended to be clearer on its purpose and application.
808. I note there are no specific submissions on this matter within the Heavy Industrial topic; however, it is an amendment with minor effect and therefore I consider it within the scope of a Clause 16 correction.
809. As outlined in relation to the LIZ, as a result of the recommended definitions, consequential amendments have been made throughout the chapter to refer specifically to "Light Industrial activity". Also, where reference is made to 'Heavy Industrial activity' it has been replaced by "Industrial activity".
810. Minor wording changes in HIZ-P3 are also accepted in part, to refer to the correct terminology, sport and active recreation activities. Also to specify education facilities exclude trades training.

### **Recommendation**

811. For the above reasons, I recommend that the submissions are accepted, accepted in part and rejected as set out in Appendix 2.
812. I recommend HIZ-O3 is deleted.



813. I recommend the following amendments to HIZ-P2.

*"Require all subdivision in the Heavy Industrial zone to provide the following reticulated wastewater, stormwater and potable water services and local electricity distribution network to the boundary of each lot (where available) and encourage all subdivision to provide the following reticulated services to the boundary of each lot:*

- 1. telecommunications:*
  - i. fibre where it is available;*
  - ii. copper where fibre is not available;*
  - iii. copper where the area is identified for future fibre deployment.*
- 2. local electricity distribution network; and*
- 3. wastewater, potable water supply and stormwater where they are available."*

814. I recommend the following amendments to HIZ-P3.

- c. "...education facilities (excluding trades training);*
- d. sport and active recreational activities;..."*

815. I recommend the following amendments to HIZ-P7.

*"Consider the following matters where relevant when assessing and managing the effects of Manage land use and subdivision in the Heavy Industrial Zone: to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:..."*

816. I recommend the following new rule HIZ-RX.

**"Light industrial activity**

**Heavy Industrial zone**

**Activity status: Permitted**

**Activity status where compliance not achieved: Not applicable"**

817. I recommend the following amendments to rule HIZ-R4.

**~~"Ancillary activity on the same site as the i~~ Industrial activity (excluding offensive trade)**

**Activity status: Permitted**

**Where:**

**PER-1**



Any ancillary activity (excluding any noise sensitive activity) is located within or is attached to the same building and occupies no more than 15% of the GFA.

It is not a noise sensitive activity.

Note: This rule does not apply to Light industrial activities assessed under HIZ-RX Light industrial activity

***Activity status where compliance not achieved with PER-1: Non-complying"***

818. I recommend the following amendments to rule HIZ-R1.

**"PER-1**

~~Any ancillary activity (excluding residential activity) occupies no more than 15% of the GFA of the industrial building, and is located within or is attached to the same building as the industrial activity.~~

The new building or structure, or extension or alteration to an existing building or structure, will accommodate a permitted, restricted discretionary or discretionary activity..."

**Section 32AA evaluation**

819. The recommended changes to the HIZ provisions are considered to be efficient and effective amendments that improve the clarity and functionality of the plan. The changes include a specific permitted activity rule for both industrial and light industrial activities in the HIZ better reflects the intended purpose of the zone. This amendment improves certainty for plan users and avoids unnecessary resource consent processes for core industrial activities that the zone is intended to support.
820. The consolidation of ancillary activity provisions into a single industrial activity rule will reduce duplication and address the lack of clarity identified in the notified version. Similarly, applying this wording regarding buildings and structures is consistent with other similar zone rules.
821. Other consequential changes have been recommended to align with the plan wide recommendations and to better reflect the environment and purpose of the HIZ. These changes are anticipated to result in minimal additional costs while ensuring the chapter more effectively enables appropriate industrial development.

