

Minute 14 Response

1. Details of the Sites & Surrounds



Figure 1 - Submitter Properties

The original submission provides details of the site and surrounds and these are not provided again here.

2. Strategic Direction

This is an assessment of the McCaughan Road rezoning submission against the strategic direction chapters of the Proposed Far North District Plan (PDP), as required by Minute 14.

The submission seeks to rezone several properties on McCaughan Road, Kerikeri, from the proposed Horticulture Zone to the Rural Residential Zone.

Historic and Cultural Wellbeing

Based on the information available, the following assessment can be made:

- **Consultation:** No consultation has been undertaken with iwi, hapū, or tangata whenua regarding the rezoning request.
- **Cultural Significance:** There are no known sites of cultural significance to Māori identified on the subject land. Therefore, the proposed rezoning is considered unlikely to have adverse effects on the values of tangata whenua or their role as kaitiaki.
- **Historic Heritage:** The land is not subject to any historic heritage overlays in the PDP. As a result, the rezoning is not expected to impact any identified historic heritage sites or values.
- **Natural Hazards and Climate Change:** The submission does not address a te ao Māori decision-making framework in relation to natural hazards or climate change, as outlined in objective SD-CP-05, however this appears to be within the

jurisdiction of Council to undertake. The sites are clear of flooding hazards which are considered to be the most relevant hazard in this scenario.

Economic and Social Wellbeing

The submission strongly aligns with the objectives for economic and social wellbeing as follows:

- **Social Prosperity:** The submission supports community wellbeing by arguing that Rural Residential zoning would cement, the rural residential character that presently exists, reinforcing the community's established sense of place. It argues the proposed Horticulture zoning negatively impacts the landowners' social and economic wellbeing because the land is unsuitable for that use, whereas the requested zoning would better provide for the community.
- **Economic Prosperity:** The submission argues that the proposed Horticulture Zone is economically unviable for the subject properties, which are between 1 and 1.8 hectares in size. It cites Council's own economic analysis showing that a kiwifruit orchard, for example, requires a productive area of 7 to 16 hectares to generate a household return of \$45,000 to \$100,000 per year. By seeking a zone that reflects the land's actual use, the submission supports the landowners in providing for their own economic wellbeing, thereby contributing to the local economy.

Natural Environment

- **Significant Flora and Fauna:** There are no areas of significant indigenous vegetation or significant habitats of indigenous fauna identified on the subject land. Therefore, the rezoning is not expected to adversely affect significant biodiversity in the district.
- **Coastal Environment and Landscapes:** The site is not located within the coastal environment, nor does it contain any identified outstanding natural features or landscapes.
- **Stewardship and Kaitiakitanga:** While the submission does not directly address stewardship, the principles of kaitiakitanga and the protection and management of natural resources can be effectively addressed through consent conditions at the time of any future subdivision or development. This approach allows for site-specific management of environmental effects. It is also noted that many of the residents have been owners of the land for some time and carry out neighbourly activities for the benefit of others i.e clearance and beautification works along the River.
- **Climate Change:** The submission does not specifically address how the rezoning would contribute to climate change mitigation by enabling carbon storage or reducing emissions, however these practices can be undertaken at time of land use / development.

Rural Environment

The submission directly engages with the strategic objectives for the Rural Environment, arguing that the requested rezoning is more appropriate than the proposed Horticulture Zone.

- **Efficient Primary Production:** A key argument is that the land is not suitable for efficient or effective primary production due to its small, fragmented lot sizes and existing residential development. It contends that forcing a Horticulture zoning on this land is counterproductive to the goal of supporting viable primary production. Further evidence notes that land should not be used as a buffer and that other tools are available to manage interface issues.
- **Protection of Highly Productive Land:** The submission acknowledges the land may contain highly productive soils but argues that it has already been fragmented, and perhaps sterilised to a point where 'retrofitting' zoning is unlikely to result in a reversion from residential to horticultural activities. It highlights exemptions in the National Policy Statement for Highly Productive Land for sites with "permanent or long-term constraints," such as existing development, which applies to these properties. The submission argues that the proposed zoning "is neglecting the reality on the ground".

Urban Form and Development

The submission aligns well with the strategic direction for urban form and development, particularly in how it provides for growth and infrastructure.

