



SECTION 42A REPORT

Officer's written right of reply 15 December 2025

Hearing 15D – Rezoning

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Appendix 1: Officer's Recommended Amendments (TCZ)

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1 Introduction

1.1 Background

1. My full name is Sarah Trinder and I am the writer of the original Section 42A Report for Hearing 15D for all submission except Kiwi Fresh Orange Company of which Jerome Wyeth was the author. These were considered at Hearing 15D, held the week commencing 6th October 2025.
2. For completeness Ms Melissa Pearson has provided her response to the submission points from Ms Audrey Campbell-Frear in the below section.
3. In the interests of succinctness, I do not repeat the information contained in Section 2.1 of the Section 42A report and request that the Hearings Panel ("the Panel") take this as read.

2 Purpose of Report

4. The purpose of this report is to respond to the evidence and statements of submitters and further submitters that was pre-circulated and presented at Hearing 15D.

3 Consideration of Evidence Received

5. I have only addressed those sections and evidence where I consider additional comment is required. I have grouped these matters into the following headings:
 - a) Development capacity provided for in the ODP, PDP, PDP-R and additional opportunities for rezoning
 - b) Issues raised with the PDP-R
 - c) Kiwi Fresh Orange Company Limited (Mr Wyeth)
 - d) McDonalds's Restaurants (NZ) Limited and Foodstuffs North Island Limited
 - e) Kerikeri community groups and Mr Kemp
 - f) Flood risk
 - g) Kerikeri Community Groups
 - h) Turnstone Trust Limited
 - i) Audrey Campbell-Frear
 - j) Redwood rezoning
 - k) LD Family Investments

6. For all other submissions not addressed in this report, I maintain my position set out in my original s42A Report.
7. **Appendix 2** provides an overview of the updated Recommended Decisions on Submissions of which there is none.

3.1 Development Capacity provided for in the ODP, PDP, PDP-R, additional options for upzoning land

3.1.1 Development Capacity

8. This section provides a recap of the S42A report and technical evidence to demonstrate sufficient development capacity as per the requirements in the National Policy Statement for Urban Development (NPS-UD).

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		

9. The collective recommendations for submissions in the Kerikeri Waipapa Spatial Plan Area – referred to as PDP-R, introduces a substantial uplift in development capacity compared to the notified PDP. This is largely provided by the inclusion of a Medium Density Residential Zone (MDRZ) and Town Centre Zone (TCZ) in Kerikeri. Under PDP-R, both plan-enabled and potential development capacity significantly exceed projected demand, ensuring compliance with the NPS-UD. This is outlined in the evidence of Mr Lindenberg and Mr McIlrath. Any long-term shortfall in detached dwellings is addressed through the Spatial Plan as provided for in the NPS-UD and set out in Mr Fishers response to Counsel of Kiwi Fresh Orange. Most additional greenfield opportunities are largely provided via Te Pātukurea, noting that there are significant existing areas of zoned Greenfield land yet to be developed. Supporting this growth, infrastructure planning is well aligned, with short-term readiness measures in place and medium to long-term upgrades scheduled to accommodate future demand.

3.1.2 Infrastructure Capacity

10. The PDP-R capacity is considered infrastructure-ready in the short term, with medium- and long-term readiness supported by planned upgrades and strategies (e.g., 2024–2027 Long Term Plan, Northland Waters CCO).

11. As per Mr Hensley Evidence Paragraph 5.19

"Importantly, these costs for the Spatial Plan's 'hybrid' Scenario D and E include the servicing of urban expansion to the north of Waipapa and the south of Kerikeri, which does not form part of the PDP-R at this stage. The PDP-R includes only the intensification component of the Spatial Plan's hybrid scenario, which is able to be supported and enabled in the short term by both existing capacity available within the public infrastructure network, as well as identified upgrades and improvements which are currently planned and funded through the 2024-2027 Long Term Plan."

3.1.3 Opportunities for Greenfield Development

12. The attached maps (Appendix 3) of Kerikeri provide a comprehensive visual overview of proposed zoning changes, existing land use, and the impact of recent submissions on the district planning process. Key parcels are highlighted in three colours:

- Blue - for operative residential zoned sites of one hectare or more that are either vacant or contain only a single dwelling and are not know to hold a resource consent for development.
- Orange - for a site that has been recommended to be rezoned General residential though the PDP-R recommendations package.
- Red - for rezoning requests made for other site through submissions that are aligned with the Kerikeri Waipapa Spatial plan direction of growth.

13. These maps act as a visual distinction to help clarify the spatial distribution of development opportunities and constraints within Kerikeri.

14. A number of specific sites are identified on the maps in, including properties along Hall Road, Kerikeri Road, Limelight Lane, Shepherd Road, Cobham Road, Hone Heke Road, Peacock Garden Drive, Fairy Pools Lane, and Fairway Drive. These sites represent significant opportunities for future residential development.

3.1.4 Recommendations for Additional Greenfield / Upzoning

15. As referred to above and in the maps in Appendix 3 within the scope of the submissions there are two significant submissions Along Kerikeri

road to the south that seek a General residential zoning. I have explored these in greater detail for the Panel.

Overview

Relevant Document	Relevant Section
Section 42A Report	Key Issue 5.2.12 From Paragraph 251
Lay Evidence in chief Mr Bridle	Whole document

Matters Raised at the Hearing

Mr Bridle

16. Mr Bridle prepared and presented a PowerPoint presentation in support of his original submission seeking The Ridge, Kerikeri to be rezoned from Rural Residential to General residential zone. In particular his key issues raised included:

- Alignment of the rezoning with the strategic direction
- Alignment with the actual land use activity in this location
- Claims around infrastructure readiness, a single dwelling on each of the lots is serviced by wastewater
- Zoning would be contiguous with adjoining General residential zoned land

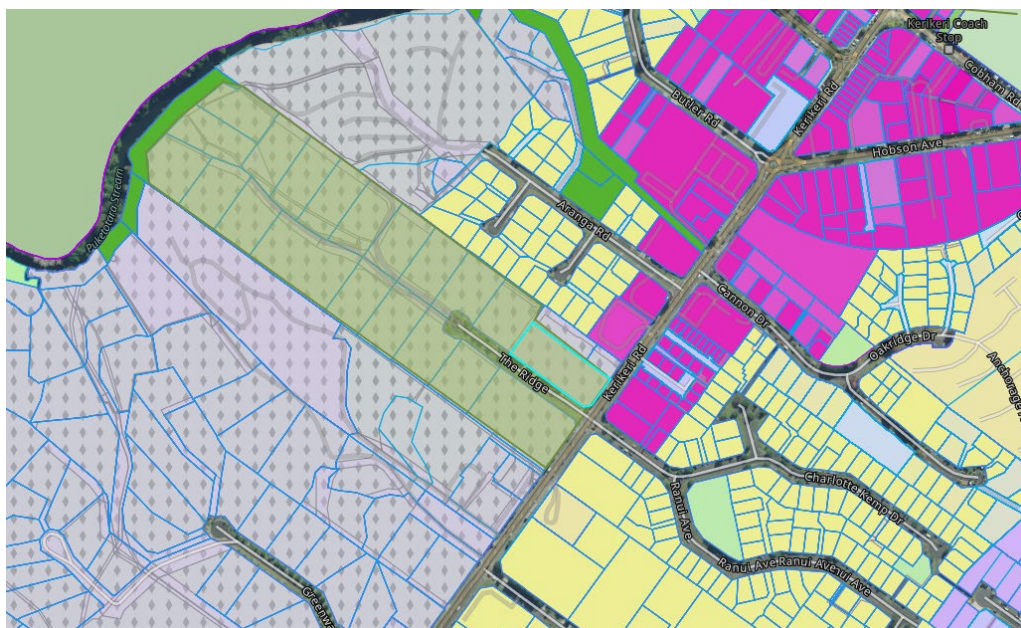


Figure 1: The Ridge, Kerikeri

17. Growth in this area follows the direction set out in the Kerikeri–Waipapa Spatial Plan. Development is constrained by the private road at the end of The Ridge, which currently services 19 lots averaging 4,000 m² in size. Properties with Kerikeri Road frontage include the Ridge Childcare Centre and Keri Gold Chalets. A separate submission seeks rezoning from Rural Residential to Mixed Use for properties at 316 Kerikeri Road. The Ridge adjoins urban-zoned land, including the recommended upzoning of 23 Aranga Road to General Residential Zone, supporting opportunities for integrated development.

Mr McClelland

18. Mr McClelland spoke to a hearing statement which built on his position in the Kerikeri Heights limited submission seeking General residential zoning for the property at 372 Kerikeri road, Kerikeri. In particular:
- a) The accessibility of the site to Kerikeri town
 - b) Location of the site directly opposite properties that have a General Residential zoning
 - c) The existing development infrastructure on the site.
19. As stated this is the direction of growth of the Kerikeri/ Waipapa spatial plan. High level infrastructure assessments were undertaken as part of this process indicating servicing in the medium to long term could be feasible and funded through the 3 waters CCO and development contributions.

3.2 Issues Raised with the PDP-R

3.2.1 Approach to Intensification

20. Both Mr Lindenberg and Ms Rennie provided commentary around this in the hearing verbal write of reply which is further provided in both their post hearing technical memos.
21. Ms. Rennie highlighted that the Spatial Plan promotes a consolidated urban form to reduce reliance on large-lot development, which has historically contributed to urban sprawl. She explained that the PDP-R package provides for intensification in and around the Kerikeri town centre through the introduction of a MDRZ and primarily detached housing within the GRZ. This approach is intended to enable the required residential capacity and gives effect to Tier 3 policy considerations under the National Policy Statement on Urban Development (NPS-UD), particularly Policies 1, 2, and 5, supporting a range of housing types, sizes, and locations without favouring one over another.
22. Mr. Lindenberg reinforced that the Council, as a Tier 3 local authority, must implement the key policy directions of the NPS-UD, specifically

Policies 1, 2, and 5, which require enabling intensification alongside a variety of site sizes and housing types. He noted that the ODP has traditionally relied on the General Residential Zone, which primarily enabled standalone dwellings on spacious sites, complemented by rural-residential lifestyle properties. In contrast, the PDP-R introduces new zones, including MDRZ and a TZ, to better provide for a range of dwelling types and densities. Mr. Lindenberg emphasized that zoning is an enablement tool, not a mechanism to compel development, and the PDP-R simply seeks to establish an appropriate framework to enable diverse living styles, types, and price points across the Kerikeri-Waipapa urban area.

