

BEFORE THE INDEPENDENT HEARINGS PANEL

UNDER the Resource Management Act 1991 (RMA)
IN THE MATTER of the Far North Proposed District Plan - Hearing 15D:
Rezoning Kerikeri-Waipapa

**STATEMENT OF EVIDENCE OF BURNETTE ANNE O'CONNOR ON
BEHALF OF KIWI FRESH ORANGE COMPANY LIMITED**

PLANNING

30 June 2025

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INTRODUCTION

- 1 My full name is Burnette Anne O'Connor.
- 2 I have been asked by Kiwi Fresh Orange Company Limited (**KFO**) to provide independent expert planning advice on the Proposed Far North District Plan (**FNPDP**).
- 3 This evidence relates to KFO's submission on Hearing 15: Rezoning Kerikeri-Waipapa. KFO owns 197 ha of land between Kerikeri and Waipapa (**Site**), which is proposed to be zoned for Rural Production. KFO's submission seeks a live urban zoning of the Site, comprising a mix of general residential, mixed urban and natural open space.
- 4 I have visited the Site and am familiar with the surrounding location.

QUALIFICATIONS AND EXPERIENCE

- 5 I am a planner and the sole Director of The Planning Collective Limited. I hold the qualification of Bachelor of Resource and Environmental Planning (Hons) obtained from Massey University in 1994. I am a full member of the New Zealand Planning Institute and a member of the Resource Management Law Association. I have been accredited under the Ministry for the Environment's "Making Good Decisions" programme as a Commissioner and Chair.
- 6 I have over 28 years' experience as a planner. I have worked as an independent planning consultant for the last 24 years.
- 7 I have been involved in numerous land use and subdivision proposals, coastal and residential consenting matters, plan review processes and private plan change requests. I also provide policy advice to local authorities. A statement of my relevant experience is appended as **Attachment A**.
- 8 I worked for the Far North District Council from late 1994 – 1996 as a planner and continued work between 2002 and approximately 2013, providing planning consultancy services to the Far North District Council. I have been the Council's planning expert witness in many Environment Court matters. My previous business, OPC, prepared the Kerikeri Waipapa Gateways document for the Council in 2010, including assisting the council with public engagement.

- 9 The Planning Collective was engaged by KFO in March 2022 to assess the potential for its land to be rezoned and comprehensively developed. I, with KFO and its consultants, worked to develop a structure plan for the Site and assisted with engagement with the Council and other stakeholders. I assisted with the preparation of KFO's submission on the FNPDP, including the draft Precinct, as well as its further submissions.
- 10 I provided planning evidence, dated 13 May 2024, in support of the KFO submission for Hearing 1 Introduction, General Provisions (Strategic Direction, Tangata Whenua). As I understand it, Panel direction, or a decision on Hearing 1, is yet to be issued.
- 11 I am familiar with the Kerikeri area, and I have visited the Site on several occasions, including undertaking detailed walkovers.
- 12 I note that I have also been engaged by Turnstone Holdings Ltd to provide evidence in respect of Hearing 15D: Rezoning Kerikeri-Waipapa. This engagement does not impede my ability to provide an independent opinion to the Hearings Panel in accordance with the Code of Conduct.

CODE OF CONDUCT

- 13 Although this is not a hearing before the Environment Court, I record that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and agree to comply with it.
- 14 I confirm that the issues addressed in this brief of evidence are within my area of expertise, except where I state that I have relied on the evidence of other persons. I have not omitted to consider material facts known to me that might alter or detract from the opinions I have expressed.

SCOPE OF EVIDENCE

- 15 The focus of my evidence is on assessing the proposed rezoning in relation to the relevant National Policy Statements, the Northland Regional Policy Statement; the effects of the proposal on the environment and assessing the proposal; as directed by s32 and s32AA of the Resource Management Act 1991 (**RMA**) to determine what, out of all the options available, is the best planning solution, based on those assessments.

- 16 This evidence is structured as follows:
- (a) Addressing the Guidance Criteria for Rezoning Submissions set out in Final Minute #14 of the Independent Hearings Panel – Rezoning Criteria and Process
 - (b) Statutory Context and Assessment
 - (c) Conclusions
- 17 In preparing this evidence, I have reviewed:
- (a) The adopted Spatial Plan for Kerikeri Waipapa – Te Pātukurea
 - (b) The Far North Housing and Business Development Capacity Assessment
 - (c) The Northland Regional Policy Statement
 - (d) Relevant National Policy Statements, Environmental Standards and the National Planning Standards.
 - (e) Relevant Hearing reports such as the s42A report for Hearing 14 - Urban

SUMMARY OF EVIDENCE

- 16 The evidence demonstrates that the KFO zoning is the best option available to give effect to the National Policy Statement on Urban Development (**NPS UD**) and that the urban zoning of the land meets the pathway set out in Clause 3.6 (4) of the National Policy Statement for Highly Productive Land (**NPS HPL**) to enable urban zoning of highly productive land.
- 17 The KFO evidence also demonstrates that the proposal gives effect to the relevant provisions of the Northland Regional Policy Statement with respect to enabling economic well-being, efficient and effective infrastructure, regional form and natural hazard risk.
- 18 The land can be serviced as detailed in the evidence of Mr Ehlers, and the modification to the existing floodway can manage hazard risk for the land and potentially mitigate hazard risk for State Highway 10, improving resilience to the road network.
- 19 There is a range of options for road connections to service future development. Development will be staged, and the necessary

transportation upgrades and connections can be determined at future resource consent stages. In my experience, this is entirely standard when land is rezoned and differentiates the level of detail appropriate and necessary for rezoning, versus the detail required at the resource consent stage.

- 20 Zoning KFO land as sought provides for the future compact urban form development of Kerikeri and Waipapa. This is confirmed in further submissions filed in support from community groups Vision Kerikeri and Our Kerikeri, and the further submission from Jeff Kemp, a local retired planner.
- 21 The zoning sought in the submission will achieve the Strategic Direction stated in the PDP.
- 22 There are no adverse effects associated with the urbanisation of the land or urban development in the future, that cannot be addressed by the zone provisions or the proposed Precinct – **Attachment B**. The evidence demonstrates that, in fact, there are a range of positive effects that will arise in association with the urban zoning of the land.
- 23 Overall, the evidence demonstrates that the KFO land is needed now for expected urban growth in the Kerikeri and Waipapa areas and that constraining the availability of land for urban purposes will have significant adverse economic and related social effects for the local communities now and in the future.
- 24 Accepting the submission is the most appropriate and best option to give effect to the relevant NPS, the RPS and achieve the purpose of the Act.

CONTEXT

S75 Resource Management Act

- 25 Section 75(3) of the RMA states that a district plan must give effect to any national policy statement and any New Zealand coastal policy statement and any national planning standard, and any regional policy statement. Section 75(4)(b) states that a district plan must not be inconsistent with a regional plan for any matter specified in section 30(1).
- 26 Section 31 of the RMA sets out the functions of territorial authorities. Section 31(aa) pertains to the establishment, implementation, and

review of objectives, policies and methods to ensure sufficient development capacity in relation to housing and business land in urban areas to meet the expected demands of the region. Development capacity is defined in s 30 to mean the capacity required to meet the expected short and medium-term requirements, and the long-term requirements.

