

In the Environment Court
At Auckland

ENV-2026-AKL-

I te Kōti Taiao o Aotearoa
Ki Tāmaki Makaurau

In the matter of the Resource Management Act 1991 (the **Act**)

And

In the matter of an appeal under clause 14(1) of the First Schedule of the Act

Between **Vision Kerikeri, Our Kerikeri Community Trust, Kapiro
Conservation Trust and Carbon Neutral NZ Trust**

Appellant

And **Far North District Council**

Respondent

**NOTICE OF KĀINGA ORA – HOMES AND COMMUNITIES' WISH TO BE PARTY TO AN
APPEAL**

2 September 2026

Counsel instructed:

Aidan Cameron
Bankside Chambers
Level 22, 88 Shortland St
PO Box 1571
Shortland St, Auckland 1140
Email: aidan@aidancameron.co.nz

To: The Registrar
Environment Court
Auckland

1. Kāinga Ora – Homes and Communities (**Kāinga Ora**) wishes to be a party to Vision Kerikeri, Our Kerikeri Community Trust, Kapiro Conservation Trust and Carbon Neutral NZ Trust (**Vision Kerikeri**)'s appeal (**Appeal**) in respect of decisions by the Far North District Council (**Council**) on the Far North Proposed District Plan (**Proposed Plan**). The Appeal has the Environment Court reference number ENV-2026-AKL- .
2. Kāinga Ora made submissions about the subject matter of the proceedings. In particular, the Kāinga Ora submission and further submission on the Proposed Plan (submission #S561 and further submission #FS243) related to matters that are the subject of the Appeal.
3. Kāinga Ora is also a person who has an interest in the proceedings that is greater than the interest the general public has on the grounds that Kāinga Ora manages a public housing portfolio in the Far North District comprising approximately 728¹ dwellings, including dwellings located on land that will be directly affected by the relief sought in the Appeal.
4. Kāinga Ora is not a trade competitor for the purposes of sections 308C or 308CA of the Act.
5. Kāinga Ora is interested in the parts of the Appeal that relate to:
 - (a) Excessive and inappropriate densification in urban zones;
 - (b) Building Height;
 - (c) Height-in-relation-to-boundary;
 - (d) High quality urban form;

¹ As at September 2025

- (e) Residential units on the ground floor in the Town Centre Zone and Mixed Use Zone;
- (f) Cumulative impermeable surface coverage; and
- (g) The rezoning proposed by Kiwi Fresh Orange Co (**KFO**).

6. The primary interest of Kāinga Ora in the Proposed Plan is ensuring the provisions do not create unnecessary barriers to the ongoing use, development, renewal, and maintenance of its public housing portfolio in the Far North District. Kāinga Ora provides public housing to those in need, including replacing existing dwellings which are no longer fit for purpose with warm, dry homes for tenants.

7. Kāinga Ora opposes the relief sought by Vision Kerikeri in the parts of the Appeal listed above because the proposed relief:

- (a) will not promote the sustainable management of natural and physical resources, and will not achieve the purpose of the RMA, in that it:
 - (i) fails to enable people and communities to provide for their social, economic, and cultural well-being and for their health and safety;
 - (ii) fails to sustain the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations; and
 - (iii) fails to appropriately avoid, remedy, or mitigate adverse effects of activities on the environment;
- (b) is contrary to Part 2 of the RMA,
- (c) is not the most appropriate way to achieve the purpose of the RMA under section 32 of the RMA; and
- (d) does not properly give effect to direction in relevant regional and national policy instruments (in particular, the National Policy Statement for Urban Development ("**NPS-UD**")); and

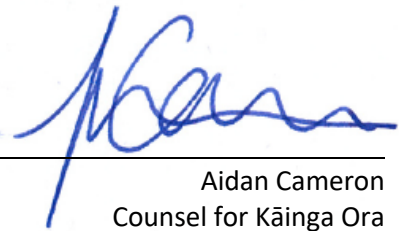
- (e) will not assist Kāinga Ora to achieve its statutory roles and responsibilities under the Kāinga Ora – Homes and Communities Act 2019.