3.2.2 PDP-R as a Package

23. The PDP-R is not a "scenario" or hypothetical growth option. Instead, it is a comprehensive package of officer recommendations developed in response to submissions, statutory requirements, and the evaluation criteria set by the Hearings Panel. The PDP-R brings together a coordinated set of zoning amendments and policy changes as an integrated response to the district's planning needs. The PDP-R is presented as a single, integrated set of recommendations for decision-making, rather than as one of several alternative scenarios. Mr Fischer further expands on this from a legal perspective in his legal closing statements in addition to the comments around the establishment of this package.

24. Mr. Neill raised concerns regarding the absence of urban design considerations in the PDP-R specifically for the MDRZ and the TCZ. In response, Ms. Rennie states:

"Urban design considerations have been integrated through evidence-based recommendations on zone boundaries, building heights, and additional rules such as Height in Relation to Boundary (HIRB) and Urban Design Assessments, that will assist in ensuring positive urban design outcomes within the existing urban context of the TCZ and MDRZ."

25. Ms. Rennie further notes that the Te Pātukurea Spatial Plan provides analysis of future changes to Kerikeri's built form arising from intensification, including medium-density development within walkable catchments. The Implementation Plan identifies future workstreams, including development of an Urban Design Framework and Structure Plans for Kerikeri and Waipapa, intended to guide urban change with targeted planning provisions and design guidelines. Greenfield areas will be addressed through a separate plan change, enabling comprehensive consideration of urban design issues such as housing diversity and choice.

3.2.3 Commercial Feasibility

26. Mr Thompson raised issues with the PDP-R package and housing typologies being misaligned with demand and questioned affordability. Mr McIlrath has addressed these critiques of the PDP-R scenario in his Right of reply memo. These include: The role of new dwellings to accommodate growth and further details around the development typologies.
27. In regard to the role of new dwelling to accommodate growth Mr McIlrath reiterates that Mr Thompson's analysis of the PDP-R assumes household growth will be met solely through new dwellings, focusing on affordability based on new-build prices. However, this overlooks market dynamics and lifecycle-driven demand patterns, where most households engage with existing stock through market churn. Sales data from Kerikeri shows that 89% of transactions since 2020 involved dwellings built before that year, with 40% of these in sub-\$900,000 bands, compared to only 18% of new builds in this range. New dwellings are concentrated in higher price bands (\$900,000–\$1.3m), making them less effective for affordability. Therefore, relying exclusively on new dwellings ignores the critical role of existing housing in meeting demand and providing more affordable options.
28. In relation to development typologies, Mr McIlrath states that although Kerikeri–Waipapa has historically favoured detached dwellings, affordability pressures and the capacity enabled by the PDP-R and Spatial Plan are expected to drive a gradual shift toward higher-density housing over the medium to long term, consistent with trends observed in Auckland. These provisions ensure adequate capacity across a range of typologies and locations to accommodate future growth and support a well-functioning urban environment. Restricting growth to detached dwellings would maintain the status quo and fail to address affordability challenges. This analysis reflects anticipated market responses and confirms the sufficiency of enabled capacity.

3.2.4 Giving Effect to the NPS-UD

29. Mr Lindenberg's evidence presented at Hearing 15D is robust in its forward-looking orientation. The mix of typologies—particularly the MDRZ and TCZ—reflects a deliberate strategy to intensify development in areas with the greatest potential for sustainable urban growth. This is not just about increasing density for its own sake, but about placing new homes and businesses where infrastructure, transport, and services can support them efficiently.
30. The emphasis on exceeding projected demand is significant: it shows a commitment to future-proofing the district, rather than simply reacting to current pressures. By aligning with the NPS-UD's requirements for plan-enabled and infrastructure-ready capacity, the

evidence demonstrates a proactive approach that should help avoid the pitfalls of under-provision and reactive, piecemeal planning.

31. The commentary also notes the importance of enabling a variety of housing types and responding to diverse community needs, including Māori cultural expression, accessibility, and climate resilience. This holistic view is essential for creating well-functioning urban environments that can adapt over time.

3.3 Kiwi Fresh Orange Limited (Mr Wyeth)

3.3.1 Introduction

32. This section provides a right of reply to the Kiwi Fresh Orange Limited (KFO) submissions requesting the rezoning of approximately 197ha of land between Kerikeri and Waipapa (the Site) from Rural Production Zone to urban zoning (the KFO proposal), which was considered at Hearing 15D held on Monday 6 October to Wednesday 8 October 2025.
33. Firstly, I note that the evidence in chief and rebuttal evidence from KFO has already been considered and addressed in detail through:
 - a) Section 5.3 of the Section 42A Report: Hearing 15D - Rezoning Submissions – Kerikeri-Waipapa (Section 42A Report) which I was the reporting officer for¹.
 - b) Original statements of evidence and summary statements for Hearing 15D from a range of experts on behalf of Far North District Council (FNDC)².
 - c) The reporting officer presentation, specifically slides 8-18 of the presentation where I addressed the KFO proposal and outstanding matters in contention³.
 - d) The verbal right of reply provided by me and Ms Trinder as reporting and the experts on behalf of FNDC at the conclusion of Hearing 15D on 8 October 2025⁴.
34. Accordingly, this right of reply only addresses matters where I consider that further comment is required and focusses on confirming my opinion and position on key issues as a result of evidence presented on

¹ Refer: [Microsoft Word - S42A Report Rezoning Kerikeri-Waipapa final](#)

² Covering spatial planning, urban design, flooding, finances and infrastructure, economics, transport, ecology, soils, infrastructure. Refer: [Hearing 15D - Rezoning Kerikeri-Waipapa | Far North District Council](#)

³ Refer: [Presentation-for-Hearing-15D.pdf](#)

⁴ Refer: [Proposed District Plan - Hearing 15D - Day 3 - Afternoon session \(08 Oct 2025\)](#)

the KFO proposal during Hearing 15D. Overview of evidence presented at Hearing 15D

35. KFO provided and presented extensive rebuttal evidence and legal submissions at Hearing 15B as set out on the Hearing 15D webpage. This includes rebuttal evidence covering economics, planning, corporate liaison and market, transport, urban design, rural productivity, infrastructure, flood mitigation, corporate and ecology issues..

3.3.2 Analysis and Recommendation

36. At paragraph 510 of the Section 42A Report, I outlined my key conclusions and reasons why I do not support the KFO proposal to rezone the Site for urban development through the PDP. This conclusion was referred to at certain points during Hearing 15D, including by Ms O'Conner when addressing the Hearing Panel. Accordingly, this right of reply follows a consistent format to confirm my position on the identified key issues following rebuttal evidence and the evidence presented at Hearing 15D on the KFO proposal.

Sufficiency of development capacity to meet expected

37. I acknowledge that there are differing views on the expected demand for housing in Kerikeri-Waipapa and the sufficiency of development capacity to meet that demand between the respective economic experts - Mr McIlrath on behalf of FNDC and Mr Thompson on behalf of KFO.
38. I therefore rely on the evidence of Mr McIlrath who, in my view, has provided a comprehensive analysis of the sufficiency of development capacity to meet expected demand for housing in Kerikeri-Waipapa on accordance with NPS-UD requirements through his original statement of evidence, summary statement for Hearing 15D, and post-hearing memo to inform this right of reply. Mr McIlrath concludes in this latter memo that:

"I remain of the view that the PDP-R and the Spatial Plan enable sufficient capacity to accommodate future growth. The sufficiency is across dwelling typologies and locations that will support the development community to respond to housing needs in a way that contributes towards a well-functioning urban environment.

Taking a view that future growth can only be accommodated through detached dwellings means that the status quo will remain, without addressing household affordability challenges.



I remain of the view that my analysis accurately reflects the anticipated development trends, potential market responses and the sufficiency situation.”⁵

39. In my view, this evidence demonstrates that the PDP-R (as described by Ms Trinder above) and the Spatial Plan together give effect to the requirements in the NPS-UD to provide at least sufficient development capacity to meet demand for housing over the short, medium and long-term⁶ while also achieving a well-functioning urban environment. I also agree with Mr McIlrath that continuing to rely on detached dwellings to meet demand is likely to result in the continuation of the status quo within Kerikeri-Waipapa with housing affordability challenges and inefficient growth patterns. Further, I note that the analysis of sufficient development capacity by Mr McIlrath is based on 90% of demand being met by detached dwellings and 10% of demand being attached dwellings. Therefore, in view, the statements made during Hearing 15D that the PDP-R is out-of-step with demand and forcing intensification are inaccurate and misleading.
40. Further, there are a range of options to meet long-term demand through future rezoning in response to development trends, uptake and demand, including through the greenfield areas identified in the Spatial Plan. In my view, the current uncertainties relating to “Plan Stop” and resource management reforms are highly unlikely to be a barrier to rezone additional greenfield land in the long-term if and when any shortfall in development capacity may be identified through ongoing and regular housing and business capacity assessments (as required by the NPS-UD and highly likely under the new system). Overall, I am satisfied that the PDP-R (as described by Ms Trinder above) and the Spatial Plan together give effect to the requirements in the NPS-UD to provide at least sufficient development capacity to meet demand for housing in Kerikeri-Waipapa over the short, medium and long-term⁷.
41. Another related point raised at Hearing 15D (where there is a material difference in the economic evidence of Mr McIlrath and Mr Thompson) relates to the price point at which residential dwellings may be able to be delivered by KFO. Specifically, Mr Thompson states in his summary statement for Hearing 15D that new standalone residential dwellings can be delivered at an estimate of \$670,000. Mr McIlrath was clear at Hearing 15D that he considers that this to be an unrealistic and misleading estimate and this is responded further in his post-hearing memo.

⁵ Memo from Mr McIlrath, paragraph 19 to 21.

⁶ Noting that Clause 3.4(1)(c) in the NPS-UD is clear that long-term **plan enabled** development includes land identified by a local authority for future urban use in a FDS or other relevant plan or strategy (i.e. the Spatial Plan).

⁷

42. This post-hearing memo illustrates how Mr Thompspon has selected lowest price options as a basis for this estimate, a wider sample will show markedly different price points, and the costs of development will need to factor in other costs such as infrastructure and flood mitigation. In summary, Mr McIlrath states:

"In my view, using a more appropriate context shows the true development costs and sales prices in other locations. The observed sales prices in Kerikeri over the past five years reveal similar pricing. The weighted average price point of new dwellings (< 5years old) was \$1.1m.