Te Pātukurea – Kerikeri Waipapa Spatial Plan Adopted 18 June 2025

- 27 Spatial planning is a method for coordinating urban development. A spatial plan is the blueprint for residential, commercial and industrial land, public spaces and supporting infrastructure of an area.
- 28 In promulgating Te Pātukurea – Kerikeri Waipapa Spatial Plan, the Council took an unusual process of spatial planning after notifying its PDP. It now apparently seeks to retrofit the PDP to meet the Spatial Plan’s outcomes, noting that the special plan process was commenced prior to the PDP but then halted.
- 29 Since a spatial plan is developed outside the RMA, it can guide district-plan changes but cannot replace a full s 32 assessment and does not bind RMA decision-makers.¹ The Commissioners are therefore not bound to the outcomes of the Spatial Plan, and their decision must be guided by higher order policy (which must be given effect to) and the RMA (for example, deciding on the notified provisions and submissions under schedule 1).
- 30 However, I consider the Spatial Plan below insofar as it is a relevant but not binding matter.
- 31 The Spatial Plan adopted a hybrid option that indicates the preferred growth areas to the south of Kerikeri township, east of Kerikeri Road and, other than the recreation node Te Puāwaitanga – discrete areas around Waipapa, to the north of Waipapa Road for some residential and light industrial growth.
- 32 The Spatial Plan seeks to provide future capacity largely through the intensification of existing urban areas at Kerikeri and Waipapa. In the context of giving effect to the NPS UD land identified for

¹ A spatial plan is a management plan or strategy prepared under other Acts under s 75(2)(i) of the RMA.

enabling/providing sufficient capacity for growth, it needs to be plan-enabled **and** infrastructure-ready **and** feasible **and** reasonably expected to be realised².

33 At page 26, the adopted Spatial Plan states:

Council decided to adopt Te Pātukurea – Kerikeri-Waipapa Spatial Plan, based on the hybrid growth scenario (combining elements of scenarios D and E), being the growth scenario within the draft version.

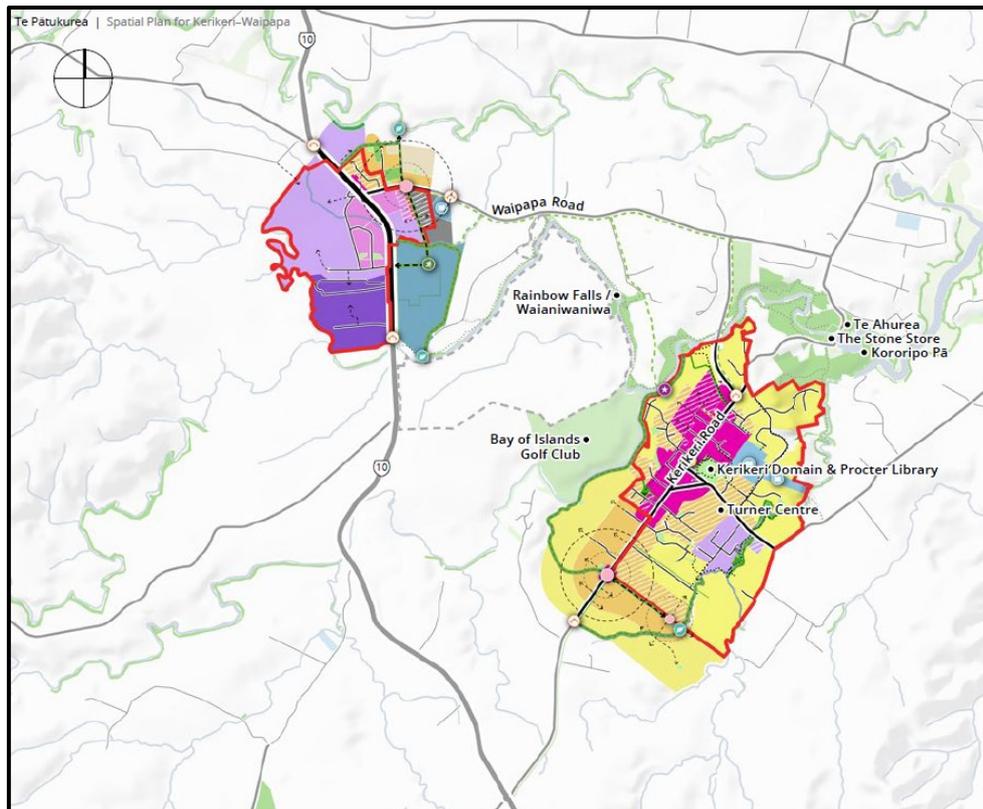
However, Council acknowledged that during consultation on the draft version of Te Pātukurea submissions were received in support of an alternative growth scenario (scenario F – Kerikeri Northwest Expansion), which proposes greenfield development in the northwest of Kerikeri, including flood mitigation infrastructure and developer-funded infrastructure.

34 Scenario F is incorporated into Te Patukurea as a “Contingent Future Growth Area” subject to conditions specified below:

- i. that the proposal is progressed through appropriate statutory processes (e.g., re-zoning via the District Plan);*
- ii. that comprehensive flood mitigation infrastructure is designed and funded by the developer;*
- iii. that necessary infrastructure is provided at no cost to Council;*
- iv. that engagement with mana whenua demonstrates clear support and cultural alignment; and*
- v. that any future inclusion is consistent with regional spatial planning and community aspirations;*
- vi. that any future inclusion is done with support of the Golf Club.*

35 The evidence for KFO demonstrates that (to the extent that they are relevant resource management considerations) the above conditions have been achieved or can be secured by the proposed Precinct that formed part of the rezoning submission. The location of Scenario F (the KFO Site) is shown below in the Spatial Plan context via the grey line hatching around the extent of Scenario F.

² NPS UD, Clauses 3.2 (housing) and 3.3 (business land)



GUIDANCE CRITERIA FOR REZONING SUBMISSIONS

36 Independent Hearing Panel Minute 14 sets out guidance criteria for the rezoning submissions, given that evidence is to be provided ahead of the s42A report (reverse process). The following sections assess the KFO rezoning proposal against those criteria. I address higher order direction first, then the remaining criteria from Minute 14.

Higher order direction

National Policy Statement on Urban Development

37 In my opinion and based on the economic reporting and expert evidence of Mr Adam Thompson, I consider that Far North is a Tier 3 territorial authority because Kerikeri / Waipapa is an “urban environment”. That was clear based on the information and evidence presented at Hearing 1.

38 I understand that council planners also consider that, now that the Spatial Plan is adopted that Kerikeri / Waipapa is “urban environment”³. Te Pātukurea projects that the population within the study area will grow to over 25,000 people by 2054, up from the current population of 14,000

³ S42A report for Hearing 14, paragraph 27.

people⁴. I therefore consider this means that Kerikeri / Waipapa is an Urban Environment now, and consequently Far North District is a Tier 3 local authority. Consequently, the relevant provisions of the NPS UD apply. As set out in the evidence of Mr Thompson, this means the Council is required to provide capacity for at least 10-years live zoned land for housing and business activities and also land for long-term development capacity.

39 Clause 3.2 (1) and (2) state that in order to be 'sufficient', the capacity identified in a planning document must be plan-enabled; infrastructure-ready; feasible and reasonably expected to be realised.

40 I concur with the evidence of Mr Thompson that the costs associated with under-enabling housing and business land development are greater than over-enabling.

National Policy Statement Highly Productive Land

41 The NPS HPL provides clear and specific pathways for circumstances in which rural land, classified as highly productive, can be rezoned for urban purposes.

42 As detailed in the evidence of Mr Jeremy Hunt, the Site is considered to meet the pathway to enable the land to be rezoned for urban purposes as set out in Clause 3.6 of the NPS.

43 I assisted in the identification of alternative options for urban development that were then refined with inputs from others and assessed by Ag First. The options I provided were guided by Te Pātukurea options, submissions seeking rezoning through the district plan review process and options that were in proximity to the existing urban area that could be rezoned through another plan change process.

44 The current transitional definition of Highly Productive Land (**HPL**) includes LUC 3 land. Ag First has assessed that 163.1 hectares of the Site is HPL. Ag First undertook a detailed assessment of the productive capacity of the Site. This assessment is set out in their Productivity Assessment, dated June 2025 – Appendix A to the expert evidence of Mr Hunt. As set out in Mr Hunt's evidence, the highest and best use of

⁴ Te Pātukurea, page 5 column 1 – Why are we doing this.

the land from a land-based primary production perspective is dry stock grazing.

