

**BEFORE HEARINGS COMMISSIONERS APPOINTED
BY THE FAR NORTH DISTRICT COUNCIL**

IN THE MATTER of the Resource Management Act 1991 [**RMA**]

AND

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

SUBMITTER Michael Francis Toft, Robert George Vellenoweth
and Colleen Wendy, Wardlaw, AJ Maloney Trustee
Limited, Donald Frank Orr, Vivien Marie Coad,
Deanna Lee MacDonald, Dianne Catherine
Hamilton, Robert Hamilton, Timothy George
Sopp, Mathew Robert Hill, Barry Charles Young,
Joan Catherine Young, Campbell Family Trustee
Limited [**McCaughan Road Landowners**]

HEARING TOPIC: Hearing 15C – Rezoning General – Urban and
Rural

STATEMENT OF PLANNING EVIDENCE OF STEVEN REMANA SANSON

15 September 2025

INTRODUCTION

1. My name is Steven Remana Sanson. I am a Director / Consultant Planner at Sanson and Associates Limited and Bay of Islands Planning [2022] Limited.
2. I have been engaged by the McCaughan Road Landowners to provide evidence in support of their submission number 266 to the Proposed Far North District Plan [**PDP**].
3. I note that while the Environment Court Code of Conduct does not apply to a Council hearing, I am familiar with the principles of the code and have followed these in preparing this evidence.

QUALIFICATIONS AND EXPERIENCE

4. I hold the qualification of Bachelor of Planning [Hons] from The University of Auckland, graduating in 2013 and I am an Intermediate Member of the New Zealand Planning Institute.
5. I have over 10 years' experience and have previously held planning positions in the Far North District. In my current role I regularly advise and assist corporate and private individuals with the preparation of resource consent applications including subdivision and land use consents and relevant regional council consents. I have also processed resource consent applications for councils, prepared submissions on district plan changes, and processed plan changes.

SCOPE OF EVIDENCE

6. Hearing 15C addresses submission points relating to the PDP – Rezoning General – Urban and Rural. The relevant submission is considered under the Rural s42A Report.
7. I have adhered to the instructions of hearing Minute 14 to 'take a lead from the s42A Report in terms of content of evidence, specifically that evidence highlights areas of agreement and disagreement with the s42A Report, outlines any changes in Plan wording proposed (along with the rationale for these changes) together with an assessment pursuant to s32AA of the RMA'.

EXECUTIVE SUMMARY

8. My evidence can be summarized as follows:
 - The proposed Horticultural Precinct boundary has been applied inconsistently, with the McCaughan Road properties being sought as a buffer, whereas other similar sites are not.
 - Using the properties as an informal 'buffer' is an ineffective and inequitable planning tool.

- The subject properties are unsuitable for horticultural use due to their fragmentation and poor soil quality, and their existing character is predominantly rural residential.
- A Rural Residential zoning is appropriate, and any potential reverse sensitivity effects can be better managed through consistently applied setback rules for all zones adjoining the Horticultural Precinct that cover land use and subdivision activities.

SECTION 42A REPORT

Areas of Agreement

9. I agree that the soils on the subject properties are of a poor quality, concurring with the assessment provided by Councils expert¹. The subject sites have been assessed on the basis of a 'check' and 'possibly exclude' framework which highlights their marginal utility from a soils perspective and perhaps tenuous inclusion in the Precinct .
10. It is agreed that the subject properties have been sufficiently fragmented that a reversion to horticultural use is extremely unlikely. It is agreed that the properties have a predominantly residential use, within a rural environment.

Areas of Disagreement

Criteria

11. Various criteria appear to have been used by the s42A Report Writer which are said to 'build on the matters listed in Minute 14'.
12. I agree that a set of criteria is useful in helping to refine the high level guidance set by Minute 14. My primary concern about the criteria relate to their consistent applicability
13. In understanding the rationale as to why the submitters properties are not suitable for the Rural Residential Zone, the process I went through was to consider the spatial extent of the Horticultural Precinct and determine where such land adjoined or abutted the Rural Residential Zone.
14. The map in **Appendix A** [and 'snipped' in Figures 1 and 2 below] shows the area the Council s42A Report writer considers as forming part of the Horticultural Precinct [having considered submissions].
15. Importantly, it shows the areas where the Precinct is in close proximity, sometimes being adjacent / adjoining, to the Rural Residential Zone. Two specific interface areas are highlighted in the figures below.
16. For context, the 'grey' areas in the image represents the extent of the Rural Residential Zone and the other zones being detailed in **Appendix A**.

