

SECTION 42A REPORT

Hearing 15D: Rezoning Submissions – Kerikeri-Waipapa

1	Executive Summary	4
2	Introduction	8
2.1	Author and Qualifications - Sarah Trinder (Report Writer for Section 5.2)....	8
2.2	Author and Qualifications – Jerome Wyeth (Reporting Officer for Section 5.3)	8
2.3	Legislation update - Draft Government Policy Statement on Housing and Urban Development (GPS-HUD).....	9
2.4	Scope/Purpose of Report	9
2.5	Expert Advice	10
2.6	Code of Conduct	11
2.7	Procedural Matters	11
2.7.1	Pre-hearing Engagement with Submitters.....	11
2.8	Section 32AA Evaluation	12
3	NPS-UD	12
3.1.1	Development Capacity vs Demand – Kerikeri-Waipapa (Base Scenario).....	14
3.1.2	Te Pātukurea – Kerikeri–Waipapa Spatial Plan	15
4	Rezoning Context (Sarah Trinder)	17
4.1	Criterion A – Location	17
4.2	Criterion B – Land Use.....	18
4.3	Criterion C- Site Suitability	19
4.4	Criterion D -Infrastructure.....	19
4.5	Criterion E – Growth Demand.....	19
4.6	Other	20
5	Consideration of Submissions Received	20
5.1	Overview of Submissions Received	20
5.2	Officer Recommendations – Sarah Trinder.....	21
5.2.1	Kāinga Ora (S561 Various).....	21
5.2.2	Ernie Cottle (S92.001) and Jeff and Robby Kemp (S51.001).....	30
5.2.3	Turnstone Trust (S499.001)	31
5.2.4	Alan and Pat Strang (S20.001)	38
5.2.5	Audrey Campbell-Frear (S209.003 and S209.004)	40



5.2.6	C Otway Ltd (S393.002, S393.003 and S393.004)	44
5.2.7	Kapiro Conservation Trust (Various).....	46
5.2.8	Davies Kerikeri Family Trust, MR Davies, and BR & R Davies (S329.001)	48
5.2.9	Linda Gigger (S370.001)	52
5.2.10	Smartlife Trust (S15.001).....	55
5.2.11	Retain Submissions	57
5.2.12	Seeking General Residential Zone	59
5.2.13	Seeking Mixed Use Zone	64
5.2.14	Seeking Light Industrial Zone	67
5.2.15	Seeking Heavy Industrial Zone	68
5.2.16	Other Rezoning Submissions	70
5.3	Officer Recommendations – Jerome Wyeth	71
5.3.1	Kiwi Fresh Orange Company Limited S554.....	71
5.3.2	Overview of KFO submission and technical evidence	71
5.3.3	Evaluation of KFO Proposal against the Criteria in Minute 14	76
5.3.4	Overview of the Te Pae Waioara Precinct Provisions and Precinct Plan 109	
5.3.5	Overall Evaluation of the KFO Proposal.....	114
6	Conclusion	129

Appendix 1: Evaluation of Submissions

Appendix 2: Officer’s Recommended Decisions on Submissions (Rezoning Hearing 15D)

Appendix 3: Officer’s Recommended Amendments to Provisions (Medium Density Residential Zone, Town Centre Zone and Consequential Amendments)

Appendix 4: Recommended Amendments to the PDP Maps Rezoning

Appendix 5: Evaluation of Urban Growth Zoning Options for Kerikeri-Waipapa

Appendix 6: Pre-Hearing Meeting Minutes

Appendix 7: Technical Memos

List of Abbreviations

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

Submitter Number	Abbreviation	Full Name of Submitter
S329	Davies Kerikeri Family Trust	Davies Kerikeri Family Trust, MR Davies, and BR & R Davies
S368	FNDC	Far North District Council
S363	Foodstuffs	Foodstuffs North Island Limited
S561	Kāinga Ora	Kāinga Ora Homes and Communities
S554	KFO	Kiwi Fresh Orange Company Limited
S359	NRC	Northland Regional Council
S521	VKK	Vision Kerikeri (Vision for Kerikeri and Environs, VKK)

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

Table 2: Other Abbreviations

Abbreviation	Full Term
FNDC	Far North District Council
GRZ	General Residential Zone
HAIL	Hazardous Activities and Industry List
HPL	Highly productive land
LUC	Land use capability
MDRZ	Medium density residential zone
MUZ	Mixed Use Zone
NES-CS	Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011
NES-F	Resource Management (National Environmental Standards for Freshwater) Regulations 2020
NOSZ	Natural Open Space Zone
NPS	National Policy Statement
NPS-HPL	National Policy Statement for Highly Productive Land 2022
NPS-IB	National Policy Statement for Indigenous Biodiversity 2023
NPS-FM	National Policy Statement for Freshwater Management 2022
NPS-UD	National Policy Statement for Urban Development 2020
ODP	Operative District Plan
PDP	Proposed District Plan
PDP-R	Proposed District Plan – Recommendations Version package
PSI	Preliminary Site Investigation
RMA	Resource Management Act 1991
RPS	Northland Regional Policy Statement 2016
RPROZ	Rural Production Zone
Spatial Plan	Te Pātukurea – Kerikeri-Waipapa Spatial Plan
TCZ	Town centre zone



1 Executive Summary

1. The Far North Proposed District Plan ("PDP") was publicly notified in July 2022. This report provides recommendations on submissions on the zoning of land related to urban zones for land within the Kerikeri-Waipapa Spatial Plan Area.
2. This Section 42A Report should be read in conjunction with the Rezoning Submissions - Overview Report.
3. The rezoning submissions addressed in this report are those that have been allocated to Hearing 15D – Kerikeri- Waipapa Spatial Plan area, relating to urban zone requests within this location.
4. Section 5.2 and 5.3 of this Report groups and evaluates the rezoning submissions using the following subcategories:

Section 5.2

- a) Kāinga Ora (S561 various)
- b) Ernie Cottle (S92.001) and Jeff and Robby Kemp (S51.001)
- c) Turnstone Trust (S499.001)
- d) Alan and Pat Strang (S20.001)
- e) Audrey Campbell-Frear (S209.003 and 209.004)
- f) C Otway Ltd (S393.002, 393.003 and 393.004)
- g) Kapiro Conservation Trust (Various)
- h) Davies Family Trust, MR Davies, and BR & R Davies (S329.001)
- i) Linda Gigger (S370.001)
- j) Smartlife Trust (S15.001)
- k) Retain Submissions
- l) Seeking General Residential Zone
- m) Seeking Mixed Use Zone
- n) Seeking Light Industrial Zone
- o) Seeking Heavy Industrial Zone
- p) Other Rezoning Submissions

Section 5.3

- a) Kiwi Fresh Orange Company Limited (S554)

5. This report has been prepared in accordance with Section 42A of the Resource Management Act ("RMA") and outlines recommendations in response to the issues raised in submissions. Rezoning submissions have been evaluated in this report using criteria consistent with the direction of the Hearing Panel provided in Minute 14: Rezoning Criteria and Process and Section 32AA of the Resource Management Act ("RMA"). This report is intended to both assist the Hearings Panel to make decisions on the submissions and further submissions on the PDP and also provide submitters with an opportunity to see how their submissions have been evaluated, and to see the recommendations made by officers prior to the hearing.

Section 5.2 (Sarah Trinder reporting officer)

6. The report recommends several key zoning amendments. These include changing parts of the General Residential Zone to Medium Density Residential Zone (MDRZ), converting parts of the Mixed Use Zone to Town Centre Zone (TCZ), rezoning 23 Aranga Road to General Residential, rezoning 7.7 hectares of the Turnstone Trust site from General Residential to Mixed Use, and amending the zoning of Pt Lot 1 DP 37646, Landing Road to Sport and Active Recreation. These changes are designed to support a compact, infrastructure-efficient urban form, focusing growth within and adjacent to existing urban centres.
7. Economic analysis confirms that the recommended PDP-R package, including the MDRZ and TCZ, provides sufficient development capacity to meet projected housing and business demand in Kerikeri-Waipapa over the short, medium, and long term. The plan-enabled, feasible, and potential development capacities all exceed projected demand, supporting housing choice, affordability, and a competitive development market while promoting a well-functioning urban environment.
8. The report evaluates major submissions in detail. Kāinga Ora's submission supporting MDRZ and TCZ in Kerikeri is largely accepted, with some refinements to spatial extent and provisions. The Turnstone Trust's request to rezone 7.7 hectares from General Residential to Mixed Use is supported in part but not extended to Fairway Drive due to consultation and infrastructure concerns.
9. Other notable submissions include support for rezoning 23 Aranga Road to General Residential (Smartlife Trust), rejection of upzoning requests from the Davies Kerikeri Family Trust due to inconsistency with the Spatial Plan and lack of infrastructure, and rejection of a Light Industrial zoning request for a site used for concrete manufacturing (Linda Gigger).
10. All rezoning requests were evaluated against a consistent framework, considering location, land use, site suitability, infrastructure, and growth demand. The recommendations prioritize intensification and compact urban form and ensure infrastructure efficiency.
11. The recommended zoning amendments are considered efficient and effective in achieving the purpose of the Resource Management Act, the objectives of the PDP, and other relevant statutory documents. The approach prioritizes intensification, compact urban form, and infrastructure efficiency,

Section 5.3 (Jerome Wyeth reporting officer)

12. Kiwi Fresh Orange Limited (KFO) is requesting rezoning of approximately 197ha of land between Kerikeri and Waipapa (the Site) from Rural Production Zone (RPROZ) to urban zoning, which is a combination of General Residential Zone, Mixed Use Zone and Natural Open Space Zone (the KFO proposal). I have undertaken an evaluation of the KFO proposal in accordance with the relevant statutory considerations, informed by a range of technical assessments and evidence. In summary, I do not recommend the Site is zoned for urban development through the PDP for the following reasons:

- a) The economic evidence and updated assessment of development capacity demonstrates that the PDP-R (with the recommendations from Ms Trinder outlined above) will provide sufficient development capacity (with "competitive margins") to meet expected demand for housing and business land in Kerikeri-Waipapa over the short, medium and long-term in accordance with the NPS-UD. Accordingly, I do not agree with KFO evidence that rezoning the land for urban development is required through the PDP to meet the sufficient development capacity requirements in the NPS-UD or to achieve competitive land and development markets.
- b) Urban zoning the Site in addition to the recommended amendments in the PDP-R will undermine intensification efforts and the broader strategic direction set through the recently adopted Spatial Plan. More specifically, this would result in over-zoning of plan-enabled greenfield capacity, which is likely to undermine the range of economic benefits associated with a more compact urban form.
- c) In my view, there are a range of uncertainties associated with the KFO proposal, which means it is unclear whether the land is, or can be, suitable for urban development. There is a general assumption within the KFO evidence that these issues and uncertainties can be addressed through future consenting processes. However, in my view, there are some critical issues and information gaps that need to be addressed at the rezoning stage. These issues and information gaps are detailed throughout this report and primarily relate to ecology, flood hazards, infrastructure, transport and urban design. Collectively, I consider that these uncertainties mean the risk of acting by rezoning the KFO Site for urban development are potentially significant.
- d) Leaving aside these uncertainties, the KFO proposal is expected to result in a range of adverse effects, particularly from an urban design and transport perspective. These adverse effects are anticipated to arise due to a range of factors, in particular the lack of connectivity to Kerikeri and Waipapa (unsecured access and topographical constraints), creating a high-risk of a poorly connected, car reliant suburb that detracts from the vitality and functioning of Kerikeri and Waipapa.

- e) While the proposed flood mitigation may be feasible, there are several unresolved critical information gaps that are necessary to address at the rezoning stage. These include issues relating to potential use of bunds or stop banks, level of service, residual risk, downstream effects, effects on natural wetlands and design implications, and the funding and maintenance of the proposed flood mitigation scheme. Further, in my view, there is a more fundamental question of whether this scale of urban development should be enabled within a Site with inherent flooding risks when there are feasible options to provide development capacity on land that is not subject to such extensive flood hazard risks.
- f) There are no specific details or commitments to demonstrate how the infrastructure needed for the Site will be staged, funded or delivered. Without such commitments in place, this creates a significant financial risk to Council and is likely to be much less efficient in terms of infrastructure delivery for the future growth of Kerikeri-Waipapa compared the sustainable, compact urban form sought through the Spatial Plan and supported by the PDP-R recommendations.
- g) The proposed provisions in the Precinct Chapter and Precinct Plan have a range of shortcomings. Put simply, in my opinion, the proposed provisions and associated Precinct Plan lack the necessary certainty and precision for an urban development proposal of this scale and exacerbate the risks and potential adverse effects associated with the KFO proposal.
- h) While the KFO proposal aligns with certain provisions in some higher order documents, in my view it is inconsistent and potentially contrary to key provisions in higher order documents. In particular, in my view, the KFO proposal does not meet the statutory tests in the NPS-HPL for urban zoning on highly productive land and does not give effect to provisions in the NPS-UD relating to well-functioning urban environments and intensification in appropriate locations. It is also unclear whether the KFO proposal can be consistent with the provisions in the NPS-FM and NES-F relating to natural inland wetlands and the RPS provisions relating to natural hazards.
- i) Lastly, I have undertaken an evaluation of high-level options for urban zoning in Kerikeri-Waipapa in accordance with section 32 of the RMA in collaboration with Ms Trinder. This evaluation confirms that the KFO proposal (with or without the PDP-R recommendations of Ms Trinder) is not the most appropriate option and the risks of acting due to uncertain and insufficient information are high.

13. The key changes recommended in this report relate to:

- Amend zoning of parts of General Residential zone (as notified) to Medium Density Residential Zone.
- Amend zoning of parts of Mixed use zone (as notified) to Town Centre Zone.

- Amend the zoning of 23 Aranga Road, Kerikeri to General Residential Zone.
- Amend the zoning of the 7.7ha Turnstone sites from General Residential to Mixed Use Zone.
- Amend the zoning of Pt Lot 1 DP 37646, Landing Road to Sport and Active recreation.

2 Introduction

2.1 Author and Qualifications - Sarah Trinder (Report Writer for Section 5.2)

14. My full name is Sarah Trinder, and I am a Senior Policy Planner at Far North District Council. I hold the qualification of a Bachelor of Science (Honours), Majoring in Geography, from The University of Auckland in 2010. I am an Associate member of the New Zealand Planning Institute.
15. I have 13 years' experience in planning and resource management including policy evaluation and development, and associated Section 32 assessments: evidence preparation, and the processing of resource consent applications, outline plans and notices of requirement. I have worked in planning in both government authorities and a private consultancy. During this time, I was involved in the development of the Auckland Unitary Plan, and the Far North District Plan.
16. I previously worked at Barker and Associates which represents a number of clients who are submitters on the PDP. I did not work for Barker and Associates during the original submission process and was not involved with any work for the Far North Proposed District Plan for any of their clients.
17. I have prepared S42A recommendations reports across several hearing topics, including how the plan works, open space zoning, engineering standards, and urban provisions and zoning.

2.2 Author and Qualifications – Jerome Wyeth (Reporting Officer for Section 5.3)

18. My full name is Jerome Wyeth. I am a Technical Director – Planning at SLR Consulting based in Whangarei.
19. I hold the qualification of Bachelor of Science (Geography) and Masters of Science (Geography), with First Class Honours. I am a Full member of the New Zealand Planning Institute.
20. I have over 20 years of experience in resource management and planning with roles in central government, local government and the private sector. My primary area of work is policy planning for local and central government, and I am the New Zealand Policy Portfolio Lead at SLR Consulting. I have worked on a number of district and regional plans at various stages of the RMA Schedule 1 process and have prepared planning evidence for local authority and Environment Court hearings on a range of resource management issues.
21. I have been closely involved in the development and implementation of numerous national direction instruments under the RMA (national policy statements and national environmental standards), from the policy scoping stage through to policy decisions

and drafting, the preparation of Section 32 evaluation reports and implementation guidance. This includes national direction instruments relating to highly productive land, indigenous biodiversity, infrastructure, renewable electricity generation and electricity transmission, climate change, plantation forestry and telecommunication facilities.

22. I have been working with the Far North District Council (FNDC) on the PDP since 2021. I am the reporting officer for a number of PDP topics, including special purpose zones, coastal environment, indigenous biodiversity, earthworks, infrastructure, natural hazards topics and rezoning requests being considered in Hearing 15A, 15B and 15C.

2.3 Legislation update - Draft Government Policy Statement on Housing and Urban Development (GPS-HUD)

23. Consultation on the draft GPS-HUD 2025 closes on 21 September 2025. The Draft Proposed Government Policy Statement on Housing and Urban Development (GPS-HUD) sets a long-term (30 year) direction for housing and urban development in Aotearoa New Zealand. It was developed alongside MAIHI Ka Ora – the National Māori housing strategy. The statement sets out four main outcomes it aims to achieve:

- An adaptive and responsive system that that is integrated and self-adjusting and is able to deliver in response to changing circumstances. The system includes private industry and local and central government.
- The provision of housing that is affordable where people have a choice in quality housing in all locations and price points.
- Māori and the Crown working together in partnership to ensure all whānau have stable, affordable, healthy homes. Enabling Māori housing solutions led by Māori and delivered locally.
- Thriving and resilient communities that are well functioning with physical and community infrastructure. Where towns and cities are resilient to natural hazards and address the impacts of climate change (reducing emissions and adaptation).

24. The Government has indicated that these outcomes are intended to remain relevant and constant for future governments. He oranga kāinga, he oranga hāpori – the housing and urban development system indicators – measure progress against the GPS-HUD outcomes.

25. The Government has set five key priorities to achieve these outcomes which include reforming the resource management system to increase the supply of housing within a more efficient process, improving efficiency and competition in building and construction, and incentivising investment in the build to rent market.

2.4 Scope/Purpose of Report

26. This report should be read in conjunction with the Rezoning Submissions - Overview Report. The Overview Report provides:



- a) Overview information on the statutory context within which the rezoning submissions must be considered (including changes to the relevant regulatory framework) which officers have considered when making recommendations on the submissions received.
 - b) An overview of the process that officers have followed when evaluating rezoning submissions, including the criteria and process set out in Hearing Panel Minute 14.
27. This Report has been prepared in accordance with Section 42A of the Resource Management Act to:
- a) assist the Hearings Panel in making their decisions on the submissions and further submissions on the Proposed District Plan; and
 - b) provide submitters with an opportunity to see how their submissions have been evaluated and the recommendations being made by officers, prior to the hearing.
28. This report responds to rezoning submissions for the Kerikeri/Waipapa Urban Zones.
29. It does not address those submissions outside the Kerikeri/Waipapa area, or those within the Kerikeri/Waipapa area seeking a rural zoning.

2.5 Expert Advice

30. In preparing this report, we have relied on expert advice of several experts including:
- Mr McIlrath of Market Economics, expert evidence prepared in response to economic reports and overall economic assistance to the recommendations
 - Mr Hensley from FNDC Infrastructure department, along with input from WSP in a peer review capacity
 - Mr Collins of Abley, expert transport evidence
 - Ms Rennie of Boffa Miskell, expert evidence prepared in generally in response to Urban design and peer review of the Urban design evidence for Turnstone Trust and in relation to the KFO proposal
 - Mr Reuben, spatial planning evidence
 - Ms Andrews, ecology evidence in relation to the KFO proposal
 - Mr Lindenberg, planning evidence in relation to the NPS-UD for the PDP-R recommendations
 - Mr Rix, flood hazard evidence in relation to the KFO proposal
 - Mr Hills, rural productivity evidence in relation to the KFO proposal.

31.

32. We have also relied on a number of technical memos covering archaeology, contaminated land, geotechnical and landscape matters which are attached as Appendix 7.

2.6 Code of Conduct

33. We confirm that we have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and that we have complied with it when preparing this report. Other than when we state that we are relying on the advice of another person, this evidence is within my area of expertise. We have not omitted to consider material facts known to us that might alter or detract from the opinions that I express in this report.

34. We are authorised to give this evidence on the Council's behalf to the Proposed District Plan hearings commissioners ("Hearings Panel").

35. Wherever possible, we have provided a recommendation to assist the Hearings Panel.

2.7 Procedural Matters

2.7.1 Pre-hearing Engagement with Submitters

36. Table 1 below summarises the pre-hearing informal engagement with submitters and the outcome of these discussions specific to the submissions that are evaluated within this report.

Table 1 Pre-hearing Informal Engagement with Submitters

Submitter	Type of Engagement
Kāinga Ora	2 informal online meetings
Ernie Cottle and Jeff Kemp	Initial informal online meeting with Melissa Pearson
Turnstone Trust	Initial informal online meeting
Alan and Pat Strang	Email exchange
Davies Kerikeri Family Trust	Informal in person meeting
Smartlife Trust	Email exchange Brief site visit undertaken
Kiwi Fresh Orange Company	In person meeting

	<p>Various letter and email correspondence</p> <p>Site visit undertaken 4th June 2025 (Sarah Trinder and experts)</p> <p>Site visit undertaken 13 August 2025 (Sarah Trinder and Jerome Wyeth)</p>
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2.8 Section 32AA Evaluation

37. This report group, consider and provide reasons for the recommended decisions on similar matters raised in submissions. Where changes to zoning are recommended, these have been evaluated in accordance with Section 32AA of the RMA.

38. The s32AA further evaluation for recommendations considers:

- a) The reasonably practicable options for achieving the PDP objectives.
- b) The environmental, social, economic and cultural benefits and costs of the zoning or requested zone changes.
- c) The efficiency and effectiveness of the zoning or requested zone change and whether it would achieve the objectives.
- d) The risk of acting or not acting where there is uncertain or insufficient information about the requested zone change.
- e) Summarises the reasons for the recommendation.

39. The section 32AA further evaluation contains a level of detail that corresponds to the scale and significance of the anticipated effects of the changes that have been made. Recommendations on editorial, minor and consequential changes are not re-evaluated.

3 NPS-UD

40. The NPS-UD 2020 aims to ensure New Zealand's urban environments are well-functioning, enabling people and communities to meet their social, economic, and cultural wellbeing, now and into the future. With the adoption of the KWSP resulting in FNDC becoming a tier 3 urban authority, Council needs to give effect to the relevant policies that would apply to Tier 3 local authorities, including Objective 3, Objective 4, Policy 1, Policy 2, and Policy 5.

41. Mr Lindenberg has provided evidence for the Council which assesses the above provisions of the NPS-UD in relation to the PDP-R, and the key considerations for the Council in terms of demonstrating how the intensification policies relevant to Tier 3 local authorities have been given effect to through the Council's recommendations for Hearing Topic 15D. I do not seek to repeat the assessment

undertaken by Mr Lindenberg within this report, and instead rely on Mr Lindenberg's evidence and the conclusions he draws.

42. We consider that there are three broad options available to provide development capacity for Kerikeri-Waipapa as:

- Option 1 – Proposed District Plan – Recommendations Version package (PDP-R)
- Option 2 – Kiwi Fresh Orange Company Limited (KFO) rezoning
- Option 3 – PDP-R package and KFO rezoning.

43. A full section 32 assessment of these three options is included in Appendix 5.

44. The PDP-R package is aligned with the intensification principles of the Spatial Plan details includes the following zoning recommendations for Kerikeri/ Waipapa:

- Medium Density Residential zone over existing General Residential zoned land, spatially identified in Appendix 5 with the package of provisions Appendix 5.
- Town centre zone over existing Mixed Use zoned land, spatially identified in Appendix 5 with the package of provisions Appendix 5.
- Upzoning of 23 Aranga road from Rural residential to General residential zone
- Change of zone, for 7.7ha of land at 126 Kerikeri Road (and associated land holdings) from General residential zone to Mixed use zone
- Introduction of a minor residential unit as a permitted activity and minor provision changes recommended though Hearing 14 – S42A urban zones¹.

Development Capacity

45. Mr McIlrath has provided economic evidence that responds to the rezoning of land in the Kerikeri-Waipapa area. His evidence covers the demand outlook, development capacity under the PDP-R and makes a sufficiency assessment.

46. In his evidence, Mr McIlrath highlights that housing affordability is a critical issue in the Far North and Kerikeri-Waipapa residential markets. He attributes this to low household incomes and high construction costs, which constrain the price points at which developers can feasibly deliver housing. Historically, development has focused on detached dwellings, but Mr McIlrath notes that a shift toward higher-density attached typologies could help address these affordability challenges.

47. The Housing and Business Capacity Assessment (HBA)², prepared in 2024, identified capacity deficits for detached dwellings in both Kerikeri-Waipapa and the wider district. Estimated demand was 3,260 dwellings in Kerikeri-Waipapa and 7,255 district-wide, increasing to 3,830 and 8,525 respectively when

¹ [Microsoft Word - s42A Report Urban](#)

² [HBA Report FINAL.pdf](#)

competitiveness margins were applied. These figures were used to assess sufficiency across both detached and attached dwelling types.

48. Using the HBA model, Mr McIlrath evaluated the capacity enabled by the PDP-R. He found that the PDP-R significantly increases capacity; 3.2 times more for detached dwellings, 2.4 times more for attached dwellings, and 2.5 times more in business zones compared to the ODP. The feasible capacity (FC) under the PDP-R was also substantially greater than under the ODP and PDP. His analysis considered parcel-level feasibility, profit margins, anticipated sales prices, and household income levels as a proxy for affordability.

3.1.1 Development Capacity vs Demand – Kerikeri-Waipapa (Base Scenario)

Timeframe	Dwelling Type	Demand (Excl. Margin)	Feasible Capacity Available	Sufficiency Status	Indicative Timing of Deficit
Short Term (2023–2026)	Detached	484	1811	Sufficient	-
	Attached	51	2365	Sufficient	-
	Total	535	4176		
Medium Term (2026–2033)	Detached	935	1624	Sufficient	-
	Attached	165	3061	Sufficient	-
	Total	1100	4685		
Long Term (2033–2053)	Detached	1472	895	Deficit	2048
	Attached	154	3886	Sufficient	-
	Total	1626	4781		

49. After accounting for these factors, Mr McIlrath conservatively estimated the Potential Development Capacity (PDC) at 5,003 dwellings in Kerikeri-Waipapa (2,590 detached and 2,413 attached), and 23,272 dwellings across the district (15,654 detached and 7,618 attached). He concluded that the PDP-R provides sufficient capacity across all timeframes and typologies, except for a long-term deficit in detached dwellings in Kerikeri-Waipapa, projected to emerge around 2048.
50. However, Mr McIlrath explains that the Spatial Plan reverses this deficit. It adds between 2,833 and 3,199 dwellings in Kerikeri-Waipapa, including 1,039 detached dwellings—more than offsetting the identified shortfall of 364. This confirms that the NPS-UD sufficiency requirement is met.
51. From an economic perspective, Mr McIlrath concludes that the PDP-R aligns with the NPS-UD and is likely to deliver more positive outcomes than the ODP. It enables a greater number of dwellings across various price bands and typologies, supports affordability, fosters a competitive development market, and promotes a well-functioning urban environment in Kerikeri-Waipapa.
52. In summary, Mr McIlrath considers the PDP-R to be consistent with the NPS-UD and likely to deliver greater economic benefits than the ODP or PDP. This is due to its ability to enable more residential capacity near economic centres, support

housing choice and competitiveness, and promote affordability through higher-density development.

PDP-R Option

53. Mr Lindenberg provided planning evidence in support of introducing a Medium Density Residential Zone (MDRZ) and Town Centre Zone (TCZ) as part of the recommendations for Hearing Topic 14 – Urban Zones. His evidence concluded that the use of a MDRZ and TCZ better reflects the objectives of the National Policy Statement on Urban Development (NPS-UD), particularly in relation to enabling housing choice, improving accessibility, and supporting climate resilience. These zones also align more closely with the Council’s strategic approach to development in the Kerikeri–Waipapa area, as outlined in the spatial plan.
54. Mr McIlrath contributed an economic technical memorandum supporting the MDRZ and TCZ, concluding that the MDRZ is expected to deliver long-term benefits by reshaping Kerikeri’s urban form through more efficient spatial interactions and increased housing diversity. Intensification is anticipated to improve housing affordability by enabling smaller, more varied dwellings and enhancing market competition across locations and price points. Locating growth near the town centre supports accessibility, active transport, and infrastructure efficiency. However, he noted that the spatial extent of intensification must be carefully managed to maintain these benefits and ensure alignment with demand in a smaller urban economy like Kerikeri.
55. Urban design evidence from Ms Rennie further supported the introduction of the MDRZ and TCZ. She concluded that the MDRZ would enable positive outcomes by concentrating development in highly accessible areas and expanding housing choice. The TCZ would facilitate a mix of town centre activities and deliver the high-quality amenity expected of a centre of this nature.
56. In summary, the PDP-R package with the primary contributor being the introduction of the Medium Density Residential Zone (MDRZ) and Town Centre Zone (TCZ) represents an appropriate and effective response to the requirements of the National Policy Statement on Urban Development (NPS-UD). These provisions give effect to the relevant objectives and policies—particularly Objectives 3 and 4, and Policies 1, 2, and 5—by enabling a well-functioning urban environment that supports housing choice, accessibility, and efficient urban form. This approach ensures that the Far North District Council, as a Tier 3 local authority, meets its obligations under the NPS-UD to provide sufficient development capacity and support urban environments that respond to the diverse and changing needs of communities.

3.1.2 Te Pātukurea – Kerikeri–Waipapa Spatial Plan

57. Te Pātukurea, the Kerikeri–Waipapa Spatial Plan (Spatial Plan) was adopted by the Far North District Council on 18 June 2025. The spatial plan has been discussed at a high level in Section 3.6.1 of the Rezoning Submissions Overview report.
58. I note that, while it is a non-statutory document, the Spatial Plan is a matter that should be “had regard to” under Section 74(2)(b)(i) of the RMA when making

recommendations in response to submissions on the PDP. I also consider that the Spatial Plan is a council adopted strategy that is consistent with the purpose and content of a future development strategy, as set out in the National Policy Statement for Urban Development (NPS-UD), despite this not being required for a Tier 3 local authority. As such, I consider that it can be given some weight when considering submissions that have the potential to influence whether the outcomes sought by the Spatial Plan will be achieved.

59. The core outcome sought by the Spatial Plan is that a compact urban form around Kerikeri and Waipapa is achieved, as opposed to accommodating future growth via continued greenfield development outside of the boundaries identified in the Spatial Plan. This compact urban form is intended to be achieved in Kerikeri by providing approximately 30–40% of future growth through brownfield development/intensification, with 60–70% accommodated in greenfield areas. For Waipapa, the proportions are approximately 17% brownfield/intensification and 80% greenfield.
60. The growth scenarios underpinning the Spatial Plan were developed through a structured, multi-phase process that combined technical analysis, stakeholder engagement, and public consultation. As outlined in Mr Reuben's evidence, six scenarios (A to F) were formulated to explore different spatial patterns for accommodating future growth. These scenarios were informed by infrastructure assessments, cultural input from the Hapū Rōpū, and feedback from the community.
61. Each scenario was evaluated using a multi-criteria assessment (MCA), infrastructure cost analysis, and cultural analysis. Scenario D (Kerikeri South focused expansion) ranked highest in technical and infrastructure efficiency, Scenario C was preferred in the cultural analysis, and Scenario E (Waipapa focused expansion) received the strongest public support. In response to these findings, a hybrid scenario combining elements of D and E was selected as the preferred growth strategy. This hybrid approach was found to best align with the Spatial Plan's objectives, including compact urban form, infrastructure efficiency, and alignment with community and hapū aspirations.
62. Scenario F (Kerikeri Northwest expansion) was added later in response to community interest but was ultimately excluded from the adopted growth strategy due to significant constraints. These included flood risk, high infrastructure costs, poor connectivity, and misalignment with the Spatial Plan's principles. As Mr Reuben notes, Scenario F was instead designated as a "Contingent Future Growth Area," subject to further investigation and developer-led resolution of key issues.
63. This evaluation process, as detailed in Mr Reuben's evidence, ensured that the adopted growth strategy was both technically sound and responsive to cultural and community values.
64. The preferred option to meet development capacity for the Far North district, the PDP-R is consistent intensification principles of the Spatial plan, and alignment with the growth direction where there is scope available. The further Kerikeri south

focused expansion and Waipapa focused expansion will need to occur through future plan change processes.

4 Rezoning Context (Sarah Trinder)

65. I have considered a wide range of factors when making recommendations on rezoning requests but have been largely guided by the criteria I set out in the Urban Zoning Evaluation Framework, which is in Table 5 of the Rezoning Overview section 42A report³. I consider that these criteria are the key matters to evaluate in a consistent manner when deciding whether to accept or reject a rezoning submission, particularly in cases where an evaluation against the information requirements set out in Minute 14 has not been provided.

66. In the interests of efficiency, this section of my report sets out the rationale for why these criteria were selected and how they have influenced the recommendations in this report. These sections will be cross referenced throughout my recommendations where submissions have common issues to avoid this analysis being repeated throughout the report.

4.1 Criterion A – Location

67. The details of this criterion are self-explanatory, within existing urban areas or adjacent to existing urban areas.

- 'Logical and defensible boundary', I have looked at whether granting the rezoning request would:
- Result in a strong geographically defensible boundary i.e. a road or a river in preference to a cadastral boundary (although cadastral boundaries are also appropriate, provided the extension is logical, see point b. below). A rezoning request that extends a zone further when it already has a defensible boundary is unlikely to be supported as it may generate additional pressure for further growth/fragmentation of land in an area where there is not clear boundary to stop growth. Conversely, a rezoning request that fills in a gap between a zone and a defensible boundary may be more likely to be supported.
- Result in an illogical extension of a zone i.e. rather than 'filling in a gap', the inclusion of land in a zone would create a protrusion where land on three sides of the parcel is a different zone. As above, this is unlikely to be supported given the additional pressure it will put on development of adjacent blocks of land and further increase the likelihood of development sprawl rather than compact development.
- Create an isolated pocked of land that is not adjoining other land with the same zoning. This is unlikely to be supported as best practice is to create cohesive zones rather than fragmented or ad hoc zones.
- Achieves a well – functioning urban environment as per the NPS-UD.

³ [Microsoft Word - Section 42A Report Rezoning Overview Final](#)

4.2 Criterion B – Land Use

68. This criterion includes consideration of whether existing land uses are consistent with the purpose of the zone.
69. There are many submissions from owners of Rural zoned properties requesting a zone change to General Residential, with the core argument being that they should have a zone that matches the current use of their property. In most cases, these rezoning requests would meet criterion B.
70. However, I must also consider the context of how these fragmented areas were created, which is a legacy of the ODP subdivision provisions. The ODP contains a range of pathways for subdivision to create smaller lots across the Rural Production zone. The ODP subdivision provisions allow for:
- 20ha controlled, 12ha restricted discretionary, 4ha discretionary minimum lot sizes.
 - Some limited opportunities for rural lifestyle sized lots, ranging from 2,000m² to 4ha.
 - Additional subdivision opportunities for titles that existed at, or prior to, 28 April 2000.
 - Environmental benefit lot and management plan subdivisions.
71. Under this framework, extensive fragmentation of parts of the Far North rural environment has occurred. This has resulted in parts of the district that are zoned Rural Production in the PDP having a subdivision pattern that is more akin to a Rural Lifestyle or Rural Residential zone i.e. lots ranging from 2,000-4,000m² to 2-4ha in size.
72. I understand where these submitters are coming from and why it would appear logical to allocate zones to properties purely based on what size those properties are now. However, in my view, the purpose of allocating a zone to a property is to send a clear signal as to what land use and subdivision opportunities should be afforded to that property looking ahead for the next ten years (being the anticipated life of the PDP under the RMA at the time of drafting this report). The PDP cannot undo the fragmentation of the rural environment that has been allowed to occur under the ODP, but it can (and should) set the strategic direction for how growth should occur in the future.
73. In many cases, amending the zoning of property from a Rural zone would allow further intensification of that land such as:
- Some of the land is still in large parcels compared to the subdivision potential of the zone being requested. Rezoning this land would enable a substantial yield in locations that are either not being strategically prioritised for growth and/or would undermine intensification outcomes in adjacent zones.

- Insufficient evidence has been provided as to why additional growth opportunities are required in the area where upzoning is requested.
74. While Criterion B is one factor to be considered, this factor alone, in my view, is not sufficient to justify the upzoning of a property. Its inclusion in the Urban Zoning Evaluation Framework is appropriate because it is one of many factors that requires consideration, but if other key criteria are not met then rezoning will not be supported.
75. As such, my recommendations in this report generally reject rezoning submissions where the key argument put forward is that the size of land parcels and existing patterns of subdivision better match an alternative zone, as this argument alone is insufficient justification for upzoning.