- 45 Based on the evidence of Mr Hunt and the economic evidence of Mr Thompson, I consider the proposed rezoning of the Site to a range of urban zones as sought in the submission, meets the Clause 3.6 pathway.

Conclusion on the NPS UD and NPS HPL

- 46 The economic evidence of Mr Thompson demonstrates that additional land beyond that provided by the PDP is required to provide sufficient development capacity for Kerikeri / Waipapa.
- 47 Mr Thompson's evidence (paragraph 18(e)) details the constraints applying to the land identified in Te Pātukurea for delivering the capacity required for the expected growth of the Kerikeri Waipapa areas. In my opinion, the growth options identified in the spatial plan do not achieve the requirements of the NPS UD, as set out in Clause 3.2, to provide sufficient development capacity for housing. Additional land is therefore required to provide sufficient capacity to meet the demand for housing and business land around Kerikeri / Waipapa in the long term. This outcome is addressed at paragraphs 19 and 20 of Mr Thompson's evidence, where he states *“The combined D, E and F scenarios would enable a total of 3,950 dwellings, which is near to, however also insufficient to meet demand of 4,220 dwellings (90% of 4,690 dwellings). On this basis, the options D, E and F are required to meet demand”*.
- 48 I address this issue in the s 32AA section of this evidence, but note that over-supply of land is significantly less risky and is more optimal in terms of social, economic and environmental factors than constraining land supply.
- 49 On the basis of Mr Thompson's evidence, it is clear that additional land to that identified by the Council will be required to meet the expected growth demands of Kerikeri and Waipapa in terms of both housing and business land.
- 50 There are few submissions to the District Plan review seeking to rezone land for urban purposes. Without further plan changes, which create costs for Council and the community, and confusion to the planning

process, the subject Site provides an optimal opportunity to provide sufficient capacity now and into the future.

- 51 Mr Hunt's evidence undertakes a comparative assessment of the impact on HPL of other reasonably practicable options for rezoning. He concludes that the other options would have greater impacts on productive land.
- 52 When Mr Thompson's and Mr Hunt's evidence is taken together, the overall assessment in terms of Clause 3.6 (4) of the NPS HPL is that the Site is optimal for providing the expected development capacity for housing and business land for the Kerikeri-Waipapa area. As stated above, the environmental, social, cultural and economic benefits outweigh the costs associated with the loss of rural land for land-based primary production activities. There are greater benefits associated with providing greenfield land, which is known to be available for development, that can be serviced, and that can deliver a wide range of environmental, social and cultural benefits (e.g. walking and cycling connections, employment, protection of freshwater resources and ecological protection and enhancement).
- 53 In my opinion, rezoning the Site is necessary to provide the capacity required by the NPS UD and meets the Clause 3.6 (4) pathway of the NPS HPL and can be rezoned for urban purposes.

Northland Regional Policy Statement

- 54 The PDP must give effect to the Regional Policy Statement (**RPS**). The most relevant provisions of the RPS pertaining to the submission are the objectives and policies relating to:
- (a) Enabling economic well-being
 - (b) Efficient and effective infrastructure
 - (c) Regional form
 - (d) Natural hazard risk.
- 55 Issue 2.3 relates to economic potential and social wellbeing. The Issue is stated to be addressed by objectives relating to economic activities, efficient and effective infrastructure and regional form, amongst others.

56 The relevant objectives state:

3.5 – Enabling economic wellbeing

Northland’s natural and physical resources are sustainably managed in a way that is attractive for business and investment that will improve the economic wellbeing of Northland and its communities.

3.8 Efficient and effective infrastructure

Manage resource use to:

- (a) Optimise the use of existing infrastructure;*
- (b) Ensure new infrastructure is flexible, adaptable, and resilient, and meets the reasonably foreseeable needs of the community; and*
- (c) Strategically enable infrastructure to lead or support regional economic development and community wellbeing.*

3.11 – Regional form

Northland has sustainable built environments that effectively integrate infrastructure with subdivision, use and development, and have a sense of place, identity and a range of lifestyle, employment and transport choices.

3.13 - Natural hazard risk

The risks and impacts of natural hazard events (including the influence of climate change) on people, communities, property, natural systems, infrastructure and our regional economy are minimised by:

- (a) Increasing our understanding of natural hazards, including the potential influence of climate change on natural hazard events;*
- (b) Becoming better prepared for the consequences of natural hazard events;*
- (c) Avoiding inappropriate new development in 10 and 100 year flood hazard areas and coastal hazard areas;*
- (d) Not compromising the effectiveness of existing defences (natural and man-made);*
- (e) Enabling appropriate hazard mitigation measures to be created to protect existing vulnerable development; and*

(f) Promoting long-term strategies that reduce the risk of natural hazards impacting on people and communities.

(g) Recognising that in justified circumstances, critical infrastructure may have to be located in natural hazard-prone areas.

- 57 The relevant policies and methods are set out in section 5.1 – Regional form; 5.2 – Effective and efficient infrastructure; 6 – Efficient and effective planning; and 7 – Natural hazards.
- 58 Zoning the Site for urban purposes will give effect to the RPS by:
- (a) Securing sufficient land, in an optimal location, to provide for the expected future growth needs of Kerikeri-Waipapa that achieves the Regional Form and Development Guidelines set out in Appendix 2. Specifically:
 - (i) As set out in the evidence of Mr Johan Ehlers, there are no infrastructure capacity constraints for the Site that differ from any land providing for urban growth in the Kerikeri – Waipapa area and beneficially, the Site has direct access to connect to existing networks to the north on Waipapa Road.
 - (ii) The Site connects well to existing urban areas and although is providing for greenfield development, the reasons and need for this are set out in the evidence. Infill alone will constrain development and lead to adverse economic and social outcomes. In any event, the RPS was operative on 9 May 2016, well ahead of the NPS UD, and therefore the provisions in the RPS would likely be different if the RPS were prepared having to give effect to the NPS UD as per s61 (1) (da) of the RMA.
 - (iii) The Site provides opportunities to deliver a range of transport modes with high amenity and roads that will provide a more resilient road network.
 - (iv) The Site will have access to social infrastructure and will provide opportunity for more social infrastructure to be provided, as required, can deliver public parks and open space connectivity.
 - (v) The Site will not generate reverse sensitivity effects.

- (vi) The Site can be developed to avoid flood hazards.
 - (vii) The Site provides sufficient land to address water infrastructure using low-impact design methods.
 - (viii) The proposed rezoning respects, acknowledges and creates ongoing relationships with tangata whenua.
 - (ix) The Site responds to the Kerikeri – Waipapa growth strategy – Te Pātukurea.
- (b) Achieving quality urban design outcomes as set out in the Regional Urban Design Guidelines, also in Appendix 2 Part B. Specifically:
- (i) Takes a long-term view and recognises and builds on the landscape character and context – refer to the evidence of Mr Grant Neill that confirms the Site will achieve the regional form provisions of the RPS.
 - (ii) The Structure Plan for the Site will achieve the character and choice guidelines set out in Appendix 2 – Part B, for example, by enabling transport choices, diversity of activities, creating good connections between Kerikeri and Waipapa and facilitating green networks. By providing opportunities to deliver creative outcomes and implement Māori design principles, foster opportunities for collaboration and implement quality urban design outcomes to foster community custodianship.
 - (iii) The Site will also strengthen positive characteristics that make Kerikeri distinctive, such as access to Rainbow Falls – Waianiwaniwa and facilitating the opportunity to create a strong urban entrance to Waipapa via the construction of a roundabout that will signal the entrance to the urban area on State Highway 10. Riverside esplanade reserves and the proposed open space areas will ensure that the characteristics of the location and wider area are protected and enhanced now and into the future.
 - (iv) As described in the ecology evidence of Ms Barnett, the Site provides opportunities for ecological and biodiversity enhancement.