I remain of the view that Mr Thompson's sales price analysis is flawed and that his estimates of the realisable sales price for the KFO site are unrealistic. The true costs must reflect realities such as flood mitigation and roading infrastructure (e.g., bridges).'⁸

Undermining PDP-R and Spatial Plan intensification Efforts

43. None of the evidence presented at Hearing 15D has changed my position on this matter and I retain the view that rezoning the KFO Site for urban development through the PDP is likely to undermine the intensification and compact urban growth outcomes sought through the Spatial Plan. In my view, the economic evidence of Mr McIlrath and urban design evidence of Ms Rennie clearly support this conclusion.

Uncertainties with the KFO Proposal

44. I retain the view that there are a range of material uncertainties associated with the KFO proposal, which collectively mean:
- a. It is unclear whether the land is, or can be, suitable for urban development
 - b. It is unclear whether the KFO proposal will result in good urban development and environmental outcomes
 - c. There are significant uncertainties and risks rezoning the Site for urban development at this stage of the PDP process.
45. I accept that certain adverse effects can be assessed and managed through more detailed consenting processes. However, I retain the view that there are some critical issues and information gaps that need to be addressed at the rezoning stage, in particular:
- a. Flood hazards and proposed mitigation (discussed further below)

⁸ Paragraph 15-16, memo from Mr McIlrath.

- b. Unsecured and uncertain access from the Site into Kerikeri which is expected to result in some fundamental connectivity and urban design issues (discussed further below)
 - c. The funding and delivery of infrastructure (discussed further below).
46. Further, in my view, some of the statements at Hearing 15D by KFO experts only increased the uncertainty about the how the Site may/may not be developed in terms of staging (e.g. no details of any staged development of the Site with the exception of the traffic modelling thresholds), infrastructure delivery (e.g. proposal for on-site wastewater near the proposed access into Kerikeri) and urban development outcomes.
47. The uncertain urban development outcomes anticipated from the KFO proposal have been highlighted as a particular concern from an urban design perspective by Ms Rennie. More specifically, Ms Rennie has highlighted a disconnect between development outcomes indicated in the graphic illustrations provided by Mr Neil at Hearing 15D and the proposed provisions in the "Te Pae Wairoa Precinct" Chapter (Precinct Chapter) and Precinct Plan which provide no certainty of such development outcomes. More specifically, Ms Rennie states in her post-hearing memo that the proposed provisions in the Precinct Chapter:
- "...lack a place-based framework, thereby falling short in relation to 'sound place making' a key consideration highlighted by Mr Neill...*
- ... do not provide sufficient assurance of achieving good practice urban design outcomes...*
- fall well short of addressing key urban design principles, particularly in relation to built form, layout, connectivity, and land use."⁹*
48. On this basis, I retain my view that the collective uncertainties associated with the KFO proposal mean the risks of acting (i.e. rezoning the Site for urban development) are significantly greater than the risks of not-acting (particularly given that the PDP-R and Spatial Plan together provide sufficient development capacity to meet expected demand for housing) which is a key section 32 consideration (32(2)(c)) in my view.

Anticipated Adverse Effects from the KFO Proposal, including Connectivity

49. I retain the view that the KFO proposal is likely to result in a number of adverse effects, particularly from an urban design and transport perspective as detailed in evidence of Ms Rennie and Mr Collins.
50. In particular, it was confirmed at Hearing 15D that secured access into Kerikeri is critical from urban design and transport perspective with all

⁹ Paragraph 16, memo from Ms Rennie.

experts appearing to agree on this (notwithstanding some differing opinions as to **when** this access needs to be secured). It was also confirmed at Hearing 15D that there is no certainty as to if, or when, this access from the Site into Kerikeri may be secured by KFO.

51. This is a critical issue in my view as it means that there is a lack of connectivity from the Site to Kerikeri, creating a high-risk of a poorly connected, car reliant suburb that detracts from the vitality and functioning of Kerikeri and Waipapa. The potential for a range of adverse urban design effects associated with this unsecured access have been highlighted by Ms Rennie in her original statement of evidence, hearing statement, and post-hearing memo. In this latter memo, Ms Rennie states that:

"The lack of a direct road connection to Kerikeri is a significant concern and does not align with good practice urban design from a connectivity and urban integration perspective. Connectivity is one of the seven principles (known as the 7C's) under the NZ Urban Design Protocol, and which is an evaluation criteria under the Northland Regional Policy Statement.

If there is no provision of a road connection, this further exacerbates my concerns about the Proposal potentially creating an isolated development area. A pedestrian/cycle connection only is not considered to be sufficient from an accessibility perspective given the nature and scale of the Proposal".¹⁰

Flood Hazards and Proposed Mitigation

52. The risks from flood hazards and uncertainties about the proposed mitigation is another critical issue with the KFO proposal in my view. The critical information gaps from a flood hazard perspective have been clearly identified in the original statement of evidence, summary statement and post-hearing memo from Mr Rix. More specifically, Mr Rix has identified the following critical information gaps that need to be addressed at the rezoning stage as they may materially change the information used to support rezoning:

- a. Confirmation on the use of stopbanks
- b. Confirmation of the appropriate level of protection for the flood protection scheme, including consideration of residual effects
- c. Downstream flooding effects on residential property
- d. An effects assessment on the wetland.

53. The post-hearing memo from Mr Rix confirms that his view on these critical information gaps remain following Hearing 15D. This memo also highlights that his concerns about downstream flooding risk have

¹⁰ Paragraph 12, Memo from Ms Rennie.

increased due to the evidence of Mr de Boer for Northland Regional Council (NRC) and subsequent questioning from the Hearing Panel during Hearing 15D. More specifically, Mr Rix states in his post-hearing memo that:

54. *"My concern increased because the flood management concept (i.e. to convey floodwaters along the floodway) appears fundamentally flawed due to increased downstream flood risk.*
55. *An alternative flood management concept that ensures that downstream flood risk is not increased would materially change information used to support the rezoning."*¹¹
56. In my view, the evidence from NRC and subsequent discussions during Hearing 15D has further highlighted the inherent flooding risks associated with the Site and potential for ongoing flood risk mitigation and residual risks issues (and associated liability, responsibility, financial issues for NRC and FNDC). These fundamental flood hazard issues for the KFO proposal are well articulated by Mr De Boer in his concluding summary on pg.15 of this evidence including the following statement (**emphasis added**):
57. *"In light of the recent North Island Weather events, greenfields development in floodplains using engineered protection is not appropriate and out of step with current and best practice. There is the potential for significant residual risk with the proposal"*¹².

Infrastructure Funding and Delivery

58. In my view, there are still significant uncertainties in how the necessary infrastructure for the KFO proposal will be funded and delivered. This was reinforced during Hearing 15D when it was clear that there is no overall plan for the staging of the development of the Site along with the delivery of the necessary infrastructure to support each stage.
59. This presents significant risks to Council as articulated by Mr Hensley in his summary statement for Hearing 15D as follows *"To date, KFO has not provided binding commitments or evidence confirming responsibility for funding the full infrastructure which would likely be required to support development of the site. While it is expected that some costs could potentially be recovered through development contributions, developer agreements, or similar mechanisms – in the absence of such certainty, I consider that rezoning the KFO site for urban use presents a significant financial risk to the responsible entities"*¹³.

¹¹ Paragraph 8 and 9, memo from Mr Rix.

¹² Paragraph 42 of evidence.

¹³ Summary statement, refer paragraph 2.6: [PLANRMA](#)

The proposed provisions in the Precinct Chapter and Precinct Plan

60. One of the key issues I raised in the Section 42A Report was what I considered to be significant “shortcomings” in the proposed provisions in the Precinct Chapter and Precinct Plan, particularly for an urban development proposal of this scale. These issues and shortcomings are set out in some detail in section 5.3.4 (paragraphs 449 to 4632) of the Section 42A Report where I concluded that the proposed provisions in the Precinct Chapter and Precinct Plan lack the necessary certainty and precision for an urban development proposal of this scale.
61. I acknowledge that Ms O’Conner responded to some of the identified issues in her rebuttal evidence, including new requirements for urban design and landscape assessments which I generally support. However, a number of the issues that I identified with the proposed provisions in the Precinct Chapter and Precinct Plan were not responded to by Ms O’Conner in her rebuttal evidence, whether intentionally or not. This includes, for example, the use of a range of uncertain and inconsistent terms, unclear policy direction, and a lack of alignment between proposed provisions in the Precinct Chapter and Precinct Plan¹⁴. Further, as stated during Hearing 15D, I remain concerned that there is an overreliance on the Comprehensive Development Plan (CDP) rule to achieve quality outcomes which, in my view, presents some significant uncertainties and risks for an urban development proposal of this scale.
62. I note that my concerns about the overreliance on the CDP rule to address fundamental issues are shared by Ms Rennie from an urban design perspective. More specifically, Ms Rennie states in her post-hearing memo that:
- a) She disagrees with Mr Neil that the CDP rule will establish clear expectations for decision-makers in relation to urban design as the provisions lack a place-based framework, thereby falling short in relation to ‘sound place making’.
 - b) Key urban form considerations relating to impacts on the vitality of Kerikeri should be assessed prior to the CDP stage given the scale and potential adverse urban design effects from the KFO proposal.
63. I accept that there was the potential to refine some of proposed provisions in the Precinct Chapter post-hearing to address some of the identified issues. However, in my view, there is limited value in doing so when there are fundamental planning issues with the KFO proposal (critical information gaps, connectivity issues etc.) which mean I do not support the overall KFO proposal.

¹⁴ For example, the Precinct Plan is only referred to in two policies and one rule, is not referred to in the Comprehensive Development Plan rule, and TPW-P3 requires urban development to be in accordance with the “Structure Plan”.

Alignment with Higher Order Documents

64. I retain the position set out in the Section 42A Report that the KFO proposal aligns with certain provisions in some higher order documents. This includes, for example, Objective 2 in the NPS-UD to improve housing affordability by supporting competitive land markets through significantly increasing plan-enabled development capacity. However, in my view, the KFO proposal is inconsistent and potentially contrary to key provisions in higher order documents.
65. My statutory assessment of the KFO proposal against higher order instruments is set out under "Higher Order Direction" (paragraph 465 to 496) of the Section 42A Report. My conclusions have not changed in response to rebuttal evidence provided by KFO and the evidence presented at Hearing 15D. However, I acknowledge that the uncertainty about the amendments to the National Policy Statement for High Productive Land 2022 (NPS-HPL) remains and any amendments to remove restrictions on Land Use Capability (LUC) Class 3 land would materially change my assessment of how the KFO proposal does not currently meet the tests in Clause 3.6(4) for allowing urban rezoning of highly productive land.
66. I also consider that the KFO proposal will likely undermine the outcomes sought through the Spatial Plan detailed in paragraph 497 to 501 of the Section 42A Report. I note that there were differing views expressed during the course of Hearing 15D about how the PDP should "have regard to" the Spatial Plan.
67. As I stated in the Section 42A Report, there is no dispute from a planning perspective that the requirement to "have regard to" the Spatial Plan does not bind decision-makers in the same way as higher order policy direction in national and regional policy statements that the PDP must give effect to. However, as outlined in legal submissions by Mr Fischer, the relevant weight that should be given to the Spatial Plan depends on a range of factors, including whether it followed the special consultative procedure under the Local Government Act 2002 and the technical reports that have informed the Spatial Plan. In my view, in this context, the Spatial Plan is highly relevant to the consideration submissions allocated to Hearing 15D and should be given "substantial respect and weight" consistent with some of the cases Mr Fischer referred to.

