



PROPOSED FAR NORTH DISTRICT PLAN
RECOMMENDATIONS OF THE INDEPENDENT HEARINGS PANEL
RECOMMENDATION REPORT 15D
**Hearing 15D: Rezoning Requests for land within Kerikeri-
Waipapa Spatial Plan Area**

March 2026

Recommendation Report 15D

Recommendation Report 15D is to be read in conjunction with the **Preamble Report** and **Recommendation Reports 14, 15C and 16**.

Recommendation Report 15D contains the Panel's recommendations on various rezoning requests within the Kerikeri Waipapa Spatial Plan (**KKWSP**) areas.

Recommendation report 15D contains two topics:

- Topic 1 – Rezoning requests within the KKWSP area, excluding the Kiwi Fresh Orange Company Limited (**KFO**) land; and
- Topic 2 – Rezoning requests on the KFO land.

Consequential amendments are also made to the new Town Centre zone (**TCZ**) and the Medium Density Residential zone (**MDRZ**) and a number of plan wide chapters in order to recognise these new chapters.

Recommendation Report 15D contains the following appendices:

Appendix 1: Schedule of Hearing Attendances

Appendix 2: Hearings Panel Recommended Amendments to Planning Maps

Appendix 3: Hearings Panel Recommended Amendments to the PDP including:

Appendix 3.1 Town Centre Zone Chapter (New)

Appendix 3.2 Medium Density Residential Zone Chapter (New)

Appendix 3.3 Consequential Amendments to Plan Wide Rules

Appendix 4: Recommended Decisions on Submissions – Rezoning Kerikeri-Waipapa

The Independent Hearings Panel for this hearing was comprised of Robert Scott – Independent panel member and Chairperson; Council member Felicity Foy; Alan Watson - Independent panel member; and Peter Kensington - Independent panel member.

Note that Council member Felicity Foy stood down from hearing the Kiwi Fresh Orange rezoning topic.

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RECOMMENDATION REPORT 15D

1 Introduction

1.1 Report Structure

This is **Recommendation Report 15D** prepared by the Independent Hearings Panel appointed to hear and make recommendations with respect to submissions and further submissions lodged on the Proposed Far North District Plan (**PDP**).

This report makes findings and recommendations relating to submissions requesting new zoning in Kerikeri Waipapa Spatial Plan (**KKWSP**) area.

1.2 Section 32AA of the RMA

The requirements in clause 10 of the First Schedule of the Act and s32AA RMA are relevant to our considerations of the PDP provisions and the submissions received on those provisions. These are outlined in full in the **Preamble Report**.

We have not produced a separate evaluation report under s32AA. Where we have adopted the recommendations of hearing report authors, we have adopted their reasoning, unless expressly stated otherwise. This includes the s32AA assessments within or attached to the relevant hearing reports, provided within evidence for Submitters, and/or within the Council's right of reply reports. Those reports are part of the public record and are available on the Council website.

Where our recommendation differs from the hearing report authors' recommendations, we have incorporated our s32AA evaluation into the body of our recommendation report as part of our reasons for recommended amendments, as opposed to including this in a separate table or appendix.

As per Section 4.2 of the **Preamble Report** where we generally agree with the Council recommendations relating to the relief sought by those submitters who did not wish to speak at the hearing, we have concluded that these matters are not in contention. In that regard, we have focussed our discussion in this recommendation report on those submitters who presented evidence to us.

1.3 New Town Centre Zone and Medium Density Residential Zone Provisions

This recommendation report contains the provisions for the new Town Centre zone and the new Medium Density Residential zone that we recommended be included in the PDP in Recommendation Report 14. The provisions for these zones are provided in **Appendix 3.1 – Town Centre Zone** and **Appendix 3.2 – Medium Density Residential zone**.

As a result of these new zone chapters, there are in addition, consequential amendments to a number of plan wide chapters in order to recognise the new zones. These plan wide amendments are included in all of the relevant appendices to all of our recommendation reports. However, a list of these consequential amendments and where they occur is provided in **Appendix 3.3**.

2 Procedural Issues

2.1 Pre-Hearing Engagement with Submitters

As per Minute 14 we directed a bespoke process for all rezoning requests (Hearings 15A-15D) to allow those submitters seeking a new zoning to engage with Council officers to discuss the merits of the requests and to allow submitters to submit evidence and detailed provisions ahead of the preparation of the Council hearing reports. This allowed both submitters and Council officers to engage in the analysis required under section 32 of the RMA to examine the proposals for their appropriateness in achieving the purpose of the RMA and for their benefits, risks and effects on the community, the economy, and the environment. It also allowed submitters and Council officers to agree on new zones and the provisions that would apply to them.

Minute 14 set out set criteria to be considered with each rezoning request. Those criteria are:

General guidance criteria for rezoning submissions

Criteria	Matters to be addressed
Strategic direction	<ul style="list-style-type: none"> How the rezoning request is consistent with the PDP strategic direction (refer Hearing 1)
Alignment with zone outcomes	<ul style="list-style-type: none"> When rezoning request relates to existing PDP zone, an assessment of how the proposal is aligned with the objectives, policies and intended outcomes for the zone
Higher order direction	<ul style="list-style-type: none"> How the request “gives effect to” higher order documents in accordance with section 75(3) of the RMA? Consideration of all relevant national policy statements, the national planning standards, and the Northland Regional Policy Statement.
Reasons for the request	<ul style="list-style-type: none"> The reasons for the rezoning request, including an assessment of why the notified zoning is not appropriate for the subject land.
Assessment of site suitability and potential effects of rezoning	<ul style="list-style-type: none"> Assessment of the suitability of the land for rezoning, including an assessment of: <ul style="list-style-type: none"> The risks from natural hazards (refer Part 2 – District Wide Matters) Effects on any natural environment values, historic heritage, coastal environment, or other PDP overlay (refer Part 2 – District Wide Matters) Effects on surrounding sites, including compatibility of the

	rezoning with surrounding land-uses and potential reverse sensitivity effects.
Infrastructure (three waters) servicing	<ul style="list-style-type: none"> • How the rezoning request (including subdivision and development potential enabled by the request) will be supported by adequate infrastructure servicing. This assessment should set out, as applicable: <ul style="list-style-type: none"> ○ Any proposed connections to existing infrastructure systems. <ul style="list-style-type: none"> ▪ Any outcomes of discussions with infrastructure providers and any assumptions about infrastructure servicing/sequencing or capacity, including demands from other plan-enabled development. ▪ Any on-site provision of infrastructure. <p>Note: if the rezoning request would result in any substantive demand on Council’s infrastructure or alternative bulk infrastructure solutions, we encourage submitters to engage with Council infrastructure staff during preparation of submitter evidence.</p>
Transport infrastructure	<ul style="list-style-type: none"> • How the rezoning request will be supported by existing or proposed transport infrastructure, including how new or upgraded transport infrastructure is required. <p>Note: if the rezoning request includes any access to a State Highway, engagement with Waka Kotahi is strongly encouraged, and the outcomes of this engagement should be recorded in evidence.</p>
Consultation and further submissions	<ul style="list-style-type: none"> • Any consultation undertaken with key stakeholders or tangata whenua in relation to the rezoning request. • A list of any further submissions on the rezoning request and a response to those further submissions
Section 32AA evaluation	<ul style="list-style-type: none"> • How the rezoning request is a more appropriate, effective and efficient way to achieve the PDP objectives (compared to the notified zoning) in accordance with section 32AA of the RMA

Having regard to the above matters in Minute 14, Council officers for both Rural and Urban rezoning topics have set out a specific rezoning evaluation framework (see Appendix 2 in the Council Hearing Report – Rezoning Overview Report) to focus on matters relevant to these rezoning request submissions. Those criteria are:

- Criterion A – Location

- Criterion B – Land Use and Subdivision Pattern
- Criterion C – Site suitability
- Criterion D – Infrastructure
- Criterion E – Growth Demand.

The Council reporting officers for both rezoning Rural and Urban topics have provided a detailed explanation and guidance on the application of these criteria for each topic.

The Panel supports the use of these criteria as they provide explanation and guidance to submitters and links to the matters outlined in Minute 14 and ultimately the matters to be considered under section 32 of the RMA.

This process followed an agreed timeframe for information/evidence exchange as follows:

- **16 weeks before hearing (earlier if possible)** – submitters file their evidence for their rezoning submission, addressing the criteria below as applicable and providing supporting section 32AA evaluation.
- **12 weeks before hearing** – further submitters supporting or opposing the rezoning submission file their evidence.
- **4 weeks before hearing** – reporting officers provide section 42A report for the rezoning sub-topic.
- **2 weeks before hearing** – submitters requesting rezoning can file rebuttal evidence.

As set out in the hearing report, the table below sets a high-level summary of pre-hearing informal engagement with certain submitters. We note that a more detailed summary of the evaluation of each new zoning request is set out in Appendix 1 to the Council hearing report.

The table below (from section 2.7.1 of the hearing report) summarises the pre-hearing informal engagement with submitters and the outcome of these discussions specific to the submissions that are evaluated within this report.

Submitter	Type of Engagement
Kāinga Ora	Two informal online meetings
Ernie Cottle and Jeff Kemp	Initial informal online meeting with Melissa Pearson
Turnstone Trust	Initial informal online meeting
Alan and Pat Strang	Email exchange
Davies Kerikeri Family Trust	Informal in person meeting

Smartlife Trust	Email exchange Brief site visit undertaken
Kiwi Fresh Orange Company	In person meeting Various letter and email correspondence Site visit undertaken 4 th June 2025 (Sarah Trinder and experts) Site visit undertaken 13 August 2025 (Sarah Trinder and Jerome Wyeth)

We are encouraged that these submitters chose to engage in the process and the feedback from them at the hearing was that it was generally a positive and iterative process.

2.2 Te Pātukurea – The Kerikeri Waipapa Spatial Plan

As set out in the hearing report Te Pātukurea, the Kerikeri-Waipapa Spatial Plan (**KKWSP**) was adopted by the Far North District Council on 18 June 2025. The KKWSP has been discussed at a high level in the Rezoning Overview Hearing Report (see Section 3.6.1 of the Rezoning Submissions Overview report).

The KKWSP is relevant for those submissions being considered as part of Hearing 15D - Rezoning Requests for land within the Kerikeri-Waipapa Spatial Plan Study Area. However, there are some requests for upzoning of rural land to a Rural Residential zone on the periphery of Kerikeri and Waipapa where the outcomes sought to be achieved by the KKWSP are a relevant consideration, hence the inclusion of the reference to the KKWSP in Criterion D, discussed above.

We note that, while it is a non-statutory document, the KKWSP is a matter that should be “had regard to” under section 74(2)(b)(i) of the RMA when making recommendations in response to submissions on the PDP. We also consider that the KKWSP is a council adopted strategy that is consistent with the purpose and content of a future development strategy, as set out in the NPS-UD, despite this not being required for a Tier 3 local authority. As such, we have formed the view that the KKWSP can be given some weight when considering submissions that have the potential to influence whether the outcomes sought by the KKWSP will be achieved.

The core outcome sought by the KKWSP is that a compact urban form around Kerikeri and Waipapa is achieved, as opposed to accommodating future growth via continued greenfield development outside of the boundaries identified in the KKWSP. We have discussed this approach in detail on our **Recommendation Report 14**. The compact urban form adopted by the KKWSP is intended to be achieved in Kerikeri by providing approximately 30–40% of future growth through brownfield development / intensification, with 60–70% accommodated in greenfield areas. For Waipapa, the proportions are approximately 17% brownfield/intensification and 80% greenfield. We consider this policy direction to be relevant when considering requests for additional rural and

residential development on the periphery of Kerikeri and Waipapa and whether this would likely undermine a compact urban form being achieved.

On this basis there has inevitably been some overlap between the matters addressed in Hearing 15C and Hearing 15D and some submitters preferred to present their evidence as part of Hearing 15D as opposed to Hearing 15C.

With regard to the Council reporting, we note that for some of the expert assessments provided (especially the field of economic evidence), the analysis may be applicable to both Hearing 15C and Hearing 15D. On that basis we recommend that submitters read both hearing reports.

2.3 Options Considered by the Council

As the submissions in these hearing topics fall within the auspices of the KKWSP the hearing report has identified three broad options available to provide development capacity for Kerikeri Waipapa. These are:

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

The merits of each approach have been considered by the Panel and we provide further discussions of each option where relevant and in relation to the various rezoning request considered.

2.4 Proposed District Plan Recommended Version Package (PDP-R)

The PDP-R is a combined package of changes recommended by Council officers for land subject to the KKWSP. The PDP-R includes the following:

- Medium Density Residential zone (**MDRZ**) over parts of the existing General Residential zoned land;
- Town Centre zone (**TCZ**) over parts of the existing Mixed Use zoned land;
- Upzoning of 23 Aranga Road from Rural Residential to General Residential zone;
- Rezoning 7.7 ha of land at 126 Kerikeri Road (and associated land holdings) from General Residential to Mixed Use zone; and
- Introduction of a minor residential unit as a permitted activity and minor provision changes recommended through Hearing 14.

The hearing report describes the PDP-R package as being aligned with the intensification principles of the KKWSP and the NPS-UD.

2.5 Development Capacity

A key component of the rezoning submissions is the issue of development capacity.

Paragraphs 45-56 of the hearing report sets out the Council's approach and evaluation of development capacity within the KKWSP. This evaluation is primarily based on the

assessment undertaken by the Council's economic advisor – Mr McIlrath and the evidence he presented to the Panel. He states that housing affordability is a critical issue in the Far North and Kerikeri-Waipapa residential markets and he attributes this to low household incomes and high construction costs, which constrain the price points at which developers can feasibly deliver housing. In Mr McIlrath's view development has historically focussed on detached dwellings, but Mr McIlrath notes that a shift toward higher-density attached typologies could help address these affordability challenges¹.

In his assessment Mr McIlrath has considered the Housing and Business Assessment (**HBA**) which was prepared in 2024 and identified capacity deficits for detached dwellings in both Kerikeri-Waipapa and the wider district. We understand that the HBA model formed the basis for Mr McIlrath's evaluation of the capacity enabled by the PDP-R.

Mr McIlrath has estimated the Potential Development Capacity (**PDC**) at 5,003 dwellings in Kerikeri-Waipapa (2,590 detached and 2,413 attached), and 23,272 dwellings across the district (15,654 detached and 7,618 attached). He concluded that the PDP-R provides sufficient capacity across all timeframes and typologies, except for a long-term deficit in detached dwellings in Kerikeri-Waipapa, projected to emerge around 2048.

2.6 New Zones for Kerikeri

As discussed in **Recommendation Report 14** the Council, in recognising its classification and obligations as a Tier 3 local authority under the NPS-UD and to give effect to the KKWSP, has recommended two new zones to apply within Kerikeri. These are the Medium Density Residential zone (**MDRZ**) and Town Centre zone (**TCZ**) and they are focussed on enabling greater intensification especially for housing. We understand that the economic analysis by Mr McIlrath was factored into the new zones and that the intensification enabled is anticipated to improve housing affordability by enabling smaller, more varied dwellings and enhancing market competition across locations and price points. The Council's evidence is that by locating growth near the town centre, this supports accessibility, active transport, and infrastructure efficiency.

The new zones have been supported in the strategic planning evidence from Mr Lindberg and the urban design evidence of Jane Rennie.

We have received evidence in opposition to the intensification approach proposed by the Council in the PDP-R and the introduction and/or the provisions proposed for the two new urban zones.

2.7 National Planning Instruments

As discussed in section 3.2 and 3.3 in the **Preamble Report**, where any national policy or environmental standard was notified prior to the hearing these provisions have been incorporated in the hearing report and addressed at the hearing and in our evaluations and recommendations. With regard to the ten national policy statements and environmental standards that came into effect on 15 January 2026 (i.e. after all hearings had been completed) we have determined (following legal advice) that the Council can only give effect to those documents through a Schedule 1 variation or plan change process. See also Minutes 40-42 which address this matter.

¹ Hearing 15D – Evidence of Lawrence McIlrath – paragraph 3.2

In response to Minute 41, we received a legal memorandum from Kiwi Fresh Orange Limited (**KFO**) relating to the recent amendment to the NPS-HPL and its implication for urban zoning on land with a LUC Class 3 classification. We address that memorandum and any implications for the KFO submission and other requests for an urban zoning of LUC Class 3 rural land in the relevant sections of our assessments below.

3 Topic 1: Rezoning Requests within Kerikeri-Waipapa (excluding KFO land)

3.1 Key Issues

As set out in the hearing report a total of 129 original submissions and 494 further submissions were received on Hearing 15D.

The hearing report identified 17 Key Issues identified in submissions. Where we have received no evidence in response to the hearing report, we have determined these submissions to no longer be in contention and have adopted the hearing report recommendation as our own. One notable exception is the submission by Kāinga Ora which did not provide evidence or attend the hearing. However, the Council has relied upon this submission to introduce the TCZ and MDRZ. Of the matters that were contested at the hearing we have identified the following Key Issues:

- Key Issue 1: Kāinga Ora – TCZ and MDRZ
- Key Issue 2: Turnstone Trust
- Key Issue 3: Audrey Campbell-Frear
- Key Issue 4: C Otway Ltd - Redwoods
- Key Issue 5: Kapiro Conservation Trust
- Key Issue 6: Davies Kerikeri Family Trust and MR Davies
- Key Issue 7: Linda Gigger
- Key Issue 8: LD Family Investments Limited
- Key Issue 9: Foodstuffs Limited and McDonald’s Restaurants (NZ) Limited
- Key Issue 10 Ian Bridle – The Ridge
- Key Issue 11 David McClelland

We have followed this logical structure in our assessment, evaluation and recommendations.

3.2 Key Issue 1 – Kāinga Ora – TCZ and MDRZ

3.2.1 Matters Raised in Submissions and Evidence

Kāinga Ora (S561.110) sought to insert a new Medium Density Residential zone (**MDRZ**) in Kerikeri, with the spatial extent as proposed in Appendix 3 of their submission, and to insert new provisions as set out in Appendix 4 of their submission (S561.112-116).

Other MDRZ submissions include:

- Jane E Johnston (S560.004) opposes the current process, highlighting issues related to housing affordability and urban expansion. Johnston advocates for a high-density residential zone as an alternative to existing rural and coastal zones, without requiring commercial ground-floor restrictions.

Further submissions opposing Kāinga Ora submission, include submissions from Jeff Kemp and others (FS25.131, FS32.166 FS47.126 & FS348.016), for the following reasons:

- Undermines character, amenity values and other aspects of the environment that our communities' value.
- Providing for residential intensification also needs to consider the most appropriate and efficient way to provide capacity with reference to the integration of infrastructure with development and creation of well-functioning urban environments.
- There is no requirement for the proposed MDRZ.

Further submissions in support include Peter Malcolm and others (FS584.009, FS23.384) who acknowledge the following:

- Central Kerikeri is an appropriate location to enable residential intensification as it has sufficient servicing, low natural hazard risk and is accessible to public transport, services and amenities.
- Enabling intensification within the Kerikeri Town Centre will help reduce sprawl, improve economic viability and promote vibrant communities. Kāinga Ora sought to amend the Mixed Use zone in Kerikeri replacing it with a Town Centre zone (**TCZ**) as shown in Appendix 3 their submission, and to insert new provisions as set out in Appendix 5 of the submission (S561.112-116).

Other TCZ Submissions include:

- Jane E Johnston (S560.007) seeks consideration for a balanced zoning approach in Kerikeri, proposing Mixed Use zones along both edges of the town with high-density residential areas positioned between them. The submitter notes that a large area is already proposed as Mixed Use despite Section 32 reports indicating that nearby Waipapa already offers sufficient commercially zoned land.
- Multiple submitters propose additional Commercial and Mixed Use zones to improve urban management and strategic development. They advocate for urban design guidelines, a reassessment of zoning for existing centres, and the establishment of a centre hierarchy to ensure alignment with current and planned development. Submitters raise concerns about the broad application of the Mixed Use zone (**MUZ**)

limiting commercial activities, and submitters request a Section 32 evaluation to support zoning changes. Several submitters (Puketotara Lodge and others) propose rezoning Kerikeri town centre as a TCZ.