4.3 Criterion C- Site Suitability

76. Again, much of this criterion is self-explanatory, however, I have some additional comments on the matters of natural hazards/climate change.
77. Natural hazards and the future effects associated with climate change are key risks to consider when assessing requests for rezoning. The Northland Regional Council (NRC) is an 'opt in' submitter for the rezoning topic with respect to their submission point S359.013, specifically to remain involved with requests for zone changes that would enable intensification in areas prone to flood and coastal hazards. The NRC submission point states that they *"do not support further intensification in flood plains given storm/flood events are predicted to intensify with climate change [and that] enabling further development in areas prone to flooding is at odds with direction in the RPS Policy 7.1.2 and Method 7.1.7"*. This submission point is largely being considered in Hearing 15D but is a relevant consideration in relation to other rezoning requests where intensification of land use would result in more sensitive activities being established in areas prone to natural hazards.
78. I agree with NRC that there are significant risks to life and property associated with allowing intensification in flood plains or in areas subject to coastal inundation. As such, rezoning requests that would allow for intensification of land (either through additional subdivision opportunities and/or more permissive pathways for establishing sensitive land uses) in areas subject to natural hazards are unlikely to be supported.

4.4 Criterion D -Infrastructure

79. Criterion D of the Urban Zoning Evaluation Framework is as follows:
- **Infrastructure:** The land (and development enabled by the rezoning) is or will be supported by adequate development infrastructure servicing and existing transport infrastructure (for example funding and delivery of the infrastructure e.g. the 30-year infrastructure strategy adopted as part of the Long-Term Plan).
80. When considering this criterion, I have relied on Council's Infrastructure representative, Vic Hensley and the peer reviews undertaken by WSP.

4.5 Criterion E – Growth Demand

81. Criterion E of the Urban Zoning Evaluation Framework is as follows:

- **Growth Demand:** Clear evidence of growth pressure or need to provide sufficient development capacity. In the case of land within or near the Kerikeri Waipapa, the rezoning would not undermine the growth objectives of the Spatial Plan being met.

82. When considering this criterion, I have relied on the evidence of Mr McIlrath.

4.6 Other

83. The Heavy Industrial zone is not considered an 'Urban' zone as it is not expected or anticipated to be serviced by development infrastructure. In this report, where a rezoning of a site to Heavy Industrial zone is considered, I will not include consideration of Criterion D Infrastructure.

5 Consideration of Submissions Received

5.1 Overview of Submissions Received

84. A total of 129 original submissions and 494 further submissions were received on the Hearing 15D: Rezoning Kerikeri-Waipapa either requesting a new urban zone or supporting the notified zoning.
85. A number of substantive rezoning submissions were received, and are evaluated under the relevant sub-sections in in Section 5.2-5.3 in this report, including:
 - Kāinga Ora (S561 various)
 - Ernie Cottle (S92.001) and Jeff and Robby Kemp (S51.001)
 - Turnstone Trust (S499.001)
 - Alan and Pat Strang (S20.001)
 - Audrey Campbell-Frear (S209.003 and 209.004)
 - C Otway Ltd (S393.002, 393.003 and 393.004)
 - Kapiro Conservation Trust (Various)
 - Davies Family Trust, MR Davies, and BR & R Davies (S329.001)
 - Linda Gigger (S370.001)
 - Smartlife Trust (S15.001)
 - Retain Submissions
 - Seeking General Residential Zone
 - Seeking Mixed Use Zone

- Seeking Light Industrial Zone
- Seeking Heavy Industrial Zone
- Other Rezoning Submissions
- Kiwi Fresh Orange Company (S554)

5.2 Officer Recommendations – Sarah Trinder

86. **Appendix 1** provides a table which evaluates the 'Opt in' rezoning submissions and provides recommendations to the hearing panel. Our summary evaluation and recommendations on submissions are provided in the relevant subsections below.
87. A full list of submissions and further submissions on Hearing 15D Rezoning Kerikeri-Waipapa are contained in **Appendix 2 – Officer's Recommended Decisions on Submissions to this report**.
88. Additional information can also be obtained from the Summary of Submissions (by Chapter or by Submitter) Submissions database Far North District Council (fndc.govt.nz) the associated Section 32 report on this chapter section-32-overview.pdf (fndc.govt.nz) the overlays and maps on the ePlan Map - Far North Proposed District Plan (isoplan.co.nz).

5.2.1 Kāinga Ora (S561 Various)

Overview

Submission point	Notified Zoning	PDP	Officer Recommendation(s)
S561.110	General Residential		<ul style="list-style-type: none"> • Amend zoning of parts of Kerikeri General Residential zone and rezone Medium Density Residential.
S561.111	Mixed Use		<ul style="list-style-type: none"> • Amend zoning of part of Kerikeri Mixed Use zone and rezone Town Centre zone.
Various	Various		<ul style="list-style-type: none"> • Insert Medium Density Residential and Town Centre Zone for Kerikeri spatially defined figure 1 below.

Matters Raised in Submissions

89. Kāinga Ora (S561.110) sought to insert a new Medium Density Residential zone in Kerikeri, with the spatial extent as proposed in Appendix 3 of their submission, and to insert new provisions as set out in Appendix 4 of the submission (S561.112-116).
90. Other MDRZ submissions include:
- Jane E Johnston (S560.004) oppose the current process, highlighting issues related to housing affordability and urban expansion. Johnston advocates for a high-density residential zone as an alternative to existing rural and coastal zones, without requiring commercial ground-floor restrictions.

91. Further submissions oppose Kāinga Ora submission, include Jeff Kemp and others (FS25.131, FS32.166 FS47.126 & FS348.016), for the following reasons:
 - Undermines character, amenity values and other aspects of the environment that our communities' value.
 - Providing for residential intensification also needs to consider the most appropriate and efficient way to provide capacity with reference to the integration of infrastructure with development and creation of well-functioning urban environments.
 - There is no requirement for the proposed Medium Density Zone.
92. Further submissions in support include Peter Malcolm and others (FS 584.009 FS23.384) acknowledge the following:
 - Central Kerikeri is an appropriate location to enable residential intensification as it has sufficient servicing, low natural hazard risk and is accessible to public transport, services and amenities.

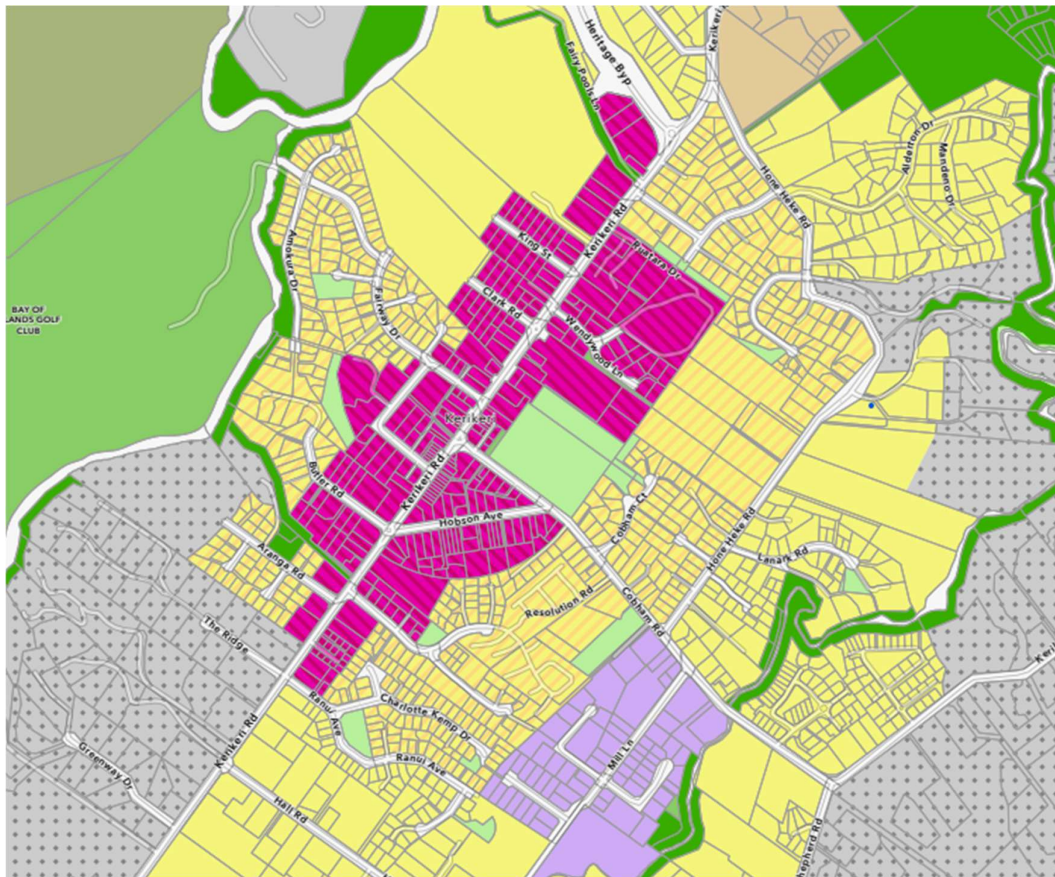


Figure 1: Kāinga Ora (S561) Appendix 4 - Planning Map Kerikeri showing extent of Medium Density Residential Zone and Town Centre Zone

- Enabling intensification within the Kerikeri Town Centre will help reduce sprawl, improve economic viability and promote vibrant communities. Kāinga



Ora sought to amend the Mixed use zone in Kerikeri replacing it with a Town Centre zone as shown in Appendix 3 their submission, and to insert new provisions as set out in Appendix 5 of the submission (S561.112-116).

93. Other TCZ Submissions Include:

- Jane E Johnston (S560.007) seeks consideration for a balanced zoning approach in Kerikeri, proposing Mixed Use Zones along both edges of the town with high-density residential areas positioned between them. The submitters note that a large area is already proposed as Mixed Use despite Section 32 reports indicating that nearby Waipapa already offers sufficient commercially zoned land.
- Multiple submitters⁴ propose additional Commercial and Mixed use zones to improve urban management and strategic development. They advocate for urban design guidelines, a reassessment of zoning for existing centres, and the establishment of a centre hierarchy to ensure alignment with current and planned development. Submitters raise concerns about the broad application of MUZ limiting commercial activities, and submitters request a Section 32 evaluation to support zoning changes. Several submitters (Puketotara Lodge and others) propose rezoning Kerikeri town centre as a Town Centre Zone.

94. A considerable amount of further submission support was received on the submissions for a Town Centre Zone in Kerikeri, for the following key reasons:

- The extension of the MUZ will enable Kerikeri's residential and commercial area to expand next to the existing town centre and CBD facilities without creating urban sprawl.
- Promotion of commercial shops/cafes/offices on the ground floor with terraced apartments on top up to a maximum of 3 floors (12m).
- The MUZ does not give effect to Objective 1 and Policy 1 of the National Policy Statement on Urban Development (NPS-UD).
- The Section 32 Evaluation - Urban does not provide sufficient level of detail that corresponds to the scale and significance of due to the importance of the zone being the only commercial zone proposed within the District. The evaluation fails to consider the full range of commercial zoning options and identify reasonably practicable options to achieve objectives and the evaluation fails to evaluate appropriate zone criteria and boundaries.
- The PDP does not provide strategic direction or policy support for the suite of urban zones proposed.

⁴ S188.002, S188.003, S209.002, S209.006, S209.003, S252.003, S252.006, S271.033, S325.002, S344.002, S344.027, S363.001, S363.018, S363.037, S385.018, S393.003, S446.034, S446.040, S471.002, S471.003, S475.002, S475.003, S499.002, S516.078, S524.033, S529.098, S534.002, S534.003, S534.033, S535.003, S535.004, S549.002,

- The Mixed Use Zone provisions do not sufficiently enable a range of commercial activities.
 - Review Commercial Zones (support TCZ but not 6 storey height).
 - Support enabling building heights up to 6 storeys (22m) in the Kerikeri Town Centre. There is currently a shortage of affordable and public housing within this area. Central Kerikeri is an appropriate location to enable residential intensification as it has sufficient servicing, low natural hazard risk and is accessible to public transport, services and amenities. Enabling intensification within the Kerikeri Town Centre will help reduce sprawl, improve economic viability and promote vibrant communities.
95. Although Kāinga Ora did not formally 'opt in' to the Minute 14 hearings process. Two informal prehearing meetings were held with Kāinga Ora representatives on 1st August 2-24 and 14th April 2025. The outcomes of these meeting clarified matters in their submission, update and alignment with the Kerikeri/Waipapa spatial plan and initial discussions around the recommendations for a Medium Density Residential and Town Centre Zone.
96. In the S42A Urban zones report, I recommended the introduction of a Medium Density Residential and Town Centre zone for Kerikeri. However, I did not spatially identify the location of these zones or provide the associated provisions. This report builds on that recommendation.

Strategic Planning Alignment

97. The Te Pātukurea – Kerikeri-Waipapa Spatial Plan, adopted by the Far North District Council in June 2025, provides a clear strategic framework for urban growth over the next 30 years. It promotes a compact, infrastructure-efficient urban form that concentrates development within and adjacent to existing urban centres⁵. The Spatial Plan identifies the Medium Density Residential Zone (MDRZ) and Town Centre Zone (TCZ) as key mechanisms to deliver this vision, particularly within walkable catchments of the Kerikeri town centre. These zones support the Spatial Plan's preferred hybrid growth scenario, which focuses intensification in Kerikeri South and Waipapa, aligning with community aspirations and infrastructure planning⁶.

Economic Capacity and Sufficiency

98. Economic modelling confirms that adopting the MDRZ and TCZ as recommended as a main contributor to the PDP-R will enable sufficient development capacity to meet projected housing demand in Kerikeri-Waipapa. The Housing and Business Capacity Assessment (HBA) projects demand for 3,260 to 4,220 new dwellings over the next 30 years⁷. The proposed zoning provides a plan-enabled capacity of 7,788 dwellings, feasible capacity of 6,418 dwellings, and potential development

⁵ Mr Ruben statement of evidence

⁶ Mr Ruben statement of evidence

⁷ Mr McIlrath

capacity of 5,003 dwellings—well in excess of projected demand. This capacity is infrastructure-ready, supported by existing networks and planned upgrades in the 2024–2027 Long-Term Plan, and future infrastructure needs are addressed through the 2027 Infrastructure Strategy and the newly established Northland Waters CCO. These findings demonstrate compliance with the National Policy Statement on Urban Development (NPS-UD), particularly Policy 2, which requires Tier 3 local authorities to provide sufficient development capacity. It is important to note that as detailed in the s42A urban report⁸ uptake for a Medium Density residential type development is in the medium to long term.

Urban Design Considerations

99. Urban design evidence supports the MDRZ and TCZ as essential tools for achieving a well-functioning urban environment in Kerikeri. The MDRZ enables medium-density housing typologies such as duplexes, terraces, and walk-up apartments, promoting housing diversity and affordability. Located within a 400m walkable catchment of the town centre, the MDRZ supports accessibility, active transport, and reduced car dependency. The TCZ reinforces Kerikeri’s role as the district’s primary economic hub by enabling commercial intensification and agglomeration benefits. Together, these zones support a compact urban form, preserve local character, and enhance the vibrancy of Kerikeri and Waipapa. Their spatial application is supported by urban design analysis and community feedback and reflects best-practice planning principles.

Planning and Policy Integration

100. The MDRZ and TCZ are consistent with the strategic direction of the Proposed District Plan and the Section 42A report recommendations. They align with key objectives and policies of the NPS-UD, including enabling more people to live near centres (Objective 3), supporting evolving urban environments (Objective 4), and providing for density and height commensurate with accessibility and demand (Policy 5). The proposed spatial application of the MDRZ—within a 400m walkable catchment—is supported by urban design analysis and community feedback. The TCZ reinforces the commercial core of Kerikeri, supporting employment, services, and economic resilience. These zones reflect best-practice planning principles and respond to local aspirations for sustainable, connected, and inclusive urban growth.

Spatial Extent of MDRZ

101. The proposed MDRZ for Kerikeri is intended to enable increased residential intensification in the most accessible areas of the township, particularly those adjoining the town centre. The spatial extent is defined by a 300–500 metre walkable catchment from the town centre, aligning with national best practice and also the Te Pātukurea Kerikeri Waipapa Spatial Plan.
102. Critically, the MDRZ is proposed to apply only to areas currently zoned General Residential (GRZ). This targeted approach ensures that intensification occurs

⁸ [fndc.govt.nz/ data/assets/pdf file/0025/42478/S42A-Report-Urban-Zones-V2.pdf](https://fndc.govt.nz/data/assets/pdf_file/0025/42478/S42A-Report-Urban-Zones-V2.pdf)

within established residential environments that already have infrastructure capacity and urban character suitable for medium-density development. It avoids extending the MDRZ into rural or undeveloped zones, preserving the integrity of the wider urban form.

103. From an urban design perspective, Jane Rennie supports the MDRZ as a logical step in Kerikeri's growth strategy, noting that it fills a missing layer of residential typology between the low-density GRZ and the higher-density town centre. The MDRZ enables a "stepping down" in built form from the town centre to the surrounding residential areas, reinforcing a compact and legible urban structure.
104. The walkable catchment was evaluated using multiple scenarios (400m, 800m, and KO's 300–500m proposal), with refinements recommended to reflect actual accessibility and pedestrian connectivity. A more compact commercial core was used to define the catchment, ensuring that the MDRZ supports walkability, public transport integration, and proximity to services.
105. In summary, the spatial extent of the MDRZ is broadly appropriate, provided it is limited to existing GRZ areas and refined to reflect on-the-ground accessibility. This refinement occurred as part of the Spatial plan process. This approach supports housing choice, affordability, and urban efficiency while maintaining Kerikeri's character and enabling a logical transition in built form. For mapped spatial extent see Appendix 4.

Spatial extent of TCZ.

106. The PDP currently applies the Mixed use zone (MUZ) only to centres across the District, but submissions—particularly from Kāinga Ora (KO)—propose introducing a new Town Centre Zone (TCZ) for Kerikeri to reflect its role as the District's key commercial centre, as identified in the Te Pātukurea Spatial Plan, which also highlights a need for an additional 13.9ha of commercial land. Kerikeri's commercial core, which is the main pedestrian-focused area, is bookended by supermarkets and features predominantly one-storey buildings, presenting significant potential for intensification near key services. KO's submission seeks to apply the TCZ across the same spatial extent as the MUZ, enabling greater development capacity, particularly for residential uses above ground floor.
107. I support a smaller core TCZ than that proposed by Kāinga Ora. A more focused TCZ would better reflect Kerikeri's current urban structure and commercial footprint, while still enabling intensification and supporting the town's role as a district centre. This approach also allows for clearer built form transitions to surrounding MUZ and MDRZ zones, and ensures the TCZ remains legible, accessible, and well-integrated with future transport and residential planning. For the recommended mapped spatial extent see Appendix 4.

Provisions MDRZ

108. The MDRZ provisions proposed by Kāinga Ora (KO) aim to enable increased residential intensity within a defined 300–500 metre walkable catchment around the Kerikeri town centre. These provisions are designed to replace parts of the

existing General Residential Zone (GRZ) and support Kerikeri's role as the District's primary urban centre.

109. The MDRZ allows for:

- Building height of up to 11m plus 1m for roof slope (effectively 3 storeys).
- No minimum lot size, enabling more flexible subdivision.
- Smaller building platform requirement (8m x 15m vs. 14m x 14m in GRZ).
- Reduced setbacks (1.5m front yard, 1m other boundaries).
- Higher site coverage (60% vs. 50% in GRZ).
- Minimum 20% glazing on street-facing façades.
- Outdoor living space requirements tailored to unit type and location.
- Landscaping requirement of 20% of the site.

110. These provisions are intended to facilitate a more compact, diverse, and street-oriented built form, supporting a range of housing typologies including duplexes, terraces, and low-rise apartments.

111. Jane Rennie finds the MDRZ provisions to be "well conceived and sound in execution," noting several urban design advantages:

- They enable street-fronting units, which are preferred over rear-lot configurations for walkability and visual engagement.
- They support greater housing diversity and redevelopment potential, especially on underutilised sites near the town centre.
- They allow for a logical transition in built form, stepping down from the town centre to surrounding residential areas.
- They align with national planning standards and the NPS-UD, promoting well-functioning urban environments.

112. Case studies in the evidence show that while both GRZ and MDRZ can enable similar unit counts on typical lots, MDRZ provisions allow for better site layout and urban design outcomes. Larger blocks under MDRZ can achieve densities of 40–72 dwellings per hectare, compared to 30–36 dwellings per hectare under GRZ.

113. The MDRZ provisions proposed by Kāinga Ora offer a robust framework for enabling medium-density housing in Kerikeri's most accessible areas. They support the town's growth, improve housing choice and affordability, and reinforce the primacy of the town centre. The provisions are particularly effective when applied to existing GRZ areas, ensuring compatibility with infrastructure and urban character.

114. Kāinga Ora did not provide subdivision provision drafting for the Medium Density Residential Zone (MDRZ) as part of their submission. Instead, they have sought the removal of minimum lot size requirements across residential zones. I do not support this approach. In response, I have recommended a controlled activity status for vacant sites with a minimum lot size of 300m², and no minimum lot size around existing developments. Additionally, I have recommended that lots over 700m² have a discretionary activity status to enable the level of density anticipated by the MDRZ. This approach is consistent with MDRZ provisions in other district plans.
115. I largely agree with the provisions proposed by Kāinga Ora subject to some minor plan wide consistency changes, the marked up provisions can be found in Appendix 3. As a result of the introduction of MDRZ Consequential changes to provisions plan wide are necessary these are shown in Appendix 3.

Provisions TCZ

116. The TCZ provisions proposed by Kāinga Ora included a maximum building height of 22 metres (6 storeys), revised height-in-relation-to-boundary rules (60° recession plane from 4m), and requirements for verandas, glazing, and pedestrian frontages to enhance street-level engagement. These provisions aim to support intensification and accommodate future growth.
117. However, Ms Rennie⁹ raises concerns about the appropriateness of the 22m height limit in the Kerikeri context. She notes that the existing built form is predominantly 1–2 storeys, with only a few recent developments reaching 2–3 storeys. Introducing buildings up to 6 storeys could result in adverse urban design effects, including:
- Overbearing buildings that disrupt the human scale
 - Loss of character and identity
 - Imbalanced distribution of activity
 - Reduced sunlight and openness in the public realm
118. To mitigate these effects, Ms Rennie recommends a revised height limit of 15–16 metres (4 storeys). This would maintain a human scale, support a consistent built form, and enable logical transitions to surrounding Medium Density Residential Zone (MDRZ) and General Residential Zone (GRZ) areas. It would also better reflect Kerikeri's Tier 3 status and current infrastructure constraints, while still allowing for meaningful intensification and commercial investment. I agree with this and proposed a 16m height limit.
119. Through Hearing 14 evidence was heard from Ms Dvorakoa on behalf of Vision Kerikeri. I engaged Ms Rennie, Urban design to prepare a memo to respond as part of the written write of reply. Ms Rennie Right of reply technical memo has suggested in response to the submitters concerns around ad hoc development

⁹ [Statement-of-Evidence-Jane-Rennie-on-behalf-of-FNDC,-TCZ,-dated-23-June-2025.pdf](#)

outcomes Ms Rennie encourages the Council to consider the role of an urban designer peer review process for TCZ developments and a HIRB rule in relation to the street frontage in the TCZ. I have not made any recommendations as a result of this piece of work it is acknowledged that further work will need to be undertaken and this could occur with work planned as part of the spatial plan implementation. I will seek the panels direction around this and if necessary further work and recommendations can be made through the written right of reply. However, I note that, at the time of writing, initial project planning is underway regarding a range of KWSP implementation projects. This includes potential design guidance.

120. Kāinga Ora has not provided specific subdivision provision drafting for the Town Centre Zone (TCZ) I have recommended that subdivisions in the TCZ proceed with no minimum lot size as a controlled This approach is consistent with subdivision provisions in other district plans and supports the objectives of the TCZ .
121. Other than an amendment to the height limit for the TCZ, I largely agree with the provisions proposed by Kāinga Ora subject to some minor plan wide consistency changes, the marked up provisions can be found in Appendix 3. As a result of the introduction of TCZ Consequential changes to provisions plan wide are necessary theses are shown in Appendix 3.

Recommendation

122. Rezone parts of the General residential zone in Kerikeri to Medium density residential zone for the spatial extent included in Appendix 4.
123. Rezone parts of the Mixed Use zone in Kerikeri to Town Centre zone for the spatial extent included in Appendix 4.

Section 32AA.

124. I consider that a Medium Density Residential zone and Town Centre zone for Kerikeri are appropriate for the reasons outlined above and those included in the S42A Urban zone report¹⁰.Some of the key reasons include:
 - Efficient Land Use – It allows for more housing within existing urban areas and concentrates commercial activities in the town centre, reducing urban sprawl and preserving green spaces and productive land.
 - Greater Housing Supply – Helps achieve plan enabled capacity by enabling a variety of housing types, such as townhouses and low-rise apartments, close to amenities.
 - Improved Infrastructure Efficiency – Concentrating housing near transport corridors and town centre makes public transport and utilities more cost-effective.

¹⁰ [Microsoft Word - S42A Report Urban](#) paragraph 110.

- Walkability & Accessibility – Residents can live closer to workplaces, shops, and amenities, reducing reliance on cars and promoting sustainable living.
- Diverse Housing Options – Encourages a mix of housing styles, catering to different demographics, lifestyles and improving affordability.
- Economic Benefits – the town centre encourages business activity, retail and commercial services to locate in a central area, supporting local employment and investment, and acts as a “community hub” for social interaction, strengthening community identity.
- Urban Design & Sustainability – Consistent with urban design principles, including those identified within Kerikeri-Waipapa Spatial Plan. Enhances walkability, well-integrated roads, public spaces, attractive streetscapes.

5.2.2 Ernie Cottle (S92.001) and Jeff and Robby Kemp (S51.001)

Overview

Submission point	Notified Zoning	PDP	Officer Recommendation(s)
S92.001	Sport and Active Recreation		<ul style="list-style-type: none"> • Retain Sport and Active Recreation zone at 1936 State Highway 10, Kerikeri (Lot 18 DP 316057)
S51.001	Sport and Active Recreation		<ul style="list-style-type: none"> • Retain Sport and Active Recreation zone at 1936 State Highway 10, Kerikeri (Lot 18 DP 316057)

Matters Raised in Submissions

125. Ernie Cottle (S92.001) and Jeff and Robby Kemp (S51.001) seek to retain the Sport and Active Recreation Zone over the land at 1936 State Highway 10, Kerikeri (Lot 18 DP 316057) due to the land being the subject of an approved resource consent application provided for a Sports Hub.

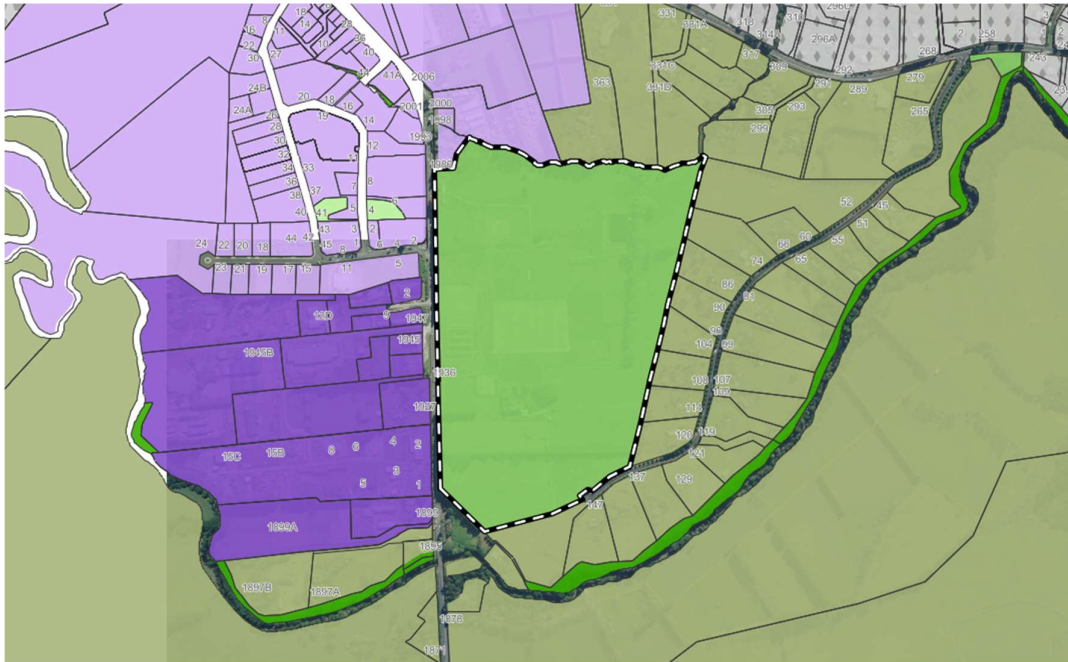


Figure 2: 1936 State Highway 10, Kerikeri

126. There are no further submissions

127. Jeff and Robby Kemp and Ernie Cottle chose to "opt in" to the process for rezoning submissions set out in Minute 14 from the Hearing Panel. Accordingly, an in in formal meeting was held 15th May 2025. Mr Kemp provided evidence related to the Sport and Active Recreation zone and the Rural Residential zoning request for Waitotara Drive, which is the primary issue of contention and addressed by Ms Pearson in S42A report 15C.

Analysis

128. The site at 1936 State Highway 10 is zoned as notified Sport and Active Recreation zone to recognise that this Council owned land is the site of Council operated recreation facilities. For these reasons and as sought by Mr Kemp I am supportive of the retention of the Sport and Active recreation zone for this site.

Recommendation

129. For the above reasons, I recommend that the submission S92.001 and S51.001 are accepted and the land at 1936 State Highway 10, Kerikeri (Lot 18 DP 316057) is retained as Sport and Active Recreation zone.

Section 32AA Evaluation

130. No change is recommended at this stage. On this basis, no evaluation under Section 32AA is required.

5.2.3 Turnstone Trust (\$499.001)

Overview

Submission point	Notified Zoning	PDP	Officer Recommendation(s)
S499.001 and 449.004	General Residential		<ul style="list-style-type: none"> Rezone 7.7 ha portion of the 'site' from General Residential to mixed use.

Matters Raised in Submissions

131. Turnstone Trust (S499.001) seeks to rezone part of the land of the 'Turnstone land', along with an additional area along Fairway Drive from General Residential to Mixed Use as shown in Figure # below. The submitters argue that FNDC qualifies as a Tier 3 authority under the NPS-UD and expresses that the existing Mixed Use zoning around the town centre is largely built out and inadequate to accommodate future demand. The site is considered well-positioned to enhance town centre cohesion, circulation and amenity, while providing better integration with surrounding residential areas. Planning and technical reports to support the rezoning in were included in the original submission.
132. Kapiro Conservation Trust (S449.004), along with various other submitters¹¹, request to rezone 126B Kerikeri Road (Lot 5 DP 603456) from General Residential to a mix of Residential and Mixed Use zones, with tailored standards. They propose lower building height limits, such as 7m or two stories, enhancements including walkways and cycleways connecting the CBD, Kerikeri River margin and Fairway Drive and large green space adjoining the river reserve.
133. A further submission in opposition was received from Kāinga Ora (FS243.243).
134. Further submissions in support from Audrey Campbell-Frear (FS172.170), Our Kerikeri Community Charitable Trust (FS47.007), Vision Kerikeri 2 (FS569.031).

¹¹ S338.002, S427.003, S522.003, S529.004

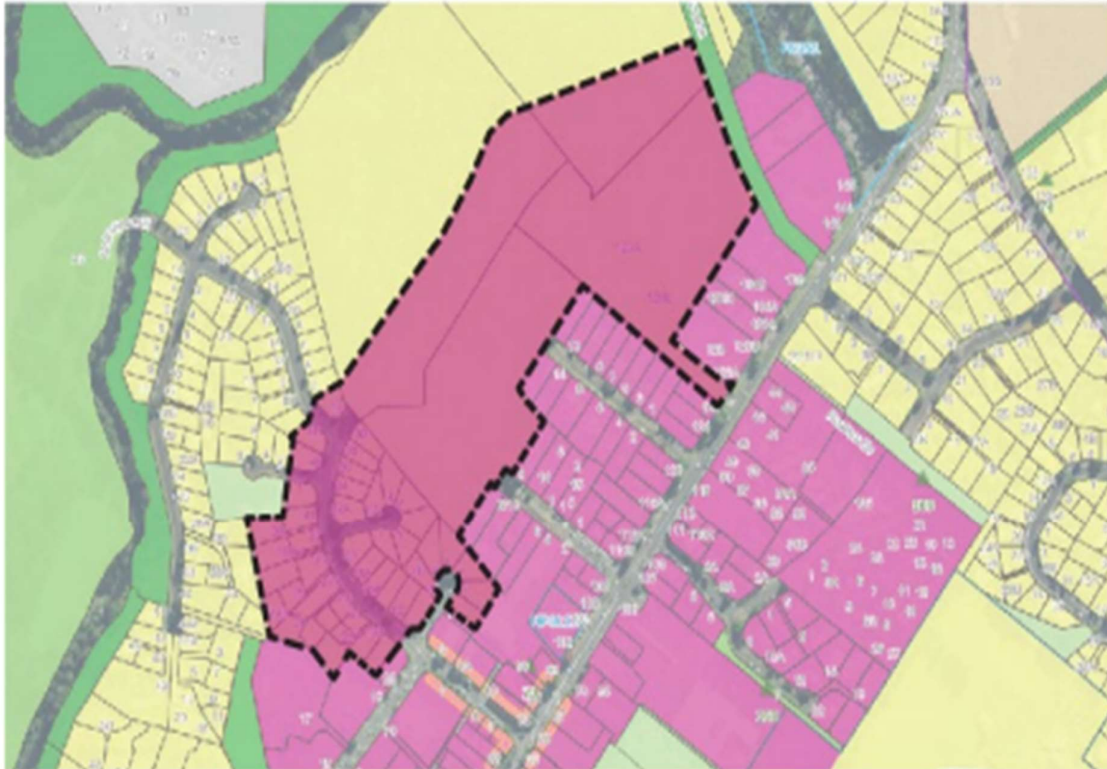


Figure 3: Turnstone area sought for Mixed Use zone - Source planning evidence from Ms O'Connor

135. Turnstone Trust chose to “opt-in” to the process for rezoning submissions set out in Minute 14 from the Hearing Panel. Accordingly, a meeting was held with Ms O'Connor on the 21st May 2025 and on 29th June 2025, the following evidence was provided on behalf Turnstone Trust:

- Planning evidence from Ms O'Connor
- Economic Evidence from Mr Colegave
- Urban design Evidence from Mr Neill

Analysis

136. The Turnstone Trust Site located at 126 Kerikeri road (and associated sites, collectively referred to as the 'sites') is approximately 29ha in size and zoned as notified General Residential. It is sought that approximately 7.7 hectares of land is rezoned to Mixed use. General Residential zone is sought for the remaining portion of the sites. It is to be noted that the Spatial Plan has signalled an area adjoining the proposed MUZ for medium density residential development. At this time I have not recommended MRDZ on the Turnstone sites, I am happy to revisit this if further information is provided.

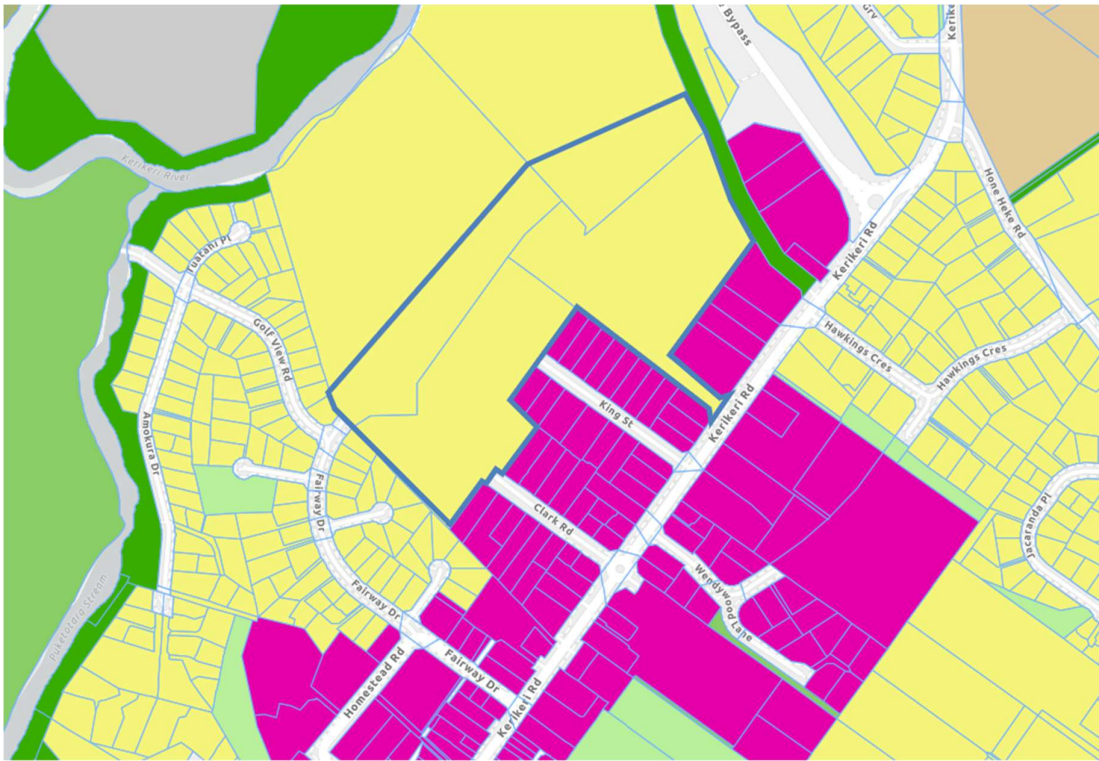


Figure 4: 126A and 126B Kerikeri Road

137. Works have started on the sites with the felling of gum trees under Resource consent RC2240183, granted March 2024 for:

Activity A: Land Use

- To remove all the remaining exotic vegetation from the site in the Residential Zone which includes earthworks breaching the permitted threshold of excavation and/or filling on any site as a Restricted Discretionary activity.