**4.2.33 Key Issue 33: Heavy Industrial Zone - Standards**

**Overview**



Provision(s)	Officer Recommendation(s)
HIZ-S1	<ul style="list-style-type: none"> <li>Amend to increase the maximum height to 15m</li> </ul>
HIZ-S3	<ul style="list-style-type: none"> <li>Amend to require boundary setbacks only where heavy industrial zoned land adjoins another site with a different zone</li> <li>Include road boundary setbacks.</li> </ul>
HIZ-S5	<ul style="list-style-type: none"> <li>Additional wording to the Standard to preclude outdoor storage screening requirements unless the property is at the zone interface with another non-industrial zone</li> </ul>
HIZ-S8	<ul style="list-style-type: none"> <li>Additional points to the Standard and removal of an existing point to align with a consistent plan wide approach to stormwater management and decoupling the engineering standards from the PDP</li> </ul>

### Analysis of Submissions on Key Issue 33

#### Matters raised in submissions

##### *HIZ-S1 Maximum height*

822. Mainfreight Limited (S509.008) supports HIZ-S1 and requests an amendment to allow a building height of up to 20m.

##### *HIZ-S2 Height in relation to boundary*

823. John Andrew Riddell (S431.188) supports the approach to HIZ-S2 and requests the approach varying the required height to boundary depending on the orientation of the relevant boundary is retained.

##### *HIZ-S3 Setback (excluding from MHWS or wetland, lake and river margins)*

824. Waipapa Pine Limited and Adrian Broughton Trust (now Fletcher Building Ltd) (S342.004) oppose HIZ-S3 and request the deletion of the required 10m setback.
825. Mark and Emma Klinac (S140.003) oppose HIZ-S3, stating that further controls are necessary to appropriately manage reverse sensitivity effects from new activities on existing sensitive activities. The submitter requests:
826. Amend the HIZ-S3 Setback (excluding MWHS or wetland, lake, and river margins)
- d. Or insert a new rule regarding setbacks for new Heavy Industrial activities from existing noise-sensitive activities in the HIZ. The proposed rule is as follows:

"No new heavy industrial activity and associated outdoor areas, or extensions to existing heavy industrial activities and outdoor areas,



*shall be erected within 200, from any existing noise sensitive activity (when rule not met – Discretionary Activity)”*

#### *HIZ-S5 Outdoor storage*

827. Waipapa Pine Limited and Adrian Broughton Trust (now Fletcher Building Ltd) (S342.005) opposes HIZ-S5, stating that screening between the two heavy industrial sites is unnecessary and requests that the requirement to screen between adjoining sites be deleted.
828. Z Energy Limited (S336.031) partially supports HIZ-S5 and requests specific amendments to enhance clarity and refinement of the provisions:

*"Any outdoor storage areas, except for the display of goods for retail sale, must be fully screened by a solid fence or wall of a minimum height of 1.8m so that it is not visible from adjoining sites and public land.*

*This standard does not apply to aboveground tanks at truck stops..."*

#### *HIZ-S8 Coverage*

829. Brad Hedger (S269.002) partially supports HIZ-S8 and requests specific amendments to refine the standard:

*"The combined building and impermeable surface coverage of the any site ~~must be~~ is no more than 15% or 3000m<sup>2</sup>, whichever is the lesser..."*

830. Waipapa Pine Limited and Adrian Broughton Trust (now Fletcher Building Ltd) (S342.006) oppose HIZ-S8 and request the deletion of the 15% threshold and the associated matters of discretion.

### **Analysis**

#### *HIZ-S1 Maximum height*

831. Mainfreight has requested an increased maximum building height of 20 metres within the HIZ. I agree in part that, the notified height limit of 12 metres, which is the same as that applied in the LIZ, is not appropriate for the HIZ, as it may unnecessarily constrain the scale of development associated with heavy industrial activities.
832. However, I consider that a 20-metre height limit would be too permissive and could result in adverse dominance effects. In my opinion, a maximum building height of 15 metres would provide a more appropriate balance, enabling larger buildings associated with heavy industrial operations as a permitted level of effects, while maintaining a level of control additional height. A 15-metre height standard is broadly consistent with other district plans in comparable districts and would support the efficient use of land within the HIZ.

