

BEFORE THE INDEPENDENT HEARING PANEL

UNDER the Resource Management Act 1991 ("RMA")

IN THE MATTER OF Proposed Far North District Plan ("PDP")

STATEMENT OF EVIDENCE OF MELISSA MCGRATH ON BEHALF OF AUDREY CAMPBELL-FREAR

PLANNING REBUTTAL (HEARING 15D – REZONING KERIKERI-WAIPAPA TOPIC)

24 SEPTEMBER 2025

1. SUMMARY OF EVIDENCE

- 1.1 This rebuttal evidence has been prepared on behalf of Ms Audrey Campbell-Frear as it relates to her submission and further submissions on Far North District Council's ("Council") PDP with regard to Hearing Streams 15C and 15D.
- 1.2 This rebuttal evidence has been prepared in response to the Council Section 42A Reports prepared for Hearing Streams 15C and 15D.
- 1.3 In my opinion, the following zoning is the most appropriate way to achieve objectives of the PDP, being more efficient and effective, with less costs and more benefits, than the proposed Horticulture Zone or section 42A recommended Horticulture Precinct over Rural Production Zone ("RPROZ"):
 - (a) Zoning of Location 1 as Rural Residential Zone ("RRZ").
 - (b) Zoning of Locations 2 and 3 as Mixed Use Zone ("MUZ") with a precinct.

2. INTRODUCTION

- 2.1 My full name is Melissa Ivy McGrath. I am a Senior Associate with Barker & Associates, a planning and urban design consultancy with offices across New Zealand. My qualifications, experience and involvement with Ms Campbell-Frear's submission are detailed in section 2 of my primary evidence.

Scope of Evidence

2.2 The matters addressed in my rebuttal evidence are within the scope of the submission and further submissions made by Ms Campbell-Frear.

2.3 My rebuttal evidence addresses the following topics:

- (a) Horticulture Precinct.
- (b) Te Pātukurea – Kerikeri Waipapa Spatial Plan ('KKWSP').
- (c) National Policy Statement for Highly Productive Land ("NPS-HPL").
- (d) Rural Residential Zone (Location 1 zoning).
- (e) Mixed Use Zone (Locations 2 and 3 zoning).

3. HORTICULTURE PRECINCT

3.1 The areas of disagreement between the Reporting Officer and myself with respect to the appropriateness/need for a Horticulture Zone/Precinct remain. The Reporting Officer has maintained their position that the Horticulture Zone/Precinct was not designed as a tool to give effect to the NPS-HPL, recommending including some Class 4 soils within the Horticulture Precinct. I continue to remain opposed to this as detailed in previous evidence statements.

3.2 The Reporting Officer has described their high level approach to considering the spatial extent of the Horticulture Precinct, starting with soil analysis (completed by Dr Hill) as a core component along with factors set out in PREC1-P1, the inclusion of a fringe area of land as a buffer and establishing defensible boundaries and a spatially cohesive precinct.

3.3 I note that PREC1-P1 has different spatial criteria to that of the Council pre-notification s32 for the Horticulture Zone. The Reporting Officer has not taken the notified zone criteria into consideration. I have comprehensively addressed zone criteria as specifically relevant to the relief sought in my evidence for Hearing 9. If the Hearing Panel determines that a Horticulture Precinct is appropriate, in my opinion equal weight should be applied to the zone/policy criteria.

3.4 The Reporting Officer has made no comment or consideration to the reality of access to water to support horticultural activities (PREC1-P1 a. ii.). I reiterate that sites less than 2ha in land area cannot connect to the Kerikeri Irrigation scheme. As such the

land requested to be rezoned in the relief sought cannot access irrigation water and will fail to meet these criteria.

- 3.5 Mr Hanmore has undertaken site specific and more fine-grained analysis of soils within Locations 1 – 3¹, Council have not acknowledged this information. Given Dr Hill's acknowledgement of the limitations of large scale mapping, I rely on the analysis of Mr Hanmore.
- 3.6 If the Hearing Panel determines that a Horticulture Precinct is appropriate, in my opinion it should not be applied to Locations 1, 2 and 3.

