

Further submission/comment.  
The Commissioners  
FNDC Proposed District Plan.  
Date 4.6.2025  
E mailed to FNDC 5.6. 2025

1.

Ref...Original submission number (61) Ref 4211915 (9).  
Robert Sintes.

This submission is provided in two parts to aid clarity, and should be read an addendum following on from the original submission information provided when we lodged our original objection.

**Part (1)** refers specifically to further information supporting our application ,including a précis of the M.E. Consulting report commissioned by Council.

**Part (2)** provides background information surrounding a unique precinct deriving from progressive land use developments between the SH10 roundabout and the Kerikeri Airport entrance, and the benefits of a proposed mixed use zoning for this area.

## **PART (1)**

Dear Sirs,

This additional submission is provided for the Commissioners and Melissa Pearson whom I had the pleasure to engage with on Tuesday 13<sup>th</sup> May 2025 following the ‘opt in’ option offered by the FNDC.

As you know..our original objection ( 61 ref 4211915- 9) to the proposed Horticulture Production zone, provides substantial in depth information supporting our application to designate our block '*Rural Residential unserviced*' thus I won't repeat in any detail those submissions here.

(They are found online in the above noted submission documents on the FNDC website under the number shown.

**The (earlier) 2021 council approved subdivision** (RC 2300514) over this land submitted by Natalie Watson of planners Williams and King Kerikeri is directly relevant to this rezoning submission, as it addresses (all) the relevant RMA considerations sought by Council under minute 14 surrounding this application, where submitters have been asked to address RMA factors in their supporting narratives.

I therefore quote below from that *earlier Council subdivision approval narrative over the same land dated 7<sup>th</sup> May 2021 by senior advisory planner Pat Killalea*, where he with some clarity identifies the relevant RMA factors, leading to Council approving the earlier subdivision of this land, listed as item (6) in that decision report from which I quote below...

**PRECEDENT**.....(Surrounding the earlier subdivision of this block.)

*8. Case law has established that the precedent of granting resource consent is a relevant factor for a consent authority in considering whether to grant (as it was then) a non Complying resource consent. A 'precedent effect' is likely to arise in situations where a consent is granted to a Non Complying activity that lacks the evident unique, unusual or distinguished qualities that serve to take the application out of the generality of cases or similar sites in the vicinity.*

*In other words, if an activity is sufficiently unusual and sufficiently outside the run of foreseeable other proposals, it avoids any precedent effect and can be approved.*

**(In my submission, this determination may equally be applied to (any) sustainable rezoning applications under the PDP, which presents to the writer as an appropriate approach when addressing land use decisions such as ours under the RMA.)**

I continue to quote from the earlier 2021 approved subdivision document below.

*(10.) 'In this instance, the following are particular elements of this proposal that I consider should be taken into account when considering the potential for precedent effects to arise'.*

*(11.)*

***1. The surrounding area is a mixture of small and large lots, and the lots proposed will (not) be in-congruent with the existing development pattern.***

*3. A soil report was provided with the application that concluded that the land had extremely limited value for primary production.*

**PN.** (Its covered in large river boulders from aeons ago).

*4. No additional vehicle access is required to service the subdivision.*

*5. A mature shelter belt and vegetation (since improved and replanted,) are located around the majority of the perimeter of the subject site, largely screening the site from views from adjacent land and the legal road.*

#### **Submitters note....**

Nothing could be more definitive or well researched than that provided by this report, and its relevance to (this) application to zone the land *Rural Residential/lifestyle unserviced 4000 sq meters and above*, under the proposed district plan.

Given its uniqueness and lack of any reverse sensitivity effects, it sits outside and captures the unique and distinguished qualities that takes it out of the generality of cases now before Council.

I would be grateful if the Commissioners read this (earlier) subdivision approval document found in my submission file RC 2300514-RMASUB, as it enshrines and supports (this) proposed zoning appeal submission.

Nothing has changed, in fact the growth surrounding the Kerikeri area is clearly established and quantified below.

**I NOW REFER TO THE INDEPENDENT REPORT OF M.E CONSULTING RECENTLY COMMISSIONED BY THE FNDC AND PUBLISHED ON 18.7.2024.**

This report clearly identifies demand exists for **single housing unit land in reasonable proximity to Kerikeri, particularly in the period 2023 to 2026 (and beyond).**

I make reference to (just some) of the comments included in this report, given it is some 80 odd pages long.

**Page (2) ‘It is projected an additional 7255 additional households will settle in the Far Nth District over the next three decades... Short term 2023 to 2026... 1195 additional households.’**

**‘Projected demand is expected to remain skewed towards detached housing.’ 90.5% in absolute terms. (see page 20).**

**Page (v) ‘Housing pressures are expected to remain...measures to alleviate could include increasing housing choices associated with locations and topography.’**

**Page (xi) Greenfield development... ‘Developing land that has not previously been used for urban purposes, typically located on the outskirts of existing urban areas, and yet not serviced by infrastructure/prepared for urban use.’**

***Vacant capacity residential...Relates to the number of dwellings that can be developed on vacant or undeveloped properties based on planning settings.***

**Page (15)**...Household growth rate is expected to peak over the next five years..from 2023 to 2028.

‘Based on these trends, higher (annual average) dwelling demand will need to be accommodated in the short to medium term.’

**Page 20....** ‘This suggests detached dwellings will remain the dominant dwelling type in the Far Nth District...’**This pattern is consistent with that observed around New Zealand in other rural areas.’**

**Page 23..** There is a strong preference for detached housing across household types in the Far North District.

**Page 24..** Based on residential building consents,  
**‘Kerikeri/Waipapa captured 35% of district wide growth’.**

(Over the last 10 years the average share was somewhat higher.)’

**Page 24...**Competitiveness margin ... ‘requiring 20% be added to projected demand in the short and medium term..and 15% in the long term.’ contd...**By ensuring that Council enables at least 15 to 20% MORE capacity than required to meet demand.’**

## **Page 30 M.E CONSULTING CONCLUSION.**

‘The current housing estate which accommodates Far Nth residents **is weighted towards detached dwellings.**’

**Page 32....** According to policy 2 of the NPS-UD **Local authorities are to at all times provide at least sufficient development capacity to meet expected demand** for housing and for business land over the short term..medium term and long term.

**30. It must be ‘Plan enabled’....**( hence this zone change application).

**Infrastructure ready (our land is)...**

**Feasible and reasonably expected to be realised.** (our land is)...

## **APPROACHES AND DEFINITIONS..**

“The assessment of capacity involves applying relevant planning parameters such as lot size, height limits...offsets and setbacks and so forth to estimate the potential for adding extra dwellings to relevant parcels.’

**Page 34.....**It is our understanding that urban roading and transport is not currently, nor expected to be in the future, a constraint on development from a Council infrastructure perspective.

**Page 37.... ‘Kerikeri/Waipapa has been identified as a priority growth area...’**

**Page 38...** In terms of detached (households) capacity **The Rural Living zone** (31%) accounts for the next largest share under the ODP **and the Rural Lifestyle zone** (39%) under the PDP provisions.’

**Page 40....Kerikeri/Waipapa.....** ‘However **demand for detached housing** has outstripped demand for attached housing.’

**Page 46..Sufficiency....**‘The analysis suggests that at the district level, there is **insufficient capacity to accommodate growth over the short and medium term**’....and lower down....  
“In the rural area of the district, there is a shortage over the short and medium term.”

**Page 47....Minor Dwellings...**

The PDP makes provisions for minor dwellings and is limited to the following zones....

**Rural production/Rural lifestyle/Rural residential ...with lot sizes of no less than 5000 sq metres....**

(Thus in the case of (our) application, we can create (4) 5000 plus sq metre lots if the correct zoning is applied, or five 4000 sq metre lots, **I.E. Rural living/lifestyle** (which can include a minor dwelling if 5000 sq metre lots are selected.)

**Page 48....** ‘In addition to the Rural Production zone, minor dwellings are enabled in the settlement,Rural Lifestyle, Rural Residential zones..**which are located closer to urban areas.**’

**(This is directly relevant to the location of the land sizes surrounding this application.)**

**Page 49** *Concluding remarks...* Refers to planning responses.



Page 68.

## CONCLUSION.

The residential capacity results show that despite adequate PEC, **a housing shortage remains due to the absence of FC at the lower price points, and in locations and typologies that households prefer.'**

**Page 75.... 'Kerikeri/Waipapa is quite distinct and is one of the few 'developable' areas in the district'.**

*Largest challenge is finding land sites to amalgamate.  
Multiple landowners must be willing to sell.*

( **Submitters comment.** It presents as fairly obvious that any owner of a smallish and bare unproductive block, strategically located close to Kerikeri, surrounded by well established residential homes on small lots of the size sought in (this) rezoning submission, is unlikely to contemplate any inappropriate development in its currently proposed zoning category, which would have the effect of denying the community the opportunity to ultimately benefit from this obviously suitable land use outcome as set out in Councils M.E Consulting report.)

**In combining the information included in my original submission documents with the recently released M.E Consulting report of 18.7.2024, I submit as follows....**

It appears obvious that the suggested horticultural production zoning for this land is both physically and environmentally inappropriate given the detailed evidence provided, and that a zoning of ' *Rural Residential Unserved* ' is the appropriate zoning, controlled by the minimum required lot size in the order

of 4000 sq metres+ per site, along with normal council controlled consent processes.

10.

I reiterate for emphasis, our land is surrounded by small residential lots as shown in the plan provided in my original submission (Item 61), and acknowledged in Councils earlier subdivision approval.

It has ample access road width, (10 metres) doubling Councils standards, providing twice the road entrance width described in Council rules, appropriate sight distances, with access to all services already in place including three phase power for several homes.

It has approval from all interested parties, no objections, and one supporting submission.

I also note, there exists (no) known capital requirements from Council if this rezoning is approved.

### **Fragmentation....**

As referred to in my previous submission, there exists no foreseeable fragmentation concerns. Our and the surrounding land is already substantially fragmented by residential and commercial development, none of which appear to experience any reverse sensitivity.

(Please see PART (2) submission narrative that follows, which identifies the extent of existing developments on Wiroa Road unrelated to Horticultural production. )

**Soil specialists report...**

In the soil report provided with our original subdivision application, its specifically noted the land is covered in large smooth boulders just below the surface, a substantial number thought to derive from an ancient river bed.

The applicants in earlier years originally paid thousands of dollars in excavator time to attempt to dig up prominent boulders, only to find others just below the surface, leaving insufficient soil (without exposing other boulders,) to cover the resultant holes, which now appear all over the land .

This rapidly became an unproductive never ending exercise, even though hundreds of tons were relocated by contractor Norm Ruddell Ltd.

An on-site inspection with the owner would clarify.

**Specific rezoning considerations...**

It is acknowledge on page 107 of the Section 42a report, some 5% of land proposed as Horticultural Production in the PDP, is considered unproductive, however in my submission that recognition by itself is not enough unless Council now actively addresses those land zoning irregularities, and given the substantial amount of time and money submitters have already committed within the lengthy PDP process, should embrace the opportunity provided and apply the correct zoning, particularly

where there are no reverse sensitivity effects in many cases, and all RMA considerations have been addressed.

12.

Given the extensive costs involved for submitters, leaving the land under its current zoning would present as distinctly inappropriate unless those appropriate land uses are recognised and acknowledged within the PDP process.

Otherwise submitters will have at Councils instigation, incurred considerable personal costs over an extended appeal process unnecessarily.

### **Reverse sensitivity...**

In the case of this submitters land, there are no reverse sensitivity issues, nor any that could occur later.

Similarly, the central themes and planning conclusions that emerge in the section 42a report surrounding reverse sensitivity issues, suggests *that council should now take the opportunity to define lots that do not and cannot reasonably suffer any reverse sensitivity effects given their location, and in particular when assessed alongside long established residential enclaves which may now fall under an inappropriate proposed horticultural production umbrella.*

In any event, in the odd cases where reverse sensitivity might actually exist, any such concerns are (and always have been) addressed *by attaching to new land titles, title limitation clauses.*

It often appears to this submitter, planning objectives and development aspirations in these types of proceedings are almost always given precedent, although in reality reverse sensitivity actually works 'both ways', particularly where there are no

existing reverse sensitivity issues in specific cases like this submitters land, surrounded by residential homes.

13.

It is clear there emerges conflicting planning outcomes between Councils planners desire to enshrine and protect productive horticultural land, (which this submitter supports,) and common sense land use outcomes in dealing with 5% of the land enshrined in the rezoning proposal that is clearly unsuitable for its proposed purpose.

This is further compromised, where due to constraints of labour, Council planners are largely limited to 'drive by inspections' upon which they then base quite wide ranging conclusions.

We thus reaffirm our request that our land be zoned Rural Residential unserviced, or such other zoning category enshrining the same beneficial land use outcomes.

Yours sincerely,  
Robert and Susan Sintes.

## **PART (2)**

**I would like to take this opportunity to background local land development witnessed during our 30 odd years living in the Wiroa Road precinct, which I hope may assist the Commissioners.**

*There are in my submission two viable options surrounding the type of land use zoning applicable on Wiroa road between SH10 and the Airport entrance.*

**Option (1)** *Leaving the Existing Rural Production zoning intact, whilst addressing sustainable land use applications as applicable.*

14.

*(Providing this practical and reasonable adjudication avenue under the existing zoning for rezoning applicants, would overcome any unintended planning prejudice, whilst avoiding submitter harm that would otherwise arise under the PDP, at the same time avoiding any almost inevitable submitter backlash or appeals, given that submitters have been involved in over two years of investment in the PDP process, incurring in this case hundreds of hours of research and direct unavoidable cost associated with PDP processes as noted earlier).*

**Option (2).** *The option of Council treating the land between SH10 and the Airport entrance as a special ‘mixed use’ precinct, acknowledging the already considerable existing mixed land uses as detailed below, ultimately leading to the rezoning the land ‘Mixed Use’ as Council has done in central Kerikeri, whilst continuing to process alternative land use applications as suggested in option (1).*

*It is clear a land use ‘transitional zone’ exists as described in Section 1.4 of Councils Section 32 report.*

Either option would thus provide for the continuation of rezoning land use applications under the PDP, thus protecting the rights of remaining horticultural land users, whilst sensibly acknowledging ‘on the ground realities’ on this 2.1 km section of Wiroa Road, leading up to the KK Airport entrance.

**Explanatory notes.....**

Airport feeder roads like Wiroa Road when viewed Nationally, to one degree or another demonstrate development that reflects these airport hubs, thus you see on Wiroa Road and surrounding Airport development land, the developments listed below.

15.

(The plan I provided in my original rezoning application documents may also prove helpful.)

Wiroa Road between SH10 and The Kerikeri Airport entrance contains the following homes and businesses, many totally unrelated to horticultural production. This derives from a natural migration of services found on feeder roads leading to Airports all over New Zealand as noted above.

**These include...**

Some 69 plus/minus residential homes.

Storage sheds..

Aviation hangers (with more inevitably to follow.)

Car hire companies including HERTZ....

A cattery facility

A large camping ground (Hideaway Lodge)

Marsden Estate restaurant

A proposed and partially completed motel development site.

A physically hidden concrete panel manufacturing plant.

A family joinery business...

Tims boarding house.

Dragonfly Air BB

DCL Civil excavating contractors.

Air Sea Rescue Services

Northland Valet Services

Merlin Labs autonomous flight development centre.

Skydive NZ

Beluga Holiday home

While a few individual horticultural blocks remain, they are surrounded by residential/commercial development, and lack any growth potential as there is little remaining conjoined land to speak of.

They are largely unobtrusive and in many cases constrained by the alternative land uses that have surrounded them.

In reality, its a small and clearly defined area between SH10 and the Kerikeri Airport entrance, some 2.1km long, with dominant existing commercial/residential development reflecting the growth patterns that I have described above.

The remaining horticultural activity does not remotely mirror the scale of horticultural developments seen around and beyond the major and more commercially viable Waimate North Road horticultural developments.

If one drives past the Kerikeri Airport entrance you come to Waimate North Road junction which runs South/North plus/minus.

From there you will see hundreds of acres of Kiwifruit vines and other above ground crops, and that is where the more sustainable production zone commences in the area. This is now a major



horticultural development area, where farmers have taken the golden handshake and retired.

**17.**

**In terms of assumed land uses under the PDP between SH 10 and the Airport entrance, it is relevant to specifically highlight the following land zoning anomalies...**

Shown in the plan provided in our original submission you will see a privately owned large land block located directly EAST and running beside the main tar-sealed runway, separated by a conjoining grass runways which it abuts. This should be earmarked for aviation services/hangers/workshops etc, as it is the only strategically located land available for future Airport expansion, and in my submission needs some planning recognition and protection.

Similarly, if you again look at the plan, on the West side of the sealed runway you will see a large block of Crown Land, set back but also running along the side of the sealed runway. This is administered by DOC due to the existence of Mud Fish they wish to protect.

(This will never be available for horticultural production, thus its zoning appears to make no practical difference.)

**Thus any ‘on the ground’ analysis of development between SH 10 roundabout and the Airport entrance, provides an accurate picture of a unique precinct that should be recognised as a ‘mixed use transition zone.’**

The writer of this submission has lived until recently on Wiroa Road in Kerikeri for some 38 years, and as a Pilot recently flew over the area again, (probably for the last time given my age,) and has witnessed the growth of the area personally over those decades.

18.

I sincerely hope Council may benefit from the above submissions and observations, and hopefully assist the Commissioners in their deliberations.

We wish to leave a legacy land holding for our daughters in the Kerikeri we spent so much of our lifetime enjoying.

I would welcome being asked any questions the Commissioners might have, and to clarify any unresolved questions remaining.

Yours sincerely,  
Robert and Susan Sintes