#### *HIZ-S2 Height in relation to boundary*



833. A submission was received in support of these provisions.

*HIZ-S3 Setback (excluding from MHWS or wetland, lake and river margins)*

834. I agree in part with the submission requesting the deletion of setback requirements within the HIZ. In my opinion, the current 10-metre setback between sites within the Heavy Industrial Zone is not appropriate. It appears this may be an error, particularly as a 5-metre setback between the HIZ and the LIZ has been provided for. This suggests that either a similar or lesser setback would be reasonable between sites within the HIZ.
835. In my opinion, a nil setback between heavy industrial site boundaries along with a 5-metre setback from road boundaries, would be more appropriate for the HIZ. This zone does not prioritise pedestrian access, visual amenity, or public open space. Setbacks are typically applied to support these outcomes, which are not relevant to the intended function of the HIZ. Maximising the developable area within this zone is important for enabling efficient use of industrial land. In my opinion, a 5-metre road boundary setback remains appropriate to maintain sufficient separation from road corridors for reasons such as access, safety, vehicle manoeuvring, and potential landscaping or screening where necessary. A 10m setback is still appropriate where Heavy Industrial zoned sites adjoin sites that are not zoned Light or Heavy Industrial.
836. In my opinion, it is not appropriate to include the additional controls requested by within this standard, or to introduce a new standard, to manage reverse sensitivity effects from new activities on existing sensitive activities. The purpose of the HIZ is to provide for industrial activities. Introducing further controls of this nature could limit the use of land zoned Heavy Industrial for its intended purpose. In my view, good practice avoids locating HI zones near more sensitive zones, and the provisions for the HIZ do not encourage the establishment of sensitive activities within this zone. Further, where additional or new zones occur it would result in inefficient development patterns. The extent of the HIZ in the district is very limited, confined to areas in Waipapa and Kaitaia. Both areas predominately adjoin LI and Rural Production zoned land. The recommended noise provisions<sup>74</sup> also apply to the HIZ where the receiving environment is Rural Production zoned land. In these cases "*noise shall not exceed the following rating noise levels within the notional boundary of any noise sensitive activity within the receiving property:*"

1. 7.00am to 10.00pm (daytime): 55 dB LAeq

2. 10.00pm to 7.00am (night-time): 45dB LAeq and 75 dB LAFmax"

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<sup>74</sup> S42 Noise report writers right of reply, Prepared by Kenton Baxter, dated 6<sup>th</sup> December 2024. [Noise ROR - Appendix 1](#)



837. Where the LIZ is the receiving environment higher noise limits apply. In this case *"Noise shall not exceed the following rating noise levels at any point with the receiving property boundary:*
1. *7.00am to 10.00pm (daytime): 65 dB LAeq*
  2. *10.00pm to 7.00am (night-time): 60 dB LAeq and 80 dB LAFmax"*
838. I consider that the noise and HI provisions as recommended are sufficient to appropriately manage reverse sensitivity effects.

*HIZ-S5 Outdoor storage*

839. This matter has been addressed in relation to LIZ-S5 see Key Issue 31, in my opinion a consistent approach between the Light and Heavy Industrial zones should apply to this standard. The notified version of HIZ-S5 is the same as LIZ-S5 and requires that outdoor storage areas (excluding the display of goods for retail sale) must be fully screened by a solid fence or wall of at least 1.8 metres in height so they are not visible from adjoining sites or public land. This requirement does not apply to construction materials stored on-site for a maximum period of 12 months.
840. A submission opposes this standard and seeks amendments. In my opinion, it is not necessary for this standard to apply across all HI zoned sites, as this would place an undue burden on typical heavy industrial operations where some degree of outdoor storage is anticipated and appropriate. In my view, the visual effects of outdoor storage within the HIZ do not need to be managed internally within the zone.
841. To ensure consistency between the Light and Heavy Industrial zones the application of this standard should be limited to zone interfaces with more sensitive zones. I support this approach and consider it appropriate to apply the standard to sites that adjoin any sites other than those zoned industrial. This amendment would retain the original intent of the rule while ensuring visual effects are effectively mitigated at sensitive interfaces. In my opinion, the rule should continue to apply where a site adjoins public land, as originally notified.
842. The submission by Z Energy Limited on HIZ-S5 is the same as their submission on LIZ-S5. My response is therefore the same as outlined under Key Issue 31 in relation to LIZ-S5. The submitter requests a specific exemption for aboveground tanks at truck stops. The submitter notes that the term "outdoor storage" is not defined which could therefore apply to above ground tanks at truck stops as they are not located within a building, and they store fuel. While the provision is clearly not intended to include facilities for storing goods, I agree that the PDP could provide additional clarity, and an exception should be made in relation to these tanks used for fuel storage.