- (c) Securing provisions to ensure the infrastructure required to service future development can be funded and delivered in an integrated manner.
- (d) Ensuring urban development does not generate reverse sensitivity effects on adjacent land areas and that providing the necessary land for the required urban growth of Kerikeri – Waipapa is located where the potential of land-based (soil-based) primary production is not adversely impacted and also that the overall social, economic and cultural benefits outweigh any potential adverse effects.
- (e) Rezoning the Site for urban development provides an opportunity to deliver infrastructure that is flexible, resilient, and adaptable to the reasonably foreseeable needs of the community (Policy 5.2.2); and will assist in stimulating and directing opportunities for growth and economic development (Policy 5.2.3).
- (f) Enabling choices and potential resilience options for transport networks.
- (g) Providing an opportunity to manage flood hazard risk for the site and potentially a wider area.
- (h) In terms of Policy 7.2.2, hard protection structures can be utilised for flood hazard management if the criteria set out in the Policy are met. Modification of the existing floodway on the Site can be achieved without hard structures, as detailed in paragraph 57 of Mr Laddie Kuta's evidence. In any event, if hard protection structures were to be required, it is likely they would achieve the criteria set out in Policy 7.2.2 as the benefits of the mitigation will outweigh adverse effects and the form and location of a floodway and the earth 'structures' to create it, can be designed and delivered in a manner that will ensure adverse effects on the environment are minimised. In any event, I consider that the detail of design, location and solutions available for management of any flood hazard are matters that can be addressed through the consenting process, and provisions are contained within the proposed Precinct. The Precinct provisions also achieve policy 7.2.4 – Statutory plans and strategies.

- 59 Zoning the Site for urban purposes, as sought in the submission, gives effect to the RPS, taking into account more recent National Policy Statements that the RPS has not been updated to reflect.

Strategic Direction

- 60 The Strategic Direction of the Proposed Plan is Part 2 and states that the District Plan responds to the significant resource management issues of the District and will help council achieve the community outcomes set out in the District's Strategy titled Far North 2100 - *This strategy is based on the Council and Community vision 'He Whenua Rangatira – a district of sustainable prosperity and wellbeing'*. Far North 2100 is an 80-year strategy for the district.
- 61 The submission seeks the rezoning of approximately 197 hectares of land between Kerikeri and Waipapa for urban purposes. The submission achieves the Strategic Direction by providing sufficient land and opportunities to meet the growth demands for housing and business.
- 62 The provision of sufficient land capacity that is feasible and available for development will assist in achieving Far North 2100 by providing opportunity for affordable housing, housing choice, resilient transport networks, open space and multi-modal transport connections with high levels of amenity. The development can provide flood hazard mitigation and resilience, ecological protection and enhancement and assist in delivering social and cultural prosperity.
- 63 Accepting the submission will achieve the Strategic Direction objectives relating to social and economic prosperity because the zoning will enable affordable housing to be delivered, provide housing choice, facilitate opportunities for a responsive, resilient economy; provide opportunities for the wellbeing of Tangata Whenua; enable opportunities for the fulfilment of the community's cultural, social, environmental and economic wellbeing.
- 64 In terms of urban form and development, accepting the submission will be resilient and adaptive to the impacts of climate change and flood hazards. The required infrastructure can be funded and delivered in an integrated manner in conjunction with the urban development of the land.

- 65 The Site can be connected to existing reticulated networks for water and wastewater as detailed in the evidence of Mr Ehlers and most importantly provides opportunity for affordable housing and a choice (mix) of housing typologies to be delivered, than can be achieved by infill development options.
- 66 The issue of highly productive land is addressed above, and the evidence demonstrates that the environmental, social, cultural and economic benefits of rezoning the Site for urban purposes outweigh the costs associated with the loss of HPL for land-based primary productive purposes.
- 67 Overall, accepting the submission and rezoning the land for urban purposes as sought will achieve the Strategic Direction.

Alignment with Zone Outcomes

- 68 The submission seeks to rezone the land from the proposed General Rural zoning to 152 hectares of General Residential, 22 hectares of Mixed Use and 23 hectares of Natural Open Space.
- 69 The submission seeks to apply a Precinct over the urban zoned land to secure the integrated delivery of infrastructure, including an intersection with State Highway 10; management and avoidance of flood hazards; and management of business activities to ensure there are no adverse effects on Kerikeri town centre.
- 70 A flood hazard overlay is also proposed over the Site to spatially define the area over which flood hazard management is to be secured via provisions in the Precinct.
- 71 The outcome the submission seeks aligns well with the outcomes sought for, and the objectives for the General Residential zone because:
- (a) The proposed zoning and Precinct will contribute to increased vibrancy and vitality for Kerikeri–Waipapa by creating economic opportunity and land capacity to ensure housing affordability.
 - (b) The proposed zoning will efficiently provide capacity for the medium term and look out to the longer term.
 - (c) The Long Term Plan 2021 – 2031 highlights funding for upgrades to the Kerikeri wastewater treatment plant in years 8 – 10, and an upgrade of the water main – Heritage Bypass in Year 5. It is

expected that updates/revisions of the LTP and any related 30-year Infrastructure Strategy would respond to the outcomes of the District Plan process.

- (d) There does not appear to be a 30-year Infrastructure Strategy for Far North, and in my experience, it would be expected that this Strategy would be prepared following decisions on the PDP to ensure alignment with the District Plan. This aligns with the requirements of Clause 3.4 (3) of the NPS UD, which states that development capacity is considered to be infrastructure-ready if
 - (d) in relation to the short term, there is adequate existing development infrastructure to support the development of the land*
 - (e) in relation to the medium term, either paragraph (a) applies, or funding for adequate development infrastructure to support development of the land is identified in a long-term plan*
 - (f) in relation to the long term, either paragraph (b) applies, or the development infrastructure to support the development capacity is identified in the local authority's infrastructure strategy (as required as part of its long-term plan).*
- (e) If the KFO land is zoned, infrastructure funding to align with the staging of development can be reflected in an Infrastructure Strategy; a Development Agreement can be formulated with the Developer, or other mechanisms signalled by Central Government, potentially employed to ensure that development is coordinated with the delivery of the required infrastructure.
- (f) In terms of the 'right location' comments in the Overview for the General Residential Zone, I consider the KFO proposal can and will achieve the required outcomes with respect to infrastructure servicing.
- (g) The proposed zoning will enable a variety of densities, housing types, and lot sizes to be delivered that respond to housing needs and demand over time, and in a manner integrated with the funding and delivery of the required infrastructure.

- (h) The development will respond to the amenity and character of the environment and will create a high-quality, well-functioning urban environment.
 - (i) The Site provides for compact urban form in terms of the fact that the location is greenfields but contributes to a consolidation of existing urban areas in a concentric manner, rather than linear. Thus enabling greater connectivity and, over time, greater efficiency with respect to travel patterns, resilience and infrastructure delivery.
 - (j) The proposed zoning will facilitate a well-functioning urban environment supported by a mix of activities to support residential housing, including employment / business land, open spaces and high amenity multi-modal transport opportunities.
- 72 The proposed Mixed Use zoning aligns with the outcomes stated in the Overview of the Mixed Use zone and the objectives because:
- (a) The proposed Mixed Use zone and related Precinct provisions will contribute to the vibrancy, safety and prosperity of the Kerikeri and Waipapa urban centres.
 - (b) As detailed in evidence, the Site and proposed submission will assist in achieving the Council's responsibility under the RMA, the NPS UD and the RPS to ensure there is sufficient land for housing and business to meet the future demands of the Kerikeri - Waipapa area. The evidence also demonstrates that urban development of the land can be coordinated with the funding and delivery of infrastructure.
 - (c) The Precinct limits the total floor area of retail space that may be provided and is consistent with MUZ-P5.
 - (d) The location and scale of the proposed Mixed Use zoning also aligns with MUZ-P8 because development in the zone will be consistent with the scale, density, design, amenity and character of the mixed use environment including adjacent mixed zones proposed at Kerikeri town centre and the industrial and small area of mixed use zoned land at Waipapa.
- 73 The proposed Natural Open Space zoning aligns with the outcomes stated in the Overview of the Natural Open Space Zone, and the

objectives because it enables the protection and enhancement of areas with ecological and natural character value for the benefit of current and future generations.

