

Applicant and Property Details

To:	Hon Chris Bishop – Minister Responsible for RMA Reform and the Expert Panel
Application Type:	Application to be listed under Schedule 2B of the Fast-track Approvals Bill
Site Address:	482-484 Kerikeri Road, Kerikeri
Record of Title:	Part Lot 6 DP 25904 and Lot 1 DP 154181
Registered Legal Land Owner:	Audrey Gale Campbell-Frear
Submitter Name:	Quirino Limited
Project Name:	Orangefields
Project Summary:	Residential and Commercial Development at 482-484 Kerikeri Road, Kerikeri.
Address for Service:	Barker & Associates Ltd PO Box 37, Whangārei 0140 Level 1, 136 Bank Street Whangārei 0112 Attention: Melissa McGrath
Contact Details:	Job Title: Senior Associate Email: s 9(2)(a) Mobile: s 9(2)(a)

Attachments

- Attachment 1: Record of Title and confirmation of transfer
- Attachment 2: Preliminary Scheme Plan (Reyburn and Bryant)
- Attachment 3: Preliminary Architectural Plans (HB Architecture)
- Attachment 4: Transportation Assessment Report (Commute Transportation Consultants)
- Attachment 5: Ecological Assessment (Rural Design Limited)
- Attachment 6: Civil Infrastructure Report (LDE Professional Engineering Services)
- Attachment 7: Landscape Assessment (Simon Cocker Landscape Architecture)
- Attachment 8: Archaeological Assessment Report (Geometria)
- Attachment 9: Soil and Resource Report (Hanmore Land Management)
- Attachment 10: Detailed Site Investigation (LDE Professional Engineering Services)
- Attachment 11: Rules Assessment
- Attachment 12: Applicant Statement
- Attachment 13: Geotechnical Report (LDE Professional Engineering Services)

1.0 Section 1: Project Location

1.1 Project Name

The **name** of the project is 'Orangefields' ("the Project").

1.2 Project Authorised Person

The **authorised person** for this Project and Applicant of this referral application is **Quirino Limited** ("QL").

1.3 Site Location

The site is located at 482-484 Kerikeri Road, Kerikeri and is legally described as Part Lot 6 DP 25904 and Lot 1 DP 154181. Refer to **Figure 1** below for an aerial view of the site.



Figure 1: Aerial view of the site, Source: Emaps.

1.4 Registered Legal Land Owner and Interest

The registered legal land owner is Audrey Gale Campbell-Frear who has sold the site to QL. Legal transfer of ownership of the project site is in process and will be completed by 31 May 2024.

2.0 Section 2: Project Details

2.1 Project Summary

The Project seeks to establish a self-sufficient eco-village comprised of residential housing (12 units), a productive orange orchard and a commercial activity located approximately 2km south of the Kerikeri township. The Project includes the establishment of onsite infrastructure services and access and associated works.

2.2 Project Details

A summary of the key elements of the proposal is set out below. More detailed descriptions on particular aspects of the proposal are set out in the specialist reports and plans accompanying the application.

- **Subdivision:** It is proposed to carry out a subdivision to create:

- 12 residential allotments – lots 1 – 12
- Commonly owned balance – lot 20
- Productive Orange Orchard - lot 21
- Commercial lot – lot 22
- New right of way access over areas A, B, C and D
- Drainage ponds
- Ecological protection area X

Further detail of the proposed development is provided on the preliminary scheme plan detailed in **Attachment 2**.

- **Commercial Activity:** It is proposed to expand the existing retail activity located within the site enable a wider range of produce sales to be located within proposed lot 22 (following the subdivision). The commercial building will be 291m² in gross floor area supported by the existing outdoor seating and playground (refer to architectural plans **Attachment 3**) and will provide 13 onsite parking spaces, including one electronic vehicle parking and charging space, one loading bay.
- **Access and Parking:** The site is comprised of two allotments with two existing vehicle crossings from Kerikeri Road. The proposal seeks to upgrade the eastern existing vehicle crossing and create a right of way access to provide access to all residential allotments created. Each residential unit is provided a single onsite car park, with three communal car parking spaces provided for visitors within proposed lot 20. The commercial activity is supported by 13 onsite car parking spaces with a single loading bay.

The access and parking for the proposed development is further detailed in the Transport Assessment Report (**Attachment 4**).

- **Landscaping, Connectivity and Open Space Network:** Landscaping, open space network and pedestrian connections are proposed throughout the site as illustrated on the master plans and scheme plan (**Attachments 2 and 3**).
 - A .3405ha covenant area is proposed, comprising of existing and rehabilitated native vegetation and walkways located within the north western corner of the project site.
 - A network of well-connected paths within the site is proposed to create a pedestrian loop along the stream adjacent to the northern site boundary.
- **Ecological Restoration:** The proposal includes an enhancement area of .3405ha which has been identified to be of ecological value and to benefit from enhancement along the stream edge as detailed in the Ecological Report (**Attachment 5**).

- **Three Waters Servicing:** The servicing strategy for the proposed development is set out in the Civil Infrastructure Report (**Attachment 6**). All allotments will be served via onsite services comprised of:

Potable water supply:

- Residential units (lots 1- 12) will be serviced via individual rain water tanks to a minimum size of 25,000L per unit.
- Existing residential unit (lot 21) will continue to be serviced by onsite rainwater tanks.
- Commercial activity (lot 22) will be serviced via connection to the Kerikeri Irrigation Scheme with an onsite treatment system.

Firefighting water supply:

- Residential units will be provided with water supply via 2 25,000l tanks proposed to be located underground within lot 20.
- The existing residential unit is served by onsite water tanks.
- The commercial activity will have a sprinkler system installed.

Wastewater system:

- Residential units will be serviced via a communal onsite tertiary wastewater system located within lot 20.
- The existing residential unit is served by an existing wastewater system will be retained and contained within proposed lot 21 boundaries.
- The commercial activity will be serviced via an onsite tertiary wastewater system located within lot 22

Stormwater management system:

- The stormwater system has been designed to attenuate to limiting post development for 1% AEP storm event flow rates to 80% of the pre-development flow rates. A stormwater detention pond is proposed to be established within lot 20, with stormwater from the development being filtered and directed to the pond with final discharge to land.

- **Site Works:** Several onsite buildings and structures, will be removed to establish access. A total of approximately 7,606m² of earthworks is proposed to establish access and stormwater management.

2.3 Project Staging

Subject to consents being granted in a timely manner and uptake assumptions being in alignment with market and housing needs data, the development will commence on site in early 2025 with completion in 2027.

Stage	Timing	Year
Design, Documentation Consenting	6 months	November 2024

Civil Works	6 months	May 2025
Obtain Titles	4 months	September 2025
Building Construction	18 months	March 2027
Completion	34 months	March 2027

2.4 Regime Approvals

Approval is currently being sought for a non-complying activity resource consent and discretionary activity discharge consent under the Resource Management Act 1991 (“**RMA**”).

2.5 Relevant Local authorities

The relevant local authority for this project is the Far North District Council (“**FNDC**”) and Northland Regional Council (“**NRC**”).

2.6 Other Applications

Schedule 4 clause 31(3) of the Bill details that a person who has lodged an application for a resource consent or a notice of requirement under the Resource Management Act 1991, in relation to a listed project or a referred project, must withdraw that application or notice of requirement before lodging a consent application or notice of requirement with an expert consenting panel under this Bill for the same, or substantially the same, activity.