A considerable amount of further submission support was received on the submissions for a TCZ in Kerikeri, for the following key reasons:

- The extension of the MUZ will enable Kerikeri's residential and commercial area to expand next to the existing town centre and CBD facilities without creating urban sprawl.
- Promotion of commercial shops/cafes/offices on the ground floor with terraced apartments on top up to a maximum of 3 floors (12m).
- The MUZ does not give effect to Objective 1 and Policy 1 of the National Policy Statement on Urban Development (NPS-UD).
- The Section 32 Evaluation - Urban does not provide sufficient level of detail that corresponds to the scale and significance of due to the importance of the zone being the only commercial zone proposed within the District. The evaluation fails to consider the full range of commercial zoning options and identify reasonably practicable options to achieve objectives and the evaluation fails to evaluate appropriate zone criteria and boundaries.
- The PDP does not provide strategic direction or policy support for the suite of urban zones proposed.
- The Mixed Use zone provisions do not sufficiently enable a range of commercial activities.
- Review Commercial zones (support TCZ but not 6 storey height).
- Support enabling building heights up to 6 storeys (22m) in the Kerikeri Town Centre. There is currently a shortage of affordable and public housing within this area. Central Kerikeri is an appropriate location to enable residential intensification as it has sufficient servicing, low natural hazard risk and is accessible to public transport, services and amenities. Enabling intensification within the Kerikeri Town Centre will help reduce sprawl, improve economic viability and promote vibrant communities.

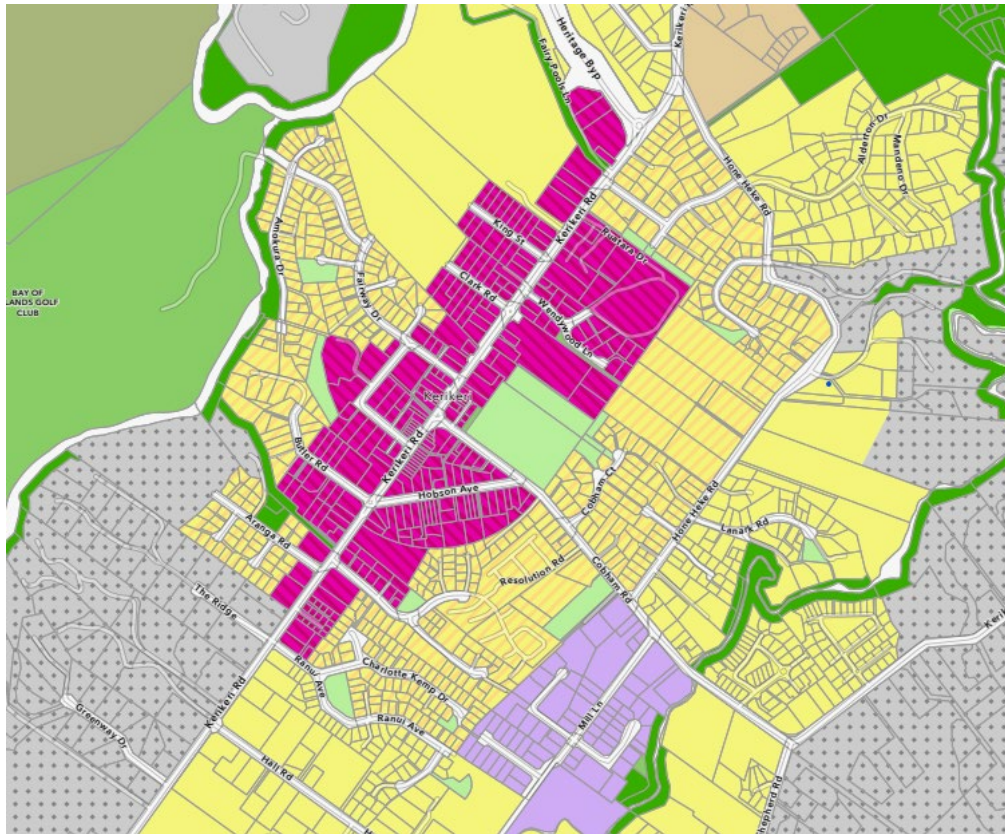


Figure 1 - Kāinga Ora (S561) Appendix 4 - Planning Map Kerikeri showing extent of Medium Density Residential zone and Town Centre zone

3.2.2 Hearings Panel Evaluation

As pointed out by the reporting officer, Kāinga Ora did not formally ‘opt in’ to the Minute 14 hearings process. However, two informal pre-hearing meetings were held with Kāinga Ora representatives on 1st August 2024 and 14th April 2025. The outcomes of these meetings clarified matters in their submission, provided for an update and alignment of it with the Kerikeri/Waipapa spatial plan and provided for initial discussions around the recommendations for a MDRZ and a TCZ.

The reporting officer, Ms Trinder also pointed out that in the hearing report for the Urban zones (Hearing 14), she had recommended the introduction of a MDRZ and TCZ for Kerikeri. However, the reporting officer had not spatially identified the location of these zones or provided the associated provisions.

Kainga Ora did not attend any of the hearings but did, as stated above, participate in pre-hearing meetings with the reporting planner. We heard from other submitters with their statements summarised below under the headers of the respective submitters, which we find is an effective manner to address each submission and also acknowledging some submissions overlap others.

The reporting officer helpfully set out under sub headers the supporting reasons for recommending the introduction of a MDRZ and TCZ at Kerikeri, based on the submissions received. Those sub headers and the reasons, summarised, are:

Strategic Planning Alignment

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

Economic Capacity and Sufficiency

Economic modelling confirms that adopting the MDRZ and TCZ as recommended to be a main contributor to the PDP-R and will enable sufficient development capacity to meet projected housing demand in Kerikeri-Waipapa.

Urban Design Considerations

Urban design evidence supports the MDRZ and TCZ as essential tools for achieving a well-functioning urban environment in Kerikeri. The MDRZ enables medium-density housing and it supports accessibility, active transport, and reduced car dependency. The TCZ reinforces Kerikeri’s role as the district’s primary economic hub by enabling commercial intensification and agglomeration benefits. Together, these zones support a compact urban form, preserve local character, and enhance the vibrancy of Kerikeri and Waipapa.

Planning and Policy Integration

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

Spatial Extent of the MDRZ

The proposed MDRZ for Kerikeri is intended to enable increased residential intensification in the most accessible areas of the township, particularly those adjoining the town centre. The spatial extent is defined by a 300–500 metre walkable catchment from the town centre, aligning with national best practice and also the Te Pātukurea Kerikeri Waipapa Spatial Plan.

Critically, the MDRZ is proposed to apply only to areas currently zoned General Residential (GRZ). This targeted approach ensures that intensification occurs within established residential environments that already have infrastructure capacity and urban

character suitable for medium-density development. It avoids extending the MDRZ into rural or undeveloped zones, thereby preserving the integrity of the wider urban form.

Spatial extent of the TCZ

Kāinga Ora and other submitters propose introducing a new TCZ for Kerikeri to reflect its role as the District's key commercial centre, as identified in the Spatial Plan, which also highlights a need for an additional 13.9ha of commercial land. Kerikeri's commercial core, which is the main pedestrian-focussed area, is bookended by supermarkets and features predominantly one-storey buildings, presenting significant potential for intensification near key services. KO's submission seeks to apply the TCZ across the same spatial extent as the MUZ, enabling greater development capacity, particularly for residential uses above ground floor.

However, the reporting officer advised that she supported a smaller core TCZ than that proposed by Kāinga Ora. The reporting officer saw that a more focussed TCZ would better reflect Kerikeri's current urban structure and commercial footprint, while still enabling intensification and supporting the town's role as a district centre. This approach would also allow for clearer built form transitions to surrounding MUZ and MDRZ zones, and ensure the TCZ remains legible, accessible, and well-integrated with future transport and residential planning.

Provisions of the MDRZ

The MDRZ provisions proposed by Kainga Ora aim to enable increased residential intensity within a defined 300–500 metre walkable catchment around the Kerikeri town centre. These provisions are designed to replace parts of the existing General Residential zone (GRZ) and support Kerikeri's role as the District's primary urban centre. The provisions are detailed by the reporting officer in the hearing report and are intended to facilitate a more compact, diverse, and street-oriented built form, supporting a range of housing typologies including duplexes, terraces, and low-rise apartments.

Jane Rennie, reporting for the Council, described the MDRZ provisions as being "well-conceived and sound in execution", noting several urban design advantages being enabling street-fronting units, which are preferred over rear-lot configurations for walkability and visual engagement; supporting greater housing diversity and redevelopment potential, especially on underutilised sites near the town centre; allowing for a logical transition in built form, stepping down from the town centre to surrounding residential areas; and aligning with national planning standards and the NPS-UD, promoting well-functioning urban environments.

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

Kāinga Ora did not provide subdivision provision drafting for the MDRZ as part of their submission. Instead, they sought the removal of minimum lot size requirements across residential zones. That was not supported by Ms Trinder who rather recommended a controlled activity status for vacant sites with a minimum lot size of 300m², and no

minimum lot size around existing developments. Additionally, that lots over 700m² have a discretionary activity status to enable the level of density anticipated by the MDRZ. She advised that approach is consistent with MDRZ provisions in other district plans.

The reporting officer was largely in agreement with the MDRZ provisions proposed by Kāinga Ora subject to some minor plan wide consistency changes and some consequential changes.

Provisions of the TCZ

The TCZ provisions proposed by Kāinga Ora included a maximum building height of 22 metres (6 storeys), revised height-in-relation-to-boundary rules (60° recession plane from 4m), and requirements for verandas, glazing, and pedestrian frontages to enhance street-level engagement. These provisions aim to support intensification and accommodate future growth.

However, Ms Rennie raised concerns about the appropriateness of the 22m height limit in the Kerikeri context. She noted that the existing built form is predominantly 1–2 storeys, with only a few recent developments reaching 2–3 storeys. Introducing buildings up to 6 storeys could result in adverse urban design effects, including overbearing buildings that disrupt the human scale; loss of character and identity; imbalanced distribution of activity; and reduced sunlight and openness in the public realm.

To mitigate these effects, Ms Rennie recommends a revised height limit of 15–16 metres (4 storeys). This would maintain a human scale, support a consistent built form, and enable logical transitions to surrounding the MDRZ and General Residential zone (GRZ) areas. It would also better reflect Kerikeri's Tier 3 status and current infrastructure constraints, while still allowing for meaningful intensification and commercial investment. We find agreement with Ms Rennie and a proposed 16m height limit.

Kāinga Ora did not provide specific subdivision provision drafting for the TCZ. Ms Trinder recommended that subdivisions in the TCZ proceed with no minimum lot size as a controlled activity. She advised that this approach is consistent with subdivision provisions in other district plans and it supports the objectives of the TCZ.

The reporting officer was then largely in agreement with the provisions proposed by Kāinga Ora subject to an amendment to the height limit for the TCZ and some minor and/or consequential changes to the PDP provisions. We accept her views noting too that these were developed during the hearings process and we had the opportunity to question and seek explanations from the reporting officer and from submitters.

In this respect we see benefits from a MDRZ and TC for reasons relating to efficient land use; greater housing supply; improved infrastructure efficiency; walkability and accessibility; diverse housing options; economic benefits; and urban design and sustainability.

3.2.3 Hearings Panel Recommendations

For the reasons set out in 3.2.2 above, we recommend the following:

- a) Rezone parts of the Mixed Use zone in Kerikeri to Town Centre zone to the spatial extent included in **Appendix 2**.

- b) Rezone parts of the General Residential zone in Kerikeri to Medium Density Residential zone to the spatial extent included in **Appendix 2**.

Accordingly, we recommended that submissions S561.110, S560.004, and S 560.007 are accepted in part.

3.3 Key Issue 2 – Turnstone Trust

3.3.1 Matters Raised in Submissions and Evidence

Turnstone Trust (S499.001) seeks to rezone part of the land at 126 Kerikeri Road along with an additional area along Fairway Drive from General Residential to Mixed Use as shown in Figure 2 below. The submitters argue that FNDC qualifies as a Tier 3 authority under the NPS-UD and state that the existing Mixed Use zoning around the town centre is largely built out and inadequate to accommodate future demand. The site is considered well-positioned to enhance town centre cohesion, circulation and amenity, while providing better integration with surrounding residential areas. Planning and technical reports to support the rezoning were included in the original submission.

Kapiro Conservation Trust (S449.004), along with various other submitters, request to rezone 126B Kerikeri Road (Lot 5 DP 603456) from General Residential to a mix of Residential and Mixed Use zones, with tailored standards. They propose lower building height limits, such as 7m or two stories, enhancements including walkways and cycleways connecting the CBD, Kerikeri River margin and Fairway Drive and large green space adjoining the river reserve.

A further submission in opposition was received from Kāinga Ora (FS243.243).

Further submissions in support are from Audrey Campbell-Frear (FS172.170), Our Kerikeri Community Charitable Trust (FS47.007), Vision Kerikeri 2 (FS569.031).

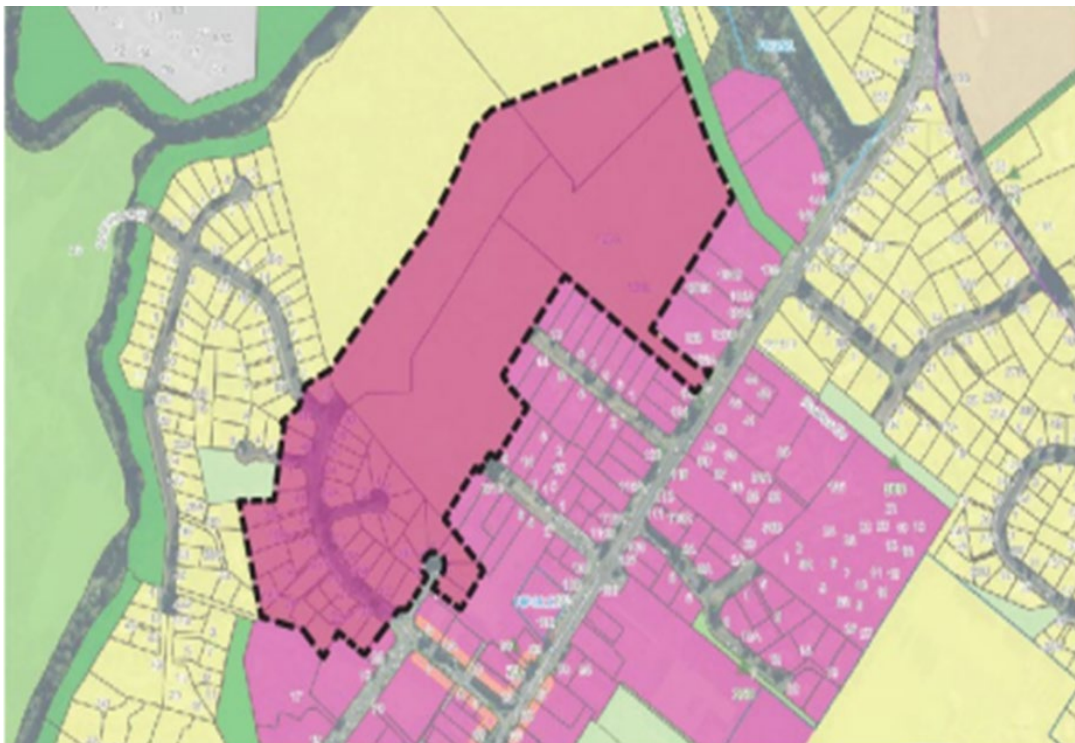


Figure 2 - Turnstone area sought for Mixed Use zone - Source planning evidence from Ms O'Connor

3.3.2 Hearings Panel Evaluation

Turnstone Trust chose to “opt-in” to the process for rezoning submissions set out in Minute 14 from the Hearing Panel. Accordingly, meetings were held with Ms Burnette O’Connor on 21 May 2025 and on 29 June 2025, and evidence was provided on behalf of Turnstone Trust being planning evidence from Ms O’Connor, economic evidence from Mr Colegrave and urban design evidence from Mr Neill.

The Turnstone Trust site located at 126 Kerikeri Road (and associated sites, collectively referred to as the ‘sites’) is approximately 29ha in size and zoned as notified General Residential. It is sought that approximately 7.7 hectares of land is rezoned to Mixed Use. The General Residential zone would remain over the balance of the sites.

Ms O’Connor provided planning evidence in support of the submission pointing out that section 31 of the RMA refers to ensuring there is sufficient development capacity in relation to housing and business land in urban areas to meet the expected demands of the region. In this respect she saw the rezoning of the land aligning with the outcomes of the Spatial Plan including:

- a. The zoning sought will enable growth through intensification within the walkable catchment of Kerikeri town centre.
 - i. The Mixed Use zoning will provide additional land adjacent to the existing town centre for commercial development.
 - ii. The land is available for development and can be serviced.
 - iii. The partial rezoning of Mixed Use is a more efficient and effective zoning option compared to the General Residential zone.
- b. The rezoning is the most appropriate option to achieve the purpose of the RMA, give effect to the NPS UD and the NRPS.

Ms Jane Rennie provided urban design evidence in which she outlined the urban design rationale for the proposed rezoning, including its alignment with the Spatial Plan, the NPS-UD, the NRPS, and the PDP. In that evidence she described how the proposal will support the strategic expansion of Kerikeri’s town centre, contribute to a cohesive and efficient urban form, and improve accessibility through a new internal road network. It also highlights the importance of refining the Structure Plan and introducing specific provisions to guide future development and ensure high-quality urban design outcomes.

Turnstone Trust was supported by Mr Colegrave’s economic assessment and Mr McIlrath’s review both addressing the potential retail distribution effects of the Turnstone proposal. Mr McIlrath points out that while some retailers may relocate, aligning development staging with growth patterns can help mitigate disruption. We agree with them that the risks of significant adverse effects are low to moderate.

Mr McIlrath stated that importantly, the site is well-located and its development would reinforce Kerikeri’s role as the district’s main service and employment centre. Enabling additional capacity to accommodate commercial growth. The proposal aligns with the long-term aspirations in the Spatial Plan and contributes to a well-functioning urban environment.

We note the reporting officer largely concurred with the majority of the points made by the witnesses and as addressed by Ms O'Connor, the proposal meets the criteria in the Urban Rezoning Evaluation Framework Criteria.

In that respect we find, consistent with the evidence we received, supporting reasons include that the site is directly adjacent to the Kerikeri town centre, forming a logical and defensible extension of the urban boundary. It is within a walkable catchment in proximity to the town centre and provides for connectivity to planned infrastructure such as the Heritage Bypass. These and other attributes contribute to the proposal satisfying the evaluation framework's requirement that rezoning land be within or adjacent to existing urban areas and contribute to a well-functioning urban environment.

In all of these respects, we find that the proposal is supported by expert evidence and the associated reviews of that evidence that we received. We find the rezoning would provide for additional greenfields development and the opportunity potentially, for a higher density of development. We find agreement with the submitter that some 7.7ha of the site be rezoned Mixed Use for the reasons provided in evidence. Ms O'Connor included a plan with her rebuttal evidence that confirmed the extent of the 7.7ha sought to be rezoned. She also addressed the future "indicative" Kerikeri bypass extension (connecting Fairway Drive to the Heritage Bypass) which would traverse the western part of the site and how that was being accommodated as part of the future planning initiatives at Kerikeri.

We do however have concerns regarding the rezoning sought for Fairway Drive. We note there has been no meaningful engagement with the owners of the properties affected, that undermining the principles of transparency and community participation that underpin good planning practice. The proposed upzoning also appears to rely on assumptions about future connectivity and infrastructure upgrades, particularly the Heritage Bypass. However, as confirmed evidence from Ms Rennie, the bypass does not pass through Fairway Drive. The bypass alignment is still uncertain, and its location is more likely to be south of the Turnstone site, not through Fairway Drive.