¹ Revised Soils and Land Use Capability Criteria, Dr Reece Hill, 20 August 2025

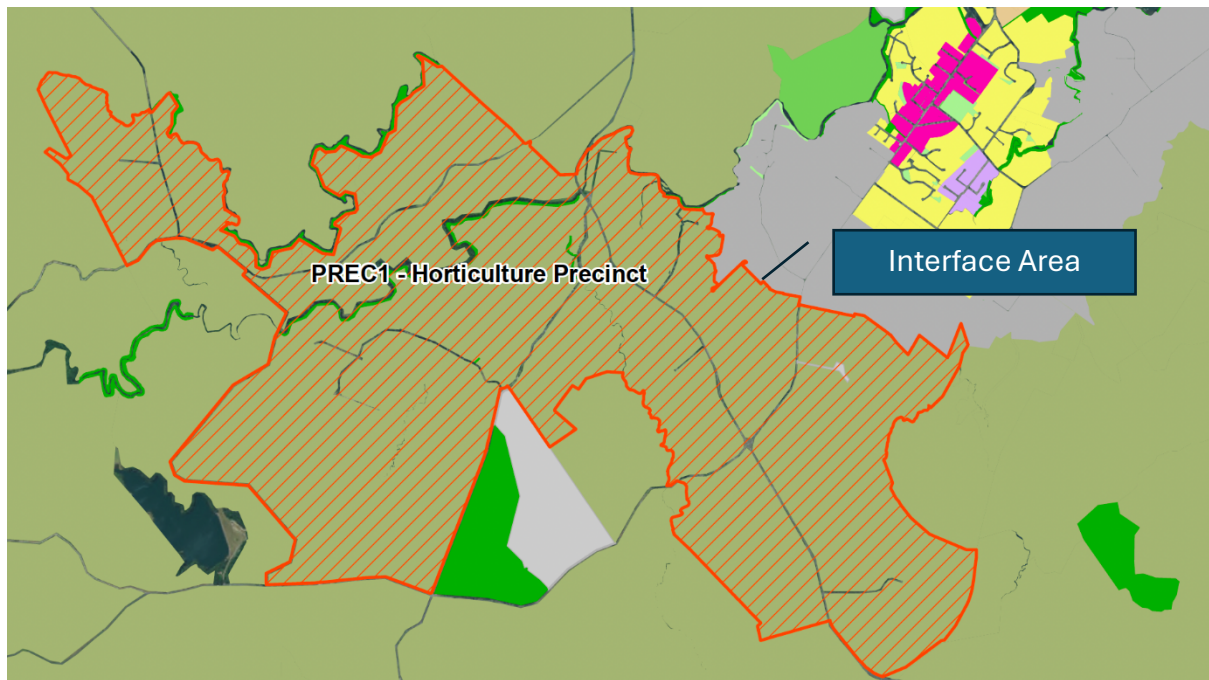


Figure 1 - Horticultural Precinct [Source: FNDC]

