

BEFORE THE INDEPENDENT HEARING PANEL

UNDER the Resource Management Act 1991 ("**RMA**")

IN THE MATTER OF Proposed Far North District Plan ("**PDP**")

STATEMENT OF EVIDENCE OF MELISSA MCGRATH ON BEHALF OF AUDREY CAMPBELL-FREAR

PLANNING (STRATEGIC DIRECTION TOPIC)

13 May 2024

1. SUMMARY OF EVIDENCE

- 1.1 This evidence has been prepared on behalf of Ms Audrey Campbell-Frear as it relates to her submission and further submissions on Far North District Council's ("**Council**") PDP with regard to Hearing Stream 1. This evidence focuses on responses to the recommendations in the Strategic Direction s42A Report ("**s42A**").
- 1.2 In summary, I conclude that the Reporting Planner for Council has not addressed Ms Campbell-Frear's submission points and I largely disagree with the recommendations of the Reporting Planner. My evidence traverses the following matters:
- (a) The important role of the Strategic Direction section in the PDP. The Strategic Direction section is in my opinion the "engine room" for the PDP, which all policy and resource consent assessments are evaluated against. It is important to get this right.
 - (b) The lack of policies to give effect to the objectives within the Strategic Direction section. In my opinion, this is a significant gap in the Strategic Direction section currently that I consider needs to be addressed. While the Reporting Planner has said that this is addressed in other Chapters in the PDP, no detail or analysis is provided to demonstrate this. I consider that policies to give effect to the objectives are best located within the Strategic Direction section.
 - (c) The lack of centres hierarchy and zoning framework within the PDP and in particular the Strategic Direction section. This is a significant issue raised in Ms Campbell-Frear's submission that is unresolved. In my opinion, establishing a hierarchy to centres within the Strategic Direction section assists to confirm the

range of resource management issues, potential effects and responses to these, tailored to different types of urban centres to create an efficient and effective zoning method.

- (d) The need to review commercial zones to introduce a range of zones rather than relying upon a single Mixed Use Zone to apply to all business areas within townships. I have worked with many plans across New Zealand and in my experience, it is very unusual to apply a single Mixed Use Zone to all urban commercial areas across an entire district.
- (e) The need to amend the Strategic Direction section to support the rural zone framework and give effect to the National Policy Statement for Highly Productive Land (“**NPS-HPL**”). Ms Campbell-Frear has opposed the introduction of the Horticulture Zone in the PDP which is inconsistent with and fails to give effect to the NPS-HPL.

2. INTRODUCTION

- 2.1 My full name is Melissa Ivy McGrath. I am a Senior Associate with Barker & Associates, a planning and urban design consultancy with offices across New Zealand.
- 2.2 I am a qualified planner with a Master of Resource Management from Massey University and am a Full Member of the New Zealand Planning Institute. I have 20 years’ experience as a planner. During this time, I have been employed in various resource management positions in local government and private companies including experience with:
 - (a) Statutory resource consent planning in the Northland and Auckland regions, including an extensive range of work in the Whangārei, Kaipara and Far North Districts. Of particular note, I worked for Far North District Council as a consent planner for 5 years, working with the operative Far North District Plan.
 - (b) Consideration of submissions and formulation of policy and policy advice for Council’s throughout New Zealand including, Whangārei District Council, Kaipara District Council, Far North District Council, and private clients.
- 2.3 I attach a copy of my CV in **Attachment 1** which provides further detail on my experience and expertise.

- 2.4 I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. I have complied with the Code of Conduct in preparing this statement of evidence. Unless I state otherwise, this evidence is within my sphere of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.
- 2.5 B&A staff have previously provided assistance to FNDC on the PDP. This related to assistance with the formulation of section 32 evaluations for a number of topics prior to the notification of the PDP. That engagement did not carry forward post notification of the PDP. I also confirm that Sarah Trinder, an employee of B&A, is the Reporting Planner for the Part 1 Hearing Topic. In regard to these matters, I confirm the following:
- (a) B&A is an independent planning consultancy providing planning and resource management advice and services. B&A act on behalf of a number of private and public clients throughout the country;
 - (b) I have had no involvement in the preparation of provisions, the section 32 evaluation or any advice following notification for the topics (Strategic Direction and Part 1) within this PDP hearing.
 - (c) I contributed to the section 32 evaluation of Heritage and Special Zones topics and reviewed the section 32 evaluation for the Earthworks and Minerals topic and confirm that these are not relevant to Ms Campbell-Frear's submission; and
 - (d) I proof read Ms Trinder's draft report for the Part 1 hearing topic as reviewer, which has been undertaken entirely separately to my engagement and independent planning advice on behalf of Ms Campbell-Frear. I provide no comment in this evidence (which is prepared on the Strategic Direction topic) on the Part 1 hearing topic.
- 2.6 Noting the above, I have no conflict of interest to declare with respect of the hearing of Ms Campbell-Frear's submission within the PDP review.