Section 32 Evaluation

68. The final concluding matter I address in paragraph 510 of the Section 42A Report, relates to the section 32 evaluation of urban growth zoning options for Kerikeri-Waipapa which was addressed in Appendix 5 of the Section 42A Report. Again, I can confirm that my position has not changed on this matter following Hearing 15D and I am of the view that the risks of acting through the KFO proposal (due to uncertain and

insufficient information) and associated costs are significantly greater than the risks of not acting.

3.4 McDonalds Restaurants (NZ) Limited and Foodstuffs North Island Limited

Overview

Relevant Document	Relevant Section
Section 42A Report	Key Issue 5.6.1 From Paragraph 89
Evidence in chief Mr Badham Foodstuffs	Whole document
Evidence in chief Mr Badham McDonalds	Whole document

Analysis

69. The TCZ was recommended to be introduced for Kerikeri as part of my Hearing 14 S42A report. This report also signalled from an urban design perspective a high-level assessment of the provisions sought by Kāinga Ora indicating our likely recommendations for provisions and spatial extent which was recommended in the Hearing 15D S42A report. It is acknowledged that there were inconsistencies with the chapter primarily as a result of timing of the release of the Hearing 14 write of reply recommendations.

70. Mr Badham provided similar rebuttal evidence on behalf of foodstuffs and McDonalds in particular this evidence made the following key statements:

- a) His support for the spatial extent of the TCZ.
- b) Recommendations to the TCZ provisions to improve clarity, remove duplication and ensure provisions are efficient and effective.

71. Mr Badham's recommendations included the following amendments to provisions which I support due to their alignment with recommendations made in the Hearing 14 write of reply and the s32 AA assessment provided by Mr Badham including:

- a) Recommended amendment to TCZ-P4 as follows:

" provide for growth in commercial activities (including supermarkets) by enabling a wide range of compatible activities...

- b) Recommend amendments to TCZ -R1 to align with changes made to MUZ- R1 including, relocated buildings, and an exclusion pathway for increases in building footprints.
- c) Recommended amendments to TCZ -R2 removal of reference to extension or alterations, the rule title is updated to exclude 'supermarket' a new permitted activity status for 'supermarkets' are included within the TCZ provisions and other general rule updates.
- d) Recommended amendments to TCZ-R15 to rethink the activity status and any overlap between rules and clearly exclude 'supermarkets'.
- e) Recommended amendment to TCZ-R18 activity status from non-complying to align with other controls in TCZ-R2.
- f) Recommended amendments to TCZ-S6 stating that this approach is not consistent with the equivalent standard in the MUZ (MUZ-S9) which specifically exempts landscaping requirements for boundaries shared with other sites also zoned MUZ.
- g) Other changes sought included rule drafting errors, numbering and inconsistent references these have all been rectified.

72. Other recommendations that I don't support from his evidence include:

- a) Recommended amendments to TCZ-S10 as the clause around connection to Council's reticulated stormwater system is not necessary as Kerikeri TCZ is located within the Council's reticulated stormwater network and removal of the clause relating to engineering site suitability report to determine compliance with the standards as 10% impermeable coverage can be shown on plans without the need for additional expense. Refinement of the matters of discretion and an update in the rule title from 'coverage' to 'general landscaping'.
- b) Mr Badham also recommended that SUB-S1 rule sits within the subdivision chapter. It is to be noted that is the intension as per the other zone minimum lot size standards.

73. I recommend that the abovementioned requested changes which I support are accepted and have made these amendments to the provisions in **Appendix 1** to this Report. It is to be noted I made additional TCZ recommendations in relation to Key Issue 3.5- Kerikeri Community Groups.

Section 32AA Evaluation

74. The recommended amendments improve the effectiveness and efficiency of the PDP as they create alignment and integration with

other chapters, minimise and duplicate or inconsistencies allowing for clearer rules.

3.5 Kerikeri Community Groups and Mr Kemp

Overview

Relevant Document	Relevant Section
Section 42A Report	Key Issue 5.6.1 From Paragraph 89
Evidence in chief Ms Dvorakova	Whole document
Evidence in chief Mr Kemp (15C)	From paragraph 69 - 89

Analysis

Medium Density Residential Zone (MDRZ)

75. The MDRZ was recommended to be introduced into the PDP at Hearing 14 as a result of Kāinga Ora's submission. Primarily as a result of recognition of that Far North District is a Tier 3 council under the NPS-UD with Kerikeri the fastest growing town and implementation of the intensification principles of the Kerikeri Waipapa Spatial plan.
76. Kerikeri community groups supported the introduction of the MDRZ as it provides a managed and appropriate transition in activities and scale between the MUZ and GRZ. They have set out various aspects of agreement and disagreement with the provisions. Most of which have been addressed in my right of reply for Hearing 14 in relation to the General Residential Zone as per recommendations from Ms Rennie and will not reiterate those recommendations here.
77. Mr Kemp spoke to his Further submission point opposing the MDRZ. He does not support the introduction of a MDRZ largely due to the fact that there was no S32 report accompanying the submission. I acknowledge that there was no S32 report with the original submission but as mentioned a S32 AA accompanied the recommendation to introduce the MDRZ in Hearing 14 S42A report, supported by technical evidence which was then built on in Hearing 15D as part of the PDP-R package or recommendations. Mr Kemp raises concerns about servicing and costs. Mr Hensley in his evidence as referenced above outlines the planned servicing for the short, medium and long term¹⁵.

Town Centre Zone (TCZ)

¹⁵ [PLANRMA](#)

78. Ms Dvorakova, representing Kerikeri community groups, raised several concerns regarding the recommended new zone. These include a preference for retaining the Mixed Use Zone (MUZ) with an overlay, the need for a design-led framework, and specific amendments to objectives, policies, rules, and standards.
79. Regarding the design-led framework, the position outlined in the Section 42A Hearing 14 right of reply remains relevant. Kerikeri is anticipated to experience notable commercial and residential growth, which will gradually shape its urban environment over the life of the District Plan. Maintaining the town's distinctive character and identity is important, and supporting high-quality urban design outcomes will play a key role. The Spatial Plan indicates that an Urban Design Framework will build on existing principles and offer more detailed guidance for both new and established urban areas. This framework is intended to promote sustainable, liveable environments through thoughtful building design, well-integrated public spaces, attractive streetscapes, and a cohesive urban form. Structure plans for Kerikeri and Waipapa will be developed in alignment with this framework and help inform future plan changes.
80. While I acknowledge the community's desire to preserve local character through the retention of the MUZ with overlay, I consider the TCZ appropriate for Kerikeri. The TCZ is essential for reinforcing Kerikeri's role as the district's primary centre and accommodating anticipated long-term growth. As a National Planning Standards zone, the TCZ provides for community and civic functions while enabling greater intensification through increased building heights compared to the MUZ. This zoning framework offers clearer guidance on activities that support a vibrant town centre, promotes activation of public spaces, and ensures high-quality, people-focused urban design and compliance with the NPS-UD. I agree with Ms Rennie's technical memo in that a height of 15–16 metres as appropriate for Kerikeri's context, balancing growth objectives with urban design considerations.
81. Ms Dvorakova also highlighted risks associated with ad-hoc development outcomes and questioned the statutory justification and demand for the TCZ. I agree that careful evaluation is needed and support the use of urban design peer review processes for larger-scale developments to ensure consistent application of policy frameworks. I also share the view that design guidelines should reflect local character and be refined in a future Urban Design Framework, which will provide detailed guidance for both new and existing urban areas. While immediate change is not anticipated, the TCZ provisions are intended to set Kerikeri up for the future, balancing growth with the preservation of the town's distinctive character and identity.
82. To safeguard the town from adverse urban design outcomes in the immediate future, after talking to Ms Rennie further and building on

her recommendations from Hearing 14¹⁶ it has been recommended that as an interim approach the use of Urban design assessments could be implemented for the TCZ. This approach would require development within the pedestrian frontage overlay that has an activity status of restricted discretionary, discretionary or non-complying to include an urban design assessment by a suitably qualified urban designer is required to be submitted with the application.

83. I also sought advice from Councils urban design expert Ms Rennie around the requests sought a HIRB rule to reduce building bulk and retain a 'village character' building on her technical memo from Hearing 14. Her technical memo concludes that a 6m setback requirement from the fourth floor level upward, rather than applying a recession plane, will help mitigate the visual impact of a 16m building height on the public realm along Kerikeri's pedestrian frontage. This provision offers an effective way to achieve simple building forms while maintaining a comfortable human scale at street level and managing sunlight effects on public spaces. This has been drafted a new clause to apply to the pedestrian frontage standard.
84. Finally, Ms Dvorakova recommends numerous additional objectives and policies. I consider these largely covered through existing objectives and policies in the urban zones that address good-quality development. These could be reviewed as part of a future plan change process following further urban design work.
85. The proposal for TCZ in Waipapa is inconsistent with the Spatial Plan and requires further consideration, particularly for large-format development, which has been signalled for inclusion in a future plan change process.
86. I recommend that following changes to the TCZ as a result of these submissions, these changes have been addressed in Appendix 1.
 - a) Requirements for urban design assessment for activities that require a resource consent within the pedestrian frontage overlay
 - b) Apply a new requirement to TCZ-S4 pedestrian frontages to - apply a 6m setback from fourth floor level and above.

Section 32AA

Introduction of Urban Design Assessment Requirements

87. The recommended change introduces a requirement for an Urban Design Assessment to accompany resource consent applications for developments within the Pedestrian Frontage Overlay. This assessment must address the character and amenity of the surrounding area, building dominance in relation to the road and adjoining sites, potential

¹⁶ Hearing 14 Urban design response to Vision Kerikeri Evidence [Memorandum](#)

loss of privacy (including for vacant sites), shading and loss of sunlight access, and landscaping. The purpose of this requirement is to ensure developments contribute positively to pedestrian-focused environments and align with the objectives and policies promoting high-quality urban design and active street frontages.