Activity B: Subdivision

- Subdivision into five super lots and create an esplanade reserve in the Residential Zone breaching the minimum area for vacant new lots and new lots which already accommodate structures rule as a controlled activity.

138. Ms O'Connor's planning evidence provided supports of the rezoning for the Turnstone Trust site from General Residential to a split of General residential and Mixed Use zone, with the key points being:

- Section 31 of the RMA relates to the establishment, implementation, and review of objectives, policies and methods to ensure sufficient development capacity in relation to housing and business land in urban areas to meet the expected demands of the region.

- Rezoning of the land aligns with the outcomes of the Kerikeri/Waipapa spatial plan including:
 - a) The zoning sought will enable growth through intensification within the walkable catchment of Kerikeri town centre.
 - b) The Mixed Use zoning will provide additional land adjacent to the existing town centre for commercial development.
 - c) The land is available for development and can be serviced.
 - d) In Ms Connor's section 32AA evaluation she concludes that the partial rezoning of Mixed Use is a more efficient and effect zoning option compared to the General Residential zone, with
 - e) Most appropriate option to achieve the purpose of the RMA, give effect to the NPS UD and the Northland RPS.
139. I have reviewed the urban design evidence prepared by Jane Rennie in support of Turnstone Trust's submission to rezone part of the Turnstone site from General Residential to Mixed Use. Ms Rennie's evidence outlines the urban design rationale for the proposed rezoning, including its alignment with the Te Pātukurea Kerikeri Waipapa Spatial Plan, the National Policy Statement on Urban Development (NPS-UD), the Northland Regional Policy Statement (NRPS), and the Proposed District Plan (PDP). The evidence describes how the proposal will support the strategic expansion of Kerikeri's town centre, contribute to a cohesive and efficient urban form, and improve accessibility through a new internal road network. It also highlights the importance of refining the Structure Plan and introducing specific provisions to guide future development and ensure high-quality urban design outcomes. I agree with the evidence of Ms Rennie.
140. I agree with the key findings in Mr Colegrave's economic assessment and Mr McIlrath's supporting evidence. The modelling provides a clear picture of the potential retail distribution effects of the Turnstone proposal. Scenarios 1 and 2 show manageable impacts, while Scenario 3—being the most intensive—could have more pronounced effects. However, I accept Mr Colegrave's view that development will occur over time, which helps soften these impacts.
141. Mr McIlrath points out that while some retailers may relocate, aligning development staging with growth patterns can help mitigate disruption. I agree that the risks of significant adverse effects are low to moderate. If the Panel has concerns about impacts on the Kerikeri town centre, a cap on short- to medium-term development—based on Scenario 2's 17,350m² GFA—would be a sensible way to manage those risks.
142. Mr McIlrath states that importantly, the site is well-located and its development would reinforce Kerikeri's role as the district's main service and employment centre. Enabling additional capacity to accommodate commercial growth. The proposal aligns with the long-term aspirations in the Spatial Plan and contributes to a well-functioning urban environment.

143. I concur with the majority of Ms O'Connor's points, particularly the following with respect to the Urban Rezoning Evaluation Framework Criteria:

a) Location - The site is directly adjacent to the Kerikeri town centre, forming a logical and defensible extension of the urban boundary. This location supports a well-functioning urban environment as defined by Policy 1 of the NPS-UD, including:

- Walkable catchment proximity to the town centre.
- Connectivity to planned infrastructure such as the Heritage Bypass.
- Resilience to climate change through compact urban form and multimodal transport options.
- These attributes satisfy the framework's requirement that rezoning land be within or adjacent to existing urban areas and contribute to a well-functioning urban environment.

Land Use - The proposed Mixed Use zoning is consistent with the purpose of the zones and the existing land use context.

- The rezoning aligns with the objectives and policies of the PDP.
- It supports a diverse mix of activities—commercial, residential, civic—that are appropriate for the location.
- It enhances the economic role of Kerikeri as the district's commercial hub.
- This satisfies the framework's requirement that land uses be aligned with the intended outcomes of the zone.

Site Suitability - There are no significant natural hazard risks or environmental constraints affecting the site. The land is:

- Undeveloped and held in single ownership, which simplifies development coordination.
- Compatible with surrounding land uses, including residential and commercial zones.
- Well-positioned to support a positive transition between land uses and enhance urban character.

Infrastructure

- The site is either currently serviced or can be serviced by existing infrastructure.
- Planned road connections to the Heritage Bypass.

- Availability of water and wastewater services.
- Alignment with the Council's 30-year infrastructure strategy.
- This satisfies the framework's requirement that development enabled by the rezoning be supported by adequate infrastructure.

Growth Demand - I have relied on the evidence of Mr McIlrath in relation to the growth demand.

144. While I support the rezoning proposed by Turnstone Trust, I do not agree with the upzoning to MUZ proposed on Fairway Drive. My concerns are as follows:

- a) Lack of Consultation: There has been no meaningful engagement with the owners of the properties affected by the proposed zoning change. This undermines the principles of transparency and community participation that underpin good planning practice.
- b) Infrastructure Misalignment: The proposed upzoning appears to rely on assumptions about future connectivity and infrastructure upgrades, particularly the Heritage Bypass. However, as confirmed in Ms Rennie's evidence, the bypass does not go through Fairway Drive. The bypass alignment is still uncertain, and its location is more likely to be south of the Turnstone site, not through Fairway Drive
- c) Urban Design Concerns: Ms Rennie notes that while Fairway Drive could be a logical access point to the Turnstone site if engineering permits, its inclusion in the commercial zoning area is not supported by the Kerikeri Waipapa Spatial Plan. The Spatial Plan did not intend to identify zoning boundaries but rather activity areas, and the proposed extension of commercial zoning northward beyond what is shown in the Spatial Plan risks undermining the integrity of the urban form.
- d) Risk of Fragmented Development: Ms Rennie emphasizes the need for a comprehensive structure planning approach to avoid piecemeal development and ensure a high-quality urban design outcome. Extending commercial zoning into Fairway Drive without such a framework could result in fragmented and incoherent urban form
- e) Amenity and Interface Issues: The interface between existing General Residential properties and proposed commercial zones raises potential reverse sensitivity and amenity concerns. These have not been adequately addressed in the proposal, and the transition from residential to commercial built form in this area could negatively impact the character and liveability of the surrounding neighbourhood

145. For these reasons, I do not support the upzoning of Fairway Drive and recommend that any future consideration of zoning changes in this area be subject to detailed structure planning, robust community consultation, and alignment with confirmed infrastructure plans.

146. It is to be noted that the evidence seeks 7.7 ha of the 'sites' to be zoned Mixed use, when preparing the Mapping for this report it is noted that the area detailed in the figures in Ms O'Connors evidence seem to show an area larger than 7.7ha. The 7.7ha area sought for rezoning needs to be provided to Council in GIS shape file so mapping can be confirmed.

Recommendation

147. Accept in part S499.001 and rezone 7.7ha of the 'site' from General residential zone to Mixed use zone.

Section 32AA Evaluation

148. Ms O'Connor provides a S32AA that I largely agree with in summary the rezoning Offers greater benefits in terms of economic growth, urban form, and community outcomes, has fewer costs and better alignment with the RMA and PDP objectives, and is supported by planning, economic, and urban design evidence as the most appropriate zoning outcome

5.2.4 Alan and Pat Strang (S20.001)

Overview

Submission Point	Notified PDP Zoning	Officer Recommendation(s)
S20.001	Rural Residential	<ul style="list-style-type: none"> Retain the rural residential zoning for 316A Kerikeri Road (Lot 1 DP 598150).

Matters Raised in Submissions

149. Alan and Pat Strang (S20.001) note that their property at 316A Kerikeri Road (Lot 1 DP 598150), along with neighbouring sites, remains zoned Rural Residential,



resulting in costly and complex development compliance. Given the property's proximity to the town centre, the submitters seek a rezoning to Mixed Use. They have lodged a subdivision application to split the property into three lots, supporting government and council initiatives to optimise serviced urban land.

150. Allan Strang chose to "opt in" to the process for rezoning submissions set out in Minute 14 from the Hearing Panel. Accordingly, I reached out to Mr Strang, as I understand Mr Strang is out of the country and would provide information at a later date. No further information has been received.

151. Further submissions include:

- FS172.180 Audrey Campbell-Frear - Support the submission siting reasoning in the primary submission to rezone Kerikeri fringe to commercial.
- FS 243.224 Kāinga Ora - Oppose the submission stating they wish to see further details to the proposed change and how the proposed change will fit with the district's planned and future growth.

Analysis

152. 316A Kerikeri Road is zoned Rural residential as notified. The property at 316A Kerikeri road is currently a residential dwelling. The site has obtained various resource consents with the most recent RC 2230052 being for the subdivision of the site to create two additional lots and various land use breaches, this was then varied to create only 1 additional lot, this additional lot has been titled and since sold.

153. In the absence of information provided I have responded briefly to the consideration of Minute 14 matters in Appendix 1 of this report, and make the following comments with respect to the urban rezoning evaluation framework criteria:

- Criteria A – Location: the site is located along Kerikeri road south of the township, the direction of growth Kerikeri Waipapa Spatial plan.
- Criteria B – land use: the site is currently occupied by a residential dwelling.
- Criteria C – Site suitability: the site does not appear to have any site suitability issues.
- Criteria D – Infrastructure: the site is serviced by reticulated wastewater and water.
- Criteria E – Growth demand: Demand has been indicated for additional commercial land.

Recommendation

154. I note the onus on the submitter to provide the evidence to support and justify their rezoning request (as per Minute 14). Although in my view there is merit in the rezoning submission(s), at the time of writing this report I have insufficient

information to make a fully informed recommendation. Based on the information currently available, my interim recommendation is to reject the submission point and retain the Rural Residential zoning (as notified). I may reconsider this position if the submitter provides the evidence to support and justify their rezoning request in accordance with the Minute 14 criteria at the hearing.

Section 32AA Evaluation

155. No change is recommended at this stage. On this basis, no evaluation under Section 32AA is required.

5.2.5 Audrey Campbell-Frear (S209.003 and S209.004)

Overview

Submission Point	Notified PDP Zoning	Officer Recommendation(s)
S209.003	Various	<ul style="list-style-type: none"> No zoning changes as a result of this submission point
S209.004	Rural production	<ul style="list-style-type: none"> Zone Location 2 'Packhouse markets' as per the recommendations in S42A 15C rural report to Rural Production with a Horticultural precinct. Zone Location 3 'Redwoods' as per the recommendations in S42A 15C rural report to Rural Production with a Horticultural precinct.

Matters Raised in Submissions

156. Audrey Campbell-Frear (S209.003), along with other submitters¹², request a reassessment of the notified Mixed Use Zone (MUZ) boundary surrounding Kerikeri's town centre and main commercial area. They seek a revision that reflects current commercial activity and establishes more logical zoning boundaries, aiming to enable adequate business land capacity and future development opportunities. The submitters raise concern that the Section 32 Evaluation lacks clear zoning criteria, making it unclear how the existing MUZ boundaries were determined.

157. Furthermore, Audrey Campbell-Frear (S209.004), and other submitters¹³, propose rezoning land along both sides of Kerikeri Road, stretching from the State Highway 10 roundabout to the town centre, as well as the Redwoods Area, to an appropriate Commercial or Mixed Use Zone. The submitters state that this change would legitimise and enable the continuation of established tourism and horticulture based commercial activities. They further state that if this rezoning is not accepted, the submitters request to establish an overlay, precinct or modify relevant zone provisions to achieve the same outcome. There are various further submissions both in support and opposition.

¹² S188.033, S393.003, S535.006, S549.003, S61.111

¹³ S188.004, S252.004, S393.004, S471.004, S475.004, S534.005, S549.004, S535.002

158. Submission point S209.002 sought to amend PDP by reviewing the suite of commercial zones proposed and rezone Kerikeri town centre to Town Centre Zone (or similar commercial zone) that appropriately reflects commercial development and activities within Kerikeri township, alternatively if relief not accepted by FNDC, amend the Mixed Use Zone provisions to provide for an increased range of commercial and community activities. This has been addressed in section 5.2.1 where a TCZ has been recommended.
159. Audrey Campbell-Frear chose to “opt-in” to the process for rezoning submissions set out in Minute 14 from the Hearing Panel. Accordingly, on 26 June 2025, the following evidence was provided on behalf Audrey Campbell-Frear:
- Planning evidence from Ms McGrath.
 - Economic evidence from Mr Foy.
160. Audrey Campbell-Frear rezoning submissions relating to the Horticultural zone have been addressed in S42A Hearing report 15C. Where it was determined the most appropriate zone for the land referred to in the submission to be a Rural Production zone with a Horticulture precinct. This includes both Location 2: Kerikeri Packhouse Commercial node and Location 3: Redwoods commercial node.

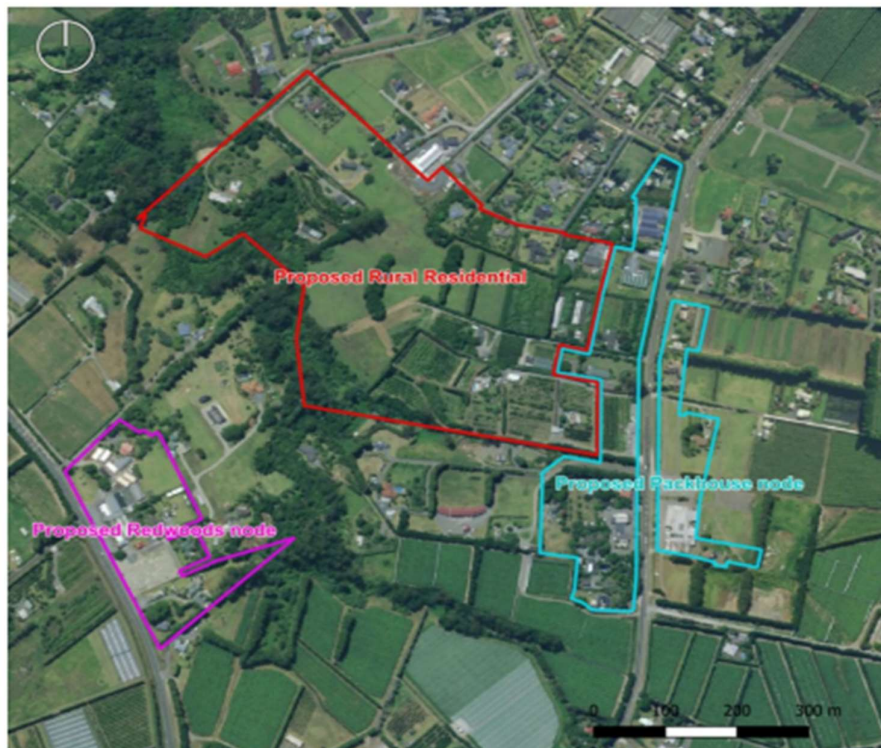


Figure 5 Showing Location 2: Kerikeri Packhouse Commercial Node and Location 3: Redwoods Commercial Node

161. Ms McGrath provides planning evidence to support a MU zoning for location 2 and 3 with a precinct, recommendation and assessment of precinct provisions has been provided.

Analysis

162. As addressed above my response to the evidence submitted by Ms McGrath and Mr Derek Foy (economics) only relates to the parts of the evidence relevant to Location 2 and 3 as Mixed Use zone with a precinct.

163. Recommendations by Ms Pearson in Hearing report 15C¹⁴ were that the area Location 2 and Location 3 are to be zoned Rural Production with a Horticultural precinct with the reasoning addressed in Section 4.3.4 of that report.

164. I engaged McIlrath to undertake a peer review of the economic report provided by Mr Foy. I agree with the Key statement from Mr McIlrath evidence:

"The Redwoods and Packhouse locations are too far from the main business locations of Kerikeri Waipapa. Further, the two locations are too far from the anticipated growth areas to contribute meaningfully to urban efficiency. Therefore, the relief sought would be inconsistent with the NPS-UD's well-functioning urban environment. Intensifying and growing business activity in these locations are likely to dilute activity away from Kerikeri and Waipapa, generating adverse economic effects relating to undermining the vitality of these centres."

165. I have reviewed Ms McGrath's evaluation of the Minute 14 criteria and her section 32AA assessment for location 2 and 3. I have also considered the information provided against the Urban rezoning Evaluation framework. Based on this evaluation I do not support the rezoning of Location 2 and 3 to Mixed Use zone with a precinct for the following reasons:

a) Location

- Redwoods and Packhouse are located outside the Kerikeri-Waipapa urban core, which is the strategic growth area identified in the PDP.
- Their spatial disconnect from the town centre undermines the principles of compact urban form and efficient land use.
- Rezoning these areas to commercial would dilute growth from the core and fragment urban development, contrary to the PDP's strategic direction.

Land Use

- Both sites currently support rural and tourism-related activities enabled by resource consents, including:
 - Farm store
 - Chocolate Factory

¹⁴ [Microsoft Word - Section 42A Report Hearing 15C Rural V1 Final](#)

- Packhouse Markets
- Redwoods Café
- Plant Centre and Office Facilities
- These activities are compatible with the Rural Production Zone and do not require urban zoning to continue operating.

Site Suitability

- The sites lack scale, accessibility, and market size to support viable commercial zoning.
- They are not contiguous with existing urban zones and do not support defensible urban boundaries.
- The land is held in fragmented ownership, reducing the feasibility of coordinated development.

Infrastructure

- Neither site is serviced by reticulated infrastructure (e.g., water, wastewater, stormwater).
- There are no confirmed plans for infrastructure upgrades or extensions to these locations.
- This fails Criterion D of the Urban Rezoning Evaluation Framework, which requires infrastructure readiness for urban zoning.

Growth Demand

- The PDP-Recommendations version (PDP-R) already enables sufficient commercial and mixed-use capacity within Kerikeri-Waipapa.
- Economic modelling and s32AA evaluations confirm that additional rezoning is not required to meet short, medium, or long-term demand.
- Rezoning Redwoods or Packhouse would not meet the NPS-HPL tests, as the land is not demonstrably unsuitable for rural production and urban rezoning would not result in a net benefit to urban form or function.

166. Overall, I find there are more benefits associated with retaining the Rural Production zone with a Horticultural precinct than for an urban zone for the reasons set out above.

Recommendation

167. For the above reasons, I recommend that the submission S209.003 and others are rejected and the land is zoned Rural Production and are within the Horticultural precinct.

Section 32AA Evaluation

168. No change is recommended at this stage. On this basis, no evaluation under Section 32AA is required.

5.2.6 C Otway Ltd (S393.002, S393.003 and S393.004)

Overview

Submission point	Notified PDP Zoning	Officer Recommendation(s)
S393.002	Various	<ul style="list-style-type: none"> Introduce a Town centre zone for Kerikeri.
S393.003	Various	<ul style="list-style-type: none"> No changes as a result of this submission point.
S393.004	Horticulture Zone	<ul style="list-style-type: none"> Zone 'Redwoods' as per the recommendations in S42A 15C rural report to Rural Production with a Horticultural precinct.

Matters Raised in Submissions

169. C Otway Ltd (S393.002), seeks amendments to the commercial zoning framework within the PDP, specifically requesting a dedicated Town Centre Zone for Kerikeri or, if not accepted, changes to the Mixed Use Zone to enable a wider range of commercial and community activities. The submitter expresses that the current Mixed Use Zone fails to give effect to the NPS-UD and that the s32 Evaluation is incomplete, lacking proper assessment of commercial zone options, criteria and boundaries.
170. Submission point S393.003 seeks to amend the Mixed Use Zone boundary around the Kerikeri town centre and main commercial strip and change to reflect the existing commercial actives and establish logical zone boundaries to enable appropriate business land capacity and development.
171. Submission point S393.004 seeks to amend the zoning of land to an appropriate commercial or mixed use zone to legitimise and enable tourist and horticulture based commercial activities to occur:
- Along both sides of Kerikeri Road from the roundabout with State Highway to Kerikeri town centre; and At the Redwoods in accordance with the map in Appendix 1. If this is not accepted FNDC establish an overlay / precinct or similar, or amend the provisions of the applicable zone to legitimise and enable tourist and horticulture based commercial activities to occur:
 - Along both sides of Kerikeri Road from the roundabout with State Highway 10 to Kerikeri town centre: and
 - At the Redwoods in accordance with the map in Appendix 1.

172. C Otway Ltd chose to “opt in” to the process for rezoning submissions set out in Minute 14 from the Hearing Panel. Accordingly, Mr Otway provided a land use capability report prepared by Mr Cathcart.
173. It is to be noted that through Hearing 15C – Rural¹⁵ Submission point S393.001 was addressed in the Horticultural zone topic where this submission point was rejected with the use of a Horticultural zone was retained, since then a Horticultural Precinct has been recommended instead of the use of a zone.
174. Mr Otway’s property is addressed by Ms Pearson in the S42A report 15C rural rezoning where it is recommended that a rural production zone with a Horticulture precinct is the most appropriate zone for the ‘Redwoods’ properties.

¹⁵ [Microsoft Word - Section 42A Report Hearing 15C Rural V1 Final](#)

Analysis

175. Mr Otway submission points to review the suite of commercial zones and rezone Kerikeri town centre to Town centre zone. As addressed above I have recommended that a Town Centre Zone be introduced for Waipapa.
176. Through the PDP recommendations there has been some changes to the business zones landscape, including the introduction of a TCZ as stated above, and additional Mixed use zoning at 126 Kerikeri as recommended through this report. This should go some way to satisfy Mr Otway in his request to amend the Mixed Use Zone boundary around the Kerikeri town centre and main commercial strip and change to reflect the existing commercial activities and establish logical zone boundaries to enable appropriate business land capacity and development.
177. It is also noted that Mr Otway has obtained resource consent for a medical centre, which includes an associated pharmacy, retail space, and café. This existing approval reduces the need for further commercial zoning in the area.
178. I do not support the submission seeking to rezone land on both sides of Kerikeri Road—from the roundabout with State Highway 10 to the Kerikeri town centre, including the area known as 'Redwoods'—to a Commercial Zone. This matter has already been extensively addressed in relation to Ms Campbell-Frear's submission point above.
179. I do not support the submission seeking to rezone land on both sides of Kerikeri Road—from the State Highway 10 roundabout to the Kerikeri town centre, including the area known as 'Redwoods'—to a Commercial Zone. This matter has already been extensively addressed in relation to Ms Campbell-Frear's submission point above.
180. Mr Otway property as zoned Horticulture is addressed by Ms Pearson in the S42A report 15C rural rezoning where it is recommended that a rural production zone with a Horticulture precinct is the most appropriate zone for the 'Redwoods' properties.

Recommendation

181. Submission S393.002 and S393.003 are accepted in part and S393.004 is rejected.

Section 32AA Evaluation

182. No change is recommended at this stage. On this basis, no evaluation under Section 32AA is required.

5.2.7 Kapiro Conservation Trust (Various)

Overview

Submission Point	Notified PDP Zoning	Officer Recommendation(s)
S449.045 and S449.046 and others.	Open Space and Natural open space.	<ul style="list-style-type: none"> Retain the Open space zone (as notified) for Pt Lot 2 DP 37646. Amend the zone for Pt Lot 1 DP 37646 to Sport and Active Recreation zone.

Matters Raised in Submissions

183. Kapiro Conservation Trust (S449.002), along with other submitters¹⁶, support well-planned urban intensification, requesting for zoning that prioritises greenfield sites with strong potential for infrastructure, connectivity and traffic management. They advocate for sub-zones or precincts, aligned with the NPS, to ensure good design, protect character and amenity, and achieve a graduated transition from high to low residential density. They submitters oppose scattered multi-storey development and note that greenfield opportunities near Kerikeri township are limited, making the current zoning in the PDP inadequate for addressing future growth.
184. Kapiro Conservation Trust (S449.006), along with others¹⁷, request that zoning be amended to reflect that land north of Landing Road and around the Inlet southeast of Kerikeri is unsuitable for future urban growth. They cite risks of fragmented development, adverse effects on the Inlets coastal and ecological character and increased traffic pressures.
185. Kapiro Conservation Trust (S449.045 & S449.046) and various others¹⁸, requests the removal of the Open Space and Natural Open Space zoning from the Waipapa Landing and Cherry Park House grounds, proposing instead that the area be zoned as Sport and Active Recreation to formally recognise and preserve it as a public recreational reserve. These sites include 160 Landing Road, Kerikeri (Part Lot 2 DP 37646) and 158 Landing Road, Kerikeri (Part Lot 1 DP 37646).
186. While Kapiro Conservation Trust chose to 'opt in' to the Minute 14 Hearings process no further information was received.

Analysis

187. In response to Kapiro Conservation Trust and others submission points around well-planned urban intensification, and areas identified unsuitable for future development I state the following points:
- The Kerikeri/Waipapa Spatial plan undertook a comprehensive process whereby the best growth option was adopted. This spatial plan will see growth directed to Kerikeri South and Waipapa with intensification planned for Kerikeri Central. Away from North of Landing Road and out along Kerikeri Inlet Road.
 - The recommendations in this report, including the introduction of the MDRZ, aim to concentrate urban intensification within this zone. It supports a gradual

¹⁶ S338.048, S427.002, S522.031, S529.002

¹⁷ S338.005, S427.005, S522.005, S529.005

¹⁸ S338.045, S338.046, S427.031, S522.030, S522.046, S529.044

reduction in residential density moving away from the Kerikeri town centre and directs multi-storey development specifically to this area

188. In regard to the zoning requests for the Cherry House in Waipapa, I have consulted Council's Reserves Planner, Robin Rawson on the appropriate zone for the activities and values in this location.
189. Ms Rawson provided me with some background information regarding the lots. Both Part Lot 1 and Part Lot 2 are held by Council with fee simple title, with recreational use meaning that they are parks under the LGA2002. The entire of Part Lot 1 is leased to the Kerikeri Croquet Club and used for sports purposes. Part Lot 2, which includes the Cherry house 'hall' includes a tail of land with a width of 10 metres or more that functions as an esplanade reserve next to the Waipapa River. Other river margins of Part Lot 2 are also relatively undeveloped and have lawn with scattered trees which are largely exotic. The site is subject to flooding hazards, and intensive development of the site is not anticipated.
190. Ms Rawson has recommended Part Lot 1 is rezoned to Sport and Active Recreation to allow for the organised sports and recreation activities that are provided for by the lease to Council and that are taking place on the site. With Part lot 2 retaining its Open space zone. I agree with these recommendations.

Recommendation

191. For the reasons above I recommend that those submitters seek future growth away from Landing and road and southern Kerikeri road are accepted in part, with no zoning changes directly related to these submission points.
192. For the reasons above I recommend that those submissions seeking a focus on greenfield sites are rejected.
193. For the reasons above I recommend that S449.045 and others¹⁹ are accepted in part and the zoning of Pt Lot 1 DP 37646 is amended to Sport and active recreation zone.

Section 32AA Evaluation

194. The zone change recommended for part Lot 1 37646 from Natural Open space zone to Sport and Active recreation zone is more appropriate zone to reflect its status under the LGA as recreational use.

5.2.8 Davies Kerikeri Family Trust, MR Davies, and BR & R Davies (S329.001)

Overview

Submission Point	Notified PDP Zoning	Officer Recommendation(s)
S329.001	Rural Residential	• Retain

Matters Raised in Submissions

¹⁹ S449.046, S338.045, S338.046, S427.031, S522.030, S522.046, S529.044

195. Davies Kerikeri Family Trust (S329.001) seeks the deletion of the Rural Residential zoning over the front portion of the sites, mentioned in the table below, and rezone to General Residential. The request is due to challenges with orchard emissions, access to Council infrastructure and a natural stream boundary that logically separates urban and horticulture land. The submitters state the change aligns with National Planning policies and offers economic, social and environmental benefits making it a more efficient use of land and infrastructure while better meeting the purpose of the RMA.

Address	Legal Description	Address	Legal Description
20 Kerikeri Inlet Road, Kerikeri	Lot 2 DP 352147	30B Kerikeri Inlet Road, Kerikeri	Lot 2 DP 159442
60 Kerikeri Inlet Road, Kerikeri	Lot 1 DP 201704	60 Kerikeri Inlet Road, Kerikeri	Lot 3 DP 159442
16 Kerikeri Inlet Road, Kerikeri	Lot 4 DP 159442	60 Kerikeri Inlet Road, Kerikeri	Lot 2 DP 61878

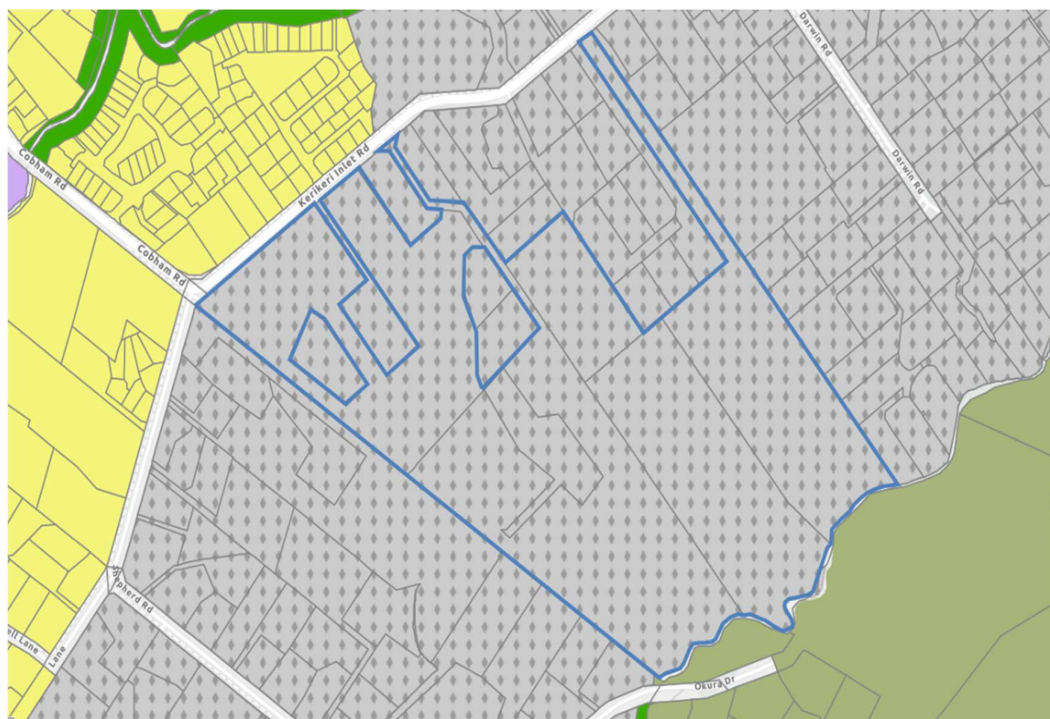


Figure 6: Properties Mentioned in the Submission are within the Blue Outline

196. There are two further submitters in support of the rezoning submission (FS137.001 and FS 138.001) they state the rezoning in this area is appropriate given the existing zoning pattern in the wider environment.

197. Davies Kerikeri Family Trust chose to “opt-in” to the process for rezoning submissions set out in Minute 14 from the Hearing Panel. Accordingly, on 9 June 2025, the following evidence was provided on behalf Davies Kerikeri Family Trust:

- Planning evidence from Mr Henehan

198. As stated in Mr Henehan’s evidence, the reasons for the request include:

- **Logical Urban Boundary & Buffering**
The proposed GRZ land adjoins existing GRZ-zoned land to the northwest. A natural stream forms a defensible urban boundary and provides a buffer to horticultural activities on adjacent land. It also offers an opportunity for an esplanade reserve.
- **Infrastructure Accessibility**
The site has direct access to Council’s reticulated infrastructure—stormwater, wastewater, and water—resulting in lower connection costs compared to other GRZ proposals (e.g., Kerikeri Road). FNDC’s Annual Plan 2023/24 classifies the site as “capable of connection” to both wastewater and water networks.
- **Servicing Capacity & Future Upgrades**
Despite current wastewater constraints, FNDC has allocated over \$42 million in its Long Term Plans (2021–2031 and 2024–2027) for treatment plant upgrades. These are expected to be delivered within the District Plan’s 10-year horizon, supporting future development.
- **Housing Need & Economic Viability**
The HBA prepared by M.E. Consulting identifies a shortfall in low-cost housing. Rezoning to GRZ will help meet this demand, especially as greenfield development is generally more economically viable than infill or multi-unit housing.
- **Land Use Constraints**
The site is situated between FNDC’s pump station and CDL’s horticultural operations. It is increasingly difficult to comply with agrichemical air emission rules, making horticultural use less viable.
- **Strategic Planning Considerations**
Council has resolved to zone the land RRZ. However, developing 4,000m² lots now would hinder future upzoning. Rezoning to GRZ now is a more strategic and efficient approach.
- **Density & Yield Benefits**
Under RRZ, the land could yield 3 lots (notified) or 25 lots (submission, post-servicing). GRZ zoning would enable approximately 22 additional lots, maximizing residential density on the 2.2ha site.
- **Efficient Land Use & Infrastructure**
GRZ zoning makes more effective use of the land and existing infrastructure, especially given the limitations for horticultural use

Analysis

199. As acknowledged by Mr Henehan the 'sites' are located outside of the identified growth area of the Kerikeri / Waipapa spatial plan, but that limited weight should be applied to the spatial plan at this stage due to the fact that it is a non-statutory document, was not considered at the time of notification and that the outcomes sought are ambitious. I disagree with these comments and consider that:
- a. Weight -as stated in Mr Reuben's evidence on the Kerikeri Waipapa spatial plan. *"Under section 74 of the RMA, territorial authorities are required to have regard to management plans and strategies prepared under other Acts, such as the Spatial Plan, when preparing or changing a district plan. Accordingly, while non-statutory, the Spatial Plan remains a relevant and influential strategic document in the context of district plan decision-making."*
 - b. While it is a non-statutory document, the Spatial Plan is a key strategic tool that signals where urban growth should occur. It supports the Council's decision-making and provides greater certainty to partners, the development sector, and infrastructure providers.
 - c. The Spatial Plan responds to the requirements of the NPS-UD and reflects both local aspirations and constraints. It sets out how Kerikeri-Waipapa can achieve a well-functioning urban environment by integrating land use and infrastructure planning.
200. The site's proposed to be rezoned were also not considered for General Residential at the time of notification and can be considered against the relevant matters now. I have provided a response to the Minute 14 matters in Appendix 1 of this report. Additionally, I have provided an assessment with respect the Urban Zoning Evaluation Framework criteria:
- Location- While the site is located across Kerikeri Inlet Road from land zoned General Residential (GRZ), the road itself forms a defensible urban boundary. The adjoining sites to the east and west have not sought upzoning, and rezoning this site in isolation would result in a fragmented and inconsistent zoning pattern. (inconsistent with Criterion A).
 - Land use - The site is currently used for horticultural purposes (inconsistent with Criterion B)
 - Site suitability - The site is not subject to any identified natural hazards or overlays. It is already proposed to be zoned Rural Residential (RRZ) under the Proposed Far North District Plan (PFNDP), and the land is mapped as highly productive (LUC Class 2). However, since the PDP already proposes upzoning from Rural Production to RRZ, the shift to GRZ does not materially alter the land's status under the NPS-HPL. (consistent with Criterion C)
 - Infrastructure - The sites are not currently by reticulated infrastructure, while the infrastructure is located nearby there is no consistent servicing plan in place (inconsistent with Criterion D).