No other applications have been made for the same Project and any other approval is not required.

2.7 Construction Activity Dates

Subject to consents being granted in a timely manner and uptake assumptions being in alignment with market and housing needs data, the development will commence on site in early 2025 with completion in 2027.

In summary, the anticipated timeframes for development are as follows:

- **Detailed Design:** Early 2025
- **Procurement:** Already Completed
- **Funding:** Already Completed
- **Site works commencement:** Mid 2025
- **Completion:** Mid 2027

3.0 Section 3: Consultation

3.1 Likely Affected Persons

Under Section 14(3)(h) of the Bill, a referral application must include a list of the persons the applicant considers are likely to be affected by the Project, including relevant local authorities, relevant iwi authorities and relevant Treaty settlement entities.

Persons likely to be affected that may have an interest in the development are listed as follows:

- FNDC;
- NRC; and
- Ngāti Rēhia as Mana Whenua.

3.2 Consultation with Likely Affected Persons

The Applicant has initiated consultation with Te Runanga O Ngāti Rēhia on behalf of Ngāti Rēhia as mana whenua of the Kerikeri area. Te Runanga O Ngāti Rēhia have scheduled a meeting with the Applicant to discuss where they can support the eco-village. Due to timing of the fast track process the applicant was unable to complete an in-person hui but continues to progress with this consultation.

No consultation has been completed with Far North District Council or Northland Regional Council.

4.0 Section 4: Iwi Authorities and Treaty Settlements

Under Section 13 and 14(3)(j-q) of the Bill, a referral application must include a list of any Treaty settlements that apply to the geographical location of the project, and a summary of the relevant principles and provisions in those settlements.

4.1 Treaty Settlements

There are no treaty settlements that apply to the site or treaty settlements within proximity to the Project or to Kerikeri.

4.2 Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019

Ngāti Porou do not have an interest in resource management matters at the Project site and there are no Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 principles or provisions that are relevant to the project.

4.3 Māori Land Parcels

There are no identified parcels of Māori land within the project area.

4.4 Identified Māori Land

The project will not occur on land returned under Treaty Settlement.

4.5 Relevant Landowner

The applicant is the sole landowner of the Project site.

4.6 Customary Marine Title Area

The project is not proposed in any customary marine title area, protected customary rights area, or aquaculture settlement area.

4.7 Protected Customary Right

There has been no assessment of any effects of the Project of exercising a protected customary right as the Project is not within any protected customary right area.

5.0 Section 5: Adverse Effects

Under Section 14(3)(e) of the Bill, a referral application must include a description of the known adverse effects of the project on the environment. Given the wording of Section 14(3)(e), a description of the effects has been provided and a more detailed assessment of these effects will be provided in the fast-track application, should this referral application be successful.

A description of the following anticipated effects and how they are intended on being appropriately addressed is outlined in the following sections

- Ecological Effects;
- Landscape and Visual Effects;
- Earthworks and Construction Effects;
- Traffic Effects;
- Servicing Effects;
- Rural Character and Amenity Effects; and
- Cultural Values.

5.1 Ecological Effects

The *Ecological Assessment* provided by Rural Design provides ecological assessment and recommendations with respect to the Project by identifying the ecological values of the site and surrounds, potential effects of the project and recommending mitigation.

Rural Design have concluded that the ecological values of the site are low, due to the domination of exotic vegetation (including pest plant species), with a sparse mixture of indigenous vegetation confined to the southwestern aspect of the site and the fauna species utilising the site are highly mobile, mostly exotic and common. The main ecological features on site are associated with the waterbodies.

Rural Design have recommended strict earthworks and sediment controls as a part of the site development works to ensure that they do not impact on the stream features. Further it is proposed that the permanent streams noted on the subject site, and the associated natural springs

at their headwaters are protected and enhanced as a part of the landscaping and amenity planting associated with the subdivision proposal.

Rural Design consider that these will enhance and protect the upper stream catchment through appropriate pest weed control and native revegetation planting, sufficiently protect the headwaters and associated spring catchment on site, and thus protect the existing ecological values noted on site and immediate surrounds, noting the significant stream feature just offsite of which the site's stream system feeds into.

It is considered that potential adverse ecological effects of the Project can be mitigation through compliance with conditions of consent including, measures and design principles described the Ecological Assessment report and associated specialist reporting prepared for the development proposal, as well as appropriate planning and development controls.

5.2 Landscape and Visual Effects

The *Landscape Assessment* provides landscape advice with respect to the Project by addressing landscape and visual values, and possible impacts and effects management. This assessment notes that the Site is largely enclosed by vegetation—principally shelter belts on its northern, western and southern boundaries. The proposed built form will be of restricted height, and will have recessive and natural finishes to their external surfaces. Enclosure afforded by the boundary shelterbelt vegetation, and vegetation within the boundaries will ensure that only very restricted views will be possible into the Site, and limited views from the neighbouring properties situated some 200m to the south from the location of the proposed buildings. This assessment concludes the resulting landscape and natural character effect of the Project will be low adverse and no greater than the level of effect generated by the existing situation. This assessment and recommendations ensure that any adverse landscape or visual effects of the Project will be avoided, remedied or mitigated.

5.3 Earthworks and Construction Effects

The Project requires earthworks to create roading, associated batters, installation of infrastructure and the formation of a stormwater basin.

An erosion and sediment control plan for the proposed earthworks will be provided to detail measures to minimise silt and sediment runoff during construction. Silt and sediment control measures are proposed to be implemented in accordance with the Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region (GD05) for the duration of the activity.

It is expected that all construction works will comply with the District Plan construction noise limits and any adverse construction noise effects would be temporary in nature.

There is sufficient space on the subject site to provide parking for construction vehicles. It is considered that traffic and parking capacity effects of the construction period will be less than minor and temporary in nature.

It is expected that site works will be managed in accordance with a construction management plan that will set measures to manage potential adverse effects associated with the construction phase of the project. A condition to this effect is offered as part of the application.

5.3.1 Geotechnical

The Geotechnical Report sets out recommendations for management of earthworks and associated geotechnical risk. Specifically, geotechnical ground conditions and specific foundation designs will be identified in the Geotechnical Completion report to be provided following earthworks to manage any geotechnical risk. On the basis of the assessment from LDE, it is considered that the subject site is suitable for the proposed development.

5.3.2 Contamination

The Detailed Site Investigation (**Attachment 10**) has confirmed that the site is subject to the National Environmental Standard for Contaminated Soils (“**NES-CS**”). A Site Management Plan (“**SMP**”) will be commissioned. This will ensure that any adverse effects on human health and the environment will be avoided, remedied or mitigated during the bulk earthworks phase of the Project.

5.4 Heritage and Archaeology

As a precautionary measure, a desktop Archaeological Assessment for the Project has been prepared by Geometria that is provided as **Attachment 7**. There are no archaeological sites recorded in the vicinity and the site has been highly modified by the existing orchard, dwellings and outbuildings. Geometria concluded that an authority from Heritage New Zealand Pouhere Taonga (“**HNZPT**”) would not be required

There is no cause to suspect archaeological sites or features will be impacted by the proposal and a standard accidental archaeological discovery protocol may be used during the development.