- **Wellbeing and Growth:** The submission promotes the wellbeing of residents by aligning the zoning with the area's existing rural residential use. It presents the rezoning as a way to "meet the demand for growth around urban centres" in a manner that reflects the established development pattern.
- **Infrastructure:** The submission explicitly states that the landholdings can be self-serviced for infrastructure and therefore place "no unintended drag on Council infrastructure". This directly supports the objective of ensuring adequate infrastructure is in place to meet development demands.

Infrastructure and Electricity

The submission is consistent with the strategic direction for infrastructure. By proposing a Rural Residential zone, it seeks to manage land use in a way that avoids future conflicts.

The submission notes that Rural Residential development can act as a buffer between different land uses, thereby managing reverse sensitivity issues and protecting more intensive horticultural operations in the surrounding area from incompatible development. Furthermore, the proposal relies on on-site infrastructure, avoiding demand on public networks.

3. Alignment With Zone Outcomes

Table 1: Assessment of the Rural Residential Zone

Objective	Assessment
RRZ-O1 The Rural Residential zone is used predominantly for rural residential activities and small scale farming activities that are compatible with the rural character and amenity values of the zone	My evidence states that the properties already have a predominantly residential use within a rural environment and that their existing character is predominantly rural residential. The rezoning would therefore

	formalise the existing, compatible character of the area.
RRZ-O2 The predominant character and amenity values of the Rural Residential zone are maintained and enhanced, which includes peri-urban scale residential activities and smaller lot sizes.	The submission argues that the rezoning would "cement, the rural residential character that presently exists". The properties are already fragmented into smaller lots, a characteristic anticipated by the RRZ, which provides for lot sizes of approximately 2,000-4,000m ² .
RRZ-O3 The Rural Residential zone helps meet the demand for growth around urban centres while ensuring the ability of the land to be rezoned for urban development in the future is not compromised.	The evidence directly supports this objective, presenting the rezoning as a way to "meet the demand for growth around urban centres". It also notes the proposal addresses a known demand for rural residential living in a sought-after location.
RRZ-O4 Land use and subdivision in the Rural Residential zone: maintains rural residential character... and is managed to control any reverse sensitivity issues that may occur within the zone or at the zone interface.	A central argument of the submission is that potential reverse sensitivity effects can be better managed through a consistently applied setback standard and subdivision rule for all zones adjoining the Horticulture Precinct. This directly addresses the need to manage interface effects while maintaining the established rural residential character.
Policies	Assessment
RRZ-P1 Enable activities that will not compromise the role, function and predominant character and amenity values of the Rural Residential zone... including rural residential activities.	The submission's core purpose is to enable the land to be used for rural residential activities, which is perfectly aligned with its existing character and the intent of this policy
RRZ-P2 Avoid activities that are incompatible with the role, function and predominant character and amenity values of the Rural Residential zone including primary production activities... that generate adverse amenity effects	The submission seeks to move the properties away from a primary production zoning (Horticulture Precinct) that is considered unsuitable and unviable. This aligns with the policy of avoiding incompatible land uses.
RRZ-P3 Avoid where possible, or otherwise mitigate, reverse sensitivity effects from sensitive... activities on primary production activities in the adjacent Rural Production zones and Horticulture precinct zones.	This is a cornerstone of the submission. The evidence argues that using the land as a buffer is inappropriate and proposes a new setback standard and subdivision rule to directly manage and mitigate reverse sensitivity effects at the zone interface.
RRZ-P4 Encourage all subdivision in the Rural Residential zone to provide... reticulated services to the boundary.	The evidence states that the properties can be self-serviced for infrastructure and will place "no unintended drag on Council infrastructure". As the zone anticipates on-site servicing capability and the policy only "encourages" reticulation, this approach is consistent with the zone's provisions.
RRZ-P5 Manage land use and subdivision to address the effects of the activity... including (but not limited to) consideration of...	The evidence provides a detailed assessment of potential effects and proposes specific, targeted rules to manage them, particularly

consistency with the scale and character... location, scale and design of buildings... [and] zone interfaces.	at the zone interface. This demonstrates that the effects of the requested rezoning can be appropriately managed in accordance with this policy.
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Table 2: Assessment of the Horticultural Precinct