- Growth demand - Based on the strategic direction set out in the Spatial Plan, there is no demonstrated need for additional General Residential capacity in this location. The plan provides more than sufficient plan-enabled capacity to meet projected housing demand, with a surplus that could accommodate more than twice the required number of homes over 30 years. The Plan prioritizes compact growth within existing urban areas, particularly south along Kerikeri Road and at Waipapa, and does not support expansion into other areas (inconsistent with Criterion E).

201. On balance, I do not support the rezoning request by the Davies Kerikeri Family Trust to rezone the subject sites along Kerikeri Inlet Road to General Residential Zone (GRZ).

202. The proposal does not meet four of the five criteria in the Urban Zoning Evaluation Framework. The rezoning would not achieve appropriate urban outcomes and is inconsistent with the strategic planning direction for Kerikeri-Waipapa.

Recommendation

203. Reject S329.001 and retain the zoning as Rural Residential (as notified).

Section 32AA Evaluation

204. No change is recommended. On this basis, no evaluation under Section 32AA is required.

5.2.9 Linda Gigger (S370.001)

Overview

Submission Point	Notified PDP Zoning	Officer Recommendation(s)
S370.001	Rural Production	Retain the zoning of 166 Waipapa Road Kerikeri (Lot 18 DP 357357) as Rural Residential (as notified)

Matters Raised in Submissions

205. Linda Gigger (S370.001) requests that 166 Waipapa Road Kerikeri (Lot 18 DP 357357) be rezoned from Rural Production to Light Industrial to reflect its long-standing use as a concrete product manufacturing plant, operating under planning approval. The submitter argues that the proposed Rural Residential zoning does not align with existing site activities, and that the PDP includes appropriate provisions to support and manage such industrial use.

206. There are no further submissions on this rezoning point.

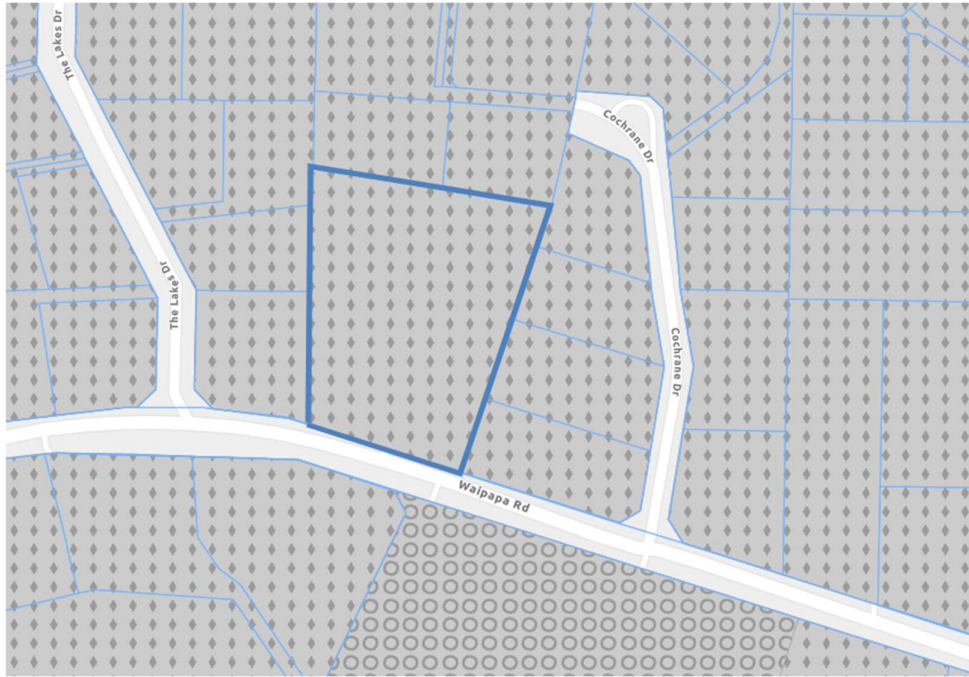


Figure 7: 166 Waipapa Road (Lot 18 DP 357357)

207. Linda Gigger chose to “opt-in” to the process for rezoning submissions set out in Minute 14 from the Hearing Panel. Accordingly, on 16 June 2025, the following evidence was provided on behalf Linda Gigger Trust:

- Planning evidence from Mr McPhee.

208. In his evidence Mr McPhee has detailed reasons for the rezoning request as follows:

- The current use of the site is diametrically opposed to the purpose of the proposed zone. As such it is considered incongruous to retain the property under the Rural Residential zone.
- There is merit to change the property to a zone which reflects the activities being undertaken. The Light Industrial zone captures and reflects the nature and scale of the activities on the site.
- The Horticultural Processing zone on the opposite side of Waipapa Road is site specific and provides certainty and continuity of their operations.
- The property adjoining the Horticulture processing zone has been granted resource consent for a concrete batching plant, which has now been established. The owners of that land are also seeking to change the zone from Rural Residential to Light Industrial to support their operations.

- Additionally, the site west of the Linda Gigger's land is seeking a change of zone to Mixed Use to rationalise the resource consent they have for a mixed use development.

Analysis

209. I have provided a response to the Minute 14 matters in Appendix 1 of this report. Additionally, I have provided an assessment with respect the Urban Zoning Evaluation Framework criteria:

- While I acknowledge that the activities on the site are lawfully established and have operated in a light industrial capacity for over three decades, existing land use alone does not justify a zone change. The current activity—a rural contractors depot involving manufacturing, storage, and sale of concrete products—can be considered compatible with the rural environment and appears to be appropriately managed under existing resource consents.
- Rezoning the site to Light Industrial would not materially change the activity but would introduce planning uncertainty and risk ad hoc zoning outcomes including a wider range of activities, some of which could be in conflict with both existing activity, primary production activities, and proposed light industrial zone, in a location that is disconnected from the Kerikeri urban centre and the consolidated industrial node at Waipapa.
- The proposed rezoning is inconsistent with the Spatial Plan which seeks to manage growth in a coordinated and integrated manner.
- The site is not serviced or planned to be serviced by reticulated wastewater.
- In my opinion, the land use consent adequately provides for the specific activities it has approved.

210. While the site meets some land use criteria, it does not meet the broader strategic, spatial, and infrastructure integration requirements of the Urban Rezoning Evaluation Framework.

Recommendation

211. Reject S370.001 and retain the zoning of 166 Waipapa Road Kerikeri (Lot 18 DP 357357) as Rural Residential (as notified)

Section 32AA Evaluation

212. No change is recommended at this stage. On this basis, no evaluation under Section 32AA is required.

5.2.10 Smartlife Trust (S15.001)

Overview

Submission Point	Notified PDP Zoning	Officer Recommendation(s)
S15.001	Rural Residential	<ul style="list-style-type: none"> Amend zoning of 23 Aranga road, Kerikeri (Lot 2 DP 395942 & Lot 3 DP 335706) to General Residential.

Matters Raised in Submissions

213. Smartlife Trust (S15.001) propose rezoning the Kerikeri Holiday Park and Motel property at 23 Aranga Road (Lot 2 DP 395942 & Lot 3 DP 335706) from Rural Residential to General Residential. The submitters state the site adjoins existing General Residential zoning, has direct access to Aranga Road and is connected to the Kerikeri wastewater reticulation system. They further state that the land is not classified as highly productive, and its rezoning would help offset residential land lost to proposed Mixed Use zoning along Kerikeri Road.

214. Further submissions to this rezoning submission point include:

- Audrey Campbell-Frear (FS172.381) who supports this request.
- Kāinga Ora (FS243.223) who opposes this request, as they wish to see further details around how the proposed change will fit with the district's planned and future growth.



Figure 7: 23 Aranga Road, Kerikeri (Lot 2 DP 395942 & Lot 3 DP 335706)

215. Smartlife Trust chose to “opt-in” to the process for rezoning submissions set out in Minute 14 from the Hearing Panel. Accordingly, on 16 June 2025, the following evidence was provided on behalf Smartlife Trust:
- Planning evidence from Mr Sanson.
216. Following the filing of Mr Sanson’s primary evidence, I provided informal and without-prejudice feedback on behalf of Council seeking further details around potential development yields in relation to infrastructure connections. This information also contributes to work around district wide plan enabled capacity.
217. Further information was received 21st July detailing potential development yields for the site, including indicative numbers for potential wastewater and potable water connections.

Analysis

218. The submitters site located at 23 Aranga road, Kerikeri (Lot 2 DP 395942 & Lot 3 DP 335706) is zoned as notified Rural Residential. The site is 5.6 hectares in size. Its proximity to the existing urban zoning in Kerikeri is reflected in Figure 7 above.
219. I concur with the majority of Mr Sanson’s points, those covering the Minute 14 matters have been addressed in **Appendix 1** of this report. I have provided an assessment with respect the Urban Zoning Evaluation Framework criteria:
- The Smartlife site is located adjacent to existing urban areas in Kerikeri and forms part of a logical and defensible urban boundary. Its proximity to the town centre and integration with surrounding residential development supports a well-functioning urban environment, consistent with Policy 1 of the National Policy Statement on Urban Development (NPS-UD).
 - The existing land use—comprising a long-established holiday park with multiple accommodation blocks. The site already functions in an urban capacity.
 - The site is largely unconstrained by natural hazards, with only a small portion affected by a flood hazard overlay along the Puketotara Stream. Development can be appropriately managed through setbacks and existing PDP provisions. The site does not contain significant natural features or indigenous vegetation, and any ecological effects are expected to be minor. The rezoning is compatible with surrounding land uses and will not result in reverse sensitivity issues.
 - Subdivision in this location will provide an opportunity for a riparian reserve which would connect to existing reserves either side of the subject site.
 - Reticulated water, stormwater and wastewater services are present in the area and additional connections to the networks are possible. Several approvals have already been obtained for connections to the council three waters network, and the site has an existing connection to the wastewater network and an agreement to discharge 20m³ of wastewater per day. A high-level

assessment of Kerikeri's wastewater and water supply networks undertaken in March 2025 indicates there is capacity in the existing water and wastewater networks at the site. The presence of a reticulated water network and existing approvals indicates that water supply to the site is feasible. Final checks on network capacity and potential site demand (based on potential maximum development yield) should be undertaken at the subdivision stage. Overall, three waters servicing for the site appears viable.

- There is clear evidence of growth pressure in the Kerikeri area, and the rezoning of the Smartlife site will contribute to meeting the district's housing needs. The proposal supports increased residential capacity in a location that is already urban in character. Importantly, the rezoning does not undermine the growth objectives of the Kerikeri-Waipapa Spatial Plan and is consistent with its vision for managed urban expansion.

220. The Smartlife site meets all criteria under Category 1: Certain / Suitable (Live Urban Zoning). It is a logical, well-supported candidate for General Residential rezoning and should be accepted for live urban zoning.

Recommendation

221. Accept S15.001 and amend the zoning of 23 Aranga road, Kerikeri (Lot 2 DP 395942 & Lot 3 DP 335706) from Rural residential to General residential zone.

Section 32AA Evaluation

222. Mr Sanson provides a section 32AA evaluation in his evidence, I agree that the General residential zoning of this site is more appropriate, effective, and efficient way to achieve the objectives of the Proposed District Plan.

5.2.11 Retain Submissions

Overview

Submission Point	Notified PDP Zoning	Officer Recommendation(s)
S165.001	General Residential	Retain
262.001	Light Industrial	Retain
371.005	Light Industrial	Retain
400.001	General residential	Retain
268.018	Heavy industrial	Retain
268.019	Light Industrial	Retain
336.029	Heavy Industrial	Retain
342.001	Heavy Industrial	Retain
338.004	Various	Retain
378.001	Heavy Industrial	Retain

Matters Raised in Submissions

223. Arvida Group Limited (S165.001) supports retaining the proposed General Residential Zone for several properties forming part of the Te Puna Waiora Retirement Village. These sites include:

Address	Legal Description	Address	Legal Description
57c Hall Road	Lot 1 DP 173449 & Lot 2 DP 435929	59 Hall Road	Lot 1 DP 435929
No road name	Lot 1 DP 164771	22 Limelight Lane	Lot 2 DP 149521
35 Limelight Lane	Lot 1 DP 177383	30 Limelight Lane	Northern portion of Lot 2 DP 321732

224. Ti Toki Farms (S262.001) requests to retain the Light Industrial zoning for 2006 State Highway 10, Kerikeri (Lot 1 DP 102334) and adjoining properties, noting that it aligns with existing land use activities already established in the area.
225. Bunnings Limited (S371.005) seeks to retain the Light Industrial zoning of its site at 391 Waipapa Road (Lot 2 DP 568815), confirming it is appropriate for the nature of existing operations.
226. BR and R Davies (S400.001) supports the retention of General Residential zoning proposed to 337B Kerikeri Road (PT Lot 2 DP 86081).
227. Tristan Simpkin (S288.018 & S288.019) requests to retain the Waipapa extension of Heavy and Light Industrial Zones.
228. Z Energy Limited (S336.029) seeks to retain the Heavy Industrial zoning for the Z Waipapa Truck Stop at 1913 State Highway 10. The submitter notes this zone appropriately supports activities involving large-scale parking, outdoor storage and potential use of hazardous substances, with limited pedestrian and public space requirements.
229. Waipapa Pine Limited and Adrian Broughton Trust (S342.001) supports applying Heavy Industrial zoning to 1945B State Highway 10, Kerikeri (Lot 2 DP 376253 & Lot 3 DP 343062) and Lot 1 State Highway 10, Kerikeri (Lot 1 DP 376253), noting that the current Rural Production zoning under the Operative District Plan has limited long-term planning and operational certainty.
230. Our Kerikeri Community Charitable Trust (S338.004) supports the proposed zoning changes along Kerikeri Road to State Highway 10 due to their accessibility to existing infrastructure for new dwellings. However, the submitter emphasises the need to upgrade roading infrastructure to handle increased traffic.
231. Marshall Investments (S378.001) is supportive of the Heavy Industrial zone at Lot 2 DP 453153 as the property had been zoned Rural Production under the ODP which necessitated several resource consent applications. The submitter states that the new Heavy industrial zone as notified provides some relief and certainty for the submitter's operations

Analysis

232. I have assessed the submission points that seek the retention of the zone as notified for each site included in the submission and consider that these zones are still the most appropriate for these sites. As such I recommend all the submissions seeking retention of the zoning as notified are accepted.

233. In regard to Our Kerikeri Community Charitable Trust submission point, roading infrastructure was addressed as part of the development of the Spatial Plan, the implementation plan of this document addresses roading infrastructure.

Recommendation

234. As stated above I recommend S165.001 is accepted and the General residential zone is retained (as notified) for the sites.
235. As stated above I recommend S262.001 is accepted and the Light Industrial zone is retained (as notified) for the site.
236. As stated above I recommend S371.005 is accepted and the Light Industrial zone is retained (as notified) for the site.
237. As stated above I recommend S400.001 is accepted and the General residential zone is retained (as notified) for the site.
238. As stated above I recommend S288.018 and S288.019 is accepted in part and the Heavy and Light Industrial zone is retained (as notified) for the sites unless otherwise recommended.
239. As stated above I recommend S336.026 is accepted and the Heavy Industrial zone is retained (as notified) for the site.
240. As stated above I recommend S345.001 is accepted and the Heavy Industrial zone is retained (as notified) for the sites.
241. For the reasons above I recommend that S338.004 is accepted in part and that no changes are made as a result of this submission point.

Section 32AA Evaluation

242. No change is recommended at this stage. On this basis, no evaluation under Section 32AA is required.

5.2.12 Seeking General Residential Zone

Overview

Submission point	Notified Zoning	PDP	Officer Recommendation(s)
S165.002	Rural Residential		Retain the spilt zoning as notified at 30 Limelight Lane, Kerikeri
S274.007 and S528.005	Sport and Active Recreation		Retain Sport and Active Recreation zone at 17 Harmony Lane (Section 2 SO 70186)
16.001	Rural Lifestyle		Retain
288.020	Rural lifestyle		Retain
361.001	Rural Residential		Retain
362.001	Rural Residential		Retain
514.002	Mixed Use		Retain



Matters Raised in Submissions and Analysis

Submission

243. Arvida Group Limited (S165.002) requests that the portion of 30 Limelight Lane, Kerikeri (Lot 2 DP 321732) currently zoned as Rural Residential be rezoned to General Residential. They state that the land forms part of the Te Puna Waiora retirement village and argues that the split zoning, based on a straight-line extrapolation, fails to consider unified land ownership and the potential for integrated resource management under a single tenure.

Analysis

244. Arvida Group Limited has a consent for the retirement village granted which does not appear to extend on to the property at 30 Limelight Lane. A General residential zoning on this property 4.3 ha in size would able significantly more plan enabled development. Arvida does not provide any information around plans with this portion of the properties that Arvida owns, with no further information we cannot be sure of the intentions for this site, nor any potential impact. At this time, I do not support the rezoning sought in this location.

Submission

245. Our Kerikeri Community Charitable Trust (S274.007) and VKK (S528.005) seek to rezone 17 Harmony Lane (Section 2 SO 70186) from Sport and Active Recreation to General Residential or Mixed Use, following community consultation. They express that this would support growth in Waipapa and meet housing demand, given the site's proximity to amenities, schools and recreational facilities.

Analysis

246. The site at 17 Harmony Lane, is zoned Sport and Active Recreation as notified. This site is currently operating as a mixture of recreational facilities. While I agree this site could support growth at Waipapa in line with growth in the Kerikeri Waipapa Structure plan and adjacent to other urban zoned land amongst other considerations. There is no confirmed position on the amalgamation of the recreation facilities on this site to Te Puāwaitanga Sports Hub. As such I do not support the rezoning as this time.

Submission

247. Picture Perfect Properties Ltd (S16.001) seek that the zoning of 10 Peacock Garden Drive, Kerikeri (Lot 2 DP 601587) be amended from Rural Lifestyle to General Residential, so that the entire property is consistently zoned. The submitter notes that a small portion of land within the property title remains zoned Rural Lifestyle, despite the remainder being residential.

Analysis

248. Picture perfect properties Limited owns a group of properties at the end of Peacock Gardens Drive, Kerikeri. Since the notification of the plan a combined land use and subdivision consent has been granted RMACOM 2220889 to create a total of 11

residential lots in 3 stages along with private accessway, 3 dwellings and associated plan breaches. The submitter has not provided any further information as to the updated situation for 10 Peacock Garden Drive and if the zone change is still sought. Due to a lack of further information, I do not support the proposed rezoning at this time. However, if the submitter was to provide further information as part of the hearings process, I may reconsider my recommendation.

Submission

249. Tristan Simpkin (S288.020) proposes rezoning land at Peacock Garden Drive, Hone Heke Road and Kerikeri Road from Rural Lifestyle to General Residential. The submitter expresses that the current zoning is inappropriate given the areas proximity to the town centre and access to reticulated services. The specific sites the submitter requests include:

Address	Legal Description	Address	Legal Description
Peacock Garden Drive	Lot 2 DP 203232	8A Peacock Garden Drive	Lot 2 DP 395670
8B Peacock Garden Drive	Lot 1 DP 208610	8C Peacock Garden Drive	Lot 4 DP 348111
135 Hone Heke Road	Lot 18 DP 21496	165 Kerikeri Road	Lot 1 DP 160834
166 Kerikeri Road	Lot 1 DP 170652	167 Kerikeri Road	Lot 1 DP 202563
169 Kerikeri Road	Lot 2 DP 202563	171 Kerikeri Road	Lot 3 DP 202563
173 Kerikeri Road	Lot 4 DP 202563	175 Kerikeri Road	Lot 5 DP 202563
177 Kerikeri Road	Lot 6 DP 202563	178 Kerikeri Road	Lot 1 DP 48643
181 Kerikeri Road	Lot 1 DP 100476	184 Kerikeri Road	Lot 1 DP 63563
186 Kerikeri Road	Lot 2 DP 63563	188 Kerikeri Road	Lot 4 DP 52938
190 Kerikeri Road	Lot 1 DP 138621	191 Kerikeri Road	Lot 1 DP 47848
192 Kerikeri Road	Lot 1 DP 395670	193 Kerikeri Road	Lot 2 DP 47848
195 Kerikeri Road	Lot 3 DP 47848	197 Kerikeri Road	Lot 4 DP 47848
199 Kerikeri Road	Lot 5 DP 47848	205 Kerikeri Road	Lot 1 DP 106392
209 Kerikeri Road	Part OLC 39		

Analysis

250. The properties are zoned Rural Lifestyle, as they were previously zoned Coastal Living zone under the ODP. They are located within the Kerikeri Heritage Area – Part B, some lots are large and heavily vegetated. This area is not identified as a direction for growth in the spatial plan, and there is already sufficient residential

capacity without the need for additional development in this location. While some properties appear to be serviced with wastewater infrastructure, none of the property owners have requested a change in zoning. Therefore, I do not consider a change in zone necessary or appropriate.

Submission

251. Ian Bridle (S361.001) seeks the rezoning of all properties accessed from The Ridge Kerikeri from Rural Residential to General Residential. The submitters express this change better aligns with the Strategic Direction and objectives of the PDP and argue that there are restrictive impermeable coverage limits under the current zoning. The sites accessed from The Ridge include:

Address	Legal Description	Address	Legal Description
316A Kerikeri Road	Lot 1 DP 598150	316B Kerikeri Road	Lot 2 DP 598150
322 Kerikeri Road	Lot 1 DP 150716	6 The Ridge	Lot 8 DP 389508
326 Kerikeri Road	Lot 3 DP 47711	5 The Ridge	Lot 1 DP 389508
7 The Ridge	Lot 2 DP 389508	9 The Ridge	Lot 3 DP 389508
10 The Ridge	Lot 6 DP 389508	12 The Ridge	Lot 5 DP 389508
11 The Ridge	Lot 4 DP 389508	13 The Ridge	Lot 9 DP 398618
14 The Ridge	Lot 19 DP 398618	16 The Ridge	Lot 18 DP 398618
13 The Ridge	Lot 10 DP 398618	18 The Ridge	Lot 17 DP 398618
17 The Ridge	Lot 11 DP 398618	20 The Ridge	Lot 12 DP 398618
21 The Ridge	Lot 13 DP 398618	23 The Ridge	Lot 14 DP 398618
22 The Ridge	Lot 15 DP 398618		

Analysis

252. The submitter is seeking a General Residential zoning for several properties accessed via The Ridge, which are currently zoned Rural Residential. As outlined in Section 4 above, these properties fall within the growth direction identified in the Spatial Plan. Furthermore, as previously noted, there is sufficient development capacity in the short to medium term. Any rezoning of these sites would therefore require further detailed analysis to justify the proposed zone changes.

Submission

253. Kerikeri Heights Limited (S362.001) propose the rezoning of 372 Kerikeri Road (Lot 58 DP 569588) from Rural Residential to General Residential. The submitter states that directly opposite, properties are proposed for General Residential zoning, including an actively developing subdivision at 373 Kerikeri Road. Kerikeri Heights Limited explains the site has existing development infrastructure and is within easy walking distance to the town centre.

Analysis

254. 372 Kerikeri Road is zoned Rural Residential as notified. The submitter, Kerikeri Heights Limited, has requested a change to General Residential zoning, citing

several reasons in their submission. These include the presence of properties directly across the road that are proposed to be zoned General Residential, including a large subdivision currently under development at 373 Kerikeri Road with lot sizes of approximately 300m² and 700m². The submitter also notes that development infrastructure is already available along the property boundary and that the site is within easy walking distance to the town centre. While the site appears to meet most of the Urban Rezoning Framework criteria—such as servicing, alignment with the spatial plan’s direction of growth, appropriate land use, and absence of hazards—insufficient information has been provided to enable a full assessment of the merits of the proposed rezoning at this time.

Submission

255. The General Trust Board of the Diocese of Auckland (S514.002) opposes the proposed Mixed Use zoning of 128 Kerikeri Road (Lot 16 DP 41378), requesting it be rezoned General Residential instead. The submitter notes the site is currently residential under the Operative Plan and is used for residential, incompatible with its present and future use.

Analysis

256. The property subject to the Diocese of Auckland submission is currently zoned Mixed Use under the notified version of the District Plan. While the site is presently used for residential purposes and may continue to accommodate residential activity in the future, current land use alone is not a sufficient basis for rezoning under the Urban Rezoning Framework—specifically, Criterion B. Properties in this location have been zoned Mixed Use to support the anticipated demand for additional commercial land and to align with the strategic direction for commercial growth. It is also noted that, through my recommendations in the Section 42A Urban Zones report, I have proposed relaxing the residential intensity rules within the Mixed Use zone to better accommodate residential development.

Recommendation

257. For the above reasons, I recommend that the submission S165.002 is rejected and the land at of 30 Limelight Lane, Kerikeri (Lot 2 DP 321732) is retained as Rural Residential zone (as notified).
258. For the above reasons, I recommend that the submissions S274.007 and S528.005 are rejected and the land at 17 Harmony Lane, Kerikeri (Section 2 SO 70186) is retained as Sport and Active Recreation zone (as notified).
259. For the above reasons, I recommend that the submission S16.001 is rejected and the land at 10 Peacock Gardens Drive is retained as Rural Lifestyle zone (as notified).
260. For the above reasons, I recommend that the submission S288.020 is rejected and the landholdings listed above are, Kerikeri retained as Rural Lifestyle Zone (as notified).

261. For the above reasons, I recommend that the submissions S361.001 is rejected and the land holdings listed above are retained as Rural Residential zone (as notified).
262. For the above reasons I recommend that S362.001 is rejected and the land at 372 Kerikeri road (Lot 58 DP 569588)) is retained as Rural Residential zone (as notified).
263. For the above reasons I recommend that S514.002 is rejected and the land at 128 Kerikeri road (Lot 16 DP 41378) is retained as Mixed Use zone (as notified).

Section 32AA Evaluation

264. No change is recommended at this stage. On this basis, no evaluation under Section 32AA is required.

5.2.13 Seeking Mixed Use Zone

Overview

Submission Point	Notified PDP Zoning	Officer Recommendation(s)
S280.002	Rural Residential	Retain
S408.001	Rural Residential	Retain
S139.001	Rural Residential	Retain
S363.019	Light Industrial	Retain

Matters Raised in Submissions and Analysis

Submission

265. Paul Wright (S280.002 & S301.001) requests rezoning of land at 316-342 Kerikeri Road from Rural Residential to Mixed Use. The submitter expresses that the existing zoning doesn't reflect the current infrastructure, commercial activity or urban location of the sites. The properties are comparable to adjacent and nearby Mixed Use zones and are already functioning as Mixed Use in practice. The specific sites include:

Address	Legal Description	Address	Legal Description
316A Kerikeri Road, Kerikeri	Lot 1 DP 598150	316B Kerikeri Road, Kerikeri	Lot 2 DP 598150
322 Kerikeri Road, Kerikeri	Lot 1 DP 150716	326 Kerikeri Road, Kerikeri	Lot 3 DP 47711
336 Kerikeri Road, Kerikeri	Lot 2 DP 325216	340 Kerikeri Road, Kerikeri	Lot 2 DP 311663
342 Kerikeri Road, Kerikeri	Lot 2 DP 208928		

Analysis

266. The Spatial Plan signals that, as demand for business land increases in the future, the properties at 316A, 316B, and 322 Kerikeri Road would be appropriate locations for accommodating that growth. These sites appear to meet most of the criteria outlined in the Urban Rezoning Evaluation Framework, including alignment with the direction of growth. However, further supporting information would be required to enable a full assessment of the rezoning requests including but not limited to details around servicing and site suitability.

Submission

267. Pukanui Investments Ltd and The Ridge Childcare Ltd (S408.001) requests that the zoning of frontage properties along Kerikeri Road, between Aranga Road and Greenway Drive, be amended from Rural Residential to Mixed Use. The submitters state that the current Rural Residential zoning is inappropriate for this context, as the area is not adjacent to active rural or horticultural activities.

Address	Legal Descriptions	Address	Legal Descriptions
316A Kerikeri Road	Lot 1 DP 598150	322 Kerikeri Road	Lot 1 DP 150716
326 Kerikeri Road	Lot 3 DP 47711	336 Kerikeri Road	Lot 2 DP 325216
334A-334B Kerikeri Road	Lot 1 DP 598418	334C Kerikeri Road	Lot 2 DP 598418
342 Kerikeri Road	Lot 2 DP 587408	350 Kerikeri Road	Lot 2 DP 587408
356 Kerikeri Road	Lot 17 DP 355377	360 Kerikeri Road	Lot 2 DP 54195

Analysis

268. As stated above the spatial plan signals additional business land growth onto the properties at 316A, 316B and 322 Kerikeri road, beyond that further business land in this location to not considered necessary over the longer term. As compact urban form is encouraged. I do not support mixed use zoning further south along Kerikeri Road.

Submission

269. BIO Enterprises Limited (S139.001) proposes that 2 The Lakes Drive (Lot 1 DP 561725) and 4 The Lakes Drive (Lot 2 DP 561725) be rezoned from Rural Residential to Mixed Use. The submitter argues the change is more appropriate due to alignment with current and planned development, incompatibility of activities with Rural Residential provisions and consistency of the landholdings with neighbouring Mixed Use zoning.

Analysis

270. The properties at 2 and 4 The Lakes Drive are zoned Rural Residential in the PDP. Since the notification of the PDP, a combined land use and subdivision resource consent 2220841 has been granted for a medical centre and retail, office and café with a subdivision consent to establish unit titles with the medical centre to be its own separate unit and unit titles separating the commercial spaces. Introducing a Mixed Use Zone in this location would result in an isolated, un serviced urban zone, which is not supported from a compact urban form planning perspective. In my opinion, the land use consent adequately provides for the specific activities it has approved. The impacts on enabling a zoning that provides for a wider range of commercial and residential activities have not been assessed by the submitter. Therefore, the proposal is both inappropriate and unnecessary.

Submission

271. Foodstuffs (S363.019) requests a zoning change for the Four Square Waipapa site at 1993 State Highway 10, Waipapa (Lot 4 DP 508155) from Light Industrial to a more suitable commercial zone. This is due to concerns that the current zoning does not permit supermarkets.

Analysis

272. In regard to the Foodstuffs rezoning submission, the site at 1993 State Highway 10, Waipapa is zoned as notified Light industrial zone. It was recommended in the S42A urban report to add a Waipapa control area a section of Waipapa that is zoned Light Industrial, this control layer covers the site. This control layer permits supermarkets. I consider that the recommendations made in the S42A urban report should satisfy the submitter.

Recommendation

273. For the above reasons I recommend the S280.002 and S301.001 is rejected and the land holdings referred above are retained as Rural Residential zone (as notified).
274. For the above reasons I recommend the S408.001 is rejected and the land holdings referred above are retained as Rural Residential zone (as notified).
275. For the above reasons I recommend the S139.001 is rejected and the land at 2 and 4 The Lakes is retained as Rural Residential zone as notified).
276. For the above reasons I recommend the S363.019 is rejected and the land at 1993 State Highway 10, Waipapa is retained as Light Industrial zone (as notified).

Section 32AA Evaluation

277. No change is recommended at this stage. On this basis, no evaluation under Section 32AA is required.

5.2.14 Seeking Light Industrial Zone

Overview

Submission Point	Notified PDP Zoning	Officer Recommendation(s)
S318.011	Rural Residential	Retain Rural Residential Zoning at 171 Waipapa Road, Kerikeri
S384.001 & S384.002	Heavy Industrial	Retain Heavy Industrial zoning at Lot 2 DP 343062 Lot 1 DP 198909 Lot 2 DP 198909 Lot 1 DP 343062

Matters Raised in Submissions

Submission

278. Mangonui Haulage (S318.001) request that 171 Waipapa Road, Kerikeri (Lot 2 DP 437473) be rezoned from Rural Residential to Light Industrial, arguing that the current zoning does not reflect the actual activities occurring on site. While acknowledging that district plans generally avoid site-specific zoning, the submitter believes an exception is justified here to better align the zoning with existing land use.

Analysis

279. I do not support the rezoning request by Mangonui Haulage from Rural Residential to Light Industrial zone. While the site is currently used for light industrial purposes, the proposed Rural Residential Zone reflects a broader planning direction aimed at managing growth, protecting amenity values, and avoiding the intensification of industrial activity in areas not identified for such use. The request relies heavily on precedent (e.g., Seeka's site-specific zoning), but the submission does not provide compelling justification to depart from the proposed zoning in my opinion, and the rezoning is not supported.

Submission

280. LD Family Investments Limited (S384.001 & S384.002) request various properties on Pataka Lane, Waipapa be rezoned from Heavy Industrial to Light Industrial. The submitters state the Light Industrial zoning better reflects current development patterns, the scale of the landholdings and compatibility with surrounding land uses. The properties include:

Address	Legal Description
1945A State Highway 10	Lot 2 DP 343062
Lot 1, State Highway 10	Lot 1 DP 198909
12D Pataka Lane, Waipapa	Lot 2 DP 198909
	Lot 1 DP 343062

Analysis

281. The submitter states that light industrial zoning better reflects existing development, landholding size, and surrounding land uses. The submission argues that the PDP's proposed Heavy Industrial zones do not currently contain heavy industrial activities, whereas the subject land is already used for a variety of light industrial purposes. The existing development pattern along State Highway 10 is predominantly light industrial, with larger sites benefiting from highway access. A clear spatial distinction is noted between the submitter's land and areas more suited to Heavy Industrial zoning, such as Waipapa Pine, which are located further back and bordered by the Waipapakoura River. The Light Industrial Zone is seen as more appropriate, both in terms of current use and its potential role as a buffer between heavier industrial activities and other zones.
282. I do not support the rezoning of the LD Family Invest Ltd landholdings to Light Industrial because the Heavy Industrial Zone already enables light industrial activities. As the same land use activities are provided for in both zones, I am not persuaded why a change in zone is necessary or appropriate. The PDP identifies this area as part of a broader heavy industrial node. As noted, the Light Industrial Zone is intended to apply where there is, or will be, reticulated infrastructure in place. There is currently no infrastructure in place to support intensive industrial development in this location, and rezoning to Light Industrial could create expectations for development that cannot be serviced. The PDP's approach seeks to consolidate industrial activities rezoning would undermine that strategy and risk fragmented development. The current zoning also supports the amalgamation of industrial activities. For these reasons, the requested Light Industrial zoning is not supported.

Recommendation

283. For the above reasons I recommend the S318.001 is rejected and 171 Waipapa Road, Kerikeri is retained as Rural Residential zone (as notified).
284. For the above reasons I recommend the S384.001 & S384.002 are rejected and the land holdings referred above are retained as Heavy Industrial zone (as notified).

Section 32AA Evaluation

285. No change is recommended at this stage. On this basis, no evaluation under Section 32AA is required.

5.2.15 Seeking Heavy Industrial Zone

Overview

Submission Point	Notified PDP Zoning	Officer Recommendation(s)
S342.002	Rural Production	Retain Rural Production as notified
S140.001	Rural Production	Retain Rural Production as notified

Matters Raised in Submissions

286. Waipapa Pine Limited and Adrian Broughton Trust, (Now Fletcher Building) (S342.002) seek to rezone various properties from Rural Production to Heavy Industrial. The properties include:

Address	Legal Description
1895 State Highway 10	Lot 1 DP 146372
1897 State Highway 10	Lot 2 DP 321759
1897 State Highway 10	Lot 3 DP 321759
1897B State Highway 10	Lot 1 DP 321759

287. Mark and Emma Klinac (S140.001) seek that 1897 State Highway 10 (Lot 1 and 2 DP 321759), along with associated shares in Lot 3 DP 321759 be rezoned from Rural Production to Heavy Industrial. The submitters express that the current zoning would isolate the site as a Rural Production 'island' surrounded by landholdings that are either zoned or proposed to be zoned as Heavy Industrial and are expected to accommodate ongoing heavy industrial activities.

Analysis

288. In regard to the above submission points, the properties at 1895, 1897 and 1897B state highway 10 would not meet the requirements for a Heavy Industrial zone under the Urban rezoning evaluation framework due to Criterion C site suitability. The sites are affected by River flood Hazard Zone (10 Year ARI Event) and River flood hazard zone (100 year ARI event). The hazards indicated on this site would mean that it would not meet the suitability criteria of the Urban rezoning evaluation framework. Which is as I understand the reason for that this group of sites was not zoned Heavy Industrial in the notified PDP. No further evidence has been provided by the submitter.

Recommendation

289. For the above reasons I recommend the S342.002 and S140.001 are rejected and 1895, 1897 and 1897B state highway 10 are retained as rural production zone (as notified).