88. The benefits of this change include improved design quality, enhanced pedestrian experience, and greater consistency with strategic urban design outcomes. While there are modest costs for applicants in preparing the assessment and for council in reviewing it, these are proportionate to the benefits of avoiding poor-quality development that could compromise amenity, privacy, and sunlight access. Acting now provides certainty and supports integrated planning, whereas not acting risks inconsistent design outcomes that undermine the intent of the overlay.

89. Overall, the proposed requirement is considered the most appropriate and effective way to achieve greater urban design outcomes until further work can be undertaken.

Introduction of a Fourth Floor Level Setback Standard

90. The increased height in the TCZ may create adverse effects including visual dominance and bulk at street level, reduced sunlight and daylight access and loss of human scale and amenity within pedestrian-focused areas.

91. Three management options were considered by Ms Rennie in her technical memo these included:

- a) Option 1: Apply a 60-degree recession plane from fourth floor level (approx. 3m setback).
- b) Option 2: Apply a 6m setback from fourth floor level and above.
- c) Option 3: Apply a recession plane or setback from third floor level (more suited to 12m height limit, not 16m).

92. The evaluation of options shows that a recession plane approach provides some mitigation but tends to create complex "ziggurat" building forms, smaller setbacks of around 3m and less predictable outcomes. This makes it less effective in reducing perceived bulk and visual dominance at street level. In contrast, a 6m setback from the fourth floor upward delivers simpler, well-proportioned building forms, is more effective in managing visual dominance, and allows functional use of the setback space, such as terraces. Introducing controls at the third floor would improve sunlight access but compromises building proportions at a 16m height limit, making it more suitable for lower height scenarios.

93. From an environmental perspective, both approaches improve sunlight access, with only a minimal difference between the recession plane and

the 6m setback—approximately 20 minutes of additional sunlight at the winter solstice. However, the greater setback provides better visual relief and helps maintain a comfortable human scale within the pedestrian environment.

94. Economically and socially, the proposed setback supports redevelopment opportunities while preserving Kerikeri’s town character. It also enhances the pedestrian experience and the quality of the public realm, contributing to a more vibrant and attractive town centre.
95. In terms of costs, the change would result in a slight reduction in upper-level floor area compared to no control or a recession plane approach.
96. Finally, the risk of not acting includes the potential for overly dominant built forms, reduced amenity and sunlight in pedestrian areas, and the erosion of Kerikeri’s village character. Acting on this change provides certainty of outcome and achieves a balanced approach to growth and amenity.

3.6 Flood Risk

Overview

Relevant Document	Relevant Section
Section 42A Report	Key Issue 5.2.16 From Paragraph 292
Evidence in chief Mr De Boer	Whole document
Evidence in chief Ms Kuindersma	Whole document
Evidence in chief Mr Terry	Whole document

Analysis

97. Northland Regional Council (NRC) provided the following evidence for Hearing 15D:
 - a) Planning evidence from Ms Kuindersma.
 - b) Technical Evidence on flood risk management from Mr de Boer.
98. Ms Kuidersma evidence states the following:
 - a) Rezoning of land that would allow for greater intensity of development within hazard prone areas (either as proposed by the PDP or in decisions in response to submissions seeking rezoning) is

not supported without appropriate levels of mitigation having been undertaken and level of residual hazard risk being reassessed and adequately managed.

- b) Based on the level of flood risk identified in this area, the additional Light Industrial Zoned area should be limited to the area identified in Appendix 2 that is not subject to significant hazard risk. In my view, the remaining area should retain the previous Rural Production Zoning.
99. Mr de Boer evidence relates to the application of technical information on flood risk management into decision-making processes applied to land use planning. In regard to Waipapa industrial estate his evidence states the following:
- a) Rezoning of land in Waipapa to extend the industrial estate is occurring in areas known to be flood-prone, with few options for mitigation.
 - b) Development is likely to lead to an increase in local flooding, due to the increase in surface runoff.
 - c) The likely raising of building platforms during development, difficult to assess or control at the site-scale during the consenting process, will reduce storage in the floodplain, increasing risk elsewhere.
 - d) While the unbuilt K3A dam has the potential to reduce flood extents, the area of the historic flowpath from the Kerikeri River to Whiriwhiritoa Stream remains flood-prone.
 - e) Rezoning in flood-prone areas can send market signals and creates the expectation for full development.
100. Fred Terry provided hearing statement detailing flood risk for Waipapa and Kerikeri, and seeking the establishment of a Special Flood Mitigation Zone to enable proactive measures—risk assessment, hazard zoning, development controls, natural floodplain restoration, and stormwater investment—reducing vulnerability, protecting infrastructure, and ensuring resilient, sustainable growth.
101. In August 2022 Council engaged DHI group to carry out a Flood Risk Assessment for the Waipapa area, using existing modelling results and further processing them to assess the flood hazard risk in the Waipapa area. Light industrial zoning was taken to the River boundary at Waipapa in response to the need for additional 11 hectares industrial zoned land in Waipapa¹⁷ but also recognise that extending the business zoning in Waipapa will strengthen the way in which Waipapa and Kerikeri operate as on cohesive township by enabling Waipapa to become a hub of

¹⁷ Section 32 urban environment



business activity. Approximately 70 hectares of additional land was zoned Light industrial.

102. Since Hearing 15D, Council Flood management expert Mr Rix from Tonkin and Taylor has undertaken an assessment of the new flood hazard maps (2025) and classify the risk based on the Australia Rainfall an Runoff (ARR) guidelines.
103. The key findings of the report include:
 - a) Updated flood modelling shows that parts of the proposed industrial zones, especially in the north-western light industrial area, are exposed to significant flood risk under various storm scenarios, including those accounting for climate change.
 - b) Flood hazards range from generally safe (H1) to unsafe for people, vehicles, and buildings (H2–H6), with some areas likely to be inundated in a 100-year flood event.
 - c) While large portions of the land are less exposed and may not require major mitigation, others will need measures such as elevating building platforms.
104. There is a portion of the Proposed light industrial zone at Waipapa that shows hazard classification H2-H4 as shown on the figure below from the Flood report¹⁸.

¹⁸ Waipapa Proposed Industrial Zone - Flood Hazard Information, 12 December 2025.

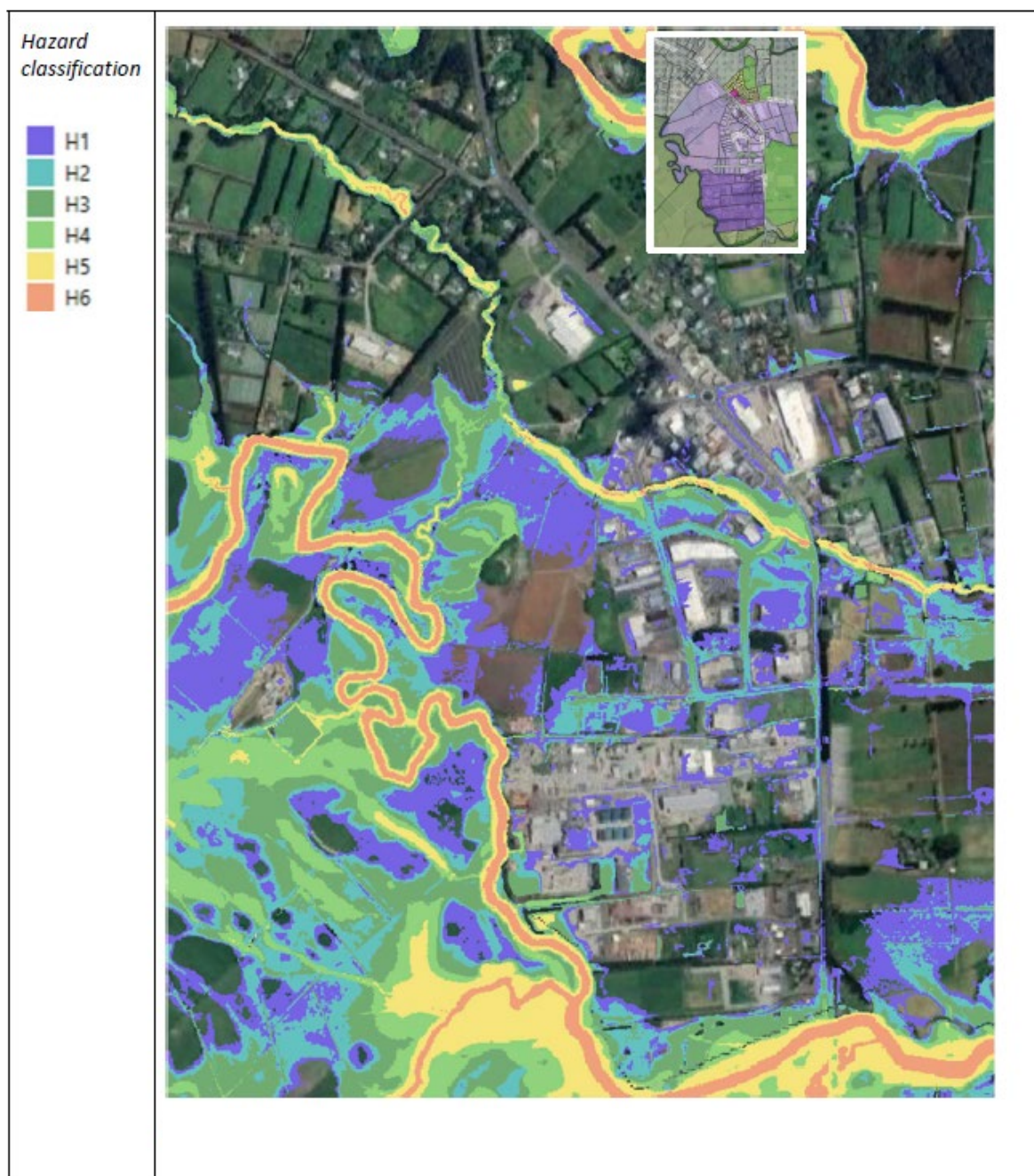


Figure 2: Flood Hazard 100 year ARI Scenario with Climate Change

105. On further reflection, and in light of updated flood hazard modelling and submitter evidence from the Northland Regional Council (NRC) and Mr Rix, it is appropriate to reconsider the extent of industrial zoning in the Waipapa area, particularly within the H2–H4 flood hazard zones. While the notified PDP recommended a broader extent of industrial land, NRC’s submission and technical evidence highlight significant risks associated with intensifying development in these flood-prone areas.