Ms Rennie noted further that while Fairway Drive could be a logical access point to the Turnstone site if engineering permits, its inclusion in the commercial zoning area is not supported by the Spatial Plan. The Spatial Plan did not intend to identify zoning boundaries but rather activity areas, and the proposed extension of commercial zoning northward beyond what is shown in the Spatial Plan risks undermining the integrity of the urban form.

Ms Rennie emphasises the need for a comprehensive structure planning approach to avoid piecemeal development and ensure a high-quality urban design outcome. Extending commercial zoning into Fairway Drive without such a framework could result in fragmented and incoherent urban form. In addition, the interface between existing General Residential properties and proposed commercial zones raises potential reverse sensitivity and amenity concerns that have not been adequately addressed. The transition from residential to commercial built form in this area could negatively impact the character and liveability of the surrounding neighbourhood

We agree that any future consideration of zoning changes in this area needs to be subject to detailed structure planning, robust community consultation, and alignment with confirmed infrastructure plans.

3.3.3 Hearings Panel Recommendations

For the reasons set out in 3.3.2 above, we recommend the following:

- a) Accept in part Turnstone Trust (S499.001) and rezone 7.7ha of the 'site' from General Residential zone to Mixed Use zone as identified in **Appendix 2**.
- b) Reject the submission by Kapiro Conservation Trust (S449.004), along with various other submitters, to rezone 126B Kerikeri Road (Lot 5 DP 603456) from General Residential to a mix of Residential and Mixed Use zones. Further submission in opposition from Kāinga Ora (FS243.243) is accordingly rejected.
- c) Further submissions in support from Audrey Campbell-Frear (FS172.170), Our Kerikeri Community Charitable Trust (FS47.007), Vision Kerikeri 2 (FS569.031) are accepted in part.

3.4 Key Issue 3 – Audrey Campbell-Frear

3.4.1 Matters Raised in Submissions

Audrey Campbell-Frear (S209) sought rezoning of three areas on land as shown in Figure 3 below.

Location 1 – Dove Lane

Audrey Campbell-Frear (S209.001 and S209.005) seeks deletion of the Horticulture zone (and the subsequent Horticulture Precinct) and rezoning to Rural Residential zone. This land is in the vicinity of Dove Lane, Kerikeri and is shown as Location 1 on Figure 3 below. She provided legal submissions supported by both planning and economic evidence in support of her request for Rural Residential zoning for the land.

In evidence it was stated that the land was not suitable for horticultural production and included land that was not defined as highly productive land (i.e. LUC Class 4) in the NPS-HPL. Further, that the land was highly fragmented to the extent that it now had a character that was more suited to the Rural Residential zone than the RPROZ.

The economics evidence of Derek Foy opined that there was insufficient land zoned Rural Residential in Kerikeri.

Locations 2 and 3 – Packhouse and Redwoods

Audrey Campbell-Frear (S209.004), and other submitters, propose rezoning land along both sides of Kerikeri Road (including the Packhouse), stretching from the State Highway 10 roundabout to the town centre, as well as the Redwoods Area along SH10, to an appropriate Commercial or Mixed Use zone. The submitters state that this change would legitimise and enable the continuation of established tourism and horticulture based commercial activities. They further state that if this rezoning is not accepted, the submitters request to establish an overlay, precinct or modify relevant zone provisions to achieve the same outcome. There are various further submissions both in support and opposition.

Mixed Use Zoning

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

Submission point S209.002 seeks to amend the PDP by reviewing the suite of commercial zones proposed and rezone Kerikeri town centre to Town Centre zone (or similar commercial zone) that appropriately reflects commercial development and activities within Kerikeri township, alternatively if relief not accepted by FNDC, amend the Mixed Use zone provisions to provide for an increased range of commercial and community activities. We note this has been addressed in recommendations on other submissions, that include regard to this submission point, where we have recommended a TCZ.

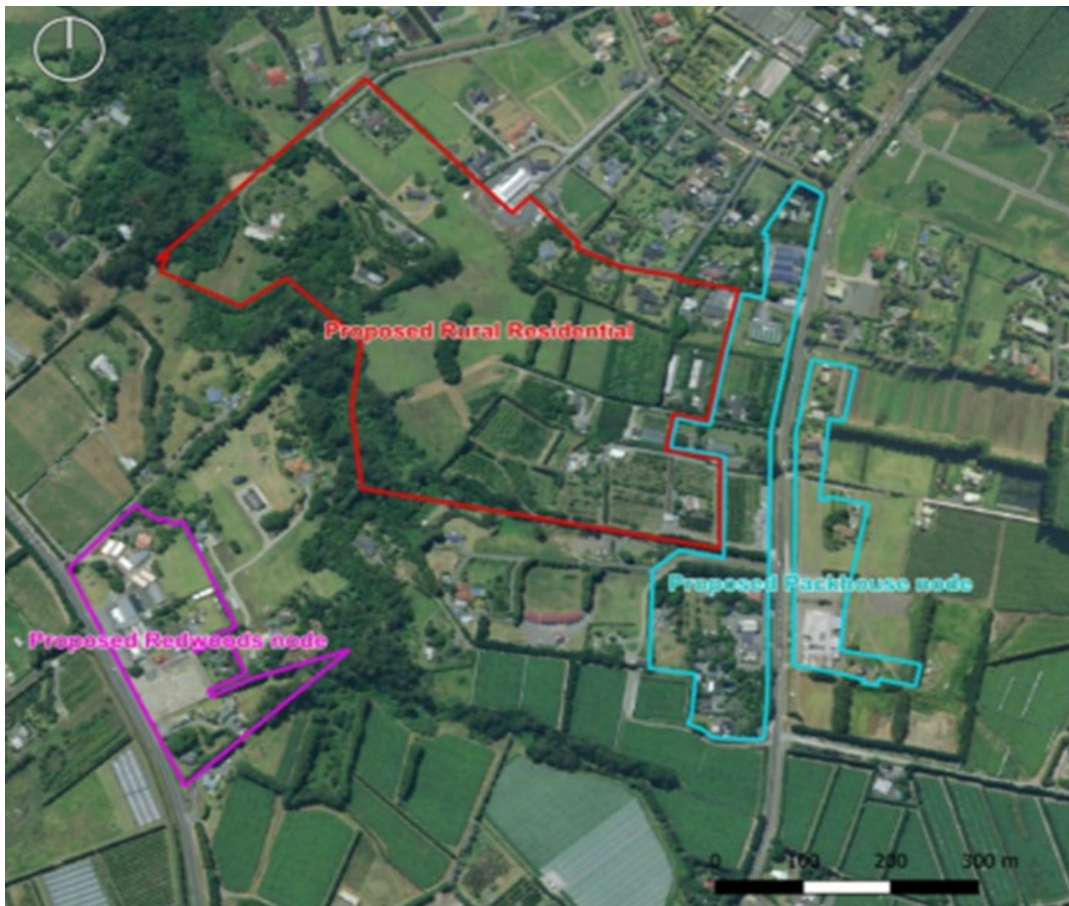


Figure 3 - Showing Location 2: Kerikeri Packhouse Commercial Node and Location 3: Redwoods Commercial Node

3.4.2 Hearings Panel Evaluation

We note at the outset that our recommendations relating to rezoning of land around the Kerikeri town centre and along Kerikeri Road are addressed in our **Recommendation Report 14** where we recommend a TCZ and a MDRZ be introduced to the PDP. Those recommendations take account of this submitter's points in these respects.

Accordingly, the below relates to the three discrete areas shown on Figure 3 above which we describe as Location 1 (Dove Lane) where the submitter seeks a Rural Residential zoning, and to Location 2 (Packhouse) and Location 3 (Redwoods) where the submitter seeks a Mixed Use zone with a precinct.

Audrey Campbell-Frear chose to “opt-in” to the process for rezoning submissions set out in Minute 14 from the Hearings Panel. Accordingly, on 26 June 2025, evidence was received, being planning evidence from Ms Melissa McGrath and economic evidence from Mr Derek Foy. Ms McGrath’s evidence included support to a MU zoning for Location 2 (Packhouse) and Location 3 (Redwoods) with a precinct and an assessment of the precinct provisions.

We have had regard to the comprehensive evidence provided by Ms McGrath in two statements, that including her support for Rural Residential zoning (as opposed to having the proposed Horticulture Precinct) on the land we describe as Location 1 (Dove Lane) and bounded by the redline in the above diagram. We acknowledge the submitter’s land is fragmented to the degree that horticultural use is unlikely and as we observed, it is currently partly committed to rural residential type activity, both in terms of the existing activity and future activity given the size of the individual sites. We had concern for the provision of an effective buffer to avoid or manage reverse sensitivity effects but this to some degree can be provided by the Rural Residential and the Rural Living zonings to the north of the site and by the river to the south-west of it. Those zonings too, support the case for similar zoning for the submitter’s site.

We concluded the future use of the land for activities other than housing is unlikely and that it is preferable we recognise the existing activity and the likely future activity on these sites. In doing so we have had regard to the Urban Zoning Evaluation Criteria. That includes recognising the adjoining zonings, the fragmented nature of the land, its suitability for rural residential development, and assisting to meet the demand for such at Kerikeri.

In considering the submission as it relates to Locations 1 and 2, we note the reporting planner arranged that Mr McIlrath be engaged to undertake a peer review of the economic report provided by Mr Foy in support of the submission. He stated in that peer review that:

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

In relation to Locations 2 and 3 and the request for rezoning to Mixed Use we note the reporting officer provided us with the following assessment against the Minute 14 criteria:

Location

- a. Redwoods and Packhouse are located outside the Kerikeri-Waipapa urban core, which is the strategic growth area identified in the PDP.

- b. Their spatial disconnect from the town centre undermines the principles of compact urban form and efficient land use.
- c. Rezoning these areas to commercial would dilute growth from the core and fragment urban development, contrary to the PDP's strategic direction.

Land Use

Both sites currently support rural and tourism-related activities enabled by resource consents, including Farm store, Chocolate Factory, Packhouse Markets, Redwoods Café, and Plant Centre and Office Facilities.

These activities are compatible with the Rural Production zone and do not require urban zoning to continue operating.

Site Suitability

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

Infrastructure

Neither site is serviced by reticulated infrastructure (e.g. water, wastewater, stormwater).

- a. There are no confirmed plans for infrastructure upgrades or extensions to these locations.
- b. This fails Criterion D of the Urban Rezoning Evaluation Framework, which requires infrastructure in readiness for urban zoning.

Growth Demand

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

With regard to Item (c) above, since the preparation of the hearing report and the presentation of evidence the NPS-HPL has been amended to exclude consideration of Clauses 3.6(1), 3.6(2), 3.6(3) and 3.6(4) when evaluating any urban rezoning of LUC 3 land. We have factored this recent change into our evaluation.

The reporting officer concluded there are more benefits associated with retaining the Rural Production zone for the Redwoods and Packhouse sites rather than an urban zone for the reasons listed above that we have taken from the hearing report.

For the submitter, Ms McGrath provided a Kerikeri Mixed Use precinct (Kerikeri packhouse and Redwoods commercial node) that could be applied to the two sites at Redwoods and the Packhouse. This is to take account of the existing activities and to provide for their ongoing presence and possible changes. Her evidence was supported by that of Mr Foy who, in addressing the situation of these two sites, pointed out that they *“stand out as locally important aggregations that are substantial enough to warrant the PDP recognising their existence, and enabling the ongoing operation of business activities in them”*.

Ms McGrath added commentary regarding the Rural Production zone not providing for expansion of the existing or new commercial activities on the sites. That would require, consideration of resource consent applications including whether the proposed activities are compatible with the zone policies which seek to avoid land uses that are incompatible with the zone, whether they have a functional need and whether they maintain rural character. She saw all of that as resulting in increased compliance costs and limited flexibility resulting in an inefficient use of land and resources.

Ms McGrath considered that the zoning in the PDP did not reflect the existing pattern of development that the Council has consented to and further, that the reporting officer had provided no acknowledgement of the proposed Kerikeri Mixed Use precinct provisions that she had provided.

We have considered all the evidence put before us in the above respects and we also carried out visits to the two locations. We have given consideration to all the points raised by Ms McGrath, but we find agreement with the reporting planner and with the comprehensive list she provided, as above, being an assessment against the Minute 14 criteria. We note that in that list the reporting planner has provided sound reasons for not providing a Mixed Use zone nor a precinct for each of the sites. Those reasons cover considerations of:

- The location of the sites being removed from the town centre;
- Having existing activities that as tourism related activities are compatible with the Rural Production zone and do not require an urban zoning or a precinct to continue operating;
- The sites not being contiguous with existing urban zones;
- Not having available infrastructure to support current or future activities on the sites;
- Not being required to meet commercial and mixed use demand;
- Not being demonstrably unsuitable for rural production activities.

In addition to the above, the submitter’s proposal for the Packhouse site and those neighbouring it, covers an area extending well beyond the site of the Packhouse, some of which is currently undeveloped and potentially available for rural productive activities. The current activities on the sites are permitted by resource consents but we are

concerned that applying a zoning or a precinct would provide for a wider range of activities that could operate without the close consideration that has been given to granting consent to the current activities and activities that could potentially impact on traffic, especially outside the Packhouse where the rezoning and precinct is sought on either side of a principal access road in and out of Kerikeri.

3.4.3 Hearings Panel Recommendations

For the above reasons, we recommend that:

- a) The submissions S209.004 and S209.002 are rejected and that the zoning of the Packhouse site and of the Redwoods site remain as Rural Production zone and further that no precinct applies to those two sites.
- b) That submissions 209.001 and 209.005 are accepted and the area about Dove Lane is zoned Rural Residential zone and is no longer included in the proposed Horticulture Precinct.

3.5 Key Issue 4 – C Otway Ltd - Redwoods

3.5.1 Matters Raised in Submissions

C Otway Ltd (S393.002), seeks amendments to the commercial zoning framework within the PDP, specifically requesting a dedicated Town Centre zone for Kerikeri or, if not accepted, changes to the Mixed Use zone to enable a wider range of commercial and community activities. The submitter states that the current Mixed Use zone fails to give effect to the NPS-UD and that the s32 Evaluation is incomplete, lacking proper assessment of commercial zone options, criteria and boundaries.

Submission point S393.003 seeks to amend the Mixed Use zone boundary around the Kerikeri town centre and main commercial strip and change to reflect the existing commercial activities and establish logical zone boundaries to enable appropriate business land capacity and development.

Submission point S393.004 seeks to amend the zoning of land from Horticulture to Rural Production or to an appropriate commercial or mixed use zone to legitimise and enable tourist and horticulture based commercial activities to occur: along both sides of Kerikeri Road from the roundabout with State Highway to Kerikeri town centre; and at Redwoods in accordance with the map in Appendix 1. If this is not accepted FNDC establish an overlay / precinct or similar, or amend the provisions of the applicable zone to legitimise and enable tourist and horticulture based commercial activities to occur:

- Along both sides of Kerikeri Road from the roundabout with State Highway 10 to Kerikeri town centre and
- At Redwoods in accordance with the map in Appendix 1.

3.5.2 Hearings Panel Evaluation

Mr Otway chose to “opt in” to the process for rezoning submissions set out in Minute 14 from the Hearing Panel. Accordingly, he provided a land use capability report prepared by Mr Bob Cathcart.

In considering Mr Otway's submissions we note that through Hearing 15C – Rural, Submission point S393.001 was addressed in the Horticultural zone topic where this submission point was rejected with the use of a Horticultural zone to be retained and since then we have recommended a Horticultural Precinct over much of the land in this vicinity instead of a zone. Mr Otway's submission S393.002 seeks to review the suite of commercial zones and rezone Kerikeri town centre to Town Centre zone. This has also been addressed in other submissions and the reporting officer recommended that a Town Centre zone be introduced for Waipapa. Further, there has been the introduction of a TCZ for Kerikeri and additional Mixed Use zoning at 126 Kerikeri Road. These actions, agreed by us, should go some way to satisfy Mr Otway in his request to amend the Mixed Use zone boundary around the Kerikeri town centre and main commercial strip and change to reflect the existing commercial activities and establish logical zone boundaries to enable appropriate business land capacity and development.

These matters have also been addressed in relation to Ms Campbell-Frear's submission points.

Mr Otway sought a Mixed Use zone for the site which is commonly known as 'Redwoods commercial centre' located along SH10 near Kerikeri (S393.004). At the hearing Mr Otway addressed the Hearings Panel on his submission pointing out that the properties at 'Redwoods' include a collection of commercial businesses including a café, plant centre some medical facilities. He explained that he has resource consent for a medical facility for this site and we sourced a copy of that resource consent (RMA 2220790) which is to construct and operate a medical centre and associated chemist, retail and café, it having been granted on 14/4/2023.

We do not find in favour of a rezoning at Redwoods (S393.004) and consistent with the reporting officer, find that a resource consent application to consider any future development on the site is appropriate given this is essentially an isolated site in the midst of land that is similarly zoned Rural Production. That zoning is not preventing the continued operation of the activities upon it and there is the opportunity for a resource consent application to allow for consideration of any changes.

We accept it is preferable that any significant changes or expansion of the activities currently on the site are considered by way of resource consent applications for reasons including its location alongside the state highway and potential impacts upon neighbouring land in productive use. We note in respect of any future resource consent application, the advice in the reporting officer's right of reply that any application would be supported by specific policy direction stating that maintaining, operating and upgrading lawfully established existing activities is enabled, provided any losses of highly productive land are minimised (PREC1-O2 and PREC1-P2).

3.5.3 Hearings Panel Recommendations

For the reasons above, submissions S393.002 and S393.003 are accepted in part and S393.004 is rejected.

3.6 Key Issue 5 – Kapiro Conservation Trust

3.6.1 Matters Raised in Submissions

Kapiro Conservation Trust (S449.002), along with other submitters, support well-planned urban intensification, requesting zoning that prioritises greenfield sites with strong potential for infrastructure, connectivity and traffic management. They advocate for sub-zones or precincts, aligned with the NPS, to ensure good design, protect character and amenity, and achieve a graduated transition from high to low residential density. They submitters oppose scattered multi-storey development and note that greenfield opportunities near Kerikeri township are limited, making the current zoning in the PDP inadequate for addressing future growth.

Kapiro Conservation Trust (S449.006), along with others¹⁷, request that zoning be amended to reflect that land north of Landing Road and around the Inlet southeast of Kerikeri is unsuitable for future urban growth. They cite risks of fragmented development, adverse effects on the Inlet's coastal and ecological character and increased traffic pressures.

Kapiro Conservation Trust (S449.045 & S449.046) and various others, request the removal of the Open Space and Natural Open Space zoning from the Waipapa Landing and Cherry Park House grounds, proposing instead that the area be zoned as Sport and Active Recreation to formally recognise and preserve it as a public recreational reserve. These sites include 160 Landing Road, Kerikeri (Part Lot 2 DP 37646) and 158 Landing Road, Kerikeri (Part Lot 1 DP 37646).

3.6.2 Hearings Panel Evaluation

While Kapiro Conservation Trust chose to 'opt in' to the Minute 14 Hearings process no further information was received.

In response to Kapiro Conservation Trust and others submission points around well-planned urban intensification, and areas identified unsuitable for future development the reporting planner stated the following points:

- a) The Kerikeri/Waipapa Spatial plan undertook a comprehensive process whereby the best growth option was adopted. This spatial plan will see growth directed to Kerikeri South and Waipapa with intensification planned for Kerikeri Central, away from north of Landing Road and out along Kerikeri Inlet Road.
- b) The recommendations by the reporting officers, including the introduction of the MDRZ, aim to concentrate urban intensification within this zone. It supports a gradual reduction in residential density moving away from the Kerikeri town centre and directs multi-storey development specifically to this area.

In regard to the zoning requests for the Cherry House in Waipapa, the reporting officer consulted Council's Reserves Planner, Robin Rawson, on the appropriate zone for the activities and values in this location. Information received included that the land is held by Council with fee simple title. Part is leased to the Kerikeri Croquet Club and used for sports purposes while another part, which includes the Cherry house 'hall', includes a tail of land with a width of 10 metres or more that functions as an esplanade reserve next to the Waipapa River. Other river margins of Part Lot 2 are also relatively undeveloped and

have lawn with scattered trees which are largely exotic. The site is subject to flooding hazards, and intensive development of the site is not anticipated.