Section 32AA Evaluation

290. No change is recommended at this stage. On this basis, no evaluation under Section 32AA is required.

5.2.16 Other Rezoning Submissions

Overview

Submission Point	Notified PDP Zoning	Officer Recommendation(s)
S559.029	Various	No changes to zoning as a result of this submission point.
S359.013	Various	No changes to zoning as a result of this submission point.

Matters Raised in Submissions

291. Te Rūnanga o Ngāti Rēhia (S559.029) recommends that zoning changes in Waipapa occur only once the necessary three waters infrastructure is in place. The submitters highlight that premature rezoning can lead to long-term issues, including high costs and complications of retrofitting services and note that some developments in the area currently rely on onsite solutions and future urban growth would require connection to proper infrastructure to support suitable density and development types.
292. NRC (S359.013) seeks amendments to the planning maps to prevent zoning intensification in areas prone to natural hazards. The submitter notes concern that some areas identified for greater development lie within flood-prone or non-serviced zones, despite existing constraints mapping.
293. Adrian and Sue Knight (S325.004) request that land on the edge of Kerikeri, south of Access Road, be rezoned, identifying the Rural Residential Zone as the most appropriate for the area. The submitters state that this area aligns with the intended use and character of the Rural Residential Zone and the current zoning boundaries lack logical consistency and fail to support a coherent peri-urban pattern for Kerikeri. This point was primarily addressed in the Hearing report 15C rural ²⁰ where this location was recommended to be zoned Rural Production with a Horticultural precinct. This point was primarily addressed in the Hearing report 15C rural ²¹ where this location was recommended to be zoned Rural Production with a Horticultural precinct.

Analysis

294. In regard to Te Rūnanga o Ngāti Rēhia submission point I have not recommended any additional urban rezoning at Waipapa through the PDP process. It is acknowledged that there is currently no available wastewater servicing in this location, although it is signalled for growth under the Spatial Plan. Future plan changes will be undertaken to rezone area of Waipapa for urban development.

²⁰ [Microsoft Word - Section 42A Report Hearing 15C Rural V1 Final](#)

²¹ [Microsoft Word - Section 42A Report Hearing 15C Rural V1 Final](#)

295. NRC submission point has been carefully considered in all rezoning requests. Including those requests for a Heavy Industrial zone in an area at Waipapa which has river flood hazards. Mr Wyeth has also given consideration to this point when looking at the Kiwi Fresh Orange Company requests addressed below.

Recommendation

296. For the above reasons, I recommend that the submission S559.029 is accepted in part and no changes are recommended as a result of this submission point.

297. For the above reasons, I recommend that the submission S359.013 is accepted in part, this point allows consideration across rezoning requests. No changes are made as a direct result of this submission point.

Section 32AA Evaluation

298. No change is recommended at this stage. On this basis, no evaluation under Section 32AA is required.

5.3 Officer Recommendations – Jerome Wyeth

5.3.1 Kiwi Fresh Orange Company Limited S554

299. Kiwi Fresh Orange Limited (KFO) is requesting rezoning of approximately 197ha of land between Kerikeri and Waipapa (the Site) from Rural Production Zone (RPROZ) to urban zoning, which is a combination of GRZ, MUZ and NOPZ (the KFO proposal). Given the detailed nature of the KFO submission and extent of technical evidence received, my evaluation of the KFO proposal is structured as follows:

- a) Overview of the relevant KFO submission points and technical evidence
- b) Evaluation of the KFO proposal against the rezoning criteria in Minute 14 from the Hearing Panel
- c) Overall evaluation of the KFO proposal
- d) Recommendations and reasons.

5.3.2 Overview of KFO submission and technical evidence

Original Submission Points

300. There are four original submissions from KFO specifically relating to the rezoning of the Site. The decisions requested in these KFO submission points are outlined in Table 2 below.

Table 2: Overview of KFO Submissions addressed in this Report.

Submission Point	Decision Requested
S554.002	Amend the zoning for the site, known locally as Brownlie development (Title references 137884, NA46D/1149, NA33B/689 & NA1126/159) for urban development as requested in the submission (RPROZ to GRZ, MUZ and NOSZ).
S554.003	Amend the FNDC Urban Section 32 Report to include a fourth option to zone rural land to urban where it can be shown that servicing can be provided in the future.
S554.048	Insert "Brownlie Land Precinct" into the PDP as per the objectives, policies and provisions provided with the submission and apply it to the site identified as 1828 and 1878 State Highway 10, Waipapa.
S554.049	Insert the Brownlie Structure Plan, alongside the Precinct Plan, into the PDP as per the information provided in the submission.

Overview of Further Submission Points

301. There are 22 further submissions on the above original submissions from KFO. Further submissions in support or support in part include:

- a) Trent Simpkin (FS29.39, FS45.5) agrees with zoning rural land to urban where it can be shown that infrastructure servicing can be provided in the future
- b) Our Kerikeri Community Charitable Trust (FS47.001) considers that the land between the Kerikeri golf course and State Highway 10 (Brownlie property) is the only area that can provide a reasonably compact urban footprint for Kerikeri-Waipapa expansion in future
- c) Vision Kerikeri 2 (FS569.025) support a mix of residential, mixed use, open space and natural open space and consider the land between Waipapa and Kerikeri is the most appropriate area for future urban growth
- d) Jeff Kemp (FS32.005, FS32.006, FS32.051, FS32.052) supports the overall intent of the rezoning requests but raises questions about traffic movements and whether the KFO proposal and associated flood mitigation will increase or reduce flooding along Waitotara Drive.

302. Further submission points opposing the KFO submissions include:

- a) Smartlife Trust (FS389.008, FS389.009, FS389.055) opposes the KFO proposal, in particular the plans which show a future access point through their land.

- b) NZTA (FS36.092, FS36.093, FS36.094, FS36.095) opposes the rezoning until there is a clearer understanding on how this will affect the safety, efficiency, and effectiveness of the land transport system. These submission points from NZTA also state that there needs to be clear documentation of what transport infrastructure upgrades and mitigation measures are needed to avoid, remedy or mitigate effects on the land transport system, triggers for necessary infrastructure development, and how the infrastructure will be funded.
- c) Waipapa Pine Limited (FS389.049, FS389.050, FS389.051) is concerned with the KFO rezoning proposal being close to land zoned Heavy Industrial and the potential for reverse sensitivity effects, particularly the areas proposed to be zoned GRZ.
- d) Kainga Ora Homes and Communities (FS243.229) requests further details on how the KFO proposal will fit within the planned and future growth in the Far North District. Kāinga Ora is interested in understanding the balance of enabling urban development while maintaining productive rural environments.

Overview of "Proposed Brownlie Land Precinct"

- a) Appendix D of the KFO submission includes a "*Proposed Brownlie Land Precinct*". The proposed provisions for the Brownlie Land Precinct include an overview section, three objectives, five policies and five rules. I note that KFO is now proposing a revised set of provisions for the "*Te Pae Wairoa Precinct*" and an updated "*Te Pae Wairoa Precinct Plan*" which are included in the planning evidence of Ms O'Connor as Appendix B.

Overview of Brownlie Land Structure Plan

- a) The KFO submission includes a "*Structure Plan: Brownlie Land – Kerikeri – Waipapa*" (Structure Plan) for the Site prepared by The Planning Collective and Pacific Environment Architects. The introduction of the Structure Plan states:

"This Structure Plan provides the background and justification for The Brownlie Land Structure Plan proposed as part of Kiwi Fresh Orange Company Limited's submission on the Proposed District Plan. In particular, it draws upon detailed expert reports of various disciplines to inform a proposal to live urban zone The Brownlie Land Structure Plan area, providing housing and business development capacity while managing the effects of urban development, integrating with the existing built environment and protecting high-value natural environment".

- b) The Structure Plan Report sets out relevant background, vision and objectives for the Site, local context, strategic and statutory context and constraints and opportunities. The actual Structure Plan is then set out in Section 7 followed by an implementation section and a conclusion. The conclusion states:

"The Structure Plan outcomes have identified that the Brownlie land is well situated to provide capacity for the urban growth of Kerikeri and Waipapa. The land is strategically located between the two townships, has few

constraints to urban development and opens up several opportunities in relation to connectivity".²²

Overview of Technical Assessments in the KFO Submission

303. The KFO submission includes the following technical assessments in support of the requested relief:
- a) Geotechnical assessment, prepared by LDE
 - b) Survey, prepared by Terrain Surveying Limited
 - c) Soils investigation, prepared by Hanmore Land Management
 - d) Preliminary Site Investigation, prepared by NZ Environmental
 - e) Archaeology, prepared by Origin Archaeology
 - f) Ecology, prepared by Bioresearches
 - g) Hydrology, prepared by E2 Environmental
 - h) Economic assessment, prepared by Urban Economics
 - i) Infrastructure servicing, prepared by Infir
 - j) Infrastructure servicing peer review, prepared by GWE
 - k) Landscape assessment, prepared by Littoralis
 - l) Transport assessment, prepared by TEAM.

Overview of KFO evidence provided for Hearing 1

304. KFO provided the following evidence for Hearing 1 on the PDP:
- a) Corporate evidence from Mr Brownlie
 - b) Economic evidence from Mr Thompson
 - c) Planning evidence from Ms O'Connor.
305. A key focus of the planning and economic evidence at Hearing 1 was determining whether Kerikeri-Waipapa is an "*urban environment*" as defined in the NPS-UD. This is an important consideration as it determines whether Council is a "tier 3 local authority" under the NPS-UD and therefore whether the NPS-UD is a relevant higher order documents that must be given effect to through the PDP (where practicable and within scope).

²² Page 75 of the Structure Plan Report.

306. Council has subsequently provided economic and planning evidence on this issue for Hearing 14 – Urban Zones²³. My understanding is that, following Council adopting the Spatial Plan in June 2025, there is now broad agreement that Kerikeri-Waipapa is an “*urban environment*” under the NPS-UD.

Overview of KFO Evidence Provided for the “opt-in” Rezoning Process

322. KFO chose to “opt in” to the reverse timetable for rezoning submissions set out in Minute 14 from the Hearing Panel. Accordingly, on 30 June 2025, the following evidence was lodged on behalf of KFO:
- a) Corporate evidence from Mr Brownlie
 - b) Corporate liaison evidence from Mr Corbett
 - c) Ecology evidence from Ms Barnett
 - d) Economic and property market evidence from Mr Thompson
 - e) Flood mitigation from Mr Kuta
 - f) Infrastructure evidence from Mr Ehlers
 - g) Planning evidence from Ms O’Connor
 - h) Rural productivity evidence from Mr Hunt
 - i) Transport evidence from Mr Brown (with supplementary transport evidence then lodged on 29 August 2025 that considers a new traffic modelling report).

Updated “Te Pae Waiora Precinct”

323. The planning evidence of Ms O’Connor includes an updated set of proposed provisions, referred to as the “*Te Pae Waiora Precinct*” (Precinct Chapter), and an updated “*Te Pāe Waiōra Precinct Plan*” (Precinct Plan) in Appendix B of her evidence. Ms O’Connor describes the changes to the proposed Precinct Chapter and Precinct Plan in her section 32AA further evaluation as follows: “*The changes are considered to be inconsequential in scale as they largely update the Precinct name, secure the Structure Plan already provided, as a Precinct Plan and update Precinct wording for clarity and consistency. Objectives and policies have also been updated to better reflect the NPS UD.*”²⁴ Ms O’Connor also considers that the updated provisions in the Precinct Chapter and Precinct Plan will provide the following benefits, including:
- a) Better defining when flood mitigation needs to be in place prior to development (i.e. only within the mapped River Flood Hazard Area).

²³ In particular through the planning evidence of Mr Lindenberg: [Statement-of-Evidence-Matthew-Lindenberg-on-behalf-of-FNDC,-dated-23-June-2025.pdf](#) and the economic evidence of Mr McIlrath: [Statement-of-Evidence-Lawrence-McIlrath-on-behalf-of-FNDC,-dated-23-June-2025.pdf](#)

²⁴ Paragraph 115 of evidence.

- b) Secures the Structure Plan as the Precinct Plan to better guide future development and the general areas for walking and cycling tracks, open space and ecological areas.
- c) More clearly defining the need for urban development to be coordinated with the delivery of infrastructure for the proposed stage of development.

324. I have undertaken an evaluation of the updated provisions in the Precinct Chapter and Precinct Plan below (section 5.3.4 of this report). In short, I consider that there are numerous shortcomings in the proposed provisions in the Precinct Chapter and associated Precinct Plan, leaving aside the more fundamental question as to whether it is appropriate to rezone the Site for urban development through the PDP.

5.3.3 Evaluation of KFO Proposal against the Criteria in Minute 14

325. This section provides an evaluation of the KFO proposal against the rezoning criteria set out in Minute 14 from the Hearing Panel. However, the statutory assessment is included below in section 5.3.5 as part of the overall evaluation of the KFO proposal. This is because this statutory assessment is heavily informed by the assessment of the suitability of the Site for urban development and the anticipated environmental effects from the KFO proposal as detailed in this section.

Reasons for the Request

Criteria	Matters to be Addressed
Reasons for the request	<ul style="list-style-type: none"> • The reasons for the rezoning request, including an assessment of why the notified zoning is not appropriate for the subject land.

326. The planning evidence of Ms O'Connor summarises the key reasons for the KFO rezoning request at paragraph 74 to 78. The key reasons cited by Ms O'Connor are that the technical inputs and Structure Plan demonstrate "*an optimal urban outcome for the land*" and that the economic evidence demonstrates that the Site is needed to meet the growth demands of Kerikeri-Waipapa and that, "*if insufficient land is provided, this will have significant negative effects for the local economy; adverse social effects associated with a lack of employment and affordable housing*"²⁵. Further, Ms O'Connor considers that, rather than be a "*Contingent Future Growth Area*" as identified in the Spatial Plan, the land is needed now to ensure markets are not constrained and because the evidence provided on behalf of KFO demonstrates that "*...the contingencies are all thoroughly addressed*"²⁶.

327. As detailed above in Section 3, the economic evidence of Mr McIlrath has provided an updated assessment of development capacity that incorporates the PDP-R recommendations. This updated assessment demonstrates, in accordance with the NPS-UD, that there is sufficient development capacity to meet demand for housing

²⁵ Paragraph 75 and 77 of evidence.

²⁶ Paragraph 78 of evidence.

in Kerikeri-Waipapa over the short, medium and long-term (noting some uncertainties as to exactly when this “plan-enabled” capacity will be “infrastructure ready” in the medium and long-term). Therefore, in my view, there is no demonstrated need that urban rezoning of the Site is necessary to meet the growth demands of Kerikeri-Waipapa. Further, I do not agree that the evidence demonstrates that conditions in the Spatial Plan for this Contingent Future Growth Area have been thoroughly addressed (discussed further below in Section 5.3.5).

Assessment of Site Suitability and Potential Effects of Rezoning

Criteria	Matters to be Addressed
Assessment of site suitability and potential effects of rezoning	<ul style="list-style-type: none"> Assessment of the suitability of the land for rezoning, including an assessment of: <ul style="list-style-type: none"> The risks from natural hazards Effects on any natural environment values, historic heritage, coastal environment, or other PDP overlay. Effects on surrounding sites, including compatibility of the rezoning with surrounding land-uses and potential reverse sensitivity effects.

328. This section provides a summary of the suitability of the Site for urban rezoning and the environmental effects anticipated from the proposed rezoning, drawing on the relevant expert assessments and evidence. This includes consideration of the archaeological, contaminated land, cultural, ecology, economic, geotechnical, landscape, rural productivity, transport, and urban design effects anticipated from the KFO proposal.

Archaeological Effects

329. The KFO submission includes a “*Proposed Urban Development: Preliminary Archaeological Appraisal*” prepared by Origin Archaeology. This preliminary assessment identified the remains of the Kauri Timber Train Line, dated 1909 to 1915 as being the only heritage site within the KFO Site. The preliminary assessment also indicates that there is limited potential to identify further sites through more detailed field surveys.
330. A peer review of this preliminary assessment has been undertaken by Mr Brown from Horizon Archaeology²⁷, which concludes that it provides an accurate summary of the archaeological and historical environment around Kerikeri and reflects best practice. In summary, Mr Brown states that “*I support the conclusions drawn in the report and do not believe there are any archaeological matters that prohibit rezoning*”. However, Mr Brown also considers that it would be appropriate to protect the Kauri Timber Train Line through future consenting processes given that it is not protected under the Heritage New Zealand Pouhere Taonga Act 2014 as a (pre-1900) “*archaeological site*”. On this basis, I am satisfied that there are no significant archaeological issues or potential adverse effects associated with the KFO proposal.

²⁷ Memo to FNDC dated 6 June 2025.

Contaminated Land

331. The original submission from KFO included a preliminary site investigation (PSI) by NZ Environmental, which has been prepared accordance with the requirements of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS). The PSI from NZ Environmental identifies a range of historic and current Hazardous Activities and Industry List (HAIL) activities across the Site, with a total of nine "pieces of land" (as defined under the NES-CS) identified. The PSI concludes that potential contaminants may be present in soil across the nine pieces of land at concentrations above residential land use guideline values. The PSI therefore concludes that a "detailed site investigation" under the NES-CS is warranted for the identified "pieces of land" prior to any development.
332. A peer review of the PSI has been undertaken by SLR Consulting, which agrees with the general conclusions made by NZ Environment above but notes some discrepancies in land parcels assessed in the PSI and some potential information gaps in relation to the HAIL activities undertaken on the Site. However, overall, the peer review from SLR Consulting states that *"the presence of HAIL activities at selected locations across the site is unlikely to have resulted in wide scale contamination in soil which would restrict rezoning of the site"*. On this basis, there is agreement that further investigation is not required to support the proposed rezoning, but a detailed site investigation will be required to support any future subdivision or land-use proposed within the Site.

Cultural Effects

333. The KFO submission indicated that a Cultural Impact Assessment (CIA) from Ngāti Rēhia would be provided before the hearings on the PDP²⁸. However, my understanding is that no CIA has been prepared, nor am I aware of any specific assessment of the cultural effects of the KFO proposal since the KFO submission was prepared.
334. The section 32 evaluation report in the KFO submission includes a high-level assessment of the cultural effects of the KFO proposal. This evaluation states *"KFO has engaged with Ngāti Rēhia throughout the preparation of the submission. While there are no known sites of cultural significance in this area identified to date, consultation and related discussions have traversed the potential benefits to Ngāti Rēhia in terms of involvement in the development of the land and related land uses that will be facilitated"*²⁹. The assessment of cultural effects included in Attachment B of this section 32 evaluation report again focuses on feedback from Ngāti Rēhia, including identifying opportunities to provide affordable housing and the need for a *"strong reference to the consideration of cultural values and sites of significance within the policy framework"*³⁰. However, I note that there is no

²⁸ More specifically, the Structure Plan states at pg.29 that *"Consultation with Ngāti Rēhia is ongoing but to date no issues of concern have been raised. Ngāti Rēhia have confirmed that they will be able to provide a Cultural Impact Assessment prior to the hearings on the Proposed District Plan"*.

²⁹ Section 32 Report: Brownlie Land Assessing options for and the appropriateness of land for urban development, The Planning Collective, 2022, pg. 14.

³⁰ Ibid, Attachment B, pg.19.

specific provision for, or consideration of, cultural values in the proposed provisions in Precinct Chapter.

335. The corporate liaison evidence of Mr Corbett outlines more recent engagement that has been undertaken with Ngāti Rēhia, stating that KFO “*has received overwhelming support from Ngāti Rēhia who are aware of the opportunities the proposal provides for community and the environment. Engagement with Ngāti Rēhia is ongoing and will continue as the land develops in the future*”³¹. Accordingly, I am satisfied that there is sufficient evidence to demonstrate that Ngāti Rēhia supports the KFO proposal.
336. However, in my view, it is important that the KFO proposal is not considered in isolation regarding cultural effects. This is because rezoning the Site for urban development will have wider implications for the future development of Kerikeri-Waipapa, including the potential to undermine the more compact urban growth outcome sought through the Spatial Plan.
337. The spatial planning evidence of Mr Reuben outlines how the development of the Spatial Plan involved engagement and input from the Hapū Rōpū Governance Group³². This included the preparation of a CIA³³ and a cultural impact evaluation of the different growth scenarios, which identifies numerous benefits and weakness of “Scenario F” (i.e. the KFO proposal)³⁴ from a cultural perspective.
338. My understanding is that the Hapū Rōpū Governance Group endorsed the draft spatial plan for public consultation, which excluded Scenario F. However, during public consultation Ngāti Rēhia and Ngāti Hineira supported Scenario F. The remaining hapū reaffirmed support for the draft spatial plan and opposition to Scenario F. In my view, this indicates mixed views on the KFO proposal from hapū with an interest in the future growth of Kerikeri-Waipapa.

Ecological Effects

339. The KFO submission includes a “*Kerikeri Plan Change - high-level ecological constraints analysis*” prepared by Bioresearches. This analysis provides a high-level assessment of ecological features and habitats within the Site, including the identification of areas of established indigenous vegetation and natural wetlands.
340. The updated ecological evidence of Ms Barnett on behalf of KFO concludes that, based on the high-level ecological constraints analysis undertaken, there is nothing that suggests the Site is not suitable for urban zoning from an ecological perspective. While Ms Barnett acknowledges that there are ecological features within the Site (including potential “natural inland wetlands” as defined in the NPS-FM), she considers that ecological effects can be managed through future

³¹ Paragraph 11 of evidence.

³² A group made up of Hapū that have tatau whakapapa links to the whenua, awa and taiao of the Te Pātukurea area of Kerikeri and Waipapa.

³³ “Te Patukurea – Cultural Impact”, refer: [f581e7af3316144767851b944b2f54bf084ec641.pdf](https://www.govt.nz/assets/Uploads/Te-Patukurea-Cultural-Impact-Assessment-of-Growth-Scenarios.pdf)

³⁴ Refer pg 8: [Cultural-Impact-Assessment-of-Growth-Scenarios.pdf](https://www.govt.nz/assets/Uploads/Cultural-Impact-Assessment-of-Growth-Scenarios.pdf)

consenting processes and associated ecological assessments, management plans and/or effects management hierarchies.

341. Ms Andrews has undertaken a review of the above assessments and evidence. Ms Andrews raises an overarching concern that the ecological constraints analysis provided by KFO is very high-level with limited site-specific assessments and surveys. As a result, Ms Andrews considers that a number of a key uncertainties remain in terms of the ecological effects of the KFO proposal and further assessments/surveys are required before "*a full understanding of the appropriateness of the rezoning proposal can be evaluated*"³⁵.
342. More specifically, Ms Andrews raises the following issues and uncertainties with the KFO proposal:
- a) Urban development of the Site will result in ecological effects associated with increased noise, lighting, human activity, pets, and pests, which have not been assessed by KFO. In her opinion, it is unclear if such effects can be addressed by the proposed provisions in the Precinct Chapter and/or at the resource consent stage.
 - b) That there is an absence of any proposed ecological mitigation measures in the KFO proposal. For a greenfield development proposal of this scale, Ms Andrews is of the opinion that a full assessment of the potential ecological effects associated with the rezoning should be provided, along with the identification of appropriate management measures.
 - c) There is no consideration of the provisions in the Ecosystems and Indigenous Biodiversity Chapter in the PDP, including the potential change in the thresholds for indigenous vegetation clearance that may apply (IB-R3) and there has been no assessment as to whether the Site includes a "*remnant forest*"³⁶.
343. Ms Andrew also addresses the potential ecological effects associated with the proposed floodway on aquatic habitats and natural inland wetlands. Similar to the comments above, Ms Andrews is of the view that there should be a better understanding of the effects of the floodway on the natural inland wetland and the level of protection required under the NES-F before rezoning occurs, rather than deferring consideration as to whether the proposed floodway meets the NPS-FM definition of "*specified infrastructure*" (which I discuss further below under Section 5.3.5) to future consenting processes. Regardless of the activity status of the proposed floodway under the NES-F, Ms Andrews notes that offsetting will be required for any loss of natural wetland values and extent and there should be more certainty on how this will be achieved at the rezoning stage to help determine whether the Site is suitable for urban development (e.g. demonstrated areas of land within the Site to offset loss of wetland extent and values in accordance with the NPS-FM).

³⁵ Paragraph 3.1 of evidence.

³⁶ Remnant forest defined in the PDP as "*means any indigenous natural area which has never been clear-felled*". This would require a discretionary activity resource consent application under IB-R3.

344. At a broader level, Ms Andrews agrees that conceptually the floodway has the potential to result in improved aquatic ecological values (e.g. through a net increase in planted riparian habitats). However, the floodway also has the potential to result in a range of adverse effects on ecology, including loss and modification of freshwater habitats. Ms Andrews also raises concerns with Ms Barnett's recommendation to defer the more detailed ecological assessment of the floodway to the resource consent stage given that the assessment of values and assumptions lacks certainty. Overall, in relation to the ecological effects of the floodway, Ms Andrews concludes that "*there is insufficient information about the final design to enable effects to be properly assessed at this stage*"³⁷.
345. Further, I note that the Precinct Plan includes a large "*Significant Natural Area*". This is not referenced in the evidence of Ms Barnett or the Precinct Chapter but is referred to in the earlier Littoralis "*Landscape, Rural Amenity, and Natural Landscape Assessment*" in the KFO submission³⁸. The Structure Plan in the KFO submission states a detailed assessment of this area has not been undertaken to confirm it is a "*Significant Natural Area*", but this will be undertaken prior to the implementation of the Structure Plan³⁹. It therefore remains unclear if, and when, this area is intended to be assessed in accordance with the criteria in Appendix 5 of the RPS as an "*area of significant indigenous vegetation and significant habitat of indigenous fauna*"⁴⁰.
346. In summary, the evidence has highlighted numerous uncertainties and potential adverse ecological effects associated with the KFO proposal. While I acknowledge that many of these effects and uncertainties may be better assessed and addressed through any future consenting processes, I agree with Ms Andrews that there should be a more detailed assessment of ecological values and proposed protection, mitigation and enhancement measures to determine whether urban zoning of the Site is appropriate from an ecological perspective and whether the ecological opportunities cited in the KFO evidence would be realised. In my opinion, the uncertain and insufficient information on the ecological effects of the KFO proposal means the risks of acting are an important consideration in evaluating the appropriateness of the KFO proposal in accordance with section 32(2)(c) of the RMA.

Economic Effects

347. The KFO submission includes an "*Economic Assessment: Proposed Rezoning of the Brownlie Land*" prepared by Mr Thompson from Urban Economics. Mr Thompson has subsequently provided updated economic and property market evidence for KFO. The evidence of Mr Thompson is focused on why the rezoning

³⁷ Paragraph 6.21 of evidence.

³⁸ Pg. 7 which states that two of the largest and most intact areas of indigenous vegetation fall within a "*Significant Natural Area identified by the Department of Conservation identified as being site PO5/086, Kerikeri River Remnants*", "*Natural Areas of Kerikeri Ecological District*", Department of Conservation'.

³⁹ Structure Plan in KFO submission, pg. 59.

⁴⁰ Noting my recommendation in Hearing 4 to deleted references to Significant Natural Areas from the PDP. This recommendation was due to a range of reasons including there being no mapped significant natural areas in the PDP, the SNA mapping requirements in the NPS-IB being paused under the Resource Management (Freshwater and Other Matters) Amendment Act 2024, and the intent to give effect to the significant natural area provisions in the NPS-IB in full through a future plan change .

of the Site is necessary to provide sufficient development capacity in Kerikeri-Waipapa over the short, medium, and long-term. For a range of reasons set out in his evidence, Mr Thompson recommends that Options D, E and F in the Spatial Plan are zoned for urban development through the PDP to ensure that there is sufficient development capacity to meet demand, ensure housing affordability, and support economic growth in the Far North District.

348. The evidence of Mr Thompson also outlines why he considers that it is appropriate to zone 30 years of plan-enabled development capacity, including the proposed changes to the NPS-UD through the Government's "*Going for Housing Growth*" proposals. However, in my view, it is important to note that:
 - a. The proposal to amend the NPS-UD to require 30 years of plan-enabled development capacity is limited to Tier 1 and 2 local authorities (which Council is not).
 - b. This proposal is intended to be implemented through Phase 3 of the resource management reforms.
349. Therefore, in my view, these proposed amendments to the NPS-UD have limited relevance to rezoning decisions on the PDP.
350. As outlined above, the economic evidence of Mr McIlrath provides an updated assessment of the sufficiency of development capacity to meet demand for housing and business land that incorporates the PDP-R recommendations by Ms Trinder. In short, Mr McIlrath confirms that there is more than sufficient development capacity to meet expected demand for housing over the short, medium and long-term. The evidence of Mr Lindenberg also demonstrates how the PDP-R meets the key requirements in the Clause 3.2(2) of the NPS-UD to provide **sufficient** development capacity⁴¹.
351. Additionally, Mr McIlrath includes some commentary on the opportunity costs of over-zoning land for urban development, building on his earlier commentary on the economic costs of over-zoning and under-zoning in Appendix 1 of the S42a Rezoning Submission Overview Report⁴². This is a key economic issue in my opinion as the over-zoning of residential land is essentially what the KFO proposal (with the PDP-R package of recommendations by Ms Trinder) would deliver⁴³. Further, both Ms O'Connor and Mr Thompson emphasise their opinion that oversupply of land zoned for urban development is much more preferable than an undersupply of land zoned for urban development.
352. In summary, the key points from the evidence of Mr McIlrath on the opportunity costs of over-zoning include:
 - a. Enabling capacity that is out of proportion (over-zoned) to the anticipated demand creates a risk that a large share of demand is accommodated in sub-

⁴¹ Noting that the PDP-R will be "infrastructure ready" (as defined in the NPS-UD) in the medium and long-term through Council infrastructure planning and funding currently underway, including the development of the 2027 Infrastructure Strategy and the future funding arrangements under the newly established Northland Waters CCO.

⁴² Refer: [Appendix-1-Market-Economics-Memorandum-Risks-of-Oversupply-and-Undersupply.pdf](#)

⁴³ Estimated by Mr McIlrath to provide capacity for approximately 39 years of growth.

optimal locations. This includes, for example, residential development in locations outside existing urban areas or some distance away.

- b. Over-zoning greenfield capacity undermines the economic benefits associated with concentrated growth in and around existing urban centres. These “concentration benefits” that intensification can provide are numerous and include:

- Supporting residential diversity and choice.
- Supporting housing developments that are targeted towards the more affordability typologies.
- Supporting centre functioning and viability.
- Environmental gains due to improved efficiencies (lower emissions).
- Improved access to jobs, services, and a more diverse service range.
- Enabling infrastructure investment to serve demand more efficiently.
- Preserving open space and natural environments and avoiding unnecessary loss of highly productive land.

353. Mr McIlrath also notes that over-zoning has implications for infrastructure planning and delivery, and ultimately the costs – including the distribution of those costs across households, and over time. In addition, Mr McIlrath is of the view that the “competitiveness margins” in the NPS-UD (20% for short and medium-term and 15% for long-term) provide guidance on the degree of over-zoning that is needed and appropriate to support competitive land and development markets. I note that assessment of sufficient development capacity under the PDP-R includes the NPS-UD competitiveness margins despite this not being required for tier 3 local authorities. In my view, this highlights that additional over-zoning through the KFO proposal is not necessary or appropriate, either to provide sufficient development capacity OR to support competitive land and development markets.

354. Lastly, Mr McIlrath specifically responds to the conclusions reached in the economic evidence of Mr Thompson on behalf of KFO, noting that there are material differences in their position on some key economic issues. Mr McIlrath notes that many of the differences arise due to disagreements over the most appropriate data, case studies to be used, including population projections, the useability and applicability of the greenfield development examples and the methodology of multi-criteria analysis of urban growth options in Mr Thompson’s evidence.

355. Overall, in my view, the key conclusions in the economic evidence for the KFO proposal are:

- a) The updated assessment of development capacity, including the PDP-R recommendations from Ms Trinder, demonstrates that this provides **sufficient** development capacity to meet expected demand for housing in Kerikeri-

Waipapa over the short, medium and long-term in accordance with the NPS-UD. As such, there is no need to rezone the Site to provide more “plan-enabled” development capacity (leaving aside the questions about if, how and when the KFO proposed capacity may be “infrastructure-ready”).

- b) Zoning the Site for urban development in addition to the PDP-R recommendations will likely undermine the recommendations of the Spatial Plan to achieve a compact urban form. In short, an over-zoning of greenfield capacity will undermine intensification efforts and the range of concentration benefits that this seeks to achieve.

Flood Hazard Risks and Proposed Mitigation

- 356. The Site is bounded by the Kerikeri River in the north and the east, and a large portion of the Site (approx. 45%, or 90ha of 197 ha) is subject to identified River Flood Hazard Areas in the PDP planning maps, as shown below in Figure 8.

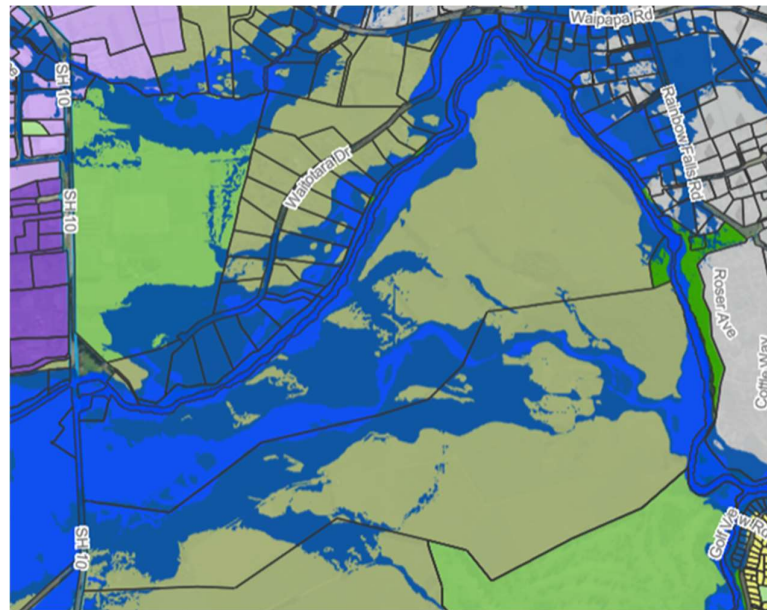


Figure 8: PDP zoning and River Flood Hazard Area at the Site.

- 357. KFO has indicated that the risks from flood hazards will be mitigated through an on-site solution intended to make the Site suitable for urban development. The KFO submission includes a “*Kerikeri Subdivision & Flood Scheme Investigation and Proof-of-Concept Design*” prepared by E2 Environmental. To manage the flood risk, the proposal in the E2 Environmental report is to create a managed floodway (approx. width of 120m) across the Site with a bund or raised land running along the bank of the Kerikeri River in the north, refer Figure 9 below.

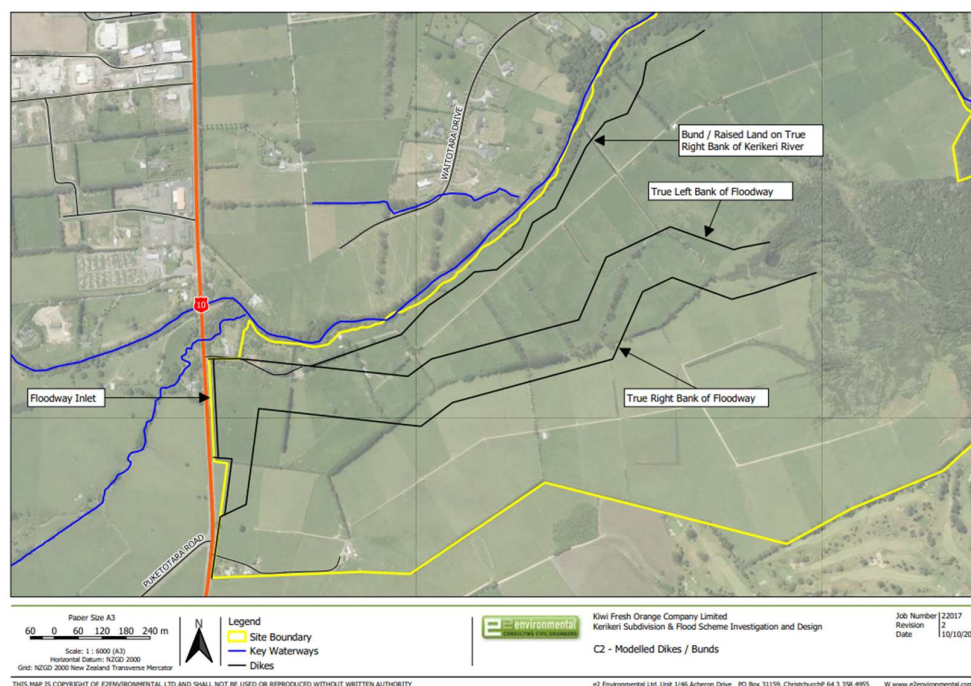


Figure 9: Proposed Flood Mitigation Works. Source: E2 Environmental Report.