Involvement with PDP on behalf of Ms Campbell-Frear

- 2.7 I have been engaged by Ms Audrey Campbell-Frear to provide independent planning evidence on her behalf for the PDP, being initially engaged in September 2022 to provide planning input into her original submission.

- 2.8 Ms Campbell-Frear made a submission (S209) and further submissions (FS172) on Far North District Council's Proposed Far North District Plan ("PDP").
- 2.9 I confirm that I am very familiar with Far North, having grown up in Hokianga and worked as a consent planner for Far North District Council in the early 2000's. I have visited the site and surrounding area of Kerikeri which is the focus of Ms Campbell-Frear's submission on numerous occasions, the most recent being 26 January 2024.

Scope of Evidence

- 2.10 The matters addressed in my evidence are within the scope of the submission and further submissions made by Ms Campbell-Frear.
- 2.11 My evidence will address the following topics:
- (a) Relief sought;
 - (b) The important role of Strategic Direction;
 - (c) Lack of policies in the Strategic Direction;
 - (d) Zoning framework and centres hierarchy;
 - (e) Strategic Direction and the Rural Environment;
 - (f) National Policy Statements – Announced Future Changes; and
 - (g) Section 32 AA.

3. RELIEF SOUGHT

- 3.1 The primary relief of Ms Campbell-Frear's submission as relevant to the Strategic Direction topic was in summary, to delete the horticulture zone, review the commercial zones, and rezone Kerikeri Fringe to enable commercial activities. The basis for this relief sought is:
- (a) The proposed Strategic Direction objectives and policies are silent with respect to zoning criteria, outcomes across rural zones and a hierarchy of urban centres;
 - (b) Section 32 Evaluation – Overview does not include any evaluation of the proposed Strategic Direction objectives;

- (c) Section 32 Evaluation – Urban Environment does not provide any justification for the approach to commercial zoning, does not include any specified zoning criteria nor does it evaluate options utilising the full range of National Planning Standard zone options;
- (d) Section 32 Evaluation –Rural Environment does not evaluate options utilising the full range of National Planning Standard zones;
- (e) As notified the PDP does not include any form of direction by way of mapping or provisions to set a clear hierarchy of centres;
- (f) The PDP has a complete lack of strategic direction which will hinder the ability to achieve a sustainable and compact urban form; and
- (g) The approach to zoning, particularly the Mixed Use Zone, has resulted in ineffective and inefficient methods in the PDP, which does not provide for the sustainable development and use of business land.

3.2 As I read the s42A Report none these submission points have been directly responded to by the Reporting Planner. Where possible I have drawn upon the s42A discussion and justification in response to similar relief sought, when formulating my evidence.

4. THE IMPORTANT ROLE OF STRATEGIC DIRECTION

4.1 In my experience strategic direction is essential to establish the district strategic issues, outcomes, aspirations and policy direction of a district plan, which is important to establish an efficient and effective plan. In first generation Resource Management Act plans this policy direction was often identified by different names and locations within plans, more commonly detailed as district wide strategy or growth and development policy chapters. Typically, strategic direction establishes the broader resource management context and district policy direction specifically influenced by national and regional policy drivers that are applicable to a district. In my view the Strategic Direction section forms the “engine room” for the District Plan, which all policy and resource consent assessments are evaluated against.