106. NRC, as a submitter, has provided evidence that rezoning land to allow greater development intensity in hazard-prone areas should not proceed without robust mitigation and a clear understanding of residual risk. NRC recommends limiting additional Light Industrial zoning to areas not subject to significant hazard, with the remainder retaining Rural Production zoning.
107. NRC's technical evidence further supports a cautious approach, noting that extending industrial zoning into flood-prone land can increase local flooding, reduce floodplain storage, and create expectations for development that may not be safely or economically achievable. The complexities and costs of mitigation, as well as regulatory requirements for resource consent in high-risk areas, add further uncertainty for both landowners and council.
108. Given these factors, it is prudent to pull back some of the extent of the industrial zoning from the H2–H4 greenfield areas and retain Rural Production zoning in those locations. This approach aligns with regional policy objectives to minimize natural hazard risk, avoids sending misleading signals to the market, and ensures that industrial development is focused on land with manageable flood risk. It also provides greater certainty for future land use planning and reduces the likelihood of ad-hoc or piecemeal mitigation at the consent stage.
109. In summary, while industrial land supply remains important, a more targeted zoning approach, limiting industrial zoning to areas not subject to significant flood hazard better manages risk and aligns with best practice in hazard management and land use planning, as supported by NRC's submission and technical evidence.
110. I recommend that there is a reduction in the light industrial zoning at Waipapa. The reduced area is shown in Appendix 7 maps.

Section 32AA Evaluation

111. The proposed amendment involves pulling back Light Industrial zoning from areas classified as H2–H4 flood hazard at Waipapa, retaining Rural Production zoning in these higher-risk locations.
112. There are no significant implications arising from this change. There was an oversupply of industrial land in this location and the Kerikeri-Waipapa Spatial Plan has identified, as a short-term project, the need to investigate the reconfiguration of residential and industrial land in Waipapa and to review and test the area selected for industrial expansion to determine if a different land configuration is more appropriate.
113. The amendment is effective in managing flood risk by restricting industrial development to areas with lower hazard exposure, consistent with updated technical evidence. It is efficient, as it avoids sending misleading market signals about the development potential of high-risk land and provides greater certainty for landowners, developers, and council. While

there may be a reduction in industrial land supply, this is outweighed by the benefits of avoiding development in high-risk areas and the associated costs of mitigation and potential damage. There is a high risk of adverse effects if industrial zoning is retained in H2–H4 areas without adequate mitigation. Not acting on the updated flood hazard information and NRC’s evidence could result in inappropriate development and increased hazard exposure.

114. In conclusion the proposed amendment to pull back industrial zoning from H2–H4 flood hazard areas at Waipapa are the most appropriate way to achieve the objectives of the district plan. Responds to updated technical evidence and submitter input from NRC, and ensures that industrial development is directed to land with manageable flood risk.

3.7 Turnstone Trust Limited

Overview

Relevant Document	Relevant Section
Section 42A Report	Key Issue 5.2.3 From Paragraph 131
Evidence in chief Ms O’Connor	Whole document

Analysis

115. As stated in my S42A Hearing 15D report there was some uncertainty about the mapped area sought for Mixed Use zoning. The submitter sought 7.7 hectares of the ‘site’ to be rezoned to Mixed Use, yet the figure presented in evidence showed what appeared to be a larger area.
116. Ms O’Connor provided rebuttal planning evidence confirming the extent of land sought for the Mixed Use zoning (Appendix A) which is provided in Figure 3 below:

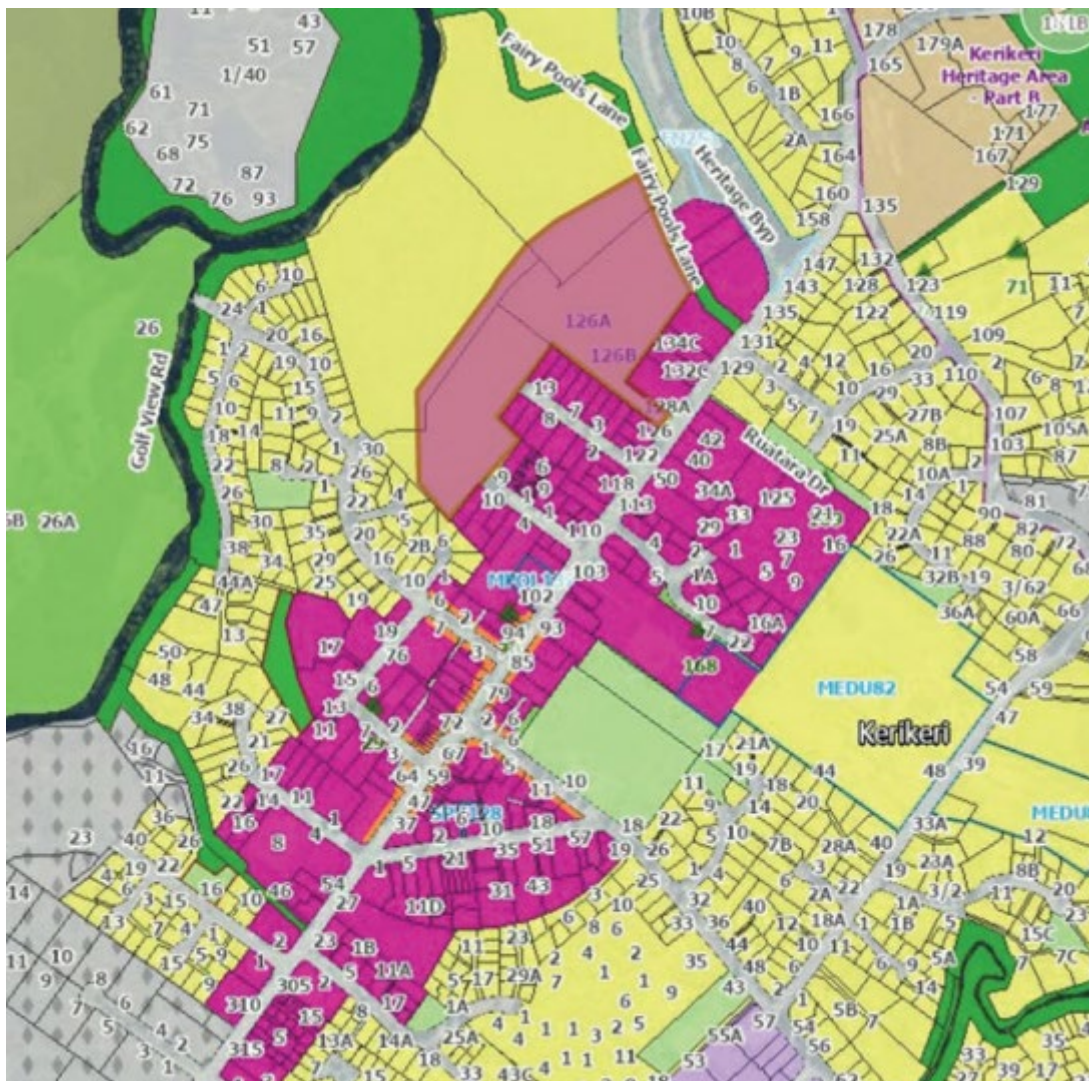


Figure 3: Extent of land to be zoned Mixed Use on the Truststone property

117. When Ms O'Connor presented her evidence to the hearings panel, there were questions on the Kerikeri bypass and how this will integrate with the change in zoning for the Turnstone site.
118. The 'indicative' Kerikeri bypass extension as shown in Figure # from the Kerikeri Waipapa spatial plan will largely see Mixed use zoned land either side of the extension. There is a small pocket of MDRZ land on Augusta Place that may need consideration of upzoning in the future.
119. The bypass project funding includes the collection of development contributions and is formally in the policy, with funding already allocated in the Long-Term Plan (LTP). Work on designating a route is ongoing, and discussions have taken place with the Turnstone landowner as part of this process. Final decisions on the route will not be made until next year; however, the Kerikeri-Waipapa Spatial Plan indicates an alignment through the eastern portion of the Turnstone land. Resource consent (2440183), granted on 25 March 2024, authorizes a combined land use

and subdivision for the removal of exotic vegetation and subdivision into five superlots. If there are concerns about the potential sale of a superlot in the interim, it should be noted that the consent includes an advice note stating:

"A through road is sought to connect Fairway Drive to the Heritage Bypass. The desired alignment traverses the land to which this subdivision consent relates. Subsequent stages of subdivision to deliver the urban outcomes that the land is zoned for will need to consider this connection in the proposed road pattern to service the urban development of the land."