Objective	Assessment
PREC1-O1 The Horticulture precinct zone is managed to ensure its current and long-term protection and availability for horticultural activities.	The submission's entire premise is that the subject land is unsuitable for horticultural use due to its fragmentation, residential character, and poor soil quality. Therefore, protecting it for such activities is considered an unachievable and inappropriate objective for these specific properties
PREC1-O2 Land use and subdivision in the Horticulture precinct zone: avoids land sterilization or fragmentation... [and] avoids any reverse sensitivity effects.	The evidence argues that the land is already fragmented and sterilised from a horticultural perspective. It contends that applying this zoning would sterilise the land from its actual, reasonable residential use. It also argues that reverse sensitivity is better managed via rules in the adjacent zone, not by zoning this land for horticulture.
Policies	Assessment
PREC1-P1 Identify a Horticulture precinct... using... criteria... [including] highly productive land... or... the land provides an effective buffer to manage reverse sensitivity effects.	The evidence contends that the criteria used is applied inconsistently and that the best tool to consider interface effects are setback rules for land use activities and specific consideration at time of development.
PREC1-P2 Avoid land use that... will result in the loss of productive capacity, or compromise the use, of land in the Horticulture precinct.	The submission contends that the properties have no productive capacity to lose. With respect to effects on other landholdings, this is considered as being negligible when using a 20m setback as a parameter.
PREC1-P3 Enable horticulture, farming and associated ancillary activities that support the function of the Horticulture precinct.	The evidence argues that enabling horticulture on these small, fragmented lots is economically unviable and therefore not a reasonable or practical outcome.
PREC1-P4 Ensure residential sensitive activities are designed and located to avoid... reverse sensitivity effects on horticulture and farming activities.	The submission agrees with the goal of mitigating reverse sensitivity. However, it strongly disagrees that applying the Horticulture Precinct is the correct method. It proposes achieving this outcome more effectively through a setback and subdivision rule.
PREC1-P5 Avoid the subdivision of land in the Horticulture precinct... that... fragments land into parcel sizes that are no longer able to support horticulture.	The submission's position is that this fragmentation has already occurred and is irreversible. It argues that applying this policy to the properties is "neglecting the reality on the ground". Further subdivision of the submitter sites are irrelevant as they are already too small for a productive use.

PREC1-P6 Encourage the amalgamation or boundary adjustments... where this will help to make horticultural activities more viable	It is highly unlikely that these blocks would be amalgamated to form a viable horticultural unit.
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4. Higher Order Direction

Table 3: Assessment of National Policy Statements

Matter	Assessment
National Policy Statement for Freshwater Management	Not relevant.
National Policy Statement for Greenhouse Gas Emissions from Industrial Process Heat	Not relevant.
National Policy Statement for Highly Productive Land	Relevant but of limited concern due to poor quality soils as provided for by Council evidence.
National Policy Statement for Indigenous Biodiversity	Not relevant.
National Policy Statement for Renewable Electricity Generation	Not relevant
National Policy Statement on Electricity Transmission	Not relevant
National Policy Statement on Urban Development	The site is Rural.
New Zealand Coastal Policy Statement	Not relevant

Table 4: Assessment of National Environment Standards

Matter	Assessment
National Environmental Standards for Commercial Forestry	Not relevant.
National Environmental Standards for Air Quality	Not relevant.
National Environmental Standards for Sources of Drinking Water	Not relevant.
National Environmental Standards for Telecommunications Facilities	Not relevant.
National Environmental Standards for Electricity Transmission Activities	Not relevant.
National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health	Not relevant.
National Environmental Standards for Freshwater	Not relevant.
National Environmental Standards for Marine Aquaculture	Not relevant.
National Environmental Standard for Storing Tyres Outdoors	Not relevant.
National Environmental Standards for Greenhouse Gas Emissions from Industrial Process Heat	Not relevant.