4.2 Mandatory direction 7.1 – 4 of the National Planning Standards specify the minimum requirements of what must be addressed in the Strategic Direction section [*my emphasis added*]:

- “1. *If the following matters are addressed, they must be located under the Strategic direction heading:*
- a. *an outline of the **key strategic or significant resource management matters** for the district;*
 - b. *issues, if any, and objectives that **address key strategic or significant matters for the district and guide decision making at a strategic level**;*
 - c. *policies that address these matters, unless those policies are better located in other more specific chapters;*
 - d. *how resource management issues of significance to iwi authorities are addressed in the plan.*
2. *Rules must not be included under the Strategic direction heading.*
3. *An **Urban form and development chapter** must be included under the Strategic direction heading.*
4. *Each strategic direction matter must be its own chapter and be included alphabetically under the Strategic direction heading”.*

4.3 In my opinion the proposed Strategic Direction section fails to meet the mandatory direction of the National Planning Standard and is flawed because it fails to adequately outline and address significant resource management matters for the Far North District, in particular:

- (a) Balance and trade-offs between conflicting matters of national, regional and local importance, noting that clear direction is needed in this regard for the consideration of resource consents where there is conflict between different areas of strategic direction;
- (b) Urban development and centres hierarchy;
- (c) Strategic direction or policy support for the suite of rural zones proposed; and
- (d) Zone framework including purpose, direction and zoning criteria for zones; and

- (e) Strategic direction and zoning framework provides direction for private plan changes seeking to rezone land.

- 4.4 The PDP further reinforces the purpose of the Strategic Direction section in the proposed Overview (to which I note the Reporting Planner has not recommended any changes):

“For the purposes of preparing, changing, interpreting, and implementing the District Plan, all other objectives and policies in all other chapters of this District Plan are to be read and achieved in a manner consistent with these Strategic Directions.

There is no hierarchy between the stated Objectives (i.e. no one Strategic Objective has primacy over another Strategic Objective, and the Strategic Objectives should be read as a whole).”¹

- 4.5 As all objectives and policies in the PDP are to be read and achieved in a manner that is consistent with the proposed Strategic Direction objectives, it is important to ensure that the Strategic Direction section sets a very clear, enforceable and appropriate umbrella for the entire district plan.
- 4.6 The Reporting Planner has failed to address the fundamental concerns raised in Ms Campbell-Frear’s submission with respect to the proposed Strategic Direction section. I consider this to be a significant issue for the on-going hearing process, consideration of submissions and deliberations of the PDP because all provisions within the plan must be evaluated against the Strategic Direction.

5. LACK OF POLICIES IN THE STRATEGIC DIRECTION SECTION

- 5.1 As notified the proposed Strategic Direction chapters include no policies. Ms Campbell-Frear has sought changes to zoning, including increased policy direction in the Strategic Direction section. Whilst the s42A does not respond to Ms Campbell-Frear’s submission, in response to submissions seeking similar relief the Reporting Planner cited the National Planning Standards which require district-wide strategic direction chapters to include policies addressing the key strategic or significant

¹ PDP Strategic Direction, Directions Overview (source: FNDC Eplan).

resource management matters identified unless (emphasis added by the Reporting Planner) those policies are better located in other more specific chapters. And stated:

“There is no indication in the section 32 report as to why the chapter does not include policies, but it is reasonable to assume that the various PDP portfolio writers were satisfied that the policies were better located in the respective topic chapters. I do not support the inclusion of policies in the strategic direction chapter.”²

5.2 I disagree with the Reporting Planners assessment for the following reasons:

- (a) As previously discussed, the Strategic Direction objectives outline the key strategic matters for the District. They are fundamentally important for setting the high-level direction that the Council is working towards for the District. To ensure the objectives are met, mandatory direction 7.1.c states if policies are to be included, they must be located in the Strategic Direction section, “unless those policies are better located in other more specific chapters”. The Reporting Planner’s response has assumed that the policies were better located in the respective topic chapters, without providing details of what these other policies are, nor any detail as to how they give effect to the Strategic Direction objectives. In my view, the lack of integration between the objectives with policies from other chapters means that there is currently no way of knowing if or how the Plan gives effect to the Strategic Direction objectives.
- (b) Section 32(1)(b) of the RMA requires the examination of whether the provisions (in this case the policies) in the proposal are the most appropriate way to achieve the objectives (in this case the Strategic Direction objectives). There is a lack of vertical integration between the Strategic Direction objectives and policies in other sections/chapters. This lack of vertical integration suggests that Section 32(1)(b) has not been given effect, and it is difficult to confirm that the provisions are the most appropriate way to achieve the Strategic Direction objectives.
- (c) Furthermore, in the absence of the necessary assessment, it is difficult in my opinion to determine whether the location of policies in other chapters is in fact the most appropriate location for them. My interpretation of Mandatory Direction 7.1.c in the National Planning Standards is that the presumption is that the Strategic Direction section contains policies to address the objectives,

² Paragraph 308 of the Strategic Direction s42A.

the exception being where it can be demonstrated that they are better located in more specific chapters. Based on my review of the s42A and relevant information, I can find no clear evidence of this being demonstrated.