4. TE PĀTUKUREA – KERIKERI WAIPAPA SPATIAL PLAN

- 4.1 The Reporting Officer² has provided an explanation of how much weight has been applied to the consideration of zoning requests against the KKWSP. Whilst I agree that the KKWSP, as a non-statutory strategy, is another matter that council may have regard to, in my opinion the Reporting Officer has placed too much weight on it, effectively treating it as a veto to reject relief sought.
- 4.2 In this instance the Reporting Officer considers that the *"KKWSP is an adopted strategy which 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")"*. In my opinion this statement is misleading. The NPS-UD specifies preparation requirements and tests for Future Development Strategies ("FDS")³ and the KKWSP has not been prepared in accordance with these requirements and is therefore not a FDS for the purposes of implementing the NPS-UD. A FDS prepared under the NPS-UD must spatially identify the **broad locations**⁴ in which development capacity can be provided. Councils are still obliged to review a plan or undertake plan changes following Schedule 1 of the RMA process, including appropriate section 32 evaluation

¹ Evidence of Mr Foy, Appendix 1.

² There are multiple Hearing Reporting Officers across Hearings 15C and 15D, for the purposes of this evidence I refer to the Officer relevant to the topic.

³ NPS-UD Subpart 4.

⁴ NPS-UD Subpart 4, 3.13

when considering rezoning, and the NPS-UD requires tier 1 and 2 local authorities to **have regard to** the relevant FDS when preparing or changing RMA documents⁵.

- 4.3 As a Tier 3 authority, FNDC has no obligation to prepare a FDS nor is required to have regard to an FDS. FNDC is required under the NPS-UD to assess the demand for housing and business land in urban environments and must provide **at least** sufficient development capacity to meet expected demand for housing and business land⁶. Mr Foy has reviewed the FNDC Housing and Business Development Capacity Assessment ("HBDCA"), concluding in his primary evidence that there is insufficient capacity within the Kerikeri Waipapa Area. Rezoning Locations 1, 2 and 3 clearly contributes to this capacity shortfall.
- 4.4 The Reporting Officer has placed emphasis on the core outcome sought by the KKWSP *"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 KKWSP"*⁷. In my opinion this outcome can be achieved through the relief sought for reasons detailed in my primary evidence.
- 4.5 In my opinion the land requested to be rezoned is not 'greenfield land', which is land that has never been previously developed or built upon. Location 1 contains a single vacant allotment surrounded by residential development. Of the 14 allotments sought to be rezoned RRZ, 11 allotments contain existing residential units. Locations 2 and 3 have a high level of existing mixed use development.
- 4.6 In my opinion the KKWSP urban boundary fails to recognise the existing urban development extending along Kerikeri Road.

5. NATIONAL POLICY STATEMENT FOR HIGHLY PRODUCTIVE LAND

- 5.1 I note agreement from the Reporting Planner that clause 3.7 of the NPS-HPL does not apply to the RRZ and the appropriate assessment is against clause 3.6 (as undertaken in Mr Foy's and my evidence).

⁵ NPS-UD Subpart 4, 3.17

⁶ NPS-UD Subpart 1, 3.2 and 3.3.

⁷ Hearing 15C S42A Report, paragraph 59.

- 5.2 Reporting Officers have recommended rezoning within the Kerikeri-Waipapa area labelling this as “Proposed District Plan – Recommendations Version package” (“PDP-R”). The Council economic evidence of Mr McIlrath concludes that the relief sought fails to meet NPS-HPL clause 3.6 due to the lack of need for additional residential capacity relying upon the PDP-R being a foregone conclusion, rather than objectively assessing the relief sought.
- 5.3 Mr Foy has addressed this issue in his rebuttal evidence. I continue to rely upon Mr Foy’s evidence, concluding that the proposed relief sought will meet the NPS-HPL.