Table 5: Assessment of Regional Policy Statement

Objective / Policy	Comment
Integrated Catchment Management	Not relevant
Region Wide Water Quality	Not relevant
Ecological Flows and Water Quality	Not relevant
Indigenous Ecosystems & Biodiversity	There are no SNA's on the properties.
Enabling Economic Wellbeing	The proposal would allow for increased economic wellbeing on the site following increased density potential.
Economic Activities – Reverse Sensitivity And Sterilization	The proposal does not result in any reverse sensitivity or sterilization effects.
Regionally Significant Infrastructure	The proposal does not impact any regionally significant infrastructure.
Efficient and Effective Infrastructure	The proposal seeks to use existing FNDC infrastructure where available.
Security of Energy Supply	Power is existing to the site.
Use and Allocation of Common Resources	Not relevant.
Regional Form	The proposal seeks a logical continuation of urban and regional form that more appropriately sets out the rural / urban boundary in this location.
Tangata Whenua Role in Decision Making	The submitter acknowledged the role of tangata whenua.
Natural Hazard Risk	Refer primary evidence.
Natural Character, Outstanding Natural Features, Outstanding Natural Landscapes And Historic Heritage	Not relevant.

5. Reasons For The Request

The reasons for the request are appropriately laid out in the submission and are not repeated here.

6. Assessment of Site Suitability & Potential Effects of Rezoning

All of the sites are zoned Rural Production [ODP]. Sites range from 6,000m² at the smallest to 1.8ha at the largest.

Most of the sites are outside of mapped natural hazard as outlined below. One site near the river is partially covered.

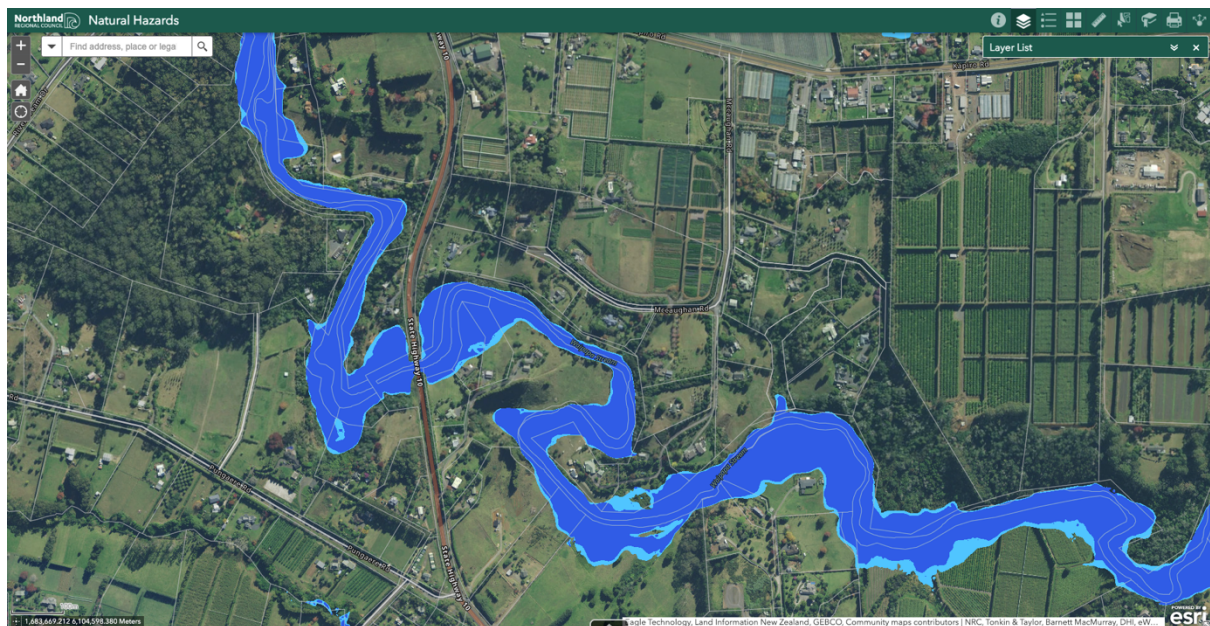


Figure 2 – Natural Hazards - Flooding

The site is considered to have ‘Kiwi Present’, and some sites adjoin the Waipapa Stream which includes a Marginal Strip managed by DoC.

