



## SECTION 42A REPORT

### Kororāreka Russell Township Zone

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**Appendix 1: Recommended amendments to the Kororāreka Russell Township zone chapter**

**Appendix 2: Recommended decisions on submissions to Kororāreka Russell Township zone chapter**



## List of Abbreviations

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

Submitter Number	Abbreviation	Full Name of Submitter
S368	FNDC	Far North District Council
S512	FENZ	Fire and Emergency New Zealand
S409	HNZPT	Heritage New Zealand Pouhere Taonga
S482	Heavy Haulage Assoc Inc	House Movers Section of New Zealand Heavy Haulage Association Inc
S331	MOE	Ministry of Education Te Tāhuhu o Te Mātauranga
S481	Puketotara Lodge	Puketotara Lodge Limited
S179	Russell Protection Society	Russell Protection Society (INC)
S454	Transpower	Transpower New Zealand Limited

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

**Table 2: Other Abbreviations**

Abbreviation	Full Term
FNDC	Far North District Council
NPS	National Policy Statement
ODP	Operative Far North District Plan 2009
PDP	Proposed District Plan
RMA	Resource Management Act
RPS	Northland Regional Policy Statement



## **1 Executive summary**

1. The Far North Proposed District Plan ("PDP") was publicly notified in July 2022. This section 42A report addresses submissions on the Kororāreka Russell Township zone ("KRTZ") chapter. This chapter is a special purpose zone chapter, located in Part 3 – Area Specific Matters of the PDP.
2. There are 98 original submission points on the KRTZ chapter and associated subdivision minimum lot size standards in the Subdivision Chapter, including 42 submission points in support, 19 supporting in part, none with a neutral position and 5 in opposition.<sup>1</sup> There were 141 further submission points received on these original submissions on the KRTZ chapter.
3. The submissions can largely be categorised into two groups:
  - a. Generic submissions from submitters that have asked for the same or similar relief for all PDP zones; and
  - b. Submissions from John Andrew Riddell and Russell Protection Society (Inc) (Russell Protection Society) requesting specific changes to better reflect the Operative Far North District Plan 2009 ("ODP") Russell Township Zone provisions.
4. This report has been prepared in accordance with Section 42A of the Resource Management Act 1991 ("RMA") and outlines recommendations in response to the issues raised in submissions. This report is intended to assist the Hearings Panel to make decisions on the submissions and further submissions on the PDP to provide submitters with an opportunity to see how their submissions have been evaluated, and to see the recommendations made by officers prior to the hearing.
5. The key changes recommended in this report relate to:
  - a. Improved recognition in the Overview and Objectives of the need to protect indigenous biodiversity in the KRTZ in a manner that does not conflict with the Ecosystems and Indigenous Biodiversity chapter.
  - b. Removal of wording in KRT-P1 that conflicts with the Coastal Environment and Natural Character chapter policy direction.
  - c. Altering KRT-P2 to clarify that connecting to reticulated telecommunications, electricity and potable water networks are 'encouraged' rather than 'required' for subdivisions.

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<sup>1</sup> 32 submissions were recorded as not stating a position.



- d. Clarification that consideration of development infrastructure constraints should include consideration of wastewater capacity in KRT-P6.
- e. Inclusion of the key elements of ODP Policy 10.9.4.8 and Section 11.21 (Kororāreka Russell design guidelines) in KRT-P1 and KRT-P6 respectively.
- f. Significant refinement of KRT-P6 to remove duplication of numbering and better align matters not specific to Kororāreka Russell with the content and structure of other 'consideration' policies in other zones.
- g. Alignment and/or deletion of several rules/standards to align with recommendations on equivalent rules in other zones e.g. KRT-R1, KRT-R2, KRT-R5, KRT-R8 and KRT-S4.
- h. Clarification of the intent of KRT-S5 with respect to measuring building and structure coverage using the ground floor only.
- i. Specific corrections to address drafting errors.

## **2 Introduction**

### **2.1 Author and qualifications**

- 6. My full name is Melissa Leanne Pearson, and I am a Principal Planning and Policy Consultant at SLR Consulting New Zealand Limited, based in Auckland.
- 7. I hold a Bachelor of Planning (Hons) at the University of Auckland and am a Full Member of the New Zealand Planning Institute.
- 8. I have 16 years' experience as a resource management practitioner in New Zealand, which has included working for both the private sector and for central and local government on a range of resource consent and policy projects. My private sector planning experience ranges from obtaining resource consents for small and large scale residential and subdivision developments in the Auckland Region, development of private plan changes in both Auckland and Waikato for residential and commercial developments and consenting and policy development experience for clients in the telecommunication, intensive primary production, and community facility sectors.
- 9. My public sector planning experience involves a significant amount of central government policy research and development relating to telecommunications, forestry, climate change, highly productive land, and infrastructure. My local government policy experience involves drafting of district plan provisions in the Far North, Kaipara, Waikato, Hamilton, and Queenstown Lakes districts for local authorities.



10. These projects have given me significant experience with all parts of the Schedule 1 process from both the public and private sector perspectives, including provision research and development, provision drafting, the preparation of section 32 and 42A reports, preparation of submissions and further submissions, presentation of evidence at council hearings, preparation and resolution of appeals and Environment Court mediation.
11. I have been closely involved in the development and implementation of numerous national direction instruments under the RMA (national policy statements and national environmental standards), from the policy scoping stage through to policy decisions and drafting, the preparation of section 32 evaluation reports and implementation guidance. This includes close involvement in national direction instruments relating to highly productive land.
12. I have been working with the Far North District Council (FNDC) on the PDP since 2021. My involvement in the PDP initially involved refining certain chapters in response to submissions on the draft district plan and preparing the associated section 32 evaluation reports, specifically on rural topics. Since mid-2023, I have been working with the FNDC PDP team analysing submissions.
13. I was not involved in the development of the KRTZ chapter prior to notification. I was engaged by FNDC to be the reporting officer for this topic in early 2024.

## **2.2 Code of Conduct**

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

## **3 Scope/Purpose of Report**

16. This report has been prepared in accordance with Section 42A of the Resource Management Act to:
  - a. assist the Hearings Panel in making their decisions on the submissions and further submissions on the Proposed District Plan; and
  - b. provide submitters with an opportunity to see how their submissions have been evaluated and the recommendations being made by officers, prior to the hearing.



17. This report responds to submissions on the KRTZ chapter and I have provided recommendations to assist the Hearings Panel wherever possible. Note that there is a separate Kororāreka Russell Heritage Area Overlay that applies to part of the land zoned KRTZ. Submissions on the provisions that apply to the Kororāreka Russell Heritage Area Overlay are addressed in the section 42A report for Historic Heritage.
18. Separate to the Section 42A report recommendations in response to submissions, Council has made a number of Clause 16(2) amendments to the PDP to achieve consistent formatting of rules and standards, including inserting semi colons between each standard, followed by “and” after the second to last standard (where all of the standards must be met to comply) or “or” after the second to last standard (when only one of the standards must be met to comply). These changes are neutral and do not alter the effect of the rules or standards, they simply clarify the intent. The Clause 16 corrections are reflected in **Appendix 1** to this Report (Officer’s Recommended Provisions for the KRTZ in response to Submissions).

## **4 Statutory Requirements**

### **4.1 Statutory documents**

19. I note that the Kororāreka Russell Township Zone and Kororāreka Russell Heritage Area Overlay section 32 report provides detail of the relevant statutory considerations applicable to this topic.
20. It is not necessary to repeat the detail of the relevant RMA sections and full suite of higher order documents here. Consequently, no further assessment of these documents has been undertaken for the purposes of this report.
21. However, it is important to highlight the higher order documents which have been subject to change or introduced since notification of the PDP which must be given effect to. Those that are relevant to the KRTZ chapter are discussed in the sections below.