358. The E2 Environmental report and subsequent evidence from Mr Kuta provide details of the floodway. Put simply, the proposed floodway will involve recontouring of the land so that floodwaters of an up to a 100-year flood event level remain within the floodway. However, there is limited information on the design of the bund or the raised land next to the Kerikeri River as shown above⁴⁴.
359. The modelling in the E2 Environmental report shows the area "Required for Flood Hazard" along with "Other Site Constraints" (refer to Figure 10). The "Required for Flood Hazard" area is intended to represent the extent of the 100-year flood event once the flood mitigation is in place. It appears that this area is the basis for the "Flood prone overlay (final extent TBC)" in the proposed Precinct Plan in Ms O'Connor's evidence.

⁴⁴ Specifically, pg. 7 of the E2 Environmental Report states "Floodwaters which spill from the true right bank of the Kerikeri River are proposed to be blocked off in favour of taking increased flows into site from the spill over SH10. This will be done via raised on-site ground levels behind the bank of the Kerikeri River".

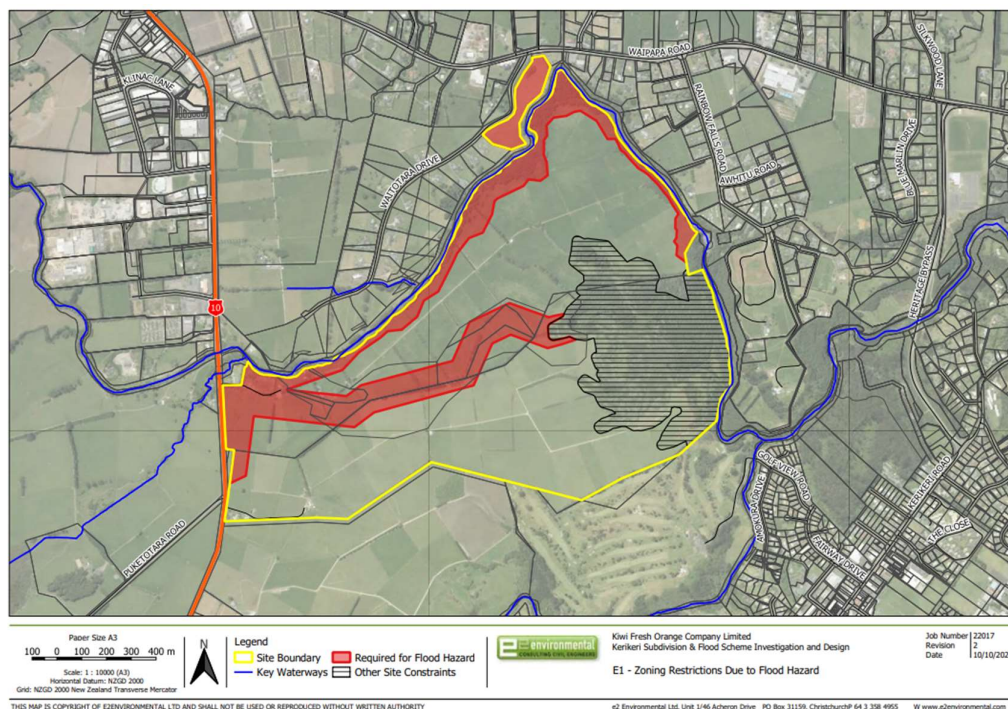


Figure 10: Proposed areas where Development should be Avoided

360. Mr Rix has undertaken a review of the flood mitigation proposed by KFO, including reviewing the E2 Environmental report and the flood mitigation evidence of Mr Kuta. Based on this evidence, I consider that there are two overarching flood hazard issues associated with the KFO proposal:

- a) **Information** – whether there is adequate information on the proposed flood mitigation to make an informed decision about whether large scale urban rezoning on a Site with inherent flood risk issues is appropriate. This includes consideration of the critical issues that need to be adequately assessed and addressed at the rezoning stage as opposed to more specific design details that can be addressed at the consenting stage.
- b) **Level of service** – what is the appropriate level of service/design for the proposed flood mitigation, including consideration of residual risks.

361. In terms of the first issue, in my opinion, there should be a relatively high degree of confidence that the risks from flood hazards within the Site can be adequately mitigated before enabling large-scale urban rezoning for “*vulnerable activities*”⁴⁵ on the Site, given that the land is subject to such extensive and significant flood hazards. While I accept that certain design details are best addressed through any future consenting processes, there should be a high level of certainty that the “proof of concept” design demonstrates that the risk from flood hazards risk can be appropriately addressed. I note that this is consistent with the RPS direction to:

⁴⁵ Defined in the PDP as including residential activities.

- a) Use the best available information when mitigating the risks from natural hazards, taking into account the scale and type of development (Policy 7.1.1(a) and 7.1.6).
 - b) Exercise a degree of caution that reflects the level of uncertainty as to the likelihood and consequence a natural hazard event (Policy 7.1.1(e)).
362. Based on the available evidence, I consider that the critical issues and information gaps in relation to flood hazards and proposed mitigation relate to:
- a) The proposed bund (stopbank⁴⁶) and raised land along the Kerikeri River.
 - b) Design confidence and certainty.
 - c) Downstream flooding effects.
 - d) Stormwater management.
 - e) Funding and management of the proposed flood mitigation assets.
 - f) Impacts of increased peak flows on the natural wetland.
 - g) Level of service and residual effects.

Bund or Raised Land

363. There are inconsistencies between the E2 Environmental report, which indicates a bund or raised land will be required along the Kerikeri River, and the subsequent evidence from Mr Kuta, which indicates that stopbanks are not the preferred approach. The reason for this inconsistency is not clear. For example, Mr Kuta states that the Site "favours a recessed floodway" and the "floodway is not likely to need hard engineering structures"⁴⁷ but there is no certainty that these will not be required in future design stages.
364. As noted in the evidence of Mr Rix, this uncertainty creates a risk that that the KFO design concept intent to raise land and recess the floodway could later be replaced with a stopbank flood protection scheme. This is important as stopbanks have a higher risk profile which, as detailed in the evidence of Mr Rix, is primarily due to potential for structural failure and ongoing asset management requirements. In short, there are uncertainties about this aspect of the proposed flood mitigation that I consider are important to address at the rezoning stage as this could have significant implications in terms of residual risk and ongoing operational and maintenance requirements.

Design Confidence and Certainty

365. Mr Rix provides some broader commentary on the "Proof-of-Concept" flood mitigation proposal in the E2 Environmental Report. Mr Rix notes that concept

⁴⁶ Noting that Mr Rix considers that a bund could be a stopbank.

⁴⁷ Paragraph 57 and 77 of evidence respectively.

designs have inherent uncertainties due to the early-stage nature of the design, which is common across many civil-related projects. Because of this, Mr Rix considers that it is likely that the mitigation design will change during subsequent design phases in response to a range of project management factors, possibly in a significant way, and therefore the flood characteristics and spatial flood extents will also likely change.

366. Mr Rix supports approaches to flood mitigation that allow for some flexibility in design as a project progresses to manage risks and realise opportunities. However, Mr Rix is of the view that design for the floodway has focused on demonstrating a proof of concept for the flood hydraulics, and that the civil design aspects of the flood protection have been insufficiently considered. On this basis, Mr Rix considers that *"the design lacks the level of detail required to support the rezoning request and the proposed precinct provisions do not provide any certainty of appropriate outcomes"*⁴⁸.
367. Mr Rix also identified examples where there is uncertainty that stated outcomes in the KFO evidence will be assessed and secured in subsequent phases of work. This includes reducing the flood hazard at SH10 and the naturalisation and ecological enhancements of the floodway, which are cited in the evidence of Ms O'Connor but not tested in the current modelling.

Downstream Flooding Effects

368. The E2 Environment report and evidence of Mr Kuta both acknowledge increases to the flood flows and water levels downstream of the Site in the area around Peacock Garden Drive. Therefore, Mr Rix notes that any increases in water level and flow have the potential to adversely impact properties and buildings already located in the 1 in 100-year River Flood Hazard Area.
369. Mr Rix also raises concerns that the high degree of uncertainty as to the design of flood mitigation assets creates a risk that future modifications could increase downstream flood flows and water levels further. While mitigation of such effects can be considered at the resource consent stage, Mr Rix is *"concerned that changes to the flood mitigation design could materially impact information relied on to support the rezoning decision. Based on the information provided and uncertainty of design I do not support the conclusion by Mr Kuta that the effects are less than minor"*⁴⁹.
370. Both Mr Kuta and Mr Rix provide a response to an earlier memo from NRC⁵⁰ raising concerns that the proposed flood mitigation may result in potential changes in flood flows downstream from the Site. The evidence of Mr Kuta provides additional information regarding the receiving environment, but this does not provide additional information on downstream risks to people and property. Conversely, Mr Rix considers that it is preferable to better understand these risks and how

⁴⁸ Paragraph 5.14 of evidence.

⁴⁹ Paragraph 5.33 of evidence.

⁵⁰ Memo from NRC to Council "Draft Spatial Plan Kerikeri – Waipapa – NRC Staff Feedback", 7 May 2025.

they will be managed prior to any decision to rezone the Site for urban development.

371. However, I understand that Mr Rix is satisfied that the upstream flood effects on SH10 can be managed through the resource consent processes in consultation with NZTA, which may result in relatively minor adjustments to the design and potential loss of developable land.

Stormwater Management

372. Rezoning the Site for urban development would result in a significant increase in impermeable surfaces (e.g. houses, roads and driveways), which has the potential to generate additional volumes of stormwater to be discharged back into the floodway and river system.
373. Mr Kuta does not address how stormwater will be managed other than to state *"Any change in land use will require an appropriately designed stormwater reticulation network to treat and attenuate any increase in flows resulting from the change in land use and the land's runoff conditions so that the runoff impact of pre vs. post are less than minor"*⁵¹.
374. Mr Rix supports this statement and is satisfied that stormwater management can be appropriately addressed through future consenting processes. However, Mr Rix does note that attenuation of stormwater and flood flows will likely need storage that will require large areas of land, which will reduce the amount of land available for urban development.

Flood Mitigation Funding and Management

375. The funding and ongoing management and maintenance of flood mitigation assets is, in my view, a fundamental issue that needs to be considered and confirmed at the rezoning stage. This is due to the significant costs involved in the works, liability risks, and the risks to people and property should the proposed flood mitigation fail. This is consistent with the evidence of Mr Rix, who states that asset management/maintenance and affordability are some of the common problems with floodplain modification and urban protection in New Zealand. However, KFO has provided no detail on how the proposed flood mitigation scheme will be funded and/or maintained.
376. In my view, this is a key gap and there needs to be sufficient certainty that KFO can adequately fund and maintain the proposed flood mitigation assets prior to any rezoning decision. This is important as the proposed flood mitigation scheme would result in new assets with ongoing responsibilities and costs. Without the required level of certainty about the funding and ongoing maintenance of this proposed flood mitigation scheme, I consider that the risks of physical and financial liability issues for Council (and potentially NRC) are high, as is the potential for unacceptable residual risks.

⁵¹ Paragraph 52 of evidence.

Impacts of Increased Peak Flows on the Natural Wetland

377. The proposed floodway would discharge into an area that has been identified as a potential “natural inland wetland” under the NES-F and NPS-FM. Mr Rix notes that the E2 Environmental report identifies significant peak flow increases (relative and absolute) at the potential natural inland wetland⁵² along with changes to the discharge locations. Mr Rix considers that these changes require specific effects assessment since adverse effects on the wetland could have significant impacts on the subsequent design of the flood mitigation assets.
378. I agree and, in my view, the impact of the increased peak flows on the potential natural inland wetland is an important issue that requires further assessment at the rezoning stage, including demonstrating adverse effects can be managed to achieve no loss in natural inland wetland extent and protection of values, consistent with the NPS-FM and NES-F (which I discuss further in Section_5.3.4 below).

Level of Service and Residual Risks

379. Residual risks are defined in the RPS as “...*the risk remaining after implementation of risk treatment*”. Policy 7.1.1. of the RPS directs that development be managed to minimise the risks from natural hazards, including by “...*(b) Minimising any increase in vulnerability due to residual risk*”.
380. In my opinion, there are two key residual risk issues to consider: 1) the risks of the flood mitigation failing; and 2) the risks associated with flood events greater than the design level of the flood mitigation assets.
381. As the floodway is essentially a recontouring of the land, the risk of failure is anticipated to be low. However, there remains some uncertainty as to whether bunds (stopbanks) may be used in the northern parts of the Site, which would significantly increase the risk profile.
382. The E2 Environmental report includes modelling up to a 100-year flood event (factoring in climate change) and seems to assume that a design that mitigates this modelled risk will provide a sufficient level of protection. Mr Rix notes that this may or may not be appropriate and that further consideration of more extreme events is required. Mr Rix also highlights a general trend in the design of flood schemes across New Zealand where flood mitigation assets are being enhanced to meet increased design levels of service (while acknowledging that this approach is not consistent nationally).
383. Before making decisions on the appropriate design level of service, Mr Rix considers that risk for extreme events should be considered further. More specifically, Mr Rix states that “...*a design that passes 1% AEP design flows could also be assessed against 0.5%, 0.2%, 0.1% design flows or even PMF (Probable Maximum Flood)*” so that risk and potential liability associated with an over-design

⁵² More specifically, Mr Rix notes that Table 6 in the E2 Environmental Report identifies increases at the on-site waterfall #2 which is located upstream of the wetland for the 10% AEP (+5.6m³/s), 2% AEP (+10.2 m³/s), and 1% AEP+CC (+47 m³/s), events.

*event is understood. If the risk is unacceptable, then it could be more beneficial to include additional capacity into the flood schemes; noting that there may also be other alternatives*⁵³.

384. Mr Rix also states that consideration of over-design events and “residual” risk are particularly important for areas that become surrounded by floodwaters. This is directly relevant to the KFO proposal as the northern side of the Site would become surrounded by floodwaters from the Kerikeri River and the modified floodway during an extreme event. Further, Mr Rix highlights that the potential for more robust protection for larger flood events that may be provided by deepening the floodway has not been assessed and the underlying bedrock may present some challenges. On this basis, Mr Rix is of the view that risks associated with extreme events have not been adequately considered at this rezoning stage.
385. These are important considerations in my view. While the RPS generally directs that development should be discouraged in 100-year flood hazard areas, in my view a greater design level of service should be considered given the vulnerability and scale of development that would be more at-risk from more extreme flood events under the KFO proposal. I consider that this is consistent with Policy 7.1.1(e) in the RPS to adopt a degree of caution that reflects the level of uncertainty as to the likelihood and consequence a natural hazard event.

Summary – Critical Information Gaps, Level of Service and Residual Risks

386. In summary, it is clear from the evidence that there are significant flood hazard risks at the Site that would need to be effectively mitigated. However, there are also uncertainties about the proposed flood mitigation scheme and its effectiveness, potential adverse effects, funding and long-term ownership and maintenance obligations. These “critical information gaps” are clearly identified in the evidence of Mr Rix as being necessary to address at the rezoning stage⁵⁴.
387. In my opinion, the uncertain and insufficient information on the risks from flood hazards means the risks of acting are an important consideration in evaluating the appropriateness of the KFO proposal in accordance with section 32(2)(c) of the RMA.
388. Regardless of whether an appropriate flood mitigation design can be secured and funded by KFO, in my view, there is a broader question as to the appropriateness of locating such as large area of new urban development (i.e. with primarily “vulnerable activities” as defined in the PDP⁵⁵) within a Site that is subject to extensive flood hazard risk when sufficient development capacity can be provided elsewhere (i.e. through the package of PDP-R recommendations by Ms Trinder).
389. Finally, I note there is a submission point from NRC (S359.013) outlined above which does not support further intensification in flood plains given storm/flood

⁵³ Paragraph 5.22.

⁵⁴ Paragraph 7.8 of evidence as including stopbanks, appropriate level of protection, downstream flooding effects on residential properties, and effects assessment on wetland and implications for the flood protection scheme design.

⁵⁵ Defined in the PDP as “means residential activities, care facilities (including day care centres), retirement villages, visitor accommodation, marae and medical facilities with overnight stay facilities”.

events are predicted to intensify with climate change, and because enabling further development in areas prone to flooding is inconsistent with RPS Policy 7.1.2 and Method 7.1.7. I understand that NRC intends to provide evidence in support of this submission. This may provide an opportunity to provide further comments on the KFO proposal and the proposed flood hazard mitigation.

Geotechnical

390. The KFO submission includes a "*Geotechnical Suitability Report for District Plan Review*" prepared by LDE Limited. This assessment concludes that the Site is suitable for development, subject to some recommendations to design concrete slab foundations and pile foundations in manner that complies with the relevant ANS and NZS standards.
391. This geotechnical assessment has been reviewed by Geologix. This peer review identifies several areas where further investigation is recommended from a geotechnical perspective to confirm the feasibility of the KFO proposal, including infrastructure, access roading (including bridge locations) and a preliminary liquefaction assessment. Otherwise, the peer review from Geologix concludes that the KFO proposal can be suitably advanced at the consenting stage by normal geotechnical investigation, analysis and reporting processes.

Landscape

392. The KFO submission includes a "Landscape, Rural Amenity and Natural Character Assessment" prepared by Littoralis Landscape Architecture⁵⁶. This assessment concludes that "Whilst any urban land use applied over the Site will unavoidably bring with it a significant shift in character and resultant adverse visual and landscape effects, the Structure Plan is considered to avoid and minimise fundamental impacts, whilst providing for a locally relevant character to be woven through a new land use scenario."⁵⁷
393. This landscape assessment has been reviewed by Ms Absolum⁵⁸ who considers that it provides an appropriate assessment process. However, Ms Absolum does raise concerns with two of the conclusions in the landscape assessment:
 - a) Ms Absolum does not agree that the urban margin of Waipapa has moved as a result of the Sports Hub development and considers that this should not be used as justification for extending the urban boundary of Waipapa to include the MUZ area in the KFO proposal. Further, Ms Absolum states that from a landscape perspective "*In my view the bridge over the Waipapakoura/Kerikeri River should remain the urban boundary of Waipapa*".
 - b) While acknowledging that most of the Site is flat, Ms Absolum notes that there is a large drop to the bridge over the Puketotara Stream on Golf View Road and large climb from the bridge to the Kerikeri town centre. Ms Absolum is of

⁵⁶ KFO has not provided any expert landscape evidence as part of the "opt-in" rezoning submission process set out in Minute 14 from the Hearing Panel.

⁵⁷ Pg. 28 of the assessment.

⁵⁸ Initial memo provided on 1 July 2025 followed by an additional memo dated 6 September 2025 which considers the updated provisions in the Precinct Chapter in the evidence of Ms O'Conner.

the opinion that “...*the potential impediment that this sizeable landscape feature poses for creating a well-connected residential development has not been fully explored in the landscape assessment report*”. Ms Absolum also cites this as a reason that she does not agree that the Site is optimally positioned to accommodate future growth but rather this steep topography creates significant challenges in terms of connectivity between the two areas.

394. In addition, Ms Absolum raises some issues with the Structure Plan and proposed provisions in Precinct Chapter. The issues raised by Ms Absolum include:

- a) There is no certainty that the proposed provisions for the Precinct will achieve the type of landscape and development outcomes recommended in the landscape assessment. Similarly, there is a disconnect between the aspirations and objectives of the Structure Plan and the proposed provisions in the Precinct Chapter.
- b) The Structure Plan, like the landscape assessment, underplays the significance of the Puketotara Stream valley and the likely impediment this would create to achieving a truly connected residential area. Ms Absolum considers that there is a risk that the KFO proposal will result in another car reliant suburb, with pedestrian and cycle connectivity to Kerikeri severely hindered by the Puketotara Stream valley.

395. In my view, the landscape evidence from Ms Absolum has highlighted some common themes and concerns with the KFO proposal relating to limited connectivity, particularly with Kerikeri, due to the steep and difficult topography. Ms Absolum has also highlighted a general disconnect between the outcomes articulated in the technical assessments and Structure Plan and the proposed provisions in the Precinct Chapter and Precinct Plan.

Rural Productivity and Land Use Capability

396. Mr Hunt’s rural productivity evidence builds on an earlier “*Kerikeri-Waipapa Development NPS-HPL Assessment*” prepared by AgFirst in June 2025. The evidence of Mr Hunt is focused on the productive capacity of the Site, its economic viability for “*land-based primary production*” (as defined in the NPS-HPL), and whether urban rezoning of the Site meets the tests in Clause 3.6(4) of the NPS-HPL for urban rezoning on highly productive land (HPL).

397. In terms of productive capacity of the Site, Mr Hunt concludes that drystock farming is the “*highest and best use*” of the Site as alternatives, including arable, horticulture, commercial vegetable production, and dairy, are not economically viable. Further, Mr Hunt considers that there is limited opportunity beyond the Site to adjoin with other productive units. On this basis, Mr Hunt concludes that the land is not economically viable for land-based primary production.

398. Mr Hunt notes that soils at the Site are classified under the New Zealand Land Resource Inventory as Land Use Classification (LUC) 3w2, 3s2, and 4e2. As such, Mr Hunt concludes that there is 163.1ha of land within the Site that meets the

transitional definition of HPL⁵⁹ in Clause 3.5(7) of the NPS-HPL. Mr Hunt also considers that the constraints on the Site for land-based primary production means that urban rezoning of the Site meets the tests in Clause 3.6(4)(b) of the NPS-HPL relevant to his expertise, stating “*there are no other reasonably practicable and feasible options which are better suited in terms of impacts on productive land for providing additional urban development capacity in Kerikeri and Waipapa*”⁶⁰.

399. The rural productivity evidence of Dr Hill includes a review of the evidence of Mr Hunt, the AgFirst assessment of the NPS-HPL, and the Hanmore Land Management soil report included in the KFO submission. Key points in the evidence of Dr Hill from a soils and land capability perspective include:

- a) Dr Hill concurs with Mr Hunt that the Site has 163.1ha of HPL (approximately 81.9% Site area) as defined in the NPS-HPL.
- b) The Hanmore Land Management survey is insufficient for reclassifying land capability or challenging the broader New Zealand Land Resource Inventory (NZLRI) classification due to its inherent limitations and lack of transparent methodologies.
- c) The Site, particularly its LUC 3s2 land, holds at least some potential for horticulture, which is contrary to the conclusion of Mr Hunt. More specifically, Dr Hill considers that 89.7ha of LUC 3s2 within the Site is suitable for a range of crops, including horticulture, with appropriate management practices.
- d) The comparative analysis of alternative sites in the AgFirst NPS-HPL Report applies inconsistent data granularity, relying on broad New Zealand Land Resource Inventory data for the alternative sites while using the more detailed (albeit limited) site-specific LUC mapping for the KFO Site. Further, Dr Hill’s revaluation of the “South Eastern Site”⁶¹ suggests it has soils with less productivity capacity than some soils in the KFO Site. More importantly in my view, Dr Hill notes that this comparative analysis of alternative sites for development does not consider the desired outcomes of intensification and achieving a compact urban form (i.e. the PDP-R, including recommendations to enable intensification in the Kerikeri town centre).

400. Based on the above evidence, it is clear in my view that urban rezoning of the Site will result in the loss of HPL that could be avoided through the uptake of other urban growth options. While this is not a significant loss of productive capacity or HPL when considered in isolation, it contributes to the cumulative loss of HPL, which is the core issue the NPS-HPL seeks to address.

401. In terms of the NPS-HPL, I note that the assessment of alternative sites and loss of productive capacity provided by Mr Hunt and Dr Hill are relevant to the tests in

⁵⁹ I note that the more detailed site-specific soil survey undertaken by Hanmore Land Management included in the KFO submission concluded that 130.2 ha of land within the Site is LUC 3. However, for the purposes of the transitional definition of HPL in the NPS-HPL, the New Zealand Land Resource Inventory mapping is to be used to determine the extent of HPL.

⁶⁰ Paragraph 49 of evidence.

⁶¹ One of the three alternative sites with rural zoning that Mr Hunt assessed as an alternative for residential rezoning to the KFO site.

Clause 3.6(4)(b) and (c) in the NPS-HPL. These provisions are two of the three tests that must all be met before a territorial authority can allow urban rezoning of HPL. I do not agree with Mr Hunt that each of the tests in Clause 3.6(4) have been met for the reasons I discuss further below in the statutory assessment (refer Section 5.3.5)⁶².

Transport Effects

402. The KFO submission includes an Integrated Transport Assessment (ITA) prepared by Team Traffic. Mr Brown has subsequently provided transport evidence on behalf of KFO. In addition, Flow Transportation Specialists Ltd (Flow) undertook traffic modelling to inform and support the rezoning requested by KFO. The Traffic Modelling Report from Flow and supporting commentary on the traffic modelling by Mr Brown were provided by KFO as supplementary reports on 29 August 2025.
403. The focus of Mr Brown's evidence in chief is on the traffic and transport implications of KFO submission. In summary, Mr Brown concludes that:
 - a) Good transport connections can be provided to and through the Site for both vehicular and active mode uses.
 - b) The proposed primary connections can provide resilience to, and an alternative route from, SH10 when its low point across the Waipetakoura River is flooded.
 - c) A number of suitable and appropriate access options have been identified for the Site, while acknowledging that KFO is still consulting with landowners on these options.
404. The supplementary report from Mr Brown on the Flow traffic modelling outlines the 10 and 20-year scenarios used for traffic modelling. Mr Brown states that the modelling for the 10-year scenario has concluded that the *"effects on the road network can, overall, be considered similar (as a minimum), and in some respects better, when comparing the Proposed District Plan with the Proposed Plan Change"*⁶³. Mr Brown acknowledges that the 20-year scenario indicates that full development of the KFO Site may require further changes to the wider transport network to accommodate future traffic volumes. However, Mr Brown is of the opinion that this is best assessed at a later date when there is greater certainty on traffic volumes and effects.
405. In summary, Mr Brown concludes that the traffic modelling outcomes indicate that there are no transport-related constraints that would prevent the development of the KFO Site. Mr Brown also states that, subject to planning input and the development of appropriate provisions, the modelling indicates an upper development threshold *"aligned with the 10-year horizon tested – specifically,*

⁶² I acknowledge that the Government is proposing to amend the NPS-HPL to remove LUC 3 from the definition of HPL and this amendment may come into effect prior to decisions on the PDP. However, my recommendations on submissions need to be based on the NPS-HPL as currently in force.

⁶³ Page 12 of supplementary report.

1,600 dwellings and 50% development of other activities – with complete development enabled by the Kerikeri Bypass⁶⁴.

406. The transport evidence of Mr Collins includes a review of the assessments, evidence and traffic modelling discussed above, along with other relevant traffic modelling associated with the Spatial Plan. Key conclusions in the transport evidence of Mr Collins include:

- a) The traffic modelling raises several concerns regarding its assumptions and reliability. More specifically, the trip generation rates used by Mr Brown are generally lower than industry standards, particularly for residential and retail activities, and internal capture rates (i.e. the proportion of trips expected to remain within the Site) appear to be overstated. Together these two factors risk underestimating the volume of traffic entering and exiting the Site. These assumptions, combined with uncertainty around whether the PDP scenario uses consistent inputs, undermine the validity of comparisons between the KFO and PDP traffic modelling scenarios and, in the opinion of Mr Collins “*cast doubt on the robustness of the modelling outputs*”⁶⁵.
- b) The feasibility of key access points to the existing transport network are uncertain⁶⁶. In particular, Mr Collins notes that Access B and C, which would provide direct connections to the Kerikeri town centre, rely on third-party land where access agreements have not been confirmed. If these connections cannot be secured, Mr Collins is of the opinion that the Site would be poorly integrated with Kerikeri and would place additional pressure on SH10, Waipapa Road, Kerikeri Road and the Heritage Bypass.
- c) Walking and cycling accessibility to and from the Site is limited, even if all three proposed connections are secured. This is because:
 - The connection in the west stops at SH10 and does not connect to Waipapa.
 - Both connections to Kerikeri have a significant gradient that will constrain accessibility for walking and cycling.
 - There distance from the proposed MUZ within the Site to Waipapa (approx. 2.9km) and Kerikeri (approx. 2.4km) likely to discourage most walking trips (estimated 36 to 40 min walk time).
- d) The KFO submission does not address how transport infrastructure will be funded, creating uncertainty around the delivery of upgrades needed to support the development of the Site (discussed further below under “transport infrastructure”).

⁶⁴ Page 2 of supplementary report.

⁶⁵ Paragraph 3.4 of evidence.

⁶⁶ Noting that Mr Collins assesses “Access A” (new roundabout on SH10) as “a high degree of confidence of being feasible” and Access D (Waitotara Drive) as “feasible” as the access is located on land owned by Cole James Investment, one of the landholders subject to the submission.

- e) Mr Collins also highlights several shortcomings in the proposed Precinct Chapter provisions and the Precinct Plan from a transport perspective. Specifically, Mr Collins raises concerns that the Precinct Chapter does not address staging, the delivery of transport connectivity, or the timing of necessary transport infrastructure upgrades and there is no clear link between the Precinct Plan and delivery of development. As a result, Mr Collins considers there is a risk that development could proceed in a fragmented and uncoordinated manner ahead of, or without, the necessary supporting transport infrastructure.
 - f) Mr Collins also raises concerns with the recommendation in the evidence of Mr Brown to defer detailed assessment until 50% of the Site is developed. In particular, Mr Collins highlights risks associated with fragmented land ownership, inequitable funding, and cumulative effects that are difficult to manage once land has been zoned for urban development. In response to these issues, Mr Collins states that (**emphasis added**): *"Without a clear framework for staging and funding infrastructure— there is a real risk that development could proceed ahead of necessary upgrades, undermining network safety, efficiency, and accessibility. **These issues must be resolved prior to rezoning to ensure transport effects are appropriately managed**"⁶⁷.*
407. Due to these limitations and issues, Mr Collins concludes that the KFO proposal does not support/is inconsistent with key objectives and policies in the Transport Chapter of the PDP⁶⁸. Specifically, Mr Collins is of the opinion the KFO proposal does not demonstrate integration between land use and transport planning, nor does it provide sufficient certainty that the transport network will be safe, efficient and well-connected for all users. Overall, Mr Collins concludes that there are a range of unresolved transport issues with the KFO proposal *"that limit the ability to support the proposed rezoning at this time"*⁶⁹.
408. In summary, there are several key uncertainties associated with the transport effects anticipated from the KFO proposal and a number of adverse effects are expected to arise. These uncertainties and potential adverse effects result from questions and concerns about transport modelling assumptions, key access points into the Site not being secured, issues with the internal transport layout, and the limitations in the proposed provisions in the Precinct Chapter and Precinct Plan, particularly in terms of the integration of development with the necessary transport infrastructure (discussed further below in Section 5.3.4). In my view, these uncertainties mean there is a need to carefully consider the risks of acting through the KFO proposal in terms of potential adverse traffic effects in accordance with section 32(2)(c) of the RMA.

Urban design

⁶⁷ Paragraph 3.6 of evidence.

⁶⁸ In particular, TRAN-O3, TRAN-O5, TRAN-O6, TRAN-P2, TRAN-P3, TRAN-P5, and TRAN-P7 in the PDP Transport Chapter.

⁶⁹ Paragraph 13.1 of evidence.

409. The urban design evidence of Mr Neill focuses on the development and content of the Structure Plan in the KFO submission, which he co-authored. Mr Neill considers that the Structure Plan represents a comprehensive, evidence-based, and best-practice approach to inform the development of the Site. Overall, Mr Neill concludes that *"urbanising the KFO Site is the optimal urban design outcome to provide for the predicted growth of Kerikeri and Waipapa in the short, medium and long term"*.⁷⁰
410. Conversely, the evidence of Ms Rennie raises numerous issues, shortcomings and concerns with the KFO proposal from an urban design perspective. In particular, Ms Rennie considers the KFO proposal will result in the following adverse urban design effects:
- a) **Loss of local character:** risks altering the unique rural and townscape qualities of Kerikeri and Waipapa.
 - b) **Erosion of town identity:** diminish the distinctive role and function of both towns, impacting on what the community value about Kerikeri and Waipapa.
 - c) **Compromised urban boundaries:** weaken existing defensible urban edges, likely leading to urban sprawl in the future.
 - d) **Inefficient urban growth:** does not support a compact and efficient growth pattern, undermining the ability to achieve a compact and consolidated urban form for Kerikeri and Waipapa as envisioned in the Spatial Plan.
 - e) **Poor connectivity:** lacks integration with the existing urban areas creating physical barriers and reducing accessibility.
 - f) **Car-centric design:** the layout promotes vehicle dependency, limiting support for multimodal transport options.
 - g) **Unresolved layout issues:** the internal design has multiple shortcomings and has not been fully tested through the various planning documents, which will lead to adverse urban design outcomes.
411. Ms Rennie also identifies more specific issues and concerns with the proposed provisions in the Precinct Chapter and Precinct Plan. These issues are discussed in more detail below in Section 5.3.4 but, in summary, include a lack of good practice urban design principles and considerations, no certainty on how the outcomes for Site will be delivered in a staged manner, and no consideration of good urban design outcomes in the proposed comprehensive development plan rule or assessment matters. Ms Rennie also raises concerns about the use of the single GRZ for the Site and considers that a MDRZ should be included if the rezoning proposal was supported in the future to provide higher densities in appropriate places in accordance with the NPS-UD.

⁷⁰ Paragraph 68 of evidence.

412. Further, at a strategic and policy level, Ms Rennie is of the opinion that the KFO proposal:
- a) Does not align with the relevant policy direction in the NPS-UD or the RPS
 - b) Will undermine the growth and urban design outcomes sought through the Spatial Plan to consolidate growth within and immediately adjacent to Kerikeri and Waipapa (e.g. enhancing vibrancy and sense of community within these centres).
413. Overall, Ms Rennie concludes by stating that she does not support “the proposed urban zoning of the KFO site from an urban design perspective. I consider that the proposal is not sound in its execution and the associated provisions are not suitably robust and comprehensive to ensure a positive urban design outcome. The proposed urban zoning would result in a number of adverse urban design effects”⁷¹.
414. In summary, I consider that Ms Rennie has highlighted several key issues, adverse effects and shortcomings with the KFO proposal from an urban design perspective. This includes fundamental issues relating to connectivity, urban form and urban design outcomes that are not easily resolvable, along with the high likelihood that rezoning the Site for urban development would undermine concentration benefits sought through the Spatial Plan and the PDP-R recommendations from Ms Trinder. These shortcomings and uncertainties in the urban design outcomes that may be achieved at the Site mean the risks of acting through the current KFO proposal must be carefully assessed in accordance with section 32(2)(c) of the RMA.

Summary of Anticipated Effects from the Rezoning

415. Overall, the technical assessments and evidence above have highlighted a range of potential positive and adverse environment effects associated with the KFO proposal. I acknowledge that many of the anticipated effects could potentially be managed through more detailed assessments, design and mitigation measures as part of future consenting processes. However, in my view, the evidence has highlighted some (potentially significant) adverse effects, issues and uncertainties with the KFO proposal that need to be addressed upfront at the rezoning stage. This includes critical information gaps and potential adverse effects relating to ecology, flood hazards, transport and urban design.
416. Collectively, these uncertainties mean the anticipated environmental effects of the KFO proposal are not sufficiently understood, which makes it difficult to determine whether the Site is suitable for urban development through the PDP. The risks of acting due to insufficient or uncertain information must therefore be considered in accordance with section 32(2)(c) of the RMA.

⁷¹ Paragraph 3.3 of evidence.

Infrastructure (Three Waters) Servicing

Criteria	Matters to be Addressed
Infrastructure (three waters) Servicing	<p>How the rezoning request (including subdivision and development potentially enabled by the request) will be supported by adequate infrastructure servicing. This assessment should set out, as applicable:</p> <ul style="list-style-type: none"> Any proposed connections to existing infrastructure systems. Any outcomes of discussions with infrastructure providers and any assumptions about infrastructure servicing/sequencing or capacity, including demands from other plan-enabled development. Any on-site provision of infrastructure.