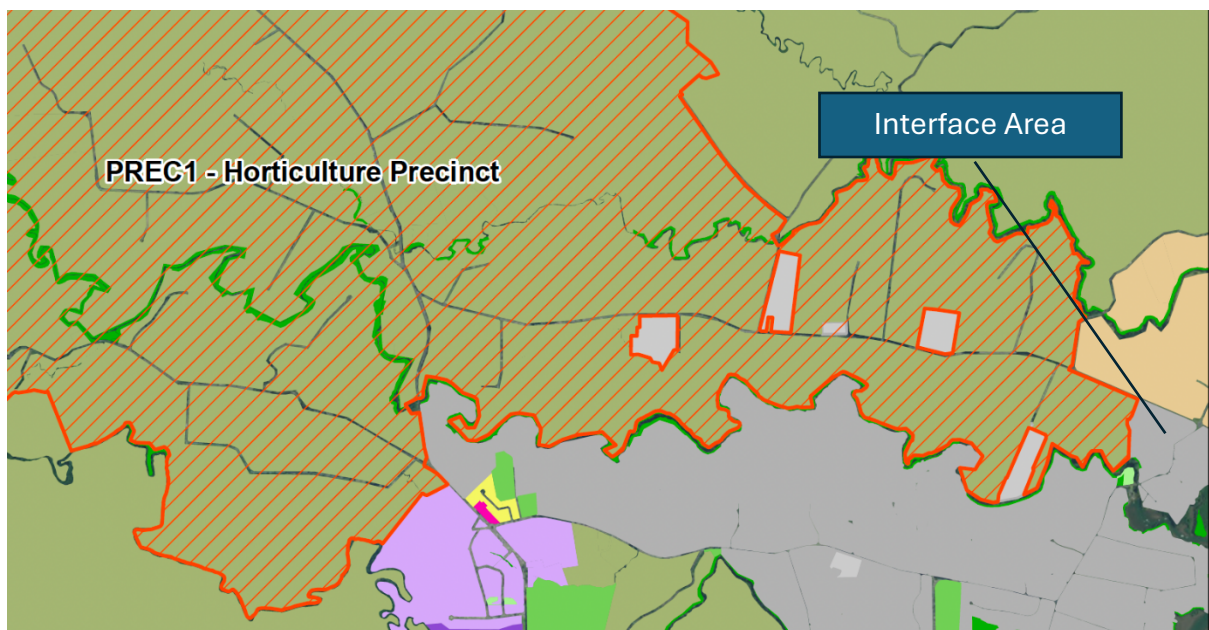


Figure 2 - Horticultural Precinct [Source: FNDC]

17. These interface areas are 'hard' boundaries between the Horticulture Precinct and the Rural Residential Zone.

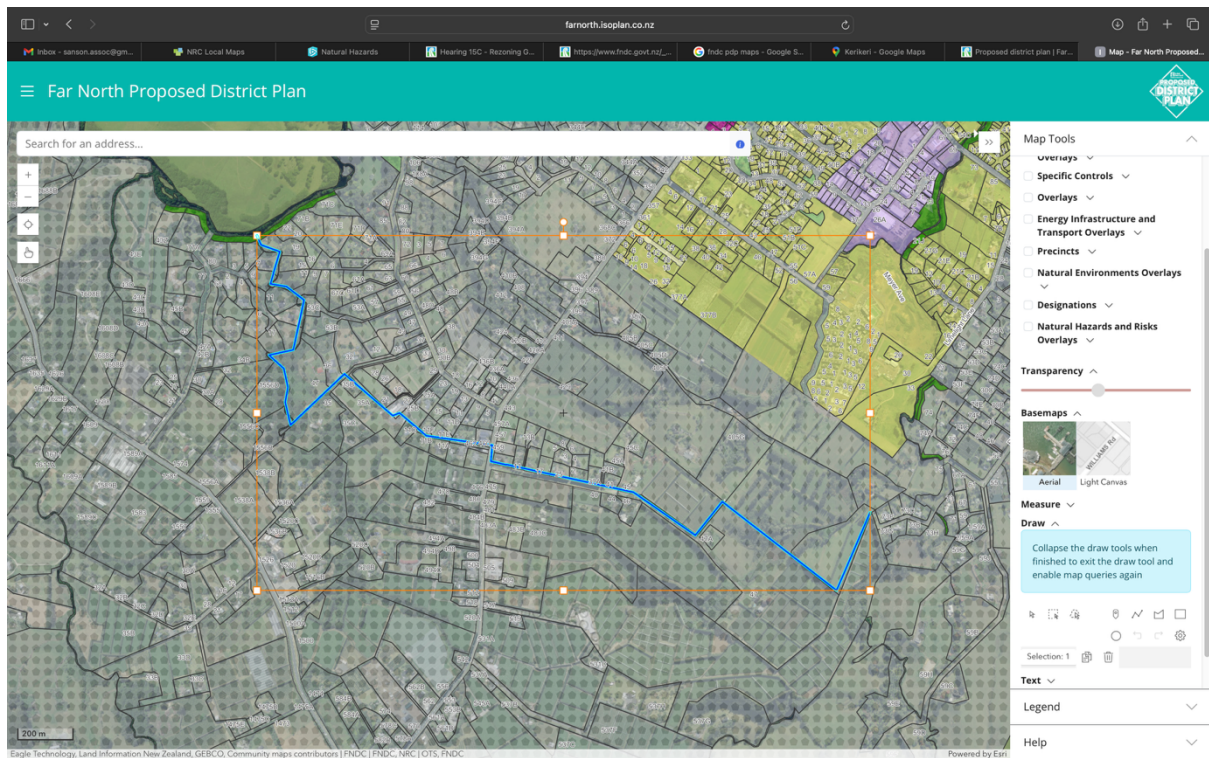


Figure 3 - Horticultural Precinct vs Rural Residential Zone [Source: FNDC]

