

Sanson & Associates Ltd

To: District Plan Team – Attention: Greg Wilson
Strategic Planning & Policy
5 Memorial Avenue
Private Bag 752
Kaikohe 0440.
Email: greg.wilson@fnhc.govt.nz

RE: Submission on the Proposed Far North District Plan 2022

1. **Details of persons making submission**

Grant Alan Billington & Georgina McGarry
C/- Sanson & Associates Limited
Attention: Steven Sanson
PO Box 318
PAIHIA 0247

2. **General Statement**

Grant Alan Billington & Georgina McGarry are directly affected by the Proposed Far North District Plan. They seek changes to the Rural Residential Zoning applied over their site in favour of the Light Industrial Zone.

Grant Alan Billington & Georgina McGarry cannot gain an advantage in trade competition through this submission. They are directly impacted by the Proposed District Plan. The effects are not related to trade competition.

3. **Background & Context**

Background

Grant Alan Billington & Georgina McGarry own a Record of Title along State Highway 10, Mangonui (8 Waterfront Drive, Mangonui). The site is outlined on **Figure 1** below. The site is largely vacant, except for two small buildings currently being used as offices.

Site Descriptions

The land to which this submission relates comprises the following Records of Title:

- 343896 – Lot 2 DP 385878



Figure 1 – Site RT: 343896 (Source: Prover)

The site is uniquely situated between a range of uses such as existing light industrial and commercial activities to the north and west and residential development along Waterfront Drive. Whilst the site adjoins State Highway 10, access is only from Waterfront Drive.

Storage activities are also proposed along Waterfront Drive. It is noted that Council has, in the past, previously approved the site for a building supply outlet, although this has expired. **Attachment 1** provides an annotated map of the current activities in the surrounds.

Although not shown on Council maps, the site also has access to a wastewater pipe which has recently been found traversing the site.

The site has no quality soils that require protection or would result in effective rural activities being undertaken on the site.

Operative and Proposed District Plan Zoning

The Operative Zoning for the site is outlined in **Figure 2** below. There are no FNDC resource features attributable to the site. Operative Zone and Resource Maps are provided in **Attachment 2**.

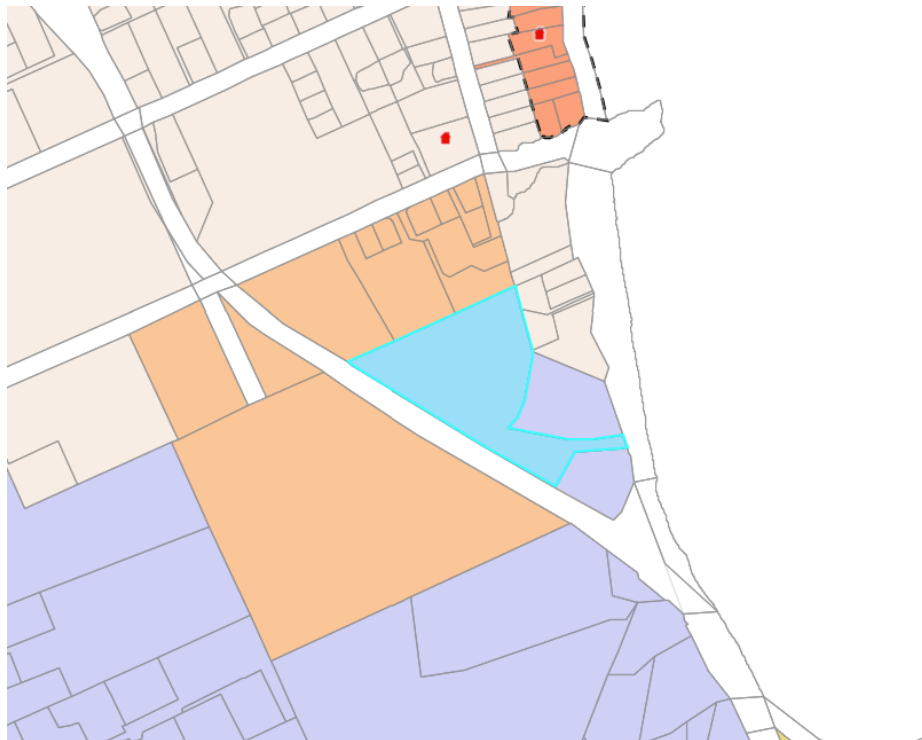


Figure 2 – Operative Zoning (Source: Far North Maps)

The Proposed District Plan seeks a Rural Residential Zoning as well as the Coastal Environment Overlay on the site. The site adjoins the Waka Kotahi designation “NZTA2”. This is shown in **Figure 3**.