Accordingly, the recommendation of the planners is that Part Lot 1 is rezoned to Sport and Active Recreation to allow for the organised sports and recreation activities that are provided for by the lease to Council with Part Lot 2 retaining its Open space zone. We agree with these recommendations.

3.6.3 Hearings Panel Recommendations

The Hearings Panel recommends the following:

- a) For the reasons above, we recommend that those submitters (S449.006) that seek future growth away from Landing Road and southern Kerikeri Road are accepted in part, with no zoning changes directly related to these submission points.
- b) For the reasons above, we recommend that those submissions (S449.002) seeking a focus on greenfield sites are rejected.
- c) For the reasons above, we recommend that S449.045 and S449.046 and others are accepted in part and the zoning of Pt Lot 1 DP 37646 is amended to Sport and Active Recreation zone.

3.7 Key Issue 6 – Davies Kerikeri Family Trust and MR Davies

3.7.1 Matters Raised in Submissions

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

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

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

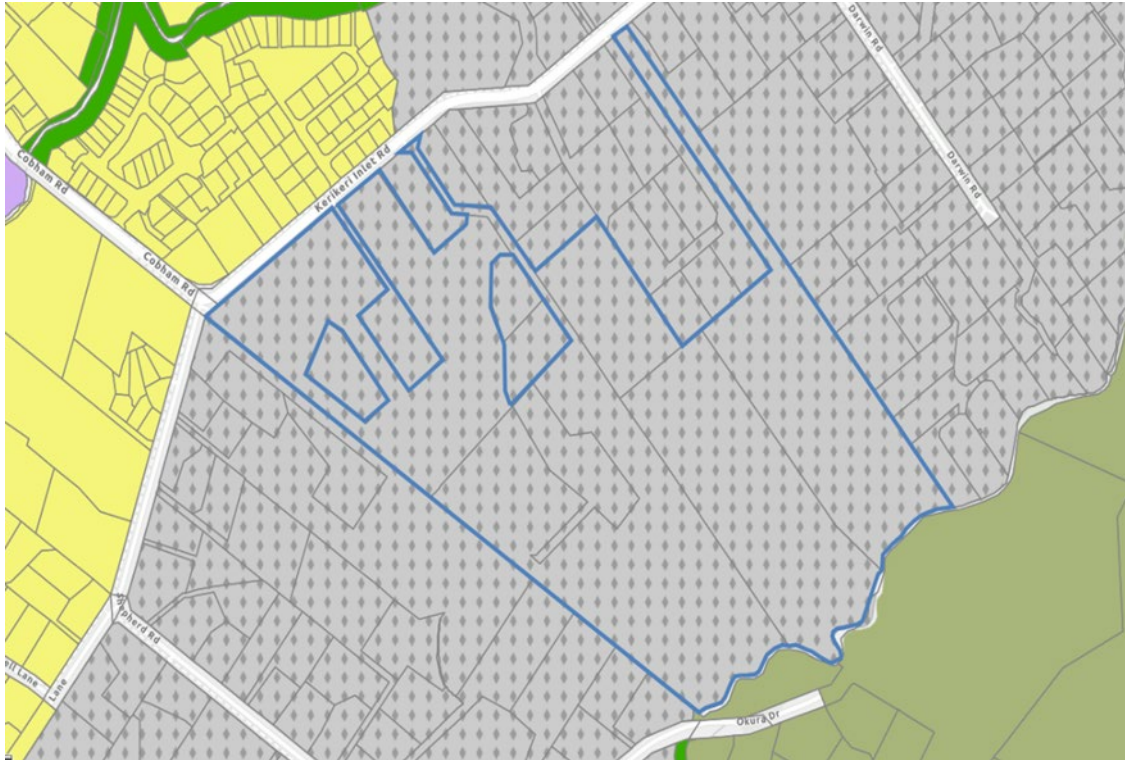


Figure 4 - Properties Mentioned in the Submission are within the Blue Outline

3.7.2 Hearings Panel Evaluation

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

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

- a. Logical Urban Boundary & Buffering The proposed GRZ land adjoins existing GRZ-zoned land to the northwest. A natural stream forms a defensible urban boundary and provides a buffer to horticultural activities on adjacent land. It also offers an opportunity for an esplanade reserve.
- b. Infrastructure Accessibility The site has direct access to Council’s reticulated infrastructure—stormwater, wastewater, and water—resulting in lower connection costs compared to other GRZ proposals (e.g., Kerikeri Road). FNDC’s Annual Plan 2023/24 classifies the site as “capable of connection” to both wastewater and water networks.
- c. Servicing Capacity & Future Upgrades Despite current wastewater constraints, FNDC has allocated over \$42 million in its Long Term Plans (2021–2031 and 2024–2027) for wastewater treatment plant upgrades. These are expected to be delivered within the District Plan’s 10-year horizon, supporting future development.
- d. Housing Need & Economic Viability The HBA prepared by M.E. Consulting identifies a shortfall in low-cost housing. Rezoning to GRZ will help meet this demand, especially as greenfield development is generally more economically viable than infill or multi-unit housing.

- e. Land Use Constraints The site is situated between FNDC’s pump station and CDL’s horticultural operations. It is increasingly difficult to comply with agrichemical air emission rules, making horticultural use less viable.
- f. Strategic Planning Considerations Council has resolved to zone the land RRZ. However, developing 4,000m² lots now would hinder future upzoning. Rezoning to GRZ now is a more strategic and efficient approach.
- g. Density & Yield Benefits Under RRZ, the land could yield 3 lots (notified) or 25 lots (submission, post-servicing). GRZ zoning would enable approximately 22 additional lots, maximizing residential density on the 2.2ha site.
- h. Efficient Land Use & Infrastructure GRZ zoning makes more effective use of the land and existing infrastructure, especially given the limitations for horticultural use

We note the concerns expressed by Mr Henehan regarding the Spatial Plan, including that the submitter’s land is outside the identified growth area in the Plan and it being a non-statutory document. It is however we find, a key strategic tool that signals where urban growth should occur; supports the Council’s decision-making; provides greater certainty to the community, to the development sector and to infrastructure providers. Further, and as advised by the reporting planner, it responds to the requirements of the NPS-UD. The reporting officer provided an assessment of the submitter’s request against the Urban Zoning Evaluation Framework criteria as below:

a. Location

While the site is located across Kerikeri Inlet Road from land zoned General Residential (GRZ), the road itself forms a defensible urban boundary. The adjoining sites to the east and west have not sought upzoning, and rezoning this site in isolation would result in a fragmented and inconsistent zoning pattern (inconsistent with Criterion A).

b. Land use

The site is currently used for horticultural purposes (inconsistent with Criterion B).

c. Site suitability

The site is not subject to any identified natural hazards or overlays. It is already proposed to be zoned Rural Residential (RRZ) under the PDP, and the land is mapped as highly productive (LUC Class 2). However, since the PDP already proposes upzoning from Rural Production to RRZ, the shift to GRZ does not materially alter the land’s status under the NPS-HPL. (consistent with Criterion C).

d. Infrastructure

The sites are not currently by reticulated infrastructure, while the infrastructure is located nearby there is no consistent servicing plan in place (inconsistent with Criterion D).

e. Growth demand

Based on the strategic direction set out in the Spatial Plan, there is no demonstrated need for additional General Residential capacity in this location. The Plan provides

more than sufficient plan-enabled capacity to meet projected housing demand, with a surplus that could accommodate more than twice the required number of homes over 30 years. The Plan prioritizes compact growth within existing urban areas, particularly south along Kerikeri Road and at Waipapa, and does not support expansion into other areas (inconsistent with Criterion E).

We find agreement with the reporting officer’s assessment above and cannot support the submitter’s request to rezone the land. The rezoning request does not meet the Urban Zoning Evaluation Framework and we find it would not be consistent with the strategic planning direction for Kerikeri-Waipapa.

3.7.3 Hearings Panel Recommendations

For the reasons above, the submission S329.001 Davies Kerikeri Family Trust is rejected and the Rural Residential zoning as notified is retained.

3.8 Key Issue 7 – Linda Gigger

3.8.1 Matters Raised in Submissions

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



Figure 5 - 166 Waipapa Road (Lot 18 DP 357357)

3.8.2 Hearings Panel Evaluation

Linda Gigger chose to “opt-in” to the process for rezoning submissions set out in Minute 14 from the Hearing Panel. Accordingly, on 16 June 2025, planning evidence was received from Andrew McPhee. In his evidence Mr McPhee detailed reasons for the rezoning request as follows:

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

We note the current activity on the site is a rural contractor's depot involving manufacturing, storage, and sale of concrete products. The activities on the site are lawfully established and can be considered compatible with the rural environment and appear to be appropriately managed under existing resource consents.

The reporting officer indicated that the proposed rezoning is inconsistent with the Spatial Plan which seeks to manage growth in a coordinated and integrated manner and the site is not serviced or planned to be serviced by reticulated wastewater.

In these respects, we find that the existing land use consent adequately provides for the specific activities that are approved by it without the need to change the zoning in the PDP. Further, a change in zoning such as that proposed, would ideally incorporate other sites and be advanced in a collective manner taking account of the interests of neighbouring site owners.

3.8.3 Hearings Panel Recommendations

For the reasons above, the submission S370.001 by Linda Gigger is rejected and the zoning remains as in the PDP.

3.9 Key Issue 8 – LD Family Investments Limited

3.9.1 Matters Raised in Submissions

LD Family Investments (S384.001, S384.002) request that land to the south of Kahikatearoa Lane at Waipapa be rezoned from Heavy Industrial to Light Industrial. The submitter states the Light Industrial zoning better reflects current development patterns, the scale of the landholdings and compatibility with surrounding land uses.

The properties are described as 1945A SH10, Lot 1 DP 198909 SH 10 and 12D Pataka Lane.

3.9.2 Hearings Panel Evaluation

Mr Steve Sanson presented evidence on behalf of LD Family Investments. The key points of his evidence supporting the zone change request 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'.

We were not able to determine at the hearing what activity was restricted by the heavy industrial zoning. It appeared to us when looking at the types of activities already established that they could be carried out largely as permitted activities under both light industrial and heavy industrial zonings. Given that the same land use activities are provided for in both zones we do not see why a change in the zoning is needed.

Mr Sanson suggested that Pataka Lane could also be used as a defensible boundary for a rezoned area, but as the reporting planner pointed out, whilst the use of a road boundary could be accommodated, there would be a scope issue with those properties not represented by Mr Sanson along Pataka Lane not seeking a zone change; and if there was a change contemplated, then their views are important. Also, moving the boundary would allow less available heavy industrial land as the amount of available land is restricted in this location.

We find insufficient supporting reasons to rezone the land to the south of Kahikatearoa Lane at Waipapa from Light Industrial in the PDP.

3.9.3 Hearings Panel Recommendations

For the reasons set out in 3.9.2 above, the submissions S384.001, S384.002 by LD Family Investments seeking to rezone land to the south of Kahikatearoa Lane at Waipapa are rejected and the Heavy Industrial zone is retained as in the PDP.

3.10 Key Issue 9 – Foodstuffs Limited

3.10.1 Matters Raised in Submissions

We received evidence from Foodstuffs Limited (S363) and McDonalds (S385.018) in support for the Town Centre zone for Kerikeri but with some amendments to the provisions.

3.10.2 Hearings Panel Evaluation

Mr David Badham provided similar rebuttal evidence on behalf of the two submitters with key statements relating to support for the spatial extent of the TCZ which is recommended as part of the recommendations on other submissions, notably that from Kainga Ora, and

recommendations to the TCZ provisions to improve clarity, remove duplication and to ensure the provisions are efficient and effective.

The reporting planner was largely in agreement with Mr Badham pointing out the consistency with recommendations made in the Hearing 14 right of reply. These included the inclusion of “supermarkets” in TCZ-P4 as follows, a point particularly made by Mr Badham:

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

The reporting officer did not agree with amendments relating to connecting to the Council’s reticulated stormwater system given the Kerikeri TCZ is located within the Council’s reticulated stormwater network, and rule SUB-S1 sitting within the subdivision chapter, which is the intention so that it is with other minimum lot size standards.

We find agreement and note Mr Badham would likely agree too, with his concerns all being met.

3.10.3 Hearings Panel Recommendations

For the reasons set out in 3.10.2 above, the submissions from Foodstuffs Limited (S363) and McDonalds (S385.018) are accepted in part supporting the spatial extent of the Town Centre zone and improvements to the associated provisions.

3.11 Key Issue 11 – Ian Bridle – The Ridge

3.11.1 Matters Raised in Submissions

Ian Bridle (S361.001) seeks the rezoning of all properties accessed from The Ridge, Kerikeri from Rural Residential to General Residential. The submitter states this change better aligns with the Strategic Direction and objectives of the PDP and argues that there are restrictive impermeable coverage limits under the current zoning.

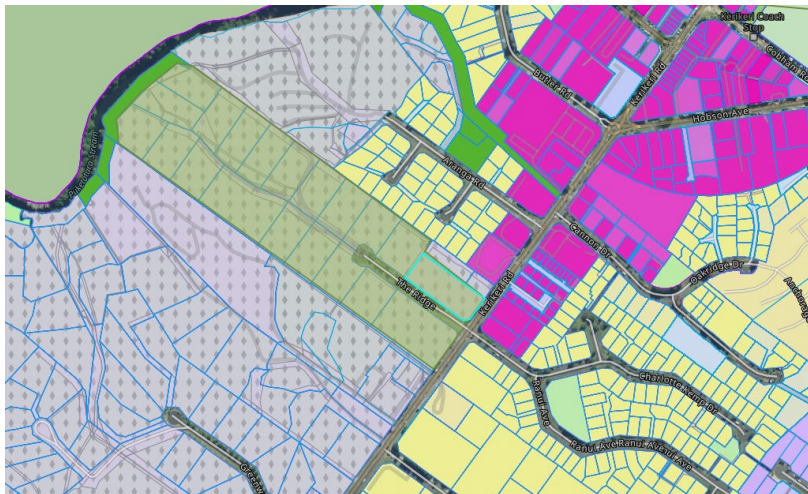


Figure 6 - The Ridge, Kerikeri

3.11.2 Hearings Panel Evaluation

We noted on our visit to the site that development has occurred consistent with the current Rural Residential zoning, that is on the larger lots. There is however also land

adjoining to the north that is zoned General Residential (part being identified as 23 Aranga Road which is proposed as General Residential zone as a result of our consideration of the Smartline submission S15.001 to the PDP).

In these respects, we consider that the submitter's land is a logical extension of the General Residential zoned area, it can be serviced by existing infrastructure, is close to the centre of Kerikeri and the services available there, and it would assist in meeting the demand for residential zoned land in Kerikeri. Importantly, it would not undermine the direction for growth as in the Spatial Plan. We acknowledge the detailed evidence that was provided by Mr Bridle in support of the submission.

3.11.3 Hearings Panel Recommendations

For the reasons set out above, the submission from Ian Bridle (S361.001) is accepted and we recommend that the site is zoned General Residential zone. However, we also note for clarity that the area to be rezoned includes the following properties 316A and 316B Kerikeri Road; 322 Kerikeri Road, 326 Kerikeri Road, and 1 – 23 The Ridge, Kerikeri.

3.12 Key Issue 12 – David McClelland

3.12.1 Matters Raised in Submissions

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

3.12.2 Hearings Panel Evaluation

Mr McClelland spoke to a hearing statement which built on his position in the Kerikeri Heights Limited (S362.001) submission seeking General Residential zoning for the property at 372 Kerikeri Road, Kerikeri.

372 Kerikeri Road is zoned Rural Residential as notified. The submitter has requested a change to General Residential zoning, citing several reasons in their submission. These include the presence of properties directly across the road that are proposed to be zoned General Residential, including a large subdivision currently under development at 373 Kerikeri Road with lot sizes of approximately 300m² and 700m². The submitter also notes that development infrastructure is already available along the property boundary and that the site is within easy walking distance to the town centre.

We visited the site and adjoining development which lies generally opposite the St Johns Ambulance Centre along Kerikeri Road, as part of visiting various sites of submitters in and around Kerikeri. We note that the site meets most of the Urban Rezoning Framework Criteria—including availability of servicing, alignment with the Spatial Plan's direction of growth, appropriate land use, and absence of hazards. In all of these respects, we find that the future for this land is for it to be zoned for residential development consistent with the rezoning to General Residential as sought by the submission.

We acknowledge the separation of the submitters' site from other similarly zoned sites. However, we note that those sites separating it from other General Residential zoned

sites are currently closely subdivided and developed for residential use such that the land of the submitter will appear as an extension of the residential area at the southern edge of Kerikeri. We also note that this land is identified to be zoned for residential use in the KKWSP. On that basis, the Council may wish to address the zoning of that intervening land with a later variation to the District Plan to give effect to the KKWSP.

We acknowledge the evidence provided by Mr McClelland at the hearing.

3.12.3 Hearings Panel Recommendations

For the reasons above, the submission from Kerikeri Heights Limited (S362.001) is accepted, and 372 Kerikeri Road is to be zoned to be General Residential zone.

3.13 Key Issue 13 – LIZ Zoning Waipapa

3.13.1 Matters Raised in Submissions

We received evidence from NRC relating to flood risk and in particular the risk of flooding at Waipapa associated with the proposed extent of LIZ. We received planning evidence from Ms Kuindersma and technical flood risk evidence from Mr de Boer.

Ms Kuindersma was concerned that any further rezoning of land to LIZ 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). She did not support any further rezoning without appropriate levels of mitigation having been undertaken and the level of residual hazard risk being reassessed and adequately managed. In her view, any additional LIZ area should be limited to areas identified that are not subject to significant hazard risk.

Mr de Boer's evidence related to the application of technical information on flood risk management into decision-making processes for land use planning. In regard to Waipapa industrial estate his evidence stated 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.

At the hearing we also heard from Mr Fred Terry who spoke to his extensive experience as an engineer in the District. In his evidence, he supported 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.

3.13.2 Hearings Panel Evaluation

Following the hearing of evidence, the Council officers engaged Mr Jon Rix from Tonkin and Taylor to undertake a further assessment of the flooding risk at Waipapa based on the most recent flood hazard mapping released by NRC in 2025. He made three main conclusions which are summarised as follows:

- 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.

In response to this updated assessment and the evidence of NRC, the Council planner in the right of reply considered it appropriate to reconsider the extent of industrial zoning in the Waipapa area, particularly within the H2–H4 flood hazard zones.

We agree that the extent of LIZ zoning at Waipapa needs to be reconsidered. 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.

We therefore agree with the NRC submission and evidence and the further assessment by Mr Rix and Ms Trinder that it is prudent to pull back the extent of the industrial zoning from the H2–H4 greenfield areas and retain Rural Production zoning in those locations. We are of the view that 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.

In making this recommendation we are also cognisant that facilitating additional industrial land supply is important for economic growth and for the prosperity at Kerikeri Waipapa and the District as a whole. However, we consider the better outcome would be to limit industrial zoning to areas that are not subject to significant flood hazard as this better manages risk and aligns with best practice in hazard management and land use planning, as supported by NRC’s submission and technical evidence.

3.13.3 Hearings Panel Recommendations

We recommend that there is a reduction in the in the light industrial zoning at Waipapa (approximately 13ha). The reduced area is shown in Appendix 7 maps of the Council right of reply for Hearing 15D.

4 Topic 2: Rezoning Requests KFO

4.1 Relevant Background

KFO (S554) are a large land owner within the KKWSP area. Their submission requests rezoning of approximately 197ha of rural land between Kerikeri and Waipapa (**KFO land**) from Rural Production zone (**RPROZ**) to a mix of urban zones notified in the PDP, being a combination of General Residential zone (**GRZ**), Mixed Use zone (**MUZ**) and Natural Open Space (**NOPZ**) (referred to this report as the **KFO proposal**).