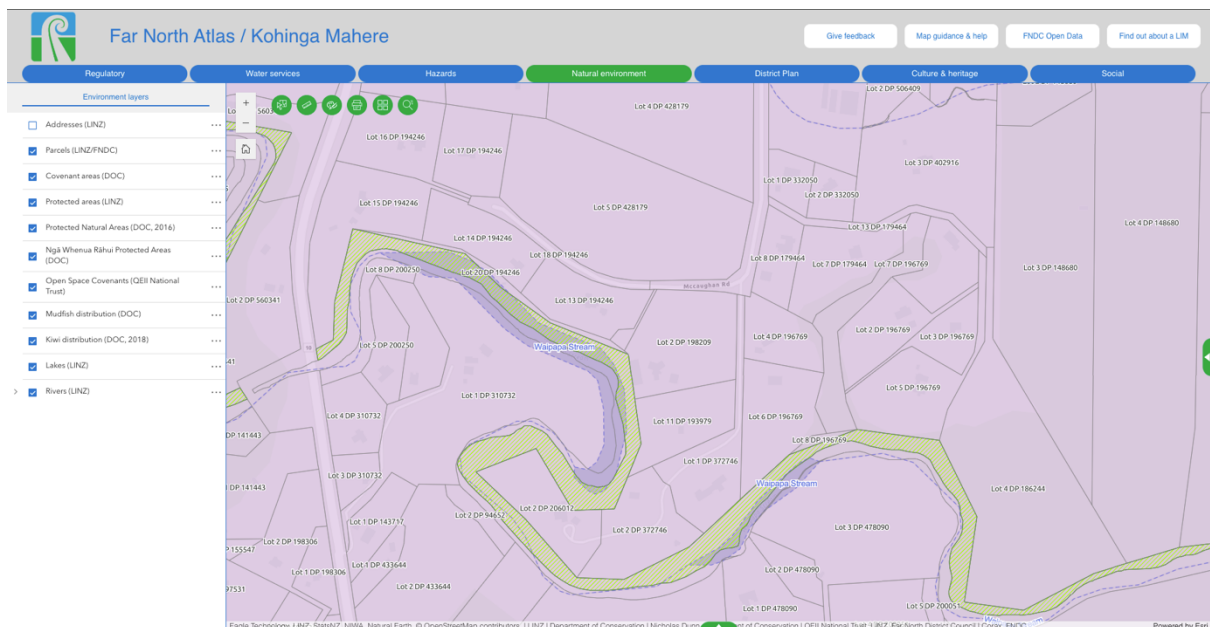


Figure 3 – Natural Features

There is no mapped historic or cultural heritage.

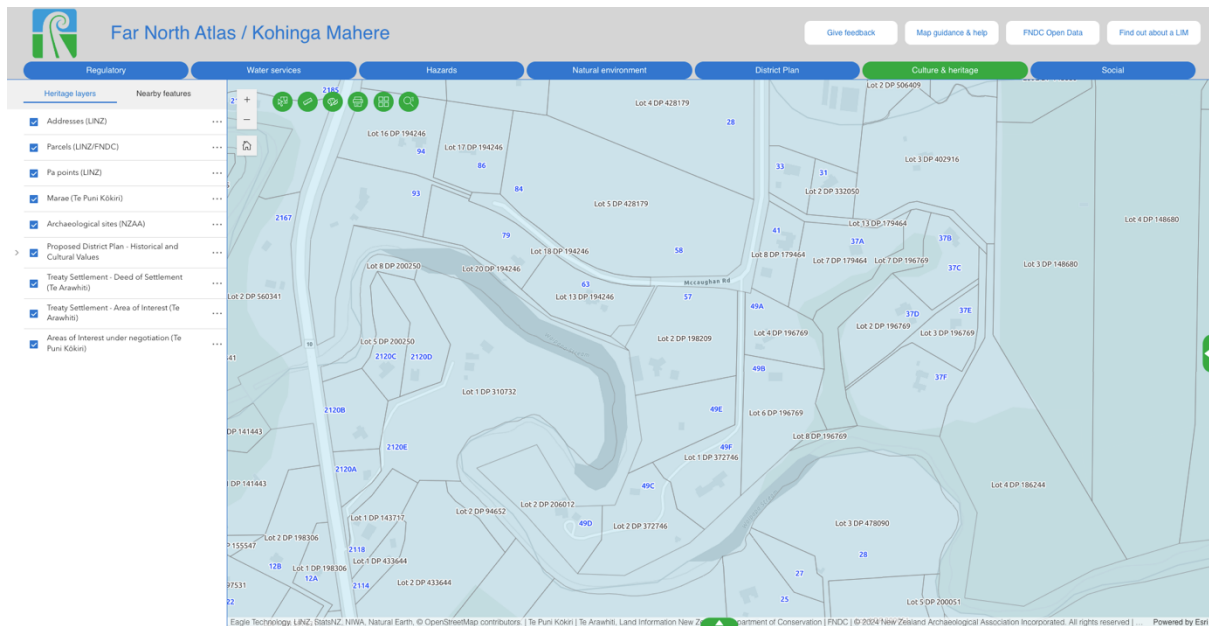


Figure 4 – Cultural / Heritage Features

The site is not within the Coastal Environment.