#### **4.1.1 Resource Management Act**

22. On the 24 March 2025, the Government announced that RMA will be replaced with two new pieces of legislation:
  - a. A Natural Environment Act – focused on managing the natural environment
  - b. A Planning Act – focused on planning to enable development and infrastructure.
23. In the announcement, the Government stated that the new legislation will narrow the scope of the resource management system and the effects it controls, with the enjoyment of private property rights as the guiding



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

#### **4.1.2 National Policy Statements**

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

24. The PDP was prepared to give effect to the National Policy Statements that were in effect at the time of notification (27 July 2022). This section provides a summary of the National Policy Statements, relevant to KRTZ chapter that have been gazetted since notification of the PDP. As District Plans must be "prepared in accordance with"<sup>2</sup> and "give effect to"<sup>3</sup> a National Policy Statement, the implications of the relevant National Policy Statements on the PDP must be considered.
25. The National Policy Statement for Indigenous Biodiversity (NPS-IB) took effect on 4 August 2023, after the PDP was notified for public submissions (27 July 2022). The objective of the NPS-IB is to maintain indigenous biodiversity so there is at least no overall loss in indigenous biodiversity. The objective is supported by 17 policies. These include Policy 1 and Policy 2 relating to the principles of the Treaty of Waitangi and the exercise of kaitiakitanga by tangata whenua in their rohe. Part 3 of the NPS-IB sets out what must be done to give effect to the objective and policies.
26. The National Policy Statement for Highly Productive Land (NPS-HPL) took effect on 17 October 2022. The NPS-HPL has a single objective: Highly productive land is protected for use in land-based primary production, both now and for future generations. The objective is supported by nine policies and a set of implementation requirements setting out what local authorities must do to give effect to the objective and policies of the NPS-HPL, including restrictions on the urban rezoning, rural lifestyle rezoning, and subdivision of highly productive land and requirements to protect highly productive land from inappropriate use and development.
27. I do not consider that either of these new NPS are relevant to the KRTZ chapter, noting that I recommend some minor amendments to align with

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<sup>2</sup> Section 74(1)(a) of the Resource Management Act 1991

<sup>3</sup> Section 75(3)(a) of the Resource Management Act 1991





the Ecosystems and Indigenous Biodiversity chapter which considered the NPS-IB in detail.

#### **4.1.2.2 National Policy Statements – Announced Future Changes**

28. In October 2023 there was a change in government and several announcements have been made regarding work being done to amend various national direction instruments. At the time of preparing this report, no announcements have been made that have implications for the KRTZ chapter.

#### **4.1.3 National Planning Standards**

29. The National Planning Standards determine the sections that should be included in a District Plan, including the Strategic Direction chapters, and how the District Plan should be ordered. The KRTZ provisions proposed and recommended in this report follow this guidance with respect to special purpose zones and where these types of chapters should be located within the PDP.

#### **4.1.4 Treaty Settlements**

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

#### **4.1.5 Iwi Management Plans – Update**

31. Section 74 of the RMA requires that a local authority must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority. When the PDP was notified in July 2022, Council had 14 hapū/iwi management planning documents which had been formally lodged with Council, as listed in the PDP section 32 overview report. Council took these management plans, including the broader outcomes sought, into account in developing the PDP. Of the 14 hapū/iwi management planning documents, only two have been revised since notification of the PDP –
  - a. Ngā Tikanga mo te Taiao o Ngāti Hine' the Ngāti Hine Environmental Management Plan
  - b. Ahipara Takiwā Environmental Management Plan
32. Neither of these iwi management plans provided any specific direction with respect to the KRTZ chapter.

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

33. This report uses 'key issues' to group, consider and provide reasons for the recommended decisions on similar matters raised in submissions.



Where changes to the provisions of the PDP are recommended, these have been evaluated in accordance with Section 32AA of the RMA.

34. The s32AA further evaluation for each key issue considers:
  - a. Whether the amended objectives are the best way to achieve the purpose of the RMA.
  - b. The reasonably practicable options for achieving those objectives.
  - c. The environmental, social, economic and cultural benefits and costs of the amended provisions.
  - d. The efficiency and effectiveness of the provisions for achieving the objectives.
  - e. The risk of acting or not acting where there is uncertain or insufficient information about the provisions.
35. The section 32AA further evaluation for recommended amendments to the PDP also contains a level of detail that corresponds to the scale and significance of the anticipated effects of the changes that have been made. Recommendations on editorial, minor and consequential changes that do not change the policy intent are not evaluated under section 32AA of the RMA in this report.

#### **4.3 Procedural matters**

##### **4.3.1 Pre-hearing meetings**

36. Due to the clarity of submissions, no correspondence or meetings with the majority of submitters needed to be undertaken.

##### **4.3.2 Proposed Plan Variation 1**

37. FNDC notified Proposed Plan Variation 1 (Minor Corrections and Other Matters) for public submissions on 14 October 2024. The submission period closes on 14 November 2023. Proposed Plan Variation 1 makes minor amendments to correct minor errors, amend provisions that are having unintended consequences, remove ambiguity and improve clarity and workability of provisions. This includes amendments to the zoning of some properties, and the Coastal flood hazard areas.
38. Variation 1 does not amend any of the provisions in the KRTZ chapter. However, it does propose rezoning four properties at the top of Gould Street from General Residential Zone to KRTZ chapter to address a mapping error.



39. Amendments to the Heritage Area Overlay chapter in Variation 1 with potential implications for the Kororāreka Russell Heritage Area Overlay are addressed in the section 42A report for Historic Heritage.

## **5 Consideration of submissions received**

### **5.1 Overview of submissions received**

40. There are 98 original submission points on the KRTZ chapter and associated subdivision minimum lot sizes, including 42 submission points in support, 19 supporting in part, none with a neutral position and 5 in opposition.<sup>4</sup> There were 141 further submission points received on these original submissions on the KRTZ chapter.
41. The main submissions on the KRTZ chapter are from:
  - a. Russell Protection Society (S179).
  - b. John Andrew Riddell (S431).
  - c. HNZPT (S409).
42. The key issues identified in this report are set out below:
  - a. Key Issue 1: General submissions
  - b. Key Issue 2: Overview, Objectives and Policies
  - c. Key Issue 3: Rules and Standards
43. Section 5.2 constitutes the main body of the report and considers and provides recommendations on the decisions requested in submissions.

### **5.2 Officer Recommendations**

44. A copy of the recommended plan provisions for the KRTZ chapter is provided in **Appendix 1 – Recommended provisions** to this report.
45. A full list of submissions and further submissions on the KRTZ chapter is contained in **Appendix 2 – Recommended Decisions on Submissions** to this report.

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<sup>4</sup> 32 submissions were recorded as not stating a position.



## 5.2.1 Key Issue 1: General submissions

### Overview

Provision(s)	Officer Recommendation(s)
N/A	No changes recommended as a result of general submissions on the KRTZ chapter

### Analysis of Submissions on Key Issue 1: General submissions

#### Matters raised in submissions

46. Heritage New Zealand Pouhere Taonga (HNZPT) (S409.017) support the approach of having a KRTZ, combined with other parts of the PDP (Heritage Area Overlays, Sites and Areas of Significance to Māori), as the approach recognises and provides for the matters of national importance in section 6(e) and 6(f) of the RMA and recognises the significance of the historic heritage in Kororāreka Russell.
47. Transpower New Zealand Limited (Transpower) (S454.136) requests the insertion of provisions into the KRTZ chapter to ensure critical infrastructure, such as transmission facilities, are provided for and supported in the zone.
48. Des and Lorraine Morrison (S44.003) request a new activity rule for papakāinga housing in the KRTZ chapter or alternatively in the Rural Production Zone. Their submission highlights the definition of papakāinga in the PDP recognises papakāinga applies to general land owned by Māori where it can be demonstrated that there is an ancestral link to the land. Des and Lorraine Morrison note that they whakapapa to the area and request papakāinga housing be enabled on land at 19 and 24 James Street and 34 and 36 Pukematu Lane, Russell.
49. John Andrew Riddell (S431.001 and S431.048) supports the KRTZ in principle, subject to specific requests to amend provisions, which are addressed in Key Issues 2, 3 and 4 below. While John Andrew Riddell prefers the KRTZ to the General Residential Zone (as proposed in the draft version of the PDP), he considers that the provisions in the KRTZ chapter are too onerous, overlap with the Heritage Area Overlay provisions and are contrary to Policy 6.1.1<sup>5</sup> of the Northland Regional Policy Statement (RPS).

<sup>5</sup> Policy 6.1.1 of the RPS states that regional and district plans shall:

- (a) Only contain regulation if it is the most effective and efficient way of achieving resource management objective(s), taking into account the costs, benefits and risks;
- (b) Be as consistent as possible;
- (c) Be as simple as possible;
- (d) Use or support good management practices;



50. Rodney and Anne Jess (S6.001) request that the General Residential Zone minimum allotment sizes in the Subdivision chapter are applied to the KRTZ, with exception of the Heritage and Strand areas. This would have the effect of providing for 600m<sup>2</sup> lots (controlled) and 300m<sup>2</sup> lots (discretionary).