Due to the large area of land requested to be rezoned, the interest from the local community and associated groups and the large volume of evidence submitted by KFO, the Council and other submitters, the Panel determined that the KFO rezoning request should be addressed as a separate topic.

The submission was supported by a section 32 RMA analysis undertaken by the Planning Collective and it proposes a precinct (Te Pāe Waiōra Precinct) to enable greenfields land to be zoned under the PDP to secure urban capacity for the growth of Kerikeri and Waipapa and to secure outcomes that will create a well-functioning and quality urban environment.

4.2 The KFO Proposal and Section 32 Assessment

The Precinct is intended to enable the land to be zoned for urban purposes under the PDP process, thus providing sufficient urban development capacity for Kerikeri and Waipapa as well as providing an appropriate level of certainty to secure investment in the infrastructure upgrades and extensions that will be required to facilitate the demand for growth in this location.

The section 32 analysis states that the location of the Precinct provides a significant opportunity to provide for urban growth and achieve the affordability and variety of housing typology outcomes sought by the NPD-UD, whilst also providing for a high-quality and well-functioning urban environment.

It is proposed that development of the KFO land needs to occur in stages to ensure there is appropriate infrastructure available at the various stages to service the development. An on-site wastewater solution is proposed to service the initial stages of development prior to a connection to an extended reticulated network being available.

Regarding water supply, the assessment with the submission states that there is capacity in the existing reticulated water network to service the proposed development. It acknowledges that an onsite solution will be needed to supplement the system during the periods when the water supply for Kerikeri and Waipapa experiences an algal bloom. Currently when this happens, the reticulated network is supplemented by a water take from the Kerikeri River. However, the KFO submission acknowledges that water takes from the Kerikeri River are at capacity, meaning another backup solution needs to be found for the KFO land. The assessment states that it is likely that this solution could be an on-site bore/groundwater take.

KFO acknowledge that the some of the land is susceptible to the 1:100 AEP Flood hazard (**100-year flood**) and the section 32 evaluation advises that flood modelling has been

undertaken and an indicative floodway shown through the site is provided to manage the natural hazard risk. KFO advises that securing the land for the floodway needs to occur prior to any subdivision or development works occurring in the proposed precinct.

The KFO submission also acknowledges that specific provisions are required to manage the additional area of retail floor space proposed to ensure the area does not detrimentally compete with the existing Kerikeri town centre.

Accompanying the assessment is a structure plan for the KFO land and this is supported by a range of KFO technical experts. The introduction to the KFO structure plan reads:

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

4.3 Where is the KFO land

The KFO submission identified the KFO land on the following cadastral map:

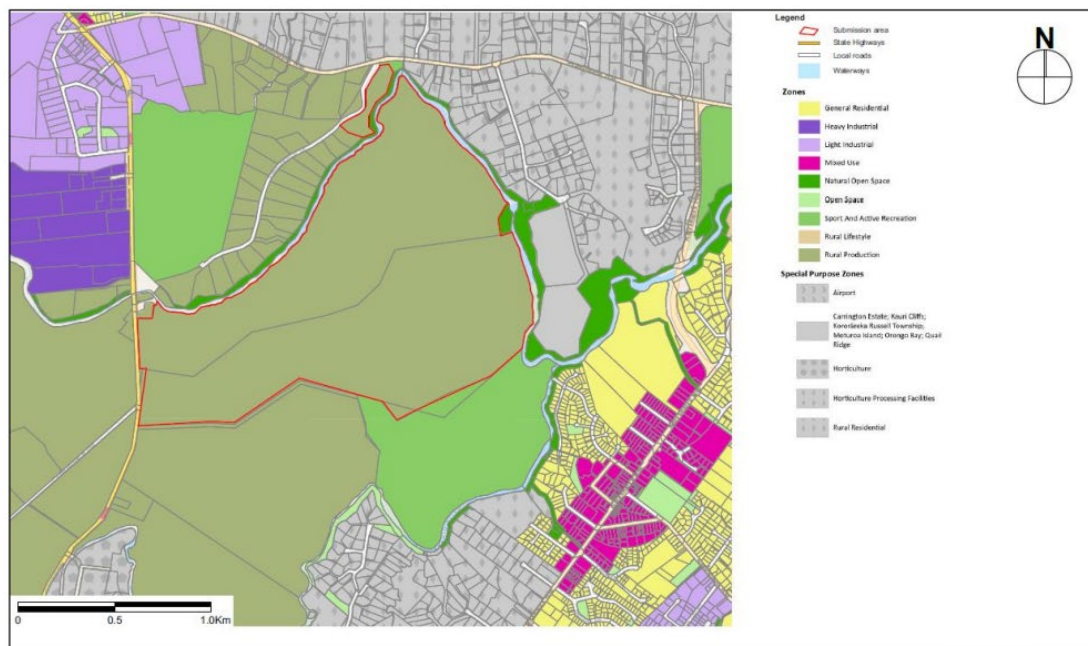


Figure 7 - KFO Land (in red)

The submission also identified the KFO land as being five land parcels as set out below:

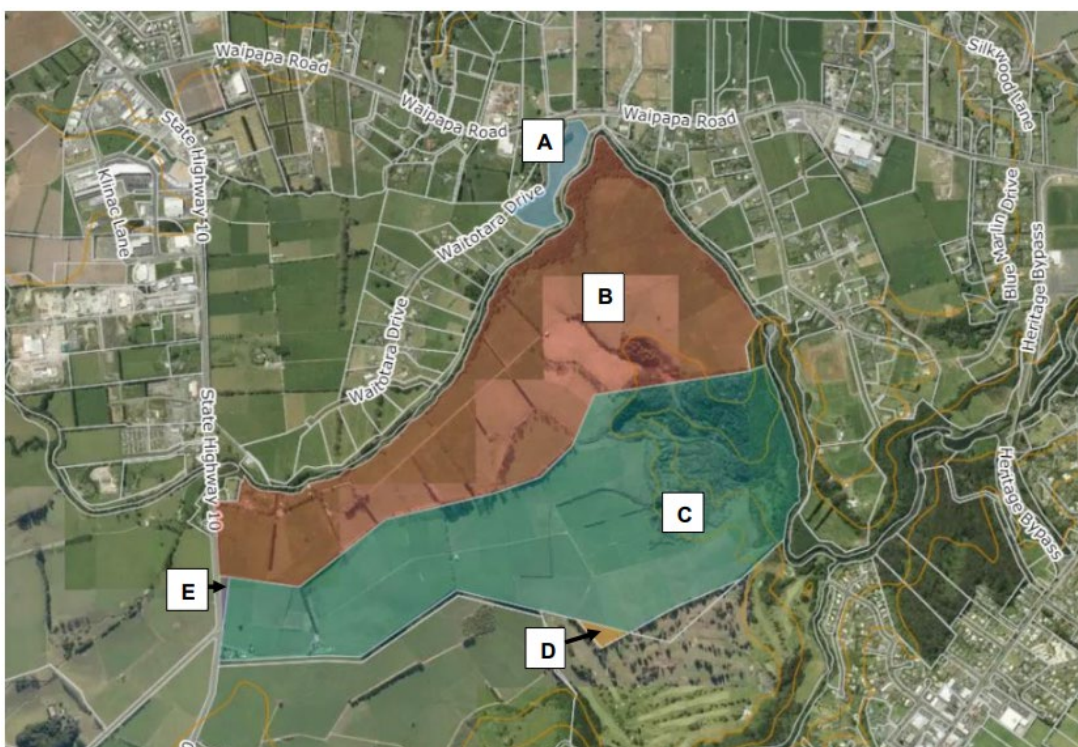


Figure 8 - KFO land parcels

The five land parcels are described as follows:

Map Reference	Title Reference	Site Address	Legal Description	Site area (ha)	Owners
A	137884	-	Lot 1 DP 333643	3.3845 ha	Cole James Investments Limited
B	NA46D/1149	1878 State Highway 10	Part Lot 2 DP 89875	92.7111 ha	Brownlie Brothers Limited
C	NA33B/689	1828 State Highway 10	Part Lot 2 DP 41113 and Lot 2 DP 76850	101.3451 ha	Kiwi Fresh Orange Company Limited
D	NA33B/689	-	Lot 2 DP 76850	7,241m ²	Kiwi Fresh Orange Company Limited
E	NA1126/159	-	Part Section 13 Block X Kerikeri Survey and Lot 6 DP 6704 and Part Lot 6 DP 6704	0.3480 ha and 670m ²	Kiwi Fresh Orange Company Limited

4.4 How was the KFO land included in the KKWSP

As set out in the Council Rezoning Submissions Overview report, the KKWSP was adopted by the Council on 18 June 2025². The adopted KKWSP contains a long-term growth scenario for greenfield land that combines elements of two growth scenarios: Scenarios D (Kerikeri south focussed expansion) and E (Waipapa focussed expansion). However, the Council also acknowledged feedback received during consultation in support of an alternative growth proposal known as Scenario F (Kerikeri Northwest Expansion). This is the proposal, led by KFO. The Council resolution states:

That Council

- a) *Adopts the Te Pātukurea – Kerikeri-Waipapa Spatial Plan, based on the hybrid growth scenario (combining elements of Scenarios D and E) as set out in the draft plan consulted on.*

² For a summary of the KKWSP see the Council Rezoning submissions overview report: https://www.fndc.govt.nz/_data/assets/pdf_file/0031/43699/S42A-Rezoning-Submissions-Overview-Report.pdf

- b) *Notes that 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 provision.*
- c) *Agrees to include Scenario F in the Spatial Plan as a “Contingent Future Growth Area”, to reflect the submission and acknowledge its potential, subject to the following conditions:*
 - 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.*
- d) *Instructs staff to include a section in the adopted Spatial Plan explaining the status of the Kerikeri Northwest proposal (Scenario F) as a conditional, developer-led future growth area, and to illustrate this on the Spatial Plan map using a dashed boundary or similar notation.*
- e) Notes that inclusion of Scenario F in this way does not change the adopted growth scenario or the infrastructure planning basis of the Spatial Plan at this time, and any formal incorporation of this area will be subject to further consultation and/or plan review if required.³

4.5 Further Submissions Received

There are 22 further submissions on the primary submission from KFO. Further submissions in support or support in part include:

- a. Trent Simpkin (FS29.39, FS45.5) agrees with zoning rural land to urban where it can be shown that infrastructure servicing can be provided in the future.
- b. Our Kerikeri Community Charitable Trust (FS47.001) considers that the land between the Kerikeri golf course and State Highway 10 (Brownlie property) is the only area that

³ Minutes of Far North District Council Extraordinary Council Meeting on Wednesday, 18 June 2025 at 10:00 am - https://infocouncil.fndc.govt.nz/Open/2025/06/CO_20250618_MIN_2922_EXTRA_WEB.htm

can provide a reasonably compact urban footprint for Kerikeri-Waipapa expansion in the future.

- c. Vision Kerikeri 2 (FS569.025) support a mix of residential, mixed use, open space and natural open space and consider the land between Waipapa and Kerikeri is the most appropriate area for future urban growth.
- d. Jeff Kemp (FS32.005, FS32.006, FS32.051, FS32.052) supports the overall intent of the rezoning requests but raises questions about traffic movements and whether the KFO proposal and associated flood mitigation will increase or reduce flooding along Waitotara Drive.

Further submission points opposing the KFO submissions include:

- a. Smartlife Trust (FS389.008, FS389.009, FS389.055) opposes the KFO proposal, in particular the plans which show a future access point through their land.
- b. NZTA (FS36.092, FS36.093, FS36.094, FS36.095) opposes the rezoning until there is a clearer understanding on how this will affect the safety, efficiency, and effectiveness of the land transport system. These submission points from NZTA also state that there needs to be clear documentation of what transport infrastructure upgrades and mitigation measures are needed to avoid, remedy or mitigate effects on the land transport system, triggers for necessary infrastructure development, and how the infrastructure will be funded.
- c. Waipapa Pine Limited (FS389.049, FS389.050, FS389.051) is concerned with the KFO rezoning proposal being close to land zoned Heavy Industrial and the potential for reverse sensitivity effects, particularly the areas proposed to be zoned GRZ.
- d. Kainga Ora Homes and Communities (FS243.229) requests further details on how the KFO proposal will fit within the planned and future growth in the Far North District. Kāinga Ora is interested in understanding the balance of enabling urban development while maintaining productive rural environments.

4.6 Summary of Evidence Presented

The KFO submission included a section 32 assessment, draft structure plan and precinct provisions and a range of expert technical assessments. The evidence presented to us on the KFO rezoning topic was extensive and included the following expert briefs (and summary statements and rebuttal) from KFO:

- a. Corporate evidence from Mr Brownlie
- b. Corporate liaison evidence from Mr Corbett
- c. Ecology evidence from Ms Barnett
- d. Economic and property market evidence from Mr Thompson
- e. Flood mitigation from Mr Kuta
- f. Infrastructure evidence from Mr Ehlers
- g. Planning evidence from Ms O'Connor

- h. Rural productivity evidence from Mr Hunt
- i. Transport evidence from Mr Brown.

Legal submissions were presented by Mike Doesburg.

The Council also lodged and presented expert evidence (including summary statements and rebuttal) on the KFO land from the following:

- a. Mr Azman Reuben – Spatial Plan
- b. Mr Lawrence McIlrath – economics
- c. Mr Mat Collins – transport
- d. Mr Vic Hensley – infrastructure
- e. Mr Ken McDonald – Council finances and infrastructure funding
- f. Mr Mathew Lindenberg – planning (NPS-UD)
- g. Ms Jane Rennie – urban design
- h. Mr Jon Rix – flooding
- i. Ms Phoebe Andrews – ecology
- j. Dr Reece Hill – rural productivity.

All these briefs of evidence are publicly available on the Council Hearing 15D [website](#) and we do not repeat the details of these here in the recommendation report. However, where relevant we refer to specific briefs of evidence and legal submissions in our evaluation.

4.7 Key Issues

The key issues identified in the hearing report and in evidence are set out below:

- Key Issue 1: Development Capacity, intensification and Affordability
- Key Issue 2: Natural Hazards - Flooding
- Key Issue 3: Infrastructure
- Key Issue 4: Rural Productivity and Land Use Capability
- Key Issue 5: Transport and Accessibility
- Key Issue 6: Urban Design
- Key Issue 7: Ecology
- Key Issue 8: Culture and Heritage
- Key Issue 9: Proposed Te Pāe Waiōra Precinct provisions
- Key Issue 10: NPD-UD, RPS and KKWSP.

4.8 Key Issue 1: Development Capacity, Intensification and Affordability

4.8.1 Matters Raised in Evidence

The key evidence relating to this issue is the economic evidence from Adam Thompson for KFO and the economic evidence of Lawrence McIlrath for the Council.

Both economists are qualified and experienced consultants and had differing views on the issue of capacity, intensification and affordability. Without repeating the detail of each economist's evidence, we summarise the main themes as follows:

Adam Thompson

The evidence of Mr Thompson focusses on the need to provide sufficient development capacity in Kerikeri-Waipapa over the short, medium, and long-term and in his view the KFO land is best suited to provide that. For a range of reasons set out in his evidence, Mr Thompson recommends that Options D, E (which are supported by the Council and is adopted in the KKWSP) and Option F (being the KFO proposal) in the KKWSP are zoned for urban development through the PDP. In Mr Thompson's view, all three options must be adopted to ensure that there is sufficient development capacity to meet demand, ensure housing affordability, and support economic growth in the Far North District.

The evidence of Mr Thompson also states that it is appropriate to zone 30 years of plan-enabled development capacity, including the proposed changes to the NPS-UD through the Government's "Going for Housing Growth" proposals.

Mr Thompson argues that, based on high rates of growth in Kerikeri-Waipapa, there is an economic justification for adopting 30 years of live zoned land.

In terms of affordability, Mr Thompson has assessed that no stand-alone dwellings are feasible in Kerikeri-Waipapa for under 1.2 million dollars in the short to medium term and that this could get worse over time due to supply issues. Mr Thompson stated that greenfield development on the KFO land (as opposed to a mix of greenfield and intensification of existing urban land relied on by the Council in the PDP-R) would be able to deliver more affordable stand-alone dwellings.

Lawrence McIlrath

Mr McIlrath provided the Council economic analysis on the capacity, demand and affordability of rural and urban land throughout the District. For this topic he has provided an updated assessment of the sufficiency of development capacity to meet demand for housing and business land that incorporates the PDP-R recommendations by Ms Trinder.

By way of summary, Mr McIlrath confirms that there is currently more than sufficient development capacity (existing and planned) to meet expected demand for housing over the short, medium and long-term. The evidence of Mr McIlrath does acknowledge that there is a slight short-fall in capacity in the long-term and adds that additional capacity will be introduced to the Kerikeri Waipapa area via the additional greenfield areas identified in the KKWSP for rezoning (via a future plan change process). Mr McIlrath (supported by Mr Lindberg) states that the FNDC (as a Tier 3 local authority) is not obligated to provide 30 years of development capacity under the NPS-UD but can achieve this with the implementation of the PDP-R provisions and the KKWSP additional greenfield land recommendations.

The key conclusions reached by Mr McIlrath are summarised as:

- a) The updated assessment of development capacity, including the PDP-R recommendations from Ms Trinder, demonstrates that this provides sufficient development capacity to meet expected demand for housing in Kerikeri-Waipapa over the short, medium and long-term in accordance with the NPS-UD. As such, there is no need to rezone the KFO land to provide more “plan-enabled” development capacity (leaving aside the questions about if, how and when the KFO proposed capacity may be “infrastructure-ready”).
- b) Zoning the KFO land for urban development in addition to the PDP-R recommendations will likely undermine the recommendations of the Spatial Plan to achieve a compact urban form. In short, Mr McIlrath has concerns that an over-zoning of greenfield capacity on the KFO land will undermine intensification efforts and the range of concentration benefits that this seeks to achieve.

In terms of affordability, Mr McIlrath is of the view that a mix of typologies is needed to assist with housing affordability and this includes the provision of multi-unit (attached) housing typologies to meet this demand. Mr McIlrath opines that there has been a historic bias towards detached dwelling at Kerikeri- Waipapa and that the introduction of higher density typologies (in addition to some greenfield rezoning recommended in the KKWSP) will assist in delivering a more affordable range of housing options. Mr McIlrath also states that his analysis has identified significant additional residential development capacity on land already zoned General Residential, especially in Kerikeri.

4.8.2 Hearings Panel Evaluation

Firstly, we acknowledge that both economists have supported their opinions with professional analysis and evidence, despite arriving at significantly different conclusions with regard to development capacity, intensification and affordability. In that regard, we acknowledge the differences between the two experts and their disagreement about how data was used and projections formulated regarding population growth, demand and the costs associated with development. While the Panel recognises the empirical rigour outlined in the assessments by both economists, we are also cognisant that this area of economics involves some level of assumption and value judgement about such matters.

The Panel does not view either economic opinion as correct or incorrect but rather we have weighed the evidence against the various circumstances that apply at Kerikeri-Waipapa, the opportunities and constraints that arise in respect of providing for affordable housing growth and the national direction set out in the NPS-UD.

Having read Mr Thompson's evidence and hearing the responses to our questions, the thrust of Mr Thompson's economic rationale is that allowing a large area of greenfield land located between Kerikeri and Waipapa, such as the KFO land would result in more affordable dwellings and a housing typology (i.e. predominantly suburban-style detached dwellings) that are in demand. Mr Thompson opined that greenfield development could utilise economies of scale to deliver more affordable housing as opposed to the intensification model adopted by the KKWSP and in the PDP-R. he states:

Option F is well-positioned to support the efficient recovery of infrastructure costs in Kerikeri-Waipapa. Large-scale, coordinated

greenfield developments can typically enable more cost-effective infrastructure provision compared to fragmented or uncoordinated growth. The economies of scale inherent in such developments enable more efficient staging and reduced per-dwelling costs.⁴

The evidence of Mr McIlrath is that there is no short-fall in urban zoned land at Kerikeri-Waipapa, at least in the short to medium term, and the KKWSP has signalled more greenfield land to be released (adjoining townships of Kerikeri and Waipapa) that can be brought on line via a plan change process. Added to that, Mr McIlrath is of the view that the intensification provisions of the PDP-R will assist in delivering more affordable housing than that existing and future residents' demand.