- (d) Spatial strategic direction with respect to management of effects within rural and urban environments, zoning and centres hierarchy is not better located within zone chapters as they apply across zone boundaries and across the district in my opinion.

5.3 I therefore recommend that the Strategic Direction section be amended to include policy as appropriate to give effect to the proposed objectives.

6. ZONING FRAMEWORK AND CENTRES HIERARCHY

6.1 The s42A Report addresses numerous submissions seeking changes to the proposed zoning framework, having grouped submissions³ seeking to establish a centres hierarchy and clear policy direction for urban areas together under the “zoning framework” heading. The Reporting Planner has recommended that these submissions be rejected with no discussion or consideration of the relief sought in respect to objectives and policies within the Strategic Direction section. I note that Ms Campbell-Frear’s submission sought not only changes to the urban zones, requesting a centres hierarchy, but also sought increased Strategic Direction with respect to rural zones.

6.2 Submitters, including Ms Campbell-Frear, sought amendments to the Strategic Direction objectives and (new) policy to establish a hierarchy of centres. The Reporting Planner has not provided any discussion or response to these requests. In my experience establishing a hierarchy to centres within Strategic Direction assists to confirm the range of resource management issues, potential effects and responses to these, tailored to different types of urban centres to create an efficient and effective zoning method. I consider that a range of factors such as comparative size and land area, population catchment, geographical and topographical context, type of retail, range of activities, facilities and services, and levels of accessibility can be used to establish a hierarchy, all of which is data readily available to Council. In my opinion a clear hierarchy to urban centres contributes to a compact urban form, sustainable

³ Noting that Ms Campbell-Frear’s submission is not listed.

provision of infrastructure and efficient use of resources, whilst supporting long-term viability of existing centres.

- 6.3 The PDP seeks to introduce a single Mixed Use Zone to apply to all business areas within townships. I have worked with many plans across New Zealand and in my experience, it is very unusual to apply a single Mixed Use Zone to all urban commercial areas across an entire district. The National Planning Standards mandatory direction 8 specifies the range of zones which a local authority must choose from, this direction also provides a description of zones. Descriptions of these zones clearly afford a hierarchy to zoning, which in my opinion can easily be applied to a centres hierarchy.
- 6.4 In my opinion there are a number of zones within the suite provided in mandatory direction 8 which are very clearly relevant to the Far North District, given the scale and nature of existing townships within the rural and coastal environment and larger commercial areas within existing towns. I identify the following zones which I consider appropriate to have been evaluated and applied within the Far North District:

<i>“Neighbourhood centre zone</i>	<i>Areas used predominantly for small-scale commercial and community activities that service the needs of the immediate residential neighbourhood.</i>
<i>Local centre zone</i>	<i>Areas used predominantly for a range of commercial and community activities that service the needs of the residential catchment.</i>
<i>Mixed use zone</i>	<i>Commercial zone Areas used predominantly for a range of commercial and community activities.</i>
<i>Mixed use zone</i>	<i>Areas used predominantly for a compatible mixture of residential, commercial, light industrial, recreational and/or community activities.</i>
<i>Town centre zone</i>	<i>Areas used predominantly for:</i> <ul style="list-style-type: none"> <i>• in smaller urban areas, a range of commercial, community, recreational and residential activities.</i>

- *in larger urban areas, a range of commercial, community, recreational and residential activities that service the needs of the immediate and neighbouring suburbs.”*

6.5 The Reporting Planner has relied upon the pre-notification section 32 evaluation which states that “Based upon demand modelling, Council has not identified a need for multiple commercial zones, with the Mixed Use zone accommodating a range of activities”⁴. In my opinion this section 32 evaluation is incomplete and provides insufficient justification for the single zone approach. Demand is not the sole justification nor determination of zoning framework, this must also be informed by a robust planning assessment. Again, I consider that it is essential and best practice to establish the zoning framework upfront with clear Strategic Direction.