417. The infrastructure evidence of Mr Ehlers on behalf of KFO focuses on summarising the Servicing Report that he prepared in 2022, which outlines options for servicing residential development on the Site, and to explain the work completed since that report was prepared. Mr Ehlers also responds to more recent assessments on infrastructure capacity undertaken by Beca to inform the Spatial Plan⁷².
418. In summary, Mr Ehlers concludes that the Site can be adequately serviced from a three-waters perspective as:
- The three-waters assessment prepared by Beca for the Spatial Plan demonstrates that the public water supply and wastewater systems can be upgraded to support residential and commercial development on the Site.
 - Timing issues for the wastewater upgrades can be overcome by providing interim on-site wastewater treatment and disposal. Wastewater disposal could then be transferred to an off-site option when the public wastewater system is ready.
 - The upgrades to the water supply system will be required regardless of the location of development in Kerikeri.
 - Standard measures to control stormwater quality and peak discharge rates can be implemented once the floodway is in place.
419. I accept that it may be feasible to adequately service the Site from a three-waters perspective and that the details of this could be developed further through future consenting processes. However, in my view, the more important considerations are:

⁷² Specifically, a Technical Memorandum (TM) from Beca dated 6 February 2025 describing the three waters planning inputs to Te Pātukurea, the Kerikeri Waipapa Spatial Plan and Hybrid Scenario appraisal and Beca's Kerikeri-Waipapa 3-Waters Capacity and Modelling Assessment dated 18 October 2024.

- a) The efficiency of infrastructure servicing for the Site compared to other urban zoning options for Kerikeri-Waipapa
 - b) How the infrastructure will be funded from a private and public perspective, including the potential financial risks to Council and the potential impact of diverting Council investment away from network improvements that benefit the wider Kerikeri-Waipapa community.
420. In terms of the first point, the infrastructure evidence of Mr Hensley emphasises how the Site is disconnected from existing urban infrastructure and would therefore require substantial upfront investment in new roads, water supply, wastewater systems, stormwater infrastructure, and community facilities. Further, Mr Hensley highlights that the *“physical isolation, environmental constraints, and lack of integration with existing urban areas will make infrastructure delivery difficult to stage and significantly more costly”*⁷³. Mr Hensley also outlines the key infrastructure challenges for the Site in more detail, for example, the stand-alone wastewater plant suggested by KFO as an interim solution which presents long-term maintenance and operational challenges along with the risks associated with integration between private and public systems.
421. The evidence of Mr Hensley also refers to the high-level costings for infrastructure servicing of the Site (Scenario F) developed as part of the development of the Spatial Plan. These high-level costings provided an indicative range of \$134m to \$234m for infrastructure servicing, but this excluded key infrastructure necessary for the development the Site⁷⁴. In short, these infrastructure requirements represent significant additional infrastructure costs which are assumed to be borne by KFO.
422. The evidence of Mr Hensley also outlines why the preferred approach to urban growth in the Spatial Plan is focused on a compact urban form and why intensification is more efficient from an infrastructure servicing perspective than the KFO proposal (with or without the PDP-R recommendations of Ms Trinder). More specifically, Mr Hensley states *“...intensification within and around the existing urban footprint, as proposed by the PDP-R (and supported by the Spatial Plan) can deliver system-wide savings. Intensification enables the efficient use of existing infrastructure and supports higher-density typologies that respond to land values and market demand. These approaches are more likely to achieve a compact urban form and contribute to long-term affordability by spreading infrastructure costs more effectively and increasing housing supply across a range of locations and types”*⁷⁵.
423. In terms of the second key issue relating to the funding of infrastructure, the evidence of Mr Hensley confirms that KFO has not provided any binding commitments or evidence that demonstrates KFO will take full (or partial) responsibility for funding the infrastructure required to support development of

⁷³ Paragraph 4.8 of evidence.

⁷⁴ Specifically, this excluded stormwater costs and costs for two new bridges and one upgraded bridge for access, flood mitigation infrastructure, new access onto SH10, and the private on-site wastewater scheme.

⁷⁵ Paragraph 6.4 of evidence.

the Site. Mr Hensley acknowledges that some infrastructure costs could potentially be recovered through development contributions, developer agreements, or similar mechanisms. However, in the absence of any certainty that KFO will fund the key three-waters infrastructure required for the development Site, Mr Hensley is of the view that rezoning the Site for urban development presents a “*significant financial risk to the entities responsible e.g. the Council or the Northland Waters CCO. In particular, it may create expectations and pressure upon the responsible entities to spend funds in a way which has not been properly considered, and which is not in the best interests of the district*”⁷⁶.

424. Mr Hensley acknowledges that there can be benefits in sharing costs for infrastructure servicing between the developer and Council. However, Mr Hensley also highlights the risk of ad hoc servicing arrangements which can result in high uncertainty in relation to ongoing ownership, operating costs, responsibility for maintenance and upgrades. In summary, due to the current degree of uncertainty as to how or when the necessary infrastructure capacity upgrades can be funded and developed, Mr Hensley does not consider that it would be appropriate - from an infrastructure servicing and cost perspective – to enable the Site for urban growth and development.
425. In summary, there are a number of key issues, uncertainties and risks associated with the rezoning of the Site from a three-waters infrastructure servicing perspective. Based on the evidence of Mr Hensley, significant further work is required to demonstrate how the Site can be funded and serviced for three-waters infrastructure in a way that supports Council’s wider plans and strategy for infrastructure funding and servicing that benefits the wider Kerikeri-Waipapa community.

Transport Infrastructure

Criteria	Matters to be Addressed
Transport Infrastructure	<ul style="list-style-type: none"> How the rezoning request will be supported by existing or proposed transport infrastructure, including how new or upgraded transport infrastructure is required. Note: if the rezoning request includes any access to a State Highway, engagement with Waka Kotahi is strongly encouraged, and the outcomes of this engagement should be recorded in evidence.

426. The infrastructure evidence of Mr Ehlers on behalf of KFO concludes that the Site can be adequately serviced from transport perspective as the concept designs for access roads show that it is feasible from an engineering perspective to provide access from the west, north and east.
427. Conversely, the transport evidence of Mr Collins and the infrastructure evidence of Mr Hensley highlight a range of uncertainties and concerns in relation to how

⁷⁶ Paragraph 4.21 of evidence.

the KFO proposal will be supported by adequate transport infrastructure. In particular:

- a) Mr Hensley highlights that the KFO proposal will require an extensive new road network, parts of which will pass through areas at risk from flood hazards. This includes two new bridges, an upgrade to the existing Golf View Road bridge and a major new intersection (likely a roundabout) to enable access onto SH10.
- b) KFO has not demonstrated how the necessary transport infrastructure for the Site will be delivered or funded. Mr Collins has identified key new and upgraded transport infrastructure projects that he considers should be fully funded by KFO⁷⁷. Mr Collins also notes that improvements to the wider transport network would likely be required as a result of the KFO proposal. However, due to a lack of confidence in the traffic modelling and assessment of the effects of the existing transport network (as discussed above), Mr Collins states that he is not able to determine the extent of off-site improvements needed.
- c) Uncertainties remain about two of the access points (Access B and C), which are intended to provide access to the Kerikeri town centre. If these access points are not secured, there is no connectivity between Kerikeri and Waipapa through the Site and traffic will be concentrated on the remaining access points. This scenario will likely place increased reliance and pressure on Kerikeri Road and the Heritage Bypass.
- d) Mr Collins has highlighted a range of risks associated with the recommendation from Mr Brown to provide an updated traffic assessment once the Site reaches a development threshold (1,600 dwellings and 50% of other activities). The risks identified by Mr Collins include difficulties securing equitable funding for infrastructure upgrades across multiple owners and beneficiaries, *"first-mover or last-mover disadvantages"*⁷⁸, challenges in cost recovery for infrastructure upgrades, and difficulties addressing cumulative effects. Given this uncertainty, Mr Collins is of the view that *"a framework for funding and staging bulk transport infrastructure needs to be secured prior to rezoning."*⁷⁹

428. In my view, this evidence demonstrates that this criterion has not been adequately met by KFO and there is no certainty if, how, or when the rezoning request would be supported by adequate transport infrastructure or how this will be funded.

⁷⁷ This includes the realignment of SH10 and formation of the SH10/Puketotara Road/KFO access intersection, realignment of Waitotara Drive, and formation of a right turn bay at the Waitotara Drive/Waipapa Road intersection, and formation of Golf View Drive extension.

⁷⁸ Mr Collins provides an example of this first consent that triggers a threshold may be required to fund a full upgrade, or conversely, the last developer to apply for consent may face responsibility for addressing cumulative effects generated by earlier consents.

⁷⁹ Paragraph 8.15 of evidence.

Consultation and Further Submitters

Criteria	Matters to be Addressed
Consultation and Further Submissions	<ul style="list-style-type: none"> Any consultation undertaken with key stakeholders or tangata whenua in relation to the rezoning request. A list of any further submissions on the rezoning request and a response to those further submissions.

429. The planning evidence of Ms O'Connor provides an assessment of this criterion in paragraphs 108 to 113. In summary, Ms O'Connor considers that there has been a greater level of engagement on the KFO proposal than many plan changes and the proposal is generally supported by the community in her opinion.

430. The corporate liaison evidence of Mr Corbett outlines how he has been the KFO community liaison representative over the past five years to gather community feedback on the KFO proposal. Mr Corbett states that:

- a) There has been ongoing engagement with Ngāti Rēhia who have provided "*overwhelming support*" for the KFO proposal.
- b) The engagement with community groups, such as Vision Kerikeri, have also provided "*overwhelming support*" for the KFO proposal.
- c) The engagement with the Kerikeri / Bay of Islands Golf Course around access to the Site is ongoing and the intent is "*to work on a solution that works well for both parties*"⁸⁰.

431. In terms of further submissions, the planning evidence of Ms O'Connor considers that these "*reflect the community support for the KFO proposal*"⁸¹. However, I note her planning evidence lists certain further submitters in support of the KFO proposal but does not address further submissions in opposition. Further, there does not appear to a specific response from KFO to the further submissions as requested in this criterion. This includes NZTA who has lodged corporate evidence as a further submitter raising several issues and questions about the potential traffic effects of the KFO proposal on SH10. Therefore, in my view, this criterion has only been partially met by KFO with the response focused on areas where the KFO proposal has support, as opposed to a balanced consideration of the views of all further submitters and key stakeholders.

Strategic Direction

Criteria	Matters to be Addressed
Strategic Direction	How the rezoning request is consistent with the PDP strategic direction (refer Hearing 1).

⁸⁰ Paragraphs 11, 13 and 24 of evidence respectively.

⁸¹ Paragraph 112 of evidence.

432. The Strategic Direction Chapter of the PDP was considered in Hearing 1. The introduction to the Strategic Direction Chapter states that it sets out the overarching direction for the PDP and that the strategic directions “...reflect those factors which are considered to be key to achieving the overall vision for the pattern and integration of land use within the Far North District”.
433. All of the urban form and development strategic objectives in the PDP are of particular relevance to the KFO proposal as follows:
- a) **SD-UFD-01** - The wellbeing of people who live in and visit towns in the Far North is considered first when it comes to planning places and spaces.
 - b) **SD-UFD-02:** Urban growth and development consolidated around existing reticulated networks within town centres, supporting a more compact urban form, affordability and providing for a mix of housing typologies.
 - c) **SD-UFD-03:** Adequate development infrastructure and additional infrastructure is in place or planned to meet the anticipated demands for housing and business activities.
 - d) **SD-UFD-04:** Urban growth and development is resilient and adaptive to the impacts from natural hazards or climate change.
434. In my view, the KFO proposal has some alignment with SD-UFD-02 in terms of supporting housing affordability, as I understand the intent is for the KFO proposal to deliver greenfield detached dwellings at lower price points. Otherwise, I consider that there is limited alignment between the KFO proposal and the urban form and development strategic objectives in the PDP for the following reasons:
- a) The KFO proposal does not promote a compact urban form, rather it would likely undermine the concentration benefits sought through the PDP-R and Spatial Plan
 - b) It is not clear whether a mix of housing typologies will be delivered as a single GRZ is proposed for the Site, with a small area of MUZ
 - c) While infrastructure servicing of the Site may be feasible, there is no existing or planned development infrastructure for housing and business land at the Site
 - d) Enabling development within, and immediately adjacent to, an identified River Flood Hazard Area is not, in my opinion, consistent with the direction in SD-UFD-04 that urban growth and development be resilient to natural hazards and climate change, particularly given the issues with the proposed flood hazard mitigation discussed above.
435. There are also relevant strategic objectives in the PDP relating to social and economic prosperity, rural environment, and natural environment. In my view, the KFO proposal is broadly aligned with:
- a) SD-SP-O2 to support the wellbeing of Tangata Whenua.

- b) SD-SP-O3 to enable opportunities for the fulfilment of cultural, social, environmental and economic wellbeing of communities.
 - c) D-EP-O1 to achieve a diverse, high earning and resilient local economy.
436. However, in my view, the KFO proposal is inconsistent with other strategic objectives in the PDP, including:
- a) SD-SP-O1 for community wellbeing to be heightened by sense of belonging, connection to the environment and inclusiveness (due to the potential to undermine the sense of place and vibrancy of Kerikeri and Waipapa).
 - b) SD-RE-O1 and O2 to enable primary production activities to operate efficiently and effectively and to protect HPL from inappropriate development to ensure its production potential for future generations (due to the potential loss of 163ha of HPL).
 - c) SD-NE-O4 for land use practices to mitigate climate change by enabling carbon storage and reducing emissions (due to the potential risk of reliance on car travel due to limited connectivity).
437. In my view, it is also unclear how the KFO proposal would be consistent with the natural environment strategic objectives in the PDP, in particular SD-NE-O3 for the active management of ecosystems to protect, maintain and increase indigenous biodiversity for future generations and SD-EP-O6 to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna. This is because the proposed provisions in the Precinct Chapter are silent on these matters (e.g. no mention of the ecological enhancement opportunities cited in evidence) and no specific consideration of the interaction with the provisions in the Ecosystems and Indigenous Biodiversity Chapter in the PDP.
438. In this respect, I do not share the same view as Ms O'Connor that rezoning the Site for urban purposes will achieve the relevant strategic objectives in the PDP. Rather, in my view, the KFO proposal is inconsistent with, and contrary to, some key strategic objectives in the PDP.

Alignment with Zone Outcomes

Criteria	Matters to be addressed
Alignment with zone outcomes	When rezoning request relates to existing PDP zone, an assessment of how the proposal is aligned with the objectives, policies and intended outcomes for the zone.

439. The KFO proposal is requesting the rezoning of the Site from RPROZ to urban zoning comprising of 152ha of GRZ, 22ha of MUZ and 23ha of NOPZ⁸². Accordingly, the sections below provide an assessment of the KFO proposal against the key outcomes sought for those PDP zones.

⁸² Evidence of Ms O'Connor, paragraph 68.

General Residential Zone

440. The key intended outcomes for the GRZ (with the section 42A report recommendations)⁸³ are that the zone provides a range of housing typologies, consolidates residential development around available or programmed development infrastructure, ensures land use and subdivision is supported by adequate available or programmed development infrastructure, provides communities with functional and high amenity environments, and ensures communities are resilient to changes in climate.
441. In my view, the KFO proposal is broadly aligned with certain intended outcomes for the GRZ, including responding to housing need and demand (GRZ-O1). It also has the potential to provide a high-quality living environment for communities (GRZ-O5).
442. However, in my view, the KFO proposal is not aligned with other intended outcomes for the GRZ, in particular the KFO proposal:
- a) Is unlikely to provide a variety of housing densities or provide housing to respond to existing or programmed development infrastructure (GRZ-O1).
 - b) Will not consolidate urban residential development around available or programmed development infrastructure (GRZ-O2).
 - c) Is unlikely to achieve a well-functioning urban environment as it promotes an urban sprawl model of growth rather than a compact urban form (GRZ-O2).
 - d) Does not support communities being resilient to changes in climate given vulnerable activities are proposed on land subject to significant flooding risks (GRZ-R6).

Mixed-Use Zone

443. The key intended outcomes for the MUZ (with the section 42A report recommendations)⁸⁴ are that the MUZ is the focus point of commercial, community and civic activities, that development contributes positively to the vibrancy, safety and amenity of the MUZ, that the MUZ provides for compatible residential activities, that land use and subdivision is supported by adequate available or programmed development infrastructure, and that the adverse effects of activities are managed, particularly at zone boundaries.
444. In my view, the KFO proposal is not well aligned with the intended outcomes for the MUZ. As detailed in the urban design evidence of Ms Rennie, the KFO proposal has the potential to detract from the town centres of Kerikeri and Waipapa and therefore undermine their role as a focal point for commercial, community and

⁸³ Refer: [Microsoft Word - Appendix 1.2 Officers Recommended Amendments - GRZ \(Urban\)](#)

⁸⁴ Refer: [Microsoft Word - Appendix 1.3 Officers Recommended Amendments - MUZ \(Urban\)](#)

civic activities (MUZ-O1), although I acknowledge this may be mitigated to an extent through TPW-O5 and TWP-P6 in the proposed Precinct Chapter⁸⁵.

445. There is also a lack of certainty that the proposed MUZ within the Site will contribute positively to the vibrancy, safety and amenity of the MUZ (MUZ-O2). This is highlighted in the urban design evidence from Ms Rennie, which states that the aspirations for the MUZ area within the Site are unclear, as are the potential impacts of this proposed MUZ on the urban vitality of Kerikeri. In my view, the KFO proposal is also not consistent with MUZ-O3 to enable development within the MUZ where there is adequate available or programmed development infrastructure to support it, given the uncertainties and issues with infrastructure servicing for the Site outlined above.

Natural Open Space Zone

446. The key intended outcomes for the NOSZ (with the section 42A report recommendations)⁸⁶ are that the zone protects and enhances historic heritage, cultural, and natural character values, ensures land use is consistent and complements the conservation values of the NOSZ, and ensures the NOSZ is accessible to the public where appropriate. The overview of the NOSZ also states *"The Natural Open Space zone generally applies to public land that is administered by government agencies and includes a variety of parks and historic reserves. In most cases these areas have a high degree of biodiversity requiring active management"*.
447. In my view, it is unclear how the proposed NOSZ within the Site aligns with these outcomes in terms of private v public administration of the land, how biodiversity will be managed on Site (e.g. the "Significant Natural Area" identified on the Precinct Plan), and how natural character values will be protected and enhanced within the NOSZ (NOSZ-O1). However, in my view, the KFO proposal is broadly aligned with the intended outcomes for NOSZ to ensure any land use is consistent with the conservation values (NOSZ-O2) and provide public access through the proposed greenway pathways (NOSZ-O3).

Evaluation of the proposed Precinct Chapter and Precinct Plan

448. As outlined above, I do not consider it appropriate to rezone the Site for urban development through the PDP based on the available evidence and associated uncertainties. In my view, based on this evidence, rezoning the Site is not necessary to meet NPS-UD (and RMA) requirements to provide sufficient development capacity to meet expected demand for housing and business land in Kerikeri-Waipapa over the short, medium or long-term. Nonetheless, for completeness, this section provides an evaluation of the proposed Precinct Chapter and Precinct Plan included in Appendix B of the planning evidence of Ms O'Connor as this forms a key part of the KFO proposal, its anticipated environmental effects and potential implementation risks.

⁸⁵ This objective and policy broadly seek to ensure commercial activities are of a scale that they do not detract from the Kerikeri town centre.

⁸⁶ Refer: [Open-Spaces-Appendix-1.2.pdf](#)

5.3.4 Overview of the Te Pae Waioira Precinct Provisions and Precinct Plan

449. Firstly, my understanding is that the relevant provisions in Part 2 (District-wide matters) and Part 3 (Area-specific matters) of the PDP are intended to apply to subdivision, land-use and development within the Precinct in addition to the provisions in the Precinct Chapter. However, this is unclear from the planning evidence for KFO and the proposed provisions.
450. More specifically, the proposed overview for the Precinct Chapter states “... *except where varied by the Precinct, the underlying District Plan provisions continue to apply*”. However, it is unclear where the Precinct Chapter is intended to “vary” the underlying district-wide or area-specific provisions in the PDP. This is important in my view as there is overlap, and potential conflict, between the provisions in the Precinct Chapter and PDP provisions relating to natural hazards, infrastructure servicing, commercial and retail activities, subdivision etc. Further, I note that this drafting approach is much less specific, certain and precise than the recommended drafting for other precinct chapters being considered for inclusion in the PDP through other hearings⁸⁷, despite the KFO proposal seeking to enable significantly more development.
451. Five proposed objectives are included in the Precinct Chapter, which broadly seek to:
- a) Achieve a well-functioning urban environment that enables the community to provide for their social, cultural and economic wellbeing, and their health and safety (TPW-O1).
 - b) Ensure urban development is coordinated with the supply of sufficient three-waters, transport, energy and communications infrastructure (TPW-O2).
 - c) Locate urban development outside the identified flood hazard areas and enable urban development on land subject to the flood hazard overlay when the floodway is modified (TPW-O3).
 - d) Provide connected, quality, multi-modal transport connections in conjunction with urban development (TPW-O4).
 - e) Ensure commercial activities are of an appropriate scale and nature to not detract from the Kerikeri town centre (TPW-O5).
452. There are 11 policies in the Precinct Chapter that cover a wide range of actions and intended development outcomes. This includes, for example, policy direction to “*zone sufficient land to ensure competitive housing and business land markets*” (TWP-P2), requiring urban development to “*occur generally in accordance with Te Pae Waioira Precinct and Structure Plan*” (TPW-P3), deliver a quality, connected road network (TPW-P7), provide public spaces in the vicinity of natural site

⁸⁷ For example, the revised Horticulture Precinct recommended through Hearing 9 and the Mataka Station Precinct recommended through Hearing 15B.



features shown on the Precinct Plan (TWP-P8), and enable urban development through the staged release of land with sufficient infrastructure (TWP-P11).

453. There are four rules included within the Precinct Chapter as follows:

- a) **TPW-R1 – New buildings and structures:** a permitted activity rule for buildings or structures when located outside the “*flood hazard overlay*” or permitted within the flood hazard overlay once the existing floodway has been modified, or “*an alternative flood hazard solution is operational*”.
- b) **TPW-R2 – Retail floor space in the MUZ:** a permitted activity rule for retail activity, provided that the total retail floor space in the MUZ does not exceed 7,500m² (excluding a supermarket).
- c) **TWP-R3 – Neighbourhood centre:** a restricted discretionary activity rule for retail activity, provided that no more than five retail or commercial premises are provided to “*service the neighbourhood in the general location shown in the Precinct Plan*” and it complies with the relevant MUZ standards.
- d) **BL-R4 – Comprehensive development plan:** a restricted discretionary activity rule that would require a comprehensive development plan to be submitted for approval as part of the first resource consent application for any subdivision, use and development within the Site. The rule would require the comprehensive development plan to include a range of information (e.g. layout, location and type of proposed lots, proposed staging of development, detailed of the delivery of infrastructure etc.). The rule also contains matters of discretion that are broadly aligned with the information requirements. Of note, the proposed rule states “*Once approved the Comprehensive Development Plan can be implemented in stages as per granted resource consent application*”.

Evaluation of the Te Pae Waiora Precinct Provisions and Precinct Plan

454. In my view, there are a range of shortcomings in the proposed provisions in the Precinct Chapter and the Precinct Plan. Put simply, I consider that the proposed provisions lack the necessary certainty and precision for an urban development proposal of this scale and this exacerbates the anticipated adverse effects and implementation risks associated with the overall KFO proposal. The key issues with the proposed provisions are summarised below.

Objectives and Policies

455. In my view, the objectives and policies do not articulate clear outcomes for the Site and present several interpretation and implementation issues. For example:

- a) TPW-P2 provides direction to “*zone sufficient land*” for competitive land markets whereas the KFO proposal is to zone the Site for urban development after which the provisions in the Precinct Chapter would apply. So, in my view, the intended purpose and value of this policy is unclear.

- b) TPW-P3 references a Structure Plan which I understand is no longer part of proposal, but this is not clear.
- c) TPW-O3 and TPW-P5 use language that is inconsistent with language used in the PDP⁸⁸ (e.g. "*alternative flood hazard management solution*"), which provides potentially conflicting, and uncertain direction on the management of the risks from natural hazards compared to the PDP Natural Hazards Chapter.
- d) There are numerous subjective, uncertain terms used in the policy direction. For example, "*...ultimately secures a resilient road network...*", to deliver section sizes "*...in keeping with the underlying zone*".
- e) There are a range of inconsistencies in the language used in the objectives and policies compared to language used in the Precinct Plan (e.g. "natural site features" as opposed to "significant natural area"), noting that many of these values are addressed in other parts of the PDP.

456. Ms Rennie has also highlighted some key issues with the objectives and policies from an urban design perspective, including a lack of references to good practice urban design outcomes and no requirement to provide a mix of housing typologies to support density, housing choice and affordability.

BL-R4 – Comprehensive Development Plan

- 457. It appears the intent of the rule is to allow the Site to be developed following a comprehensive development plan process, which would allow for development to be staged and coordinated with infrastructure delivery⁸⁹. However, there is no explanation of the intended implementation of this proposed rule in the planning evidence for KFO.
- 458. In my opinion, there are shortcomings in the proposed rule as a basis for achieving high quality, well-functioning urban development at the scale proposed. In particular:
 - a) There is no clear link between the rule and the objectives and policies in the Precinct Chapter or the Precinct Plan.
 - b) There are uncertainties in how the rule is intended to be implemented:
 - It is unclear the extent of subdivision, use and development that may be approved under the rule and whether the underlying zone rules (e.g. subdivision, residential activity etc.) would still apply.
 - The rule states that "*Once approved the Comprehensive Development Plan can be implemented in stages as per granted resource consent*"

⁸⁸ Specifically, the Precinct Chapter refers to "flood hazard overlay" whereas the PDP has specific definition for "River Flood Hazard Area" which includes both 1 in 10-year and 1 in 100-year river flood hazard areas.

⁸⁹ For example, the statements in the proposed overview that the provisions provide for "*high-quality urban development subject to a site-specific management framework that coordinates development with infrastructure*".



applications." As such, there does not appear to be a *mandatory* requirement to implement the comprehensive development plan once it is approved.

- It is unclear whether the comprehensive development plan needs to cover the entire Precinct or can be submitted for parts of the Precinct.
- c) There are gaps and limitations in the proposed rule in terms of achieving integrated, high-quality development and environmental outcomes. For example:
 - i. The rule does not require an urban design assessment. As stated in the urban design evidence of Ms Rennie, this (and other gaps) means that a comprehensive development plan consenting pathway does not provide certainty of outcome or a sufficiently robust assessment process, which may result in uncoordinated and ad hoc development.
 - ii. While the information requirements and matters of discretion refer to staging development with the provision of infrastructure, there is no clear mechanism for this to occur in an integrated manner across the Site.
 - iii. The content of the rule is more aligned with a typical requirement for subdivision consent rather than a mechanism to deliver urban development of this scale.
 - iv. There is no consideration of ecological protection and enhancements, despite these opportunities being cited as a reason that the KFO proposal will achieve positive overall effects on ecological values.

Issues with Other Rules

459. There are potential interpretation and implementation issues with the other three proposed rules as follows:
- a) **TPW-R1:** uses terms that are inconsistent with language used elsewhere in the PDP and introduces uncertain tests as permitted activity conditions (e.g. the existing floodway has been "*modified*", an "*alternative flood hazard solution is operational*"). Further, my understanding of the intent is that condition b) in the proposed rule would prevail over the equivalent rules in the Natural Hazards Chapter, which are more restrictive for new development in identified River Flood Hazard Areas (particularly "vulnerable activities" including residential activities). In short, the relationship between TPW-R1 and the PDP Natural Hazard Chapter rules is not clear in either the drafting of the rule or the evidence from KFO.
 - b) **TPW-R2:** the rationale for, and appropriateness of, the 7,500m² threshold for retail floor space (excluding supermarkets) is unclear, as is the exception for a supermarket.

- c) **TPW-R3:** the rationale for the threshold of five retail or commercial premises is unclear. There are also inconsistencies with this rule which refers to “neighbourhood centre” whereas the Precinct Plan refers to “proposed local centre”. It is also not clear why the relevant MUZ standards are referenced in this rule but not the other rules (again raising questions about the relationship with the underlying PDP rules).

Precinct Plan

460. A range of issues and shortcomings have also been identified with the Precinct Plan. Firstly, there are very limited references to the Precinct Plan in the provisions (only mentioned in TWP-P8 and TWP-R3⁹⁰) meaning it has limited practical value other than to identify the general areas of requested zoning and indicative transport layout. Even if the Precinct Plan was to be better incorporated into the provisions, it does not provide sufficient detail or direction on the spatial and development outcomes to be achieved for urban development of this nature and scale.
461. Additionally, there are gaps, uncertainties and inconsistencies within the Precinct Plan itself as follows:
- a) Ms Rennie has identified several shortcomings with the Precinct Plan from an urban design perspective. This includes an absence of any provisions to require intensification in appropriate locations based on a walkable catchment approach, no residential living options in the proposed layout, a lack of open space areas identified within the residential catchment, and a lack of information on the local street network to ensure connectivity and accessibility.
 - b) The Precinct Plan includes a “Proposed area of Large Lot residential” over part of the proposed GRZ. However, “Large lot residential zone” is a separate zone to the GRZ under the National Planning Standards and therefore requires separate provisions. As such, the intended zoning, outcomes and density of residential development in this “large lot residential” area is unclear.
 - d) There is a “flood prone area overlay (final extent TBC)” identified on the Precinct Plan. However, it is unclear how this overlay is intended to interact with (or override) the River Flood Hazard Area mapping in the PDP.
 - e) The Precinct Plan includes an identified “Significant Natural Area” but there is no certainty as to its status under Appendix 5 the RPS or section 6(c) of the RMA and/or the PDP provisions that would apply to it.
462. In summary, in my view, there are a number of shortcomings with the provisions in the Precinct Chapter and the Precinct Plan which are likely to exacerbate the risks and uncertainties discussed above in relation to the anticipated effects from the KFO proposal.

⁹⁰ The only reference to the Precinct Plan in the rules is the rule for “neighbour centre” which states that no more than 5 retail or commercial premises are to be provided in “*the general location shown in the Precinct Plan*”.

5.3.5 Overall Evaluation of the KFO Proposal

463. This section provides an overall evaluation of the KFO proposal against the relevant statutory considerations, including higher order documents, the Spatial Plan, section 32 and Part 2 of the RMA. This draws on the assessment of the anticipated environmental effects of the KFO proposal outlined above under Section 5.3.3 and the evaluation of reasonably practicable options for the urban zoning of Kerikeri-Waipapa attached as Appendix 5.

Higher Order Direction

Criteria	Matters to be addressed
Higher order direction	<ul style="list-style-type: none"> How the request “gives effect to” higher order documents in accordance with section 75(3) of the RMA? Consideration of all relevant national policy statements, the national planning standards, and the Northland Regional Policy Statement.

464. In accordance with section 75(3) of the RMA and the above criteria in Minute 14, this section provides an assessment of the relevant higher order documents, being the NPS-UD, NPS-HPL, NPS-IB, NPS-FM (and NES-F⁹¹), the National Planning Standards, and the RPS.

National Policy Statement for Urban Development 2020

465. Firstly, there is broad agreement that Kerikeri-Waipapa is now an “urban environment” as defined in the NPS-UD. Therefore, the NPS-UD is a key consideration for the KFO proposal that must be given effect to through the PDP (where practicable and within scope).

466. In my view, the provisions in the NPS-UD of most relevance to the KFO proposal are:

- Achieving well-functioning urban environments (Objective 1 and Policy 1).
- Improving housing affordability by supporting competitive land and development markets (Objective 2).
- Providing at least sufficient development capacity to meet expected demand for housing and business land over the short, medium and long-term (Policy 2).
- Enabling intensification in urban areas near employment, active and public transport, and/or there is high demand for housing or business land in the area (Objective 3 and Policy 5).

⁹¹ Which a district plan must be prepared “in accordance with” under section 74(1)(f).

- e) Urban development is integrated with infrastructure planning and funding decisions (Objective 6 and Policy 10).
 - f) Urban environments supporting reductions in emissions and being resilient to climate change (Objective 8 and Policy 1(e) and (f)).
467. I consider that the KFO proposal is aligned with, and would give effect to, certain NPS-UD provisions. In particular, the KFO proposal has the potential to improve housing affordability by supporting competitive land markets through significantly increasing plan-enabled development capacity (Objective 2). More specifically, my understanding is that the KFO proposal has the potential to improve housing affordability by delivering additional greenfield housing capacity, and in particular detached dwellings at lower price points. An increase in plan-enabled development capacity through the KFO proposal would also help give effect to Policy 2.
468. However, as discussed throughout this report, the updated assessment of development capacity by Mr McIlrath demonstrates that the package of recommendations contained in the PDP-R will provide **sufficient** development capacity to meet expected demand for housing and business land in the short, medium and long-term in accordance with NPS-UD requirements. More specifically, and for completeness, the updated analysis from Mr McIlrath estimates that:
- a) The expected demand for dwellings in Kerikeri-Waipapa over the long-term is approx. +3,260 dwellings (noting that the KFO projected demand is approx. +4,220 dwellings).
 - b) "Plan-enabled" capacity in Kerikeri-Waipapa is estimated at approx. 7,788 new dwellings over the long-term.
 - c) "Potential development capacity"⁹² in Kerikeri-Waipapa is estimated at approx. +5,003 new dwellings over the long-term, which is more than sufficient to meet expected demand for housing (including the KFO projected demand).
469. Additionally, the evidence of Mr Hensley and Mr Lindenberg outlines how the "potential development capacity" enabled by the PDP-R is able to be supported by existing capacity within the public infrastructure network in the short-term (i.e. "infrastructure-ready" in accordance with the NPS-UD). This evidence also outlines how future planning and funding processes can ensure that the development capacity enabled by the PDP-R option is "infrastructure ready" in the medium and long-term. This includes currently planned and funded infrastructure works identified in the 2024-2027 Long-Term Plan, the current work to prepare the 2027 Infrastructure Strategy, and the future funding arrangements under the newly established Northland Waters CCO (which will address infrastructure investment for water supply and wastewater infrastructure).
470. Therefore, in my opinion, the evidence is clear that the PDP-R will give effect to Policy 2 of the NPS-UD to provide at least **sufficient** development capacity to

⁹² As an estimate by Mr McIlrath of the "feasible and reasonably expected to be realised" capacity under the NPS-UD, which is explained in detail in his evidence.

meet expected demand for housing and business land. I note that these estimates include the “competitiveness margins” in Clause 3.22 of the NPS-UD (ranging from 20% to 15%) despite these not being required for tier 3 local authorities. On this basis, I consider the PDP-R is also consistent with Objective 2 of the NPS-UD discussed above. This position is also consistent with the conclusions of Mr McIlrath who considers that the PDP-R will “*better support housing choice and competitiveness in the residential development market*” and support “*housing affordability by enabling higher density dwelling developments*”⁹³.

471. The implication of the PDP-R already providing sufficient development capacity is that more “plan-enabled” capacity (through the KFO proposal) is not necessary to give effect to Policy 2 of the NPS-UD. Further, even if the KFO Site was “plan-enabled” through the PDP (i.e. zoned for housing or business use), the evidence above highlights significant uncertainties if, how, or when this plan-enabled capacity could be “infrastructure ready” and therefore contribute to “sufficient” development capacity (as defined in Clause 3.2(2) of the NPS-UD) for Kerikeri-Waipapa. In my view, this highlights the benefits of a Council-led strategic planning process to deliver sufficient development capacity over the short, medium and long-term, which the Spatial Plan (and supporting implementation actions) seeks to deliver.
472. In my view, the KFO proposal does not fully give effect to, and is inconsistent with, other key provisions in the NPS-UD. This includes Objective 1 and Policy 1 to have well-functioning urban environments that enable people and communities to provide for their social, economic and cultural well-being. As detailed in the urban design evidence of Ms Rennie, the KFO proposal provides no certainty that a variety of housing types and prices will be delivered or that the Site will provide good connectivity (e.g. no secured access routes to Kerikeri town centre). Ms Rennie also notes that the KFO proposal may result in reliance on car travel, undermine the existing community and commercial centres in Kerikeri and Waipapa, and result in urban sprawl. The KFO proposal is also expected to undermine the intensification efforts enabled under the PDP-R and therefore the extent to which those recommendations achieve numerous concentration benefits associated with a more compact urban form, as outlined in the economic evidence of Mr McIlrath. On this basis, I consider that the KFO proposal will not contribute to well-functioning urban environments and has the potential to undermine the current vitality and function of Kerikeri and Waipapa.
473. In my view, the KFO proposal is not consistent with Objective 3 and Policy 5 in the NPS-UD which seek to enable intensification in urban areas near employment, public transport and/or where there is high demand. This is because it would enable greenfield growth away from the existing town centres of Kerikeri and Waipapa, with no clear proposal for increased density within appropriate areas within the Site. There are also limited details on the internal road layout and how public transport may potentially be provided in the future. More significantly, as outlined above, the KFO proposal would likely undermine the uptake of intensification enabled under the PDP-R and reduce the benefits that intensification is intended to provide, which is inconsistent with these NPS-UD

⁹³ Paragraph 3.9 of evidence.

provisions. As stated in the economic evidence of Mr McIlrath, over-zoning urban land through the KFO proposal in addition to the PDP-R “...*would generate substantial risks that could undermine the economic benefits associated with concentrating growth in and around centres. It would also dilute and weaken intensification efforts*”⁹⁴.