The site has no mapped biodiversity wetlands.

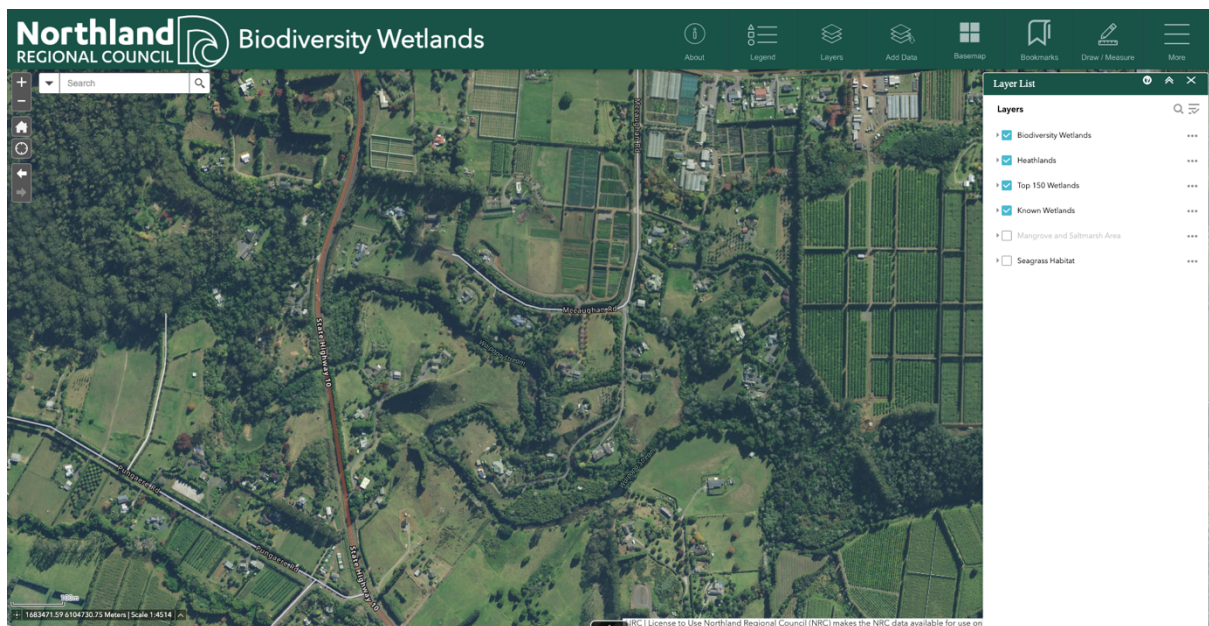


Figure 5 – Biodiversity Wetlands

There are no immediate HAIL concerns, noting that this can be considered at time of development and usually mitigated if of concern.