Mr McIlrath also outlines a number of added economic benefits of the Council's intensification strategy in the PDP-R and these include: supporting town centre function and viability; lower emissions and vehicle use; improved access to jobs, services, and a more diverse service range and more efficient use of infrastructure.

We also note the caution stated in Mr McIlrath's evidence regarding zoning over-supply⁵. In the context of urban zoning in Kerikeri – Waipapa Mr McIlrath is of the view that the KFO proposal risks over-zoning of greenfield residential land which would undermine intensification efforts, thereby erasing the potential to generate benefits associated with intensification. Mr McIlrath states:

The trade-off associated with the KFO site has to be viewed against the risk of displacing growth from other, more appropriately located areas (as identified in the Spatial Plan preferred option) as well as undermining efforts to facilitate intensification around existing centres.⁶

Hearings Panel Finding

Having considered this evidence carefully, we prefer the evidence of Mr McIlrath to that of Mr Thompson on the matter of development capacity, intensification and affordability. For reasons which we set out further in the sections that follow, it is our finding that Mr McIlrath's approach is more consistent with the NPS-UD and the KKWSP. For the same reasons we have set out in Recommendation Report 15C, we find that the NPS-UD with its focus on intensification, affordability, supply and housing choice relevant and that the KKWSP adopted by the Council is consistent with this national direction.

We find favour with Mr McIlrath's analysis of existing and capacity and demand and the economic benefits of enabling a more compact urban form around the Kerikeri town centre.

Given our preference for Mr McIlrath's evidence with regard to existing capacity, we also find that the KFO proposal involves a risk of over-supply of greenfield land and that this in turn could undermine the principles and outcomes of the KKWSP. Furthermore, for reasons that we explore later in this recommendation report, we also have some

⁴ Primary evidence of Adam Thompson – paragraph 65

⁵ We refer to this concept also in our recommendation for Hearing 15C – Rural topic

⁶ Evidence in Chief of Lawrence McIlrath – paragraph 7.55

concerns about the affordability assumptions made in relation to the KFO land regarding the costs of infrastructure for roading, natural hazard mitigation and three waters.

4.9 Key Issue 2: Natural Hazards - Flooding

4.9.1 Matters Raised in Evidence

We received extensive expert evidence on the issue of natural hazards from KFO (Laddie Kuta), Council (John Rix) and Matthew de Boer (NRC). This evidence was highly technical in nature. All experts accepted that the KFO land includes a portion of land that acts like an overland flow path during extreme flooding events. This is described by Mr Kuta:

During times of extreme flooding, the combined flow at State Highway 10 (SH10) is forced to split with a portion of the flow continuing down the Kerikeri River and a near equal portion flowing down an existing natural floodway that passes across the Site (refer to Map D1 in Appendix D of e2 report).

Flood flow continuing down the Kerikeri River eventually loses energy when it is discharged over Rainbow Falls on the north-eastern extent of the Site.

The natural floodway across the Site consists of broad depressed swales in the topography with the primary swale leading to a waterfall near the downstream end of the Site (refer to Image A5 in Appendix A and Map D1 in Appendix D of e2 report).⁷

The flooding is recognised in the River Flood Hazard Areas in the PDP planning maps (included in the hearing report):

⁷ Evidence in chief of Laddie Kuta – paragraphs 16-18

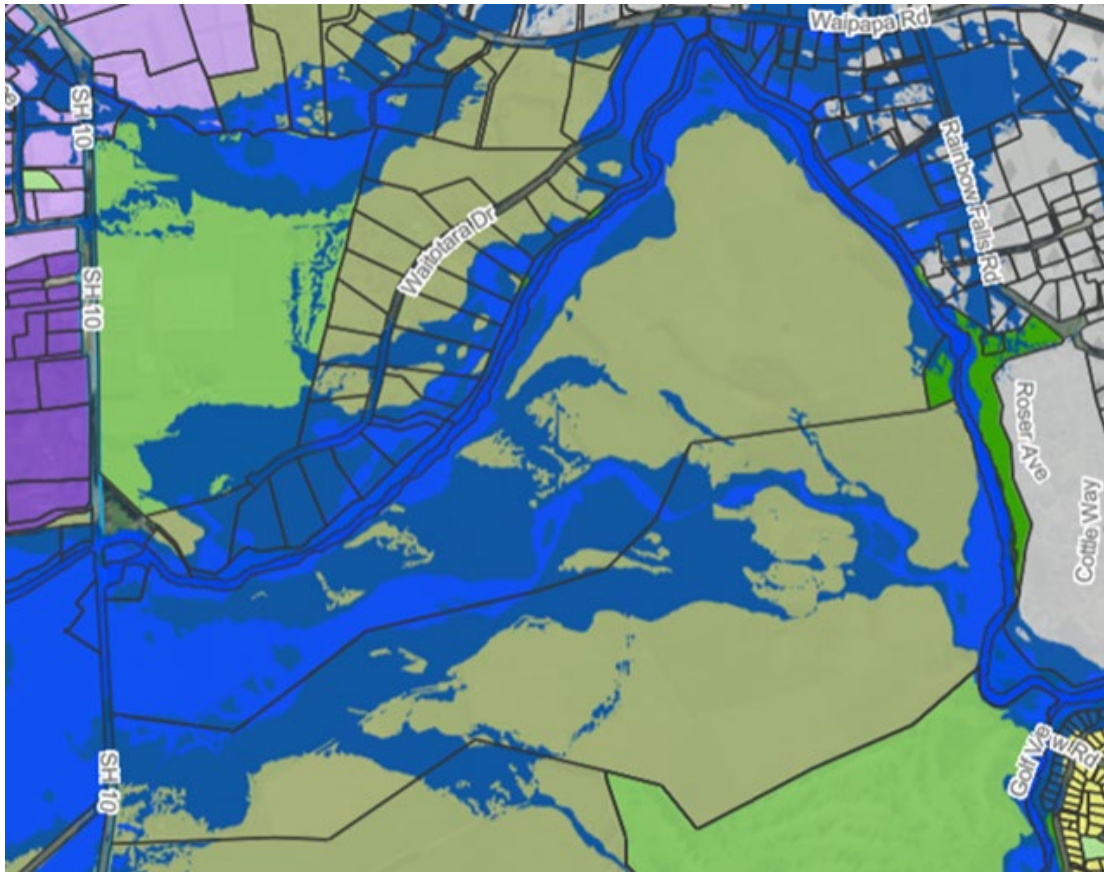


Figure 9 - PDP zoning and River Flood Hazard Area over KFO land

Evidence of Laddie Kuta

The KFO approach is to mitigate the flood hazard through an on-site engineered solution intended to make the KFO land suitable for urban development. This involves modification and enhancements to the existing floodway to manage flood risk and thus unlocking additional areas available for potential development. Mr Kuta states:

By designing the floodway to existing flood paths, the design only uses engineered and built elements to assist with maintaining this flood path. This means flood flows that overwhelm the Kerikeri River will still be allowed to flow through the Site but in a more controlled and certain manner.

Under the existing conditions the Site consists of an estimated 51ha of non-flooded land on the northern side of the existing floodway and an estimated 57ha of non-flooded land on the southern side of the existing floodway during a 1% AEP flood event. This land is unlocked for potential future development.

Proposed modifications to the natural floodway on the Site would increase non-flooded and unlocked land to an estimated 54ha on the northern side of the modified floodway and an estimated 68ha on the southern side of a modified on-site floodway.⁸

⁸ Evidence in Chief of Laddie Kuta – paragraph 67-69

KFO has taken the flooding information it has collected and identified areas within the KFO land needed for flood mitigation and to be kept free from development.

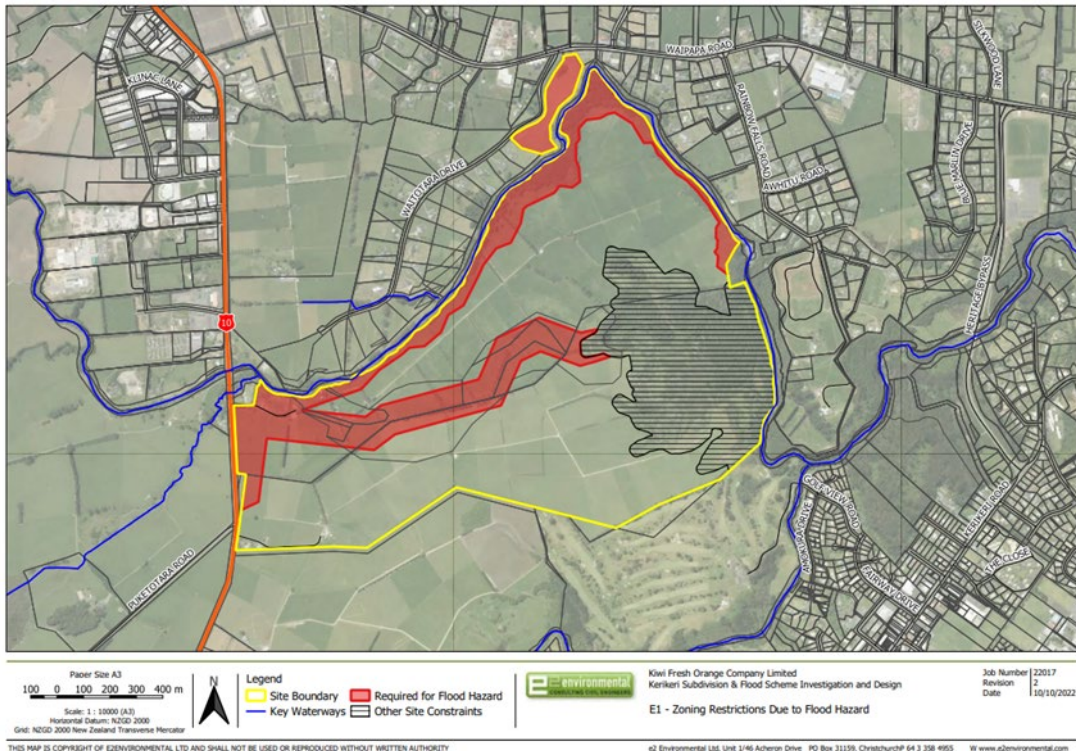


Figure 10 - Proposed areas where Development should be avoided (from proposed KFO precinct plan)

The exact nature of the mitigation methods proposed have not been finalised. However, Mr Kuta provided additional detail in his rebuttal evidence but conceded that any final design needed to occur at the consenting stage. He states:

The floodway will need to establish neutrality. The earthworks proposed in KFO’s submission, including bunds, raised land and earth works are suggested in a manner to maintain natural flood conditions in the greater area. These modifications are likely to integrate with the site, reducing risk of failure that is present with a traditional stopbank. The natural raise of the land at the KFO site favours the raising of land outside the floodway as an alternative to stopbanks. Additional measures could be incorporated for broader benefit; however, they are not essential for flood protection at the KFO site. These measures can be worked through with stakeholders when the floodway is consented.⁹

Mr Kuta also advised us that the proposed flood mitigation works were intended to achieve stormwater neutrality by maintaining existing flood hazard upstream and downstream of the property. This approach is intended to maintain current level of flood protection for areas outside the property, so that these neighbouring areas continue to experience their natural flood conditions and are properly managed into the future.

Evidence of John Rix

⁹ Rebuttal evidence of Laddie Kuta – paragraph 7

Mr Rix states that he has concerns with regard to the "concept designs" provided by KFO and in the evidence of Mr Kuta on the basis that they have inherent uncertainties due to the early-stage nature of the design, which is common across many civil-related projects.¹⁰ Mr Rix adds that the proof-of-concept design provided by KFO for the floodway and the protections along the Kerikeri River lacks the level of detail and information required to support rezoning and there is little certainty of outcomes. While some decisions can be deferred until later consenting phases, he considers that changes to the flood mitigation design could materially impact information relied on to support any rezoning decision.

Mr Rix also opined that more land could be needed for flood mitigation than currently provided in evidence which has implications for zoning boundaries and areas identified for development in the precinct chapter. Mr Rix summarises the gaps in information as follows:

- (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; and*
- (d) *an effects assessment on fresh water wetlands within the KFO land.*¹¹

In Mr Rix's view, the key point of difference between him and Mr Kuta is that he considers that due to the potential significance of the flood hazard risk, the additional information he outlines on these matters should be available to support the rezoning decision, and it should not be deferred to the resource consent stage.

Evidence of Matthew de Boer

Mr de Boer is an experienced natural hazards specialist and presented evidence on flood hazards on behalf of NRC. Mr de Boer's evidence summarised the flood hazard history in the Kerikeri - Waipapa area and the NRC's role in collecting and analysing that research. He advised that new modelling was commissioned in 2023 and was completed in September 2025. His evidence covered all areas in the wider Kerikeri – Waipapa catchment including industrial land at Waipapa and the KFO land.

Mr de Boer explained the difference between the model outputs (being the current 2013 modelling and the new 2025 modelling) is the occurrence of additional flow paths, which are associated with the different modelling methodology used.¹² With regard to the KFO land Mr de Boer made the following observations:

- a. The development of floodplains using engineered protection is not aligned with recent leading practice in flood risk management. Mr de Boer concurs with the evidence of Jon Rix that the proposed use of large-scale engineered protection mechanisms to

¹⁰ Summary statement of evidence of John Rix paragraph 2.6

¹¹ Summary statement of evidence of John Rix paragraph 2.8

¹² Evidence of Matthew de Boer – paragraph 12

enable greenfield floodplain development at this scale is not typical of recent practice in New Zealand.

- b. The approach adopted by KFO runs counter to international principles of Integrated Flood Risk Management, where greater emphasis is placed on reconnecting floodplains and making space.
- c. While the modelled design presented by the E2 Environmental assessment appears to be in theory possible, it is Mr de Boer's opinion that there is insufficient evidence regarding civil and construction design provided in the KFO submission. He opines that there is potential for significant changes in the proposed concept design (such as a greater reliance on stopbanks) could be required, due to factors such as geotechnical constraints, consenting requirements, design/construction costs, and stakeholder feedback.
- d. In terms of construction feasibility, Mr de Boer remains unclear whether the floodway would be formed by excavation, bunding, or a combination. He advised that excavation would reduce residual risk and improve drainage, although he raised concern that shallow bedrock may limit feasibility.
- e. While the final land and floodway bank and channel levels are yet to be confirmed, Mr de Boer is of the view that there is the potential for the floodway design to interrupt natural drainage paths allowing gravity-driven overland flows from areas on site pegged for development, causing localised ponding.
- f. Following Cyclone Gabrielle, Mr de Boer advised us that councils are focussing on over-design above the 100-year flood event in recognition of the significant personal and social harms as well as material and economic damages that can result from large, infrequent flood events.
- g. Mr de Boer raises the risk of stopbank over topping or failure and wider catchment issues stating that the KFO proposal only focusses on the subject land and not the wider catchment.
- h. Mr de Boer also raises questions regarding transportation effects and integration with SH10 flood mitigation opportunities and questions over assessment management responsibilities, especially for the FNDC once works are finished.¹³

Mr de Boer's overall conclusion is that 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 and not aligned with catchment-wide flood management planning. Mr de Boer is unclear that how the resulting scheme would be integrated and managed following vesting to councils. He also concludes that the design of the floodway presented is not sufficiently developed to warrant the removal of the flood overlays for the site, due to uncertainties in modelling and construction feasibility that create the potential for significant and material changes in design that could affect the type and level of flood mitigation provided. This uncertainty includes concerns about impacts on SH10 will be mitigated, and how any potential changes to SH10 may affect the

¹³ Evidence of Matthew de Boer – paragraphs 29-41

functioning of the proposed floodway and the potential for significant up- and down-stream impacts to properties and the transport network that are insufficiently explored.

4.9.2 Hearings Panel Evaluation

We consider this aspect of the KFO proposal to be significant to the merits of the rezoning request. The Panel is acutely aware of recent extreme flooding events, especially in Auckland, the Hawkes Bay, East Cape and recently at Helena Bay/Oakura and the need for caution and certainty with regard to flooding as a natural hazard. The Panel is also aware that climate change has affected much of the certainty previously associated with a 100-year flood event as a bench-mark for extreme events and as a planning tool. As observed by Mr de Boer, many local authorities in New Zealand are currently evaluating their responses to these extreme events and considering protections that exceed the 100 year event. We note the Mr de Boer refers to several examples of this including the use of a 500-year flood threshold for flooding at Taradale and a 440-year event for flooding associated with the Hutt River in Wellington.¹⁴

The Panel acknowledges the research undertaken by E2 (in the submission) and the mitigation options identified the expert evidence of Mr Kuta. However, we share the concerns raised by Mr Rix and Mr de Boer regarding the detail of the design work that would be needed to be undertaken at the consent stage and the lack of certainty that raises for the zoning determination currently before us.

The Panel is of the view that there should be a higher degree of confidence that the risks from flood hazards within the KFO land can be adequately mitigated before enabling large-scale urban rezoning for “vulnerable activities” on the land, given that the land is subject to significant, extensive and dynamic flood hazards. While the Panel agrees that it is inevitable that some further design works will need to occur at the consenting stage, we also agree with Council and NRC experts that there should be a higher level of certainty that the “proof of concept” design demonstrates that the risk from flood hazards can be appropriately addressed.

The Panel is concerned that we are being asked to make zoning recommendations that also involve demarcation of where development must not be allowed due to flood hazard at this stage, when there is a potential risk that those areas need to be modified once more detailed design information is available. The Panel wishes to avoid recommending these spatial zoning determinations at this stage only to find that further flood mitigation, including widening the areas where development cannot proceed, is necessary.

While we are aware that the current Northland RPS directs that development should be discouraged in 100-year flood hazard areas, it is our view that there needs to be a greater level of design caution given the vulnerability and scale of development that would be more at-risk from more extreme flood events under the KFO proposal.

We also have concerns about the infrastructure funding and maintenance of such a significant flood management proposal. We discuss that aspect further in the sections that follow.

Overall, we prefer the evidence of Mr Rix and Mr de Boer regarding the natural hazard flooding risk and we find that there is too much uncertainty that flood hazards can be

¹⁴ Evidence of Matthew de Boer – paragraph 36

appropriately managed and that this raises fundamental questions regarding the appropriateness of locating such a large area of new urban development within on the KFO land that is subject to extensive and potentially dynamic flood hazard risk.

We make this finding too in the knowledge that we agree with the Council that sufficient development capacity can be provided elsewhere (i.e. through the package of PDP-R recommendations) which we have addressed in the key issue above.

4.10 Key Issue 3: Infrastructure

4.10.1 Matters Raised in Evidence

KFO evidence -Johan Ehlers

We received evidence from Johan Ehlers on the provision of infrastructure to support the KFO proposal. The evidence of Mr Ehlers referred to an earlier technical assessment (Servicing Report) he had undertaken in October 2022.

Wastewater

Mr Ehlers' evidence states that there is insufficient capacity in the Kerikeri wastewater system to service the KFO proposal and recommends a stand-alone system be provided until upgrades to the public system can support a connection to the KFO land. In his view there is sufficient land to provide a land based wastewater disposal system. He estimates that 22ha of land will be required for on-site disposal. He confirmed that there is no reticulated service to the site for wastewater.

We heard that this was to be delivered in a staged manner in accordance with development of the site, where initial on-site treatment and disposal is available up to a development threshold of 840 dwellings plus 5ha of commercial development serviced by an on-site treatment plant and a 22ha disposal field, including an 11ha reserve area to enlarge the disposal field if needed. He stated that a regional discharge consent would need to be sought and obtained for the disposal field.

We understood that the disposal field would be located on the northern side of the Kerikeri Golf Course.