6. RURAL RESIDENTIAL ZONING (LOCATION 1)

- 6.1 The Reporting Officer⁸ has recommended rejection of the relief sought to zone the area identified as Location 1 in my primary evidence to RRZ. I summarise their reasoning as follows:
- (a) Zoning additional RRZ land in Location 1 would signal that the intention is for the urban area of Kerikeri to expand further over time, which is inconsistent with the growth objectives of KKWSP.
 - (b) Existing land uses and subdivision pattern within Location 1 are consistent with the purpose of RRZ but this is not sufficient justification for releasing more land.
 - (c) Zoning additional RRZ land would allow for intensification of properties within Location 1, increasing reverse sensitivity pressure on remaining horticulture blocks.
 - (d) Lack of transport evidence, direct impacts on Kerikeri Road and that further consideration is required of the cumulative impact of additional trips on the network.
 - (e) Allows further fragmentation and/or establishment of sensitive activities to occur and spread toward land currently in horticulture production.
- 6.2 I have previously discussed KKWSP in this evidence, I address the remaining matters further below.

⁸ There are multiple Hearing Reporting Officers across Hearings 15C and 15D, for the purposes of this evidence I refer to the Officer relevant to the topic.

- 6.3 Two sites within Location 1 contain existing horticultural activities, these activities are surrounded by existing sensitive residential activities. Residential activities form part of the existing environment, and the requested zoning will not worsen the current situation. Land use incompatibility exists and potential reverse sensitivity effects to the existing horticulture activities within Location 1 are already occurring. Mr Hanmore has confirmed that land based primary production within this location is likely to be unviable due to the existing residential units and reverse sensitivity issues⁹. Dr Hill has focused his methodology upon the requirements of key Northland crops such as kiwifruit, avocado and citrus¹⁰, I am informed by Ms Campbell-Frear, that spraying of kiwifruit (with HiCane for example) requires a 50m buffer from the nearest public or residential buildings. In Ms Campbell-Frear's case, her property has a width of 90m, with residential units at both eastern and western boundaries, as such she is unable to achieve required buffers. It is not possible for existing horticultural activities located within Location 1 to be commercially viable and operate effectively within the existing environment.
- 6.4 Zoning of Location 1 to RRZ would enable the development of a maximum of 26 additional allotments in accordance with the minimum lot size of 4,000m² as a controlled activity¹¹. I remain of the opinion that this level of intensification is entirely appropriate and does not represent urban sprawl.
- 6.5 The nearest existing horticulture activity in proximity to the recommended boundary of Location 1 is approximately 170m to the west. I note this separation far exceeds the new sensitive activity setback rule of 20m between sensitive activities and the boundary of the Horticulture Precinct recommended by the Hearing 15C Reporting Planner.
- 6.6 In response to the Hearing Officer's recommendation to reject relief sought due to lack of transport evidence. Mr Hills has provided rebuttal evidence, which I rely upon. Mr Hills has concluded that the magnitude of traffic increase is unlikely to noticeably alter

⁹ Mr Foy's Primary Evidence – Appendix 1.

¹⁰ Dr Hill's Primary Evidence, page 37.

¹¹ Without taking into area necessary to account for site specific constraints, shape and access.

the performance of any one intersection or road link on Kerikeri Road and thus the zoning is appropriate from a transportation point of view.

- 6.7 For these reasons, I maintain my view that that RRZ is the most appropriate zone for Location 1.