Additionally, in the event that any unrecorded subsurface remains are uncovered, we note that the accidental discovery protocol will immediately come into effect and will need to be applied under the HNZPT Act 2014. This includes ceasing works and securing the area, informing relevant authorities and parties and enabling inspection of the site before works can recommence.

5.5 Cultural Values

The Applicant has contacted Ngāti Rēhia who are Mana Whenua of Kerikeri, Ngāti Rēhia representatives have confirmed a meeting to discuss how they can help with the project, further engagement will be undertaken

The subject site does not contain any known site of significance to Māori, nor is it located within an area of Statutory Acknowledgement. Based upon this information it is considered that the Project will not result in adverse effects.

5.6 Access and Traffic Effects

The Project will utilise existing access from Kerikeri Road, provide adequate onsite parking and will enhance onsite connectivity and encourage active modes of transport. The site will be developed with pedestrian pathways, communal cycle storage and an electric vehicle charging station/park. The Transportation Assessment Report, concludes that no upgrading to the existing vehicle crossing or Kerikeri Road is necessary to support the proposed increase in traffic:

The local road network is considered to be able to readily accommodate the minimal additional development traffic;

- *The accesses comply with the relevant District Plan access requirements;*
- *The development satisfies relevant District Plan parking requirements;*
- *The development satisfies relevant District Plan loading requirements; and*
- *The proposed vehicle crossings in both scenarios satisfy relevant sight distance requirements.*

Overall, it is concluded that there are no traffic engineering or transportation planning reasons that would preclude the development of the subject site as proposed and the development will overall provide a positive improvement to the local roading environment.

5.7 Servicing Effects

The Civil Infrastructure Report has confirmed that the Project can be adequately serviced onsite with water supply, wastewater disposal, stormwater disposal and telecommunications.

Three waters infrastructure has been designed to ensure, that there are no adverse effects with discharges being managed onsite. The Report concludes that:

We consider that the proposed development can be adequately serviced with regard to water supply, firefighting water supply, wastewater, stormwater, and access using the recommendations outlined in this report.

5.8 Urban Character and Density

The subject site is zoned Rural Production Zone under the Far North District Council Operative District Plan. Whilst the residential density does not comply with the rural production zone, the subject site is located on Kerikeri Road, which is experiencing a change in character, having been progressively urbanised. With commercial and residential activities extending along Kerikeri Road between the township and Kerikeri Road/State Highway 12 intersection, and the proposed density is more akin to that of a low-density residential pattern.

The Project has been comprehensively master planned and designed, establishing a cluster of residential units. The building typologies utilise a variety of finishes to create visual interest whilst being finished in recessive and natural materials. Each unit has been carefully located and oriented to maximise privacy and amenity between each unit, whilst maximising the large communal balance.

The urban character and amenity of the proposed development, including assessment of the proposal in accordance with the New Zealand Urban Design Protocol has been completed by HB Architects (**Attachment 2**).

The Project will create a high level of urban character and amenity through the proposed built form design, building location and orientation, optimised opportunities for walking and connectivity, protection of ecological patterns and sympathetic landscaping.

In overall terms, it is considered that the intensity of development is reasonable and does not represent an over-development of the site. It is considered that the urban character and density will have less than minor and acceptable effects to the character and amenity.

5.9 Rural Character

The subject site whilst zoned Rural Production Zone has a distinct character from a traditional rural character, being surrounded by a mix of activity types, largely residential to the east, commercial to the south and lifestyle to the north and west. The Landscape Assessment concludes that the mixed use environment has evolved, to some degree away from the primarily horticultural land use that was prevalent in previous decades. The Project seeks to maintain the existing orange orchard which is a productive activity whilst establishing complementary residential and commercial activities. The clustering of the residential units in the north western corner of the site ensure that built form is contained. It is considered that the arrangement and size of the proposed lots will not result in an inappropriate over-intensification of the site and will not be incongruous with existing and anticipated surrounding developments.

5.10 Rural Productivity and Reverse Sensitivity

The ability of the subject site to maximise productive potential has been constrained as a result of the surrounding land use being residential and commercial. The site currently has a mix of residential, commercial and productive activities onsite, the proposal seeks to maximise the potential of all of these activities. It is considered that the proposed subdivision and residential activity will not result in any reverse sensitivity effects, particularly as the activity will be located within an area dominated by residential activities and residential zoning. As a result, any adverse reverse sensitivity effects within the wider environment are considered to be less than minor.

5.11 Connectivity and Open Space

The design of the proposal has oriented around the concept of creating a sense of spaciousness and connectivity, and includes a comprehensive open space network, pedestrian walkways and connections are proposed throughout the site as illustrated on the master plans. It is considered that the proposed open space and connectivity will contribute to the onsite and wider environment amenity, openness and general community wellbeing.

5.12 Adverse Effects Summary

There is no potential for the Project to have significant adverse environmental effects, and as outlined in the sections above, adverse effects will be avoided, remedied or mitigated and any residual effects will be offset and readily managed through proffered conditions.

6.0 Section 6: National Policy Statements and NES

Under Section 14(3)(f) of the Bill, a referral application must include a general assessment of the project in relation to National Policy Statements and National Environmental Standards. Overall, it is considered that the project will accord to the relevant national policy statements and national environmental standards.

6.1 National Policy Statement on Indigenous Biodiversity (2023) (“NPS-IB”)

The subject site contains very limited indigenous vegetation as described in the Ecological Assessment Report. The NPS-IB does not contain rules that apply to the current proposal, rather

the relevant objective and policies in Part 2, and further 3.16 (Indigenous Biodiversity outside of SNAs) require consideration. These seek to ensure that any significant adverse effects of the new subdivision, use, or development on indigenous biodiversity outside the SNA is managed by applying the effects management hierarchy. The Project will give effect to this policy as no indigenous vegetation clearance is proposed as part of the subdivision proposal and all indigenous biodiversity values on site will be maintained or enhanced and protected in perpetuity and the proposal provides for the protection of existing areas of ecological significance and enhancing these features and offering permanent protection through consent notice provisions as part of the subdivision proposal.

6.2 National Policy Statement on Highly Productive Soils (2022) (“NPS-HPL”)

The Project site is identified as containing Class 3 soils which are considered 'Highly Productive Land' (“HPL”) under the NPS-HPL. Site specific mapping has been completed and is detailed in **Attachment 9**. The NPS-HPL objective seeks to protect HPL for the use in land-based primary production, both now and for future generations, policy direction of NPS-HPL (policies 4, 7 and 8) sets out clear policy direction that HPL is to be prioritised for land-based primary production, subdivision is to avoided, except as provided for the NPS-HPL, and it is to be protected from inappropriate use and development.

Clause 3.8 (1) of the NPS-HPL require subdivision to be avoided unless:

(a) the applicant demonstrates that the proposed lots will retain the overall productive capacity of the subject land over the long term:

The residential and commercial activities proposed in the Project have been located within the site which is largely not identified as productive land. Proposed lots 21 and 22 seek to largely retain a larger lot size and maintain the existing land based productive activity onsite. Proposed lot 20 is proposed to also be planted in productive orchard to increase productivity. Overall, it is considered that the Project will retain the productive capacity of the site.