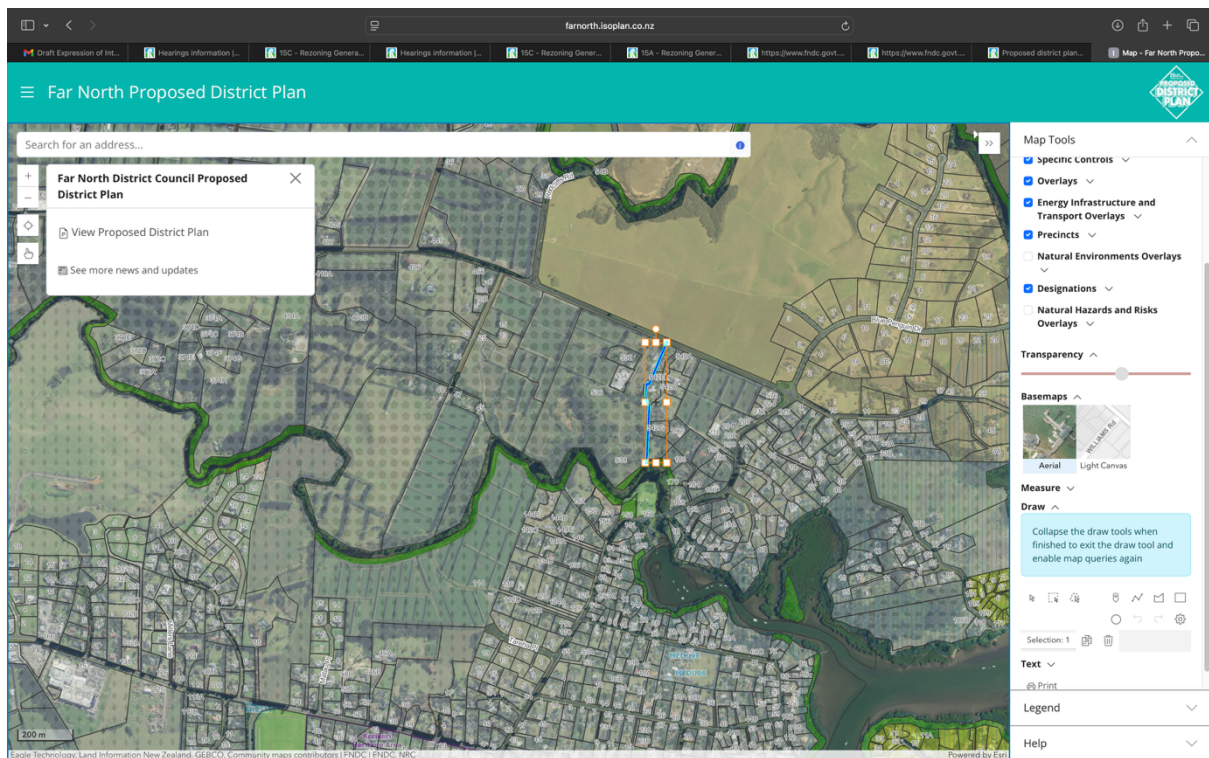


Figure 4 - Horticultural Precinct vs Rural Residential Zone [Source: FNDC]

18. After observing these interface areas, I wanted to understand not only the cadastral pattern but also underlying activities and natural features [if any].

19. I drew the Horticultural Precinct boundary in Figure 3 and 4 [in blue] to better understand these matters. I have drawn these as a 'best guess' as I don't have the GIS data used by Council. I acknowledge there may be some errors.
20. After reviewing the areas in Figure 3 and 4, I could not easily determine why or how the Horticulture Precinct boundary was set in these instances.
21. For example:
- Areas are still in horticultural use that are proposed to be zoned Rural Residential.
 - The Horticultural Precinct is not aligned with preferred defensible boundaries such as roads or rivers and rely on cadastral boundaries.
 - There are areas with similar characteristics to that of McCaughan Road which have land use and subdivision potential that are not proposed as 'buffer' areas.
 - There are smaller sites at the interface that have limited opportunity for further mitigation in terms of controls i.e setbacks.
 - There are landholdings at the interface which could be subdivided and generate reverse sensitivity effects on the Horticulture Precinct.
22. Both interface areas in my view are inconsistent with Criterion A promoted by the S42A Report Writer.
23. With respect to Criterion B, I accept that a distinguishing factor between the interface areas and the submission is the risk that this may result in isolated pockets of land being rezoned if the submission was accepted.
24. Figure 2 highlights a series of landholdings which appear as 'islands' or isolated pockets of land within a 'sea' represented by the Horticultural Precinct.
25. It is assumed that these landholdings are Māori land, but this aspect is unclear. Their application however contradicts the consistent application of Criterion B.
26. Having considered the s42A Report Writers evidence, it is considered to be a better approach, as a consequential amendment, to zone the sites as outlined in Figure 5. This would represent a more appropriate 'unit' of land and not result in a random / isolated zoning approach. This would align with the approach taken by Council at other interface areas.
27. In my view this would be an appropriate response to Criterion B and satisfy this concern.



Figure 5 – Proposed Rural Residential Zone [Source: Prover]

28. I have no concerns with the application of Criterion C and D.
29. Based on the above, I conclude that the application of the criteria has been applied inconsistently and is flawed.
30. The outcome of this inconsistency is that it results in an assessment and recommendation from the s42A Report Writer for the McCaughan Road submitters properties which is not applied to similar scenarios.

Using Properties As a Buffer vs Other Tools

31. The s42A Report notes that the spatial extent of the Precinct has a role in giving effect to the NPS-HPL, but also “to manage pressure on the horticultural industry and to prevent further losses of good horticultural land to non-productive land use and subdivision activities”.
32. I disagree with the notion of using properties to simply serve as a buffer for a particular resource. In relation to the submitters properties, this relates to an effective sterilisation of their land as it relates to sensitive activities [i.e residential use].
33. This is concerning when:
 - The sites are residential in nature [as agreed]; and
 - The sites have no productive capacity or potential for horticultural use [as agreed].
34. In my view, the approach proposed does not promote reasonable use of land².
35. The approach is not undertaken for other finite natural and / or physical resources. For example, the PDP does not zone sites surrounding quarries / mining operations to act as

² Refer s85 of the RMA.

a buffer area, despite potential reverse sensitivity issues such as noise, dust, and vibration.

36. Similarly, the Airport Zone isn't used on surrounding properties or properties within proximity of an airport to ensure that the important physical resource is not adversely impacted. Other controls are recognised and used i.e Airport Protection Surfaces.
37. The PDP doesn't promote a buffer for heritage or cultural sites despite their importance.
38. In addition to the Horticultural Precinct acting as a buffer, the s42A Report Writer also relies on a setback provision. This provision is applicable to the Rural Production Zone only.
39. I agree with a setback provision being applied as opposed to a buffer as it is a less blunt tool and can be applied more consistently across the PDP. The Horticultural Precinct should be protected by a specific, targeted tool rather than by zoning adjacent land.
40. A figure of 20m is used as the trigger within the proposed standard [RPROZ-SZZ]. In relation to this submission, it is not clear why this setback is not sufficient as a tool. I understand that the basis of the 20m setback standard is from a mixture of district plans across the country as well as evidence from Horticulture New Zealand that setbacks for visitor accommodation range from 15m to 30m.
41. A sensitive activity is not zone dependent and can occur across most of the proposed zoning suite. Therefore, there is a gap in the proposed approach to limit the setback approach just to the Rural Production Zone. As is shown in figures above, the Horticulture Precinct adjoins / abuts a range of zones.
42. My view is that this control should be applied to all zones on the same basis that sensitive activities can be of concern to soil resources regardless of zone.
43. To round-out the activity of subdivision and the potential effects this could have on the Horticultural Precinct, I also consider that a specific subdivision rule is also required.
44. For the benefit of the Hearings Panel I promote the following consequential setback standard and subdivision rule, which can be applied to all relevant zones that adjoin the Horticulture Precinct.

[INSERT ZONE-SXX]	Sensitive activities setback from the boundary of the Horticulture Precinct	
[INSERT ZONE]	<u>Sensitive activities [excluding non-habitable accessory buildings] must be setback at least 20m from</u>	<u>Where the standard is not met, matters of discretion are restricted to:</u>

	the boundary of the Horticultural Precinct	<p>a) <u>Potential reverse sensitivity effects and measures taken to mitigate these effects, such as landscaping or screening.</u></p> <p>b) <u>Whether there are alternative options for the location of the sensitive activity.</u></p>
SUB-RXX	Subdivision of site within 20m of the boundary of the Horticulture Precinct	
All zones	<p>Activity Status: Discretionary</p> <p><u>Any subdivision, including a boundary realignment, that creates a new allotment where any part of that new allotment is located within 20 metres of the boundary of the Horticulture Precinct Overlay.</u></p>	<p>Activity status where compliance not achieved: Not applicable</p>

45. For the benefit of the Panel, **Appendix B** contains a series of ‘circles’ and ‘squares’. Aside from showing other properties which could benefit from rezoning to rural residential as a consequential amendment, the map also shows potential dwelling locations [sensitive activities] with the outer circles representing a 20m buffer. The figure below also shows this aspect without the surrounding use commentary.

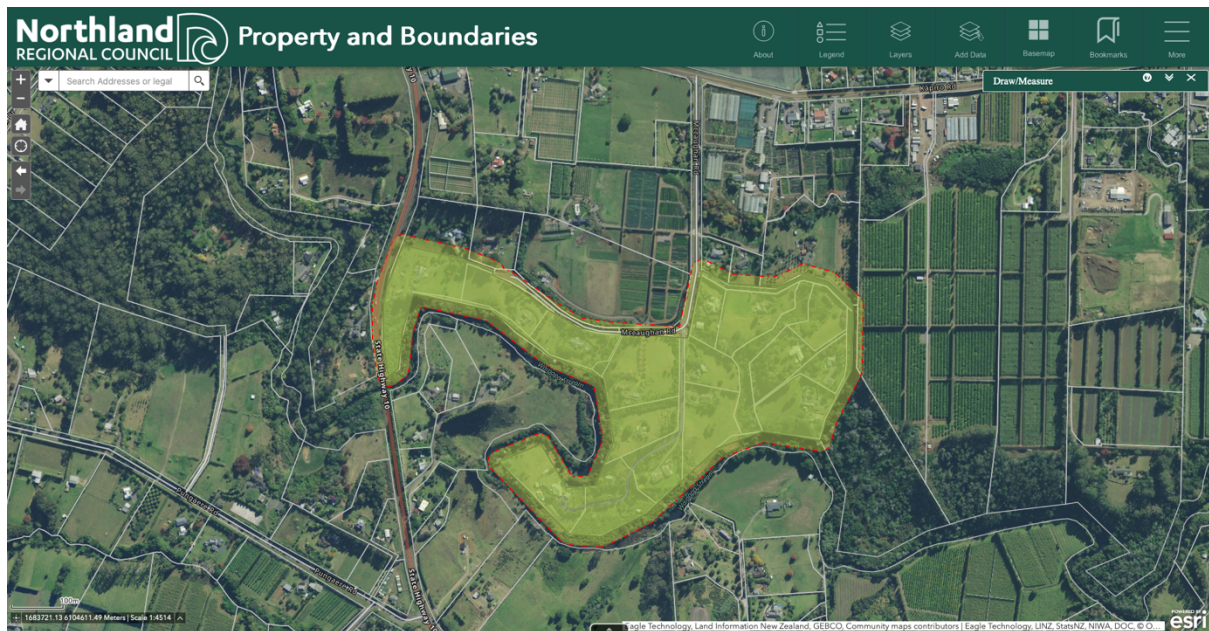


Figure 6 – McCaughan Road Properties with 20m Buffer [Source: FNDC]

46. The map demonstrates that there is minimal direct impact from the 20m buffer because of the following circumstances:

- The width of McCaughan Road;
- The likely location of development relative to existing horticultural activities; and
- The underlying size of the allotments.

Responses to Specific Matter Relating to the Submission

Response to Minute 14

47. I provide an assessment / response to Minute 14 in **Appendix C**.

Response to Criterion A

48. In addition to my concerns about Criterion A above, I reference one of the figures within the Soil Report demonstrating that the landholdings under consideration have been on the margins in terms of their inclusion as part of a Horticultural Zone / Precinct from a soils perspective [possible exclude].

49. The figure below provides the general location of the submitter properties in relation to the overall Precinct. The areas identified as ‘possible exclude’ are wider than the submitter properties, and represents a wider unit of land.

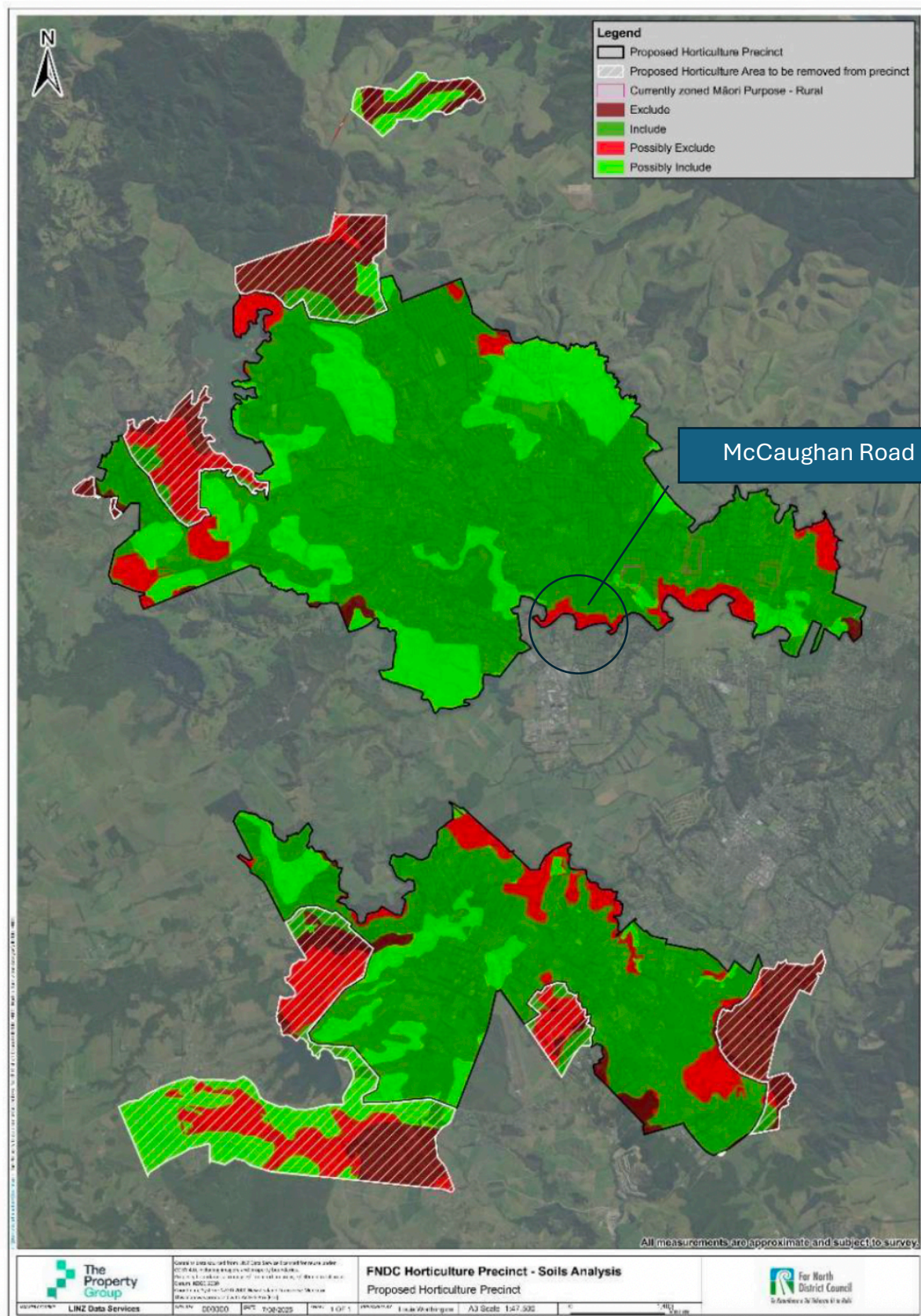


Figure 7 - Horticultural Precinct [Source: FND]

50. I note that the boundary of the Rural Residential zone, if accepted, would in part be a cadastral boundary as well as McCaughan Road itself. I note that the s42A Report considers road and natural features such as rivers to be preferable.
51. As my evidence notes above, it is not preferred for cadastral boundaries to be used, but it is also not uncommon [refer Figures 3 and 4]. So in this case it is not clear why a mixture of cadastral boundaries and the road can't be used as a legitimate zoning approach.
52. I argue that if the submitters approach is inconsistent with Criterion A, then the same would be true for the land directly adjacent Horticulture Precinct / Rural Residential Zone near the Kerikeri township found in Figures 3 and 4.
53. In my response to Minute 14 in **Appendix C**, I provide more detail about these properties and why the effects of the rezoning are limited in nature, particularly when compared to the potential effects from the other rezoning propositions.

Response to Criterion C

54. Whilst subdivision would be increased under the submitters proposal, this level of increase is capped and is manageable in relation to the soil resource and potential properties that it could affect. I provide further detail in my response to Minute 14 in **Appendix C** about potential effects resulting from the rezoning.
55. The conclusion reached from that assessment is that reverse sensitivity can be appropriately managed, despite the potential increase in density if approved to be Rural Residential.

Response to Criterion D

56. With respect to Criterion D, I consider the economic assessment adds value to the process. While the economic assessment provides a number for projected households, it doesn't demonstrate where people want to live or how they want to live.
57. The Council's economic assessment identifies a theoretical housing capacity but does not assess the real-world viability and market demand for that land. My proposal addresses a known demand for rural residential living in this specific location, offering a qualitative housing choice that the Council's broad-brush capacity numbers ignore. A surplus of zoned land in an area with low appeal, for example, doesn't address the real-world demand for rural residential properties in highly sought-after locations.
58. I believe that the Economic Report's reliance on 'Plan-Enabled Capacity' is an issue. This is a theoretical number. In practice, many of these lots may never be developed for a variety of reasons.

59. The existing framework may offer a sufficient 'quantity' of capacity, but it lacks the 'quality' of diverse options and forces people into conforming to the compact form concept espoused by the Kerikeri Waipapa Spatial Plan³.
60. Enabling a wider variety of lot sizes and locations is not about unmanaged growth it's about responding to the needs of residents, and better reflecting the existing environment.
61. Whilst I agree that growth should be managed and should avoid significant consequences, I believe that this is not of concern in this context because:
- The sites will be self-serviced in terms of three waters, power and telecoms;
 - There will be no loss of productive land due to existing circumstances and factors;
 - The proposal does not undermine the compact urban form sought in Kerikeri. It simply offers an alternative recognising historic demand for lifestyle sections in Kerikeri.
 - There is no change to the existing characteristics of the sites and enables appropriate land use, reflecting these underlying uses and activities.

SECTION 32AA EVALUATION

62. This evaluation assesses the appropriateness of the requested Rural Residential zoning and the proposed setback standard and subdivision rule compared to the Council's proposed Horticultural Precinct application for the subject sites.

Effectiveness and Efficiency

63. The proposed rezoning, in conjunction with the new setback standard and subdivision rule, is a more effective and efficient method for achieving the objectives of the Proposed District Plan.
64. **Effectiveness:** The Council's approach of using the McCaughan Road properties as an informal 'buffer' is ineffective because the land is already fragmented, residential in character, and unsuitable for horticultural use. It fails to protect any productive potential because none exists. My proposed approach is more effective because it applies a consistent and targeted setback standard to manage reverse sensitivity effects at all interfaces with the Horticultural Precinct, not just in this one location. This provides genuine, plan-wide protection for the horticultural resource while allowing the subject land to be used for a purpose that reflects its existing character.
65. **Efficiency:** The Council's approach is inefficient as it sterilises land from being used reasonably, imposing a significant cost on the landowners for no tangible planning

³ The KKWSP is a non-statutory document.

benefit. My proposed approach is more efficient because it avoids this misallocation of resources. It provides for much-needed housing choice in a way that is largely self-serviced and does not undermine the compact urban form of Kerikeri.

Benefits and Costs

Benefits

66. My evidence:

- Recognises and provides for the existing rural residential character of the properties.
- Avoids the inequitable and inefficient use of private properties as an informal buffer area.
- Creates a consistent, transparent, and legally robust mechanism (setback standard and subdivision rule) for managing reverse sensitivity effects across the entire district where any zone adjoins the Horticultural Precinct.
- Provides greater housing choice and responds to the qualitative demands for rural residential living in sought-after locations.

Costs

67. The primary potential cost is an increase in residential density and subdivision near the Horticultural Precinct. However, this is a managed and limited cost. The proposed 20m setback standard for sensitive activities and discretionary status for subdivision within that setback directly mitigates potential reverse sensitivity effects. Furthermore, the specific geography of the McCaughan Road sites, including the road width and allotment sizes, means there is unlikely to be any direct impact on the adjoining Horticulture Precinct.

Risk of Acting or Not Acting

68. The risk of acting (approving the rezoning and implementing the proposed standard and rule) is low. The approach provides a clear and consistent method for managing adverse effects, which is a superior planning outcome.

69. The risk of not acting (retaining the Horticultural Precinct on these properties) is significant. It would:

- Result in a flawed, inconsistent, and inequitable plan.
- Fail to promote the reasonable use of land, contrary to the purpose of the RMA.
- Leave a gap in the PDP by failing to manage reverse sensitivity effects at other interfaces where zones directly adjoin the Horticultural Precinct.

Reasons for the Recommendation

70. For the reasons outlined above, the proposed rezoning to Rural Residential, supported by the introduction of new district-wide setback and subdivision rule, is the most appropriate way to achieve the purpose of the RMA. It is a more effective, efficient, and equitable planning solution that addresses potential adverse effects while enabling the social and economic well-being of the community.

CONCLUSION

71. My evidence has demonstrated that the application of the Horticultural Precinct to the McCaughan Road properties is inappropriate. The Council's s42A report agrees that the sites have poor quality soils, are already fragmented, and have a predominantly residential character.
72. The use of these properties as an informal buffer is a blunt and inequitable planning instrument that is applied inconsistently when compared to other 'hard' boundaries between horticultural and zones that are residential in nature elsewhere in the district.
73. A far superior outcome can be achieved by rezoning the properties to Rural Residential, which accurately reflects their existing character and enables their reasonable use. Any potential reverse sensitivity effects, which is the core justification for the Council's position, can be more effectively and consistently managed through the proposed setback standard and subdivision rule. These provisions should be applied to all zones that adjoin the Horticultural Precinct to provide a robust and defensible planning framework.
74. This approach resolves the submitters' concerns, corrects inconsistencies in the PDP, and better achieves the sustainable management purpose of the RMA.