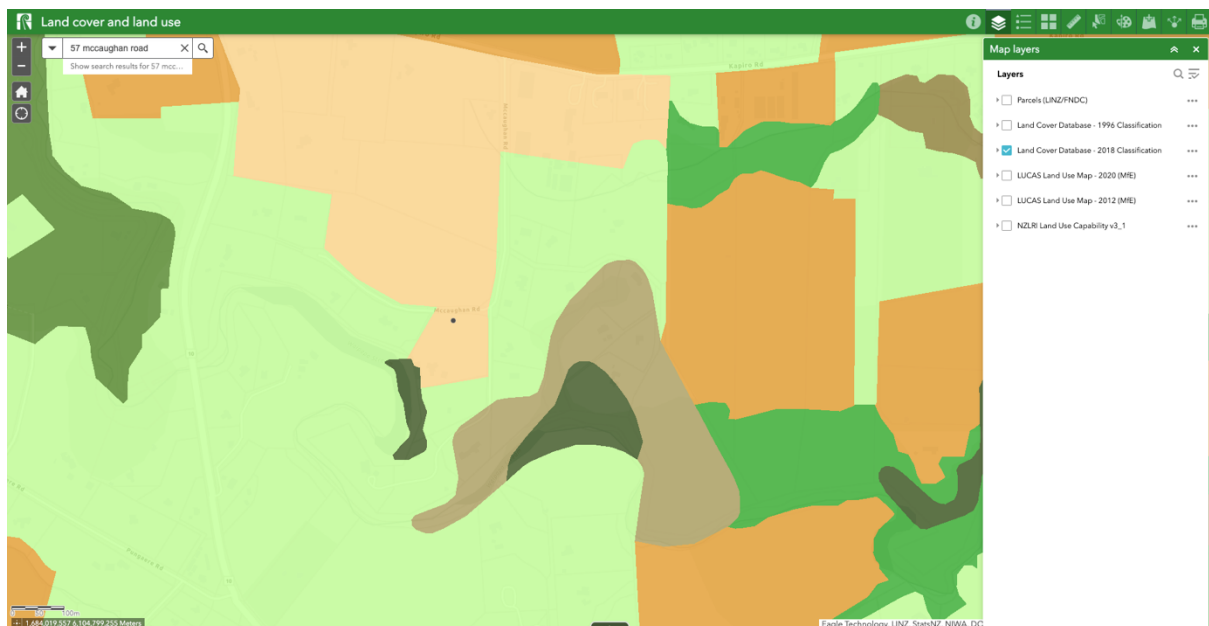


Figure 6 – Landcover Map

In my view, effects on surrounding sites can be effectively managed and mitigated. My primary evidence proposes a better fit for purpose planning solution through the introduction of new setback standard and subdivision rule applied consistently to all zones that adjoin the Horticultural Precinct.

This targeted mechanism is a more effective and equitable tool for managing reverse sensitivity than using the subject properties as an informal buffer. Furthermore, the proposed approach is preferable to relying on ad-hoc controls like covenants. The figure below includes a 20m setback on all of its extents. Depending on the placement of the sensitive activity / subdivision, a consent under the rules provided would be required.

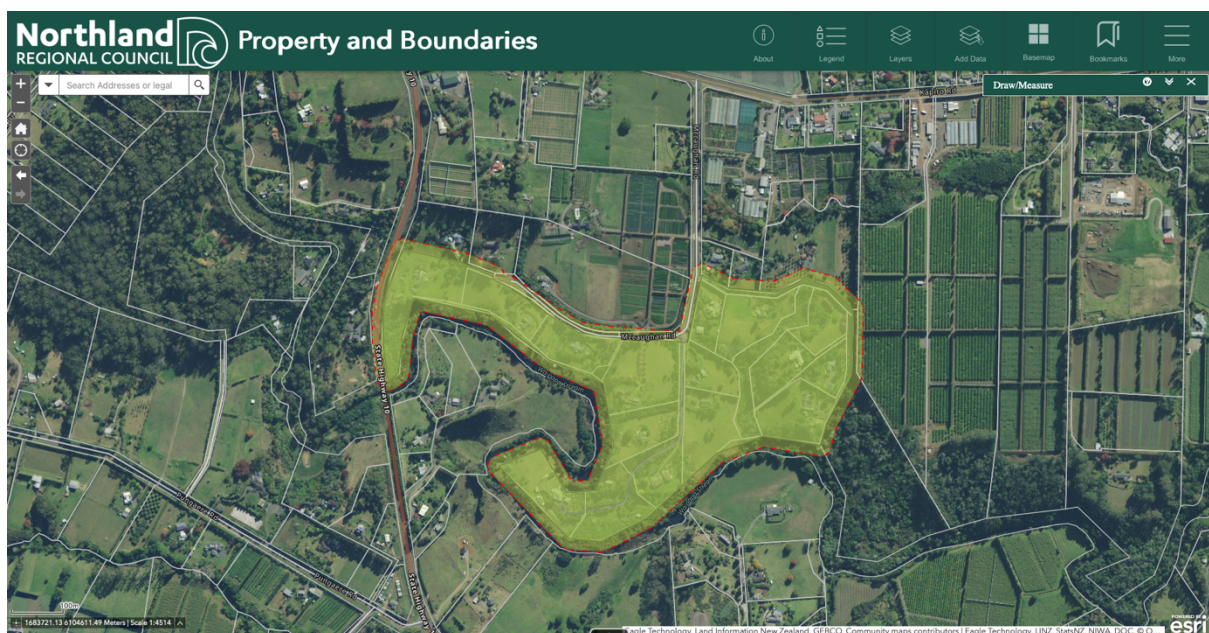


Figure 7 – Buffer Map

While this may be limited in terms of scope, to create a more coherent and defensible boundary and avoid an isolated pocket of rezoning, my evidence suggests that a wider unit of land, including adjacent properties with similar residential characteristics, could also be rezoned to Rural Residential.