Figure 3 – Proposed Zoning (Source: Far North Maps)

We note that the Draft District Plan had initially proposed a Light Industrial Zoning, however this seems to have changed in favour of the proposed Rural Residential zoning. The rationale for this change is not clear on review of Council’s s32 reports and supporting documentation.

4. **The specific provisions of the Proposed Far North District Plan that this submission relates to are:**

- Proposed Zone Maps which relate to the landholding referred to in Section 3 of this submission. This specifically relates to a change from Rural Residential to Light Industrial; and

- Changes to the Light Industrial Zone provisions and policies (if it is accepted that the site be changed to a Light Industrial Zone);

5. **Grant Alan Billington & Georgina McGarry seek the following amendments/relief:**

This submission requests that the Proposed Far North District Plan:

- Replaces the proposed Rural Residential Zone applied over the site as Light Industrial. S372.001
- If accepted as Light Industrial, change LIZ-R11 Residential Activity, LIZ-R12 Retirement Village, and LIZ-R13 Visitor Accommodation, as a Restricted Discretionary Activity (as opposed to a Non-Complying Activity). S372.002
- Amend LIZ-P3 which seeks to avoid the establishment of residential activities. S372.003

6. **The reasons for making the submission on the Proposed District Plan are as follows:**

- Proposed Zoning Change: The Proposed District Plan essentially carries over the Rural Living Zone for a Rural Residential Zone for the site. The site is relatively large and is uniquely situated in an environment of light industrial activities. The Draft District Plan had the site zoned as Light Industrial and reversion back to this zoning is requested.
- There is no site-specific evidence as to why the zoning has changed since the Draft District Plan. Although the general

evidence associated with the extension of urban services relates to the availability of infrastructure, it is noted that given the size of the site that infrastructure can be appropriately provided for on site. As mentioned above, a Council wastewater pipe runs through the site already, although not formally mapped.

The underlying consent approval (Refer RC 2030759) confirms that light industrial activities can be appropriately undertaken on the site (subject to conditions). It is noted that the subdivision rules associated with the Light Industrial provide for unserviced allotments, therefore, provision of infrastructure does not seem like a key determinant for zoning.

In this instance, the Rural Residential zoning proposed does not meet the key purpose of the zone, being a zone which provides 'a transition to the surrounding Rural Production and / or Rural Lifestyle and Horticultural zones'.

- Enabling Residential Activity: The Proposed District Plan has changed to an activity-based approach and this is somewhat in contrast to the effects based regime of the Resource Management Act 1991.

Within the existing Commercial and Industrial Zones, residential activity is not exempt, rather the effects of noise (specifically) as well as other requirements are the key determinants of whether mixed use can occur. On large sites such as that under consideration, there is considered to be appropriate scope for a mix of residential, commercial and industrial activities. In the current plan if noise can be

appropriately attenuated, the proposal for residential uses on a site is a permitted activity.

To have changes which disable residential activities actively discourages such activities, even if the effects can be appropriately mitigated. This is not considered in keeping with the intent of the Resource Management Act 1991 with respect to the management of effects.

Therefore, it is proposed that residential activities in the Light Industrial Zone, be considered as a Restricted Discretionary Activity, as a potential middle ground for Council to at least consider the suite of potential effects that may relate to each site. In some instances, no such effects may arise and therefore, the Non – Complying Activity Status is considered to be too restrictive as currently drafted.

LIZ-P3: The requirement to avoid residential activities that can be compatible with light industrial activities is proposed to be deleted.

As above, residential activities can co-exist with light industrial activities provided mitigation measures support these uses. The avoidance requirement within LIZ-P3 is not consistent with considering effects of activities, rather it supports the removal of activities entirely. This is not appropriate on all sites within the district, especially not this site which can be appropriately designed to cater to both uses.

The provisions within the Light Industrial Zone as well as the Noise section provide for appropriate landscaping, screening / fencing of outdoor areas. Noise provisions allow for

consideration of noise sensitive activities either on site or any other site. These taken together promotes sufficient protection of incompatibility.

It is also noted that in the 'Overview' section of the Light Industrial Zone that it provides for 'a range of industrial activities that are unlikely to produce offensive or objectionable environmental effects but may generate some adverse effects, including those associated with odour, dust or noise.' This further suggests that compatible residential activities may be appropriate in certain circumstances, warranting more appropriate consideration.

7. Submission Alignment to the RMA and Relevant Statutory Documents

RMA Part 2

The proposed changes are considered to align with the Purpose and Principles of Part 2 of the RMA. The changes will allow for sustainable management of the site whilst enabling more appropriate activities that will provide for social and economic wellbeing in Mangonui.