Reasons for the Request

- 74 As set out in the s32 report provided with the Submission, KFO commissioned technical reports to understand whether there was demand for any rezoning of the Site and to assess the Sites feasibility in terms of constraints and environmental effects for development.
- 75 The constraints and opportunities analysis, supported by the technical inputs, resulted in a structure plan for the Site that demonstrates an optimal urban outcome for the land.
- 76 Given the time lapse between when submissions were prepared and filed, and now, further testing and assessments have been undertaken to ensure the outcomes sought in the submission continue to represent the optimal outcome for the Site and the communities of Kerikeri – Waipapa.
- 77 The economic evidence demonstrates that without the KFO Site, there will be insufficient land provided to meet the growth demands for Kerikeri–Waipapa, and if insufficient land is provided, this will have significant negative effects for the local economy; adverse social effects associated with a lack of employment and unaffordable housing.
- 78 Responding to current growth options as set out in the adopted Te Pātukurea – 18 June 2025, the Site is the ‘Contingent Future Growth Area’. The evidence demonstrates that the land is needed now to ensure markets are not constrained and there are choices and options for development that will contribute positively to the economy. The evidence provided demonstrates that the contingencies are all thoroughly addressed (to the extent that they are relevant resource management considerations).

Assessment of Site Suitability and Effects of Rezoning

- 79 Evidence has been provided across a range of technical disciplines that demonstrate the suitability of the Site for urban development, as proposed, and the effects of the rezoning have been assessed. The following sub-headings provide a brief summary of the conclusions of the various technical; assessments and overall demonstrate that the

effects of the zoning sought by the submission are positive and better than the effects associated with not accepting the submission and zoning the land.

Urban Form and Urban Design

- 80 The evidence of Mr Grant Neill details the urban design aspects of the proposal. At paragraph 14 of his evidence, he states the proposed structure plan, and consequently the proposed zoning, *is grounded in best-practice urban design and informed by extensive technical assessments, community engagement, and consultation with stakeholders, including Ngāti Rēhia and the Far North District Council (Council or FNDC). It meets the direction in the general guidance criteria issued by the Hearings Panel for rezoning submissions, when viewed as a whole, including contributing to the well-being of people in Kerikeri-Waipapa, enabling education and community developments, which complement the existing social infrastructure and incorporating flood hazard mitigation measures.*
- 81 Paragraph 15 of his evidence confirms that the proposal as sought in the submission will achieve the requirements of the NPS UD to contribute to a well-functioning urban environment for Kerikeri – Waipapa; that the proposal will give effect to the RPS, also as set out above, in my evidence.
- 82 Overall, accepting the submission provides an opportunity to secure an optimal planning outcome for Kerikeri- Waipapa now and into the future.

Three Waters Infrastructure Servicing

- 83 The expert evidence of Mr Ehlers addresses the requirements and solutions for three waters infrastructure servicing. The evidence concludes, based on the Beca 3-Waters Capacity and Modelling Assessment and the Beca Technical Memorandum on infrastructure servicing for growth at Kerikeri- Waipapa, that public water and wastewater systems can be upgraded to support residential and commercial development on the Site. Timing issues for wastewater servicing can be addressed by providing for onsite servicing for up to 840 households, and water supply constraints exist for any form of urban growth for Kerikeri-Waipapa.

84 With respect to stormwater, the evidence, attached servicing report and the evidence of Mr Kuta addressing flood hazard management, demonstrates that the quality of stormwater from the Site can be managed such that any adverse effects will be less than minor. Mr Ehlers concludes that *the appropriate stormwater treatment and attenuation required for this Site can be achieved through adherence to good practice and relevant engineering standards.*

85 On this basis, the infrastructure servicing effects of the proposal are favourable and no worse than any other option for providing the required land area for the expected urban growth of Kerikeri and Waipapa.

Transport Infrastructure

86 As shown on the Structure Plan secured as the Precinct Plan, the Site provides significant opportunity for walking and cycling connections to the existing urban areas via riverside tracks that can integrate with the significant natural area around the wetland and amphitheatre. Additional connectivity opportunities will be created by the floodway, and the ability for the modified floodway to provide ecological and biodiversity enhancement opportunities as set out in the evidence of Ms Barnett.

87 The Structure Plan shows that there are multiple options for road access servicing of the Site. Development will be staged, and the necessary transportation upgrades and connections can be determined at future resource consent stages. In my experience, this is entirely standard when land is rezoned and differentiates the level of detail appropriate and necessary for rezoning, versus the detail required at the resource consent stage.

88 The ability to connect to State Highway 10 provides an opportunity for a roundabout that will create a positive entrance to the urban area of Waipapa.

89 The transport evidence of Mr Brown also states that the proposed primary connections can also provide resilience to, and an alternative route from, State Highway 10 when its low point across the Waipেকakoura River is in flood⁵.

⁵ NPS UD, Clause 3.2

Phillip Brown, Transport, paragraph 19

90 Subject to the limitations related to the availability of the modelling, it is considered that the effects of the proposal with respect to transportation are overall positive, and in any event, can be well managed by Precinct provisions. If additional Precinct provisions are required this can occur through a Supplementary Statement of evidence once the modelling is complete, reported on, and analysed by Mr Brown.

Hazards

- 91 The expert evidence of Mr Kuta addresses the existing and potential future flood risk to KFO's land and the management of the existing floodway across the Site; including the ability for modifications to the floodway to manage flood risk (post modification) and thereby unlock land for the proposed development.
- 92 The evidence explains that it is proposed to modify the existing floodway *to ensure floodwaters can continue to pass over the Site but in a managed manner with greater certainty of flood extent / dynamics so that the existing flood hazard is not adversely changed in the area surrounding the Site.*
- 93 The requirements to modify the existing floodway and the degree of mitigation to be provided are secured via the proposed Precinct and the flood hazard overlay maps, the spatial extent of the floodway, and the flood hazard area on the Site.
- 94 Mr Kuta's evidence addresses required modifications to the floodway to provide mitigation for a super design event – refer to paragraphs 49 – 52. The evidence states that recessing of the modified floodway deeper into the land is a method of removing the need for hard protection structures, which is an outcome aligned with the RPS policy, which limits the circumstances in which hard protection structures would be considered acceptable.
- 95 The evidence concludes, at paragraphs 74 – 79, that:
- *The Site currently includes a floodway that activates during times of extreme runoff but also includes non-flooded land that could help fulfil future regional land requirements with appropriate access developments.*
 - *The investigation results that I have reviewed show the quantity of non-flooded land could be increased to unlock more land through*

modifications to the on-site floodway, whilst causing less than minor changes to the greater flood hazard surrounding the Site.

- *The natural topography of the Site favours a recessed floodway that would mitigate failure risks that are associated with flood protection assets such as stopbanks.*
- *The presented works could provide an opportunity to manage the existing flood hazard at SH10 to help protect this regional lifeline.*

96 On the basis of the assessments undertaken by Mr Kuta and the evidence provided, the Site is able to provide mitigation to avoid flood hazard on the proposed urban development. The mitigation opportunities, which include modification of the existing floodway, provide an opportunity for naturalisation and ecological enhancement of the floodway and public amenities such as walking and cycling paths. The natural features on the Site, such as the amphitheatre, waterfall and wetland areas, provide opportunities for environmental protection and public open space.

97 I consider the effects in terms of hazards to be overall positive.

Highly Productive Land

98 The effects of the proposed rezoning on highly productive land are addressed in relation to the NPS above.

99 On the basis of the economic evidence detailing the expected growth rates for Kerikeri-Waipapa and the requirement to provide additional land / capacity for urban development, and the evidence of Mr Hunt that confirms there are no other reasonably practical / feasible options for providing the required development capacity, the effects of the proposal on highly productive land are considered less than minor. Any effects are acceptable given the proposal satisfies the requirements for rezoning as set out in Clause 3.6 (4) of the NPS HPL.