(b) the subdivision is on specified Māori land

This clause is not applicable to the project.

(c) the subdivision is for specified infrastructure, or for defence facilities operated by the New Zealand Defence Force to meet its obligations under the Defence Act 1990, and there is a functional or operational need for the subdivision.

This clause is not applicable to the project.

Clause 3.8(2) requires that subdivision

(a) avoids if possible, or otherwise mitigates, any potential cumulative loss of the availability and productive capacity of highly productive land in their district; and

As previously discussed, it is considered that the Project will avoid the loss of the limited productive potential of the site.

(b) avoids if possible, or otherwise mitigates, any actual or potential reverse sensitivity effects on surrounding land-based primary production activities.

As previously discussed in this application, the Project site is surrounded by a mix of activities and the ability to undertake a range of land based primary production activities is already

compromised. The Project seeks to expand the existing mix of activities within the site maintaining the organic orange orchard currently operating.

The use and development of HPL is only provided for in circumstances listed in clause 3.9(2) of the NPS-HPL. The Project has been carefully designed to avoid areas mapped as HPL, except for the proposed expansion of the commercial activity, which supports the orchard operations through the sale of produce. Clause 3.2(2)(a) provides for the use or development of NPS-HPL where it provides for supporting activities on the land, it is considered that the Project will comply with this clause.

On balance it is considered that the proposal will be consistent with the objectives and policies of the NPS-HPL.

6.3 National Policy Statement for Freshwater Management (2020) (“NPS-FM”)

The NPS-FM seeks to achieve “Te Mana o te Wai” the fundamental importance of water and recognises that protecting the health of freshwater, protects the health and well-being of the wider environment. It protects the mauri of the wai. The core intent of the policies is to provide stronger protection for freshwater bodies and wetlands. The Ecological Assessment includes a full assessment against all relevant policies of the NPS-FM, concluding that the Project will enhance the adjacent stream and will give effect to the NPS-FM.

6.4 National Policy Statement on Urban Development

The NPS-UD recognises the national significance of:

- Having **well-functioning urban environments** that enable all **people and communities** to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future; and
- Providing sufficient development capacity to meet the **different needs of people and communities**.

The NPS-UD is specifically designed to improve the responsiveness and competitiveness of land and development markets. In particular, it requires local authorities to open up more development capacity, so more homes can be built in response to demand. The NPS-UD provides direction to make sure capacity is provided in accessible places, helping New Zealanders build homes in the places they want – close to jobs, community services, public transport, and other amenities our communities enjoy.

The NPS-UD applies to all local authorities that have all or part of an “urban environment” within their district and applies to planning decisions by any local authority that affect an “urban environment.” The NPS-UD does not specifically list Tier 3 local authorities, relying upon the definition of urban environment¹ to determine whether or not the NPS-UD applies. Far North District Council (“FNDC”) have considered that Kerikeri does not fall within the NPS-UD definition

¹ Urban environment - means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that: is, or is intended to be, predominantly urban in character; and is, or is intended to be, part of a housing and labour market of at least 10,000 people.

of urban environment², as such FNDC are not required to specifically release development capacity, rather focus upon establishing ‘well-functioning urban environments’.

The NPS-UD objectives, policies and outcomes particularly relevant to Tier 3 local authorities include:

- **Objective 1 and Policy 1** – New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future. Planning decisions need to directly contribute to delivering this concept of well-functioning urban environments, which at a minimum, have or enable a variety of homes that:
 - (i) meet the needs, in terms of type, price, and location, of different households;
 - (ii) have or enable a variety of sites that are suitable for different business sections;
 - (iii) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport.
- **Objective 3 and Policy 5** – Regional policy statements and district plans apply to urban environments, heights and density of urban form which is commensurate to the level of accessibility by existing or planned active or public transport to a range of commercial and community services, or relative demand for housing and business use in the location.

6.4.1 Well- Functioning Urban Environment

Policy 1 of the NPS-UD establishes what is a ‘well-functioning urban environment’ and the project has been analysed against policy 1 as follows:

- a. *have or enable a variety of homes that:*
 - (i) *meet the needs, in terms of type, price, and location, of different households; and*
 - (ii) *enable Māori to express their cultural traditions and norms;*

Far North District has a range of medium sized townships and many rural and coastal villages, residential development is constrained due to isolation and infrastructure servicing capacity. The project site is located in Kerikeri, one of Far North’s largest townships, which provides for a range of existing housing typologies detached residential units of vary size, smaller single apartments, retirement units and larger lifestyle developments. Far North District Council has not yet reviewed their first-generation District Plan, as such residentially zoned land has not been released for greenfield development in over 15 years.

The project seeks to create housing opportunities within Kerikeri, providing for a variety of homes 2 to 3-bedroom dwellings, located in a compact form with common ownership of the balance to enable a shared living experience in an eco-friendly and productive environment. The project will increase new and cost-effective housing opportunities within the limited and constrained market of Kerikeri in close proximity to the main street of Kerikeri township.

The project is located within a free hold site which does not contain known archaeological sites or sites of significance to Māori, therefore the project will not directly enable Māori to express their cultural traditions and norms.

² Far North District Council Proposed District Plan, Section 32 Overview Report, Section 4.2.5.

- b. *have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and***

The project includes a range of lot sizes, with residential allotments being reduced in size to maintain the larger productive balance and establish a viable commercial allotment. The existing commercial activity onsite will be expanded and the proposed building will be versatile for a range of future uses, supported by sufficient access, parking and servicing within the proposed allotment.

- c. *have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and***

The proposed housing within the project is surrounded by the open spaces of the orange orchard. Future residents will have access to internal walking paths which extend through the orchard to the proposed rehabilitation area and adjacent stream edge. These features afford good accessibility to open and natural spaces.

The project includes the continued operation of the existing orange orchard and commercial retail shop onsite which affords a number of job opportunities for future residents.

The project site is located approximately 2.6km west of Kerikeri township, located off Kerikeri Road. Kerikeri Road which extends directly to the main business area of Kerikeri township has a pedestrian footpath along the southern side, with upgrades being completed to establish a shared cycle/pedestrian path, providing easy access from Orangefields into town. Kerikeri township affords a high level of job opportunities and contains a significant range of community services.

- d. *support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and***

The project will provide for a variety of homes 2 to 3-bedroom dwellings and a commercial retail activity onsite, this will support and complement housing and commercial activities within the adjacent area and the wider Kerikeri township. Increasing options will contribute to the competitive development market within Far North.

- e. *support reductions in greenhouse gas emissions; and***

The proximity of the project site to Kerikeri, along with the self-sufficiency of the eco-village and onsite job opportunities will encourage active modes of transport reducing reliance upon vehicles reducing greenhouse gas emissions.

The project includes the provision of electric car parking and charging with the Commercial Activity, located off Kerikeri Road.

- f. *are resilient to the likely current and future effects of climate change.***

The subject site is not identified as subject to natural hazards, being located centrally the site is not within the coastal environment. The project will manage will stormwater onsite using stormwater devices, ponds and managed discharge into the adjacent stream, which will ensure that downstream flood risk is reduced and water quality is improved. The project has a high resilience to the current and future effects of climate change.