Water Supply

The evidence of Mr Ehlers acknowledges that there are capacity constraints in the existing public water supply system and recommends that the additional water volumes required be supplied by the Kerikeri Irrigation Company. He also notes that improvements to Kerikeri's bulk conveyance and treatment infrastructure are required regardless of the exact location of development. In terms of connection point to the public network, the KFO land can be connected to the trunk main at the proposed northern entrance on Waipapa Road.

Stormwater

Mr Ehlers defers to the evidence of Mr Kuta with regard to stormwater flood management and supports the proposal to discharge stormwater from the proposed development area primarily to the floodway and potentially also to Puketotara Stream. Mr Ehlers recognises that water quality will need to be managed through stormwater treatment and attenuation

systems must be provided on the development prior to discharge, including discharges to the floodway and Puketotara Stream.

Roading and Access

Mr Ehlers confirmed that several concept options have been developed to provide road access to the KFO land. These are:

a. Access A: Western access at State Highway 10 / Puketotara Road

This consists of a minor realignment of SH10 to suit geometry requirements for a new 19m diameter four leg roundabout. An access road into the development will provide linkage with the northern and eastern access points.

b. Access B: Eastern access at Aranga Road (alternative to Access C)

This consists of a bridge across Puketotara Stream. The 150m long crossing will require a 60m central span to avoid piers in the stream channel. To position the bridge above flood levels, ground level at the eastern approach would be raised by up to 6m.

c. Access C: Eastern access at Golf View Road (alternative to Access B)

This consists of replacing the existing single lane bridge across Puketotara Stream at Golf View Road with a two-lane bridge and pedestrian facilities at a level two metres higher than the existing bridge.

d. Access D: Northern access at Waitotara Drive

This access is at the northern end of the Site and consists of a bridge across Waipেকakoura River. The 70m long crossing will span the 30m wide river channel and extend a further 40m to cross the native bush. To position the bridge above flood levels, the northern approach will be 4m above ground level.

Council Evidence

Wastewater and water supply evidence

The Council presented evidence from Victor Hensley. Mr Hensley advised us that the district councils in Northland resolved to form a council-controlled organisation to own and manage water supply and wastewater assets in the region (Northland Waters CCO). Stormwater infrastructure would continue to be delivered by the Far North District Council. He stated that the PDP-R option for intensification requires investment in water treatment plant capacity in the short-term (with funding already allocated through the 2024-2027 Long Term Plan), and reservoir capacity, water and wastewater network capacity and wastewater treatment plant capacity in the medium to long-term. Medium and long-term investment relating to water supply and wastewater infrastructure will be planned and funded through the newly established Northland Waters CCO. Mr Hensley advised us that sufficient raw water resources are available to service growth. Council's existing stormwater infrastructure and pipe network will require investment for both upgrades and extensions over time in order to cater for anticipated future growth.

Roading

Mr Hensley acknowledged that an extensive new road network is required with parts of the network inside and crossing flood prone areas. Two new bridges and an upgrade to the Golf View Road bridge would be necessary. A major new intersection (roundabout) on State Highway 10 is required to facilitate access.

Mr Hensley noted that 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, he is of the view that rezoning the KFO site for urban use presents a significant financial risk to the responsible entities.

4.10.2 Hearings Panel Evaluation

With regard to the provision of necessary infrastructure to service the KFO proposal we are mindful of the Council resolution for the KKWSP and in particular item (c)(iii):

That necessary infrastructure is provided at no cost to Council;

We therefore spent some time questioning various KFO witnesses on this matter at the hearing to understand what infrastructure was proposed, when it would be provided and we also sought an indication of costs relative to the scale of development that would be enabled.

With regard to wastewater provision, we appreciate the concerns of the Council, and Mr Hensley in particular regarding the installation of stand-alone wastewater treatment plants and the expectation that Council would ultimately be expected to operate and maintain that infrastructure. However, we also recognise that KFO proposed the stand-alone wastewater treatment plant to be an interim solution until such time that an enlarged wastewater treatment facility at Kerikeri was established to accommodate the KFO land. The Panel considers this approach to be acceptable, in principle, on the basis that a stand-alone wastewater treatment plant for the KFO land would not be a long-term solution. That said, we also acknowledge that the costings and detail of the plant operation and management have not yet been determined.

With regard to water supply, we also consider the approach by KFO to be acceptable via the Kerikeri Irrigation Company and we note that Mr Hensley has confirmed that there are sufficient water resources available to meet the medium-term demands from these sources, and long-term with the purchase of additional water allocation.

With regard to roading and access provision, we note that the primary access to the KFO land is proposed to be through the Kerikeri Golf Course and at the conclusion of the hearing we understood that there is no approval from the Golf Course to use part of their land for access. We discuss this matter further in the Transportation and Accessibility section to follow.

The Panel was surprised by the sheer amount of roading that will be required to service the KFO proposal including a new roundabout on SH10 (access A), bridges to cross Waipetakoura Stream to connect to Waitotara Drive (Access D) and bridges to connect to Golf View Road and/or Aranga Road and a bridge to span the proposed floodway through the middle of the site.

We attempted to get some costings to provide this infrastructure from KFO in order to understand the broad costings as these significant roading infrastructure components as well as the likely costing for a stand-alone wastewater plant and proposed floodway mitigation works. We consider these to be relevant given the presumption from the Council resolution for the KKWSP that all KFO infrastructure costs will fall upon the developer of the KFO land should the rezoning be approved. While we were given assurances that these costs would be met by the developer, we do not have a robust estimate of these costs.

We note that Mr Hensley in his evidence stated that infrastructure costs could be in the order of \$134 million to \$234 million.

The Panel has concerns that the potential infrastructure costs could have an impact on the viability of the development envisaged and that this could also potentially affect the affordability assumptions of the proposal as well. Coupled with this is also a concern that if the land were to be rezoned and the costs are excessive that these may end up being passed on to the ratepayer or individual households. We also note that that availability of additional infrastructure to service development is an important component of the NPS-UD with regard to Objective 6 and Subpart 1 – Providing for Development Capacity. Accordingly, we have concerns given the potentially substantial upfront infrastructure costs for new roads, water supply, wastewater systems, stormwater infrastructure, and community facilities.

We acknowledge that some of the infrastructure costs could be recovered through development contributions (noting that the Council recently resolved to include a Development Contributions policy), developer agreements, or similar mechanisms. However, in the absence of any certainty that KFO will be able to fund the key three-waters infrastructure and associated floodway and roading/bridging infrastructure) required for the KFO land we have concerns that the funding may not be available or provided at a cost that may undermine the affordability assumptions of Mr Thompson.

For these reasons the Panel finds that we have insufficient information on the likely infrastructure needed and the relative indicative costing to determine whether the proposed KFO land can be “infrastructure-ready”.

4.11 Key Issue 4: Rural Productivity and Land Use Capability

4.11.1 Matters Raised in Evidence

We received evidence on this issue from KFO (Jeremy Hunt) and from the Council (Dr Reece Hill).

Mr Hunt’s evidence conceded that most of the KFO land (163.1 ha) was LUC Class 3 and therefore subject to the NPS-HPL classification of “highly productive land”. As set out in Minute 41 and the Preamble Report, the Panel has resolved (following legal advice) that it cannot give effect to the recent NPS-HPL changes as part of the PDP process as this can only be practicably achieved through a schedule 1 variation to the notified PDP following the release of decisions of the Council. That said, we recognise the changes in the NPS-HPL and in particular changes to the definition of “highly productive land” and Clause 3.6 which mean that Clauses 3.6(1), 3.6(2), 3.6(3) and 3.6(4) do not apply to urban rezoning of LUC 3 land.

On that basis we have adopted these new provisions of the NPS-HPL in our evaluation of the proposal as it affects the NPS-HPL.

Turning now to Mr Hunt's evidence, we note that he stated that drystock farming is the highest and best use of the KFO land with alternatives, including arable, horticulture, commercial vegetable production (**CVP**), and dairy, are not reasonably practicable. Mr Hunt also referred to the land ownership being fragmented. For these reasons it was his view that the KFO land has lower relative productive capacity compared with alternative options for urban development.

In Dr Hill's evidence, he stated that the LUC Class 3 land on the KFO property holds at least some potential for horticulture.

4.11.2 Hearings Panel Evaluation

During the hearing of evidence, we asked Mr Corbett about the dry stock operation on the KFO land and whether that was a successful or productive enterprise. His response was that the land was viable and suitable for dry stock farming and reiterated that horticulture was not viable.

The Panel has encountered similar arguments from those landowners seeking a rezoning of rural land to either the Rural Residential zone or to an urban zoning. That being, that unless the land was viable for horticulture, it was not sufficiently productive to remain in rural use and could be rezoned. We do not accept this argument and from the evidence presented to us, the land is productive for at least dry stock operation. In that regard, while we have excluded the LUC Class 3 classification from our evaluation under the NPS-HPL, we have nevertheless concluded that the KFO land is viable for rural production, albeit potentially not for highly productive horticulture use. We are also conscious that we have conflicting expert evidence in front of us on whether some forms of horticulture (contingent on specific management practices) could be viable as set out in the evidence of Dr Hill.

On balance, while we excluded Clauses 3.6(1), 3.6(2), 3.6(3) and 3.6(4) of the NPS-HPL from our consideration of the urban rezoning of LUC 3 land, we have found that the land is still productive and able to be utilised for rural production activity.

4.12 Key Issue 5: Transport and Accessibility

4.12.1 Matters Raised in Evidence

KFO Traffic Evidence

Traffic evidence was presented by Philip Brown (via a primary and supplementary statement of evidence) and a peer review of his work was undertaken by Darryl Hughes, both are experienced and qualified traffic engineers. Mr Brown and Mr Hughes both attended the hearing to present evidence and answer our questions.

Philip Brown evidence

Mr Brown stated that good transport connections (including cyclists, scooters and pedestrians) can be provided to and through the KFO land for both vehicular and active mode users. Mr Brown confirmed that the access points under consideration were all suitable and appropriate and modelled against proposed development yields set out by

KFO. Mr Brown opined that the proposed primary connections can provide resilience to, and an alternative route from, SH10 when its low point across the Waipেকakoura River is flooded. Mr Brown stated that a further traffic modelling report was being prepared by Flow (Traffic Management) and we would present supplementary evidence following receipt and analysis of that that investigation.

The supplementary evidence from Mr Brown on the Flow traffic modelling outlines the 10 and 20-year scenarios used for traffic modelling. Mr Brown stated that the modelling for the 10-year scenario has concluded that the:

effects on the road network can, overall, be considered similar (as a minimum), and in some respects better, when comparing the Proposed District Plan with the Proposed Plan Change¹⁵.

Mr Brown acknowledges that the 20-year scenario indicates that full development of the KFO site may require further changes to the wider transport network to accommodate future traffic volumes. However, Mr Brown is of the opinion that this is best assessed at a later date when there is greater certainty on traffic volumes and effects.

Mr Brown also states that, subject to planning input and the development of appropriate provisions, the modelling indicates an upper development threshold:

... aligned with the 10-year horizon tested – specifically, 1,600 dwellings and 50% development of other activities – with complete development enabled by the Kerikeri Bypass.¹⁶

Peer Review by Darryl Hughes

Mr Hughes' review concluded that the KFO rezoning had undergone a more rigorous scrutiny of traffic effects than the PDP-R scenario. The KFO scenario has been modelled to understand traffic effects of certain levels of development, with development caps tied to that modelling. Mr Hughes also noted that there is no modelling of traffic effects of the PDP-R scenario, which, in his view, is required to understand what traffic upgrades are required to ensure existing levels of service are kept within acceptable levels.

Council Traffic Evidence

The Council review of all traffic evidence was undertaken by Mr Collins and we were advised that this also included modelling associated with the KKWSP. The key conclusions were set out in the hearing report and we summarise these as follows:

- a. Mr Collins opines that the trip generation rates used by Mr Brown are generally lower than industry standards, particularly for residential and retail activities, and internal capture rates (i.e. the proportion of trips expected to remain within the KFO land) appear to be overstated. Together these two factors risk underestimating the volume of traffic entering and exiting the Site.
- b. The feasibility of key access points to the existing transport network are uncertain. In particular, Mr Collins notes that Access B and C, which would provide direct connections to the Kerikeri town centre, rely on third-party land where access

¹⁵ Supplementary traffic evidence of Philip Brown Page 12

¹⁶ Supplementary traffic evidence of Philip Brown Page 2

agreements have not been confirmed. If these connections cannot be secured, Mr Collins is of the opinion that the KFO land would be poorly integrated with Kerikeri and would place additional pressure on SH10, Waipapa Road, Kerikeri Road and the Heritage Bypass.

- c. Walking and cycling accessibility to and from the site is limited, even if all three proposed connections are secured. This is because:
 - The western connection is at SH10 and does not connect to Waipapa.
 - Both connections to Kerikeri have a significant gradient (due to the Puketotara Stream gully) that will constrain accessibility for walking and cycling.
 - The distance from the proposed MUZ within the site to Waipapa (approx. 2.9km) and Kerikeri (approx. 2.4km) is likely to discourage most walking trips (estimated 36 to 40 min walk time).
- d. Mr Collins also raised concerns about a lack of detail on staging or delivery of key transport infrastructure in the proposed precinct provisions.

Overall, Mr Collins is of the view that the KFO proposal has a number of short-comings relating to the objectives and policies in the Transportation section of the PDP and lacks integration between land use and transport planning, nor does it provide sufficient certainty that the transport network will be safe, efficient and well-connected for all users. Overall, Mr Collins concludes that there are a range of unresolved transport issues with the KFO proposal that limit the ability to support the proposed rezoning.¹⁷

Following responses to our questions at the hearing we understand the key concerns to be:

- a. concerns about transport modelling assumptions, key access points into the KFO land not being secured;
- b. issues with the internal transport layout, and the limitations in the proposed provisions in the Precinct chapter; and
- c. lack of integration of development with the necessary transport infrastructure.

Bay of Islands Kerikeri Golf Club (\$297)

We note that we heard evidence from Graeme Brown and David Neil representing the Bay of Islands Kerikeri Golf Club (**Golf Club**). We were later advised by the current Golf Club Chairperson that these opinions did not represent the official position of the Golf Club but rather, this evidence represented the views of some golf club members. Mr Brown confirmed this to us at the hearing.

Graeme Brown stated that he was the president of the Golf Club when the Golf Club submission to the PDP was lodged. He advised that the submission took no view on the various planning merits of the KFO proposal but opposed any aspect of the rezoning that would compromise the establishment and continuing use of its land for sport and

¹⁷ Evidence of Matt Collins

recreation (i.e. golf) purposes. He advised that KFO has been requested to remove any roading from the Golf Course land.

Mr Neil advised is that he is a club management committee member of the Golf Club. He advised us of the “current position of the Golf Club on the proposal”. He stated that a submission on the KKWSP to KFO from the current Chairman of the Golf Club indicating support for the KFO proposal (including use of Golf Club land for roading) was done without consultation with members. He advised that a subsequent extra-ordinary meeting with Golf Club members confirmed opposition to the use of any Golf Club land as part of the proposal. He advised that it would be:

*... extremely unlikely that the membership would approve the use of any Club land to aid in any aspect of the (KKWSP) Option F proposal.*¹⁸

He stated that the following potential problems could arise:

- Hazards due to golf balls exiting the club land and entering the KFO land (and causing potential damage);
- Fencing to prevent human and animal access onto the Golf Club land;
- The likely desire of the public to take unauthorised/trespass short-cuts across Golf Club land.

In response to our questions, Mr Brown confirmed that the current proposal from KFO involved a reconfiguration of three golf holes (Holes 13, 14 and 15) and adjustments to two other holes within Club land. Mr Brown advised that while the reconfiguration was possible, the close proximity of the road to the proposed reconfigured and existing holes would detract from the enjoyment of the course.

We note that we visited the Golf Club following the presentation of evidence and were escorted around via golf carts by several Golf Club committee members. We were able to observe the proposed access points (Access A and B), the existing topography of the Golf Course land and the Puketotara Stream Gully and the three golf holes to be replaced. We also observed the KFO land from several vantage points within the Golf Course.

4.12.2 Hearings Panel Evaluation

From a traffic design point of view, we accept the expert evidence of Mr Brown and Mr Hughes that acceptable connections as identified in Access Options A-D can be established, as well as at least one bridge across the proposed flood way to connect the two proposed urban areas.

We note however that there is still a significant area of disagreement between the Council and KFO traffic experts on matters relating to access, integration and delivery of transportation infrastructure.

While we acknowledge and appreciate the considerable level of assessment undertaken by Mr Philip Brown and Mr Hughes, we also share the concerns of Mr Collins that reliance on third party (i.e. privately owned land not controlled by KFO) land for Access points B, C and D introduces a high degree of risk and uncertainty that the site will not be able to

¹⁸ Verbal evidence of David Neil for Hearing 15D – Monday afternoon session

connect effectively to Kerikeri or Waipapa. We also share Mr Collins' concerns regarding the proposed precinct provisions to provide sufficient certainty that the transport outcomes shown on the Structure Plan or Precinct chapter will be delivered. We further share his concern that the precinct provisions include inadequate mechanisms to ensure that development is staged in conjunction with infrastructure delivery within the site and for the existing transport network.

We have added concern with regard to accessibility following the evidence presented by Mr David Neil and Mr Graeme Brown (as Golf Club members) as that evidence is primarily related to access to the KFO land through the Golf Club.

As we have set out in our infrastructure evaluation above, we have concerns regarding the access into the KFO land as it relates to the proposed access to Kerikeri via Golf View Road and the feasibility of that connection. It appeared evident to us that there is, at least, divided opinion from Golf Course members on the provision of access through the Golf Course. At the time of writing this recommendation report, we have not received any further advice or correspondence regarding this matter and we have therefore concluded that, at this time, the Golf Course does not support the use of its land to provide road access to the KFO land.

In our view, this is a significant point of uncertainty for the KFO proposal, given the importance of this access for connectivity to Kerikeri and as the primary access for the proposed KFO development on their land. While these issues may be resolved in time, we are of the view that more certainty is needed at the rezoning stage that this land can be used for access for us to have confidence that the traffic access matters have been suitably addressed.

Added to these concerns is the Council resolution (Item (c)(vi)) to the KKWSP regarding Option F (KFO proposal):

That any future inclusion is done with support of the Golf Club.

Clearly that aspect of the Council resolution has not, as yet, been met.

Without further clarity on what access can be achieved, what infrastructure is required to support both partial and full development of the site, we find that the KFO proposal does not currently demonstrate integration between land use and transport planning, nor does it provide sufficient certainty that the transport network will be safe, efficient, and well-connected for all users.

4.13 Key Issue 6: Urban Design

4.13.1 Matters Raised in Evidence

KFO Urban Design Evidence

We received a primary statement and a rebuttal statement of evidence from Grant Neil who is a qualified and experienced architect and urban design specialist.

Mr Neil outlined development rationale of the Structure Plan prepared for the KFO land which he co-authored with Ms O'Connor. He opined that the Structure Plan was in accordance with the NPD-UD and the relevant directions in the Northland RPS regarding "regional form". In his view, the Structure Plan will, with associated proposed planning

provisions, offer a credible, transparent, and effective framework for providing for growth in the Kerikeri and Waipapa area, and for guiding future development of the KFO land.

The evidence of Mr Neil also provided assessment against the Strategic Direction provisions of the PDP and the relevant objectives and policies of the NPS-UD.

Mr Neil took us through various graphic representations annexed to his evidence showing what the finished development could look like. We noted at the hearing that some of representations showed, what looked like to us, higher density multi-unit development than what was anticipated through the proposed rezoning and precinct provisions and Mr Neil clarified that development would follow the detached dwelling typology.