474. In my view, the KFO proposal has the potential to be aligned with Objective 6 and Policy 10 in the NPS-UD, which require that urban development be integrated with infrastructure planning and funding. For example, certain provisions in the Precinct Chapter (TPW-O2, TPW-P11 and aspects of BL-R4) are aligned with this direction in the NPS-UD. However, as detailed in the infrastructure, transport and urban design evidence of Mr Hensley, Mr Collins and Ms Rennie respectively, there are concerns about how infrastructure necessary for the Site will be funded and how development within the Site would be staged and integrated with the funding of supporting infrastructure, given the lack of specific detail on either staging or funding. For example, the Structure Plan included in the KFO submission provides high-level statements that development will be staged and integrated with infrastructure with no details of how, where and when this would likely occur. The infrastructure evidence of Mr Ehlers and earlier Servicing Report he prepared for the Site also appear to be largely focused on the potential staging of a standalone wastewater solution on-site and integration with the public wastewater system. While I acknowledge that future consenting processes would address these matters in detail, in my view, for an urban development proposal of this scale, there should be more details to demonstrate how future urban development would be integrated with infrastructure delivery and how that infrastructure would be funded.
475. In my view, the KFO proposal does not give effect to Objective 8 and Policy 1(e) and (f), which require urban development to support reductions in emissions and be resilient to climate change. This is due to the unresolved connectivity issues and subsequent risk of development relying on car travel, which would increase emissions compared to the more compact urban growth outcome enabled through the PDP-R. Further, in my opinion, enabling development within, and immediately adjacent to, an identified River Flood Hazard Area is not consistent with the direction in the NPS-UD for urban environments to be resilient to the current and future effects of climate change, regardless of the flood mitigation proposed (as discussed above).
476. In summary, I consider the KFO proposal would give effect to the NPS-UD provisions relating to competitive land markets and would contribute to providing sufficient development capacity to meet expected demand (while noting uncertainties as to when any “plan-enabled” development capacity may be “infrastructure ready”). However, the economic evidence of Mr McIlrath has demonstrated that the PDP-R also gives effect to these requirements and that there are a range of adverse economic effects associated with an additional over-zoning greenfield development capacity above the NPS-UD “competitiveness margins”. Specifically, an over-zoning supply is expected to undermine the effectiveness of the PDP-R to enable intensification (which give effect to Objectives

⁹⁴ Paragraph 12.8 of evidence.

3 and 5) and reduce the benefits associated with a more compact urban growth pattern. The KFO proposal will not contribute to well-functioning urban environments due to its limited connectivity and has the potential to undermine the current vitality and function of Kerikeri and Waipapa.

National Policy Statement for Highly Productive Land 2022

477. Firstly, I was closely involved in the development of the NPS-HPL, so I consider that I have a good understanding of the background and reasons for this NPS being introduced. This includes the transitional definition of HPL in Clause 3.5(7) and the tests for urban rezoning on HPL in Clause 3.6(4) of the NPS-HPL.
478. Secondly, I acknowledge that central government has recently consulted on amendments to the NPS-HPL, including a proposal to remove LUC 3 from the definition of HPL, except in specific circumstances. However, the current version of the NPS-HPL remains in force and must be given effect to through the PDP.
479. In terms of the transitional definition of HPL in the NPS-HPL, I concur with the evidence of Mr Hunt and Dr Hill that approximately 163.1ha of the Site (approx. 82%) meets this definition under the NPS-HPL. This is because, prior to commencement of the NPS-HPL, this land was zoned RPROZ in the PDP, the land is identified as LUC 3 land in the New Zealand Land Resource Inventory, and the land has not been "*identified for future urban development*"⁹⁵.
480. Accordingly, the key provisions in the NPS-HPL for the KFO proposal are Policy 5 (urban rezoning of HPL is avoided, except as provided for in the NPS-HPL) and Clause 3.6(4). Clause 3.6(4) states that a tier 3 territorial authority may only allow urban rezoning on HPL if:
 - a) the urban zoning is required to provide sufficient development capacity to meet expected demand for housing or business land in the district; and
 - b) there are no other reasonably practicable and feasible options for providing the required development capacity; and
 - c) the environmental, social, cultural and economic benefits of rezoning outweigh the environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values.
481. The rural productivity evidence of Mr Hunt and the planning evidence of Ms O'Connor on behalf of KFO conclude that the KFO proposal satisfies the tests in Clause 3.6(4) of the NPS-HPL. I disagree.
482. This is because **all three tests** in Clause 3.6(4) of the NPS-HPL need to be met and I do not consider that Mr Hunt and Ms O'Connor have applied the first two

⁹⁵ Defined in the NPS-HPL as "*(a) identified in a published Future Development Strategy as land suitable for commencing urban development over the next 10 years; or (b) identified: (i) in a strategic planning document as an area suitable for commencing urban development over the next 10 years; and (ii) at a level of detail that makes the boundaries of the area identifiable in practice*".

steps as intended (acknowledging that these conclusions were reached prior to the updated assessment of development capacity by Mr McIlrath). More specifically, in my opinion, the KFO proposal does not meet the tests in Clause 3.6(4)(a) or (b) of the NPS-HPL as:

- a) Urban rezoning is not required to provide sufficient development capacity to meet expected demand for housing or business land. As discussed throughout this report, the updated assessment of development capacity by Mr McIlrath demonstrates that the PDP-R will provide sufficient development capacity to meet demand for housing and business land in Kerikeri-Waipapa over the short, medium and long-term.
- b) There are other reasonably practicable and feasible options for providing the required development capacity (i.e. the PDP-R recommendations by Ms Trinder).

483. I note that my conclusion on this matter is consistent with Mr McIlrath's evidence that "...the NPS-HPL tests mean that alternative development options (i.e., intensification) and locations must be considered. In my view, the additional capacity enabled by the PDP-R and the Spatial Plan mean that these tests cannot be satisfied by the KFO site"⁹⁶. On this basis alone, in my view, the KFO proposal does not meet the statutory tests for urban zoning on HPL under Clause 3.6(4), meaning it cannot be allowed. However, this position is reinforced by the failure to appropriately satisfy Clause 3.6(4)(b) of the NPS-HPL.

National Policy Statement for Indigenous Biodiversity 2023

484. The NPS-IB is relevant to the protection, maintenance or restoration of indigenous biodiversity within the Site. However, the "Significant Natural Area" (SNA) provisions in the NPS-IB are not relevant due to the definition of SNAs in the NPS-IB, which relies on these areas being assessed and mapped in district plans either existing at commencement date of the NPS-IB or in accordance with the NPS-IB⁹⁷. Neither of these scenarios apply.

485. Accordingly, the NPS-IB provisions of most relevance to the KFO proposal are those relating to indigenous biodiversity **outside SNAs**, being:

- a) Policy 8 to recognise and provide for the importance of maintaining indigenous biodiversity outside SNAs.
- b) Policy 11 to promote and provide for the restoration of indigenous biodiversity.

486. I consider that the KFO proposal could potentially be implemented in a way that is consistent with these provisions in the NPS-IB. However, I also agree with Ms Andrews that more detailed assessments of the ecological values within the Site and information about the proposed mitigation measures would provide more certainty as to whether rezoning the Site is appropriate from an ecological

⁹⁶ Paragraph 7.56 of evidence.

⁹⁷ Noting the SNA mapping requirements in the NPS-IB have been paused until 25 October 2027 under the Resource Management (Freshwater and Other Matters) Amendment Act 2024.

perspective. Further, while the statement that the development of the Site will provide “*ecological protection and enhancement opportunities*”⁹⁸ is supported, there is no certainty that such opportunities will be realised, particularly as the provisions in the Precinct Chapter are silent on these opportunities.

National Policy Statement for Freshwater Management 2020 and National Environmental Standards for Freshwater 2020

487. While implementation of the NPS-FM and NES-F is primarily a matter for NRC to consider, the provisions in these instruments relating to “*natural inland wetlands*” are of particular relevance to the KFO proposal. This is because the proposed flood mitigation scheme will likely result in significant changes in flood flows for a potential “natural inland wetland” located near the end of the floodway. The directive provisions in the NPS-FM and NES-F to avoid the loss of wetland extent and protect their values are therefore important statutory considerations.
488. The consenting pathway for the flood mitigation scheme under the NES-F will be determined by whether it meets the definition of “*specified infrastructure*” in the NPS-FM. This would provide a discretionary activity consenting pathway under Regulation 45 of the NES-F, which is supported by a policy pathway in Clause 3.22(1)(b) of the NPS-FM⁹⁹. Otherwise, any other alteration of hydrology (damming, diversion or discharge) within 100m of a natural inland wetland is likely to be a non-complying activity under Regulation 54 of the NES-F¹⁰⁰.
489. The most relevant clause in the definition of “specified infrastructure” in the NPS-FM is:
- a) *Any public flood control, flood protection, or drainage works carried out:*
 - i. *By or on behalf of a local authority, including works carried out for the purposes set out in section 133 of the Soil Conservation and Rivers Control Act 1941; or*
 - ii. *For the purpose of drainage by drainage districts under the Land Drainage Act 190*
490. My understanding is that the proposed flood mitigation scheme would not meet this definition as, while it is clearly a flood control or flood protection scheme, it is not being carried out **by or on behalf of a local authority**. Accordingly, the proposed flood mitigation scheme may face significant consenting challenges under the NES-F, adding additional uncertainty about its feasibility.
491. At a policy level, the NPS-FM policies of most relevance to the KFO proposal are:
- a) **Policy 6:** There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.

⁹⁸ For example, Ms O’Conner planning evidence at paragraph 102.

⁹⁹ This policy has been given effect to in Policy D.4.23 of the Northland Regional Plan.

¹⁰⁰ Unless it resulted in the complete or partial drainage of the natural inland wetland in which case it would be non-complying under Regulation 52 or 53 of the NES-F.



- b) **Policy 7:** The loss of river extent and values is avoided to the extent practicable.
 - c) **Policy 9:** The habitats of indigenous freshwater species are protected.
492. As outlined in the ecological evidence of Ms Andrews, there is uncertainty about the ecological values within the Site and proposed mitigation measures, including offsetting any loss of wetlands, which means the extent to which the KFO proposal is consistent with these NPS-FM policies is unclear. Again, while I accept these considerations can be addressed in more detail through future consenting processes, improved understanding of these matters would provide more confidence that the KFO proposal could be designed and developed in a manner consistent with the NPS-FM.

National Planning Standards

493. The National Planning Standards are relevant for the KFO proposal in determining the most appropriate spatial layer for the Site in addition to the underlying district-wide provisions and zoning. Appendix 2 of the S42A Rezoning Submissions Overview Report provides an overview of the different spatial layers for district plans in the National Planning Standards. The description of a precinct in the National Planning Standards is "*A precinct spatially identifies and manages an area where additional place-based provisions apply to modify or refine aspects of the policy approach or outcomes anticipated in the underlying zone(s)*".
494. Section 5.3 in the section 32 report for the KFO proposal sets out the reasons why the use of a precinct is the preferred option. The evaluation considers that a precinct will address "...*gaps within the current zone objectives, policies and rules to ensure that the development of this Site is undertaken in a comprehensive and integrated way. For example, there are key infrastructure milestones that need to be achieved prior to development occurring on the Site...*".
495. I am broadly supportive of the rationale for using a precinct to modify zone provisions, address gaps and ensure an integrated and comprehensive approach to development within the Site. However, as discussed throughout this report, I have identified numerous shortcomings with the proposed provisions in the Precinct Chapter and the Precinct Plan, including a lack of precision and certainty in both the drafting and level of detail provided. In comparison, other precincts that are being considered for inclusion in the PDP are more fine-tuned in terms of the provisions being proposed, despite the scale of development sought within those precincts being much less extensive than the KFO proposal.

Regional Policy Statement for Northland 2016

496. The RPS includes a range of objectives and policies of relevance to the KFO proposal. The RPS objectives of most relevance are:
- a) **Objective 3.5 - Enabling economic well-being:** seeks to manage natural and physical resources in the Northland Region to be attractive for business and investment and to improve the economic wellbeing of Northland and its

communities. Key implementing policies are in section 6.1 of the RPS – Efficient and effective planning.

- b) **Objective 3.8 - Efficient and effective infrastructure** seeks to optimise use of existing infrastructure, ensure infrastructure is resilient, ensure infrastructure meets needs of community, and to strategically enable infrastructure to support economic development and community wellbeing. Key implementing policies are in section 5.1 – Regional Form and section 5.2 - Efficient and effective infrastructure.
- c) **Objective 3.11 - Regional form:** seeks to achieve sustainable built environments that effectively integrate infrastructure with development and have a sense of place, identify and range of lifestyle, employment and transport choices. Key implementing policies are in section 5.1 – Regional Form and section 5.2 - Efficient and effective infrastructure.
- d) **Objective 3.13 - Natural hazards risks:** seeks to ensure that the risks and impacts of natural hazard events (including the influence of climate change) on people, communities, property, natural systems, infrastructure and our regional economy are minimised by (among a range of things) avoiding inappropriate new development in 10- and 100-year flood hazard areas. Key implementing policies are in section 7.1 – Development in natural hazard-prone areas and section 7.2 – General risk reduction policies.

The table below provides an assessment of whether the KFO proposal gives effect to the above RPS objectives, implementing policies and methods (as applicable).

RPS Objective and Provisions	Assessment of KFO Proposal
Economic Well-being	In my view, the KFO proposal is broadly aligned with Objective 3.5 in the RPS as the development of the site for residential and commercial activities will contribute to economic well-being of communities in Kerikeri-Waipapa with potential flow on benefits to the wider economy of the Far North District.
Efficient and Effective Infrastructure	In my view, the KFO proposal is not aligned with clause (a) in Objective 3.8(a) to optimise the use of existing infrastructure as it involves the development of new infrastructure outside the existing town centres in Kerikeri-Waipapa and may draw investment away from the optimum use and upgrading of existing infrastructure. Otherwise, I consider that the KFO proposal has the potential to be consistent with Objective 3.8 and supporting implementing policies in section 5.2, noting the uncertainties above about how the required infrastructure for the Site would be delivered and funded. For example, the new infrastructure may be designed in a way that is resilient and meets the foreseeable needs of the community (Objective 3.8(b)) and the infrastructure may support economic development and community well-being (Objective 3.8(c)). The KFO proposal is also broadly aligned with the key policies relating to efficient and effective infrastructure under section 5.2. This includes Policy 5.2.3 to promote the provision of infrastructure to provide opportunities for economic growth and development.

RPS Objective and Provisions	Assessment of KFO Proposal
Regional Form	<p>Ms Rennie has undertaken an assessment of the KFO proposal against Objective 3.11 from an urban design perspective. In this assessment, Ms Rennie reiterates her concerns that there is no certainty that the development will be well connected with the surrounding urban areas, that there are a range of unresolved connectivity issues, and there are no specific provisions within the Precinct Chapter to achieve a sense of place and identity.</p> <p>The most relevant RPS policy relating to regional form is Policy 5.1.1 (planned and coordinated development) which directs that subdivision, use and development should be guided by the Regional Urban Design Guidelines in Appendix 2 of the RPS. Mr Neil and Ms Rennie have both undertaken a detailed assessment of these principles from an urban design perspective and reach different conclusions on certain matters. In summary, Ms Rennie concludes <i>"that the proposal has a number of shortcomings in relation to the Regional Urban Design Guidelines, particularly in relation to impacts on the existing context and character of Kerikeri and Waipapa, and how the stated good practice principles will be translated into positive outcomes on the ground. As such, I do not consider that the proposal gives effect to the NRPS"</i>¹⁰¹. I concur with this assessment as the limitations of the KFO proposal in terms connectivity, and the potential impacts on existing character and vitality of Kerikeri and Waipapa have been highlighted throughout this report.</p> <p>The proposed provisions in the Precinct Chapter are broadly aligned with Policy 5.1.1(d) requiring the development of the Site to be integrated with the development, funding, implementation, and operation of a range of infrastructure types (transport, three-waters etc.) and Policy 5.1.1(h) requiring the development to be serviced by the necessary infrastructure. However, as discussed throughout this report, there is no certainty if, how and when the necessary infrastructure will be funded and delivered to support the development of the Site.</p> <p>Clause (f) in Policy 5.1.1 directs that <i>"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"</i>¹⁰², or if they do, the net public benefit exceeds the reduced potential for soil-based primary production activities". The Site contains "versatile soils" as defined in the RPS, noting that this policy has now been superseded by the NPS-HPL at a national level (which the RPS does not yet give effect to). I accept that the social and economic benefits of urban rezoning are likely to be (substantially) greater than the economic costs associated with a loss of existing or potential future primary production activities at the Site. Nonetheless, there are other urban growth options (including the PDP-R recommendations by Ms Trinder) that would avoid the loss</p>

¹⁰¹ Paragraph 8.15 of evidence.

¹⁰² The footnote for Policy 5.1.1(f) in the RPS states that *"Highly versatile soils are Land Use Capability Classes 1c1, 2e1, 2w1, 2w2, 2s1, 3e1, 3e5, 3s1, 3s2, 3s4 - as mapped in the New Zealand Land Resource Inventory."*

RPS Objective and Provisions	Assessment of KFO Proposal
	<p>of versatile soils (or HPL) altogether and are therefore more consistent with Policy 5.1.1(f) in my opinion.</p> <p>Overall, I do not consider that the KFO proposal gives effect to Objective 3.11, and it is inconsistent with certain parts of Policy 5.1.1, particularly from an urban design perspective.</p>
Natural Hazards Risks	<p>In addition to Objective 3.13, the most relevant policies in the RPS relating to natural hazards are Policy 7.1.1 (general risk management approach), Policy 7.1.2 (new subdivision and land use in flood hazard areas) and Policy 7.2.2 (establishing the need for hard protection structures).</p> <p>In my opinion, the KFO proposal is not consistent with the intent of Objective 3.13(c) to avoid inappropriate new development in 10 and 100-year river flood hazard areas. I acknowledge that a flood mitigation scheme is proposed to manage this risk and that it is intended to enable urban development outside the 100-year flood hazard area. However, there are a range of uncertainties and “critical information gaps” associated with this proposal its terms of its effectiveness, potential adverse effects and how it would be funded, delivered and maintained. These critical information gaps mean that it is unclear whether the KFO proposal can be consistent with Objective 3.13(c). There is also a broader, and more fundamental question in my view, about the appropriateness of enabling large scale residential development (i.e. “vulnerable activities” as defined in the PDP) within a Site subject to such extensive flood hazard risk when sufficient development capacity can be provided elsewhere (i.e. through the package of PDP-R recommendations by Ms Trinder).</p> <p>Policy 7.1.1 sets out the general risk management approach to minimise the risk from natural hazards, including by “...(b) <i>Minimising any increase in vulnerability due to residual risk</i>” and “...(c) <i>Exercising a degree of caution that reflects the level of uncertainty as to the likelihood or consequences of a natural hazard event</i>”. In my opinion, this provides clear direction to adopt a precautionary approach in relation to the KFO proposal for the same reasons as outlined above, i.e. it is proposing to enable a large number of vulnerable activities (high consequences) within a Site subject to significant flood hazard risks (high likelihood) with a number of uncertainties and critical information gaps in relation to the proposed flood mitigation (high level of uncertainty). It also confirms, in my opinion, the need to better understand residual risks to determine whether Policy 7.1.1(c) can be given effect to.</p> <p>Policy 7.1.2 in the RPS provides direction that new development may be appropriate within 10 and 100-year flood hazard areas when a range of requirements (e.g. minimum freeboard levels) are all met. I note that it is proposed that Policy 7.1.2 is given effect to through the Natural Hazards Chapter in the PDP (NH-P6 in particular). However, there does not appear to be any consideration of these requirements in the KFO evidence, rather it appears to be assumed that the flood hazard provisions in the Precinct Chapter are adequate. This is reflected in the following statement from Ms O'Connor that</p>

RPS Objective and Provisions	Assessment of KFO Proposal
	<p><i>"...management of any natural hazard are matters that can be addressed through the consenting process and the provisions are contained within the proposed Precinct"</i>¹⁰³. This statement is of particular concern as the proposed natural hazards provisions in the Precinct Chapter (TPW-O3, TWP-P5, TPW-R1) are deficient in my view, do not give effect to Policy 7.1.2 in the PDP, and could conflict with provisions in the Natural Hazard Chapter in the PDP.</p> <p>I also consider that it is uncertain whether the KFO proposal will be consistent with Policy 7.2.2. As detailed above, there are inconsistencies in the KFO evidence in relation to the use of bunds or stopbanks with Mr Kuta stating that the proposed floodway is unlikely to need hard engineering structures. The planning evidence of Ms O'Connor similarly states that modification of the floodway can be achieved without hard engineering structures or, in any event, if hard engineering structures are required <i>"they would most likely meet the criteria in Policy 7.2.2"</i>¹⁰⁴. None of these statements provide certainty that hard engineering structures will not be used and, given the current uncertainties in the proposed flood mitigation design, there is the potential risk that hard engineering structures are proposed in future design stages. In my view, this highlights a fundamental risk in deferring consideration of these matters to the consenting stage as once the land is zoned for urban development, it creates an expectation of development regardless of the risk from natural hazards and measures needed to mitigate these risks. I note that this was a key concern raised by submission point S359.013 from NRC, which has informed the recommendations in this report.</p>

Spatial Plan

497. Section 3 of this report provides an overview of the Spatial Plan, which is explained in more detail in the evidence of Mr Reuben. Section 3 of this report also details how the PDP-R package recommended by Ms Trinder best aligns with the strategic direction set through the Spatial Plan, including through the introduction of the MDRZ and TCZ to enable greater intensification in the Kerikeri town centre. Accordingly, this section focuses on the relevance of the Spatial Plan to the KFO proposal.
498. I agree with Ms O'Connor that the Spatial Plan does not *"bind decision-makers"*¹⁰⁵ like higher order documents do (i.e. *"give effect to"*), rather it is a plan prepared under another Act that territorial authorities must *"have regard to"* under section 74(2)(i) of the RMA. Nonetheless, in my view, the Spatial Plan is clearly the most relevant strategic planning document to consider when evaluating Hearing 15D submissions and should be given appropriate regard and weight when considering urban rezoning requests within Kerikeri-Waipapa. As emphasised in the evidence of Mr Reuben, decisions on the PDP that are inconsistent with the Spatial Plan risk undermining the ability for Council to deliver coordinated, infrastructure-supported

¹⁰³ Paragraph 55(h) of evidence.

¹⁰⁴ Paragraph 58(h) of evidence.

¹⁰⁵ Paragraph 29 of evidence.

growth in the right locations. This may result in less efficient outcomes and compromise the ability of Council to achieve integrated land use and infrastructure planning in Kerikeri-Waipapa.

499. Mr Reuben provides a detailed overview of the process to develop the Spatial Plan, the information, evidence and scenarios considered, and decisions on the final Spatial Plan. This evidence outlines how the KFO proposal was considered as "*Scenario F – Kerikeri Northwest Expansion*" through this process, and the reasons it was not included in the draft plan and not recommended for inclusion in the final Spatial Plan. In summary, those reasons include:
- a) Risk of creating a dormant suburb with limited local services and high car dependency, reducing connectivity and urban vibrancy.
 - b) It is not cost-effective option for infrastructure servicing, even if the developer funds all major infrastructure required to enable development.
 - c) It lacks the scale and integration required to support efficient, coordinated development. This may result in a more fragmented growth pattern with reduced economic efficiency.
 - d) A substantial portion of the site is classified as a River Flood Hazard Area in the PDP, necessitating the construction and long-term reliance on flood mitigation structures to enable urban development.
 - e) A lack of alignment with the strategic objectives for the Spatial Plan, particularly those relating to compact urban form, resilient infrastructure, enabling a range of transport options, and protecting, enhancing, and connecting with Te Taiao (the natural world).
 - f) A lack of alignment with the growth principles for the Spatial Plan, particularly those focused on protecting productive horticultural land and supporting intensification as a cost-effective growth strategy that makes best use of existing infrastructure.
500. However, due to community support during public consultation on the draft spatial plan, Scenario F was included in the Spatial Plan as a "*Contingent Future Growth Area*" subject to six conditions. The Spatial Plan also states that (**emphasis added**): "*Inclusion of scenario F in this way does not change the adopted growth scenario or the infrastructure planning basis of the Spatial Plan at this time, and any formal incorporation of this area will be subject to further consultation and/or plan review if required*"¹⁰⁶.
501. My interpretation of this statement, supported by the evidence of Mr Reuben, is that the clear intent of Council is that any future inclusion of this area in the Spatial Plan or PDP would be subject to a further public consultation and plan review/change process to determine whether the six conditions have been met, which could indicate if the Site is suitable for urban development. Nonetheless, I consider that it is useful for the Hearing Panel to consider whether the conditions

¹⁰⁶ Page 26.

listed in the Spatial Plan for this Contingent Future Growth Area have been, or can be, adequately met, as asserted in the planning evidence for KFO¹⁰⁷. Accordingly, I have provided this assessment of these conditions in the table below, informed by the evidence of Mr Reuben who has also considered these conditions.

Condition	Comment/Assessment
That the proposal is progressed through appropriate statutory processes (e.g., re-zoning via the District Plan)	<ul style="list-style-type: none"> • Not met. My understanding of this condition is that it anticipates a future statutory process under the RMA separate to the PDP, given the Spatial Plan was adopted part way through the hearings on the PDP. • A future statutory process would allow for the issues and gaps in the KFO proposal identified above to be more thoroughly addressed and enable a more informed assessment of whether the Site is suitable and appropriate for urban development.
That comprehensive flood mitigation infrastructure is designed and funded by the developer	<ul style="list-style-type: none"> • As outlined above in section 5.3.3 and the evidence of Mr Rix, the proposed flood mitigation scheme may be feasible. However, Mr Rix is of the opinion that the design lacks the level of detail required to support rezoning and there is little certainty of outcomes. • Further, there are no details on how the flood mitigation will be funded and maintained over the long-term despite this being recognised as a fundamental issue for the proposal. • Additionally, Mr Rix has identified other critical information gaps about key aspects of the proposed flood mitigation (e.g. use of bunds/stopbanks and downstream impacts) that are necessary to address at the rezoning stage. • Accordingly, in my opinion, it is clear that this condition has not been met.
That necessary infrastructure is provided at no cost to Council	<ul style="list-style-type: none"> • As outlined above in section 5.3.3, there are no details as to how the infrastructure will be funded and delivered at no cost to Council. The infrastructure evidence of Mr Hensley has also highlighted concerns that rezoning the Site for urban development through the PDP presents a significant financial risk to the entities responsible, e.g. the Council or the Northland Waters CCO. • Accordingly, in my opinion, it is clear that this condition has not been met.
That engagement with mana whenua demonstrates clear support and cultural alignment	<ul style="list-style-type: none"> • As discussed above, the available evidence indicates that Ngāti Rehia supports the KFO proposal. • However, the approach to urban growth in the Spatial Plan is supported by the other hapū in Hapū Rōpū Governance Group and I am unaware of evidence that these hapū have changed their position to support Option F (the KFO proposal).

¹⁰⁷ For example, the planning evidence of Ms O’Conner at paragraph 35.

Condition	Comment/Assessment
	<ul style="list-style-type: none"> There is no specific recognition of cultural values in the proposed provisions in the Precinct Chapter. Therefore, in my opinion, the first part of this condition is met with respect to Ngāti Rehia but further work is required to demonstrate support from other hapū and that the KFO proposal has clear “<i>cultural alignment</i>”.
That any future inclusion is consistent with regional spatial planning and community aspirations.	<ul style="list-style-type: none"> Firstly, this condition refers to “<i>any future inclusion</i>”, which highlights the fundamental point above that any future inclusion of Option F in the Spatial Plan (or in the PDP) is subject to a future planning process, not a planning process already underway. Therefore, in my opinion, this condition cannot be met through decisions on the PDP. There is currently no regional spatial planning document or process in place, and this is unlikely to occur prior to the proposed replacement legislation for the RMA being introduced with new requirements for regional spatial planning. My understanding is that the KFO proposal is broadly supported by a number of community groups, such as Vison Kerikeri and Our Kerikeri Community Charitable Trust. However, it is not clear whether the KFO proposal is consistent with wider “community aspirations”.
vi. Any future inclusion is done with support of the Golf Club	<ul style="list-style-type: none"> The evidence of Mr Corbet provides a summary of engagement with the Kerikeri / Bay of Islands Golf Club, with the intended outcome of securing access while improving course for the benefit of the Golf Club through exchanging some land¹⁰⁸. While this evidence indicates confidence on behalf of KFO that an agreement can be reached, it also makes it clear that these discussions are still in progress with more work required to find a solution that works for both parties. Accordingly, there is no evidence or certainty that this condition has been, or will be, met.

Section 32 Evaluation of Urban Zoning Options

502. To assist in providing an overall evaluation of the KFO proposal in accordance with section 32 of the RMA, Appendix 5 provides a summary evaluation of the following three reasonably practicable options for urban zoning in Kerikeri-Waipapa:

- a) Option 1 – the package of PDP-R recommendations by Ms Trinder (described in more detail in section 3 of this report).
- b) Option 2 – the KFO proposal.

¹⁰⁸ Paragraph 18 to 24 of evidence.

c) Option 3 – the KFO proposal and Option 1.

503. The evaluation of these options includes:

- a) An assessment of the benefits and costs of the environment, economic, social and cultural effects anticipated from the rezoning.
- b) An assessment of the risks of acting or not acting if there is uncertain or insufficient information on the rezoning request.

504. This evaluation highlights a range of benefits, costs and risks of the three options, drawing on the relevant expert evidence and analysis of submissions above. However, in summary, it highlights that the anticipated environment, economic, social and cultural costs of the KFO proposal as standalone option (Option 2) are expected to be significantly greater than the anticipated benefits. Further, the risks of acting through the KFO proposal due to insufficient and uncertain information are collectively expected to be significant.

505. Enabling the KFO proposed with the PDP-R recommendations (Option 3) is assessed as having less costs and risks compared to Option 2. However, the key risk with Option 3 is that over-zoning greenfield capacity inherently negates some of the efficiency and effectively benefits of Option 1, particularly with respect to the creation of a compact urban form and the range of environmental, economic and social benefits associated with this. It also presents a range of other risks in terms of infrastructure delivery and enabling large-scale urban development with a number of key unsolved issues and critical information gaps. Accordingly, Option 1 (PDP-R as it applies to Kerikeri-Waipapa) is the preferred option for urban growth within Kerikeri-Waipapa for the reasons set out in Appendix 5 and throughout this section 42A report.

Recommendation

506. For the reasons outlined throughout section 5.3 of this report, I recommend that submission points S554.002, S554.003, S554.048 and S554.049 from KFO are rejected.

Section 32AA Evaluation

507. I am not recommending any amendments to the PDP in response to submissions from KFO requesting rezoning of the Site for urban development. Accordingly, no further evaluation is required under section 32AA of the RMA.

6 Conclusion

508. This report has provided an assessment of submissions received in relation to rezoning requests relevant to Hearing 15D Rezoning – Kerikeri/Waipapa Spatial plan area.

Section 5.2 Sarah Trinder

509. The primary amendments that I have recommended are:

- a) Amend zoning of parts of General Residential zone (as notified) to Medium Density Residential Zone.
- b) Amend zoning of parts of Mixed use zone (as notified) to Town Centre Zone.
- c) Amend the zoning of 23 Aranga Road, Kerikeri to General Residential zone.
- d) Amend the zoning of the 7.7ha Turnstone sites from General Residential to Mixed Use Zone.
- e) Amend the zoning of Pt Lot 1 DP 37646, Landing Road to Sport and Active recreation.

Section 5.3 Jerome Wyeth

510. I have undertaken an evaluation of the KFO proposal in accordance with the relevant statutory considerations, informed by a range of technical assessments and evidence. In summary, I do not recommend the Site is zoned for urban development through the PDP for the following reasons:

- a) The economic evidence and updated assessment of development capacity demonstrates that the PDP-R (with the recommendations from Ms Trinder outlined above) will provide sufficient development capacity (with "competitive margins") to meet expected demand for housing and business land in Kerikeri-Waipapa over the short, medium and long-term in accordance with the NPS-UD. Accordingly, I do not agree with KFO evidence that rezoning the land for urban development is required through the PDP to meet the sufficient development capacity requirements in the NPS-UD or to achieve competitive land and development markets.
- b) Urban zoning the Site in addition to the recommended amendments in the PDP-R will undermine intensification efforts and the broader strategic direction set through the recently adopted Spatial Plan. More specifically, this would result in over-zoning of plan-enabled greenfield capacity, which is likely to undermine the range of economic benefits associated with a more compact urban form.
- c) In my view, there are a range of uncertainties associated with the KFO proposal, which means it is unclear whether the land is, or can be, suitable for urban development. There is a general assumption within the KFO evidence that these issues and uncertainties can be addressed through future consenting processes. However, in my view, there are some critical issues and information gaps that need to be addressed at the rezoning stage. These issues and information gaps are detailed throughout this report and primarily relate to ecology, flood hazards, infrastructure, transport and urban design. Collectively, I consider that these uncertainties mean the risk of acting by rezoning the KFO Site for urban development are potentially significant.
- d) Leaving aside these uncertainties, the KFO proposal is expected to result in a range of adverse effects, particularly from an urban design and transport perspective. These adverse effects are anticipated to arise due to a range of

factors, in particular the lack of connectivity to Kerikeri and Waipapa (unsecured access and topographical constraints), creating a high-risk of a poorly connected, car reliant suburb that detracts from the vitality and functioning of Kerikeri and Waipapa.

- e) While the proposed flood mitigation may be feasible, there are several unresolved critical information gaps that are necessary to address at the rezoning stage. These include issues relating to potential use of bunds or stop banks, level of service, residual risk, downstream effects, effects on natural wetlands and design implications, and the funding and maintenance of the proposed flood mitigation scheme. Further, in my view, there is a more fundamental question of whether this scale of urban development should be enabled within a Site with inherent flooding risks when there are feasible options to provide development capacity on land that is not subject to such extensive flood hazard risks.
- f) There are no specific details or commitments to demonstrate how the infrastructure needed for the Site will be staged, funded or delivered. Without such commitments in place, this creates a significant financial risk to Council and is likely to be much less efficient in terms of infrastructure delivery for the future growth of Kerikeri-Waipapa compared the sustainable, compact urban form sought through the Spatial Plan and supported by the PDP-R recommendations.
- g) The proposed provisions in the Precinct Chapter and Precinct Plan have a range of shortcomings. Put simply, in my opinion, the proposed provisions and associated Precinct Plan lack the necessary certainty and precision for an urban development proposal of this scale and exacerbate the risks and potential adverse effects associated with the KFO proposal.
- h) While the KFO proposal aligns with certain provisions in some higher order documents, in my view it is inconsistent and potentially contrary to key provisions in higher order documents. In particular, in my view, the KFO proposal does not meet the statutory tests in the NPS-HPL for urban zoning on highly productive land and does not give effect to provisions in the NPS-UD relating to well-functioning urban environments and intensification in appropriate locations. It is also unclear whether the KFO proposal can be consistent with the provisions in the NPS-FM and NES-F relating to natural inland wetlands and the RPS provisions relating to natural hazards.
- i) Lastly, I have undertaken an evaluation of high-level options for urban zoning in Kerikeri-Waipapa in accordance with section 32 of the RMA in collaboration with Ms Trinder. This evaluation confirms that the KFO proposal (with or without the PDP-R recommendations of Ms Trinder) is not the most appropriate option and the risks of acting due to uncertain and insufficient information are high.

511. Section 5.2 -5.3 considers and provides recommendations on the decisions requested in submissions. I consider that the submissions relating to rezoning

requests in Hearing 15D should be accepted, accepted in part, or rejected, as set out in Appendix 1 and 2 and my recommendations of this report.

512. I consider that the amendments recommended to zoning of the PDP will be efficient and effective in achieving the purpose of the RMA, the relevant objectives of the PDP and other relevant statutory documents, for the reasons set out in the Section 32AA evaluations undertaken.

Recommended by: Sarah Trinder, Senior Policy Planner, Far North District Council.

Recommended by: Jerome Wyeth, Technical Director – Planning, SLR Consulting.

A handwritten signature in blue ink, appearing to be "J. Wyeth", written over a faint, light blue circular stamp.

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

Date: 10th September 2025