6.5 National Environmental Standard for Freshwater

The NES-FW establishes requirements for carrying out certain activities that pose risks to freshwater and freshwater ecosystems. The subject site does not contain natural wetlands, however does have natural springs and a stream located at the north-western corner.

The Ecological Report has assessed the effects of the proposal in accordance with the relevant requirements and it is considered that the proposal will comply with the NES-FW.

6.6 Summary

It is considered that the proposed development is generally in accordance with the objectives and policies of the NES-FW, NPS-HPL, NPS-IB, NPS-FM and NPS-UD .

7.0 Section 7: Eligibility

Your application must be supported by an explanation as to how the project will help achieve the purpose of the Bill, that is to “provide a fast-track decision-making process that facilitates the delivery of infrastructure and development projects with significant regional or national benefits”.

In considering whether the project will help to achieve the purpose of the Bill, the Ministers may have regard to the specific matters referred to below, and any other matter that the Ministers consider relevant.

7.1 Time and Cost Efficiency

Access to the fast-track process will enable the Project to be processed in a timelier manner and will be more cost efficient under the normal process under the RMA because the Project will progress faster than using the alternative RMA processes.

Obtaining a consent by way of a non-complying resource consent application, with high chance of public notification, hearing and appeal under the standard RMA process is likely to take 2 – 3 years.

Obtaining consent by way of the District Plan review process and subsequent consents under the ‘standard’ RMA process is expected to take 3 – 4 years depending as FNDC does not propose to hear rezoning requests until August 2025.

7.2 Priority Project

The Project has not been identified as a priority project in any Central government plan or strategy, Local government plan or strategy, Sector plan or strategy, Central government infrastructure priority list or any other plans.

7.3 Regional or National Significant Infrastructure

The Project will not deliver regionally significant infrastructure.

7.4 Project Benefits

7.4.1 Social and Economic Benefits

The Project will enable the development of 12 residential units and a commercial activity 291m² in gross floor area in a location that is facing a shortfall in development capacity.

Against that background, the Project provides for the development of housing to meet the identified shortfall and this increase in housing supply will enable the social and economic wellbeing of the community to be maintained and enhanced.

While a small development on a national scale, on a regional scale the creation of 12 new dwellings to the Northland region is significant.

Of greater significance, is the intelligent ecological style of the development providing a self-supporting model, which doesn't rely on the trucking of food from our region to large centres, then back again, over poor roading infrastructure, to be distributed back in our region by nationally operated supermarkets.

The development features houses which are clustered close together on land whilst sharing a common area for community, well-being and some growing. This is achieved by pooling site allocations, normally planted as lawns and flower gardens, into a commonly owned area.

The range of houses proposed enables the delivery of an increased range of typologies in Kerikeri, catering for residents of differing demographics and stages of life, which will satisfy the on-going needs of future generations. In addition, the employment opportunities enabled by the Project will positively impact the social and economic wellbeing of workers and the communities that will benefit from their employment. The increase in commercial activity proposed will support an increase in on-going employees, currently 5 FTEs are employed on site, increasing to 8 FTEs in summer.

The economic impacts of the Project will also include flow-on effects that arise indirectly from the development. These include:

- Increased land/dwelling supply, which is likely facilitate further growth within the area with an increase in overall competitiveness;
- More affordable housing, reducing price pressure in the local and surrounding markets;
- Impact on employment levels, contributing substantially to overall community wellbeing and supporting greater spend and general economic activity.

7.4.2 Well-functioning Urban Environment

The Project will contribute to and establish a well-functioning urban environment as described in section 6.4.1

7.4.3 On-Site Amenity

Consideration has been given to site planning and building design to ensure that internal and external amenity is provided for the residential units, and it is considered that future residents will experience a good level of amenity and liveability, relative to their needs.

The internal layouts are efficient. The living areas of each unit open onto decks/patios which have a width that can easily accommodate a table and chairs. The units also have lawn in addition to the decks/patios and outdoor spaces are directly accessible from main living areas.

Overall, the size, private open space, and ventilation of the proposed residential units will provide quality living environments for future residents. When taking the above into account it is considered that the development will feature a good level of on-site residential amenity.

7.5 Consistency with Local and Regional Planning Documents

The proposal is consistent with the Objectives and Policies of the Operative Far North District Plan, Northland Regional Policy Statement and Regional Plan as follows:

7.5.1 Operative Far North District Plan

Rural Environment Objectives and Policies

Objectives	Comment
8.3.1 To promote the sustainable management of natural and physical resources of the rural environment.	It is considered that the proposed development promotes the sustainable management of natural and physical resources for the following reasons: • Residential development is not proposed be located within highly productive soils; • Majority of the existing orchard is proposed to remain and continue to operate; and • The large balance of lot 20 will be planted in productive orchard.
8.3.2 To ensure that the life supporting capacity of soils is not compromised by inappropriate subdivision, use or development.	It is considered that the life supporting capacity of soils is not compromised by any type of inappropriate development as the proposed development <u>will not occur</u> in any identified Highly Productive Land area. This is further supported by the Soil Report included as Attachment 9.
8.3.3 To avoid, remedy or mitigate the adverse and cumulative effects of activities on the rural environment.	As outlined in Section 5 above, it is considered that the proposal will not give rise to effects that are beyond the supporting capacity of the receiving environment at this particular moment in time.
8.3.4 To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna.	As outlined in the Ecological Assessment included as Attachment 5, approximately 3,406m² is proposed to be protected by way of consent notice, 2,722m² of riparian buffer planting is proposed and pest management is also proposed.
8.3.6 To avoid actual and potential conflicts between land use activities in the rural environment.	The Project will fit within the existing site topology, well setback from any watercourses and parts of existing vegetation onsite is proposed to be protected. Therefore, the proposal ensures the protection of the dominance of natural features within the site. The project site area and surrounding area are comprised of smaller blocks, with limited productive activities. The proposed residential units are located within the site where due to topography and protection of existing vegetation will not be visible and will

	maintain open spaces within the site and adjacent properties. For these reasons it is considered that the proposal will protect the rural character and will avoid any conflicting land use activities as the Project is consistent with the surrounding area
8.3.7 To promote the maintenance and enhancement of amenity values of the rural environment to a level that is consistent with the productive intent of the zone.	The Project site is located in an area with a mixed character, the landscape assessment has noted that it has transitioned from the traditional horticulture character. The residential development is well setback from all site boundaries and will not be visible due to site topography and protection of existing vegetation, the commercial frontage and existing orchard operation will maintain the road front character. For these reasons the Project is considered to maintain the existing rural amenity and character and will give effect to this objective.
8.3.10 To enable the activities compatible with the amenity values of rural areas and rural production activities to establish in the rural environment.	This objective is considered to be met as the proposed food store will utilise produce from the orchard.
Policies	Comment
8.4.1 That activities which will contribute to the sustainable management of the natural and physical resources of the rural environment are enabled to locate in that environment.	The Project will maintain the existing mix of activities onsite, and enhance the natural and physical resources particularly through the protection and enhancement of the stream buffer and revegetation, and improved stormwater management. The Project will maintain the productive orchard, the proposed commercial activity promotes and sells the sustainable management as produce from the orchard is not being wasted and will provide an economic benefit to the community.
8.4.2 That activities be allowed to establish within the rural environment to the extent that any adverse effects of these activities are able to be avoided, remedied or mitigated and as a result the life supporting capacity of soils and ecosystems is safeguarded and rural productive activities are able to continue.	It is considered that the proposal aligns with this policy as the life supporting capacity of soils is not compromised by any type of inappropriate development as the proposed development <u>will not occur</u> in any identified Highly Productive Land area. This is further supported by the Soil Report included as Attachment 9.