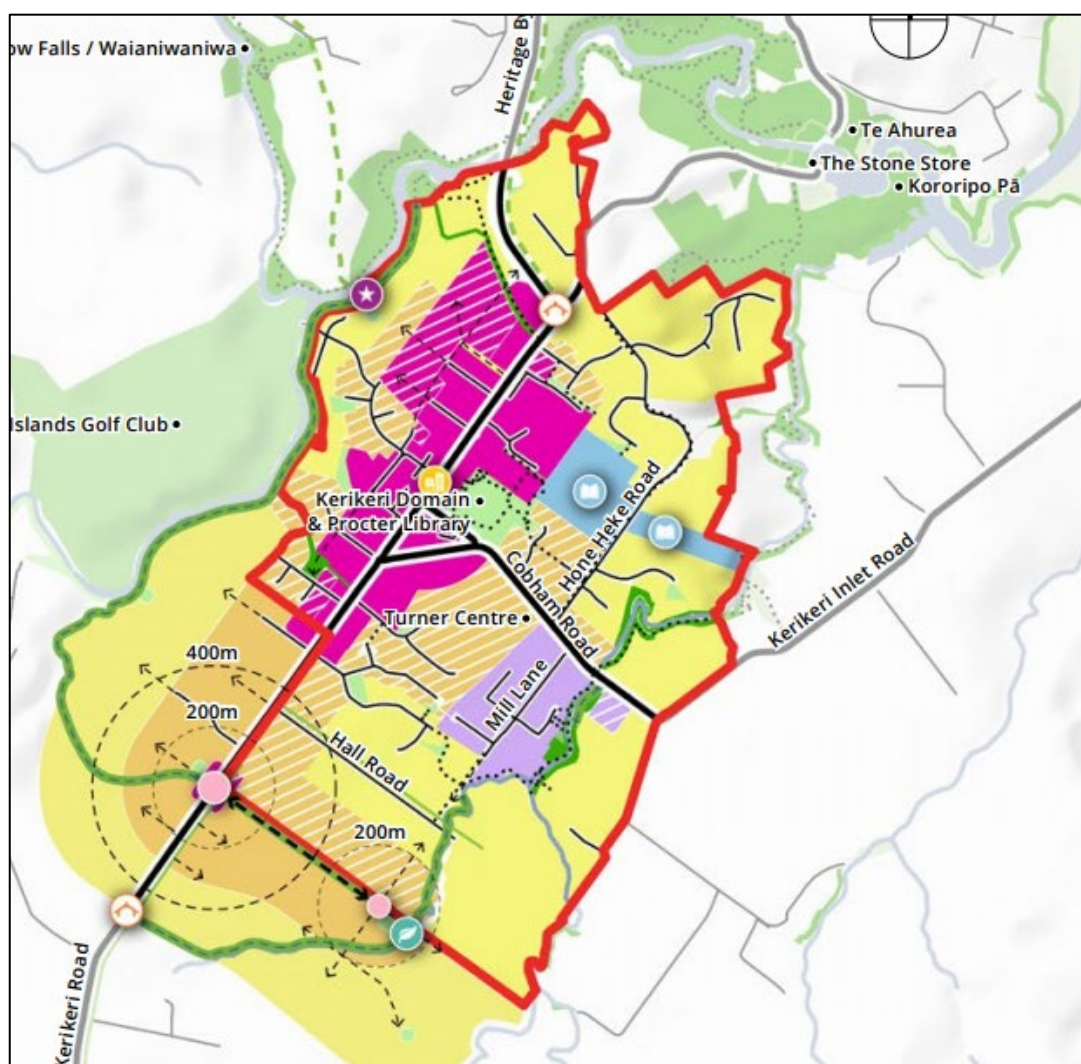


Figure 4: Kerikeri Waipapa spatial plan showing Fairway Drive to Heritage Bypass proposed route

120. I retain my position in the S42A report supporting the rezoning of 7.7ha of land to Mixed use zone

Section 32AA Evaluation

121. As no changes are recommended, no further analysis under section 32AA of the RMA is required.

3.8 Audrey Campbell-Frear

Overview

Relevant Document	Relevant Section
Section 42A Report	Key Issue 5.2.5 - 15D Urban Report Key Issue 4.3.4 - 15C Rural report
Evidence in chief Ms McGrath	Whole document
Evidence in chief Mr Foy	Whole document

Matters Raised in Evidence and Analysis

Location 1 – Rural Residential Rezoning Request – prepared by Ms Pearson

122. This section of the report responds to the parts of the planning rebuttal prepared by Ms Melissa McGrath relating to Location 1. I have focused on providing a response where I consider that further comments would be helpful to the Panel, as opposed to responding to all points in the evidence as much of the content is already addressed in my section 42A report. My comments below largely follow those that I made in my verbal right of reply at the close of Hearing 15D.

PREC1-P1(b)

123. The first issue relates to my recommended additional clause for PREC1-P1 (being sub clause (b)), which I included in the recommended text for the Horticulture Precinct in my written right of reply for Hearing 9. PREC1-P1(b) states that one of the mapping criteria to be considered when applying the Horticulture Precinct is whether the land provides an effective buffer to manage reverse sensitivity. Ms McGrath considers this new addition inappropriate and effectively 'moves the goal posts' as to what land should be included in the Horticulture Precinct.
124. As I stated at the hearing, I maintain that the inclusion of this sub-clause is not 'moving the goal posts'. Rather, I consider that it more appropriately reflects the original process that was used to define the Horticulture Zone boundaries as notified. The Council officers that originally mapped the Horticulture Zone were following good planning practice to ensure that the zone was geographically cohesive and followed defensible boundaries where possible. As part of that process it is inevitable that some areas of fragmented and non-productive land will be included. To do otherwise would result in a patchwork zone

where those fragmented areas could be further intensified right next to existing horticulture activities, thus increasing the risk of reverse sensitivity effects.

Buffer Land

125. In terms of Ms McGrath's point that I did not consider the use of buffers from a section 32AA perspective, I accept that there is no specific section in the body of the section 42AA report that is titled 'Section 32AA evaluation for the Horticulture Precinct'. However, I did consider various options for managing reverse sensitivity effects on the horticultural industry in the Hearing 15C Rural section 42A in paragraphs 103-110. In this section I compared various options for managing reverse sensitivity in the areas most under pressure to convert to urban/residential use, being the land to the southwest of Kerikeri and to the northwest of Waipapa. In these locations I considered various options, including zoning the land Rural Production with no Horticulture Precinct and using a 20m setback standard (as I have recommended for other locations where there is an interface between the Horticulture Precinct and the Rural Production Zone). My conclusion in the section 42A report was that these options are not the most appropriate response to manage in terms of the growth pressure on the edges of Kerikeri. I did not specifically evaluate a RRZ zone as a potential alternative to managing reverse sensitivity effects (even with a 20m setback applied) as, in my view, bringing the boundary of the RRZ closer to existing horticultural activities is the exact opposite of managing potential reverse sensitivity effects.
126. Ms McGrath's rebuttal evidence criticised the lack of information/transparency as to which parts of the Horticulture Precinct were included because they were 'buffer land'. I can confirm that the process I went through with Dr Hill to identify an appropriate spatial extent for the Precinct did not specifically seek to identify or map 'buffer areas'. However, it became apparent from the initial traffic light maps prepared by Dr Hill and the GIS expert that there were areas of land within the Horticulture Zone as notified that were not currently used for horticultural activities, or there were areas of land that did not (when viewed in isolation) contain soils that were high enough quality to support horticultural activities. In my view, the core goal is to create a cohesive Horticulture Precinct with defensible boundaries, particularly in locations that are the most under pressure for urban/residential growth. With that in mind, Dr Hill and I have recommended that some areas of land are included in the Horticulture Precinct to prevent more sensitive activities further encroaching towards land used for horticultural activities. I consider the recommended Horticulture Precinct boundary as being a critical part of holding the line against 'the slow creep' of urban type residential and commercial activities towards land utilised by the horticultural industry.

127. In my view, there is no need to identify whether a particular piece of land in the Horticulture Precinct is a 'buffer' or not – to do so would effectively create two tiers of land within the Horticulture Precinct – a core area of land that is perceived as more valuable and buffer land that is likely to be perceived as less valuable. Differentiating between more and less valuable land has implications for how well that land would be protected from further fragmentation and/or land use change to sensitive activities. In my view, a two-tier system with buffer land spatially identified as being distinct from the rest of the Horticulture Precinct would undermine the effectiveness of the Precinct as a tool to protect the horticultural industry as it would likely encourage consenting arguments that the land is 'just in the buffer' and less important in terms of achieving the objectives of the Precinct.
128. Ms McGrath has also commented on whether the economic costs associated with land being included as 'buffer land' have been considered. From an economic perspective I rely on the various pieces of evidence provided by Mr McIlrath for Hearings 9, 15C and 15C. In my view, Mr McIlrath has already covered the economic importance of the horticultural industry and its value compared to the potential impacts on property rights for some of the non-productive properties in the Precinct in his evidence for Hearing 9. The only additional comment I would make is that Location 1 is zoned Rural Production in the Operative District Plan (ODP). As such, any perceived impact on development opportunities resulting from the Horticulture Precinct and underlying RPROZ should be compared to the opportunities afforded to landowners under the ODP, rather than being compared to the RRZ requested by Ms Campbell-Frear. While the Horticulture Precinct/RPROZ provisions I am recommending are more stringent with respect to both subdivision and land use compared to the Rural Production Zone in the ODP, it would not be possible to subdivide and develop rural residential scale housing under either set of provisions. As such, the inability to convert Location 1 into rural residential development is not a 'lost opportunity' cost in my view.

Consideration of RRZ as an alternative to RPROZ and/or being in the Horticulture Precinct

129. As I mentioned at the hearing, when a submitter is requesting a rezoning from the Horticulture Zone to RRZ, there are effectively two questions to consider. The first is whether the land should be included in the Horticulture Precinct. I have set out my response to this with respect to Location 1 in my section 42A report and I remain of the opinion that Location 1 should remain in the Horticulture Precinct. However, if the Panel were minded to remove some or all of Location 1 from the Horticulture Precinct, the second question is what should the replacement zone be? I reiterate that a decision to remove land from the Horticulture Precinct does not inherently lead to a RRZ being the logical outcome. In my view, should all or part of Location 1 not be included in the Horticulture Precinct, then the request for a RRZ should

be considered through the same lens as all other submissions requesting RRZ on the edges of Kerikeri and Waipapa e.g. submissions from Gray Gilrairie, Okura Trust and the landowners of Waitotara Drive. The risk that releasing more RRZ land will potentially undermine the intensification objectives of the PDP urban zones in Kerikeri and Waipapa has been well canvassed by reporting officers and experts at both Hearings 15C and 15D.

130. If the Panel were minded to include any part of Location 1 in the RRZ, in my opinion the only properties where there are valid arguments for inclusion are 11A, 11B and 11C Access Road and 464 and 466 Kerikeri Road, shown below in Figure 5.



Figure 5: 11A, 11B and 11C Access Road and 464 and 466 Kerikeri Road (Red Outline)

131. I am not formally recommending that these properties be rezoned in this right of reply, however I do recognise that these five properties:
- Are already subdivided to a point where further controlled activity subdivision in the RRZ is not possible (site sizes range from 3,570m² to 6,051m²).
 - Are all developed with existing large dwellings and/or commercial buildings where substantial demolition would need to occur to accommodate additional dwellings/activities/lots.

- c. Are not substantially different in size, use or character to the properties immediately to the north, which are all zoned RRZ.

- 132. I remain of the opinion that leaving the RRZ/Horticulture Precinct interface in the same location as notified is the strongest option in terms of achieving the objectives of the Horticulture Precinct, however, in the interests of being helpful to the Panel, this is an alternative option that could also be supported.