Ecology Effects

100 The ecological effects of the proposal have been addressed by Ms Barnett, and she concludes that based on her High-Level ecological constraints analysis and review of the ecological features in light of the NPS Indigenous Biodiversity (NPS IB) there is nothing from an

ecological perspective that suggests the Site is not suitable for urban zoning.

- 101 In addition, Ms Barnett's and other evidence details the ecological opportunities provided by the modified floodway, the river margins, the amphitheatre, wetland areas and waterfalls.
- 102 Given the low ecological values of the Site⁶ and the likely effects of the proposed urban development on ecological values, along with the ecological protection and enhancement opportunities, I consider that the effects of the proposed zoning on ecological values will be overall positive.

Landscape and Character Effects

- 103 A Landscape, Rural Amenity and Natural Character Assessment was prepared by Littoralis and provided as Attachment 4 (l) to the submission. The landscape assessment attachments were 4 (k).
- 104 The Landscape Assessment concluded that:
- ...much of the Site has limited landscape sensitivity and amenity. It is largely a simple, grazing farm with only very subtle topographic variety and a spartan frame of exotic shelterbelts that contribute little to landscape identity.*
- 105 The Assessment sets out the process undertaken and identifies landscape opportunities and constraints – Section D, and in Section E, sets out the spatial planning approach. These sections describe how landscape opportunities and constraints have influenced the proposed zoning pattern, ensuring landscape effects arising from the proposed urban development of the Site will be overall positive. The Assessment outlines that it is very likely the development will proceed in stages, so the framework provided by the structure plan and a future masterplan secured by the proposed Te Pāe Waiōra Precinct are important to ensuring a well-integrated urban outcome that provides optimised amenity to its residents⁷.

⁶ Evidence in Chief, Treffery Barnett, paragraphs 63 - 66

⁷ Landscape, Rural Amenity and Natural Character Assessment, Littoralis, page 20

106 Visual, Landscape and Natural character effects were assessed, and in Section G, the report conclusions are set out. These are summarised as follows:

- (a) *Kerikeri is a distinctive settlement with a subtropical feel, spatial containment, and a scale of commercial buildings that creates a unique village character.*
- (b) *Waipapa has a less place-specific identity and is experienced as being more “aggressively” commercial, with its large format retail facilities and range of industrial activities.*
- (c) *The Site’s spatial relationship with Kerikeri to one side and Waipapa to the other, combined with virtually flat topography, suggests that it is optimally positioned to accommodate future growth. This is particularly clear when the Site is compared with the characteristics of other parts of Kerikeri’s margin, which typically carry much stronger rural character and higher landscape sensitivity.*
- (d) *Whilst any urban land use applied over the Site will unavoidably bring with it a significant shift in character and resultant adverse visual and landscape effects, the Structure Plan is considered to avoid and minimise fundamental impacts, whilst providing for a locally relevant character to be woven through a new land use scenario.*

107 On the basis of the above, and the statement that the Site is optimal to provide the zoned capacity for the required urban growth of Kerikeri-Waipapa given that other parts of Kerikeri’s margin typically carry a stronger rural character and have higher landscape sensitivity. In my opinion, the Site therefore represents an optimal opportunity to provide for urban growth from a landscape, visual effects and natural character perspective.

Consultation and Engagement

108 The evidence of Mr Dennis Corbett details the community liaison and engagement that has occurred prior to and following the submission to the Proposed District Plan.

- 109 In my experience and opinion, the level and extent of public engagement has been greater than with many plan change proposals, including district council-led plan changes.
- 110 There has been extensive and ongoing engagement with community groups – Vision Kerikeri and Our Kerikeri, Ngāti Rehia, Kerikeri / Bay of Islands Golf Club, Housing and Urban Development representatives, as well as council members and staff and ministers.
- 111 In my opinion, the zoning sought along with the proposed structure plan and Precinct provisions are generally supported by the community.
- 112 There was a range of further submissions lodged to the KFO submission that also reflect community support for the proposal. The further submissions are summarised below:
- (a) Further Submission No 4 from Jeff Kemp states:
- The overall intent and purpose in developing the land is generally supported as it is the only viable and practical option to enable planned and coordinated development in and around the Kerikeri / Waipapa area. My support centres on traffic movements, hydrology and security of the proposed zones as sought.*
- He states the zoning layout represents an efficient use of the land resource subject to confirmation of traffic movements and the intersection at Waitotara Drive with Waipapa Road and hydrology impacts.*
- (b) Our Kerikeri Community Charitable Trust filed a further submission in general support of the KFO submission, stating that the Site is the only area that is able to provide a reasonably compact urban footprint for Kerikeri–Waipapa. The further submission states this is important for achieving a well-functioning urban environment.
- (c) Vision Kerikeri also filed a further submission in general support of the KFO submission and cites similar reasons to Our Kerikeri.
- 113 On the basis of the consultation and engagement details provided in Mr Corbett’s evidence, and the further submissions, I consider that there is community support for the proposed rezoning of the Site from rural to the urban zones proposed in the submission.

S32AA Evaluation

- 114 A s32 analysis was provided with the submission lodged. This s32AA analysis addresses the proposed changes to the Precinct and incorporation of the Structure Plan into the Precinct as the Precinct Plan. A copy of the updated Precinct is **Attachment B**.
- 115 The changes are considered to be inconsequential in scale as they largely update the Precinct name, secure the Structure Plan already provided, as a Precinct Plan and update Precinct wording for clarity and consistency. Objectives and policies have also been updated to better reflect the NPS UD.
- 116 In summary, the updates to the Precinct are evaluated to be the most appropriate way to achieve the purpose of this Act, and the provisions are the most appropriate way to achieve the objectives because:
- (a) The changes better define the circumstances under which the flood mitigation has to be in place prior to development, i.e. only for land within the mapped Flood Hazard overlay.
 - (b) Secures the Structure Plan as the Precinct Plan to better guide future development and depict the general location for walking and cycling track connections, areas of open space and ecological areas.
 - (c) They more clearly detail the need for urban development to be coordinated with the delivery of the infrastructure required to service the proposed stage of urban development.
 - (d) Better identify the need to zone sufficient land to ensure there is the required capacity for urban land required to support growth in the Kerikeri – Waipapa area now and into the future.
- 117 The effects assessment above confirms that the Site is optimal to provide for the urban growth requirements of Kerikeri–Waipapa and that there are no adverse effects that are minor, greater than minor, or significant. The benefits of the zoning and Precinct far outweigh and actual or perceived costs of the proposal.
- 118 As outlined in sections of this evidence above, and as set out in the economic evidence of Mr Thompson, the risks of not acting (i.e. the council not zoning sufficient land that is available for development, and

that is practical and feasible to development) are significantly greater than the risks of acting and potentially zoning too much urban land.

STATUTORY CONTEXT AND ASSESSMENT

- 119 An appropriately detailed evaluation under s 32 of the RMA is set out above. The evidence for KFO and the technical assessments that support it demonstrate that the proposed zoning and Precinct are the best way to achieve the purpose of the RMA and related National Policy Statements.
- 120 The proposal better gives effect to the relevant NPS and RPS provisions than zoning the land as General Rural will.
- 121 The land is required to be urbanised to ensure there is sufficient urban land capacity to provide for housing and business land uses for the Kerikeri-Waipapa area now and into the future.
- 122 The Site provides land that is available for development, can be serviced with the required infrastructure, with any limitations applying to all growth areas equally, and is practical and feasible to develop.
- 123 In my opinion, the proposal clearly achieves the required legal tests to be zoned for urban purposes and represents the best planning outcome available to provide for growth in the Kerikeri-Waipapa area.