This would create a logical continuation of the existing rural-residential pattern and would provide a more robust planning outcome.



Figure 8 – Rural Residential Zone Extent

For most of the properties who wish to undertake residential or subdivision activities [assuming a rural residential zone is accepted], they would be well outside of the 20m buffer promoted by Council and myself.

For those close to the interface, the standards allow for mitigation measures to be offered. For example, at a land use level this provides for landscaping and screening.

At a subdivision level the same mitigation could be applied. If the concern is about the potential for spray drift and more people being in close proximity, this is managed by the Northland Regional Council.

In this specific case, it is not clear how or why these approaches wouldn't work, particularly when the immediate surrounds are largely involved in rural production, and not horticultural use.

7. Infrastructure

The sites are completely devoid of public infrastructure, save for reliance on power, telecoms and the roading network.

8. Transport Infrastructure

Any future development on the properties if rezoned to Rural Residential would need to be in accordance with the Transport Chapter of the PDP as well as Council Engineering Standards.

McCaughan Road is a public road and so is sufficient in this respect. Some of the properties come off a shared accessway from the end of McCaughan Road [refer figure below].

If these properties were developed / subdivided, this area may need to be upgraded and form part of McCaughan Road i.e vested.

The additional properties if subdivided could have potential effects to the intersection of Kapiro Road / McCaughan Road. However, Councils expert has not specifically considered this as an issue, so is considered sufficient in this respect.

9. Consultation & Further Submission

No consultation has been undertaken, noting that the rezoning request is so discrete and small in scale that it is unclear who would need to consider the rezoning submission outside of the submitters, Council and Panel. Nonetheless, the PDP review has gone through a schedule 1 RMA process and the public, including neighbours, have had the opportunity to make submissions.

There are five further submissions as follows:

- Audrey Campbell-Frear [Allow]
- Kapiro Conservation Trust 2 [Disallow]
- Vision Kerikeri 2 [Disallow]
- Visions Kerikeri 3 [Disallow]
- Catherine Brooks [Allow]

It is hard to follow the submission sequence of the Kapiro Conservation Trust. They have 7 original submissions. Vision Kerikeri have 8 original submissions. Both oppose the rezoning submission as it is inconsistent with their submission.

It is assumed their opposition relates to the protection of high-quality soils and preventing rural residential development. The evidence comprehensively addresses both matters by demonstrating the land is not economically viable for horticulture due to fragmentation and poor soil quality, and that potential effects can be appropriately managed through targeted rules.

10. Section 32AA Evaluation

A full evaluation under section 32AA of the RMA confirms that the requested rezoning to Rural Residential Zone is the most appropriate, effective, and efficient option.

- **Appropriateness:** The Rural Residential Zone is more appropriate because it aligns with the existing, established rural residential character and use of the properties. It respects the on-the-ground reality and the long-term constraints on horticultural production for these specific parcels, which are already fragmented and too small to be economically viable for horticulture.
- **Effectiveness:** The Rural Residential Zone is more effective at achieving the plan's objectives. Critically, as detailed in my primary evidence, potential reverse sensitivity effects can be managed through **proposed district-wide setback and subdivision rules** applicable to all zones adjoining the Horticultural Precinct. This is a far more effective and consistent planning tool than the Council's approach of using these properties as an informal buffer. The rezoning also effectively provides for residential growth demand without burdening public infrastructure.
- **Efficiency:** The Rural Residential Zone is more efficient as it avoids the unnecessary regulatory burden and economic cost of applying a horticultural zoning to properties that are unviable for that use. It provides certainty for landowners and avoids the inefficient sterilisation of land.

Therefore, the proposed rezoning to Rural Residential Zone represents a superior and more robust planning outcome for the McCaughan Road properties under section 32AA of the RMA.