6.6 The Reporting Planner has also concluded that further technical evidence is required to support the creation of additional commercial zones. In my opinion establishing the structure of a district plan and the mix of zoning is primarily a planning function, it is the role of a planner to complete a section 32 evaluation to determine the most appropriate zoning of the district, land or site. Whilst I accept that such evaluation should be supported by technical reporting, in the absence of such technical background, I consider that best practice and common sense can be applied within the framework of the National Planning Standards.

6.7 The following are some examples of District Plans which in my opinion establish effective centres hierarchy utilising a range of commercial zones:

- (a) New Plymouth Proposed District Plan – Appeals Version, objective UDF-22 establishes a hierarchy of centres:

“The hierarchy of centres in the district is maintained in accordance with the following hierarchy:

1. *the city centre is the principal centre that provides a wide range of retail and business service activities, living activities, community facilities, and visitor accommodation that serve the district and the Taranaki region;*

⁴ S42A Strategic Direction, paragraph 299

2. *Waitara, Inglewood and Fitzroy are town centres that provide a range of business, retail and entertainment activities that serve the needs of each town centre's community and, in the case of Waitara and Inglewood, their surrounding rural areas and;*
3. *local centres are made up of rural service centres, village centres, suburban shopping centres and neighbourhood shops that provide convenience-based retail and business service activities which serve the needs of each local centres community and surrounding areas.*⁵

The plan implements this outcome via a range of commercial zones including, Local Centre Zone, Commercial Zone, Large Format Retail Zone, Mixed Use Zone, Town Centre Zoen and City Centre Zone.

- (b) Whangārei District Plan, Operative in Part (May 2024), the Strategic Direction section includes the Urban Form and Development chapter with objective UFD-O3 supporting a range of zones, given effect to by policies UFD-P4 – UFD-P7, UFD-P10 -UFD-P12 which describe the range of commercial zones. Zones include City Centre Zone, Shopping Centre Zone, Commercial Zone, Mixed Use Zone, Local Centre Zone, Neighbourhood Centre Zone and Waterfront Zone.
- (c) Porirua City District Plan, Proposed District Plan (Appeals Version December 2023⁶), establishes a hierarchy of commercial and industrial centres via Strategic Direction objective:

“The City has a hierarchy of accessible, vibrant and viable centres that:

1. *Are the preferred location for shopping, leisure, cultural, entertainment and social experiences;*
2. *Provide for the community’s employment and economic needs;*
3. *Contribute to the community’s housing needs; and*
4. *Contribute to the City’s social wellbeing and prosperity.”*

⁵ Appeal period ended on 26 June 2023 and this objective is not subject to appeal.

⁶ Section 274 period for parties to join ended 25 March 2024.

The plan gives effect to this objective via a range of commercial zones, City Centre Zone, Large Format Retail Zone, Local Centres, Neighbourhood Centres, Mixed Use Zone.

- 6.8 The Reporting Planner also justifies the rejection of all of these submissions on the grounds that Council is currently undertaking an independent housing and business development capacity technical assessment which will provide the evidence based in which to respond to these submissions. In my opinion this recommendation is unhelpful to the hearing panel and does not provide clear reasons to reject the relief sought by submissions as required under Schedule 1 Clause 10(2).
- 6.9 Should technical evidence be necessary to recommend a decision, then I consider the only course of action would be to defer the consideration of the Strategic Direction topic and these submissions to a later hearing date. It is unfair and unreasonable in my opinion to reject a submission based upon unknown future technical assessment by the council.

7. STRATEGIC DIRECTION AND THE RURAL ENVIRONMENT

- 7.1 The proposed Strategic Direction section includes a Rural Environment chapter with two objectives:

“SD-RE-O1 Primary production activities are able to operate efficiently and effectively and the contribution they make to the economic and social well-being and prosperity of the district is recognised.

SD-RE-O2 Protection of highly productive land from inappropriate development to ensure its production potential for generations to come.”