Impact of the Horticulture Precinct and RPROZ provisions on existing commercial/industrial activities

- 133. At the hearing Ms McGrath raised a concern that the objectives and policies of both the RPROZ and the Horticulture Precinct are too strong for any application for an extension of a commercial or industrial activity to be successful. While this point was made with respect to Locations 2 and 3 (which are addressed by Ms Trinder), I have responded as I am the author of the recommended Horticulture Precinct and RPROZ provisions from Hearing 9. To clarify, I have recommended that specific provision is made in PREC1-O2 and PREC1-P2 for maintaining, operating or upgrading an existing activity, which includes existing commercial and industrial activities. I have recommended this wording in response to evidence provided at Hearing 9 that there was insufficient recognition of existing non-productive activities in both the RPROZ and Horticulture Zone provisions as notified.
- 134. Paragraph 130(c) of my section 42A report covers off the activity status of commercial and industrial activities in the Horticulture Precinct¹⁹. In converting the Horticulture Zone into a Precinct, I did not include Precinct specific provisions to replicate HZ-R4 Home Business, HZ-RY Extension of existing commercial activity, HZ-RZ Extension of existing industrial activity, HZ-R19 Commercial activity not otherwise listed as permitted or discretionary and HZ-R20 Industrial activity. My intention is for the equivalent RPROZ rules to apply e.g. RPROZ-R5, RPROZ-R27, RPROZ-R28, RPROZ-R32 and RPROZ-R33. As such, commercial and industrial activities (whether extensions to existing activities or new activities) are proposed to be managed in the Horticulture Precinct in the same way as anywhere else in the RPROZ.
- 135. With respect to extending existing commercial and industrial activities in the Horticulture Precinct, a resource consent application to extend either would be a discretionary activity under RPROZ-R27 and RPROZ-R28 respectively. However, any application would be supported by specific policy direction stating that maintaining, operating and

¹⁹ Noting that this paragraph omits the rules for new industrial activities – I have remedied this in this report.

upgrading lawfully established existing activities is enabled, provided any losses of highly productive land are minimised²⁰.

136. While I accept that the Horticulture Precinct may make it challenging for new commercial or industrial activities to establish, I disagree that the pathway for existing lawfully established to extend and/or upgrade is overly difficult. A discretionary resource consent process is required to assess the impact of the proposal on highly productive land and to allow assessment of potential impacts on adjacent rural activities, but the policy direction behind such applications is an enabling one.

River as a geographically defensible boundary

137. Ms McGrath suggested at the hearing that the southern boundary of Location 1 is appropriate as it follows a defensible boundary, being a stream. A follow up question from Commissioner Kensington at the close of the hearing requested clarification as to the location of the stream and whether I consider it to be an appropriate defensible boundary. To assist with deliberations on this issue, the Council GIS team have prepared a map showing waterbodies around Location 1 (attached as Appendix 8).
138. The first point to make is that rivers/streams have been used as zone boundaries in the PDP in locations where they have been surveyed and align with cadastral boundaries for property. These types of waterbodies are contained within their own parcel, shown in light blue as 'hydro parcels' on the Appendix 8 map. For example, the section of the stream that has been used as the boundary between the Horticulture Precinct and the RRZ to the northwest of Location 1 is one such hydro parcel. In my view, these types of waterbodies are strong, defensible boundaries because they are a topographical feature and they align with cadastral boundaries.
139. In my section 42A reports provided to the Panel to date, I have been clear that topographical boundaries such as waterbodies are preferential to cadastral boundaries when identifying the boundaries of zones. However, where there is misalignment between topographical features and cadastral boundaries, I would like to clarify that using cadastral boundaries is my preference as these have been accurately surveyed and ensure that no properties are split zoned.
140. If the zone boundary between the RRZ and the Horticulture Precinct/RPROZ was extended to follow the stream beyond the surveyed hydro parcel (as suggested by Ms McGrath) the boundary would either have to follow the closest cadastral boundary to the stream, or follow the stream boundary itself, as the two features do not align. This is shown on the map in Appendix 8 – the southern

²⁰ PREC1-O2 and PREC1-P2.

boundary of Location 1 uses cadastral boundaries, which do not align with the location of the stream (green dotted line).

141. I consider that the stream is not the best option for a boundary between the RRZ and the Horticulture Precinct/RPROZ as:
- a) The part of the stream that is not contained within a hydro parcel has not been accurately surveyed to the point that it could be relied upon as a defensible boundary – the Council information is provided at a 1:50,000 scale, which is why there are small discrepancies between the dotted green line and the hydro parcel. Out of the two features, the location of the surveyed hydro parcel is more accurate than the location of rivers identified with high-scale GIS data.
 - b) Using a waterbody that is not aligned with cadastral boundaries will result in split zoning of some land parcels – an outcome that is not consistent with best practice for identifying zone boundaries.
 - c) While there is a loose correlation between the boundary of the stream and the boundary of Location 1 for part of the requested rezoning area, the stream soon drops away to the south, whereas the boundary of Location 1 runs east along the southern boundary of 484A Kerikeri Road. As such, the stream is not a defensible boundary for all of Location 1.

Conclusion

142. As such, I do not recommend any change of underlying zoning, or the removal of the Horticulture Precinct, for Location 1.

Locations 2 and 3 – Mixed Use Zone plus precinct request – prepared by Ms Trinder

143. This section of the report responds to the parts of the planning rebuttal prepared by Ms Melissa McGrath relating to Location 2 and 3, and recap of the economic position in response to Mr Foy. I have focused on providing a response where I consider that further comments would be helpful to the Panel, as opposed to responding to all points in the evidence as much of the content is already addressed in my section 42A report.
144. Ms McGrath presented the following planning evidence that I do not support. In particular:
- a) The need to address NPS-UD, providing residential living and business capacity within the Kerikeri Waipapa area. As indicated in various evidence economic and NPS-UD evidence there is sufficient development capacity
 - b) The need for honest zoning. 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 as notified does not have scope to reduce 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 in the rural environment should occur in the future.

145. Mr Foy presented economic evidence which Mr McIlrath does not support in particular in his opinion:

- a) In regards to the business nodes performance
 - a. Redwoods: Employment has declined and lost market share relative to Kerikeri /Waipapa
 - b. Packhouse: Employment has grown but only in line with wider market trends, share has remained stable (4-4.5%) over the past decade with historical volatility
- b) In regards to economic implications:
 - a. Both nodes' located limit their ability to contribute to urban efficiency
 - b. Enabling further growth risks diluting activity from Kerikeri and Waipapa, creating adverse economic effects
- c) I regards to the rebuttal evidence
 - a. Mr Foy's longer-term data aligns broadly with Mr McIlraths findings but does not demonstrate locational advantage. Growth at the same rate as the benchmark area reflects general market uplift rather than unique strength
 - b. Disagreement remains on the interpretation of the HBA capacity timeframes, short-term capacity pressure claims are unsupported
- d) In conclusion further intensification at Redwood and Packhouse nodes is not justified and would undermine economic efficiency.

146. The panel requested an analysis of the precinct provisions " Kerikeri packhouse and Redwoods commercial node' prepared by Ms Mcgarth. This analysis is provided in as an attachment, in summary:

- a) All underlying mixed use zone rules apply unless there are Kerikeri Mixed Use Precinct rules with the same activity description that prevail over the equivalent Mixed Use zone rules. This leave some potential gaps in terms of permitted activities within the Mixed Use zone that may not be appropriate for sites within the proposed precinct area. For example, community corrections activity, supermarkets etc.

147. The drafting of the precinct does not appear to be drafted off the Right of reply version for the Mixed Use zone. With several inconsistencies with the final recommended set of Mixed Use zone provisions.

Conclusion

148. Overall I do not consider the use of a precinct over the Mixed Use zone to be an appropriate planning tool for these sites and the development of Kerikeri for the reasons as mentioned in the S42A Hearing 15D report.
149. As such, I do not recommend any change of underlying zoning for Location 2 or 3.

Recommendation

150. Neither Ms Pearson nor Ms Trinder recommends any changes from their section 42A reports regarding the rezoning request from Audrey Campbell-Frear.

Section 32AA Evaluation

151. As no changes are recommended, no further analysis under section 32AA of the RMA is required.

3.9 Redwoods Zoning

Overview

Relevant Document	Relevant Section
Section 42A Report	Key Issue 5.2.6 From Paragraph 169

Analysis

152. Mr Otway addressed the Hearings Panel on his submission primarily seeking mixed use zoning for land he owns commonly known as 'Redwood commercial centre' located on SH10 near Kerikeri. In particular the panel asked what his intentions are for the properties. The properties at 'Redwoods' include a collection of commercial businesses including a café, plant centre some medical facilities. Mr Otway explained that he has resource consent for a medical facility for this site – which the panel then requested.
153. Resource consent RMA 2220790- To construct and operate a medical centre and associated chemist, retail and café in the rural production zone as a discretionary activity breaching stormwater management, setback from boundaries, building coverage and scale of activities, traffic intensity and carparking spaces. Was granted 14/4/2023. I consider that the appropriate consenting pathway for this type of activity was a discretionary consent. Under the PDP rural production zone this activity

would likely be non complying, which I consider appropriate. I retain my position in my S42A report in that the rezoning sought for this site be rejected.

154. As per my recommendations for Audey Campbell-Frear above, I recommend that the abovementioned requested changes are not accepted.

3.10 LD Family Investments

Overview

Relevant Document	Relevant Section
Section 42A Report	Key Issue 5.2.14. From Paragraph 280
Evidence in chief Mr Sanson	Whole document

Analysis

155. Mr Sanson presented evidence on behalf of his client LD Family Investments, the key points of his evidence related to the zoning of land to the South of Kahikatearoa Lane, Waipapa, seeking a change from Heavy Industrial zone to Light Industrial zone and included:
- a) Correcting a zoning mismatch, in that the heavy industrial zone is a poor fit for the subject properties. The existing environment is characterised by activities that are light industrial in nature.
 - b) Waipapa is not serviced, therefore the lack of infrastructure is not a valid planning reason to prefer one zone over the other.
 - c) Rezoning the land to light industrial represents a more effective, efficient and appropriate outcome under the RMA.
 - d) Refined zoning approach to address potential concerns of creating 'pocket zoning'.
156. I will address Mr Sanson's areas of disagreement:
- a) Mr Sanson suggests Pataka Lane could also be used as a defensible boundary, while I agree the use of a road boundary at this location could be accommodated, we would run into a scope issue with those properties not represented by Mr Sanson on Pataka lane not seeking a zone change. Also moving the boundary would allow less available heavy industrial land as the amount of available land is restricted in this location.



- b) Current land use is not a strong determinant, zoning is a tool used to encourage change in land use into the future
- c) Mr Sanson was asked what his clients wanted to achieve on the sites and if the heavy industrial zoning restricted this type of activity. Mr Sanson was unable to clearly answer but when looking at the types of activities already established it would seem that they would be able to be undertaken as largely permitted activities under both the light industrial or heavy industrial zone.

157. I recommend that the abovementioned requested changes are not accepted.

4 Conclusion

158. The report provides my Written Reply to matters raised by submitters and the Hearing Panel at Hearing 15D – Rezoning Kerikeri-Waipapa.

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

Recommended by: Jerome Wyeth, Technical Director- Planning, SLR Consulting (Kiwi Fresh Orange Company Limited).

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

Date: 15 December 2025.