7. MIXED USE ZONING WITH A PRECINCT (LOCATIONS 2 AND 3)

- 7.1 The Reporting Officer¹² has recommended rejection of the relief sought to zone the areas identified as Location 2 and 3 in my primary evidence to MUZ with a Precinct. I summarise their reasoning as follows:

- a. The Hearing 15C s42A Hearing Report determined the most appropriate zone for land referred to in the submission to be a Rural Production Zone (“RPROZ”) with a Horticulture Precinct.
- b. Economic effects, separation from main business locations of Kerikeri-Waipapa, outside the Kerikeri-Waipapa urban core, size, scale and fragmented ownership do not support viable commercial zoning, reducing feasibility of co-ordinated development.
- c. Sites currently support rural and tourism-related activities enabled by consents, compatible with the RPROZ.
- d. Lack of reticulated infrastructure.
- e. The PDP-R already enables sufficient commercial and mixed-use capacity within Kerikeri-Waipapa and zoning Redwoods or Packhouse to MUZ would not meet the NPS-HPL tests.

- 7.2 I have addressed the KKWSP and NPS-HPL previously in my evidence and address the remaining matters further below.

- 7.3 The Hearing 15C Report assesses the spatial extent of the Horticulture Precinct and Section 4.3.4 of the Hearing Report considers the request to zone Location 1 to Rural

¹² There are multiple Hearing Reporting Officers across Hearings 15C and 15D, for the purposes of this evidence I refer to the Officer relevant to the topic.

Residential Zone. No analysis has been undertaken by the Council to determine that RPROZ is the most appropriate zone for Locations 2 and 3.

- 7.4 The Reporting Planner has stated that the ‘urban core’ of Kerikeri-Waipapa is a strategic growth area identified in the PDP, and the zoning sought is outside the core. From my reading of the PDP, it does not identify any strategic growth areas, nor does it identify an urban core. The only objective I can find with reference to urban growth and consolidation is proposed objective SD-UFD-O2, which I have addressed in my primary evidence and conclude that the relief sought will give effect to this policy.
- 7.5 Mr Foy in his rebuttal evidence has also addressed this issue, I agree with his conclusion that these two nodes (locations) “*stand out as locally important business aggregations that are substantial enough to warrant the PDP recognising their existence, and enabling the ongoing operation of business activities in them*”. Mr Foy disagrees with the Hearing Officers¹³ position that the nodes (locations) do not have the type of locational attributes that support well-functioning urban environments.
- 7.6 The Reporting Officer has concluded based upon a selective list of existing activities within Locations 2 and 3, that existing activities are tourism and rural related activities compatible with the RPROZ. This statement is incorrect. Mr Foy in his primary evidence provided a detailed map of all of the existing activities occurring within Location 2, I have provided this again for clarity in figure 1 below.

¹³ With reliance upon Mr McIlrath.