8.4.3 That any new infrastructure for development in rural areas be designed and operated in a way that safeguards the life supporting capacity of air, water, soil and ecosystems while protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna, outstanding natural features and landscapes.	As mentioned throughout this report and above, the life supporting capacity of soils is not compromised by any type of inappropriate development as the proposed development <u>will not occur</u> in any identified HPL area. This is further supported by the Soil Report included as Attachment 9. Further, as outlined in the Ecological Assessment included as Attachment 5, approximately 3,406m² is proposed to be protected by way of consent notice, 2,722m² of riparian buffer planting is proposed and pest management is also proposed.
8.4.5 That plan provisions encourage the avoidance of adverse effects from incompatible land uses, particularly new developments adversely affecting existing land-uses (including by constraining the existing land-uses on account of sensitivity by the new use to adverse effects from the existing use – i.e. reverse sensitivity).	As outlined in Section 5 above, it is considered that the proposal will not give rise to reverse sensitivity effects that are beyond the supporting capacity of the receiving environment at this particular moment in time.
8.4.6 Those areas of significant indigenous vegetation and significant habitats of indigenous fauna habitat be protected as an integral part of managing the use, development and protection of the natural and physical resources of the rural environment.	As outlined in the Ecological Assessment included as Attachment 5 , approximately 3,406m ² is proposed to be protected by way of consent notice, 2,722m ² of riparian buffer planting is proposed and pest management is also proposed.
8.4.7 That Plan provisions encourage the efficient use and development of natural and physical resources, including consideration of demands upon infrastructure.	The proposal meets this policy as the proposal will utilise the natural and physical resources of the site in such a way that meets the demands of the Kerikeri community as it will provide housing options, open space and a small commercial area that all provide social and economic benefit.

Rural Production Zone Objectives and Policies

Objectives	Comment
8.6.3.1 To promote the sustainable management of natural and physical resources in the Rural Production Zone	It is considered that the proposed development promotes the sustainable management of natural and physical resources for the following reasons: Residential development is not proposed be located within highly productive soils;

	- Majority of the existing orchard is proposed to remain and continue to operate; and - The large balance of lot 20 will be planted in productive orchard.
8.6.3.2 To enable the efficient use and development of the Rural Production Zone in a way that enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety.	It is considered that the proposal meets this objective because the proposal will utilise the natural and physical resources of the site in such a way that meets the demands of the Kerikeri community as it will provide housing options, open space, pathways for walking and a small commercial area that all provide social and economic benefit.
8.6.3.3 To promote the maintenance and enhancement of the amenity values of the Rural Production Zone to a level that is consistent with the productive intent of the zone.	The proposed development enhances and maintains amenity values of the rural environment to a level that is consistent with the productive intent of the zone as it is proposed to maintain the majority of the existing orchard.
8.6.3.5 To protect and enhance the special amenity values of the frontage to Kerikeri Road between its intersection with SH10 and the urban edge of Kerikeri.	The proposal enhances the special amenity values of the Kerikeri road frontage as the proposed food store parking and planting all align with the required setbacks landscaping planting and access standards.
8.6.3.6 To avoid, remedy or mitigate the actual and potential conflicts between new land use activities and existing lawfully established activities (reverse sensitivity) within the Rural Production Zone and on land use activities in neighbouring zones.	As outlined in Section 5 above, it is considered that the proposal will not give rise to reverse sensitivity effects that are beyond the supporting capacity of the receiving environment at this particular moment in time.
8.6.3.7 To avoid remedy or mitigate the adverse effects of incompatible use or development on natural and physical resources.	As mentioned throughout, the proposal is not deemed to be incompatible with the site or surrounding environment.
8.6.3.9 To enable rural production activities to be undertaken in the zone.	It's considered that the proposal enables rural production activities as the orchard will continue to operate and the sale of the produce will be undertaken with the proposed food store.
Policies	Comment
8.6.4.1 That the Rural Production Zone enables farming and rural production	More than half of the site will be continued to be used for rural activity. As outlined in Section 5 above,

activities, as well as a wide range of activities, subject to the need to ensure that any adverse effects on the environment, including any reverse sensitivity effects, resulting from these activities are avoided, remedied or mitigated and are not to the detriment of rural productivity.	it is considered that the proposal will not give rise to reverse sensitivity effects that are beyond the supporting capacity of the receiving environment at this particular moment in time.
8.6.4.2 That standards be imposed to ensure that the offsite effects of activities in the Rural Production Zone are avoided, remedied or mitigated.	The residential and commercial development proposed will be well contained within the subject site. All onsite servicing can be accommodated within the site, without any off-site effects. The existing orchard operates organically, which will continue to ensure that off-site effects are managed.
8.6.4.3 That land management practices that avoid, remedy or mitigate adverse effects on natural and physical resources be encouraged.	The existing orchard operates organically, which will continue to ensure that effects are managed. The proposed development will minimise earthworks and follow best practice for sediment and erosion control.
8.6.4.4 That the type, scale and intensity of development allowed shall have regard to the maintenance and enhancement of the amenity values of the Rural Production Zone to a level that is consistent with the productive intent of the zone.	Whilst the proposed residential development is beyond than anticipated in the Rural Production Zone. The residential development is well setback from all site boundaries and will not be visible due to site topography and protection of existing vegetation, the commercial frontage and existing orchard operation will maintain the road front character. For these reasons the Project is considered to maintain the existing rural amenity and character.
8.6.4.6 That the built form of development allowed on sites with frontage to Kerikeri Road between its intersection with SH10 and Cannon Drive be maintained as small in scale, set back from the road, relatively inconspicuous and in harmony with landscape plantings and shelter belts.	The proposal enhances the amenity values of the Kerikeri road frontage as the proposed food store parking and planting all align with the required setbacks landscaping planting and access standards.
8.6.4.7 That although a wide range of activities that promote rural productivity are appropriate in the Rural Production Zone, an underlying goal is to avoid the actual and potential	For reasons provided throughout this report, the proposal does not implement any conflicting land use activities.

adverse effects of conflicting land use activities.	
8.6.4.8 Those activities whose adverse effects, including reverse sensitivity effects, cannot be avoided remedied or mitigated are given separation from other activities	As outlined in Section 5 above, it is considered that the proposal will not give rise to reverse sensitivity effects that are beyond the supporting capacity of the receiving environment at this particular moment in time.
8.6.4.9 That activities be discouraged from locating where they are sensitive to the effects of or may compromise the continued operation of lawfully established existing activities in the Rural Production zone and in neighbouring zones.	No persons are considered to be adversely affected by this proposal as there are no infringements of adjacent properties.