*HIZ-S8 Coverage*





843. As outlined in the section 32 report for the urban environment, the maximum 15% impermeable surface coverage in the HIZ reflects the reality that this zoning is generally not serviced by a reticulated stormwater network. I acknowledge that it is likely more than 15% of Heavy Industrial sites will be covered by impermeable surfaces. In my opinion, the 15% standard functions effectively as a trigger for resource consent, allowing stormwater management to be considered where more intensive development is proposed, rather than acting as a strict cap on development potential.
844. I also note that there is variation in site sizes across the HIZ. In my opinion, applying a lower threshold or alternative threshold as requested by one submitter "15% or 3000m<sup>2</sup>, which ever is the lesser." Could be overly onerous, particularly for larger sites over 2 hectares where the maximum permitted impermeable surfaces would be capped at 3,000m<sup>2</sup>.
845. Accordingly, I support retaining the 15% maximum impermeable surface coverage control in the HIZ. In my view, it represents an appropriate balance between enabling industrial development in areas that may lack adequate infrastructure and ensuring that potential adverse effects on stormwater runoff are managed through the consenting framework where necessary.
846. I agree with some of the proposed wording amendments, as they improve the clarity of HIZ-S8. This is reflected in the recommended changes, along with amendments to ensure consistency with the engineering recommendations.

### Recommendation

847. For the above reasons, I recommend that the submissions on HIZ-S1, HIZ-S3, HIZ-S5 and HIZ-S8 are accepted, accepted in part and rejected as set out in Appendix 2.
848. I recommend the following amendments to HIZ-S1.
- "The maximum height of a building or structure, or extension or alteration to an existing building or structure, is 15.2m above ground level, except that any fence or standalone wall along a side or rear boundary which adjoins a site zoned Rural Production, Settlement or Natural Open Space shall not exceed 2m in height..."*
849. I recommend the following amendments to HIZ-S3.
- "The building or structure, or extension or alteration to an existing building or structure, must be setback at least 10m from all boundaries of sites that are not zoned heavy industrial, except that:*
- 1. a minimum setback of 5m applies from any site in the Light Industrial zone and at the road boundary.*





2. For a boundary adjoining a rail corridor, the setback must be at least 3m from the KHR designation boundary."

850. I recommend the following amendments to HIZ-S5.

"Where a site adjoins another site that is not zoned light industrial or heavy industrial Any outdoor storage areas, except for the display of goods for retail sale, must be fully screened by a solid fence or wall of a minimum height of 1.8m so that it is not visible from adjoining sites and public land.

This standard does not apply to construction materials to be used on-site for a maximum period of 12 months- or aboveground fuel tanks at truck stops."

851. I recommend the following amendments to HIZ-S8.

1. "The ~~combined building and impermeable surface coverage of the any site must be~~ is no more than 15%; and
2. Where a connection to Council's reticulated stormwater system is not available then stormwater must be disposed of within the site.