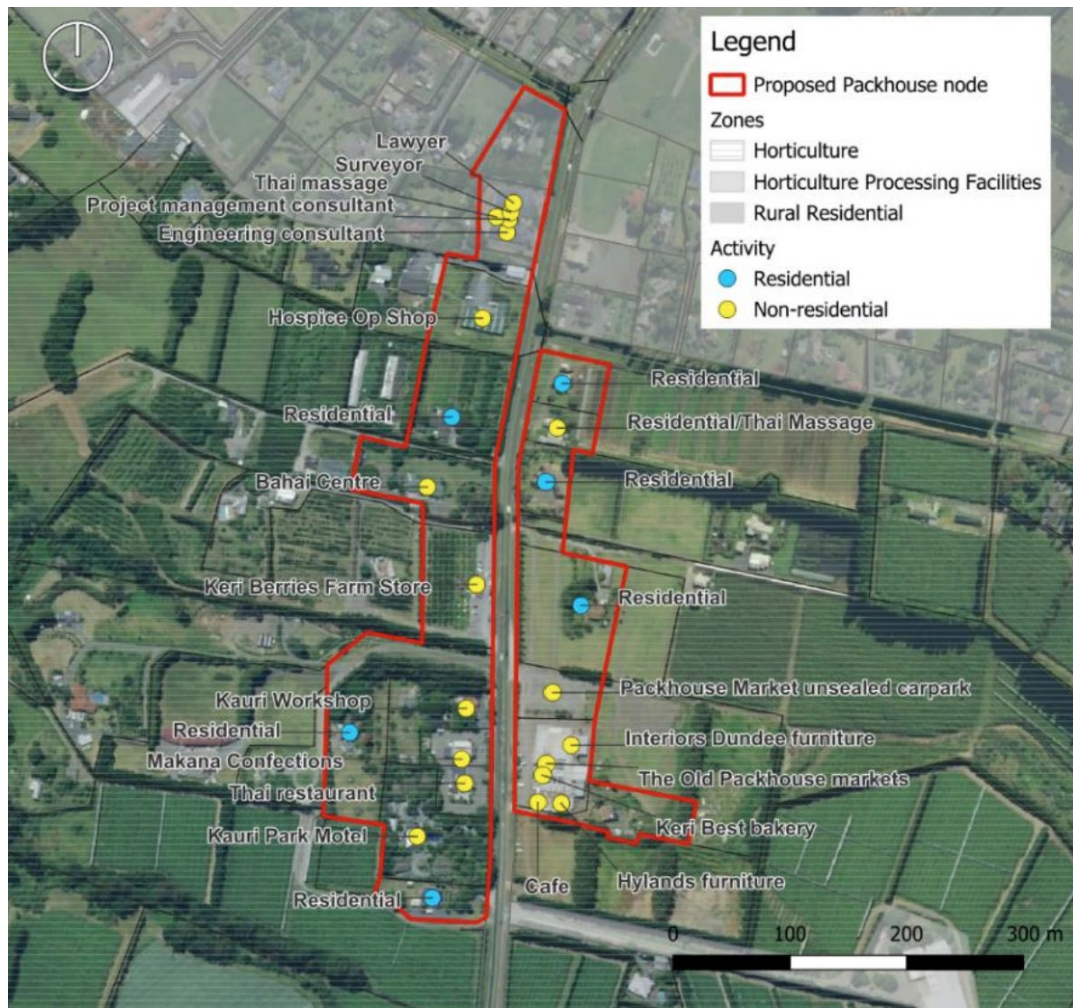


Figure 1: Existing activities within Location 2

- 7.7 The RPROZ (as notified) does not provide for the expansion of existing or for new commercial activities as a permitted activity. Rural tourism activities¹⁴ are a restricted discretionary activity¹⁵ and commercial activities are a non-complying activity¹⁶. Applicants will be faced with policies RPROZ-P4 and RPROZ-P5 which avoid land use that is incompatible, does not have functional need, does not maintain rural character. Locations 2 and 3 are not compatible with the RPROZ. I agree with Mr Foy, zoning

¹⁴ Defined as rural produce retail, rural production manufacturing, visitor accommodation and home business.

¹⁵ RPROZ-R22.

¹⁶ RPROZ-R33.

this land RPROZ/Horticulture Precinct will result in increased compliance costs and limited flexibility, resulting in inefficient use of land and resources.

- 7.8 The Reporting Officer has stated that they do not understand the concept of 'honest or dishonest' zoning. Dishonest zoning is a practice where zones are allocated in a way that appears to support certain outcomes, but in practice, the rules or overlays are inconsistent with the underlying pattern of development and make those outcomes impossible or highly unlikely. Continuing to use old zoning patterns that no longer reflect the needs or realities of the community, simply because it is administratively easier, can also be criticized as dishonest. In my opinion dishonest zoning directly applies to the costs and benefits, efficiency and effectiveness considerations within a section 32 evaluation.

In my opinion zoning Locations 2 and 3 RPROZ/HZ is dishonest zoning because it does not adequately reflect the existing pattern of development previously consented by the Council.