Council Urban Design Evidence

We received a primary statement and rebuttal statement of evidence from Jane Rennie who is a qualified and experienced urban design specialist and planner. Ms Rennie's evidence focussed on a number of concerns she has with various aspects of the proposal from an urban design perspective. Her evidence lists seven key issues which are summarised as follows:

a. Loss of local character:

The KFO proposal risks altering the unique rural and townscape qualities of Kerikeri and Waipapa.

b. Erosion of town identity:

The KFO proposal will diminish the distinctive role and function of both towns, impacting on what the community value about Kerikeri and Waipapa.

c. Compromised urban boundaries:

The KFO proposal will weaken existing defensible urban edges, likely leading to urban sprawl in the future.

d. Inefficient urban growth:

The KFO proposal does not support a compact and efficient growth pattern, undermining the ability to achieve a compact and consolidated urban form for Kerikeri and Waipapa as envisioned in the KKWSP.

e. Poor connectivity:

The KFO proposal lacks integration with the existing urban areas creating physical barriers and reducing accessibility.

f. Car-centric design:

The layout promotes vehicle dependency, limiting support for multimodal transport options.

g. Unresolved layout issues:

The internal design has multiple shortcomings and has not been fully tested through the various planning documents, which will lead to adverse urban design outcomes.

Ms Rennie’s evidence also provides an evaluation of the urban design aspects of the KFO proposal under the NPS-UD and the Northland RPS and she concludes that the KFO proposal does not align with either of these national and regional policy directions. Overall, Ms Rennie concludes that she does not support the proposed urban zoning of the KFO land from an urban design perspective and considers that the proposal is not sound in its execution and the associated provisions are not suitably robust and comprehensive to ensure a positive urban design outcome. She also concludes that the proposed urban zoning would result in a number of adverse urban design effects as summarised above.

Ms Rennie is also critical of the proposed precinct provisions on the basis that it does not address a number of place-based or good practice urban design considerations and in her view the proposed provisions are not fit-for-purpose in achieving the vision for the land. She states:

It is my opinion that the proposed Precinct Chapter (objectives, policies, rules and Structure/Precinct Plan) does not address a number of place-based or good practice urban design considerations. I do not consider it to be fit-for-purpose in achieving the vision for the site. While future development is expected to respond to the site and context, there is a lack of certainty about how the unique qualities and identity of the site and overall vision are reflected and how these outcomes would be achieved in a staged manner. Although the Structure/Precinct Plan has been included in the Precinct Chapter, it is unclear how it will inform decision making, with no link to the Plan in the Comprehensive Development Plan provisions or assessment matters and no overall consideration of urban design. In addition, it is my opinion that the Structure/Precinct Plan layout does not align with best practice urban design principles.¹⁹

Ms Rennie reiterated her support for the PDP-R approach to urban development at Kerikeri- Waipapa.

Evidence of Vision Kerikeri

We have included the evidence of Vision Kerikeri in this KFO Key Issue on the basis that it was primarily based on urban design matters. Vision Kerikeri expressed general support for the KFO proposal but subject to a separate Plan Variation process as a way of allowing the issues raised by Ms Rennie to be addressed. They recommended that the KFO land be zoned “Future Urban zone” as referenced in the New Zealand planning Standards. As we understand it, a future urban zone is a transitional zone for greenfield land on the periphery of urban areas. It allows existing rural activities to continue while prohibiting premature urban development until the land is rezoned via a structure plan or variation/plan change process.

4.13.2 Hearings Panel Evaluation

We are mindful that the urban design aspects of the KFO proposal are an important consideration both in terms of its merits as a spatial response to urban growth at Kerikeri-

¹⁹ Primary evidence of Jane Rennie paragraph 3.2

Waipapa but also in terms of the relevant national and regional policy direction under the NPS-UD and the Northland RPS.

Following the hearing of evidence we undertook two specific site visits to better understand the KFO land and its relationship/connectivity to Kerikeri (to the south east), Waipapa Road (to the north) and SH10 to the west. We were escorted around the Golf Course site AND got to understand the topography and riparian environment separating the Golf Course and KFO land from Kerikeri township to observe the location of the proposed access road and replacement/reconfiguration of the Golf Course holes to facilitate access to the proposed development.

We also undertook a helicopter site visit (kindly provided to us by KFO) where we observed the site and surrounds from the air and we also landed on the site (near the existing waterfall) and observed the KFO land from that position.

While on the KFO land the Panel members shared concerns between themselves that the land lacked connectivity to other areas especially to Kerikeri and Waipapa Road. We noted that existing connectivity via the Golf Course to Kerikeri currently relied on a narrow and winding road across the Puketotara Stream and a change in elevation of approximately 30m between the flatter areas of the Golf Course and the KFO land and developed areas of Kerikeri township. In our view, the topographical separation is clearly an urban design issue to be addressed. With regard to the connectivity to Waipapa Road we also observed that the Waipekakoura River also represented a barrier to connectivity, noting that both potential access points also included indigenous vegetation and other ecological and riparian values to be managed. In the Panel's view the lack of certainty with regard to these connectivity issues are significant. We share Ms Rennie's urban design concerns in this regard.

We also share Ms Rennie's concern that, without a viable design response, there is a risk of creating an isolated island of development or a piecemeal development of small subdivisions with low densities. Indeed, we see these connectivity issues as significant urban design matters and at present we consider that the necessary level of connectivity with the existing Kerikeri urban area has not been demonstrated and at best, this urban design aspect lacks sufficient certainty.

4.14 Key Issue 7: Ecology

4.14.1 Matters Raised in Evidence

KFO Ecological Evidence

Ecological evidence was presented by Treffery Barnett who is a qualified and experienced ecologist. The evidence of Ms Barnett states that from an ecological standpoint the KFO land is suitable for urban development provided that identified ecological features are protected and appropriately managed.

While Ms Barnett acknowledges that most of the KFO land is farmland, she notes that the margins of the Waipekakoura River and Puketotara Stream contain deep vegetated gullies and several freshwater wetlands. She recommends native riparian planting on the riparian margins of the proposed floodway to improve aquatic habitats and terrestrial fauna.

Council Ecological Evidence

Ecological evidence for the Council was presented by Phoebe Andrews and she identified a number of ecological issues and potential uncertainties associated with increased noise, lighting, human activity, pets, and pests, which have not been assessed by KFO. She also opined that there was an absence of any proposed ecological mitigation measures in the KFO proposal. For a greenfield development proposal of this scale, Ms Andrews was of the opinion that a full assessment of the potential ecological effects associated with the rezoning should be provided, along with the identification of appropriate management measures. Ms Andrews also pointed to a lack of assessment under the Ecosystems and Indigenous Biodiversity Chapter in the PDP.

With regard to the proposed floodway Ms Andrews agrees that conceptually the floodway has the potential to result in improved aquatic ecological values (e.g. through a net increase in planted riparian habitats). However, the floodway also has the potential to result in a range of adverse effects on ecology, including loss and modification of freshwater habitats.

4.14.2 Hearings Panel Evaluation

Having considered the evidence of Ms Barnett and Ms Andrews and their responses to our questions at the hearing we acknowledge that there a number of ecological matters that need to be addressed and considered as part of this rezoning request.

The Panel accepts that most of the KFO land is productive farmland and that those aspects of the KFO land have little ecological value. We also acknowledge the riparian and freshwater wetland areas associated with the margins of the Waipekakoura River and the Puketotara Stream and the need to maintain and even enhance those values as part of an urbanisation process. In that regard we are satisfied that these matters can be addressed through the proposed precinct provisions and at the resource consent stage. On that basis we do not see any significant adverse ecological effects arising from the rezoning of the KFO land.

4.15 Key Issue 8: Culture and Heritage

4.15.1 Matters Raised in Evidence

The hearing report advised that the KFO submission indicated that a Cultural Impact Assessment (CIA) from Ngāti Rēhia would be provided before the hearings on the PDP. However, Mr Wyeth states that none had been received. That said we note the section 32 analysis evaluation does provide some high level comment on cultural effects and stated that engagement between KFO and Ngāti Rēhia has been undertaken.

We note that the corporate evidence of Mr Corbett outlines more recent engagement with Ngāti Rēhia, stating that KFO:

has received overwhelming support from Ngāti Rēhia who are aware of the opportunities the proposal provides for community and the environment. Engagement with Ngāti Rēhia is ongoing and will continue as the land develops in the future.²⁰

²⁰ Evidence of Dennis Corbett – paragraph 11

We note the comment by Mr Wyeth in the hearing report that cultural effects need to be considered in the wider context and he referred to involvement from the Hapū Rōpū Governance Group²¹ and that the Hapū Rōpū Governance Group endorsed the draft spatial plan for public consultation, which excluded Scenario F. He added that during public consultation Ngāti Rēhia and Ngāti Hineira supported Scenario F with the remaining hapū reaffirming support for the draft spatial plan and opposition to Scenario F.

4.15.2 Hearings Panel Evaluation

In our view, this indicates mixed views on the KFO proposal from hapū with an interest in the future growth of Kerikeri-Waipapa. That said, we are generally satisfied that adequate consultation has been undertaken by KFO for the KFO proposal and that this has been augmented by the consultation undertaken for the KKWSP.

4.16 Key Issue 9: Proposed Te Pāe Waiōra Precinct provisions

4.16.1 Matters Raised in Evidence

Planning evidence of Ms O'Connor

The planning evidence of Ms O'Connor includes an updated set of proposed provisions (in both her primary and rebuttal evidence), referred to as the "Te Pae Waiōra Precinct" (Precinct Chapter), and an updated "Te Pāe Waiōra Precinct". Ms O'Connor describes the changes to the Precinct Chapter in her section 32AA further evaluation.

Ms O'Connor also considers that the updated provisions in the Precinct Chapter will provide the following benefits, including:

- a. Better defining when flood mitigation needs to be in place prior to development (i.e. only within the mapped River Flood Hazard Area).
- b. Secures the Structure Plan as the Precinct Chapter to better guide future development and the general areas for walking and cycling tracks, open space and ecological areas.
- c. More clearly defining the need for urban development to be coordinated with the delivery of infrastructure for the proposed stage of development.

Ms O'Connor assessed the KFO proposal against the relevant policy documents including the NPS-UD and the Northland RPS and considered the rezoning request to be consistent with these. She states that adequate road connects can be made and the flood hazard risk managed. With regard to the KKWSP Ms O'Connor stated that the Panel is not bound by the outcomes of the KKWSP but must be guided by the higher order national and regional documents referred to above and ultimately the purpose of the RMA.

In her rebuttal evidence Ms O'Connor addressed the Precinct provisions and she stated that they have been drafted to address site specific matters not otherwise addressed by the proposed plan provisions. She added that they are designed to ensure that development occurs in an appropriate manner, integrating with the delivery of

²¹ the hearing report describes as: "A group made up of Hapū that have tatau whakapapa links to the whenua, awa and taiao of the Te Pātukurea area of Kerikeri and Waipapa" see paragraph 337

infrastructure and appropriately managing the effects of urban development on the specific features of the Site.

Ms O'Connor stated that she has reviewed other Precincts proposed in the PDP and is satisfied that the level of detail and updated provisions in the amended Precinct are consistent with other Precincts in the context of the underlying zoning and the likely environmental impacts of development in the Precinct area. She referred to numerous amendments to the most recent version of the Precinct provisions to address issues raised by Mr Wyeth and other Council specialists in the evidence.

At the hearing we asked Ms O'Connor how the Comprehensive Development Plan (CDP) provisions in the Precinct chapter would work. She advised that this provision would be triggered by the first subdivision application and the various elements of the CDP would need to be addressed at that stage, including how staging would be progressed. She advised that the CDP process may also identify a number of further resource consents that would need to be obtained. Ms O'Connor advised that the CDP process would identify the further details that would be needed and when that detail would be provided.

Council Evidence

Mr Wyeth in the right of reply has responded to the updated precinct chapter and he remains of the view that the proposed precinct chapter lacks the necessary certainty and precision for an urban development proposal of this scale. Mr Wyeth has ongoing concerns regarding 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 Plan.²² Further, as stated during the hearing, he remains concerned that there is an over reliance on the CDP provisions to achieve quality outcomes which, in his view, presents some significant uncertainties and risks for an urban development proposal of this scale.

We note that Ms Rennie also raises concerns with the CDP approach and considers that this approach would not establish clear expectations for decision-makers in relation to urban design as the provisions lack a place-based framework. Further, that 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.

4.16.2 Hearings Panel Evaluation

We acknowledge the considerable effort undertaken by Ms O'Connor and other KFO experts to prepare a precinct chapter to support the KFO rezoning request. Having considered several proposed precinct chapters for a range of sites and land use activities, we understand the considerable level of assessment and engagement that is required.

However, we also have concerns with regard to the approach taken, especially with regard to the CDP process. We share the concerns raised by Mr Wyeth and Ms Rennie about the potential shortcomings of this approach being adopted for this land for this purpose. As we have stated throughout this evaluation we have concerns that a number

²² Hearing 15D right of reply – paragraph 61

of critical and fundamental aspects of the KFO proposal lack clarity and detail and these relate to:

- proposed flooding mitigation;
- the provision and funding for necessary infrastructure three-water and roading infrastructure;
- confirmation of primary and secondary roading access across third-party land; and
- integration and linkages with the Kerikeri township and approaches to ecological, protection, restoration and enhancement, especially for riparian and freshwater wetland areas.

We accept that the CDP process would set out the process for addressing these questions at the first subdivision stage. However, the Panel considers that many, if not all of these matters need to be addressed at the plan rezoning stage to give us confidence that all section 32 RMA matters, and the matters set out in Minute 14 in particular, have been addressed. For these reasons the Panel finds that the proposal Te Pāe Waiōra Precinct provisions fall short of what would be required to support a rezoning request.

4.17 Key Issue 10: NPD-UD, RPS and KKWSP

4.17.1 Matters Raised in Evidence

The planning, urban design and a number of other statements of expert evidence addressed the three critical higher order documents in detail. These were also addressed in detail in the legal submissions from Mr Doesburg for KFO and Mr Fischer for the Council. We do not intend to set out these provisions again as they are set out extensively in the evidence before for us and publicly available on the Council website for Hearing 15D.

By way of summary KFO consider that its rezoning request is consistent with the NSP-UD, the Northland RPS and the KKWSP, excepting that KFO consider that little weight should be given to this last mentioned instrument.

The Council evidence is that the PDP-R, which does not include the KFO land proposal, has a focus on developing land already zoned for urban development and together with the introduction of the TCZ and MDRZ, provides for greater intensification while also promoting some new greenfield land through the KKWSP.

4.17.2 Hearings Panel Evaluation

Following an evaluation of the evidence, we find that we prefer the PDP-R approach providing for urban growth in Kerikeri-Waipapa. We have arrived at this finding for the following reasons:

- The PDP-R will achieve a well-functioning urban environment and would provide for their social, economic, and cultural wellbeing, and would enable the people in the Kerikeri community to provide for their health and safety, now and into the future as directed by Objective 1 of the NPD-UD.
- The PDP-R will be able to achieve improved housing affordability as directed by Objective 2 of the NPD-UD.

- The PDP-R provides for people to live and work within and near Kerikeri, close to employment community services as directed by Objective 3 of the NPS-UD.
- The PDP-R is better integrated and provides more certainty with regard to infrastructure planning and funding and this would deliver sufficient development capacity to meet the community's needs as directed by Objective 6 to the NPS-UD.
- We are satisfied that the PDP-R provides sufficient capacity and housing types to meet the needs of Kerikeri- Waipapa as directed by Policy 1 and 2 of the NPS-UD.
- We find that the PDP-R better gives effect to the relevant Northland RPS provisions (including Objectives 3.8, 3.11, 7.1.1, 7.1.2, 7.2.2) than the KFO proposal.
- We find that the KKWSP is a document that we should have regard to and that the PDP-R gives effect to the outcomes for the KKWSP including its emphasis on intensification, consolidation of existing urban zoned areas and the provision for future additional greenfield development that is also in accordance with a robust infrastructure strategy.

While we accept that the KFO proposal provides for many of the outcomes in the higher order documents, we find that the PDP-R achieves these in a more holistic, integrated and comprehensive manner.

4.17.3 Overall Finding for KFO

We acknowledge that there are differing expert views primarily between Mr Thompson for KFO and Mr McIlrath for the Council and we accept that each expert has undertaken extensive research and assessment to support their conclusions. The Panel prefers the evidence of Mr McIlrath who, in our view, has provided a comprehensive analysis of the sufficiency of development capacity to meet expected demand for housing in Kerikeri-Waipapa in accordance with NPS-UD requirements through his original statement of evidence, summary statement for Hearing 15D, and post-hearing memorandum to inform his right of reply.

We are of the view that the PDP-R, as prepared by the Council together with the KKWSP, provides a more effective pathway to achieving the strategic direction required by the NPS-UD and ultimately delivering a well-functioning urban environment that is infrastructure ready and embraces intensification in areas where they housing can become more affordable.

The Panel is aware that there currently is a moratorium on Council initiated plan changes (and variations) referred to the recent RMA amendments as "Plan-Stop". The KFO legal submissions have stated that their proposal can achieve greenfield development (via a submission to the PDP) without being limited by the Plan-Stop provisions. We have considered this also and we understand that the Plan-Stop provisions still allow for Council Plan changes – albeit with ministerial permission. While we cannot guarantee this, it is our view that the Government would likely look favourably at a proposal for a variation to the PDP that would allow the rezoning of further greenfield land to enable more affordable residential development as identified in the KKWSP.

As discussed above, the Panel has ongoing concerns with the KFO land being subject to a flooding natural hazard and we have not been satisfied that sufficient analysis and

assessment has been undertaken to demonstrate that this hazard can be appropriately managed. We are particularly concerned with potential flooding due to the inherent uncertainty and unpredictability of climate change (and demonstrated by recent weather events, locally and nationally), and impacts on determining the frequency and extremes of flood events and the reliability of engineering design to adequately provide for those future events. For the Panel, we have not been convinced that the KFO land is suitable for residential and commercial zoning when having regard to the potential for natural hazards to occur and the impact these constraints might have on development.

The Panel also has concerns that infrastructure needed to service the level of development sought by the zoning has not been sufficiently identified, costed and otherwise integrated into the rezoning request. Fundamental issues still remain about access, particularly through the Golf Course, being a primary access point and link to the Kerikeri township.

Finally, we also have concerns regarding the urban design aspects of the proposal including linkages to Kerikeri, Waipapa Road and internally given the proposed floodway through the middle of the KFO land. Looking at the Council PDP-R provisions (linked to the KKWSP) we see the KFO proposal as being potentially counter-productive to the outcome being sought and that the sheer size of the area of greenfield residential zoning sought could undermine the outcomes of the KKWSP and PDP-R provisions. In particular, we consider the risk of "over-zoning" of greenfield land on the KFO land could undermine efforts in the PDP-R and KKWSP to consolidate and intensify the Kerikeri town centre and we consider these risks to be unacceptable.

For these reasons we recommend that the submission by KFO (S554) requesting rezoning of approximately 197ha of land between Kerikeri and Waipapa from Rural Production zone (RPROZ) to urban zoning, which is a combination of GRZ, MUZ and NOPZ be rejected.

5 Conclusion

For the reasons set out in this recommendation report, we recommend the rezoning of some areas of land in the Kerikeri-Waipapa Spatial Plan area. Our recommended amendments to the planning maps are identified in **Appendix 2**.

In addition, the provisions for the new Town Centre zone and the new Medium Density Residential zone that we recommend are provided in **Appendix 3.1** and **Appendix 3.2**.

As a result of these new zone chapters, there are, consequential amendments to a number of plan wide chapters in order to recognise the new zones. These plan wide amendments are included in all of the relevant appendices to all of our recommendation reports. However, a list of these consequential amendments and where they occur is provided in **Appendix 3.3**.

We have had regard to the submissions received, the evidence tabled and presented to us and to the council's hearing reports (including right of reply). We have also incorporated our own s32AA evaluation when needed into the body of our report as part of our reasons for recommended amendments.

Accordingly, we recommend that the submissions and further submissions should be accepted, accepted in part or rejected, as set out in this recommendation report and in the table of Recommended Decisions on Submissions in **Appendix 4**.

Overall, we consider that our recommendations will ensure the PDP achieves the statutory requirements, national and regional policy directions, and provide for the PDP to be easier to implement and understand for users of it.