An engineering / site suitability report is required to determine compliance with this standard

3. The ~~stormwater collection system is designed in accordance with Far North District Council Engineering Standards April 2022.~~

### **Section 32AA evaluation**

852. The recommended changes to the HIZ provisions strike a balance between enabling appropriate industrial development and ensuring that potential adverse effects are managed. The maximum building height is recommended to increase from 12m to 15m. This adjustment recognises the operational needs of heavy industry to provide for larger buildings.
853. The recommended changes to setbacks more appropriately reflect the nature and function of the HIZ. Removing internal site boundary setbacks allows for more efficient use of industrial land, which is consistent with the intent of the zone. Retaining a 5-metre road boundary setback maintains safety, access, and amenity values from public roads, and a 10-metre setback is still applied where HIZ sites adjoin non-industrial zones. This approach recognises the low sensitivity within the zone itself.
854. The recommended changes to screening requirement for outdoor storage is now limited to sites adjoining more sensitive zones or public land, avoiding unnecessary compliance costs for industrial operators within the zone while maintaining a level of amenity where it is most needed. The proposed exemption for aboveground fuel tanks at truck stops also



addresses a valid concern and ensures the provisions do not unintentionally restrict typical activities associated with heavy industry zoned land.

855. Finally, the impermeable surface coverage standard is amended to reflect the amendments to other similar rules which is consistent with engineering advice.

#### 4.2.34 Key Issue 34: Industrial Zones - Landscaping Standards

##### Overview

Provision(s)	Officer Recommendation(s)
LIZ-S6	<ul style="list-style-type: none"> <li>• Amendments to simplify and clarify the landscaping requirements on road boundaries</li> <li>• Include reference to functional requirements in the matters of discretion</li> </ul>
HIZ-S6	<ul style="list-style-type: none"> <li>• Amendments to simplify and clarify the landscaping requirements on road boundaries</li> <li>• Include reference to functional requirements in the matters of discretion</li> </ul>

##### Analysis of Submissions on Key Issue 34

##### Matters raised in submissions

##### *LIZ-S6 Landscaping and screening on road boundaries*

856. Linda Gigger (S370.004) opposes LIZ-S6 and requests the removal of the requirement to landscape and screen road boundaries, arguing that exemptions should be provided for existing and consented activities.
857. Waste Management (S360.013 & S360.014) opposes LIZ-S6 and requests an amendment to point 1 of the Standard to specify that landscaping is required to a depth of 1m. Additionally, S360.014 seeks the deletion of point 2 of the standard.
858. Z Energy Limited (S336.028) partially supports LIZ-S6 and proposes an amendment to the matters of discretion. The submitter seeks adjustments to ensure the provisions provide greater clarity or flexibility
- "Where the standard is not met, matters of discretion are restricted to: ...*
- b. Topographical, ~~or~~ other site constraints, or functional requirements making compliance with this standard impractical; and..."*
859. Michael John Winch (S67.018) opposes LIZ-S6, arguing that outdoor storage and light industrial buildings are fundamental to Light Industrial



Land use and are expected to be visible from adjoining industrial land and roads. The submitter requests the deletion of LIZ-S6.

*HIZ-S6 Landscaping and screening on road boundaries*

- 860. Waste Management (S360.015) opposes HIZ-S6 and requests to amend point 1 of the Standard to specific that landscaping is required for a depth of 1m.
- 861. Waste Management (S360.016) opposes HIZ-S6 and seeks to delete point 2 of the Standard as the submitter believes it is inappropriate and inefficient to require vegetation to achieve a continuous screen at the road boundary.
- 862. Mainfreight Limited (S509.009 & S509.010) partially supports LIZ-S7 and HIZ-S6 and requests an amendment to the standard to require a 2m wide landscape strip along the front boundary. The proposed amendment would exclude pedestrian and vehicle entrance points while incorporating specimen trees and groundcover planting.