- 7.9 I accept that Locations 2 and 3 are not serviced via reticulated infrastructure. However, the proposed MUZ (as notified) is not spatially limited to locations with reticulated services, in fact, proposed provisions include provision for onsite servicing¹⁷. I do not consider this matter to be determinative, furthermore, development and growth can be an impetus to drive infrastructure upgrades.
- 7.10 The Reporting Officer has provided no acknowledgement of my proposed Kerikeri Mixed Use precinct provisions.
- 7.11 I also note that the Reporting Officer has not raised potential transportation effects as a justification to reject the MUZ relief sought. Mr Hills in his rebuttal evidence has turned his mind to the potential transport effects of zoning Location 2.¹⁸ Whilst he concludes that TRAN-R5 Trip Generation is sufficient to address general transportation effects from individual activities it does not manage potential cumulative effects associated with development within Location 2 of the proposed Precinct on Kerikeri Road. To ensure that potential cumulative transport effects are managed I

¹⁷ MUZ-O3, MUZ-P1, MUZ-P2(c) and SUB-S1.

¹⁸ Location 3 at the Redwoods is already extensively developed, has a recent resource consent for additional activities, and is located on SH10 and therefore any future development will require consultation with NZTA.

recommend an additional rule in my proposed MUZ precinct as detailed in Attachment 1 to this statement. My detailed s32 AA evaluation provided in my original statement of evidence remains appropriate and unchanged; I consider from a s32AA perspective that the additional transport provision will improve the efficiency and effectiveness of the precinct provisions for the reasons set out in Mr Hills' rebuttal evidence.

8. CONCLUSION

- 8.1 In conclusion, I continue to support the primary relief sought by Ms Campbell-Frear. in my opinion, the proposed Horticulture Precinct over RPROZ zoning is not the most appropriate mechanism to achieve the appropriate objectives, nor does it fully align with Part 2 of the Act.
- 8.2 Overall, it is my opinion that the following zoning is the most appropriate way to achieve objectives of the PDP, being more efficient and effective, with less costs and more benefits, than the proposed Horticulture Precinct over RPROZ:
 - (a) Zoning of Location 1 as RRZ.
 - (b) Zoning of Locations 2 and 3 as MUZ with a precinct.
- 8.3 I have recommended Kerikeri Mixed Use Precinct provisions included in Attachment 1 to this evidence, with amendments since my primary evidence in response to Mr Hills' rebuttal evidence.
- 8.4 For the reasons set out in this statement of evidence and attachments, I consider that the locations identified in this evidence should be zoned as RRZ and MUZ with a Precinct.

Melissa McGrath

Date: 24 September 2025

LIST OF ABBREVIATIONS USED IN THIS STATEMENT OF EVIDENCE:

Council/FNDC	Far North District Council
RMA	Resource Management Act 1991
S32	Section 32 of the RMA / Council's Section 32 Evaluation Report
S42A	Section 42A of the RMA / Council's Section 42A Report
PDP	Far North Proposed District Plan
RRZ	Rural Residential Zone
RPROZ	Rural Production Zone
HZ	Horticulture Zone
NPS-HPL	National Policy Statement for Highly Productive Land
NPS-UD	National Policy Statement on Urban Development
HBDC	FNDC Housing and Business Development Capacity Assessment 2024
FDS	Future Development Strategy (under NPS-UD)
KKWSP	Te Pātukurea – Kerikeri Waipapa Spatial Plan
MUZ	Mixed Use Zone

Appendix 1 Kerikeri Mixed Use Precinct Provisions

Kerikeri Mixed Use Precinct

Overview

The Kerikeri Mixed Use Precinct applies to land with existing agglomerations of commercial activities along Kerikeri Road and the Redwoods Area at State Highway 15. The Kerikeri Mixed Use Precinct provides for commercial activities, community activities and residential activities. The Kerikeri Mixed Use Precinct provisions enable existing commercial activities and provide for new commercial activities whilst recognising the prominent road frontage of Kerikeri Road and State Highway 15.