- 7.2 I note that the Reporting Planner has not recommended any changes to these objectives in response to submissions. I disagree with this recommendation.
- 7.3 Ms Campbell-Frear has opposed the introduction of the Horticulture Zone in the PDP, for many reasons, including that it fails to give effect to the National Policy Statement for Highly Productive Land (“NPS-HPL”). The Reporting Planner, whilst acknowledging in paragraph 4.1.2.1 that the NPS-HPL has been gazetted post notification and stating that she is mindful of the NPS-HPL, has not undertaken any evaluation of the relief

sought and her recommendations against the NPS-HPL. The Reporting Planner states that her recommendations are within the scope of Section 55 or relief sought⁷,

- 7.4 Part 4 of the NPS-HPL specifies the timing of when the National Policy Statement takes effect. In accordance with clause (2) every territorial authority must notify changes to objectives, policies and rules in its District Plan as soon as practicable, but no later than 2 years after maps of highly productive land in the relevant regional policy statement become operative. Northland Regional Council (“**NRC**”) have not yet made changes to the Northland Regional Policy Statement to give effect to the NPS-HPL, therefore Council must notify changes as soon as practicable.
- 7.5 In my opinion, as soon as practicable is now. In my view the creation of objectives and provisions in the PDP that contradict the NPS-HPL does not align with Section 32. It is efficient and effective to ensure that the PDP, in particular the Strategic Direction section, gives effect to and is consistent with the NPS-HPL. Whilst NRC have not yet mapped HPL, in the interim the definition of HPL in clause 3.5(7) of the NPS-HPL applies, affording the implementation scope for any objective and policy in a district plan. Failure to ensure that the PDP gives effect to the NPS-HPL, will result in the need to immediately amend the operative plan to give effect to the RPS and NPS-HPL, resulting in unnecessary cost and delays to both Council and submitters.
- 7.6 I now evaluate SD-RE-O1 and SD-RE-O2 against the objective and policies of the NPS-HPL. The NPS-HPL is limited by its objective to the protection of HPL for the use in “land-based primary production”⁸. SD-RE-O1 applies to “primary production activities”⁹ which is by definition a wider activity than “land-based primary production”. Given the nature and scale of the rural environment within the Far North District, I consider it is appropriate to enable efficient and effective operation of primary

⁷ S42A report paragraphs 22 - 25

⁸ Land-based primary production is defined in the NPS-HPL as:
production, from agricultural, pastoral, horticultural, or forestry activities, that is reliant on the soil resource of the land.

⁹ Primary production is defined in the National Planning Standards (and PDP) as:

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.

production activities, as such I conclude that SE-RE-O1 is not contrary to and gives effect to the objective and policies of the NPS-HPL.

7.7 SE-RE-O2 is refined to apply to highly productive land, in my opinion SE-RE-O2 is inconsistent with the NPS-HPL because it does not specify the purpose of protection for use in land-based primary production. I note for future reference, that the PDP proposes a definition of HPL that is contrary to the NPS-HPL definition. In my opinion policies must be introduced to the Strategic Direction section, Rural Environment chapter to give effect to the NPS-HPL. Whilst I note that zoning is a future hearing topic, I also recommend that the proposed Horticulture Zone be deleted as it fails to give effect to the NPS-HPL, and consistent with my prior recommendations, it is my opinion that this change should be reflected in zoning framework objectives and policies within the Strategic Direction section.

7.8 As previously discussed in my opinion the proposed Strategic Direction section, Rural Environment Chapter should be amended to include objectives and polices which provide direction with respect to the proposed rural zones and their interface.

8. NATIONAL POLICY STATEMENTS – ANNOUNCED FUTURE CHANGES

8.1 I note that section 4.1.2.2 of the s42A Report includes a list of future changes to National Policy Statements that have been announced by Central Government, which the Reporting Planner notes are “of general relevance to the submissions received on the Strategic Direction topic”. I disagree with the Reporting Planner. In my opinion unconfirmed and uncertain future changes are totally irrelevant to the determination of submissions. Under section 74 a territorial authority must prepare and change its district plan in accordance with *(ea) a national policy statement, a New Zealand coastal policy statement and a national planning standard*, the RMA does not require any consideration of conceptual changes, draft or proposed national policy statements.

9. SECTION 32AA

9.1 I provide section 32AA evaluation in support of my recommendations in **Attachment 2**.

9.2 I acknowledge that I have not provided specific Strategic Direction wording recommendations, given the significant concerns with the principle content and scale of changes sought I did not consider it beneficial to do so. I remain open to working collaboratively with the Reporting Planner to refine Strategic Direction wording.