The site is located in the Coastal Environment, therefore s6(a) of the RMA is attended to. The site is not considered to be implicated by any other s6 Matters of National Importance. S7 Other Matters can be considered, as it is noted that light industrial activities have been approved on the site in the past by FNDC. Therefore, light industrial use / activities on the site is considered appropriate.

New Zealand Coastal Policy Statement

The proposal is located in the Coastal Environment and the PDP proposes new rules in this respect. Light industrial activities can operate within this area subject to more appropriate provisions as outlined in the PDP which relate to height limits, earthworks limitations, and visual amenity and natural (i.e recessive colours). The proposed changes are not inconsistent with the intent of the NZCPS.

Freshwater (National Policy Statement & National Environmental Standard)

The proposed changes will have minimal impacts on freshwater in Mangonui. The site is not currently impacted by any known freshwater wetlands or resources.

Regional Policy Statement for Northland

The proposal finds consistency with a large portion of the RPS. The site is not inconsistent with the following objectives as they are not considered relevant to the site:

- *integrated catchment management*
- *ecological flows and water levels*
- *use and allocation of common resources; and*
- *natural hazard risk.*

The proposed changes are considered to be consistent with *Enabling Economic Wellbeing* in that the proposed changes will allow for additional light industrial activities within Mangonui on a site which has been previously approved for such a use, and is a large site with easy access to the State Highway Network. This is attractive for

business and investment and will improve economic wellbeing of Northland and its communities.

In terms of reverse sensitivity and sterilisation and regionally significant infrastructure, the proposed changes will not impact existing economic activities and regionally significant infrastructure such as the NZTA highway. Rather, the proposed changes will efficiently use this infrastructure and provide further extension of light industrial activities that are common in the surrounds.

Optimising the use of the State Highway network is supported by the RPS.

In terms of regional form, the submission seeks to enable light industrial activities in an environment where this is common, but also enable residential activities to be compatible with the site in question which borders both residential and light industrial uses. This is appropriate on this site given its size and layout. Small townships like Mangonui will benefit in terms of increased lifestyle choices and employment if the submission is agreed to. The sense of place created here needs particular attention to ensure that light industrial and residential activities can co-exist within a coastal setting and these will be achieved through the existing Coastal Environment overlay provisions.

In terms of natural character of the Coastal Environment, light industrial activities can be consistent with the intent of the NZCPS as outlined above. The provisions proposed under the PDP seeks to ensure a minimum standard that considers what activities are appropriate through permitted activities. The submission for a mixture of uses is not incompatible with this if designed with these matters in mind.

Overall, the proposal is considered to be consistent with the RPS.

Proposed Far North District Plan

Except for policy LIZ-P3 and LIZ-R11, the proposed submission is considered to be consistent and supports the overall intent of the Light Industrial Zone. Those provisions above are sought to be amended to support residential activities in the Light Industrial Zone.

Overall, it is considered that residential activities within the Light Industrial Zone may be appropriate on a case by case basis, warranting more appropriate provisions which provide for the matters Council are trying to protect in terms of compatibility.

8. **Grant Alan Billington & Georgina McGarry wish that the Far North District Council to address the above issue by:**

1. Amend the proposed zone for the subject site from Rural Residential to Light Industrial
2. Promote amendments to the residential rules within the Light Industrial Zone to enable residential use as a Restricted Discretionary Activity;
3. Promote changes to the Light Industrial policies which enable residential activities.
4. Any other relief to achieve the outcomes sought by this submission.

9. Our clients wish to be **heard** in relation this submission.

Yours sincerely,



Steven Sanson

Director | Consultant Planner

On behalf of Grant Alan Billington & Georgina McGarry

Dated this 03rd Day of October 2022

Attachment 1: Annotated Map of Surrounds



Light Industrial
Park

Existing
Residential Uses

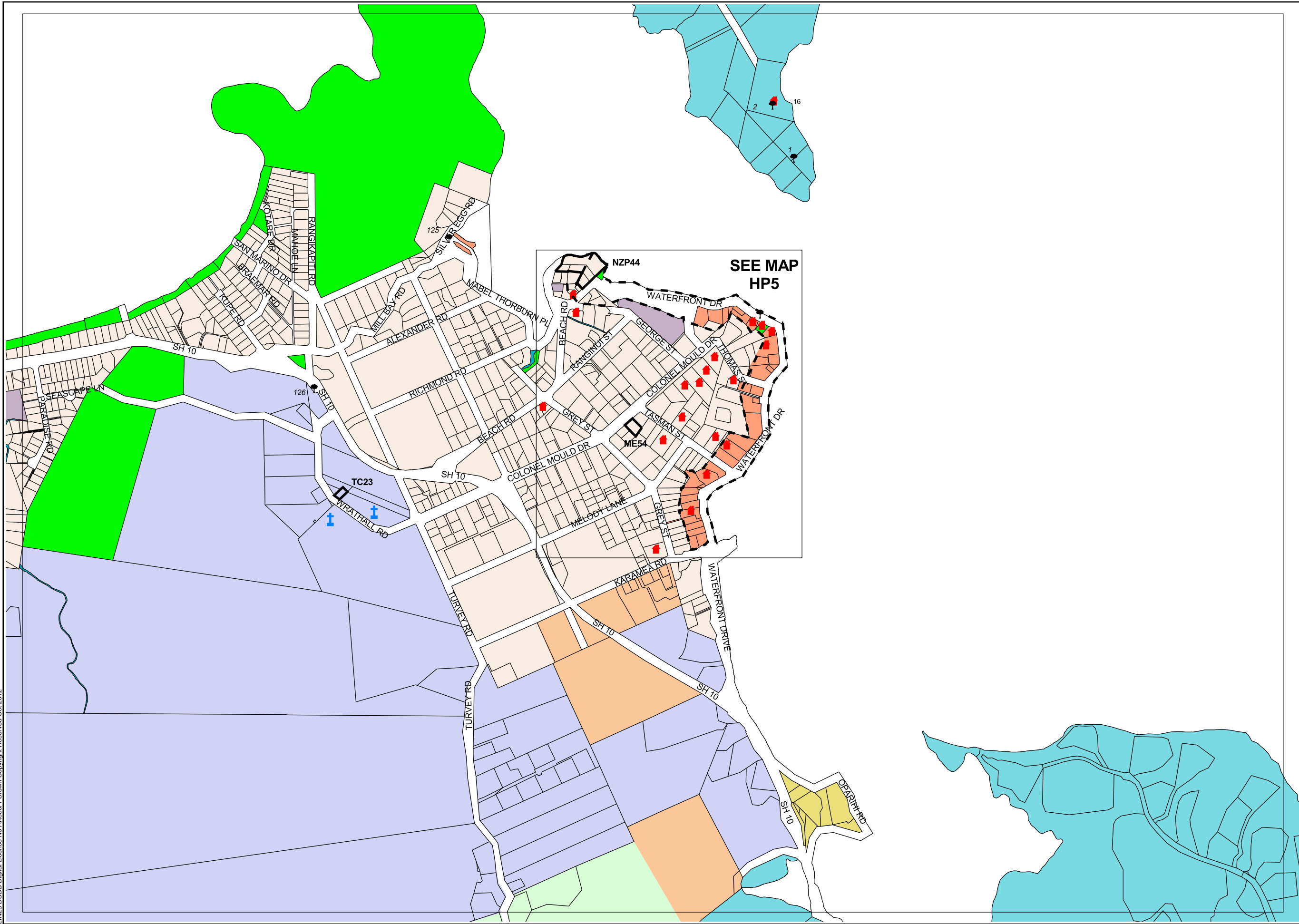
State Highway

ITM

Proposed Storage
Activity

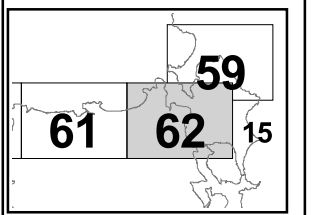
Mangonui Haulage

Attachment 2: Zone & Resource Maps



- Zone**
- Conservation
 - Coastal Living
 - Commercial
 - General Coastal
 - Industrial
 - Lakes and Rivers
 - Residential
 - Recreational Activities
 - Rural Living
 - Rural Production
 - Road
 - Coastal Marine
 - Designations
 - Cemetery
 - Historic Site
 - Notable Tree
 - Heritage Precinct

Note :-
Roads carry the same zoning as the adjoining land. If a boundary between zones follows a road, the zone boundary is located on the centreline of the formed road, or where unformed, the centreline of the legal road