The objectives, policies, rules and standards of the underlying Mixed Use zone apply in addition to any relevant provisions of the Kerikeri Mixed Use precinct, except that:

- a. Objectives MUZ-O3 and MUZ-O5 do not apply;
- b. Policies MUZ-P1 and MUZ-P5 do not apply;
- c. All Kerikeri Mixed Use Precinct rules with the same activity description prevail over the equivalent Mixed Use Zone rules; and
- d. All Mixed Use zone standards apply to the Kerikeri Mixed Use Precinct, with the exception of:
 - i. MUZ-S1
 - ii. MUZ-S5
 - iii. MUZ-S6

Objectives

O1 Recognise and provide for mixed-use development, including commercial activities, visitor accommodation and residential activities within the Kerikeri Mixed Use Precinct.

Policies

P1 Enable a range of commercial and residential activities in the Kerikeri Mixed Use Precinct where those activities:

- a. Improve community access to goods, services, and provides opportunities for social interaction.
- b. Manage adverse effects on the environment.
- c. Create high levels of internal amenity through good quality urban design.

P2 Provide for residential and visitor accommodation activities within the Kerikeri Mixed Use precinct where they are compatible with commercial activities in the Kerikeri Mixed Use precinct.

P3 Restrict activities that are likely to have an adverse effect on the function, role, sense of place and amenity of the Kerikeri Mixed Use precinct including:

- a. heavy industrial activity;

- b. storage and warehousing;
- c. large format retail activity ; and
- d. waste management activity.

Rules

R1 Commercial Activity

Activity Status: Permitted

Where:

PER-1

The activity is not a service station, supermarket, or large format retail.

PER-2

Any office activity does not exceed 200m² in GFA within any site.

PRE-3

Any activity, other than office activity does not exceed 400m² in GFA within any site.

Activity status where compliance is not achieved: Discretionary.

R2 Residential Activity

Activity Status: Permitted

Where:

PER-1

The number of residential units does not exceed one within any site.

PER-2

The residential unit complies with standards:

- a. PER-S2
- b. NOISE-S5 Noise insulation.

Activity status where compliance is not achieved: Discretionary.

R3 Visitor Accommodation

Activity Status: Permitted

Where:

PER-1

No more than 12 tariff-paid visitors are staying on-site at any one time within any site.

PER-2

No more than 2 accommodation units per 500m² are constructed or operated within any site.

PER-3

Each accommodation unit provides an outdoor living court of at least 4m² and at least 1.5m depth.

PER-4

The accommodation unit complies with the NOISE-S5 Noise insulation standard.

Activity status where compliance is not achieved: Discretionary.

R4 Healthcare activity

Activity Status: Permitted

Where:

PER-1 The activity does not exceed 400m² in GFA within any site.

Activity status where compliance is not achieved: Discretionary

R5 Community facility

Activity status: Discretionary

R6 Emergency service facility

Activity status: Discretionary

R7 Trip Generation

Activity status: Permitted

Where:

PER-1

a. Any Activity proposed under rules R1 – R6 shall comply with TRAN-R5 and

b. The cumulative GFA of all commercial, visitor accommodation and healthcare facilities which access Kerikeri Road does not exceed a threshold 8,500m² within the Precinct.

Activity status where compliance is not achieved: Restricted Discretionary

Matters of discretion:

1. Those matters listed in TRAN-R5.
2. Effects on the sustainability, safety, efficiency, effectiveness and accessibility of the immediately adjacent transport network, including cumulative effects from incremental changes to the activity on the [site](#) or [sites](#) within the Precinct.

Standards

PER-S1 Maximum Height

The maximum height of any building or of a building or structure, or extension or alteration to an existing building or structure, is 12m above ground level.

Where the standard is not met, matters of discretion are restricted to:

- a. the character and amenity of the surrounding area;
- b. dominance in relation to the road and adjoining sites;
- c. loss of privacy to adjoining sites, including potential loss in relation to vacant sites;
- d. shading and loss of access to sunlight to adjoining sites;
- e. landscaping; and
- f. natural hazard mitigation and site constraints.

PER-S2 Residential Unit Minimum Internal Floor Area

The minimum net internal floor area, excluding outdoor living space, of a residential unit shall be:

1. 1 bedroom = 45m²
2. 2 bedroom = 62m²
3. 3 bedroom = 82m²