10. CONCLUSION

10.1 I consider that the s42A Reporting Planner has failed to appropriately consider the relief sought of Ms Campbell-Frear. I recommend that the following:

- (a) The Strategic Direction section be amended to include policy as appropriate to give effect to the proposed objectives.
- (b) The Strategic Direction section be amended to include objectives and policies which direct the zone framework, including urban zones and a centres hierarchy.
- (c) The Strategic Direction section be amended to include objectives and policies which give effect to the NPS-HPL and provide strategic direction with respect to rural zones.

Melissa McGrath

Date: 13 May 2024

LIST OF ABBREVIATIONS USED IN THIS STATEMENT OF EVIDENCE:

Council	Far North District Council
RPS	Northland Regional Policy Statement
RMA	Resource Management Act 1991
S32	Section 32 of the RMA / Council's Section 32 Evaluation Report
S42A	Section 42A of the RMA / Council's Section 42A Report
PDP	Far North District Plan
NPS-HPL	National Policy Statement for Highly Productive Land
NPS-UD	National Policy Statement for Urban Development

Attachment 1 – Melissa McGrath CV



Melissa McGrath

Senior Associate

BA; MRP; MNZPI

Melissa has 20 years of experience in resource management planning, with a Masters in Resource Management. Melissa has worked for local authorities throughout the Northland Region, preparing changes to various district plans. During her time at Whangārei District Council as District Plan Manager, Melissa led the rolling review of the District Plan, Melissa has worked internationally with Pacific Aid undertaking policy work in Vanuatu. Melissa previously worked in private consultancy undertaking consenting and policy work throughout New Zealand. Melissa has a range of planning experience in consenting, policy development, consultation and public engagement.

Projects / Key Experience

Policy: Managing District Plan Review, leading council hearing and appeal management. Preparation of Private and District Plan Changes including section 32 evaluation, 42A Reporting, attendance at hearings and preparation of written right of reply and Environment Court Mediation and Expert Witness. Managing and working alongside technical consultants. Community / Stakeholder engagement including presentations on marae and Council workshops.

Particular Projects: Leading Whangārei District Plan Rolling Review, managing topics such as three waters infrastructure, transport including review of Council Engineering Standards. Reporting planner for network utilities plan change in particular implementing the National Policy Statement on Electricity Transmission and National Environmental Standards for Electricity Transmission Activities. Preparation of Whangārei Growth Strategy 30/50. Preparation of Draft Port Vila City Plan (Vanuatu).

Resource Consents: Reporting on a number of land use and subdivision consents throughout New Zealand addressing a wide range of environmental, economic, social and cultural issues. Presenting evidence at resource consent hearings on behalf of Council as reporting planner, submitters and applicants at resource consent hearings. Preparing resource consent and notice of requirement applications on behalf of network utility operators.

Non-statutory work: Preparation of submissions on District Plans, Central Government legislation and policy documents. Preparation and management of non-statutory documents to assist Māori Land owners develop papakāinga on their ancestral lands.

Expertise

- Strategic policy
- District Plan changes, private and public
- Resource consent processing, application preparation and management
- Public consultation

Affiliations

- Full Member of the New Zealand Planning Institute

Attachment 2 – Section 32AA Evaluation

Option 1: Notified PDP	Option 2: Recommended Amendments
<ul style="list-style-type: none"> • Strategic Direction – SD-UDF-O1 – SD-UDF-O3. • Strategic Direction – SD-SP-O1 and SD-SP-O3. • No centres hierarchy. • Single Mixed Use Zone, with no zoning objectives in Strategic Direction section. 	<ul style="list-style-type: none"> • Amend Strategic Direction to include objectives and policies which direct the zone framework, including urban zones and a centres hierarchy. • Introduce multiple commercial zones to reflect the centres hierarchy and amend zone chapters and maps accordingly.
Costs and Benefits	
<ul style="list-style-type: none"> • Urban growth consolidated around existing reticulated networks and town centres reducing risk of adverse effects from lack of servicing and sprawling urban development. • Nuanced outcomes and management of effects cannot be tailored to the context, scale and capacity of each town/urban area. • Lack of prioritisation of servicing and growth expansion. • Incompatible land use will occur due to the mix of activities within single MUZ, resulting in potential negative economic effects. • Imposition of restrictive controls failing to recognise the operational requirements of activities. • Lack of policy direction for zoning framework and outcomes for district will lead to additional processing costs for both applicants and council 	<ul style="list-style-type: none"> • Prioritisation of growth and development across the District. Increased capacity for development according to servicing availability and funding. • Nuanced outcomes and management of effects can be tailored to the context, scale and capacity of each town/urban area. • Increased management of reverse sensitivity effects, across zones. • Ability to provide for and enable activities within specific locations reducing potential consenting costs due to requirements that impose unnecessarily restrictive controls on activities. • Contribution to a compact urban form. • Efficient use of resources, whilst supporting long-term viability of existing centres.