### Analysis

51. Since making their submission, Transpower has contacted Council to advise they no longer wish to pursue submission points requesting changes to the zone chapters to recognise transmission facilities, including submission S454.136. The section 42A report for the Infrastructure chapter of the PDP has addressed submissions from Transpower requesting protection of the National Grid on a district-wide basis through the Infrastructure chapter. Therefore, I do not recommend any changes to KRTZ in response to this submission.
52. I can understand the rationale for Des and Lorraine Morrison's request to provide for papakāinga housing in the KRTZ chapter, however I note that the properties at 19 and 24 James Street and 34 and 36 Pukematu Lane are zoned Rural Production as opposed to KRTZ. The PDP provides specifically for papakāinga in the Rural Production zone as a restricted discretionary activity under RPROZ-R20, provided that:
- a. There are no more than 10 residential units per site;
  - b. There is a legal mechanism in place to ensure that the land will stay in communal ownership and continue to be used in accordance with ancestral cultural practices; and
  - c. The papakāinga is not located on highly productive land.
53. As such, the Rural Production zone provides a more enabling restricted discretionary pathway for papakāinga compared to the KRTZ, which may assist Des and Lorraine Morrison with future plans for papakāinga on their properties. As a more general comment on papakāinga, the more intensive form of development enabled by papakāinga rules is not appropriate in all zones. In the case of the KRTZ, a papakāinga development would need to be considered in the context of the other values that the KRTZ has been put in place to manage, including heritage and character values, natural character landscape qualities and amenity values. A papakāinga development would default to a discretionary activity under KRT-R15, which I consider to be an appropriate activity status to consider all relevant matters relating to how a papakāinga development would integrate into the KRTZ and/or potentially impact the

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(e) Minimise compliance costs and enable audited self-management where it is efficient and effective;  
(f) Enable the aspects of subdivision, use and development that complies with the Regional Policy Statement; and  
(g) Focus on effects and where suitable use performance standards.



amenity values of neighbouring properties. As such, I do not recommend any specific provision for papakāinga development on the properties at 19 and 24 James Street and 34 and 36 Pukematu Lane, Russell, beyond what is already enabled by the rules in the Rural Production zone chapter.

54. I recognise the support from John Andrew Riddell and HNZPT for the KRTZ in principle and I address John Andrew Riddell's specific points relating to the KRTZ provisions in the relevant key issue sections below. However, at a high level, I disagree with John Andrew Riddell that the provisions of the KRTZ as notified are inconsistent with Policy 6.1.1 of the RPS. I acknowledge that there may be opportunities to refine provisions and be clearer about their intent to achieve the goals of effective, efficient, consistent and simple drafting but not to the extent that a fundamental change is required to the way the KRTZ chapter functions and interacts with other parts of the PDP.
55. With respect to the subdivision provisions that apply in the KRTZ, the notified version of SUB-S1 sets a controlled activity minimum lot size of 1,000m<sup>2</sup> and a discretionary activity minimum lot size of 800m<sup>2</sup> in the KRTZ, irrespective of whether the land is within the Kororāreka Russell Heritage Area Overlay or not. This is consistent with the approach of the ODP to managing subdivision of sewered sites in the Russell Township Zone in Table 13.7.2.1(xi), which also provides for a controlled activity minimum lot size of 1,000m<sup>2</sup> and a discretionary activity minimum lot size of 800m<sup>2</sup>. In this context the PDP is more permissive of subdivision in the KRTZ compared to the ODP as it applies a single set of minimum lot sizes to all land within the zone, regardless of wastewater servicing, whereas the ODP required larger minimum lot sizes for unsewered sites. I do not support making the subdivision minimum lot size standard more permissive in the KRTZ as the purpose of the standard is to reflect historic subdivision patterns within the area and ensure lots are sufficiently sized to achieve a level of onsite amenity that is higher than the General Residential zone i.e. fewer opportunities for residential intensification and subsequent impacts on the character of Kororāreka Russell.

### **Recommendation**

56. For the reasons set out above, I recommend that the general submissions on the KRTZ chapter are accepted, accepted in part and rejected as set out in **Appendix 2**.
57. I do not recommend any amendments to the KRTZ chapter resulting from these general submissions.

### **Section 32AA evaluation**

58. As no changes are recommended, no further evaluation under section 32AA of the RMA is required.



## 5.2.2 Key Issue 2: Overview, Objectives and Policies

### Overview

Provision(s)	Officer Recommendation(s)
Overview	Minor amendments to refer to indigenous biodiversity values and achieve consistent wording
KRT-O1, KRT-O4, KRT-O5	Retain as notified
KRT-O2, KRT-O3	Minor amendments to refer to indigenous biodiversity and achieve consistent wording respectively
KRT-P1	Amendments to better align with ODP chapter
KRT-P2	Amendment to provide more flexibility for some types of infrastructure servicing
KRT-P4	Minor amendment to achieve consistent wording
KRT-P5	Minor amendment to better clarify intent and align with KRT-P1
KRT-P6	Restructured and redrafted policy to address multiple issues raised

### Analysis of Submissions on Key Issue 2: Overview, Objectives and Policies

#### Matters raised in submissions

##### Overview and objectives

59. John Andrew Riddell (S431.002) does not consider that the Overview wording sufficiently recognises or provides for:
  - a. The natural and ecological values within Kororāreka/Russell and its environs, including the presence of North Island brown kiwi and North Island weka;
  - b. The fact that the community wastewater scheme has real, existing capacity limits; and
  - c. That the relevant Council responsibilities are more than protection of historic heritage.
60. As such, John Andrew Riddell requests that these values and limitations are better reflected in the Overview statement.
61. HNZPT (S409.008) and Russell Protection Society (S179.001-S179.005) support the KRTZ objectives and request that each is retained as notified. The Ministry of Education Te Tāhuhu o Te Mātauranga (MOE) (S331.105, S331.106) support KRT-O3 and KRT-O5 and request that these are retained.



62. John Andrew Riddell (S431.003) considers that KRT-O2 should be amended to include indigenous biodiversity as a value to recognise and protect.

#### Policies

63. HNZPT (S409.009) support the KRT SPZ policies and request they are retained as notified. The Russell Protection Society (S179.007-0010) support KRT-P2, KRT-P3, KRT-P4 and KRT-P5 and request they are retained as notified. MOE (S331.107) support KRT-P4 and request it is retained as notified.
64. John Andrew Riddell (S431.009) requests the insertion of a new policy that reflects the wording of Policy 10.9.4.8 in the ODP for the Russell Township Zone. John Andrew Riddell considers it important that this new policy provides clearer direction as to what elements of the special character of Kororāreka/Russell are being protected and how they should be protected.

#### *KRT-P1*

65. Russell Protection Society (S179.006) supports KRT-P1 in part but request that the policies be amended to reference the "Russell Design Guidelines" or alternatively incorporate the provisions in 11.21 Russell Township Basin and Gateway Area in the ODP. John Andrew Riddell (S431.004) also requests that KRT-P1 be amended to refer to the Kororāreka Russell design guidelines and that a reference to any adverse effects on indigenous biodiversity being avoided is included.

#### *KRT-P2*

66. Consistent with submissions on other zone chapters, Lynley Newport (S132.001) requests that the language used in the chapeau of KRT-P2 is softened to reflect that not all development should be 'required' to connect to reticulated services if technology is able to provide for onsite services such as potable water, electricity and telecommunications. To provide for this relief, Lynley Newport requests that 'require' is replaced with 'encourage' and that the word 'portable' in clause (f) is replaced with 'potable'.
67. John Andrew Riddell (S431.005) requests the deletion of clause (a) of KRT-P2 to recognise that telecommunications may be provided in other ways than relying on copper wiring or fibre.
68. FNDC (S368.022 and S368.115) request minor grammatical errors to be corrected in Clause (f) of KRT-P2.





#### *KRT-P3*

69. John Andrew Riddell (S431.006) requests that KRT-P3 is amended to better reflect infrastructure constraints, recognise natural values and reference the Kororāreka Russell design guidelines.

#### *KRT-P5*

70. John Andrew Riddell (S431.007) requests that clause (d) of KRT-P5 relating to road safety and efficiency is deleted, and instead replaced with:

*"avoid as far as practicable adverse effects on the residential, natural and amenity values and functions of the Kororāreka Russell Township Zone."*

#### *KRT-P6*

71. Russell Protection Society (S179.011) requests amendments to KRT-P6 to recognise both the need to protect historical sight line corridors that provide views of Kororareka Bay and ensure that a reasonable level of privacy and peaceful enjoyment be provided for residents.
72. John Andrew Riddell (S431.008, S431.147) requests the following amendments to KRT-P6:
- a. Renumbering of the policy clauses to address errors and include or delete 'and' where required;
  - b. Amend clause (h) to state "*the adequacy of available ~~or programmed~~ development infrastructure and the certainty that any programmed future development of infrastructure occurs;*" and
  - c. Insert new clause that states "*the preference for buildings that are small scale and have simple shapes and a lack of ornamentation within the zone*".

### **Analysis**

#### Overview and objectives

73. The KRTZ overview and objectives are supported by most submitters – the exception is John Andrew Riddell requesting more recognition of matters other than historic heritage, namely wastewater capacity concerns and the natural and ecological values of Kororāreka/Russell.
74. The KRTZ chapter works in conjunction with several other PDP chapters, including (but not limited to) Historic Heritage, Sites and areas of significance to Māori, Ecosystems and indigenous biodiversity and the Coastal environment. These Part 2 – District-wide matters chapters provide their own direction for managing particular district wide values, including both natural and ecological values, and these chapters apply in addition to the KRTZ. I acknowledge that the KRTZ overview and



objectives do make mention of some Part 2 issues e.g. referring to natural character, landscape, historic heritage, amenity and cultural values in KRT-O2 and that indigenous biodiversity issues are not included in this list.

75. I consider that natural values are already well provided for in the Overview and objectives e.g. the reference in paragraph 1 of the Overview to maintaining and enhancing the characteristics and natural features of Russell and the reference to natural character in KRT-O2. However, I do agree that indigenous biodiversity values could be better recognised in the Overview and KRT-O2 at a high level, while recognising that the key chapter for managing indigenous biodiversity values is the Ecosystems and indigenous biodiversity chapter. This will provide objective level support for the consideration of indigenous biodiversity in KRT-P6. In recommending wording for provisions, I have been careful not to use wording that conflicts with policy direction in the Ecosystems and indigenous biodiversity chapter, which is an issue with some of the other policies that I discuss below.
76. With respect to John Andrew Riddell's other two points, I consider that the Overview is already clear that the KRTZ chapter manages values in the zone other than just historic heritage values. While wastewater servicing might be a practical limitation on the ability to further develop land in the KRTZ, the purpose of the KRTZ is not to manage wastewater capacity issues or restrict development for this purpose. Whether or not a development can be sufficiently serviced is a matter already considered in the Subdivision chapter when subdivision is proposed (supported by KRT-P2 and KRT-P6) and through policies relating to servicing in the KRTZ such as KRT-P3 and KRT-P6. I have recommended a specific addition to KRT-P6 relating to wastewater capacity as part of a broader matter relating to development infrastructure. As such I do not recommend any amendments to the Overview relating to wastewater capacity issues.

## Policies

### *General*

77. No submissions were received requesting amendments to KRT-P4. However, I do recommend a minor wording change to KRT-P4(d) to delete the word 'and' that is not required in the sentence, and change 'amenity' to 'amenity values' to be consistent with my recommendations in Hearing 9.
78. I agree with John Andrew Riddell that, compared to the ODP Russell Township Zone policies, the KRTZ does not provide as much context and direction as to what defines the special character of Kororāreka/Russell. It is common for other zone chapter objectives and policies to include a specific policy that provides more detail on the anticipated character and amenity values of the zone e.g. RPROZ-P4 and RRZ-O2. Given that the



entire purpose of the KRTZ is to preserve the special character of Kororāreka/Russell, I agree that it would be beneficial for some of the detail from Policy 10.9.4.8 in the ODP to be included, where that content does not duplicate other KRTZ policies. Rather than a separate policy, I consider that amendments can be made to KRT-P1 to respond to John Andrew Riddell's submissions and better define the special character of Kororāreka/Russell, which I discuss below.

#### *KRT-P1*

79. Requests for references to the Kororāreka Russell design guidelines (or similar wording) are a recurring theme in submissions, not just for this policy but also for KRT-P3 and in the assessment criteria for various rules. I agree with submitters that this is another element of the ODP Russell Township Zone that has not translated clearly into the KRTZ provisions, primarily due to the difference in structure between the ODP and the PDP. As part of drafting the PDP to align with the National Planning Standards, the PDP does not contain detailed assessment criteria and instead relies upon clear objective and policy direction and matters of control/discretion where relevant. This is a required change in structure that makes it difficult to roll over provisions in a manner that exactly replicates how they were drafted in the ODP.
80. There are two documents being discussed when submitters refer to the Kororāreka Russell design guidelines – a standalone guidance document prepared by Salmon Reed Architects that is appended to the Russell Protection Society submission and specific design guidelines in the ODP for the Russell Township Basin and Gateway Area, which are found in Section 11.21, being the assessment criteria chapter. I consider that, as the guidelines in Section 11.21 of the ODP were already part of the district plan, it is appropriate to focus on how these can be better translated into the KRTZ, as opposed to including the standalone document that was not part of the ODP.
81. The design guidelines from Section 11.21 of the ODP applied within the Russell Township Basin and Gateway Area, which is roughly equivalent to Parts B, C and D of the Kororāreka Russell Heritage Area Overlay<sup>6</sup> ... The design guidelines are as follows:
  - a) *Where existing buildings are being added to or altered, pitches of new roofs should be the same as the existing roof, unless the alterations are generally re-establishing the proven original style or character of the building.*

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<sup>6</sup> Not exactly equivalent as the Kororāreka Russell Heritage Area Overlay has been expanded to include the headland to the south of the beach. Note Part A of the Kororāreka Russell Heritage Area Overlay was 'The Stand Heritage Precinct' in the ODP, but this area was not part of the Russell Township Basin and Gateway Area that the design guidelines applied to.



- b) Where existing buildings are altered or added to, this should be in a manner which preserves their essential character or which recovers original character lost through subsequent unsympathetic modification.*
  - c) Window size and shape should be appropriate to the style of building.*
  - d) Generally, traditional construction methods (e.g. timber frame), together with traditional cladding such as weatherboard or corrugated sheet steel and traditional roof coverings such as shingles or corrugated sheet steel, reinforce historic forms and are generally appropriate. Concrete block walls, concrete or pressed metal roof tiles, and aluminium joinery are generally considered inappropriate.*
  - e) Dormer windows are only considered appropriate where they are generally consistent with the historic style of the building.*
  - f) A low level of ornamentation is generally desirable in Russell.*
  - g) The protection and enhancement of existing vegetation will be encouraged and soft landscaping (including hedging) will be preferred at site boundaries except on the Strand where hard edges such as fences are more appropriate.*
  - h) Buildings should not be visually obtrusive as viewed from the Strand or Kororareka Bay and Matauwhi Bay. In particular, buildings on the skyline should not exceed the maximum height.*
82. Although some of the aspects of these design guidelines cover matters that could be considered to manage both heritage values and amenity/special character values, in my view many of these guidelines are more about preserving the special character of the area and many of these guidelines would not be justified if viewed simply through a heritage lens. From that perspective, any recommendation to include the design guidelines in some form would correctly sit (in my view) in the KRTZ chapter as opposed to the Kororāreka Russell Heritage Area Overlay provisions.
83. I do see value in some aspects of the design guidelines in terms of providing direction on the design of buildings and materials used to maintain the character of the built form. However, the drafting style and some of the language used makes it difficult to translate the guidelines directly into the PDP, as well as the fact that there is no clear 'home' for guidelines such as these in the National Planning Standards structure for a district plan.
84. My view is that the most appropriate part of the KRTZ chapter to introduce the critical components of the design guidelines from the ODP is KRT-P6,



which is the 'consideration' policy that is used in all zone chapters to provide direction on the matters that decision makers should consider when processing resource consents. It functions in a similar way to assessment criteria in the ODP and is the closest equivalent provision for these types of matters. I recommend amendments to KRT-P6 below to this effect as part of a wider rationalisation of the matters listed under this policy to create a more cohesive and directive list. As such, I do not recommend that a specific reference to the Kororāreka Russell design guidelines be included in KRT-P1.

85. With respect to John Andrew Riddell's request to add a reference to indigenous biodiversity into KRT-P1, I consider that there are broader amendments to be made to this policy relating to how it interacts with chapters such as the Coastal Environment, Natural Character and Ecosystems and Indigenous Biodiversity chapters of the PDP. In Hearing 4, it was established that the policy direction in these district-wide chapters must give effect to directive provisions in higher order documents. Subsequent changes have been made to the Infrastructure, Renewable Energy and Transport chapters to remove parts of objectives or policies that would potentially conflict with these specific policies relating to the protection of natural environmental values.
86. My concern with the requested addition of indigenous biodiversity into KRT-P1, combined with the existing clause (e) relating to the values of the coastal environment and High Natural Character, is that the 'enable where' direction of the policy chapeau is more permissive than the 'avoid unless' direction of the natural environment and coastal environment chapters and is therefore in conflict. As such, I disagree with inserting a reference to indigenous biodiversity into KRT-P1 (noting it is already covered as a matter in KRT-P6) and I recommend the deletion of clause (e) to remove conflict with the Coastal Environment chapter.

#### *KRT-P2*

87. I agree in principle with Lynley Newport that technological changes in how infrastructure is provided means that reticulated telecommunication, electricity services and potable water supplies are not always necessary or desirable. This is consistent with the position that I took as the reporting officer for the Rural Residential zone in Hearing 9. However, the key difference in the case of the KRTZ is that it is more of an urban zone as opposed to a rural zone, with an expectation that any new lots will, at a minimum, be connected to reticulated stormwater and wastewater networks where available. In most cases (particularly for wastewater) providing on-site solutions for this type of infrastructure is not achievable on the smaller, urban scale lots in the KRTZ.
88. As such, I can support softening the language of the policy from 'require' to 'encourage' with respect to telecommunications, electricity distribution and potable water but consider that 'require' is still the most appropriate



test for wastewater and stormwater infrastructure (where available). I consider that these amendments will also address the concerns raised by John Andrew Riddell with respect to telecommunications. I have recommended amendments to KRT-P2 to this effect in **Appendix 1**, which also include fixing the grammatical errors raised in submissions.

#### *KRT-P3*

89. I do not recommend any changes to KRT-P3 in response to John Andrew Riddell's submission as:
- a. I consider that the wording 'where land is appropriately serviced by infrastructure' is sufficiently broad to recognise situations where there may be infrastructure constraints.
  - b. For the reasons set out in response to KRT-P1, I do not support making additional references to natural values in KRT-P3 on the basis that the direction to 'not compromise' natural values is inconsistent with the stronger 'avoid' focus of certain policies in the chapters that focus on natural environmental values e.g. Coastal Environment, Natural Character and Ecosystems and Indigenous Biodiversity chapters of the PDP.
  - c. For the reasons set out in response to KRT-P1, I do not recommend including a specific reference to the Kororāreka Russell design guidelines in this policy.
90. However, to better link KRT-P3 with my amendments to KRT-P1 with respect to what constitutes the 'character' of Kororāreka Russell, I recommend that the word 'character' is inserted after the words 'historic heritage' as an alternative to referring to the Kororāreka Russell design guidelines in this policy.

#### *KRT-P5*

91. It is unclear why John Andrew Riddell is requesting the deletion of KRT-P5(d), as I consider that road safety and the efficient functioning of the transport network are very relevant considerations when considering proposals for retirement villages. However, I do consider that clause (c) of KRT-P5 could be refined to better reflect the wording of KRT-P1 with respect to what constitutes the character and amenity values of Kororāreka Russell. For the reasons set out in response to KRT-P1 and KRT-P3, I do not support an additional reference to natural values in this policy.

#### *KRT-P6*

92. There are a number of issues with both the structure and the content of KRT-P6 in my view. The number of matters included in the policy reflect the unique nature of the area and the range of different values to be taken



into account when assessing the effects of a proposal. It appears that an attempt was made to translate the Kororāreka Russell design guidelines into KRT-P6, but it is not immediately clear how this has been done and some detail has been lost. In my view, the special and unique character of Kororāreka Russell is one of the reasons why a special purpose zone was requested by the community, in both the ODP and in response to the draft PDP where a special purpose zone was not originally proposed. I consider it appropriate to bring through more of this detail to provide clearer direction on how that character should be maintained when a development is proposed.

93. I consider that I have scope through the variety of submissions requesting references to the Kororāreka Russell design guidelines in the KRTZ chapter, combined with John Andrew Riddell's submission to ensure provisions are consistent with Policy 6.1.1 of the RPS (i.e. efficient, effective, simple and consistent) to redraft KRT-P6 to address these concerns, as well as the specific issues raised by both John Andrew Riddell and the Russell Protection Society.
94. The exception to this is John Andrew Riddell's request for clause (h) to refer to 'the certainty that any programmed future development of infrastructure occurs'. While I can appreciate that there is a desire to ensure that programmed infrastructure projects actually eventuate (particularly when developments are approved that rely on that infrastructure), clause (h) already allows for consideration of available or planned infrastructure and decision-makers can consider the certainty of this as part the standard consent process and impose conditions to ensure infrastructure is in place before development occurs. . As such, I do not recommend any amendments to the wording of KRT-P6(h).
95. The key changes I recommend to KRT-P6 are:
  - a. Amending the chapeau of KRT-P6 to be consistent with all other amended chapeaus of 'consideration' policies across the PDP. The rationale for this change is the same as I stated in my section 42A report in Hearing 9 for Rural Wide Issues and the Rural Production Zone (refer to Key Issue 10).
  - b. Retain the environmental protection clause of the policy (notified as the second clause (a) in the policy) as a reflection of the complex overlapping values in Kororāreka Russell and because it aligns with the general 'protection' policy direction of chapters in Part 2 of the PDP relating to natural environmental values such as Natural Character and Ecosystems and Indigenous Biodiversity.
  - c. A new clause (b) that is a refined version of the Kororāreka Russell design guidelines as requested by various submitters.
  - d. A specific reference to wastewater capacity as part of the development infrastructure clause (new clause (f)).





- e. Removal of duplicating clauses, particularly with respect to natural hazards, infrastructure and landscaping/screening/planting.

### Recommendation

- 96. For the reasons set out above, I recommend that the general submissions on the KRTZ chapter are accepted, accepted in part and rejected as set out in **Appendix 2**.
- 97. I recommend that:
  - a. The first paragraph of the Overview is amended to state “...*the zone seeks to maintain and enhance the characteristics and natural features of Kororāreka Russell which contribute to its unique built character, historic heritage, indigenous biodiversity, cultural and amenity values*”.
  - b. KRT-O2 is amended as follows:

*“Land use and subdivision in the Kororāreka Russell Township zone recognises and protects the natural character, landscape, historic heritage, indigenous biodiversity, amenity and cultural values of the site and surrounding area.”*
  - c. KRT-O3 is amended to refer to ‘amenity values’ for consistency with other section 42A report recommendations.
  - d. KRT-P1 is amended to better define the character and amenity values of the Kororāreka Russell township, drawing on the content of Policy 10.9.4.8 in the ODP, as set out in **Appendix 1**, and that clause (e) is deleted.
  - e. KRT-P2 is amended to ‘encourage’ the provision of reticulated telecommunications, electricity distribution and potable water supplies but continues to use ‘require’ with respect to wastewater and stormwater infrastructure, as set out in **Appendix 1**.
  - f. KRT-P4 is amended to delete an erroneous ‘and’ and refer to ‘amenity values’ for consistency with other section 42A report recommendations.
  - g. KRT-P5(c) is amended to state “*compliment the character and amenity values of the Kororāreka Russell Township Zone, as defined in KRT-P1 of the surrounding area*”.
  - h. Redraft and restructure KRT-P6 to include more detail from the Kororāreka Russell design guidelines in the ODP, fix numbering and duplication of matters and amend the chapeau wording for consistency with other PDP chapters, as set out in **Appendix 1**.





## Section 32AA evaluation

98. My recommended amendments to the KRTZ overview are either minor wording changes in response to submissions or changes resulting from recommended amendments in other section 42A reports. Further, an evaluation under section 32AA of the RMA is not required for an overview statement.
99. I consider that my recommended amendments to KRT-O2 and KRT-O3 are consistent with the notified intent of both objectives, as assessed in the original section 32 evaluation report. The reference to indigenous biodiversity in KRT-O2 better reflects the range of values that are important to protect in Kororāreka Russell and appropriately provides objective level support for policies like KRT-P6. The reference to amenity values in KRT-O3 is consistent with the wording used in other chapters and does not, in my view, change the meaning of the objective as notified.
100. I consider that my recommended amendments to the policies of the KRTZ are the most efficient and effective way to achieve the KRTZ objectives, particularly with respect to ensuring the content and format of the policies is consistent with equivalent policies in other PDP zones, where this is appropriate. I consider that including additional concepts/text from the ODP to better define what constitutes the special character of Kororāreka Russell in the policies will make it easier for plan users to discern the appropriateness of a development proposal and more effectively protect this special character of the township. The restructured KRT-P6 more effectively outlines the characteristics of development that would be appropriate in Kororāreka Russell (compared to the notified version) and is more consistent in structure and content with other 'consideration' policies. The remainder of amendments to the KRTZ policies are minor amendments to fix errors or achieve consistent wording across PDP chapters and do not require additional assessment under section 32AA of the RMA in my view.
101. Overall, I consider that the recommended amendments to the KRTZ policies are more appropriate, effective and efficient to achieve the relevant objectives compared to the notified policy in accordance with section 32AA of the RMA.

### 5.2.3 Key Issue 3: Rules and Standards

#### Overview

Provision(s)	Officer Recommendation(s)
KRT-R1	Amendment to cross reference to KRT-P6(b) and to align with the wording of other 'R1' rules
KRT-R2	Amend to fix error in activity status and align with the wording of other 'R2' rules
KRT-R3, KRT-R4, KRT-R6, KRT-R7, KRT-R9,	Retain as notified



Provision(s)	Officer Recommendation(s)
KRT-R10 to KRT-R20, KRT-S1, KRT-S2, KRT-S3, KRT-S6 to KRT-S9	
KRT-R5	Amend to clarify hours of operation
KRT-R8	Amend to insert maximum footprint for a minor residential unit
KRT-S4	Delete
KRT-S5	Amend to clarify that only the ground floor of buildings and structures should be used to calculate building and structure coverage

### Analysis of Submissions on Key Issue 3: Rules and Standards

#### Matters raised in submissions

##### General submissions on rules and standards

102. HNZPT (S409.010) support the rules for the KRTZ chapter and request they are retained as notified. HNZPT considers that the formatting of the proposed plan is beneficial to the reader in understanding the justification for the rules.
103. Russell Protection Society (S179)<sup>7</sup> support rules KRT-R4 – KRT-R8 and KRT-R10 – KRT-R20 and request that they are retained as written.
104. Fire and Emergency New Zealand (FENZ) (S512.066) support the PDP listing emergency service facilities as an activity in some zones but request that emergency service facilities/activities be treated as permitted activities across all zones, with such activity also being exempt from standards relating to setback distances and vehicle crossings. FENZ note that fire stations are currently located in a range of zones in the Far North District and that the PDP only includes rules for emergency service facilities in some zones with different activity status. FENZ considers that emergency service facilities should be enabled as a permitted activity across all zones in the PDP to ensure new fire stations can be efficiently developed as appropriate. This is a plan-wide request from FENZ with multiple submission points from FENZ on the PDP zone chapters seeking the same relief.
105. Russell Protection Society (S179.108) request a new rule stating that helicopter landing areas, except for emergency purposes, are a non-complying activity.
106. Kapiro Residents Association (S427.037, S427.070), Vision Kerikeri (Vision for Kerikeri and Environs, VKK) (S522.051, S522.054), Carbon Neutral NZ Trust (S529.195, S529.194) and Our Kerikeri Community Charitable Trust

<sup>7</sup> S179.014, S179.015, S179.016, S179.017, S179.018, S179.020, S179.021, S179.022, S179.023, S179.024, S179.025, S179.026, S179.027, S179.028, S179.029, S179.030, S431.031, S431.032, S431.033, S431.035, S431.036, S431.037, S431.038, S431.039



(S338.027, S338.070) support KRT-R1 and KRT-S1 in part but request that the PDP provisions for multi-unit developments are amended to include requirements for outdoor space and green space.

107. John Andrew Riddell (S431)<sup>8</sup> considers that the provisions of the PDP are more onerous than necessary to protect the character and values of the KRTZ and that the bespoke zoning and the Kororāreka Russell design guidelines implemented by the ODP better protect the character and values of the KRTZ. As such, John Andrew Riddell requests that the compatibility of building scale and area with the receiving environment and consistency with the Kororāreka Russell design guidelines be inserted as matters of discretion into either:
- a. Restricted discretionary rules KRT-R1, KRT-R2, KRT-R3 and KRT-R8; or
  - b. Standards KRT-S1 – KRT-S8

#### Rules

##### *KRT-R1*

108. FNDC (S368.079) support KRT-R1 in part and request a change in wording to ensure non-compliances with the rule apply the activity status of the activity, rather than discretionary status.
109. House Movers Section of New Zealand Heavy Haulage Association Inc (Heavy Haulage Assoc Inc) (S482.016) support KRT-R1 in part and request a change in wording that recognises that relocated buildings should have the same activity status as new buildings. Heavy Haulage Assoc Inc also request that a performance standard requiring a pre-inspection report be inserted and that relocated buildings that are non-compliant with the permitted activity standards are given restricted discretionary activity status.
110. FENZ (S512.114) seek a new permitted activity condition and/or matter of discretion to be added to Rule R1 across all zones on infrastructure servicing, including emergency response transport/access and adequate water supply for firefighting. FENZ acknowledge that some PDP zones include provisions relating to providing appropriate infrastructure servicing and that NH-R5 in the Natural Hazard chapter requires adequate firefighting water supply for 'vulnerable activities'. However, FENZ consider that an additional standard on infrastructure servicing for emergency response/firefighting water supply within all individual zone chapters may be beneficial.

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<sup>8</sup> S431.010, S431.011, S431.012, S431.013, S431.014, S431.015, S431.016, S431.018, S431.019, S431.020, S431.021



#### KRT-R2

111. Russell Protection Society (S179.012) support KRT-R2 in part, but note that no indication of surface coverage is provided as a restricted discretionary activity. Russell Protection Society requests that KRT-R2 is amended to specify 40% surface coverage as a restricted discretionary activity.
112. Puketotara Lodge Ltd (Puketotara Lodge) (S481.015) seek to ensure the effects of stormwater discharge are adequately controlled, particularly between sites and adjacent sites. To achieve this, Puketotara Lodge requests matters of discretion point c. of Rule R2 in rural zones is amended as follows:
  - c) *the availability of land for disposal of effluent and stormwater on the site without adverse effects on adjoining adjacent waterbodies (including groundwater and aquifers) or on adjoining adjacent sites;*
113. To further achieve the relief sought, Puketotara Lodge request three additional matters of discretion relating to stormwater management are added to the relevant impermeable surface rule in all zones. Puketotara Lodge note the absence of a specific "stormwater management" rule in the PDP despite there being one in the Operative Plan. To address this perceived gap, the additional matters of discretion requested by Puketotara Lodge are as follows:
  - a) *Avoiding nuisance or damage to adjacent or downstream properties;*
  - b) *The extent to which the diversion and discharge maintains pre-development stormwater run-off flows and volumes; and*
  - c) *The extent to which the diversion and discharge mimics natural run-off patterns.*
114. Trent Simpkin (S283.024) opposes KRT-R2 and requests that it is amended to increase the maximum impermeable surface coverage to be based on the size of lots. Trent Simpkin also seeks to amend these rules to add a new permitted activity condition, which would state that if a TP10 report is provided by an engineer, the activity is permitted. Trent Simpkin considers that the impermeable surfaces rule is frequently not complied with in home design due to low thresholds, necessitating many homes to still seek resource consent. Trent Simpkin notes that all activities breaching impermeable surface rules require a TP10/Stormwater report and therefore considers that if this is provided it should not need to go through the resource consent process.

#### KRT-R3

115. Russell Protection Society (S179.013) supports KRT-R3 in part and requests that KRT-R3 is amended to include a restricted discretionary control of 800m<sup>2</sup>.



#### *KRT-R4*

116. Airbnb (S214.014) requests consistent provisions for visitor accommodation across the PDP in every zone. More specifically, Airbnb request a permitted activity threshold of ten guests per night and a restricted discretionary activity status where compliance with this standard is not achieved.

#### *KRT-R5*

117. Pou Herenga Tai Twin Coast Cycle Trail Charitable Trust (PHTTCCT) (S425.062) support KRT-R5 and request it is retained as notified.
118. John Andrew Riddell (S431.022, S431.145) requests that PER-5 of KRT-R5 be amended so that hours of operation only apply to hours where the business is open to the public.

#### *KRT-R6*

119. MOE (S331.108) supports KRT-R6 and request it is retained as notified.

#### *KRT-R8*

120. Lynley Newport (S133.001) supports KRT-R8 and requests that it is retained as notified.
121. Russell Protection Society (S179.018) supports KRT-R8 in part but consider there is a need to define an appropriate scale for a minor residential unit. Russell Protection Society requests that KRT-R8 is amended to include 45m<sup>2</sup> as an appropriate scale for a minor residential unit.

#### *KRT-R9*

122. Russell Protection Society (S179.019) oppose KRT-R9 and consider that the limit of six occupants is inappropriate for the KRTZ. Russell Protection Society request that KRT-R9 is amended to increase the permitted capacity.

### Standards

#### *KRT-S2*

123. John Andrew Riddell (S431.196) requests that the approach varying the required height to boundary depending on the orientation of the boundary be retained.

#### *KRT-S5*

124. John Andrew Riddell (S431.024) requests that KRT-S5 is amended so that the maximum combined net ground floor area of all structures on a site is no more than 20% of the site area.



125. Trent Simpkin (S283.036) opposes all building coverage rules in all zones, including KRT-S5<sup>9</sup>. In the case of the KRTZ chapter, Trent Simpkin requests that KRT-S5 is amended to increase the maximum coverage or inserting a PER-2 which permits non-compliant building coverage if visual assessment and landscape plan are provided.

## **Analysis**

### General submissions on rules and standards

126. Although there are no submissions on the Notes above the Rules table, I recommend consequential amendments to the wording of Note 2 to reflect that all standards for setbacks from Mean High Water Springs (MHWS) have been recommended to be moved to the Coastal Environment chapter which were considered in Hearing 4. This will ensure that the wording of this note is consistent with equivalent notes in other zone chapters.
127. The FENZ submission part of a PDP wide submission that applies to all zones in the PDP and has been addressed comprehensively in Hearing 9 with respect to the rural zones<sup>10</sup> as well as in earlier hearings. Consistent with the recommendations in that hearing, I consider that emergency service facilities are not appropriate as a permitted activity in all zones, particularly those where there is greater potential for adverse effects on traffic and the amenity values of the surrounding environment, such as in Kororāreka Russell. Emergency service facilities are a discretionary activity under KRT-R11 and I consider this to be an appropriate activity status. Accordingly, I recommend that this FENZ submission point is rejected.
128. I note that the ODP Russell Township Zone contains Rule 10.9.5.3.1, which states that a helicopter landing area a discretionary activity. While the KRTZ chapter does not specifically mention helicopter landing areas, they would default to a discretionary activity under KRT-R13, which is consistent with the ODP. The Russell Protection Society has not provided any additional detail in their submission to explain why a non-complying activity status is now preferred, which they may want to provide in a statement or at the hearing. Based on the information I have available and lack of evidence that there is an issue with the status quo discretionary activity status, I do not recommend the insertion of a new non-complying rule for helicopter landing areas.
129. I disagree with Kapiro Residents Association and others that the KRTZ rules need any additional direction around outdoor space and green space for multi-unit developments. A proposal for a multi-unit development requires discretionary activity consent under KRT-R3, PER-2. This gives Council full discretion to consider all aspects of the proposal, including the sufficiency of outdoor space and green space. Accordingly, I do not

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<sup>9</sup> Note that in the Summary of Submissions this submission point was incorrectly coded to KRT-R5, however as it focuses on building coverage it was clearly intended to apply to KRT-S5.

<sup>10</sup> Paragraphs 231-234 of the Rural Issues and RPROZ section 42A report.



recommend any additional matters of discretion in response to these submissions.

130. In response to earlier submissions requesting that the Kororāreka Russell design guidelines included in the ODP were also referenced in the KRTZ chapter, I have recommended that a refined version of them is included in KRT-P6, being the 'consideration' policy that outlines matters to be considered when assessing land use and subdivision applications. I agree with John Andrew Riddell that a clearer link between this policy (specifically clause (b)) and the provisions controlling buildings and structures would be beneficial. In my view, the most appropriate place to reference KRT-P6(b) (being the part of the policy that references the design guideline matters) is in KRT-R1, which is the rule that manages new buildings or structures, and extensions or alterations to existing buildings or structures. Most of the matters listed in KRT-P6(b) relate to the physical construction of a building or structure as opposed to the activity inside the building, therefore KRT-R1 is the most appropriate location for a cross reference. I also consider that the matters listed in KRT-P6 generally address John Andrew Riddell's request for an additional matter that considered the extent and scale of a building and whether it is compatible with the natural environment. As such, I have recommended an amendment to KRT-R1 to include a reference to KRT-P6(b) in the matters of discretion.
131. I do not see a need to repeat this cross reference in KRT-R2, KRT-R3 or KRT-R8 as these rules manage activities that are either required to be located in a building that complies with KRT-R1 or are to control impervious surfaces where much of the direction in KRT-P6(b) is irrelevant. Similarly, I do not consider it necessary to repeat the cross reference in KRT-S1 – KRT-S8 as non-compliance with these standards is already managed by KRT-R1, PER 3 so an infringement of a standard will automatically be required to consider the matters of discretion listed in KRT-R1.

## Rules

### *KRT-R1*

132. The three other submissions on KRT-R1 (aside from John Andrew Riddell) are PDP wide submissions that have already been dealt with in previous section 42A reports and subsequent hearings. I recommend amending KRT-R1 to align with the recommendations for other zone chapters and their equivalent 'R1' rules in response to the FNDC and Heavy Haulage Assoc Inc submissions. I disagree with amending KRT-R1 as requested by FENZ to refer to infrastructure servicing, including emergency response transport/access and adequate water supply for firefighting. This matter has been addressed in paragraph 235 of the Rural Wide Issues and Rural Production Zone section 42A report and the same reasoning and





recommendation applies for this equivalent submission point on the KRTZ chapter.

133. I also recommend fixing the numbering of standards in PER-3 as a clause 16 amendment as the Outdoor living space standard has been incorrectly referenced as KRT-S5 instead of KRT-S6. Finally, I recommend deleting the reference to KRT-S4 in PER 3 (and deleting KRT-S4 itself) as a consequential amendment resulting from the need to delete all MHWS setbacks from the zone chapters, for the reasons set out at Hearing 4 with respect to the coastal environment.

#### *KRT-R2*

134. Firstly, I consider that there is an error in KRT-R2 as the activity status is listed as discretionary but as there are matters of discretion listed the activity status was clearly intended to be restricted discretionary. A restricted activity status is also consistent with all the other impermeable surface coverage rules in other zones. I recommend an amendment to fix this error as a clause 16 amendment.
135. I understand that the Russell Township Zone in the ODP contained a graduated impermeable surface coverage rule, where coverage 35% and under is permitted, 36-40% is restricted discretionary and any coverage over 40% is a discretionary activity, as was noted in the Russell Protection Society submission. In my view, an infringement of the 35% impermeable surface limit is appropriately assessed as a restricted discretionary activity, regardless of how large the infringement is. This is because the potential adverse effects associated with increased stormwater runoff are well understood and relatively narrow as reflected in the matters of discretion listed in KRT-R2. In my view, these matters adequately capture all of the potential adverse effects associated with increased stormwater runoff and there is no reason to give Council full discretion for coverage over 40%. A restricted discretionary activity status is also consistent with every other equivalent impermeable surface coverage rule in the PDP and I see no clear effects based reason why this should be any more stringent in the KRTZ.
136. The Puketotara Lodge submission is a PDP wide submission that has already been dealt with in previous section 42A reports and subsequent hearings<sup>11</sup>. I recommend amending KRT-R2 to align with the recommendations for other zone chapters and their equivalent impermeable surface coverage rules in response to the Puketotara Lodge submission.
137. Similarly, Trent Simpkin's request for more permissive impermeable surface rules across the PDP has already been dealt with in previous section 42A reports and subsequent hearings<sup>12</sup>. For the reasons provided

<sup>11</sup> E.g. paragraphs 260-262 of the Rural Wide Issues and Rural Production Zone section 42A report.

<sup>12</sup> E.g. paragraphs 254 and 255 of the Rural Wide Issues and Rural Production Zone section 42A report.





in previous hearings I do not recommend any amendments in response to Trent Simpkin's submission points on KRT-R2.

*KRT-R3*

138. I understand the preference of the Russell Protection Society to roll over all provisions of the ODP Russell Township Zone unchanged, however some amendments to the way particular rules are structured have been necessary to align with other PDP chapters. I understand that there has been a general move away from 'tiered' rules in the PDP i.e. having one threshold for a permitted activity, another threshold for a restricted discretionary activity before defaulting to a discretionary or non-complying activity. In my experience, the presence of a 'middle' tier simply moves the baseline for what is appropriate under that rule and makes it more likely that greater scale infringements will be approved e.g. introducing an 800m<sup>2</sup> tier as a restricted discretionary activity sets the expectation that, in most cases, 800m<sup>2</sup> sized sites with one residential unit are anticipated and appropriate, which makes it more likely that 600-700m<sup>2</sup> sized sites would be approved compared to if the threshold remained at 1,000m<sup>2</sup>.
139. Typically, infringements of residential activity rules in other zones default straight to a discretionary activity (e.g. the General Residential Zone). As the ODP Russell Township Zone did include an 800m<sup>2</sup> restricted discretionary tier and associated matters of discretion, it appears that a compromise may have been made to keep the permitted threshold at 1,000m<sup>2</sup> (as per the ODP) but make the activity status restricted discretionary. I consider that this is an appropriate approach to drafting this provision and, as such, I do not recommend any changes to KRT-R3.