**Analysis**

*LIZ-S6 and HIZ-S6 Landscaping and screening on road boundaries*

- 863. LIZ-S6 and HIZ-S6 are identical in the notified version of the PDP, other than their application to the Light Industrial and Heavy Industrial zones. The standards require that at least 50% of the road boundary, excluding areas occupied by buildings or driveways, must be landscaped. Landscaping must be a minimum height of 1m at installation and must form a continuous screen of 1.8m in height and 1.5m in width within five years.
- 864. I consider that the current wording of point 1 is ambiguous in relation to the required width of the landscaped area, and that clarification is necessary. While point 2 specifies the dimensions of the planting, it does not clearly identify the minimum width of the landscaped strip itself. In my view, a minimum depth of 2 metres from the road boundary would be appropriate, as it would provide effective visual screening and enhance the amenity values within the Industrial zones.
- 865. It is my opinion that point 2 as currently drafted, is overly prescriptive and not well aligned with the anticipated character of the Industrial zones. While landscaping is necessary to manage effects between industrial activities and the road, the standard should not be overly onerous. A more appropriate approach would be to require that landscaping or planting achieve a minimum height of 1m within two years of planting, which would provide a simplified and achievable outcome.
- 866. I acknowledge the intent of the requirement that at least 50% of the road boundary be landscaped, excluding areas occupied by buildings or driveways. However, I consider that this exclusion should also extend to



pedestrian accessways, which function similarly in terms of limiting the potential for planting along the frontage.

867. I support the relief sought by Z Energy Limited to amend matter of discretion (b) within LIZ-S6 to also refer to functional requirements. The notified version is limited to "*topographical or other site constraints making compliance with this standard impractical*," which is restricted to physical site characteristics. In my opinion, consideration of operational and functional constraints is also important, particularly in the LIZ, where practical and efficient site use is a key aspect of anticipated development. Including functional requirements would provide greater flexibility where strict compliance with the landscaping standard may compromise the efficient operation of a site.
868. I also note that existing lawful activities operating under current resource consents would not be required to comply with these landscaping provisions unless a future change to the activity or a new physical development on the site triggered the need for a new consent or reassessment under the District Plan.

#### *LIZ-S7*

869. Mainfreight Limited has requested an amendment to the standard to require a 2m wide landscape strip along the front boundary. In my opinion, this may be an error, and the submitter may not have intended to refer to LIZ-S7, as that standard relates to landscaping for sites that adjoin any sites other than Mixed Use or Industrial zones. In contrast, landscaping and screening on road boundaries is addressed in HIZ-S6. This matter has been discussed above in relation to LIZ-S6 and HIZ-S6. If this assumption is incorrect the submitter could clarify this through evidence or at the hearing.

#### **Recommendation**

870. For the above reasons, I recommend that the submissions on HIZ-S6, LIZ-S6 and LIZ-S7 are accepted, accepted in part and rejected as set out in Appendix 2.
871. I recommend the following amendments to LIZ-S6.

*"Where a site adjoins a road boundary, at least 50% of that road boundary not occupied by buildings, ~~or driveways~~ or pedestrian accessways shall be landscaped with plants or trees within a strip that is at least 2m in width.*

- 1. The landscaping shall reach a minimum height of 1m within two years after planting, ~~be a minimum height of 1m at installation and shall achieve a continuous screen of 1.8m in height and 1.5m in width within five years.~~*

***Where the standard is not met, matters of discretion are restricted to:***



- a. *the character and amenity of the streetscape and surrounding area;*
- b. *topographical, ~~or~~ other site constraints, or functional requirements making compliance with this standard impractical; and*
- c. *health and safety implications for pedestrians and the transport network."*

872. I recommend the following amendments to HIZ-S6.

1. *"Where a site adjoins a road boundary, at least 50% of that road boundary not occupied by buildings, ~~or~~ driveways or pedestrian accessways shall be landscaped with plants or trees within a strip that is at least 2m in width.*
2. *The landscaping shall reach a minimum height of 1m within two years after planting. ~~be a minimum height of 1m at installation and shall achieve a continuous screen of 1.8m in height and 1.5m in width within five years.~~*