<p>when considering non-complying resource consent and private plan change applications.</p> <ul style="list-style-type: none"> • The single zone provisions unnecessarily restrict future plans to develop new or existing facilities over the ten-year lifespan of the District Plan. 	<ul style="list-style-type: none"> • Policy direction and zoning framework supports preparation and processing of non-complying resource consent and private plan change applications.
Efficiency and Effectiveness	
<ul style="list-style-type: none"> • Plan interpretation and implementation inconsistencies due to lack of zone criteria. • Lack of management of location and context specific resource management issues and potential effects. • Lack of management of effects across zones. • Council is unable to properly assess private plan changes and/or resource consents with single MUZ zone and lack of policy direction. 	<ul style="list-style-type: none"> • Clear zoning criteria resulting in efficient district plan process and consideration of submissions. • Effective in addressing resource management issues specific to location and context within bespoke zone provisions. • Ability to establish clear management of effects across zones and environments (urban and rural). • Clear direction for plan interpretation, assessment of consents. • Council is able to properly assess resource consent applications and/or private plan changes seeking rezoning against zone outcomes.
Risk of Acting of Not Acting	
<p>There is no risk of acting or not acting due to insufficient information.</p>	

Option 1: Notified PDP	Option 2: Recommended Amendments
<ul style="list-style-type: none"> • SD-RE-O1 and SD-RE-O2 	<ul style="list-style-type: none"> • Amend Strategic Direction to include objectives and policies which direct the rural zone framework.

	<ul style="list-style-type: none"> Amend Strategic Direction to give effect to the NPS-HPL.
Costs and Benefits	
<ul style="list-style-type: none"> Protection of rural environment within Far North District. Horticulture Zone and PDP definition of HPL is contrary to NPS-HPL, resulting in limitation of future development and growth options, particularly around Kerikeri due to stringent development controls. Imposition of restrictive controls failing to recognise the operational requirements of activities. Inconsistency between PDP and NPS-HPL will lead to additional processing costs for applicants and council for both resource consent and private plan change applications. 	<ul style="list-style-type: none"> Gives effect to the NPS-HPL. Nuanced outcomes and management of effects can be tailored to the context, scale and capacity of each town/urban area. Increased management of reverse sensitivity effects, across zones. Ability to provide for and enable activities within specific locations reducing potential consenting costs due to requirements that impose unnecessarily restrictive controls on activities. Efficient use of resources, whilst supporting long-term viability of existing centres. Consistency between PDP and NPS-HPL reduce processing costs for applicants and council for both resource consent and private plan change applications.
Efficiency and Effectiveness	
<ul style="list-style-type: none"> Plan interpretation and implementation inconsistencies due to lack of zone criteria. Lack of management of effects across zones. Inefficient plan preparation due to failure to give effect to the NPS-HPL with a requirement to do so in the future. 	<ul style="list-style-type: none"> Clear zoning criteria resulting in efficient district plan process and consideration of submissions. Effective in addressing resource management issues specific to location and context within bespoke zone provisions. Ability to establish clear management of effects across zones and environments (urban and rural).

<ul style="list-style-type: none"> • Inconsistencies between the PDP and NPS-HPL is ineffective and will result in complicated consent preparation and processing. 	<ul style="list-style-type: none"> • Clear direction for plan interpretation, assessment of consents. • Reduced consent complexity due to consistency with the NPS-HPL resulting in an effective and efficient plan.
<p>Risk of Acting of Not Acting</p>	
<p>There is no risk of acting or not acting due to insufficient information.</p>	