12.2 Indigenous Flora and Fauna

Objectives	Comment
12.2.3.1 To maintain and enhance the life supporting capacity of ecosystems and the extent and representativeness of the District's indigenous biological diversity	As outlined in the Ecological Assessment included as Attachment 5 , approximately 3,406m ² is proposed to be protected by way of consent notice, 2,722m ² of riparian buffer planting is proposed and pest management is also proposed. This will enhance and protect the ecosystems and existing ecology onsite.
12.2.3.2 To provide for the protection of, and to promote the active management of areas of significant indigenous vegetation and significant habitats of indigenous fauna.	
Policies	Comment
12.2.4.8 That restoration and enhancement of indigenous ecosystems is based on plants that would have occurred naturally in the locality and is sourced from local genetic stock where practicable.	As outlined in the Ecological Assessment included as Attachment 5 , approximately 3,406m ² is proposed to be protected by way of consent notice, 2,722m ² of riparian buffer planting is proposed and pest management is also proposed. Rehabilitation will ensure that plants are appropriately sourced.
12.2.4.12 That habitat restoration be promoted.	

12.3 Soils and Minerals

Objectives	Comment
12.3.3.1 To achieve an integrated approach to the responsibilities of the Northland Regional Council and Far North District Council in respect to the management of adverse effects arising from soil excavation and filling, and minerals extraction.	As detailed in Attachment 6 , the Project will minimise earthworks whilst utilising best practice stormwater design, sediment and erosion control during construction to manage potential adverse effects.
12.3.3.2 To maintain the life supporting capacity of the soils of the District	As mentioned throughout this report and above, the life supporting capacity of soils is not compromised by any type of inappropriate development as the proposed development <u>will not occur</u> in any identified Highly Productive Land area. This is further supported by the Soil Report included as Attachment 9 .
12.3.3.3 To avoid, remedy or mitigate adverse effects associated with soil excavation or filling.	As detailed in Attachment 6 , the Project will minimise earthworks whilst utilising best practice stormwater design, sediment and erosion control during construction to manage potential adverse effects.
12.3.3.4 To enable the efficient extraction of minerals whilst avoiding, remedying or mitigating any adverse environmental effects that may arise from this activity.	No extraction of minerals is proposed.
Policies	Comment
12.3.4.1 That the adverse effects of soil erosion are avoided, remedied or mitigated.	As detailed in Attachment 6 , the Project will minimise earthworks whilst utilising best practice stormwater design, sediment and erosion control during construction to manage potential adverse effects.
12.3.4.2 That the development of buildings or impermeable surfaces in rural areas be managed so as to minimise adverse effects on the life supporting capacity of the soil.	
12.3.4.4 That soil excavation and filling, and mineral extraction activities be designed, constructed and operated to avoid, remedy or mitigate adverse effects on people and the environment.	

12.3.4.5 That soil conservation be promoted.	The Project has been designed to minimise the extent of earthworks proposed.
12.3.4.10 To ensure that soil excavation and filling are managed appropriately, normal rural practices as defined in Chapter 3 will not be exempt when determining compliance with rules relating to earthworks, except if the permitted standards in the National Grid Yard specify that activity is exempt.	As detailed in Attachment 6 , the Project will minimise earthworks whilst utilising best practice stormwater design, sediment and erosion control during construction to manage potential adverse effects.

Transport

Objectives	Comment
15.1.3.1 To minimise the adverse effects of traffic on the natural and physical environment.	As outlined in the traffic assessment report prepared by Commute included as Attachment 4 . All traffic effects are deemed to be minimal and the surrounding environment can absorb any potential effects.
15.1.3.2 To provide sufficient parking spaces to meet seasonal demand in tourist destinations.	It's considered that there are sufficient parking spaces for the commercial activity and it complies with the standard for parking spaces.
15.1.3.3 To ensure that appropriate provision is made for on-site car parking for all activities, while considering safe cycling and pedestrian access and use of the site.	It is considered that there are sufficient parking spaces that will not hinder any cycling or pedestrian access of the site.
15.1.3.4 To ensure that appropriate and efficient provision is made for loading and access for activities.	As outlined in the traffic assessment report prepared by Commute included as Attachment 4 . There is sufficient space for the access and loading.
15.1.3.5 To promote safe and efficient movement and circulation of vehicular, cycle and pedestrian traffic, including for those with disabilities.	The Project promotes active modes of transport, providing onsite pedestrian paths, cycle parking and electric vehicle charging. Commute have confirmed that the onsite manoeuvring is safe and efficient.
Policies	Comment
15.1.4.1 That the traffic effects of activities be evaluated in making decisions on resource consent applications.	As mentioned in Section 5 above, all traffic effects are considered to be less than minor, as such any evaluation on decision making for this application

	should be consistent with the minimal effects of infringements.
15.1.4.2 That the need to protect features of the natural and built environment be recognised in the provision of parking spaces.	The Project has been designed to ensure that built form, access and parking is subservient to the natural features and follow the contour of the site.
15.1.4.3 That parking spaces be provided at a location and scale which enables the efficient use of parking spaces and handling of traffic generation by the adjacent roading network.	Each residential unit has an onsite parking space, three communal parking spaces and cycle storage in provided within proposed Lot 20. Parking for the proposed commercial activity is located adjacent to the building and parallel to Keirkeri Road. The Transport Assessment has confirmed that the proposal will result in the efficient use of parking and the handling of traffic generation.
15.1.4.4 That existing parking spaces are retained or replaced with equal or better capacity where appropriate, so as to ensure the orderly movement and control of traffic.	
15.1.4.5 That appropriate loading spaces be provided for commercial and industrial activities to assist with the pick-up and delivery of goods.	There is sufficient space for the access and loading. One loading space is proposed.
15.1.4.6 That the number, size, gradient and placement of vehicle access points be regulated to assist traffic safety and control, taking into consideration the requirements of both the New Zealand Transport Agency and the Far North District Council.	The proposal has been designed to comply with these requirements.
15.1.4.7 That the needs and effects of cycle and pedestrian traffic be taken into account in assessing development proposals.	The proposal will not hinder any pedestrian or cycling traffic.

7.5.2 Objectives and Policies of the Proposed Far North District Plan

The Act requires that before a proposed plan becomes operative, any resource consent application is considered in terms of the provisions of both the operative plan and the proposed plan. The Far North District Council notified the Proposed Far North District Plan (“PDP”) on July 27 2022 and submissions closed on 21 October 2022. The PDP is a comprehensive review of the FNDP and includes new objectives, policies and rules to give effect to higher order national and regional direction.

With regard to the assessment of an application for resource consent and the decision-making process, where an application is being assessed under both an operative plan and a proposed plan, it is standard practice to establish a weighting of the plans. Case law indicates that more weight should generally be placed on the controls of an operative plan until such time as a proposed plan has advanced sufficiently through the statutory process, although this is not the only criterion.

Weighting only becomes relevant in the event different outcomes arise from assessments of objectives and policies under the operative and proposed plans.

The objectives and policies of the ODP are similar to the PDP as outlined above. While there are some minor differences, it is considered that the proposal is not contrary to either plan and it is considered that the proposal is broadly consistent with both sets of provision.

7.5.3 Objectives and Policies of the Northland Regional Policy Statement

The Northland Regional Policy Statement (“**NRPS**”) covers the management of natural and physical resources across the Northland Region. The provisions within the RPS give guidance at a higher planning level in terms of the significant regional issues. As such it does not contain specific rules that trigger the requirement for consent but rather give guidance to consent applications and the development of District Plans on a regional level.