***Where the standard is not met, matters of discretion are restricted to:***

- a. *the character and amenity of the streetscape and surrounding area;*
- b. *topographical ~~or~~ other site constraints, or functional requirements making compliance with this standard impractical; and*
- c. *health and safety implications for pedestrians and the transport network."*

### **Section 32AA evaluation**

873. The recommended amendments to simplify the provisions and make them more achievable improve the effectiveness and efficiency of the plan. The clarification that a minimum 2-metre depth for landscaping is required from the road boundary enhances the workability of the standard and ensures that the desired screening effect can be achieved within the industrial zones.
874. The amendment to the associated matter of discretion to include consideration of "functional requirements" is also recommended. It expands the scope of assessment beyond topographical or physical site constraints to include operational needs, which is appropriate in zones where efficient site use is anticipated.

## **5 Conclusion**



875. This report has provided an assessment of submissions received in relation to the Urban Zones topic. The primary amendments that I have recommended relate to:

- Introducing a “Medium Density Residential Zone” (MDRZ) and a “Town Centre Zone” to Kerikeri.
- Consequential removal of specific multi-unit residential provision GRZ-R9, as it relates to Kerikeri so that the provision for multi-unit development in the GRZ of Kerikeri does not undermine medium density development in the new MDRZ closer to the town centre.
- Amendments to objectives and policies throughout the urban zones framework to refer to “planned” character, make reference to well-functioning urban environment, consideration of reverse sensitivity, and allow consideration of alternative telecommunications options.
- Amendments to enable visitor accommodation outside the pedestrian frontage in the MUZ as a restricted discretionary activity, and to delete rule for residential activity on the ground level of sites within the pedestrian frontage (MUZ-R17).
- Amendments to activity status for educational facility as a restricted discretionary activity in the GRZ.
- Insert new definition and associated rules for supermarkets in the MUZ and LIZ.
- Waipapa control area for Waipapa that provides for commercial, large format retail and supermarkets.
- Add new rules for “light industrial activity” in the urban zones.
- Amendments to residential intensity rule GRZ-R1 to allow 1 residential unit per site or per 600m<sup>2</sup> as a Restricted Discretionary activity.
- Removal of reference to GFA in Rule MUZ-R1.
- New rules for “trades training” activities in the Industrial zones, waste management facilities in the HIZ, and community corrections facilities or supported residential care within the MUZ.
- Insertion of a minimum net floor area for the MUZ for residential units.
- Amendments to several standards for the GRZ including changing façade length standard to a fencing standard, decreasing the outdoor living space to 40m<sup>2</sup> (from 50m<sup>2</sup>), and providing a 3m setback from the Kiwirail designation boundary for the rail corridor.



- Amendments to decrease the height limit for the MUZ in Russell and to increase the height limit to 15m for the HIZ.
  - Amendments to coverage standards to better manage stormwater effects (including MUZ-S10) and for consistency with the plan wide approach to stormwater management and decoupling the Engineering Standards from the PDP.
  - Amendments to simplify and clarify the landscaping requirements on road boundaries for the Industrial Zones.
  - Consequential amendments throughout the urban zones framework for clarity and consistency between terms, recommended amendments to other provisions, and other chapters.
876. Section 4.2 considers and provides recommendations on the decisions requested in submissions. I consider that the submissions on the Urban chapter should be accepted, accepted in part, rejected or rejected in part, as set out in my recommendations of this report and in Appendix 2.
877. I recommend that provisions for the Urban Zones matters be amended as set out in in Appendix 1 below for the reasons set out in this report.

**Recommended by:** Sarah Trinder, Senior Policy Planner, Far North District Council

**Approved by:** James R Witham – Team Leader District Plan, Far North District Council (excluding S259.017)

**Approved by:** Briar Macken acting on behalf of Roger Ackers – Group Manager Planning and Policy, Far North District Council (for submission 259.017).

**Date:** 23 June 2025