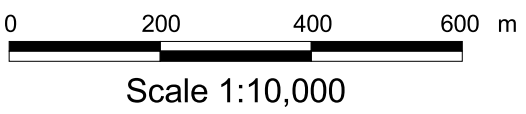


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MANGONUI

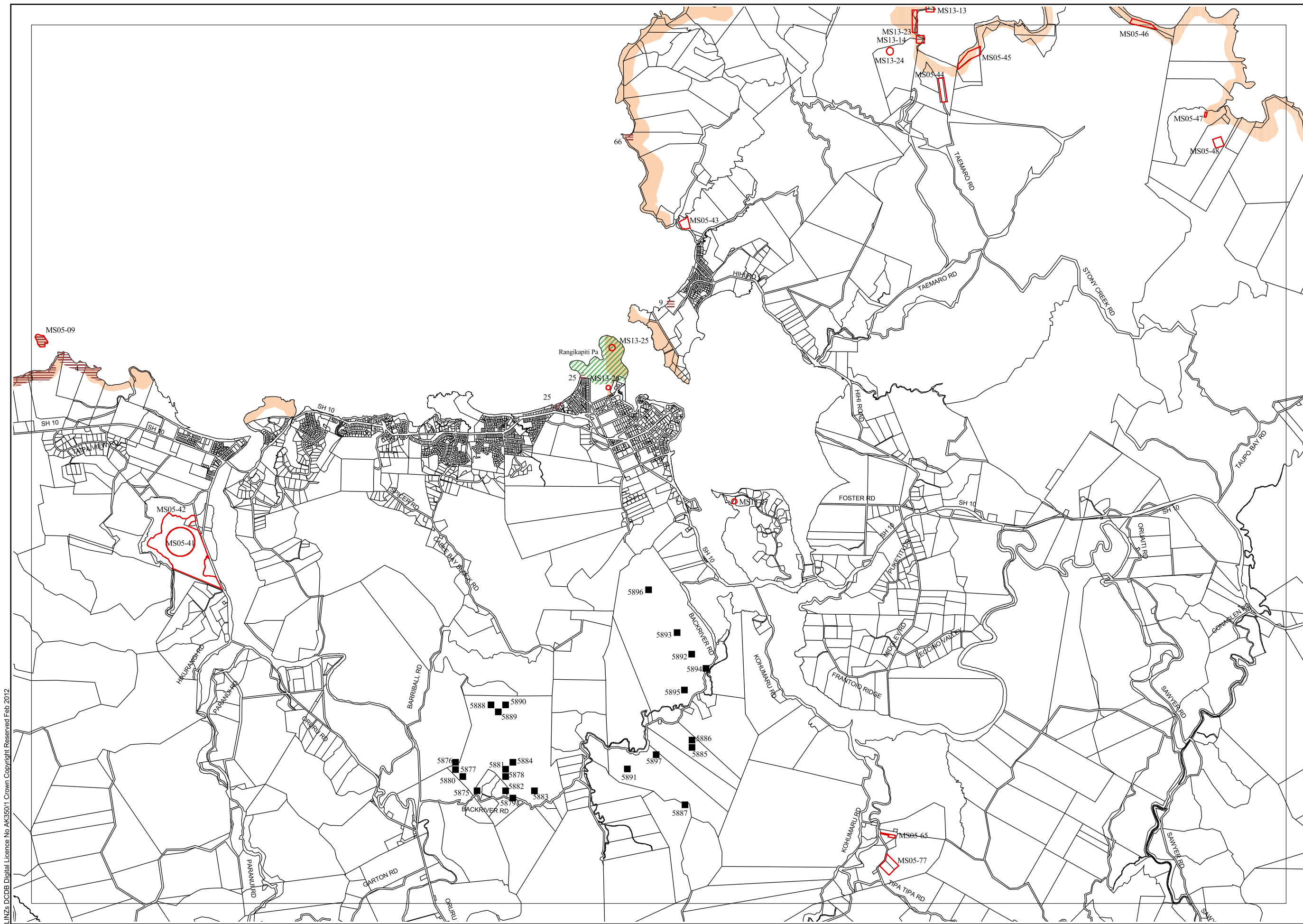
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Far North District Plan - Zone Maps



DISCLAIMER
Considerable care has been taken to avoid errors and omissions, and the latest information has been included in these District Plan maps. However, even with the greatest care inaccuracies may occur and therefore the Far North District Council cannot accept any responsibility for such errors and omissions.



- Resource**
- Outstanding Landscape
 - Outstanding Landscape Feature
 - Outstanding Natural Feature
 - Site of Cultural Significance to Maori
 - Registered Archaeological Site

11	12
14	15
19	20

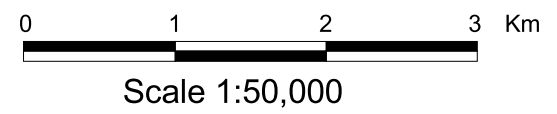
Map Index

Map 15

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Far North District Plan - Resource Maps



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