*KRT-R4*

140. AirBnB's request for more permissive visitor accommodation rules across the PDP has already been dealt with in previous section 42A reports and subsequent hearings. As I have stated in previous hearing reports, I do not consider it appropriate to have a blanket consistent rule across all zones for visitor accommodation, considering the different context, and different outcomes anticipated for each zone, and compatibility between visitor accommodation and other activities anticipated within each zone. As the purpose of the KRTZ is to preserve the special character of the Kororāreka Russell township, I consider that a smaller number of six guests per night as a permitted activity is appropriate and in keeping with policy direction to keep development small scale. It is also consistent with the permitted threshold in the General Residential Zone. As such, I do not recommend any amendments in response to AirBnB's submission on KRT-R4.



#### *KRT-R5*

141. I agree with John Andrew Riddell's submission to clarify that the hours of operation under KRT-R5 only apply to hours where a business is open to the public. This is consistent with recommendations made in previous section 42A reports for equivalent home business rules e.g. across all rural zones.

#### *KRT-R8*

142. I agree with Russell Protection Society that it would be helpful for KRT-R8 to specify a maximum footprint for a minor residential unit, otherwise it is unclear at which point a minor residential unit would effectively become a second full scale residential unit. However, for consistency with the rest of the PDP (and consistent with many other district plans nationally), I consider that a 65m<sup>2</sup> footprint would be a more appropriate threshold, which provides for a two bedroom unit. I have recommended an amendment to KRT-R8 to this effect.

#### *KRT-R9*

143. I agree with Russell Protection Society that very few retirement villages would only cater for six occupants and, as such, most retirement village proposals will require resource consent for a discretionary activity under KRTZ. In my view this is appropriate as a retirement village may be difficult to design in such a way that it integrates well with the special character and amenity values of Kororāreka Russell, particularly in terms of traffic and the scale, design and appearance of buildings. A limit of six occupants was chosen to be consistent with the visitor accommodation rule, recognising that developments designed to house larger numbers of people have the potential for greater impacts on an area attempting to preserve a particular type of character and amenity values. As such, I do not recommend any amendments to KRT-R9.

### Standards

#### *KRT-S5*

144. Although the submission does not include any explanation for the requested amendment, I have assumed that John Andrew Riddell is requesting the insertion of the word 'ground' into the phrase 'net floor area' to prevent the upper stories of multi-level buildings from being counted towards overall building or structure coverage of a site. I agree that this was not the intention of the standard, however 'net floor area' is a defined term in the PDP (and is a National Planning Standard definition) as follows:

*means the sum of any gross floor area; and*

*a. includes:*



- i. both freehold and leased areas; and*
    - ii. any stock storage or preparation areas; but*
  - b. excludes:*
    - i. void areas such as liftwells and stair wells, including landing areas;*
    - ii. shared corridors and mall common spaces;*
    - iii. entrances, lobbies and plant areas within a building;*
    - iv. open or roofed outdoor areas, and external balconies, decks, porches and terraces;*
    - v. off street loading areas;*
    - vi. building service rooms;*
    - vii. parking areas and basement areas used for parking, manoeuvring and access; and*
    - viii. non-habitable floor spaces in rooftop structures.*
145. Inserting the word 'ground' into the middle of this defined term would negate the use of this definition, however I recommend the following alternative wording to achieve the same outcome:
- The maximum combined net floor area of the ground floor of all buildings or structures on the site is no more than 20% of the net site area.*
146. Trent Simpkin's request to remove all building coverage rules across the PDP has already been dealt with in previous section 42A reports and subsequent hearings. I consider that providing a permitted pathway for a building coverage infringement with a supportive visual assessment and landscape plan would give considerable discretion to landscape architects, enabling them to effectively approve landscaping and planting plans to mitigate built dominance, privacy and amenity/character effects without any Council oversight. The building coverage control has been rolled over from the ODP and Trent Simpkin has not provided any evidence as to why the threshold needs to increase. As such, I do not recommend any amendments in response to Trent Simpkin's submission points on KRT-S5.

### **Recommendation**

147. For the reasons set out above, I recommend that the submissions on the KRTZ chapter rules and standards are accepted, accepted in part and rejected as set out in **Appendix 2**.



148. I recommend that:
- a. KRT-R1 is amended to align with the wording of other 'R1' rules in response to the submissions of FNDC and Heavy Haulage Association Inc and that a specific reference to Policy KRT-P6(b) is inserted as a matter of discretion.
  - b. KRT-R2 is amended from a discretionary activity to a restricted discretionary activity as a clause 16 amendment, as this is clearly an error, and that the matters of discretion are reworded to align with other 'R2' rules, as per the Puketotara Lodge submission.
  - c. KRT-R5 is amended to clarify that the hours of operation under KRT-R5 only apply to hours where a business is open to the public.
  - d. KRT-R8 is amended to clarify the maximum footprint for a minor residential unit, aligning the wording of the new RDIS standard to match similar rules in other zone chapters.
  - e. KRT-S4 is deleted.
  - f. KRT-S5 is amended to clarify that the net floor area being calculated should only use the ground floor measurement.

### **Section 32AA evaluation**

149. Several of the amendments to the KRTZ rules and standards are to align with similar amendments recommended in previous section 42A reports e.g. KRT-R1, KRT-R2, KRT-R5, KRT-R8 and KRT-S4. I consider that these amendments have already been assessed with respect to section 32AA of the RMA in these previous section 42A reports and I do not repeat that assessment here.
150. I consider that the new reference to KRT-P6(b) in the matters of discretion for KRT-R1 is an efficient way to ensure that resource consents for buildings or structures in the KRTZ consider the design elements that form the special character of Kororāreka Russell. It provides more context for decision makers as to whether a proposal is likely to adversely affect the amenity values and character of the township and more direction to applicants as to how a proposal should be designed to fit in with that character. I consider that adding a reference to ground floor into KRT-S5 ensures consistency with the way equivalent Rule 10.9.5.1.5 – Building scale from the ODP has been applied, which is an effective way to ensure the level of built development provided for in the KRTZ is consistent with the ODP.
151. As such, I consider that the recommended amendments to the KRTZ rules and standards are more appropriate, effective and efficient to achieve the relevant objectives compared to the notified provisions in accordance with section 32AA of the RMA.



## 6 Conclusion

152. This report has provided an assessment of submissions received in relation to the KRTZ chapter. The primary amendments that I have recommended relate to:
- a. Improved recognition in the Overview and Objectives of the significant indigenous biodiversity in the KRTZ chapter in a manner that does not conflict with the Ecosystems and Indigenous Biodiversity chapter.
  - b. Removal of wording in KRT-P1 that conflicts with the Coastal Environment and Natural Character chapter policy direction.
  - c. Altering KRT-P2 to clarify that connecting to reticulated telecommunications, electricity and potable water networks are 'encouraged' rather than 'required' for subdivisions.
  - d. Clarification that consideration of development infrastructure constraints should include consideration of wastewater capacity in KRT-P6.
  - e. Inclusion of the key elements of ODP Policy 10.9.4.8 and Section 11.21 (Kororāreka Russell design guidelines) in KRT-P1 and KRT-P6 respectively.
  - f. Significant refinement of KRT-P6 to remove duplication of numbering and better align matters not specific to Kororāreka Russell with the content and structure of other 'consideration' policies in other zones.
  - g. Alignment and/or deletion of several rules/standards to align with recommendations on equivalent rules in other zones e.g. KRT-R1, KRT-R2, KRT-R5, KRT-R8 and KRT-S4.
  - h. Clarification of the intent of KRT-S5 with respect to measuring building and structure coverage using the ground floor only.
  - i. Numerous corrections to address drafting errors.
153. Section 5.2 considers and provides recommendations on the decisions requested in submissions. I consider that the submissions on the KRTZ chapter should be accepted, accepted in part, rejected or rejected in part, as set out in my recommendations of this report and in **Appendix 2**.
154. I recommend that provisions for the KRTZ chapter be amended as set out in **Appendix 1**, for the reasons set out in this report.



**Recommended by:** Melissa Pearson – Principal Planning Consultant, SLR Consulting New Zealand

**Approved by:** James R Witham – Team Leader District Plan, Far North District Council.

**Date:** 28 April 2025