CONCLUSION

- 124 Rezoning the Site for urban purposes better achieves the requirements of the relevant National Policy Statement and RPS than other options.
- 125 The urban zoning sought will better achieve a well-functioning urban environment, facilitate positive economic growth, secure positive ecological and social outcomes and provide the greatest opportunities for connections and resilience.
- 126 The Precinct secures key aspects for the Site in addition to the zoning provisions.
- 127 The Precinct and zoning sought sit well with the Proposed Plan provisions in terms of the Site characteristics and the effects anticipated from urban development of the land.
- 128 In my opinion, the zoning sought in the submission should be accepted and the Site rezoned as sought.

Burnette O'Connor

Burnette Anne O'Connor

30 June 2025

APPENDIX A

Burnette O'Connor

Planner / Director

The Planning Collective Limited



THE PLANNING
COLLECTIVE



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Bachelor of Resource and Environmental Planning (BREP) (hons), Massey University
Member of NZPI (Full) and RMLA

Burnette has over 30 years' experience in resource management including resource consenting, plan change requests, policy advice and being an expert witness at council and Environment Court hearings. Burnette excels at project delivery. She has a pragmatic, positive and proactive approach focussed on achieving positive outcomes for clients, the community and the environment. Burnette has extensive experience in project management of all types and scale of resource management projects. Having worked as a Team Leader and Consent Planner for Far North District Council and the former Rodney District Council, Burnette possesses distinct comprehension of the council process and rural, coastal, and urban environments. Burnette has provided advice to various local authorities over the years on policy matters, including undertaking two reviews of planning functions within Kaipara District Council.

Key Skills

- Preparation and Processing of Plan Changes and Notices of Requirement
- Project Management of larger scale projects and multidisciplinary project teams
- Resource consents, environmental planning, due diligence assessment and risk analysis
- Presentation of expert evidence for Council and Environment Court Hearings
- District Plan Appeals
- Environment Court mediation and Alternative Dispute Resolution
- Rural Character and Landscape studies
- Rural planning and policy advice
- Land development.
- Mana whenua and stakeholder consultation and engagement
- Mentoring of Graduate and Intermediate Planners.

Career Experience / Background

- Aug 2019 – Present Planner/Director at The Planning Collective Ltd
- Sept 2017 – Aug 2019 Senior Associate – Barker & Associates

- Feb 2001 – Sept 2017 Planner/Director at OPC Ltd
- April 1998 – Sept 2000 Team Leader Resource Consents – Rodney District Council
- Sept 1996 – April 1998 Resource Consents Planner – Rodney District Council
- Nov 1994 – Aug 1996 Resource Consents Planner – Far North District Council

Plan Changes

Burnette has been involved in both preparing and assessing Plan Changes including the preparation of s32 analyses. Notably Burnette was the project lead and expert planner for Plan Change 25 Warkworth North and has also obtained zone changes for land holdings at Snells Beach and the Karaka Growth Nodes in South Auckland. She is currently project managing several larger scale rezoning projects.

Resource Consents and Designations

Burnette has prepared and obtained many landuse, subdivision and coastal resource consents for clients who include district and regional council's as well as individuals and companies. Notices of Requirement have also been prepared and processed including for Requiring Authorities such as Ministry of Education and New Zealand Transport Agency. This work has also included lodging submissions, preparing expert evidence, and attendance at Council hearings and the Environment Court. Additionally, Burnette has experience with the COVID-19 Recovery (Fast-track Consenting Act) 2020.

District Plan Process

Burnette was closely involved in the writing hearing and decision reports for rural and coastal matters for the Rodney District Plan 2000. She also undertook a capacity analysis and drafted provisions for the Countryside Living zone, including transferable title right subdivision options for the draft Auckland Unitary Plan and was responsible for the identification of the Rural – Mixed Rural zone in the north of the Auckland region.

Rural Character and Landscape Studies

- Rural character studies of the Rodney District and the Hauraki District for the Council's District Plan reviews.
- A landscape study of the Waikato Region as part of the Environment Waikato RPS review.

Environment Court Appeals/Mediation

Extensive expert evidence to the Environment Court relating primarily to rural and coastal planning matters. Expert evidence has also been provided in respect of a road stopping matter and various urban planning issues.

Burnette has been involved in the settlement of many appeals through the mediation process both on behalf of private and public sector clients.

Commissioner Work

Burnette is a qualified Independent Hearings Commissioner and Chair. She has been appointed as a Commissioner for Kaipara and Whangarei District Councils. Burnette has acted as a Commissioner on private plan changes, subdivision and landuse hearings and resource consent hearings.

Mentoring

Burnette has acted as a mentor for First Foundation assisting scholars to achieve goals through work

experience and tertiary education. She has also been a mentor for the New Zealand Planning Institute programme to mentor graduate planners and has offered planning work experience to students considering undertaking a planning degree or requiring work experience.

Summary

Burnette is highly experienced in all aspects of planning. She is very familiar with planning environments; Councils; rural and urban communities particularly in Auckland and Northland.

Relevant Experience / Key Projects

- Obtaining consent for a Retirement Village in Riverhead, Auckland through the COVID-19 Recovery (Fast-Track Consenting) Act pathway (2023) – (subsequently appealed)
- Expert witness at the Dome Valley Landfill Hearing (2023) and other Environment Court cases
- Warkworth North Private Plan Change (Plan Change 25) – application to rezone approximately 100 hectares of land from Future Urban to a range of urban land uses.
- Rural Plan Changes to Whangarei District Plan
- Proposed Auckland Unitary Plan (PAUP) – policy advice to Auckland Council on rural land use and subdivision including transferable title rights; private client work, rezoning, air quality and related matters
- Review and advise on the Rural Chapter and Coastal Chapter of the Rodney District Plan review (2000) and undertake Section 32 analysis of Rural Character and Landscape to inform the District Plan review (2008)
- Environment Waikato Landscape Study – Section 32 Landscape analysis for Outstanding Natural Landscapes for the Environment Waikato RPS review (2009)
- Planner – Carrington Farms vs Far North District Council and Te Runanga a Iwi o Ngāti Kahu regarding issues with subdivision near urupā
- Alteration to Designation – Te Kura Kaupapa o Whangaroa
- Karaka North Village Growth Node rezoning rural to urban
- Warkworth Community Centre
- Redevelopment of heritage buildings in Devonport, Parnell and Warkworth including the Town Hall, BNZ Bank building, Anglican Church, and the former Rodney Motors building
- Two private plan changes in Snells Beach rezoning land from Residential – Large Lot to Residential – Single House
- Rezoning and development of land at Silverdale, Auckland from rural to urban. The development included a Retirement Village
- Kerikeri / Waipapa Gateways
- Expert witness for a range of Far North and Whangarei District Environment Court appeals
- Shakespeare Regional Park Predator Fence to create a mainland island
- Rural and Highly Valued Natural Resources Chapters of Rodney District Plan 2000 – hearings reports, decision reports and appeals
- Obtained subdivision consent in Lytton West, Gisborne to create 155 residential sites and associated JOAL's and roads to vest (2021)
- Obtained subdivision consent in Warkworth, Auckland (Rockford Point) to create 41 residential lots and associated roads, esplanade reserve to vest, etc (2021)

APPENDIX B

PART 3 – AREA SPECIFIC MATTERS / PRECINCTS (MULTI-ZONE)

Chapter X Te Pāe Waiōra Precinct

Ko te momo waiora, he pae here

*Connecting the Falls, character and amenity for the community's wellbeing
Gathering space – water of life health and soundness -*

Overview

Te Pāe Waiōra Precinct relates to land at 1828 and 1878 State Highway 10, Waipapa and Lot 1 DP 333643. The Precinct is strategically located between the townships of Kerikeri and Waipapa. The Precinct's development will provide a high-quality well-functioning urban environment that connects Kerikeri and Waipapa and reinforces each township's unique characteristics. The Precinct provisions provide for high-quality urban development subject to a site-specific management framework that coordinates development with infrastructure and manages potential risk of natural hazards through the development of a floodway. Except where varied by the Precinct, the underlying District Plan provisions continue to apply.