Amongst other things, the NRPS presents policies regarding improving overall water quality (Policy 4.2.1), maintaining and protecting significant ecological areas and habitats (Policy 4.4.1), promoting active management (Policy 4.7.1) and planned and coordinated development (Policy 5.5.1) which are relevant for the consideration of the proposed works. The strategic policy direction in the NRPS is to regulate earthworks to minimise erosion and discharge of sediment to water.

Objective 3.5 Enabling Economic Wellbeing – The proposal will provide an opportunity for jobs for construction workers;

Objective 3.8 Efficient and Effective Infrastructure – This objective ensures new infrastructure is flexible, adaptable, and resilient, and meets the reasonably foreseeable needs of the community. The proposal will provide for 12 units for the Kerikeri community.

Amongst other things the RPS presents policies regarding regional form in 5.1.1 which are relevant for the consideration of the proposed development.

5.1.1 Policy – Planned and coordinated development

Subdivision, use and development should be located, designed and built in a planned and co-ordinated manner which:

- (a) Is guided by the ‘Regional Form and Development Guidelines’ in Appendix 2;*
- (b) Is guided by the ‘Regional Urban Design Guidelines’ in Appendix 2 when it is urban in nature;*
- (c) Recognises and addresses potential cumulative effects of subdivision, use, and development, and is based on sufficient information to allow assessment of the potential long-term effects;*
- (d) Is integrated with the development, funding, implementation, and operation of transport, energy, water, waste, and other infrastructure;*
- (e) Should not result in incompatible land uses in close proximity and avoids the potential for reverse sensitivity;*

(f) Ensures that plan changes and subdivision to / in a primary production zone, do not materially reduce the potential for soil-based primary production on land with highly versatile soils, or if they do, the net public benefit exceeds the reduced potential for soil-based primary production activities; and

(g) Maintains or enhances the sense of place and character of the surrounding environment except where changes are anticipated by approved regional or district council growth strategies and / or district or regional plan provisions.

(h) Is or will be serviced by necessary infrastructure.

[our emphasis added]

The Project will be serviced in terms of transportation, water, wastewater, and stormwater by existing and proposed infrastructure. The Project will maintain the existing mix of activities onsite, managing potential reverse sensitivity effects through organic operation of the orchard activity. The proposal is considered to be compatible with adjacent predominantly rural to rural lifestyle land uses and maintains the underlying sense of place and character of the surrounding environment in accordance with the level of development that is anticipated on the subject site in accordance with the expectations in the ODP, thereby satisfying 5.1.1(e) and (g). The proposed food store and retails is similar to what occurs in the existing environment.

For these reasons, it is considered that the proposal is consistent with the relevant NRPS provisions.

7.5.4 Objectives and Policies of the Proposed Regional Plan for Northland – February 2024

D.1 Tāngata Whenua

The relevant policies for Tāngata whenua matters are contained in Chapter D.1 Tāngata Whenua of the PRP. The policies of the PRP recognise and provide for tangata whenua as kaitiaki where activities have the potential to generate adverse effects on their taonga such as mahinga kai, wāhi tapu, or other sites of significance within the area. Further, the policies guide where consultation with tangata whenua should be undertaken.

The site is not within a site of cultural significance, historic heritage site or considered to impede access to any mahinga kai or taonga. Overall, the proposal is not considered to conflict with the outcomes sought in D.1 Tāngata Whenua.

D.4 Land and Water

Chapter D.4 focuses on water quality and discharges to land or water in the surrounding environment. Policies D.4.21 and D.4.31 are considered relevant to the proposal:

D.4.21 Land drainage Land drainage activities that require consent must:

- 1) maintain bed and bank stability, and*
- 2) ensure that peatlands are not adversely affected, and*
- 3) ensure that significant adverse effects on groundwater levels are avoided, and*
- 4) ensure the effects of ground subsidence from dewatering are avoided, or where avoidance is not possible, remedied or mitigated, and*
- 5) maintain the values of natural wetlands, and*

6) maintain existing fish passages and where possible, encourage development of new fish passage opportunities.

The subject site has a stream located to the north-west, the earthworks, stormwater management system and wastewater disposal have been carefully designed to ensure that potential effects to the stream are managed. The Civil Report confirms that no groundwater was found on site from their investigation and the proposal will not result in adverse effects to groundwater.

D.4.31 Managing the effects of land-disturbing activities

Earthworks, vegetation clearance and cultivation must:

- 1) be done in accordance with established good management practices, and*
- 2) avoid significant adverse effects, and avoid, remedy or mitigate other adverse effects on:*
 - a) human drinking water supplies, and*
 - b) areas of high recreational use, and*
 - c) aquatic receiving environments that are sensitive to sediment or phosphorus accumulation.*

It is noted that there are no known human drinking water supplies or areas of high recreation use within proximity to the Project area. Regardless, as established throughout this application, it is proposed to carry out the earthworks in accordance with best practice including the Guidelines for Land Disturbing Activities in the Auckland Region (2016). This will assist in managing any sediment laden runoff for the duration of the activity ensure that any stormwater discharge will be contained within the subject site and appropriately managed to minimise any risk of soil erosion, or surface or groundwater contamination.

7.6 Project Eligibility

The Project does not include any activity that would make in ineligible.

Section 8: Climate Changes and Natural Hazards

The subject site is not identified as subject to natural hazards, being located centrally the site is not within the coastal environment. The project will manage will stormwater onsite using stormwater devices, ponds and managed discharge into the adjacent stream, which will ensure that downstream flood risk is reduced and water quality is improved. The project has a high resilience to the current and future effects of climate change.

The Project will not be affected by climate change or any natural hazards.

Section 9: Track Record

Quirino Limited have no record of compliance or enforcement action undertaken under any of the Acts referred to in the Fast-track Referral Bill. Major shareholder Audrey Campbell-Frear has identified the following enforcement matters:

Building Act 2004:

- 482 Kerikeri Rd – Ensuite in main house and lean-to on workshop was constructed without building consent approval, a Certificate of Acceptance was issued in 2021
- 484A Kerikeri Rd – Fruit and Vegetable Stall established without a building consent approval a Certificate of Acceptance was issued in 2020

Building Act 2004 and Resource Management Act 1991:

- Ms Audrey Campbell-Frear is addressing complicated historic placements of buildings on Freehold Māori Land within Taupo 23 B1, Pekapeka Bay, Mangonui which require resource consent approval, certificate of acceptance under the Building Act was granted in 2022.

Declaration

I acknowledge that a summary of this application will be made publicly available on the Ministry for the Environment website and that the full application will be released if requested.

Do you acknowledge your submission will be published on environment.govt.nz if required

By typing your name in the field below you are electronically signing this application form and certifying the information given in this application is true and correct.

Important notes

Information presented to the Ministry for the Environment is subject to disclosure under the Official Information Act 1982 (“OIA”). Certain information may be withheld in accordance with the grounds for withholding information under the OIA although the grounds for withholding must always be balanced against considerations of public interest that may justify release. Although the Ministry for the Environment does not give any guarantees as to whether information can be withheld under the OIA, it may be helpful to discuss OIA issues with the Ministry for the Environment in advance if information provided with an application is commercially sensitive or release would, for instance, disclose a trade secret or other confidential information. Further information on the OIA is available at www.ombudsman.parliament.nz.