8. Without limiting its interest or the generality of the above, Kāinga Ora opposes the relief sought by Vision Kerikeri in the parts of the Appeal listed above because:

- (a) Many of the proposed amendments would reduce the development capacity enabled by the Proposed Plan through lower height limits, additional built form controls, and other measures that would constrain housing supply and urban growth;
- (b) The Proposed Plan already contains objectives, policies, rules, standards, and assessment criteria that address urban form, amenity, character, streetscape, pedestrian experience, and environmental effects, and further controls have not been shown to be necessary;
- (c) Several of the requests for relief seek additional standards, design requirements, assessment criteria, committees, or other regulatory mechanisms without providing specific drafting or demonstrating that the existing Proposed Plan framework is ineffective or inefficient or otherwise fails to meet the statutory tests;
- (d) The proposed amendments would increase development costs, reduce design flexibility, and create additional consenting complexity and uncertainty, without clear evidence that the resulting benefits would outweigh those impacts;
- (e) The Proposed Plan already appropriately provides for the urban growth, intensification, mixed-use development, and housing capacity required to support a well-functioning urban environment in Kerikeri; and
- (f) The associated reasons set out in Schedule 1.

9. Schedule 1 to this notice outlines in more detail the reasons for opposition by Kāinga Ora to those aspects of the Appeal it is interested in. In addition to those specific provisions, Kāinga Ora is interested in all related provisions and in all consequential amendments that might be required or proposed to be made (including to any objectives, policies, rules or assessment criteria).
10. Kāinga Ora agrees to participate in mediation or other alternative dispute resolution of these proceedings.

DATED at Auckland this 2nd day of September 2026



Aidan Cameron
Counsel for Kāinga Ora

Address for service of Kāinga Ora:

c/- Aidan Cameron
Barrister, Bankside Chambers
Level 22, 88 Shortland St, Auckland 1010
PO Box 1571, Shortland St, Auckland 1044
By email: aidan@aidancameron.co.nz

SCHEDULE 1

Provision appealed	Relief sought	Oppose/Support	Reasons
Excessive and inappropriate densification in urban zones	We support appropriate forms of intensification and development in Kerikeri. However, we strongly oppose the excessive degree and style of densification introduced by 'PDP-R'. PDP-R was based on flawed assumptions, and will enable inappropriate forms of development as permitted activity without adequate safeguards. Parts of PDP-DV do not give adequate effect to RMA sustainable management purpose, Part 2 and other policy direction. s42 HBA modelling indicates that PDP-R densification would not solve Kerikeri's housing affordability issues in short-medium term. PDP-DV has inadequate provisions for built form outcomes and well functioning urban environment; adverse effects on 'village' character, human scale, amenity, landscaping, other elements valued by hapu and community, and essential initiatives for local economic regeneration re: visitor tourism, arts/artisans, crafts etc. Practical implications of some PDP-DV urban rules/standards were not properly considered by FNDC, resulting in issues such as reduced pedestrian areas in CBD; fragmented areas of ground floor retail/commercial in TCZ and gaps in verandah protection, while the entire large new MUZ area will have continuous ground floor retail/commercial. s42 reports claimed Kerikeri is "infrastructure-ready", however Kerikeri wastewater treatment facility is at capacity and inflows can be as high as 3 times design-capacity during rain events, and parts of the stormwater infrastructure are also overwhelmed. LTP is not scheduled to increase treatment capacity substantially until 2031.1 Details of PDP-R's longer term impact on traffic and road	Oppose	Kāinga Ora opposes this relief sought as the Proposed Plan already appropriately provides for urban growth and housing capacity in Kerikeri, consistent with national and regional planning direction. Limiting intensification on the basis of character and amenity concerns would unnecessarily constrain housing supply and choice and is in direct conflict with Policy 6(a) of the NPS-UD. Infrastructure constraints can be managed through existing planning, infrastructure funding and development processes and do not justify reducing the level of development enabled by the Proposed Plan. The relief sought would undermine the Proposed Plan's ability to support a well-functioning urban environment and respond to current and future housing needs, including a variety of housing that meet the needs, in terms of type, price and location, of different households (including public housing tenants).

	infrastructure are not publicly available.		
Building height and number of storeys: height and number of storeys in urban zone rules/standards and where stated in Objectives, Policies, chapter Overviews	Amend urban zone standards and rules on heights and amend activity status so effects can be considered and avoided or mitigated. TCZ, MUZ: up to 8m + 1m (2 storey) permitted; up to 11m + 1m discretionary; more than 11m + 1m non-complying. MDRZ, GRZ: 1 storey permitted; up to 8m + 1m discretionary; more than 8m + 1m non-complying. However, MDRZ up to 11m + 1m may be acceptable in areas of lower topography, away from ridgeline, if visual dominance can be avoided. Consequential amendments to reflect points above	Oppose	The proposed reduction in permitted building heights would unnecessarily constrain development capacity, housing supply, and housing choice within urban zones. The Proposed Plan height standards are an important mechanism for enabling efficient urban growth and supporting a well-functioning urban environment. Requiring lower height limits and more restrictive activity statuses would reduce development opportunities, increase development costs (compared to more intensive forms of development, which allow for more efficient use of land), and limit the ability of the plan to accommodate future growth. Concerns relating to visual amenity and character can be appropriately managed through the existing built form provisions and do not justify the significant reduction in development capacity sought by the relief sought. Kāinga Ora opposes the relief seeking a non-complying activity status for developments exceeding the height standards. This would create an unnecessary consenting barrier, increase costs and uncertainty, and further constrain growth capacity. The existing activity status framework appropriately manages effects while enabling development.
Storey setbacks (HIRB):	Amend TCZ, MUZ, MDRZ to require street front HIRB of 8 m + 60°. This would ensure buildings either (a) angle roofs away from the	Oppose	The proposed street-front HIRB control would unnecessarily constrain development capacity and

Height at which storey setbacks (HIRB) apply in urban zones	street or (b) are set back. Either action would help address the issues.		design flexibility in the TCZ, MUZ and MDRZ. Well-designed buildings located close to and addressing the street can positively contribute to streetscape amenity, pedestrian activity, and an active urban environment. Existing height and built form standards are sufficient to manage streetscape effects, and the additional restriction proposed would unnecessarily limit intensification and efficient use of urban land.
Standards to achieve high quality urban form: Additional standard applicable in TCZ-R1, MUZ-R1, MDRZ-R1, IR7 and amendments in other urban provisions where needed	Additional standards for TCZ-R1, MUZ-R1 and MDRZ-R1 and I-R7 specifying elements to be met by new development – ie. Design and character elements that would achieve 'high quality urban form that is visually attractive', 'distinctive sense of place', 'quality public places', 'high quality street environments', 'pedestrian amenity' and similar points in O/Ps; also to support Kerikeri hapu and community values re: character and amenity, and support existing initiatives for visitor tourism to maintain local economic wellbeing, etc.	Oppose	The Proposed Plan already contains objectives and policies that seek high-quality urban form, attractive streetscapes, pedestrian amenity, quality public places, positive amenity outcomes, and development that responds to local character. The relief sought has not demonstrated that the existing framework is ineffective, nor has it provided specific alternative provisions to address the perceived gaps. Requiring additional standards without clear drafting risks creating uncertainty, increasing subjectivity in plan implementation, and imposing unnecessary constraints on development. Matters relating to urban design, amenity, character, and visual effects are already addressed through the existing objectives, policies, rules, standards, and matters of discretion. Kāinga Ora considers the existing provisions provide an appropriate balance between achieving quality outcomes and enabling growth, development capacity, and efficient use of urban land.

Urban design and community input: New provision in urban zones and amended TCZ Note 3.	Amend TCZ Note 3 and add new provision in urban zones to provide a standing urban design committee with members of stakeholder groups including community groups and Kerikeri hapu, to support PDP Policy statements re: high quality urban design and support values that are important to the community, and local economic strategies e.g. existing initiative for visitor tourism, artisan/arts, crafts etc. Committee could operate in conjunction with the process of master planning, urban design guideline and spatial plan implementation.	Oppose	The proposed requirement for a standing urban design committee and associated new provisions in the urban zones is unnecessary and would add complexity, cost, uncertainty and potential delays to development and plan implementation. The Proposed Plan already contains objectives, policies, rules, and assessment criteria that address urban design, amenity, character, and sense of place outcomes. Creating an additional stakeholder review body outside the statutory decision-making framework risks duplicating existing processes, reducing planning certainty, and creating additional barriers to development. Kāinga Ora considers the existing provisions are sufficient to guide high-quality urban design outcomes while enabling growth and development capacity.
Residential units on ground floor in TCZ and MUZ: TCZ-R5, MUZ-R3, MUZ-R4, MUZR9, any other relevant clauses. Pedestrian frontage overlay in planning map	Requirements for ground floor activity, i.e. amount of retail/commercial vs. residential activity in TCZ and MUZ needs to be properly assessed to ensure that rules will support appropriate extent and location of retail/commercial on ground floor.	Oppose in part	Kāinga Ora opposes this appeal point insofar as it seeks to reduce or restrict residential activities at ground floor level within the Mixed Use Zone. The Proposed Plan decisions version appropriately enables a flexible mix of activities, including residential uses, which support housing supply, development feasibility, and the vitality of the zone. Additional restrictions on ground floor residential activities may unnecessarily constrain development and could result in vacant or underutilised commercial space where market demand is limited. Kāinga Ora supports retaining the flexibility provided by the decisions version of

			the Proposed Plan.
Cumulative impermeable surface coverage: TCZ, MUZ, industrial zones and other relevant chapters	Update rules/standards to include best practice environmentally sustainable techniques for new developments, including permeable materials wherever feasible for surfaces such as driveways, paths etc. Limit the cumulative total percentage impermeable coverage in urban and industrial zones (per local mapped zone), or equivalent measure. Require rain capture tanks and similar.	Oppose in part	It is unclear whether the relief sought is intended to apply to residential zones as well as the TCZ and MUZ. The existing maximum impermeable surface standards already provide an appropriate framework for managing stormwater effects. Additional requirements for permeable surfaces, rainwater tanks, and further impermeable coverage controls may unnecessarily increase development costs and constrain development without evidence that the current provisions are inadequate.
Outdoor lighting: LIGHT-R1 Note in Light chapter	LIGHT-R1: Lighting designs should support energy efficiency, and any street lighting should comply with Street Lighting design guidelines for roads and amenity lighting (Auckland Transport). Note: include Principles for Responsible Outdoor Lighting (International Dark Sky Association).	Oppose	Kāinga Ora opposes this relief. The proposed amendment references Auckland Transport's Street Lighting Design Guidelines, which are specific to the Auckland region and are not an appropriate basis for district plan provisions in the Far North context. Referencing external documents from another jurisdiction may also create unnecessary complexity and uncertainty in the interpretation and implementation of the Plan.
Rezoning proposed by Kiwi Fresh Orange (KFO)	Rezone KFO site for development, and amend PDP-R provisions	Oppose	Kāinga Ora opposes the relief sought, as the Proposed Plan provides sufficient development capacity consistent with national and regional planning direction. The MDRZ supports a range of housing typologies and contributes to housing affordability, consistent with the NPS-UD. It also enables appropriate intensification, supports a more compact urban form, and provides a gradual transition between the Town Centre Zone, Mixed Use Zone, and

			GRZ. As the largest urban centre in the Far North, Kerikeri is well suited to MDRZ. Any transport and infrastructure constraints can be addressed through existing planning and funding processes and do not warrant reducing development capacity. The relief sought would undermine the Proposed Plan's ability to support a well-functioning urban environment and meet current and future housing needs.
Omissions, insufficient alignment with key policies, and clarifications: Further points inserted in zone chapters and other relevant chapters	Further provisions needed, particularly standards, to support community wellbeing, community values, especially amenity, ecological values, and to implement similar points stated in RMA, national direction, and Policies of PDP.	Oppose	The relief sought is broad and general in nature, and no specific amendments or redrafted provisions have been provided. The Proposed Plan already contains objectives, policies, rules and standards that address community wellbeing, amenity, ecological values and relevant national and regional policy direction. Without clear drafting or evidence demonstrating a deficiency in the existing framework, it is not possible to assess the necessity, effectiveness, or efficiency of the additional provisions sought. Kāinga Ora therefore supports retaining the PDP as notified through the decisions version.