The Precinct provisions will secure a well-functioning and quality urban environment connecting the Kerikeri and Waipapa areas.

The Precinct provisions will facilitate the development of land in stages, over a period of time, in conjunction with the coordinated funding and delivery of the required infrastructure to service development.

The location provides a significant opportunity for urban growth that will deliver affordable housing in a variety of typologies with high levels of environmental amenity.

The Precinct provisions secure the opportunity to manage flood risk for the site, and potentially the wider area, in a way that will also contribute to public and environmental amenity.

Specific provisions control the amount of retail floor space to ensure the needs of the neighbourhood are met and that commercial and retail activity does not generate adverse competing impacts with the existing Kerikeri town centre.

Objectives	
TPW-O1	Te Pāe Waiōra Precinct is an example of a quality, well-functioning urban environment that enables the community to provide for their social, economic and cultural well-being, and for their health and safety
TPW-O2	Urban development is coordinated with the supply of sufficient transport, water supply, stormwater, wastewater, energy and communications infrastructure.
TPW-O3	Locate urban development outside the identified flood hazard areas and enable urban development on areas subject to the flood hazard overlay, subject to modification of the floodway to ensure flood hazard risks for that land is avoided.
TPW-O4	Connected, quality, multi-modal transport connections that provide high amenity and resilience for the community are provided in conjunction with urban development.
TPW-O5	Ensure commercial activities are of an appropriate scale and nature that support the neighbourhood community and do not detract from the Kerikeri Town Centre.

Policies	
TPW-P1	Enable the efficient use of land strategically located between Kerikeri and Waipapa to provide the required capacity for urban development now and into the future.
TPW-P2	Zone sufficient land to ensure competitive housing and business land markets for current and future generations and to support the healthy and optimal functioning of the Kerikeri Waipapa and Far North economy.
TPW-P3	Require urban development to occur generally in accordance with Te Pāe Waiōra Precinct and the Structure Plan.
TPW-P4	Provide a connected public pedestrian and cycle network adjacent to the river, connecting to Rainbow Falls – <i>Waianiwaniwa</i> , through the site and to areas beyond the site.

TPW-P5	Enable urban development outside the flood hazard overlay and prohibit occupation of any dwelling or commercial building within the flood hazard overlay until the existing floodway is modified, or an alternative flood hazard management solution, is operational.
TPW-P6	Limit the extent of retail activity gross floor area to support Te Pāe Waiōra Precinct and contribute to the continued vitality of Kerikeri town centre.
TPW-P7	Deliver a quality, connected road network that matches the scale and timing of urban development within Te Pāe Waiōra Precinct and ultimately secures a resilient road network that benefits the wider community.
TPW-P8	Provide public open spaces in the vicinity of natural site features as shown on the Precinct Plan to ensure the ongoing protection of native vegetation, stream, wetland, and waterfall areas.
TPW-P9	Deliver a range of commercial activities to provide local employment and service the neighbourhood community.
TPW-P10	Deliver sections sizes for residential living in keeping with the underlying zone and the Precinct Plan.
TPW-P11	Enable urban development within the precinct through the staged release of land with sufficient infrastructure to support its development.

Rules	
	<p>Notes:</p> <p>Part 2- District-Wide Matters of the District Plan apply to a proposed activity within the Precinct</p> <p>Part 3- Area Specific Matters apply to the Precinct as per the underlying zoning being General Residential, Mixed Use; Open Space and Recreation Zones.</p> <p>The Precinct provisions apply in addition to those matters listed within Part 2 and 3 of the Proposed District Plan.</p> <p>Refer to the “how the plan works” chapter to determine the activity status of a proposed activity where resource consent is required under multiple rules.</p>

Rules Te Pāe Waiōra Precinct		
TPW-R1 New buildings or structures		
	<p>Activity status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> The building or structure is located outside the Flood Hazard overlay. For buildings or structure within the Flood hazard overlay; once the existing floodway has been modified; or an alternative flood hazard solution, is operational. 	<p>Activity status where compliance not achieved: with TPW-R1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> Management of flood hazard. Risk to proposed buildings associated with flooding. Risks to other persons or property associated with the proposal in relation to flood hazard.
TPW-R2 Retail Floor Space in the Mixed Use zone		
Te Pāe Waiōra Precinct	<p>Activity Status: Permitted</p> <p>Where:</p> <p>The total retail floor space in the Mixed Use zone shall not exceed 7,500m² excluding a supermarket.</p>	<p>Activity status where compliance not achieved with TPW-R2: Discretionary</p>

TPW-R3 Neighbourhood centre

<p>Te Pāe Waiōra Precinct</p>	<p>Activity status: Restricted Discretionary</p> <p>Where: No more than 5 retail or commercial premises are provided to service the neighbourhood in the general location shown on the Precinct Plan..</p> <p>The new building/s or structure/s complies with the standards:</p> <p>MUZ-S1 Maximum height MUZ-S2 Height in relation to boundary MUZ-S3 Setback (excluding from MHWS or wetland, lake and river margins) MUZ-S4 Setback from MHWS MUZ-S5 Pedestrian frontages MUZ-S6 Verandahs MUZ-S7 Outdoor storage MUZ-S8 Landscaping and screening on road boundaries MUZ-S9 Landscaping and screening for sites adjoining a site zoned residential, open space or rural residential MUZ-S10 Coverage</p>	<p>Activity status where compliance not achieved with TPW-R2: Discretionary</p>
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BL- R4 Comprehensive Development Plan

<p>Brownlie Land Precinct</p>	<p>Activity status: Restricted Discretionary</p> <p>Where:</p> <p>As part of the first resource consent application for any subdivision, use or development within the Precinct, a Comprehensive Development Plan shall be submitted for approval containing the following information:</p> <ol style="list-style-type: none"> 1. The layout, location and type of proposed lots. 2. Proposed staging of development. 3. Road connections and access points, including land required for the round a bout connection to State Highway 10. 4. Internal roads, private access ways, pedestrian and cycle connections. 5. Detail of the funding and delivery of required infrastructure to service development, including staging as appropriate. 6. A comprehensive Stormwater Management Plan. 7. Detail of areas to be vested as public reserves and any other open space areas proposed. 8. Detail of natural hazard mitigation measures including provision for legally securing the land required for flood hazard mitigation and detail and plans for the physical construction of the floodway or other alternative flood management solution to avoid natural hazard risk for development within the Precinct. 9. Detail of the location of a Neighbourhood Centre to provide retail premises to support the residential neighbourhood. 10. Indicative layout for development within the Mixed Use zone <p>Once approved the Comprehensive Development Plan can be implemented in stages as per granted resource consent applications.</p>	<p>Activity status where compliance not achieved with TPW-R4 Discretionary</p>
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	<p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none">a. The quality, efficiency and suitability of proposed infrastructure to service current and future development within the Precinct.b. Alignment of development staging with the provision of infrastructure.c. The management of stormwater to avoid or otherwise mitigate the effects of stormwater on the environment.d. The extent to which pedestrian and cycle connections utilise and enhance access to Rainbow Falls – <i>Waianiwaniwa</i>, the Kerikeri river, the Sports Hub and the wider area.e. The suitability of reserves to vest in relation to location, connectedness, topography and access to services.f. The management of flood hazard to avoid flood hazard effects on urban development.g. The design of sites to achieve a quality, sustainable urban environment, including but not limited to solar access, multi modal transport connections, walkability, amenity and connection to nature.h. The appropriateness of scale and location of a neighbourhood centre.i. The appropriateness of activities and buildings proposed in the Mixed Use zone, and the layout of sites to provide a dual frontage to State Highway 10 and the internal road network.	
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Te Pāe Waiōra Precinct Plan:

