

**IN THE ENVIRONMENT COURT OF NEW ZEALAND
AUCKLAND REGISTRY**

**I TE KŌTI TAIAO O AOTEAROA
TĀMAKI MAKĀURAU ROHE**

ENV-2026-AKL-

UNDER	the Resource Management Act 1991 (RMA)
IN THE MATTER	of an appeal under clause 14(1) of the Schedule 1 of the RMA
BETWEEN	KIWI FRESH ORANGE COMPANY LIMITED Appellant
AND	FAR NORTH DISTRICT COUNCIL Respondent

NOTICE OF APPEAL

12 August 2026

Appellant's Solicitor
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WYNN WILLIAMS

Solicitor: Mike Doesburg
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To: The Registrar
Environment Court
Auckland

- 1 Kiwi Fresh Orange Company Limited (**KFO**) appeals the decision of the Far North District Council (**Council**) on the Proposed Far North District Plan (**PDP**).
- 2 KFO made a submission and a further submission on the PDP.¹ Key themes of the submission and further submission were to provide residential development capacity for Kerikeri and Waipapa, to give effect to the National Policy Statement on Urban Development 2020 (**NPS-UD**).
- 3 KFO is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991 (**RMA**).
- 4 KFO received notice of the Council's decision on the PDP on 30 June 2026.
- 5 The decision was made by the Council, having received recommendations from an Independent Hearings Panel.

PARTS OF THE DECISION APPEALED

- 6 KFO appeals the following parts of the decision:
 - (a) The decision to rezone central Kerikeri to provide for housing intensification, including:
 - (i) rezoning land from General Residential Zone to Medium Density Residential Zone, as shown in Appendix 2 of the Hearings Panel's Recommendation Report 15D; and
 - (ii) rezoning 23 Aranga Road from Rural Residential Zone to General Residential Zone;

(referred to by the Council as the "**PDP-R**");
 - (b) The decision to refuse KFO's submission seeking to rezone land at 1828 and 1878 State Highway 10 (as shown in **Annexure B**) (**Site**) from Rural Production Zone to General Residential Zone, Mixed Use Zone and Natural Open Space Zone; and

¹ Submission #554 and Further Submission #FS25, attached as **Annexure D**.

- (c) The decision to refuse KFO's submission seeking to include the Te Pāe Waiōra Precinct and Te Pāe Waiōra Precinct Plan in the PDP.
- 7 The parts of the decision that KFO appeals are set out in full in **Annexure A**.

REASONS FOR THE APPEAL

- 8 The parts of the decision that KFO appeals against:
- (a) do not give effect to the sustainable management purpose and Part 2 of the RMA;
 - (b) do not give effect to higher order policy direction under the RMA, including the NPS-UD and Regional Policy Statement for Northland (**RPS**);
 - (c) are not the most appropriate way to achieve the objectives of the PDP; and
 - (d) place inappropriate weight on the Te Pātukurea Spatial Plan for Kerikeri-Waipapa (**Spatial Plan**).

Decision fails to provide development capacity for housing of the type and price point demanded

- 9 The Independent Hearings Panel appropriately found that Kerikeri and Waipapa are part of an "urban environment" for the purpose of the NPS-UD. Accordingly, the Council has obligations under the NPS-UD, including to provide sufficient development capacity for housing in the short, medium and long term.
- 10 On the Council's economic assessment, Kerikeri is projected to require between 3,260 and 4,690 additional dwellings by 2053. Other expert estimates put the 2053 demand as high as 6,000 dwellings.
- 11 Overwhelming demand is for detached housing. On the Council's economic assessment, 90% of demand is for detached housing.² History evidences this demand.³ The Operative District Plan has enabled terraced housing development since 2009. However, the market has delivered little to no terraced houses in Kerikeri.

² Statement of Evidence of Lawrence McIlrath for Council on Topic 15D, at [4.5].

³ As the Environment Court found in *Gardon Trust v Auckland Council* [2025] NZEnvC 58, historic demand is a strong indicator of future demand.

- 12 Kerikeri also faces a housing affordability crisis. Kerikeri is recognised as having a small local economy, a narrow employment base with relatively low household incomes. However, the average cost of detached housing is \$1.28 million today. On the Council's economic assessment, this is predicted to increase to \$1.68 million by 2035. Modelling to support the Council's decision to intensify Kerikeri's Town Centre concluded that no new detached housing would be supplied for less than \$1.3 million.
- 13 Accordingly, the decision to intensify Kerikeri's Town Centre fails to provide for housing of the type or price point demanded by the community.
- 14 In contrast, KFO presented expert evidence demonstrating that the rezoning of its Site would enable up to 2,500 additional dwellings, including additional detached dwellings. Expert evidence concluded that development of the Site could deliver detached dwellings at a price point of \$680,000 to \$700,000. Of the reasonably practicable options before the Panel, only the rezoning of the KFO Site could provide housing supply of the type and price demanded.

The decision incorrectly adopted an “intensification imperative”

- 15 The decision adopted the Independent Hearings Panel's recommendations, including its conclusion that the PDP-R would achieve the Council's “intensification imperative” and rezoning KFO's Site would detract from that imperative.
- 16 In doing so, the decision erred in concluding that there was such an imperative. None of the NPS-UD, RPS or PDP provides policy direction requiring intensification at Kerikeri. The NPS-UD does not require Tier 3 local authorities (like FNDC) to intensify their urban environments. While the RPS and PDP contemplate consolidation and high-quality, compact urban form, that does not mandate intensification. Consolidation is achieved by new development that adjoins existing urban areas, and compact urban form is not the same as intensification to the exclusion of compact, well-designed greenfield growth.
- 17 In directing its decision to achieve a non-existent “intensification imperative”, the Council erred and gave preference to the PDP-R over greenfield development.

The Council erred in its findings on flood risk, infrastructure provision, transport effects and highly productive land

- 18 The decision adopted the Independent Hearings Panel’s conclusions on potential uncertainty regarding flood risk, infrastructure provision, transport effects and highly productive land.
- 19 In terms of flood risk, the decision incorrectly and inappropriately concluded that there was insufficient certainty that potential flooding risks could be managed by the proposed flood spillway. KFO called expert evidence to demonstrate proof of concept of a flood spillway capable of conveying floodwaters in a 1-in-100 year event, as well as overdesign events (a 1-in-1000 year event). There is both sufficient space on the Site and a process to confirm detailed design (through resource consenting, as provided for in the Te Pāe Waiōra Precinct provisions).
- 20 In terms of infrastructure provision, the decision incorrectly concluded that the Site was not “infrastructure-ready”. Feasible and realistic solutions are available for wastewater, water and transport connections. KFO expressly committed to meeting the infrastructure costs. Assuming infrastructure costs of \$150,000 per lot, the 2,000 – 2,500 lots that can be achieved on the KFO Site more than meet the likely cost.
- 21 In terms of transport connections, the decision erred in finding that there was insufficient information. Expert evidence (including detailed modelling) confirmed that 1,500 dwellings could be delivered without substantial transport upgrades and that planned infrastructure upgrades and a staged approach to development would ensure that “full build out” would not cause adverse transport impacts.
- 22 In terms of highly productive land, the decision misdirected itself. While the Site includes a proportion of LUC 2 land, it is not viable for rural production and the cost of losing that land to enable urban development is outweighed by the benefits of supplying much-needed, affordable detached dwellings.

The Council erred in its conclusions on urban design and planning

- 23 The decision adopted the Independent Hearings Panel’s conclusions on urban design and the proposed planning provisions. The proposed rezoning represents a carefully considered master-planning exercise, with

appropriate plan provisions to ensure that outcomes are delivered and potential adverse effects are avoided, remedied or mitigated.

- 24 The Te Pāe Waiōra Precinct includes detailed provisions that are tailored to the Site. Through a Comprehensive Development Plan process, detailed design of core issues will be confirmed, prior to development.
- 25 Ironically, the PDP-R contains no urban design controls and enables development of dwellings as a permitted activity – by doing so, there is no control over built form outcomes and no guidance for how intensification should appropriately occur. This directly imperils the “village feel” of Kerikeri that the community values.

The Decision erred in its assessment of cultural effects

- 26 The decision adopted the Independent Hearings Panel’s conclusions on cultural effects, including the erroneous conclusion that there were “mixed views” on the KFO proposal from hapū.
- 27 KFO has engaged closely with hapū and its proposal has the support of Te Rūnanga o Ngāti Rēhia Trust and Ngāti Hineira.

Additional reasons

- 28 Without limiting the generality of the reasons above, the specific reasons for the appeal and the relief sought are set out in **Annexure A**.

RELIEF SOUGHT

- 29 KFO seeks the following relief:
 - (a) the relief set out in **Annexure A**;
 - (b) any alternative relief of like effect;
 - (c) any further or consequential relief as may be necessary to address the issues raised in this appeal; and
 - (d) costs.

ANNEXURES

- 30 KFO attaches the following documents to this notice:
 - (a) A copy of the specific reasons for the appeal and the relief sought by KFO (**Annexure A**).

- (b) A copy of the extent of the live urban zoning for the KFO site as sought by KFO (**Annexure B**).
- (c) A copy of the Te Pāe Waiōra Precinct Plan (**Annexure C**).
- (d) A copy of KFO's submission and further submission on the PDP (with the submissions opposed or supported by KFO's further submission) (**Annexure D**).
- (e) A copy of the relevant decision (**Annexure E**).
- (f) A list of the names and addresses of persons to be served with a copy of this notice (**Annexure F**).

DATED this 12th day of August 2026



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M J Doesburg

Solicitor for Kiwi Fresh Orange Company Limited

Address for service

Wynn Williams
PO Box 2401, Shortland Street, Auckland 1140
Telephone: 09 300 5755
Email: mike.doesburg@wynnwilliams.co.nz
Contact person: Mike Doesburg

Advice to recipients of copy of notice of appeal*How to become party to proceedings*

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,—

- within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Act.

You may apply to the Environment Court under section 281 of the Act for a waiver of the above timing or service requirements (see form 38).

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

Annexure A

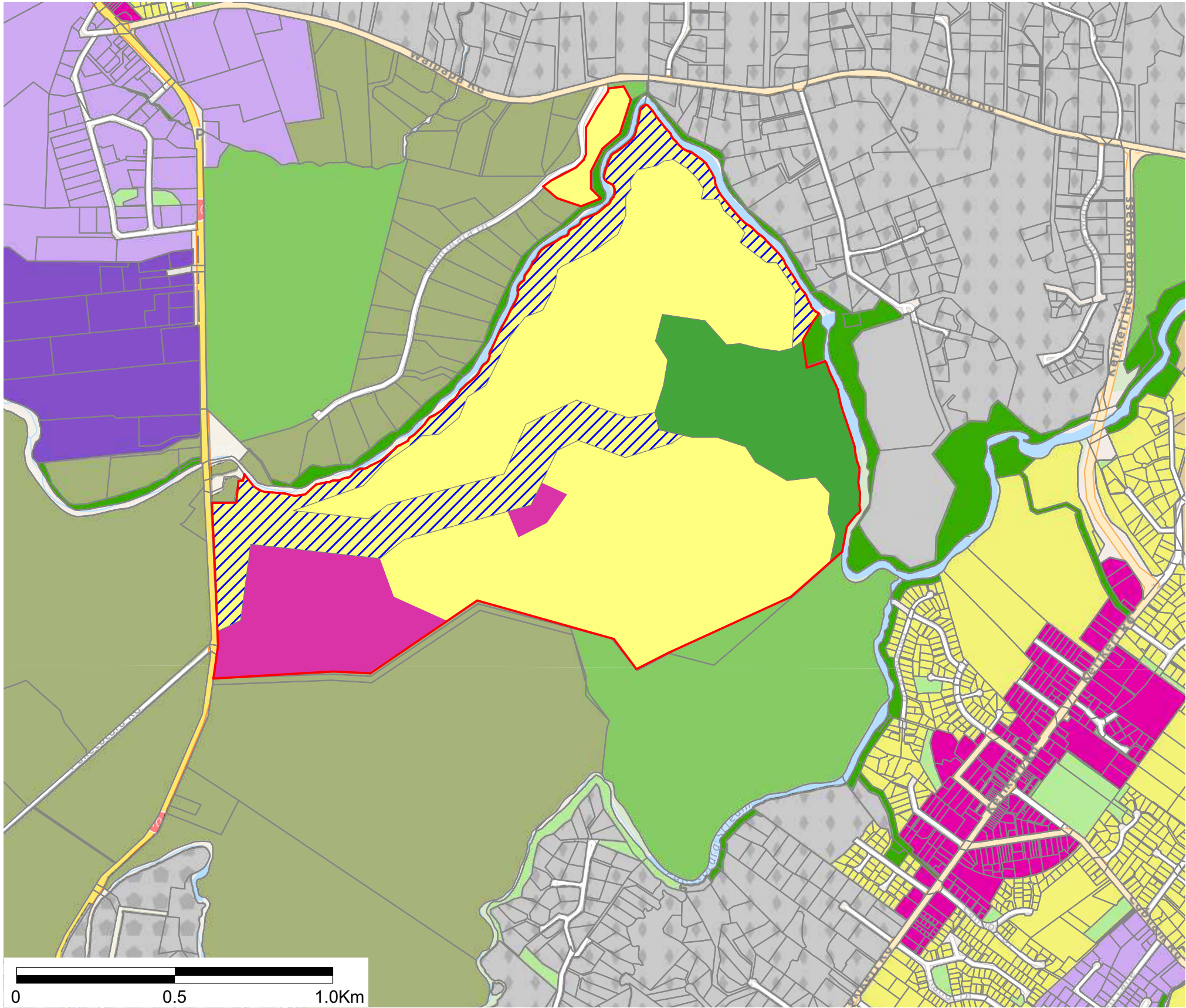
Specific reasons for the appeal and the relief sought

Appeal point	Part of the decision appealed	Relief sought	Reasons
1	The decision to rezone central Kerikeri to provide for housing intensification, including: - rezoning parts of the General Residential Zone to Medium Density Residential Zone as shown on page 1 of Appendix 2 of the Hearing Panel's Recommendation Report 15D; and - rezoning 23 Aranga Road from Rural Residential Zone to General Residential Zone.	Revert to notified General Residential Zone and Rural Residential Zone	The decision to rezone parts of the General Residential Zone to Medium Density Residential Zone does not provide sufficient development capacity in Kerikeri and Waipapa or otherwise give effect to the NPS-UD for the following reasons: - Overwhelming demand in Kerikeri and Waipapa is for detached housing. On the Council's economic assessment, 90% of demand is for detached housing. - The Council's calculation of Potential Development Capacity (PDC) does not account for typology preferences. It assumes the historical demand for detached housing typologies will shift in response to cost pressures and affordability constraints. If the preference shift does not materialise, the proposed zoning will not deliver sufficient development capacity. - The Council assumes that the housing typology shift will address housing affordability concerns in Kerikeri-Waipapa. However, an improvement in housing affordability under the PDP-R is dependent on people accepting attached housing typologies. In any event, modelling to support the Council's decision to intensify the Kerikeri town centre concluded that no new detached housing would be supplied for less than \$1.3 million. - The Council's calculation of PDC does not include an assessment of whether infrastructure can support that development. - There has been no assessment of the traffic effects of the proposed intensification in the Kerikeri town centre. The decision is inconsistent with section 31(1)(aa) of the RMA, which requires territorial authorities to implement objectives, policies,

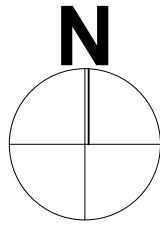
Appeal point	Part of the decision appealed	Relief sought	Reasons
			and methods to ensure there is sufficient development capacity in respect of housing to meet the expected demands of the district. The decision is not the most appropriate way to achieve the objectives of the PDP, including because: • It does not account for housing typology preferences or contribute to affordable housing in Kerikeri and Waipapa. • The Council's calculation of PDC does not include an assessment of whether infrastructure can support that development. • It will fundamentally change the existing character of the Kerikeri town centre. • There has been no assessment of the traffic effects of the proposed intensification in the Kerikeri town centre. The decision erred in concluding that there was an "intensification imperative" under the NPS-UD, RPS or PDP. None of the NPS-UD, RPS or PDP require intensification in Kerikeri. Consolidation can be achieved by new development adjoining existing urban areas. The decision placed inappropriate weight on the Spatial Plan. The Spatial Plan is simply a matter that the decision-maker is required to "have regard to" and does not override other considerations under the RMA.
2	The decision to reject KFO's submission requesting rezoning of 197 ha of land between Kerikeri and Waipapa from Rural Production Zone to a live urban zoning.	Rezone the KFO Site to a live urban zoning, comprising General Residential Zone, Mixed Use Zone and Natural Open Space Zone as set out in Annexure B .	Rezoning the KFO land to a live urban zoning will provide sufficient development capacity in Kerikeri and Waipapa and give effect to the NPS-UD, including because of the following reasons: • It responds to the current and future demand for detached housing typologies, ensuring that Kerikeri-Waipapa is not exposed to the risk of under-supply. • It provides affordable housing for Kerikeri-Waipapa. KFO's economic assessment demonstrates that stand-alone dwellings can be delivered at a price point of \$680,000 to \$700,000.

Appeal point	Part of the decision appealed	Relief sought	Reasons
			• The development will be master planned and thoughtfully staged, resulting in good urban design outcomes for Kerikeri. The KFO rezoning proposal is consistent with the objectives and policies in the PDP, including because: • It supports the well-being of people who live in and visit towns in the Far North. • It provides consolidated urban growth and development around existing reticulated networks and the Kerikeri town centre, supporting compact urban form and affordability and providing a mix of housing typologies. • It provides a variety of housing types, densities and lot sizes to respond to housing needs and demand, the amenity and character of the existing residential environment, historic heritage and programmed development infrastructure. Natural hazard risk, infrastructure, transport effects, ecology and highly productive land have all been carefully assessed and can be appropriately managed, including by the following: • KFO's expert evidence demonstrates proof of concept for a flood spillway capable of conveying floodwaters in a 1-in-100 year event as well as overdesign events (a 1-in-1000 year event). • Feasible and realistic solutions are available for wastewater, water and transport connections. KFO has expressly committed to meeting the infrastructure costs. • KFO's expert evidence confirms 1,500 dwellings can be delivered without substantial transport upgrades and that planned infrastructure upgrades with a staged approach to development will ensure there are no adverse transport impacts. • While the KFO site contains a portion of LUC 2 land, it is not viable for rural production. The cost of losing that land is

Appeal point	Part of the decision appealed	Relief sought	Reasons
			outweighed by the benefits of supplying much-needed, affordable homes for greenfield development. The proposed rezoning represents a carefully considered master-planned development with good urban design outcomes. The Te Pāe Waiōra Precinct contains urban design provisions that will be confirmed through the Comprehensive Development Plan process. The proposed rezoning has the support of Te Rūnanga o Ngāti Rēhia Trust and Ngāti Hineira.
3	The decision to reject the proposed Te Pāe Waiōra Precinct Plan and Precinct provisions.	Insert the provisions in the Te Pāe Waiōra Precinct as set out in Annexure C , or similar provisions to like effect to enable urban development of the KFO Site.	The Te Pāe Waiōra Precinct Plan facilitates the development of a well-functioning urban environment, including for the following reasons: • It facilitates the development of land in stages in conjunction with the coordinated funding and delivery of required infrastructure. • It ensures that the floodway will be constructed before any development occurs within the Flood Hazard Overlay. • It contains urban design provisions to ensure positive urban design outcomes will be achieved. • It limits the extent of retail activity gross floor area to ensure that the needs of the neighbourhood are met, while also ensuring that commercial and retail activity does not generate adverse competing impacts on the existing Kerikeri town centre.



- Legend**
- Submission area
 - State Highways
 - Local roads
 - Waterways
- Zones**
- General Residential
 - Heavy Industrial
 - Light Industrial
 - Mixed Use
 - Natural Open Space
 - Open Space
 - Sport And Active Recreation
 - Rural Lifestyle
 - Rural Production
- Special Purpose Zones**
- Airport
 - Carrington Estate; Kauri Cliffs; Kororāreka Russell Township; Moturoa Island; Orongo Bay; Quail Ridge
 - Horticulture
 - Horticulture Processing Facilities
 - Rural Residential
- Overlays**
- Flood prone area overlay (final extent TBC)



Title
Brownlie Land - Proposed Zoning Plan: Overlays

Submission on FNDC District Plan
1828 & 1878 State Highway 10, Waipapa

Date
21/10/2022

Scale
As shown

Client
Kiwi Fresh Orange Company Ltd



P.O. Box 8807 Symonds St, Auckland, NZ
Ph (09)308-0070 Email:info@penzl.co.nz

ref no.
22030

sheet no.
A010

revision
05

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

Chapter X Te Pāe Waiōra Precinct

Ko te momo waiora, he pae here

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

Overview

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

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

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

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

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

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

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

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

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

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

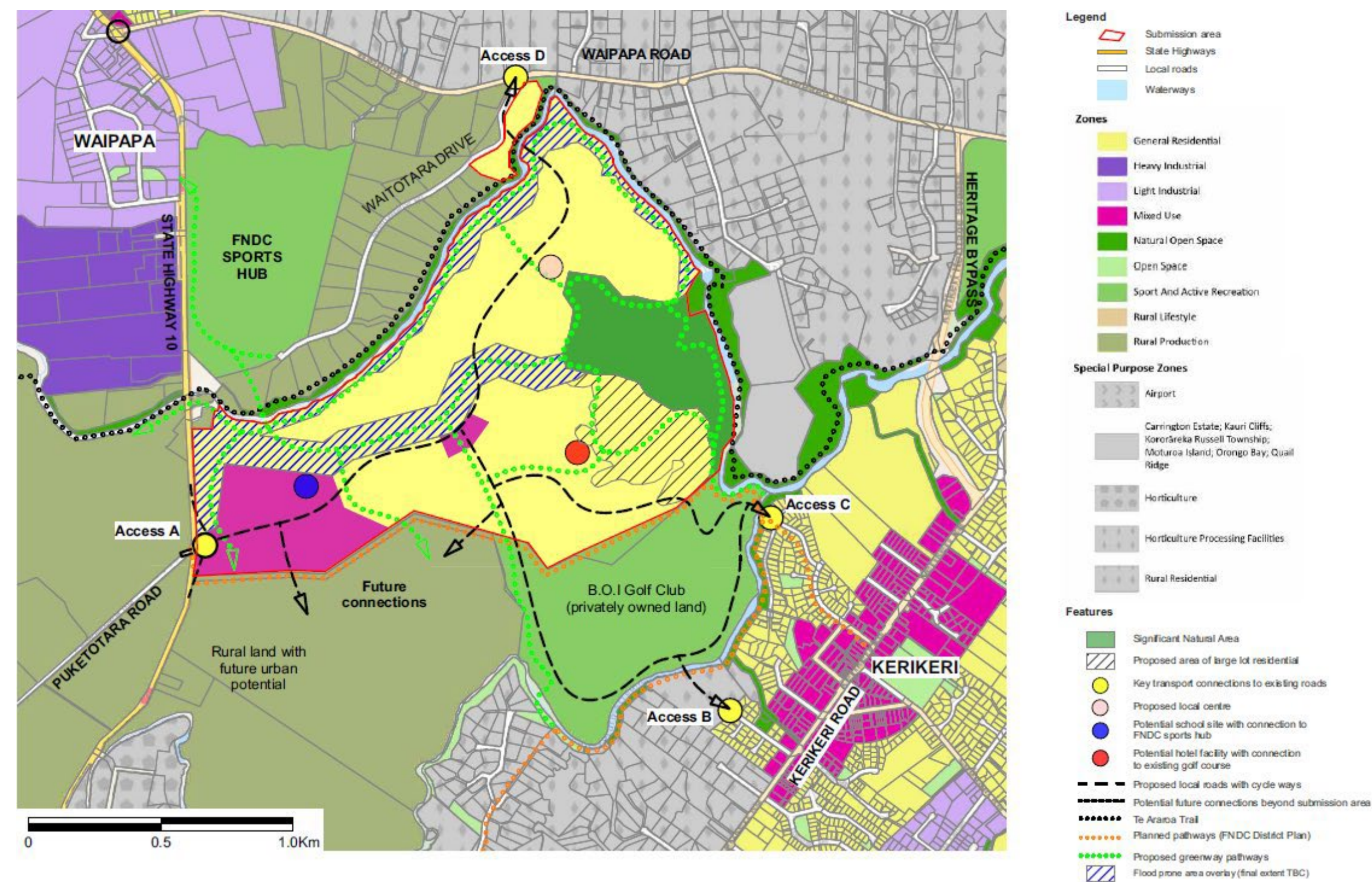
Rules Te Pāe Waiōra Precinct		
TPW-R1 New buildings or structures		
	Activity status: Permitted Where: - The building or structure is located outside the Flood Hazard overlay. - For buildings or structure within the Flood hazard overlay; once the existing floodway has been modified; or an alternative flood hazard solution, is operational.	Activity status where compliance not achieved: with TPW-R1: Restricted Discretionary Matters of discretion are restricted to: - Management of flood hazard. - Risk to proposed buildings associated with flooding. - Risks to other persons or property associated with the proposal in relation to flood hazard.
TPW-R2 Retail Floor Space in the Mixed Use zone		
Te Pāe Waiōra Precinct	Activity Status: Permitted Where: The total retail floor space in the Mixed Use zone shall not exceed 7,500m² excluding a supermarket.	Activity status where compliance not achieved with TPW-R2: Discretionary

TPW-R3 Neighbourhood centre		
Te Pāe Waiōra Precinct	Activity status: Restricted Discretionary Where: No more than 5 retail or commercial premises are provided to service the neighbourhood in the general location shown on the Precinct Plan.. The new building/s or structure/s complies with the standards: MUZ-S1 Maximum height MUZ-S2 Height in relation to boundary MUZ-S3 Setback (excluding from MHWS or wetland, lake and river margins) MUZ-S4 Setback from MHWS MUZ-S5 Pedestrian frontages MUZ-S6 Verandahs MUZ-S7 Outdoor storage MUZ-S8 Landscaping and screening on road boundaries MUZ-S9 Landscaping and screening for sites adjoining a site zoned residential, open space or rural residential MUZ-S10 Coverage	Activity status where compliance not achieved with TPW-R2: Discretionary

BL- R4 Comprehensive Development Plan		
Brownlie Land Precinct	Activity status: Restricted Discretionary Where: As part of the first resource consent application for any subdivision, use or development within the Precinct, a Comprehensive Development Plan shall be submitted for approval containing the following information: 1. The layout, location and type of proposed lots. 2. Proposed staging of development. 3. Road connections and access points, including land required for the round a bout connection to State Highway 10. 4. Internal roads, private access ways, pedestrian and cycle connections. 5. Detail of the funding and delivery of required infrastructure to service development, including staging as appropriate. 6. A comprehensive Stormwater Management Plan. 7. Detail of areas to be vested as public reserves and any other open space areas proposed. 8. Detail of natural hazard mitigation measures including provision for legally securing the land required for flood hazard mitigation and detail and plans for the physical construction of the floodway or other alternative flood management solution to avoid natural hazard risk for development within the Precinct. 9. Detail of the location of a Neighbourhood Centre to provide retail premises to support the residential neighbourhood. 10. Indicative layout for development within the Mixed Use zone Once approved the Comprehensive Development Plan can be implemented in stages as per granted resource consent applications.	Activity status where compliance not achieved with TPW-R4 Discretionary

	Matters of discretion are restricted to: a. The quality, efficiency and suitability of proposed infrastructure to service current and future development within the Precinct. b. Alignment of development staging with the provision of infrastructure. c. The management of stormwater to avoid or otherwise mitigate the effects of stormwater on the environment. d. The extent to which pedestrian and cycle connections utilise and enhance access to Rainbow Falls – <i>Waianiwaniwa</i>, the Kerikeri river, the Sports Hub and the wider area. e. The suitability of reserves to vest in relation to location, connectedness, topography and access to services. f. The management of flood hazard to avoid flood hazard effects on urban development. g. The design of sites to achieve a quality, sustainable urban environment, including but not limited to solar access, multi modal transport connections, walkability, amenity and connection to nature. h. The appropriateness of scale and location of a neighbourhood centre. i. The appropriateness of activities and buildings proposed in the Mixed Use zone, and the layout of sites to provide a dual frontage to State Highway 10 and the internal road network.	
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Te Pāe Waiōra Precinct Plan:



**SUBMISSION ON NOTIFIED PROPOSAL FOR
POLICY STATEMENT OR PLAN, CHANGE OR VARIATION**

Clause 6 of Schedule 1, Resource Management Act 1991

To Far North District Council (**FNDC** or **Council**)
5 Memorial Ave
Kaikohe 0405

Name of submitter: Kiwi Fresh Orange Company Limited

1. Kiwi Fresh Orange Company Limited (**KFO**) makes this submission on the Proposed Far North District Plan (**PDP**). This submission relates to the PDP in its entirety.
2. Please see **enclosed** with this submission:
 - (a) a Structure Plan for the Submission Area (**Structure Plan**);
 - (b) a Precinct Plan containing the provisions sought in respect of the Submission Area (**Precinct Plan**);
 - (c) a section 32 report evaluating the appropriateness of the objectives and provisions of the Precinct Plan and Structure Plan and the effects anticipated from implementation of those provisions (**Section 32 Report – Brownlie Land**);
 - (d) other specific submission points by KFO on the provisions of the PDP;
 - (e) 12 technical assessments relating to Kiwi Fresh's submission; and
 - (f) a Communications Summary Report.

About KFO

3. KFO is a family-owned company, owned by Chris and Stephen Brownlie, who through their various companies grow oranges and sell and distribute juices and smoothies throughout New Zealand and international markets.

Submission Area and land holdings

4. KFO's submission seeks live urban zoning of approximately 197 ha of land between Kerikeri and Waipapa townships (**Site** or **Submission Area**), including areas for General Residential, Mixed Use, and Natural Open Space.
5. The Submission Area is identified in **Appendix A**.
6. The Submission Area is adjacent to State Highway 10, which passes north-south along the western boundary of KFO's land to Waipapa, the Bay of Islands Golf Club located to the south, and the Kerikeri River along the northern boundary of the Submission Area.
7. **Appendix B** identifies the land and owners subject to the submission. The Submission Area is owned by KFO and two other companies that are owned and controlled by Chris and Stephen Brownlie.

The PDP

8. FNDC is preparing the PDP following its 10-yearly review of the district plan under s 79 of the RMA. Like the operative district plan, the PDP is intended to be in place for 10-years. The appropriateness of the objectives and provisions, and the effects “anticipated from the implementation”¹ of those provisions must therefore be considered over this 10-year horizon – the PDP must be forward looking.²
9. The PDP zones the Submission Area ‘Rural Production’. According to FNDC’s s 32 report, there is sufficient plan enabled development capacity in Kerikeri to meet expected demand in the short, medium and long term under both medium and high growth scenarios.³ Consequently, the PDP does not zone additional land (from the operative district plan) to a live urban zone and relies on infill development to provide housing and business land to meet expected urban development demands of the district.

Submission

10. KFO’s submission relates to:
 - (a) the Submission Area for which it is seeking a live urban zoning; and
 - (b) Without limiting the relief in 10(a), the provisions of the PDP generally- as attached in **Appendix C**.
11. In summary, KFO’s submission seeks:

In relation to the Submission Area

- (a) To enable urban development of the Submission Area by providing development capacity consistent with anticipated demand for housing and business land over the short, medium and long term, while:
 - (i) timing development with the provision of infrastructure (roads and three waters);
 - (ii) integrating with the existing environment, including the built environments of Kerikeri and Waipapa and natural environment by recognising and providing for Natural Open Space zones where supported by ecological values;
 - (iii) facilitating connectivity with existing transport infrastructure and integrating new modes of transport (walking connections, etc.);
 - (iv) managing the effects of potential natural hazards.
- (b) In support of the submission described in (a), KFO has prepared a Precinct Plan that contains the objectives, policies and rules that would apply to development of the site and provision of infrastructure. Alongside the Precinct Plan is a Structure Plan, which identifies how the Precinct Plan has been

S554.049

¹ RMA, section 32(1)(c).

² *Golf (2012) Ltd v Thames-Coromandel District Council* [2019] NZEnvC 112 at [125] to [133].

³ Section 32A Report at section 5.1.6.

developed and how the PDP provisions will apply spatially to the Submission Area.

In relation to the PDP generally

- (c) KFO supports in part the general objectives and policies of the PDP. Appendix C outlines where additional relief is sought to facilitate the development as proposed by the KFO submission. The relief sought includes, assessing Kerikeri-Waipapa as a Tier 3 Urban Environment under the National Policy Statement for Urban Development (**NPS-UD**), achieving consistency with the PDP and the NPS-HPL and various outcomes regarding the Objectives and Policies within the General Residential Zone, Mixed Urban Zone and the Natural Open Space Zone.

Reasons

General

12. The reasons supporting KFO's submission are explained in the Section 32 Report – Brownlie Land prepared by the Planning Collective. That report contains both the reasons for the submission and an evaluation of the submission under the statutory tests in section 32 of the RMA.
13. The Submission Area lies between the Kerikeri and Waipapa townships. Given anticipated growth in the area (see below), KFO considers the Submission Area the logical place for urban development that cannot be provided by infill development alone, while bridging a gap and integrating with the two urban areas of Kerikeri and Waipapa.
14. The proposal's mix of General Residential, Mixed Use and Natural Open Space is to accommodate the various needs of urban growth whilst recognising and avoiding development of significant ecological features of the landscape.
15. In support of its submission and the Section 32 Report – Brownlie Land, KFO has commissioned independent expert reports that:
 - (a) Provide an independent economic assessment of projected growth within Kerikeri-Waipapa and consider whether it is, or is intended to be, an urban environment under the NPS-UD.
 - (b) Consider infrastructure and servicing restraints on development of the Submission Area and assess the feasibility of solutions.
 - (c) Model flood risks and propose conceptual designs for flood management.
 - (d) Assess the existing traffic environment and anticipated changes to the receiving environment from development of the Submission Area and propose and consider roading design options.
 - (e) Assess the proposed structure plan and transport options against potential landscape considerations.
 - (f) Identify high-level ecological constraints that require management through planning controls, such as Natural Open Space zoning.

- (g) Identify soil types within the Submission Area for the purpose of engaging with the National Policy Statement for Highly Productive Land (**NPS-HPL**).
- 16. A Communications Summary Report explains the consultation undertaken with FNDC officers, Ngāti Rēhia, Waka Kotahi, and the wider community.

Demand and development capacity

- 17. Of particular importance is whether there is sufficient development capacity within Kerikeri-Waipapa to meet expected demand for housing. FNDC makes two important conclusions in this respect. First, that Kerikeri-Waipapa is not an urban environment and therefore subject to the NPS-UD. And secondly, in accordance with FNDC's general functions to ensure that there is sufficient development capacity under s 31(1)(aa) of the RMA, that the four Kerikeri-Waipapa SA2 areas can accommodate 100% of all projected growth in the medium term under both the medium and high growth scenarios.
- 18. KFO's proposal to apply live urban zoning to the Submission Area is based on independent expert analysis by Urban Economics, which concludes that:
 - (a) the Council's projections underestimate projected growth;
 - (b) the Council's urban land supply projections overestimate the additional housing capacity that is likely to be created through infill development; and
 - (c) therefore, infill development will not ensure that there is sufficient development capacity for housing land to meet the demands of the Kerikeri-Waipapa area.
- 19. The Urban Economics report also identifies that Kerikeri-Waipapa will be an urban environment (i.e. part of a housing and labour market of at least 10,000 people) within the 10-year life of the PDP, based on both FNDC's and Urban Economics' projections for population growth. Given this will occur within the life of the PDP, the PDP must give effect to the NPS-UD and provide development capacity to meet demand over the short, medium and long term. The short-medium term is defined as up to 10 years. The PDP and the development capacity it enables should therefore be considered over this 10 year horizon.

Summary

- 20. In summary, KFO submits that the relief it seeks is necessary to:
 - (a) promote sustainable management of resources, achieve the purpose of the RMA and to give effect to Part 2 and other provisions of the RMA;
 - (b) enable the social and economic well-being of the community in Kerikeri and Waipapa by providing housing supply to meet demand;
 - (c) sustain the potential of the natural and physical resources of the Submission Area while meeting the reasonably foreseeable needs of future generations;
 - (d) to give effect to the objectives and policies of the NPS-UD and the Regional Policy Statement for Northland; and

- (e) ensure that the provisions of the PDP are the most appropriate way to achieve the objectives of the PDP, which are in turn the most appropriate way to achieve the purpose of the RMA.

Decision sought

21. Kiwi Fresh seeks that the PDP is amended to:
- (a) include the Precinct Plan provisions in the PDP, which are to apply to the 'Brownlie Land Precinct' (or subsequent name for the Submission Area);
 - (b) apply the zones, overlays and precincts in the Structure Plan to the Submission Area;
 - (c) incorporate the relief sought to the other provisions of the PDP as outlined in Appendix C; and
 - (d) make any such consequential, alternative or further amendments necessary to the objectives, policies, rules, methods, maps, figures or other provisions of the PDP to give effect to the relief sought in this submission and the reasons given, including alternative zoning, overlay or precinct maps and provisions for the Submission Area as may be necessary or desirable.

S554.051

Procedural matters

22. KFO could not gain an advantage in trade competition through this submission.
23. KFO wishes to be heard in support of its submission. KFO does not wish to present a joint case at the hearing.
24. KFO wishes to have the option to present its submission by Microsoft Teams, in the event that one of its representatives or witnesses is unable to appear in person.

Structure of submission

25. This submission is comprised of the following documents:
- (a) Form 5 (this form);
 - (i) Appendix A – Submission Area;
 - (ii) Appendix B – Landholdings;
 - (iii) Appendix C – Submission on the provisions of the PDP;
 - (iv) Appendix D – Proposed Brownlie Land Precinct;
 - (b) Structure Plan;
 - (c) Section 32 analysis for Brownlie Land Proposal;
 - (d) Supporting expert reports:
 - (i) Geotechnical, prepared by LDE;
 - (ii) Survey, prepared by Terrain Surveying Limited;
 - (iii) Soils investigation, prepared by Hanmore Land Management;

- (iv) Preliminary Site Investigation, prepared by NZ Environmental;
 - (v) Archaeology, prepared by Origin Archaeology;
 - (vi) Ecology, prepared by Biosearches;
 - (vii) Hydrology, prepared by E2 Environmental;
 - (viii) Economic Assessment, prepared by Urban Economics;
 - (ix) Infrastructure servicing, prepared by Infir;
 - (x) Infrastructure servicing peer review, prepared by GWE;
 - (xi) Landscape, prepared by Littoralis;
 - (xii) Transport, prepared by TEAM.
- (e) Communications record.

Signed for and on behalf of Kiwi Fresh Orange Company Limited by:



Mike Doesburg

Solicitor for **Kiwi Fresh Orange Company Limited**

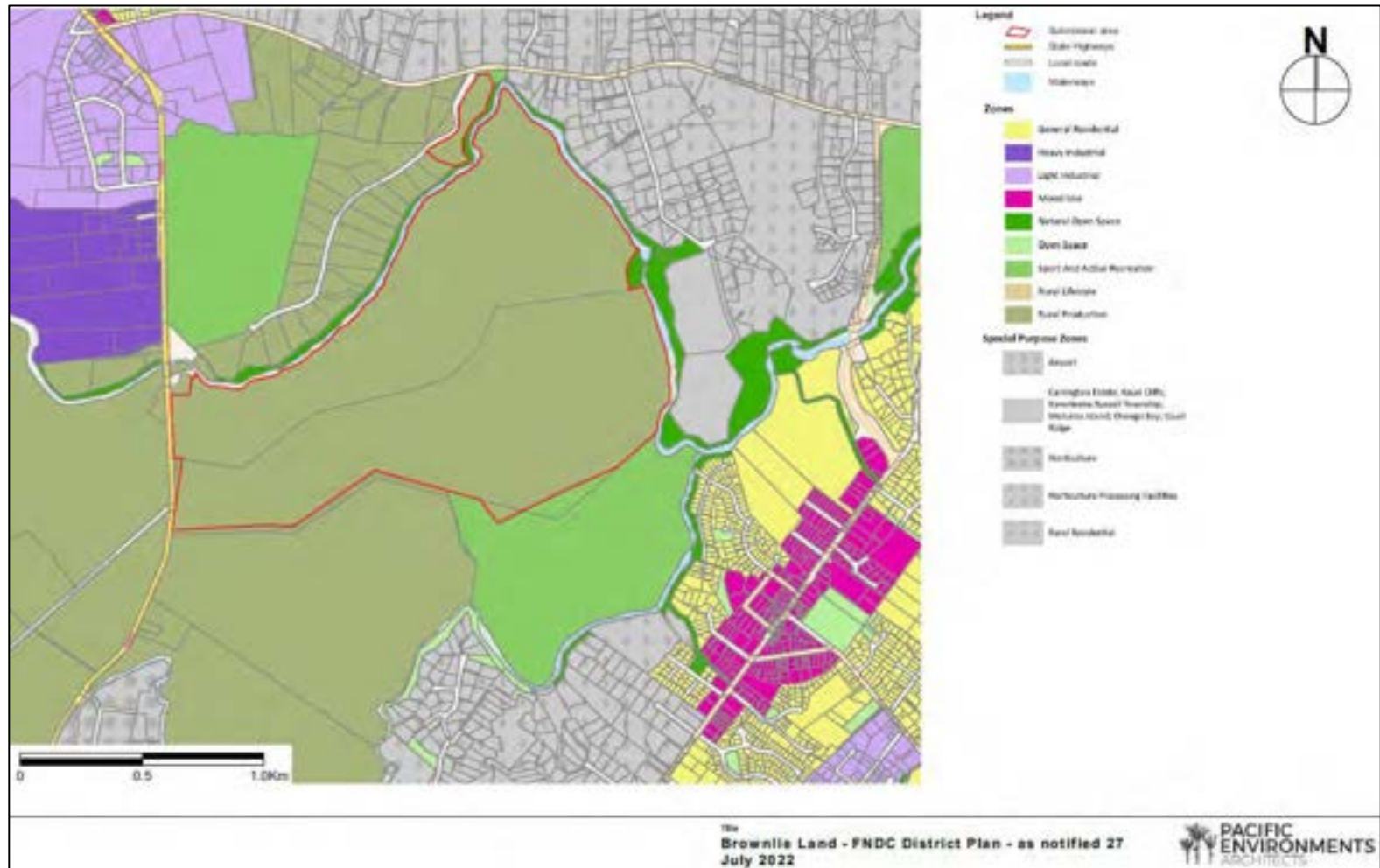
Date: 21 October 2022

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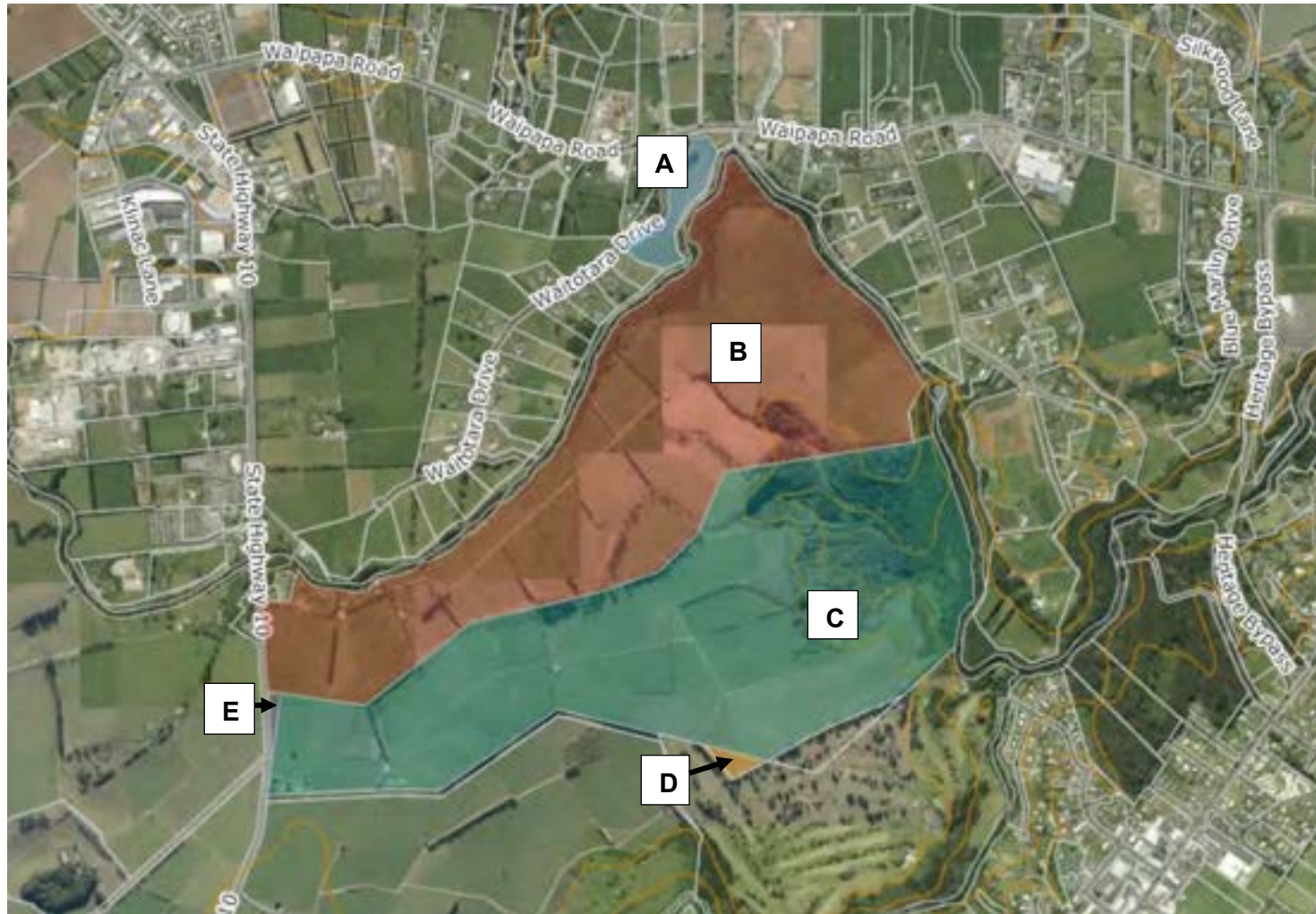
Copy to: Dr Robert Makgill, Barrister – robert@robertmakgill.com

Appendix A – Submission Area



Appendix B – land holdings subject to the submission

Land parcels and corresponding titles at 1828 and 1878 State Highway 10, Waipapa



Land parcels and corresponding titles at Golf View Road and State Highway 10, Waipapa

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

Appendix C – General submission on the PDP

Appendix C: General Submission on the Proposed Far North District Plan (PDP) on behalf of Kiwi Fresh Orange Company Limited.

Consistency of PDP with National Policy Statements

National Policy Statement for Urban Development

Issue

The National Policy Statement on Urban Development 2020 (“NPS-UD”) came into force on 20 August 2020 and replaced the National Policy Statement on Urban Development Capacity 2016. The NPS-UD classifies all local authorities within the country that have all, or part of, an urban environment in them as either Tier 1, Tier 2 or Tier 3, with Tier 1 referencing the largest local authorities in New Zealand that contain urban environments.

The section 32 documentation supporting the Proposed Far North District Plan states that Far North District Council does not consider that it has part or all of an urban environment in its territorial boundary and therefore the NPS-UD does not apply to the Far North. The NPS-UD defines “**Urban Environment**” as:

“means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that: is, or is intended to be, predominantly urban in character; and is, or is intended to be, part of a housing and labour market of at least 10,000 people.”

Section 3.2.2 of the Urban Environments chapter of the Council’s Section 32 Assessment states that based on the population forecasts under the low, medium, and high growth scenarios, the Council considers that none of its towns will reach the required threshold of 10,000 people to be considered an ‘urban environment’ as defined by the NPS-UD. The Council therefore concludes that the NPS-UD does not apply to the Far North District.

Submission

The Economic Assessment, prepared by Urban Economics and included with this submission concludes that Kerikeri has a population of 12,300 people as at 2021 (refer to Appendix 3 of the Economic Assessment). This differs from the Council figures because the Urban Economics assessment includes the rural residential areas to the north and south of Kerikeri that have an urban rather than a rural function. Therefore, Kerikeri does meet the definition of “Urban Environment” under the NPS-UD. Even leaving those rural residential areas to one side, Statistics NZ figures show an estimated population for Kerikeri of 10,040 as at 2024. Kerikeri is

clearly intended to be an urban environment in the immediate future – less than two years' time. This is within the ten-year life of the proposed District Plan therefore it is considered Kerikeri should be assessed as an **Urban Environment**.

The submission is that FNDC is classified as a Tier 3 local authority under the NPS- UD. A Tier 3 local authority is defined as *a local authority that has all or part of an urban environment within its region or district, but is not a Tier 1 or 2 local authority...*

The NPS-UD specifies a number of tasks that must be undertaken by Tier 1 and Tier 2 local authorities. At Section 1.5 (1) the NPS states *Tier 3 local authorities are strongly encouraged to do the things that tier 1 or 2 local authorities are obliged to do under Parts 2 and 3 of this National Policy Statement, adopting whatever modifications to the National Policy Statement are necessary or helpful to enable them to do so.*

Such tasks include preparing Future Development Strategies to inform preparation of the next long-term plan of each relevant local authority; and preparing a Housing and Business Development Capacity Assessment (**HBA**). An HBA has to analyse how planning decisions and provision of infrastructure affects the affordability and competitiveness of the local housing and business market. The analysis must also include how well the current and likely future demands for housing by Māori and different groups in the community (such as older people, renters, homeowners, low-income households, visitors and seasonal workers) are met, including demand for different types and forms of housing. The assessment also needs to include what is feasible and reasonably expected to be realised. The Urban Economics report includes commentary on these points in relation to Kerikeri.

Most importantly, the NPS-UD requires sufficient development capacity to be provided in the short, medium, **and** long terms. Short-medium term is defined as up to 10 years, so a plan should enable development capacity needed for the short to medium term.

Section 3.2 of the NPS-UD provides:

3.2 Sufficient development capacity for housing

- (1) *Every tier 1, 2, and 3 local authority must provide at least sufficient development capacity in its region or district to meet expected demand for housing:*
 - (a) *in existing and new urban areas; and*
 - (b) *for both standalone dwellings and attached dwellings; and*
 - (c) *in the short term, medium term, and long term.*
- (2) *In order to be sufficient to meet expected demand for housing, the development capacity must be:*
 - (a) *plan-enabled (see clause 3.4(1)); and*

- (b) *infrastructure-ready (see clause 3.4(3)); and*
- (c) *feasible and reasonably expected to be realised (see clause 3.26); and*
- (d) *for tier 1 and 2 local authorities only, meet the expected demand plus the appropriate competitiveness margin (see clause 3.22).*

Relief sought

S554.001

KFO seeks that FNDC reconsider its assessment against the NPS-UD and confirm that Kerikeri is an “urban environment” given the existing urban character, existing population and projected population in the medium term. Far North District Council therefore needs to be classified as a Tier 3 local authority.

The PDP should be amended to give effect to the NPS-UD, particularly to enable development that can provide for and contribute to a well-functioning urban environment for Kerikeri / Waipapa. Far North District Council is a Tier 3 territorial authority because it has all of an urban environment in its district. Kerikeri and Waipapa area is considered to be an urban environment now because it is predominantly urban in character and is or is intended to be part of a housing and labour market of at least 10,000 people.

National Policy Statement for Highly Productive Land (NPS-HPL)

Issue

The National Policy Statement on Highly Productive Land (NPS-HPL) was notified on 20 September 2022 and came into legal effect on 17th October 2022. The NPS-HPL is about ensuring the availability of New Zealand’s most versatile and highly productive soils for food and fibre production for now and for future generations.

The NPS-HPL provides 3-years for regional councils to map their highly productive land and then further time for the district councils to amend their plans. Policy 2 of the NPS states that the identification of HPL should be undertaken in an integrated way that considers the interactions with freshwater management and urban development.

Section 3.6 (4) of the NPS-HPL notes that Territorial Authorities that are not Tier 1 or Tier 2 may allow the rezoning of Highly Productive Land only if:

- (a) the urban zoning is required to provide sufficient development capacity to meet expected demand for housing or business land in the district; and*
- (b) there are no other reasonably practicable and feasible options for providing the required development capacity; and*

(c) the environmental, social, cultural and economic benefits of rezoning outweigh the environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values.

Section 3.6 (4) of the NPS-HPL notes that:

(5) Territorial authorities must take measures to ensure that the spatial extent of any urban zone covering highly productive land is the minimum necessary to provide the required development capacity while achieving a well-functioning urban environment

Submission

As noted throughout the KFO submission and the supporting documents regarding the Structure Plan, the FNDC's approach to the District Plan is to provide for growth through infill housing. However, as the Urban Economics assessment has shown, infill housing alone is not sufficient in terms of meeting the required capacity; or appropriate for providing affordable housing at scale or for more specialist residential development such as retirement village living. Green field development can better, and more efficiently, achieve the delivery of a greater variety of housing types and affordable housing options at scale.

In summary, while the soil types present on the KFO site are identified as highly productive using the Land Use Classification system, based on the high-level assessment, the NPS-HPL does provide an option for the rezoning of land to occur where there is sufficient demand for urban development- as is the case for Kerikeri and Waipapa.

In addition, site specific soil testing and assessment in relation to the broader criteria set out in the NPS-HPL is yet to be undertaken. This may refine the extent of Highly Productive Land on the site. In any event the land is strategically located adjacent to the main urban area in the Far North. This land is the most practicable and feasible for providing for the short, medium and long term growth projections for the Kerikeri – Waipapa area and for this reason alone the land should be secured to provide for and enable urban growth as provided for in the NPS-HPL.

Relief sought

That the FNDC zone the Site for urban development as requested in the submission. **S554.002**

Providing for Urban Growth

Urban Economics- Economic Assessment summary

Section 12 of the report prepared by Urban Economics (**Appendix 12 of the Brownlie Land Section 32 assessment**) prepared to support KFO's submission states that under the Urban Economics Medium population projections scenario, there is 5.4- 6.4 years of capacity provided for within the PFNDP, indicating that the short-term development capacity is met, but the medium- and long-term capacity is not. Under the Urban Economics assessment high population projections scenario, only 3.5 to 4.2 years of development capacity is provided for within the pFNDP. Overall, the pFNDP is inconsistent with Policy 2 of the NPS-UD as there is insufficient capacity provided to meet the growth demand.

FNDC Section 32- Urban Environment Report.

The three options that FNDC assessed within their Section 32 Assessment regarding providing for urban growth within the residential areas are outlined below:

***Option 1:** Retain the Residential, Coastal Residential and Russell Township zones. Retain the extent of the existing zoning including those areas not serviced or programmed to be serviced by adequate development infrastructure and retain the three sets of provisions that relate to the Residential, Coastal Residential and Russell Township zones.*

***Option 2:** Apply GRZ to areas zoned residential and coastal residential in the ODP. Rezone land in these zones that are not serviced or programmed to be serviced by adequate development infrastructure.*

***Option 3:** Apply GRZ to areas zoned residential and coastal residential in the ODP. Rezone land in these zones that are not serviced or programmed to be serviced by adequate development infrastructure. Adding a multi-unit development provision.¹*

While the KFO do not disagree with the Options outlined above, KFO would like to bring to the attention of Council that there is a Fourth Option, being similar to Option 3 above, but also including the strategic rezoning of some rural land in areas that are identified as being capable of servicing and where urban development would result in an efficient urban form and achieve a well-functioning urban environment as required under the NPS-UD.

Given that the Council are not confident on their assessment of capacity within their infrastructure network, limiting development to areas where there is currently infrastructure or planned infrastructure, limits the ability to provide for larger scale infrastructure upgrades and have significant funding contributions to these. Infill development typically occurs in an ad hoc manner and there are greater limitations to realising the capacity i.e. willingness of landowners and site restrictions.

¹ Section 32- Urban Environment Report.

Greenfield development, where there is a clear demand for additional housing and employment activities, provides an opportunity for funding contributions and planning of networks because of the economies of scale associated with development at scale.

Residential Growth within the pFNDP is provided solely through infill development and increasing the intensity of the development within the existing Residential zone and Rural Residential zone while allowing for residential activities within the Mixed-Use zone. This is a less efficient and more uncertain way to provide for growth. Infill development can be less feasible and occurs in a more ad hoc way and at lesser scale meaning that comprehensive outcomes in relation to infrastructure upgrades, new road, parks etc are more difficult to fund and deliver.

The option of re-zoning rural land to urban where it can be shown that servicing can be provided in the future has not been considered by the PDP. This is a fundamental flaw within the options assessment to provide for future urban growth over the 10-year life cycle of the pFNDP. It also discounts the ability to provide a clear planning direction for the medium and long term growth projection.

The Council assumption on infill development relies on the private landowner to provide for more housing within Kerikeri, as opposed to greenfields development which is a for efficient cost-effective way of providing for housing as noted in Section 11 of the Urban Economics Report.

Relying on rural residential areas to provide for future growth beyond the current foreseeable plan period is inefficient and likely to generate greater adverse environmental effects with respect to reverse sensitivity, the provision of infrastructure and urban amenities such as parks and cycleways. Because of the value of rural lifestyle land, it is likely to more costly to develop this land. Costly land development does not contribute to achieving an improvement in housing affordability.

Relief Sought

S554.003

KFO wish for FNDC to include a fourth option in their Section 32 Report to zone rural land to urban where it can be shown that servicing can be provided in the future. This is a fundamental flaw within the options assessment to provide for future urban growth over the 10-year life cycle of the pFNDP. The s32 report has inadequately considered all viable options and therefore the assessment is skewed in relation to determination of the most appropriate way to achieve the purpose of the Act.

General Comments regarding PDP Part 1- Interpretation Chapter/Definitions

Part 1 – Interpretation Chapter / Definitions				
Provision reference	Provision	Support / oppose	Reasons	Relief sought
Highly Productive Land (not a definition in National Planning Standards 2019)	means land that is, or has the potential to be, highly productive for farming activities. It includes versatile soils and Land Use Capability Class 4 land and other Land Use Capability classes Land Use Capability, or has the potential to be, highly productive having regard to: - Soil type; - Physical characteristics; - Climate conditions; and Water availability.	Oppose	Following the notification of the PDP, the National Policy Statement on Highly Productive land (NPS-HPL) was released. The definition of Highly Productive Land should be consistent with the definitions of the NPS- HPL. The NPS-HPL defines highly productive land as: <i>“means land that has been mapped in accordance with clause 3.4 and is included in an operative regional policy statement as required by clause 3.5 (but see clause 3.5(7) for what is treated as highly productive land before the maps are included in an operative regional policy statement and clause 3.5(6) for when land is rezoned and therefore ceases to be highly productive land)”</i> Section 3.5(7) of the NPS-HPL includes LUC 1, 2 and 3, but not	Replace definition of Highly Productive Land with NPS-HPL definition. S554.004 Remove LUC Class 4 land from definition. Amend the PDP to consistently refer to Highly Productive Land, rather than Productive Land or Versatile Land. S554.005

Part 1 – Interpretation Chapter / Definitions				
Provision reference	Provision	Support / oppose	Reasons	Relief sought
			LUC 4 soils. LUC 4 soils should not be referred to within the PFNDC as Highly Productive Land to ensure that there is consistency with how the NPS-HPL is applied. The terms “Highly Productive Land”, Productive Land (undefined) and Versatile Land are used interchangeably throughout the PDP and further consideration should be consideration to the use of the terms to achieve consistency in application.	
Versatile Land (not a definition in National Planning Standards 2019)	means soils that are Land Use Capability Classes 1c1, 2e1, 2w1, 2w2, 2s1, 3e1, 3e5, 3s1,3s2, 3s4	Oppose	While it is acknowledged that this definition is the same as the definition within the Northland Regional Plan, “Versatile Land” is not defined within the NPS-HPL and it raises confusion in the application of the NPS-HPL in the Far North. “Highly Productive Land” should be the only definition used within the PDP regarding soils to ensure the NPS-HPL can be applied consistently across the District.	Delete the definition. S554.006

Part 1 – Interpretation Chapter / Definitions				
Provision reference	Provision	Support / oppose	Reasons	Relief sought
			The NPS-HPL directs regional councils to map highly productive land. It is therefore highly likely that references to 'versatile land' will be phased out in favour NPS-HPL defined terms	

General Comments regarding the Part 2- Subdivision

Part 1 – Interpretation Chapter / Definitions				
Provision reference	Provision	Support / oppose	Reasons	Relief sought
SUB-01	Subdivision results in the efficient use of land, which: a. achieves the objectives of each relevant zone, overlays and district wide provisions; b. contributes to the local character and sense of place; c. avoids reverse sensitivity issues that would prevent or adversely affect activities already established on land from continuing to operate; d. avoids land use patterns which would prevent land from achieving the objectives and policies of the zone in which it is located; e. does not increase risk from natural hazards or risks are mitigates and existing risks reduced; and f. manages adverse effects on the environment.	Support	KFO supports the objective as it promotes the efficient use of land	Retain objective as notified S554.007

Part 1 – Interpretation Chapter / Definitions				
Provision reference	Provision	Support / oppose	Reasons	Relief sought
SUB-O3	Infrastructure is planned to service the proposed subdivision and development where: a. there is existing infrastructure connection, infrastructure should be provided in an integrated, efficient, coordinated and future-proofed manner at the time of subdivision; and b. where no existing connection is available infrastructure should be planned and consideration be given to connections with the wider infrastructure network.	Support	KFO supports the objective as it provides for an opportunity to develop land where there is no current reticulated system available, and an on-site solution is achievable.	Retain objective as notified S554.008
SUB- S3 SUB- S4 SUB- S5	Various	Support	KFO supports the objective as it provides for an opportunity to develop land where there is no current reticulated system available and an on-site solution is achievable.	Retain Standards as notified S554.009 S554.010 S554.011

General Comments regarding the PDP Part 3- General Residential Zone provisions

Part 3 – General Residential Zone provisions				
Provision reference	Provision	Support / oppose	Reasons	Relief sought
GRZ-O1	The General Residential zone provides a variety of densities, housing types and lot sizes that respond to: a) housing needs and demand; b) the adequacy and capacity of available or programmed development infrastructure; c) the amenity and character of the receiving residential environment; and d) historic heritage.	Support	KFO supports the objective as it appropriately recognises the need for housing supply to meet demand.	Retain the objective as notified. S554.012
GRZ-O2	The General Residential zone consolidates urban residential development around available or programmed development infrastructure to improve the function and resilience of the receiving residential environment while reducing urban sprawl.	Support in part.	KFO disagree with the “ <i>while reducing urban sprawl</i> ” section of the Objective. This objective should be reworded to address the demand for housing, rather than reducing urban sprawl. It may also state that extensions to the Residential zone to provide for growth should be located with consideration to achieving a well-functioning and quality urban environment	Amend Objective GRZ-O2 as follows: S554.013 “The General Residential zone consolidates urban residential development around available or programmed development infrastructure <u>(including private infrastructure)</u> to improve the function and resilience of the receiving residential environment while reducing urban sprawl. <u>providing for urban growth in locations where the outcomes</u>

Part 3 – General Residential Zone provisions				
Provision reference	Provision	Support / oppose	Reasons	Relief sought
				<u>will achieve a quality well-functioning urban environment."</u>
GRZ-O3	Non-residential activities contribute to the well-being of the community while complementing the scale, character and amenity of the General Residential zone.	Support	KFO support Objective GRZ-O3 as it appropriately recognises the need to co-locate compatible activities.	Retain the objective as notified. S554.014
GRZ-O4	Land use and subdivision in the General Residential zone is supported where there is adequacy and capacity of available or programmed development infrastructure.	Support in part	Objective GRZ-O4 should recognise alternative means to addressing shortages in infrastructure capacity provided for by Council. There may be cases where private solutions can provide adequate capacity to support land use and subdivision in the General Residential Zone. There are also options for council to enter into Developer Agreements.	Amend Objective GRZ-O4 as follows: S554.015 Land use and subdivision in the General Residential zone is supported where there is adequacy and capacity of available or programmed development infrastructure, <u>or a private infrastructure solution.</u>
GRZ-O5	Land use and subdivision in the General Residential zone provides communities with functional and high amenity living environments.	Support	KFO supports Objective GRZ-O5 and its recognition of the importance of functional, high amenity environments.	Retain the objective as notified. S554.016
GRZ-O6	Residential communities are resilient to changes in climate and are responsive to changes in sustainable development techniques.	Support	KFO supports Objective GRZ-O6 as it recognises the importance of resilient communities.	Retain the objective as notified. S554.017

Part 3 – General Residential Zone provisions				
Provision reference	Provision	Support / oppose	Reasons	Relief sought
GRZ-P1	Enable land use and subdivision in the General Residential zone where: a) there is adequacy and capacity of available or programmed development infrastructure to support it; and b) it is consistent with the scale, character and amenity anticipated in the residential environment.	Support in part	Policy GRZ-P1, Policy GRZ-P2 and GRZ- P3 should also recognize alternative means to addressing shortages in infrastructure capacity provided for by Council. There may be cases where private solutions and Developer Agreements can facilitate or provide adequate capacity to support land use and subdivision in the General Residential Zone. In this case, connections to the reticulated network may be made to the boundary but are unable to be connected until such time as there is an upgrade of the Council wastewater or potable water system. During this time, an interim onsite solution may be able to adequately address the infrastructure shortfall.	Amend Policy GRZ-P1 as follows: S554.018 Enable land use and subdivision in the General Residential zone where: a) there is adequacy and capacity of available or programmed development infrastructure to support it; and b) it is consistent with the scale, character and amenity anticipated in the residential environment; <u>or</u> c) <u>a private infrastructure solution exists.</u>
GRZ-P2	Require all subdivision in the General Residential zone to provide the following reticulated services to the boundary of each lot: a) telecommunications: i. fibre where it is available; or ii. copper where fibre is not available;	Support in part		Amend Policy GRZ-P2 as follows: S554.019 Require all subdivision in the General Residential zone to provide the following reticulated services to the boundary of each lot: a) telecommunications:

Part 3 – General Residential Zone provisions				
Provision reference	Provision	Support / oppose	Reasons	Relief sought
	b) local electricity distribution network; c) wastewater; and d) potable water and stormwater where it is available.			i. fibre where it is available; or ii. copper where fibre is not available; b) local electricity distribution network; c) wastewater; and d) potable water and stormwater where it is available.
GRZ-P3	Enable multi-unit developments within the General Residential zone, including terraced housing and apartments, where there is adequacy and capacity of available or programmed development infrastructure.	Support in part		Amend Policy GRZ-P3 as follows: S554.020 Enable multi-unit developments within the General Residential zone, including terraced housing and apartments, where there is adequacy and capacity of available or programmed development infrastructure, <u>or a private infrastructure solution.</u>
GRZ-P5	Provide for retirement villages where they: a) compliment the character and amenity values of the surrounding area; b) contribute to the diverse needs of the community;	Support in part	KFO supports the intent of Policy GRZ- P5, but considers it should also recognize alternative means to addressing shortages in infrastructure capacity provided for by Council. There may be	Amend Policy GRZ-P5 as follows: S554.021 Provide for retirement villages where they:

Part 3 – General Residential Zone provisions				
Provision reference	Provision	Support / oppose	Reasons	Relief sought
	c) do not adversely affect road safety or the efficiency of the transport network; and d) can be serviced by adequate development infrastructure.		cases where private solutions can provide adequate capacity to support land use and subdivision in the General Residential Zone, or Developer Agreements can be entered into. There are options for connections to the reticulated network may be made to the boundary but are unable to be connected until such time as there is an upgrade of the Council wastewater or potable water system. During this time, an interim onsite solution may be able to adequately address the infrastructure shortfall. The current General Residential Zone does not provide for adequate land within the zone to deliver a retirement village on scale. A retirement village typically needs 5- 10 ha of vacant land. By not extending the existing General Residential Zone, there is no provision within the pFNDP to establish a new	a) compliment the character and amenity values of the surrounding area; b) contribute to the diverse needs of the community; c) do not adversely affect road safety or the efficiency of the transport network; and d) can be serviced by adequate development infrastructure_____or <u>private infrastructure solutions.</u>

Part 3 – General Residential Zone provisions				
Provision reference	Provision	Support / oppose	Reasons	Relief sought
			retirement village for which analysis shows there is a demand.	
GRZ-P6	Encourage and support the use of on-site water storage to enable sustainable and efficient use of water resources.	Support	KFO supports Policy GRZ-P6 as appropriately recognising that on-site water storage may be required in some cases.	Retain the policy as notified. S554.022
GRZ-P7	Encourage energy efficient design and the use of small-scale renewable electricity generation in the construction of residential development.	Support	KFO supports Policy GRZ-P7 as it appropriately recognises that small-scale renewable energy generation can have benefits for residential development.	Retain the policy as notified. S554.023
GRZ-P8	Manage land use and subdivision to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application: a) consistency with the scale, design, amenity and character of the residential environment; b) the location, scale and design of buildings or structures, potential for shadowing and visual dominance; c) for residential activities: i. provision for outdoor living space; ii. privacy for adjoining sites; iii. access to sunlight; d) for non-residential activities:	Support	KFO supports Policy GRZ-P8 as it appropriately recognises the need to manage development, including managing various competing activities to ensure a well-functioning urban environment.	Retain the policy as notified. S554.024

Part 3 – General Residential Zone provisions				
Provision reference	Provision	Support / oppose	Reasons	Relief sought
	i. scale and compatibility with residential activities ii. hours of operation e) at zone interfaces, any setbacks, fencing, screening or landscaping required to address potential conflicts; f) the adequacy and capacity of available or programmed development infrastructure to accommodate the proposed activity, including: i. opportunities for low impact design principles ii. ability of the site to address stormwater and soakage; g) managing natural hazards; and h) any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6			
New rules	-	Support	KFO are generally supportive of the proposed rules within the General Residential Zone. However, the rule framework does not provide for hotels/motels as an activity, suitable to be located within the General Residential Zone.	Include a new rule that provides for hotels/motels as a restricted discretionary activity in the GRZ, with matters of discretion that reflect the issues in Policy GRZ-P4. S554.025

Part 3 – General Residential Zone provisions				
Provision reference	Provision	Support / oppose	Reasons	Relief sought
			Hotels/motels as an activity would be consistent with proposed Policy GRZ-P4 as a non-residential activity that is of a residential scale and supports the social and economic wellbeing of the community. Therefore, as part of the relief sought, KFO ask that FNDC consider listing the establishment of a Hotel/Motel as a Restricted Discretionary Activity subject to the matters within Policy GRZ-P4.	

General Comments on the PDP regarding the Part 3- Mixed Use Zone provisions

Part 3 – Mixed Use Zone provisions				
Provision reference	Provision	Support / oppose	Reasons	Relief sought
MUZ- O1	The Mixed Use zone is the focal point for the District's commercial, community and civic activities, and provides for residential development where it complements and is not incompatible with these activities.	Support	KFO supports Objective MUZ-O1 as identifying that the Mixed Use Zone is the focal point for commercial, community and civic activities.	Retain the objective as notified. S554.026
MUZ- O2	Development in the Mixed Use zone is of a form, scale, density and design quality that	Support	KFO supports Objective MUZ-O2 as appropriately	Retain the objective as notified. S554.027

Part 3 – Mixed Use Zone provisions				
Provision reference	Provision	Support / oppose	Reasons	Relief sought
	contributes positively to the vibrancy, safety and amenity of the zone.		providing for development that contributes positively to the vibrancy, safety and amenity of the zone.	
MUZ- 03	Enable land use and subdivision in the Light Industrial zone where there is adequacy and capacity of available or programmed development infrastructure to support it.	Support in part	KFO supports the intent of Objective MUZ-03, but seeks to clarify whether it should refer to the Mixed Use Zone, rather than the Light Industrial Zone. The Objective should also recognise that developer-led infrastructure solutions may be appropriate.	Amend Objective MUZ-03 as follows: S554.028 Enable land use and subdivision in the Light Industrial <u>Mixed Use</u> zone where there is adequacy and capacity of available or programmed development infrastructure, <u>or a private infrastructure solution</u> , to support it.
MUZ- 04	The adverse environmental effects generated by activities within the zone are managed, in particular at zone boundaries.	Support	KFO supports Objective MUZ-04 as recognising the need to manage adverse effects.	Retain the objective as notified. S554.029
MUZ- 05	Residential activity in the Mixed Use zone is located above commercial activities to ensure active street frontages, except where the interface is with the Open Space zone.	Support	KFO supports Objective MUZ-05 and its recognition that residential activities may be appropriate above ground floor.	Retain the objective as notified. S554.030
MUZ-P1	Enable a range of commercial, community, civic and residential activities in the Mixed Use zone where:	Support in part	KFO supports Policy MUZ-P1 as appropriately enabling a range of activities, however, the Policy should recognise that developer-led	Amend Policy MUZ-P1 as follows: S554.031 Enable a range of commercial, community, civic and residential

Part 3 – Mixed Use Zone provisions				
Provision reference	Provision	Support / oppose	Reasons	Relief sought
	a) it supports the function, role, sense of place and amenity of the existing environment; and b) there is: i. existing infrastructure to support development and intensification, or ii. additional infrastructure capacity can be provided to service the development and intensification.		infrastructure may be appropriate, particularly as an interim solution before Council infrastructure is delivered.	activities in the Mixed Use zone where: a) it supports the function, role, sense of place and amenity of the existing environment; and b) there is: i. existing infrastructure to support development and intensification, or ii. additional infrastructure capacity can be provided to service the development and intensification; <u>or</u> iii. <u>a private infrastructure solution.</u>
MUZ-P2	Require all subdivision in the Mixed Use zone to provide the following reticulated services to the boundary of each lot: a. telecommunications: i. fibre where it is available; ii. copper where fibre is not available; iii. copper where the area is identified for future fibre deployment. b. local electricity distribution network; and	Support in part	KFO supports the intent of the policy, but considers that Policy MUZ-P2 should also recognise alternative means of addressing shortages in infrastructure capacity provided for by Council. There may be cases where private solutions can provide adequate capacity to support land use and subdivision in the Mixed Use Zone or Developer Agreements can be entered into to facilitate	Amend Policy MUZ-P2 as follows: S554.032 Require all subdivision in the Mixed Use zone to provide the following reticulated services to the boundary of each lot: a. telecommunications: i. fibre where it is available; ii. copper where fibre is not available; iii. copper where the area is identified for

Part 3 – Mixed Use Zone provisions				
Provision reference	Provision	Support / oppose	Reasons	Relief sought
	c. wastewater, potable water supply and stormwater where it is available.		extensions or upgrades to infrastructure. Connections to the reticulated network may be made to the boundary but are unable to be connected until such time as there is an upgrade of the Council wastewater or potable water system. During this time, an interim onsite solution may be able to adequately address the infrastructure shortfall.	future fibre deployment. b. local electricity distribution network; and c. wastewater, potable water supply and stormwater where it is available.
MUZ- P3	Require development in the Mixed Use zone to contribute positively to: a. high quality streetscapes; b. pedestrian amenity; c. safe movement of people of all ages and abilities; d. community well-being, health and safety; and e. traffic, parking and access needs.	Support	KFO supports Policy MUZ-P3 and the contribution it will make to creating well function urban environments.	Retain the policy as notified. S554.033
MUZ-P4	Require development in the Mixed Use zone that is adjacent to Residential and Open Space zones to maintain the amenity	Support	KFO supports Policy MUZ-P4 as appropriately managing the interface between Mixed Use zoning and adjacent	Retain the policy as notified. S554.034

Part 3 – Mixed Use Zone provisions				
Provision reference	Provision	Support / oppose	Reasons	Relief sought
	values of those areas, having specific regard to: a. visual dominance; b. privacy; c. shadowing; d. ambient noise; and e. light spill.		residential or open space zones.	
MUZ-P5	Restrict activities that are likely to have an adverse effect on the function, role, sense of place and amenity of the Mixed Use zone, including: a. residential activity, retirement facilities and visitor accommodation on the ground floor of buildings, except where a site adjoins an Open Space zone; b. light or heavy industrial activity; c. storage and warehousing; d. large format retail activity over 400 m²; and e. waste management activity.	Support in part	The PDP provides for residential development within the Mixed Use Zone. The policy should clarify that such activities are not restricted within the Mixed Use zone provided they are above ground floor level. Some light industrial activities are complementary to the Mixed Use zone such as a warehouse facility. These types of activities where the effects can be mitigated should not be restricted by the Mixed Use Zone. If Policy MUZ-P5 restricts large format retail over 400m² in size, this places	Amend Policy MUZ-P5 as follows: S554.035 Restrict activities that are likely to have an adverse effect on the function, role, sense of place and amenity of the Mixed Use zone, including: a. residential activity, retirement facilities and visitor accommodation <u>activities located</u> on the ground floor of buildings, except where a site adjoins an Open Space zone; b. light or heavy industrial activity <u>(excluding warehousing)</u>; c. storage and warehousing; d. large format retail activity over 400 m²; and

Part 3 – Mixed Use Zone provisions				
Provision reference	Provision	Support / oppose	Reasons	Relief sought
			undue restrictions on uses such as supermarkets which are suited to be located within the Mixed Use Zone. KFO seeks that the 400m ² restriction be reconsidered.	e. waste management activity.
MUZ- P6	Promote energy efficient design and the use of renewable electricity generation in the construction of mixed use development.	Support	KFO supports Policy MUZ-P6 as appropriately encouraging efficient design.	Retain the policy as notified. S554.036
MUZ-P7	Consider the following effects when assessing applications to establish residential, early childhood, retirement and education facilities: a. the level of ambient noise; b. reduced privacy; c. shadowing and visual domination; and d. light spill.	Support	KFO supports Policy MUZ-P7 as recognising the need to manage the interface with sensitive activities establishing in the Mixed Use zone.	Retain the policy as notified. S554.037
MUZ-P8	Manage land use and subdivision to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application: a. consistency with the scale, density, design, amenity and character of the mixed use environment; b. the location, scale and design of buildings or structures, outdoor	Support	KFO supports Policy MUZ-P8 as it appropriately recognises the need to manage development, including managing various competing activities to ensure a well-functioning urban environment.	Retain the policy as notified. S554.038

Part 3 – Mixed Use Zone provisions				
Provision reference	Provision	Support / oppose	Reasons	Relief sought
	storage areas, parking and internal roading; c. at zone interfaces: i. any setbacks, fencing, screening or landscaping required to address potential conflicts; ii. any adverse effects on the character and amenity of adjacent zones; d. the adequacy and capacity of available or programmed development infrastructure to accommodate the proposed activity; including: i. opportunities for low impact design principles; ii. management of three waters infrastructure and trade waste; e. managing natural hazards; f. the adequacy of roading infrastructure to service the proposed activity; g. any adverse effects on historic heritage and cultural values, natural features and landscapes or indigenous biodiversity, and			

Part 3 – Mixed Use Zone provisions				
Provision reference	Provision	Support / oppose	Reasons	Relief sought
	h. any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.			

General Comments on the PDP regarding the Part 3- Natural Open Space Zone provisions

Part 3 – Natural Open Space Zone provisions				
Provision reference	Provision	Support / oppose	Reasons	Relief sought
NO SZ-O1	The ecological, historic heritage, cultural and natural character values of the Natural Open Space zone are protected and enhanced for the benefit of current and future generations.	Support	KFO supports Objective NO SZ-O1 as providing an appropriate overall objective for the Natural Open Space zone.	Retain the objective as notified. S554.039
NO SZ-O2	Land use is of a scale and type that complements and is consistent with the conservation values of the Natural Open Space Zone.	Support	KFO supports Objective NO SZ-O2 as recognising the need to manage the scale and type of land use in the zone.	Retain the objective as notified. S554.040
NO SZ-O3	Natural open spaces where appropriate are accessible for the public for the use of leisure and customary activities.	Support	KFO supports the recognition in Objective NO SZ-O3 that the natural open spaces should be available for the public to use and appreciate.	Retain the objective as notified. S554.041
NO SZ-P1	Enable land use that conserves, protects and enhances the natural, ecological,	Support	KFO supports the guidance in Policy NO SZ-P1 on the land uses	Retain the policy as notified. S554.042

Part 3 – Natural Open Space Zone provisions				
Provision reference	Provision	Support / oppose	Reasons	Relief sought
	historic heritage, cultural and natural character values of the zone.		that are contemplated in the zone.	
NO SZ-P2	Provide for land use that supports leisure and customary activities that are complementary to, consistent with and protect the values of the zone.	Support	KFO supports the guidance in Policy NO SZ-P2 on the land uses that are contemplated in the zone.	Retain the policy as notified. S554.043
NO SZ-P3	Avoid land use and subdivision that is incompatible with the ecological, historic heritage, cultural and natural character values of the zone.	Support in part	While KFO generally supports the intention of the Policy, KFO seeks that a pathway is provided to enable works to support a subdivision or land use that are required within the Natural Open Space zone, such as water or wastewater infrastructure connections, pedestrian pathways and minor earthworks. Subject to those works being undertaken in a way that protects the Open Space values and does not adversely affect them.	Amend Policy NO SZ-P3 as follows” S554.044 Avoid land use and subdivision that is incompatible with the ecological, historic heritage, cultural and natural character values of the zone <u>where the effects of the land use or subdivision cannot be adequately mitigated or remedied.</u>
NO SZ-P4	Manage the effects of land use and subdivision to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:	Support	KFO supports Policy NO SZ-P4 as it appropriately recognises the need to manage development, including managing various competing activities to ensure a well-functioning urban environment.	Retain the policy as notified. S554.045

Part 3 – Natural Open Space Zone provisions				
Provision reference	Provision	Support / oppose	Reasons	Relief sought
	a) consistency with the scale, density, design and character of the environment and purpose of the zone; b) the location, scale and design of buildings or structures; c) the public benefit provided by the proposed activity; d) at zone interfaces: i. any setbacks, fencing, screening or landscaping required to address potential conflicts. ii. adverse effects on the character and amenity of adjacent zones; e) the extent to which the activity is consistent with any relevant adopted reserve management plan for the area; f) effects on public access and use; g) managing natural hazards; h) any adverse effects on areas with historic heritage and cultural values, natural features and landscapes, natural character or indigenous biodiversity values; and			

Part 3 – Natural Open Space Zone provisions				
Provision reference	Provision	Support / oppose	Reasons	Relief sought
	i) any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.			

Appendix D – Proposed Brownlie Land Precinct

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

Chapter X BROWNLIE LAND (Name to be confirmed) Precinct

Overview

The Brownlie Land Precinct provides additional provisions to manage development on the land at 1828 and 1878 State Highway 10, Waipapa and Lot 1 DP 333643.

The Precinct has been developed to enable greenfields land to be zoned now 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.

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

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 National Policy Statement – Urban Development 2020, whilst also providing for a high-quality and well-functioning urban environment.

Development of the Precinct 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 connection to an extended reticulated network being available.

Regarding water supply, there is capacity in the existing reticulated water network to service the proposed development. 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 River is at capacity, meaning another backup solution needs to be found for the site. It is likely that this solution could be an on-site bore/groundwater take.

The Precinct is required to manage flood hazard risk on the subject land, and potentially the wider area. The land within the Precinct is susceptible to the 1:100 AEP Flood hazard. Flood modelling has been undertaken and an indicative floodway shown through the site to manage the natural hazard risk. Securing the land for the floodway needs to occur prior to subdivision or works occurring in the Precinct.

Specific provisions are required to manage the amount retail floor space to ensure the area does not detrimentally compete with the existing Kerikeri town centre.

The zoning rules as per Part 3 of the proposed District Plan apply to the site. **S554.046**

The district wide rules as per Part 2 of the proposed District Plan apply to the site. **S554.047**

Objectives	
BL-O1	The Brownlie Land Precinct enables staged urban development of the land to integrate with the provision of infrastructure. S554.048
BL-O2	Infrastructure upgrades and extensions are facilitated and provided in an efficient way associated with the scale of urban development enabled.
BL-O3	To create a well-functioning, quality urban environment through: (a) Provision of non-vehicular access to Rainbow Falls – <i>Waianiwaniwa</i>, a connected pedestrian and cycle network through the site and transport connections to areas beyond the site. (b) Providing opportunity to improve resilience of the State Highway network through provision of alternative access routes. (c) Improve vehicle connectivity between Kerikeri and Waipapa. (d) Management of flood hazard risk by way of a floodway constructed to achieve a naturalised outcome. (e) Protect and enhance natural assets through the provision of Open Space areas, esplanade and other reserves or shared spaces. (f) Enabling urban development to meet demand for urban development capacity.

Policies	
BL-P1	Limit the scale of development enabled by onsite servicing and actively work to secure appropriate public reticulated infrastructure services to facilitate full urban development of the land.
BL-P2	Secure a defined floodway area over the land prior to, or as part of the first stage of any development activity, to ensure the flood hazard risk is managed.
BL-P3	Limit the extent of retail activity gross floor area to ensure the continued vitality of Kerikeri town centre.
BL-P4	Deliver and secure pedestrian and cycle connectivity through the development harnessing the amenity associated with the Kerikeri river and proposed naturalised floodway.
BL-P5	Provide open spaces to protect natural site features in the amphitheatre which includes native vegetation, stream, wetland, and waterfall areas.

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

Rules	New buildings or structures	
Brownlie Land Precinct	BL-R1 Activity status: Permitted Where: Prior to the occupation of a building or habitable structure, the floodway must be constructed and legally secured.	Activity status where compliance not achieved with BL-R1 Restricted Discretionary Matters of discretion are restricted to: - Management of flood hazard. - Risk to proposed buildings associated with flooding. - Risks to other persons or property associated with the proposal in relation to flood hazard.
BL-R2 Local neighbourhood centre in the General Residential Zone		
Brownlie Land Precinct	Activity status: Restricted Discretionary Where: No more than 5 retail or commercial premises are provided to service the neighbourhood. The new building/s or structure/s complies with the standards: MUZ-S1 Maximum height MUZ-S2 Height in relation to boundary MUZ-S3 Setback (excluding from MHWS or wetland, lake and river margins) MUZ-S4 Setback from MHWS	Activity status where compliance not achieved with BL-R2 Discretionary

	MUZ-S5 Pedestrian frontages MUZ-S6 Verandahs MUZ-S7 Outdoor storage MUZ-S8 Landscaping and screening on road boundaries MUZ-S9 Landscaping and screening for sites adjoining a site zoned residential, open space or rural residential MUZ-S10 Coverage	
BL- R3 Comprehensive Development Plan		
Brownlie Land Precinct	Activity status: Restricted Discretionary Where: As part of the first resource consent application for any subdivision, use or development within the Precinct, a Comprehensive Development Plan shall be submitted for approval containing the following information: 1. The layout, location and type of proposed lots,. 2. Road access points. 3. Internal roads, private access ways, pedestrian and cycle connections. 4. Detail of infrastructure servicing requirements, including staging triggers for delivery of development. 5. A comprehensive stormwater management plan. 6. Detail of proposed reserves including reserves to vest. 7. Detail of natural hazard mitigation measures including provision for legally securing the land required for flood hazard mitigation and detail and plans for the physical construction of the floodway. Note this detail may be supplied and approved as a separate component to the CDP ahead of all other development activity. 8. Detail of the location of a Neighbourhood Centre to provide retail premises to support the residential neighbourhood. The Comprehensive Development Plan may be implemented in stages.	Activity status where compliance not achieved with BL-R3 Discretionary

	Matter of discretion are restricted to: - The suitability of infrastructure provision. - Alignment of development staging with the provision of infrastructure. - The management of stormwater to avoid, or otherwise mitigate the effects of stormwater on the environment. - The extent to which pedestrian and cycle connections utilise and enhance access to Rainbow Falls – <i>Waianiwaniwa</i>, the Kerikeri river, the Sports Hub and the wider area. - The suitability of reserves to vest in relation to location, connectedness, topography and access to services. - The management of flood hazard to avoid flood hazard effects on urban development. - The design of sites to achieve a quality, sustainable urban environment, including but not limited to solar access, multi modal transport connections, walkability, amenity and connection to nature. - The appropriateness of scale and location of a neighbourhood centre. - The appropriateness of activities and buildings proposed in the Mixed Use zone, and the layout of sites to provide a dual frontage to State Highway 10 and the internal road network.	
BL- R4 Development not in accordance with the Comprehensive Development Plan approved as per BL-R3		
Brownlie Land Precinct	Activity Status: Discretionary	
BL- R5 Mixed Use Zone- Retail floor Space.		
Brownlie Land Precinct	Activity Status: Permitted Where: The total retail floor space in the Mixed Use zone shall not exceed 7,500m² excluding a supermarket. <i>Note: retail activities include Large Format Retail, repair centres and trade suppliers</i>	Activity status where compliance not achieved with BL-R5 Discretionary



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Structure Plan: Brownlie Land – Kerikeri – Waipapa

Kiwi Fresh Orange Company Limited

21 October 2022

This Structure Plan has been prepared by The Planning Collective Limited and Pacific Environments Limited to inform the Submission to the Proposed Far North District Plan Review on behalf of Kiwi Fresh Orange Company Limited. The Structure Plan and related submission pertains to land at 1828 and 1878 State Highway 10, Waipapa, Waitotara Drive, Kerikeri and Lot 1 DP 333643, Lot 2 DP 76850, Part Section 13 Block X Kerikeri Survey and Lot 6 DP 6704 (TPC Reference: KFO-024-22).

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"The curves within the circle symbol of our logo are a depiction of the shape the Mahurangi River takes as it weaves its way through Warkworth. This was chosen to illustrate the whenua and landscape of the town that The Planning Collective works so closely with."

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Appendices

Appendix 1: Site Constraints and Opportunity

Appendix 2: Transport Options Plan

Appendix 3: Proposed Structure Plan

Appendix 4: Existing and Proposed Zoning of the Site, including Overlays and Precinct Area

Executive Summary

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.

The Vision

To create an exemplar high-quality urban environment, reflecting a strong pattern of natural elements, providing seamless connections to Waipapa and Kerikeri whilst contributing to the overall unique character and vitality of Kerikeri - the largest urban centre in the Far North District.

The land exhibits high quality natural features that can be protected and enhanced. The opportunity to manage flood hazards in the area provides further opportunity to strengthen natural environment elements and the land is strategically well placed to provide strong multi modal transportation connectivity.

Vision Statement

The Brownlie Land is strategically located between the townships of Kerikeri and Waipapa and will provide for a high-quality urban environment that has a seamless connection to both Kerikeri and Waipapa, while reinforcing the unique characteristics of Kerikeri and the wider region. Urban development can be achieved that will contribute positively to the existing town centre and urban areas of Kerikeri and Waipapa as both have different and distinctive character.

The vision statement is supported by key objectives relating to achieving a quality urban environment, enhanced natural environment, provision of business and mixed-use commercial land to support the residential land uses. Walkways and shared paths will connect the future land uses to Kerikeri and Waipapa as well as provide access to Rainbow Falls.

The Structure Plan Area

The proposed Structure Plan area encompasses approximately 197ha of land to the northwest of Kerikeri Township extending west to State Highway 10 and Waipapa. The land is currently zoned Rural Production under the Operative Far North District Plan. The boundary of the Structure Plan area is well defined by the Kerikeri River on its north, eastern and western boundaries, with the Bay of Islands Golf Course to the South and State Highway 10 to the Southwest. The Kerikeri River is a significant natural element that contributes to the character of Kerikeri and the surrounding area. The River extends east past the historic Stone Store (the oldest surviving stone building in New Zealand) discharging out to the Bay of Islands.

Kerikeri is the largest town in the Far North District located 85km north of Whangarei. The easiest and most direct route to Kerikeri is via State Highway 1, then onto State Highway 10 at Pakaraka. Kerikeri Road is located off State Highway 10. Kerikeri is well known for its temperate climate and its natural and cultural heritage values.

A full description of the context of the Site is outlined in Section 4 of this Report.

Key elements of the Structure Plan to be considered

Development of the Structure Plan has considered the constraints and opportunities of the subject land and the wider context including the urban areas of Kerikeri and Waipapa. A detailed process of issue identification; constraints and opportunities mapping has been undertaken to determine the best, most appropriate land uses, taking into account the following matters:

- The relationship to the existing urban areas of Kerikeri and Waipapa.
- The relationship of rural land and reverse sensitivity issues.
- Cultural values.
- Transportation considerations and connectivity with the wider area.
- Natural environment considerations- areas of native vegetation and wetlands, the location of the Kerikeri River and the location of Rainbow Falls.
- The presence and management of natural hazard risk – flooding.
- Topography and geotechnical characteristics.
- Infrastructure servicing- sequencing and capacity of existing networks.
- Open space, recreation, and community facilities.

- Compact urban form and efficiency.
- The expected population growth in the foreseeable future – with reference to the National Policy Statement – Urban Development short, medium and long-term; as well as for the provision of housing choice including affordable housing options.
- Economic factors- efficiency of development with respect to location, development costs and achieving a sustainable balance between the provision of housing and employment land, reflecting the different existing and likely future roles of Kerikeri and Waipapa.

The Structure Plan area is a natural extension of urban land between Kerikeri and Waipapa- providing an opportunity for efficient high quality urban development to meet the future growth of Kerikeri and Waipapa.

Natural Hazards: The Site and surrounding area of Waipapa are susceptible to the 1:100 AEP Flood hazard. The Structure Plan shows an indicative floodway that runs through the Site to manage the natural hazard flood risk on the subject land.

Wastewater: There is currently limited or no capacity in the existing wastewater system for new connections from land that is not currently zoned urban in the FNDC Proposed District Plan. Significant upgrades or a new wastewater treatment plant solution are required to service the proposed development. Integration with the FNDC timeframes for their planned infrastructure upgrades as detailed in the Long-Term Plan 2018-28 will be key to the success of the development. The new development will be designed to connect to a reticulated wastewater system and the delivery of development will be integrated with infrastructure development and the provision of the required capacity. At this point in time, any onsite discharge solution will be decommissioned, and the remainder of the land will be developed in a staged approach.

Water Supply: There is capacity in the existing reticulated water network to service the proposed development. 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 River is at capacity, meaning another backup solution needs to be found for the Site. It is likely that this solution could be an on-site bore/groundwater take and an assessment is currently underway.

Stormwater: Stormwater detention, retention and treatment will be provided for onsite and the stormwater from the development will be treated via a series of green corridors prior to the discharge to the River or the wetland on Site.

Transport: A number of transport links are being explored to provide connections to Waipapa and Kerikeri. A future connection to this main highway is key to the success of the Structure Plan area. There is opportunity to create a new intersection with Puketotara Road. Four potential transport options are presented within the Structure Plan.

Urban Form: The urban form has been considered and developed to provide multiple connections and provide a range of land uses that will compliment and not compete with Kerikeri or Waipapa. Importantly the structure plan area provides an opportunity to accommodate population growth over the next decades in an efficient and connected way. The outcomes of the Structure Plan respond to the matters above, resulting in primarily residential zoning with a commercial area against SH10 to provide an appropriate urban relationship to Waipapa, adjoin the Highway with suitable urban activities that will create a suitably active frontage and mitigate noise, traffic and pedestrian safety associated with the Highway. By being residential focussed the area can contribute to accommodating the strong demand for housing identified in the region in an efficient way where residents can live in very close proximity to employment, commercial/retail and amenity areas.

Natural Environment and Heritage: The design of the proposed development will be guided by the location of the identified natural features and their protection and enhancement to the greatest extent practicable. These features will be incorporated into the development as part of the green corridor network and the pedestrian and cycling network. The overall aim of the Structure Plan is to protect and enhance the existing ecological areas on the Site. However, some of the natural features may need to be modified to provide for the infrastructure connections and local road network on the Site. This would be addressed in detail at the future development stage. Rainbow Falls are a significant natural feature and tourist attraction for Kerikeri. At the moment, access to the Falls is only available via the existing Kerikeri River Track. Through the proposed greenways identified in the Structure Plan, Rainbow Falls is highlighted as a natural asset for protection and enhancement, ensuring that the effects associated with the development of the Structure Plan do not adversely affect the Falls. The general public will have greater access to be able to view and enjoy the Falls from the Site.

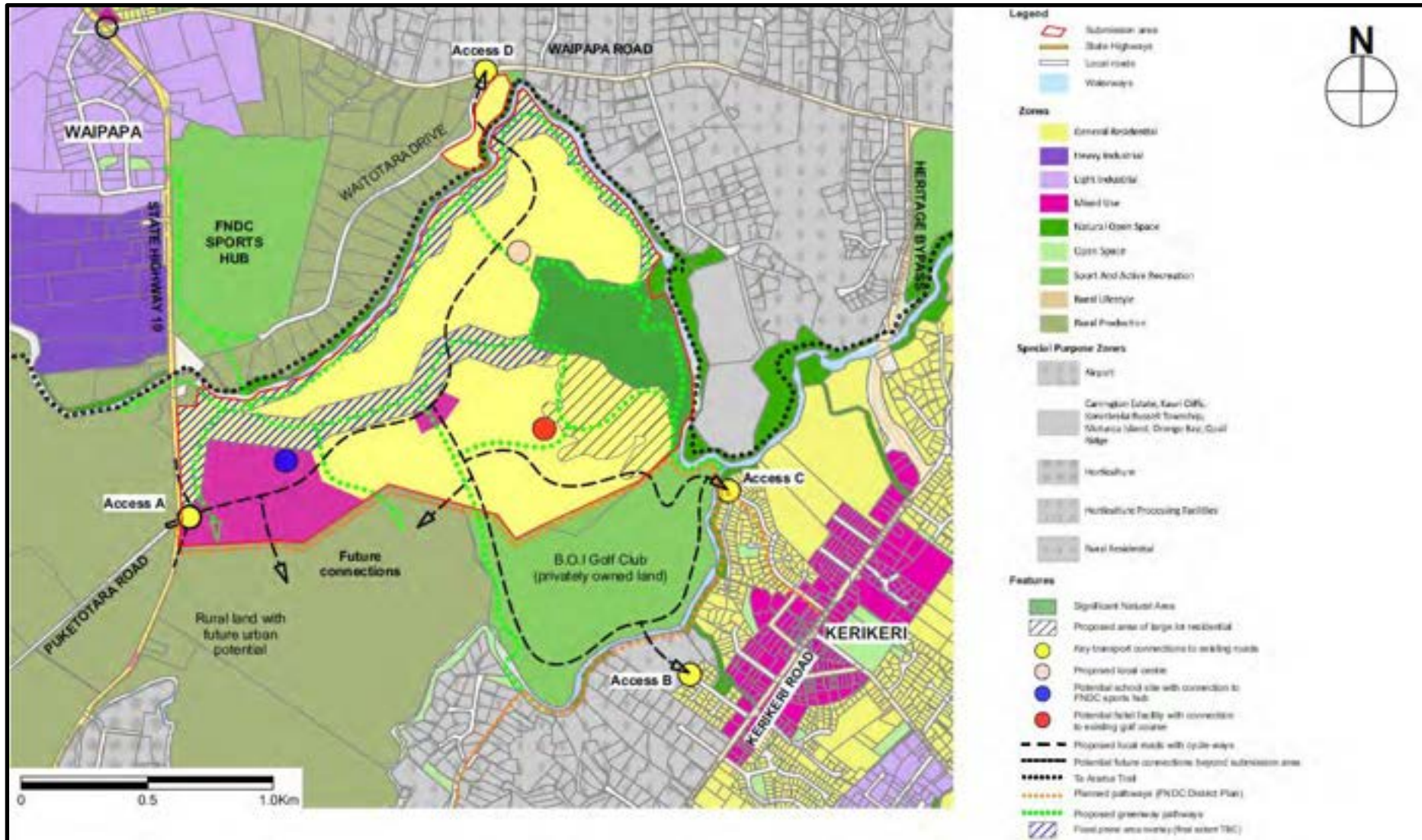
Open Space and Recreation: The southern side of Kerikeri River is currently not accessible to the public. An objective of the proposed development is to create a green corridor along the River edge to facilitate walking and cycling creating a high level of amenity for the residents of Kerikeri/Waipapa. The floodway shown within the Structure Plan presents an opportunity to create a green corridor through the Site for walking and cycling and general public enjoyment. The Site is in close locality to the Kerikeri Sports Hub off SH10. Pedestrian connections could be created from the proposed development to the Sports Hub.

Implementation and Staging

It is anticipated that the Structure Plan area will provide for approximately 1,500- 2,000 dwellings, providing a range of living options from a standalone house to town houses and low-rise apartments. The Structure Plan area will also contribute circa 54,500 m² of GFA commercial space (including a hotel development) to service Kerikeri and Waipapa. It is also anticipated that a primary school and retirement village may be located within the Structure Plan area.

Construction and development will occur in stages. Wastewater, water supply and transportation infrastructure availability will need to be delivered in integration with the delivery of development.

The Structure Plan



1. Introduction

This document provides the background and justification for the Structure Plan for The Brownlie Land (name to be confirmed). This report is written in conjunction with Pacific Environments Architects Limited as it incorporates the Neighbourhood Urban Design Statement.

The proposed Structure Plan for the Site has been developed following the review of detailed technical reports across a wide range of disciplines to inform the land use proposal. Consideration has also been given to development constraints for the Site with regards to infrastructure servicing.

The Kerikeri Waipapa Structure Plan 2007 is the most relevant structure plan to guide urban development in the area. It is understood that FNDC are currently reviewing this Structure Plan. The Kerikeri Waipapa Structure Plan 2007 anticipated that population growth between 2001 and 2026 would double from 7,830 in 2001 to 16,835 in 2026¹. The Structure Plan document also noted that the population is aging and that there continues to be demand for land for commercial, industrial and retail purposes around Waipapa and in the Kerikeri CBD.

Kerikeri is strategically located within the Far North Region, being the largest northern town, providing a range of services to support the rural and coastal areas of the North. Kerikeri is located in close proximity to the popular tourist destination of the Bay of Islands, including Paihia and Russell. Waipapa supports the Far North through the provision of a range of light and heavy industrial activities as well as residential development. Waipapa serves as a key service town for the Far North, supporting the surrounding businesses, as well as the rural and horticultural activities.

Travel times:

- Auckland to Kerikeri: 3 hours 30 minutes
- Whangarei to Kerikeri: 1 hour 10 minutes
- Paihia to Kerikeri: 23 minutes
- Kerikeri to Kaikohe: 25 minutes
- Kerikeri to Kaitiaki: 1 hour 30 minutes
- Kerikeri to Waipapa: 10 minutes
- Kerikeri to Cape Reinga: 2 hours 30 minutes

¹ [Draft Kerikeri-Waipapa Structure Plan \(fnhc.govt.nz\)](#) -Kerikeri Waipapa Structure Plan- September 2007.

The development of the proposed Structure Plan area will provide for the anticipated growth within the Kerikeri and Waipapa area. Urban Economics project that the rate of population growth in the Northland region will be approximately 5% share of national growth per annum over the next 10 years.²

For all the reasons outline above, Kerikeri is a desirable place to live, work and play. Housing affordability and supply is a known barrier for people moving to Kerikeri. The ability to successfully work from home has changed the way people work. The lifestyle that the Far North has to offer is also a key driver for retirees moving to the region.

1.1 The Structure Plan Area

The proposed Structure Plan area encompasses approximately 197ha of land to the west of Kerikeri Township, currently zoned Rural Production under the Operative Far North District Plan. The boundary of the Structure Plan area is well defined by the Kerikeri River on its north, eastern and western boundaries, with the Bay of Islands Golf Course to the South and State Highway 10 to the Southwest. The Structure Plan area is shown in Figure 1.

Kerikeri and Waipapa are also strategically located within the Far North Region, being the largest township in the Far North. The land area is strategically located adjacent to the Kerikeri River and State Highway 10 and the Bay of Islands Golf Club.

² Urban Economics report, Figure 9, page 15.

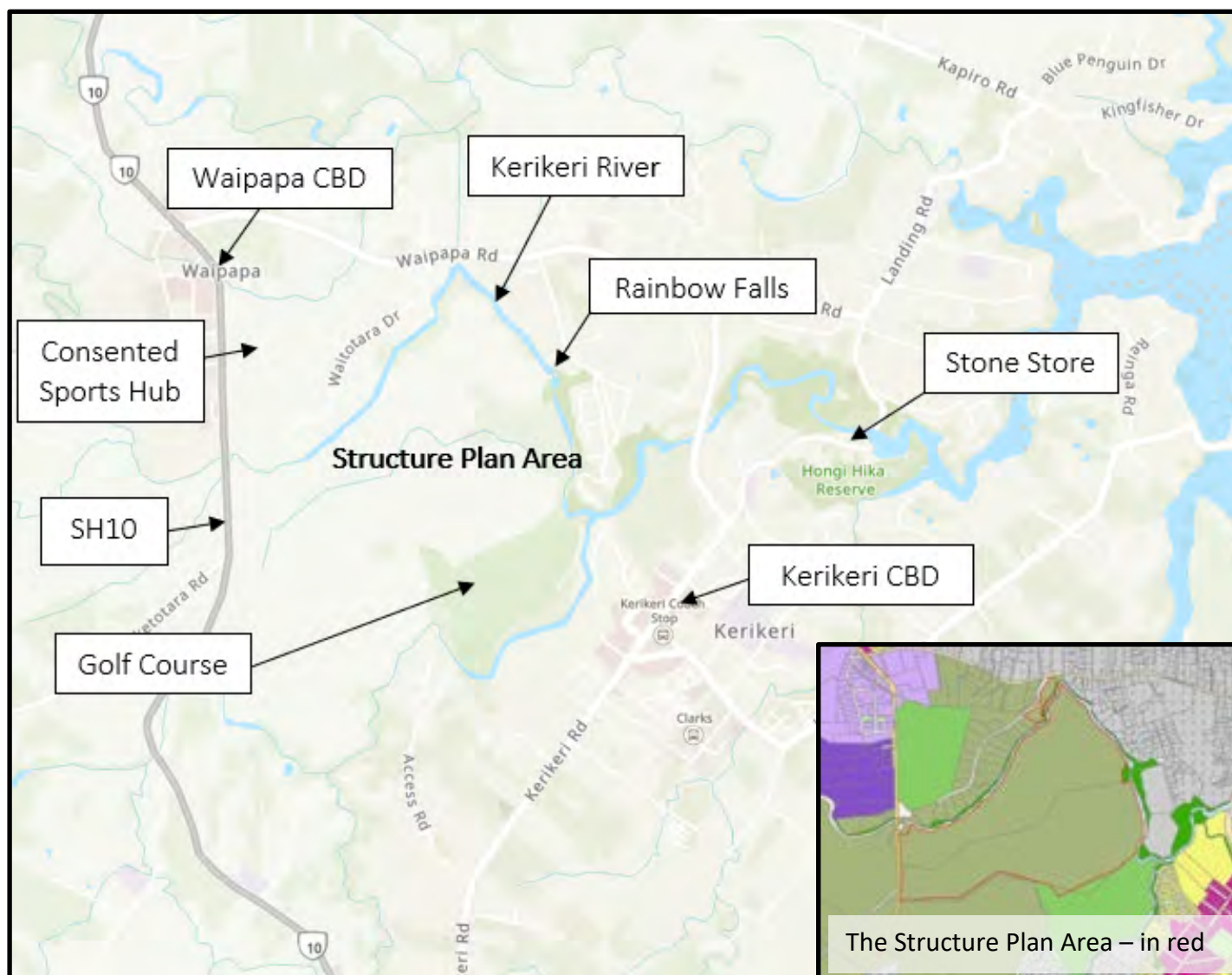


Figure 1: Local Features (Source: Google Maps, October 2022)

1.2 The Growth Challenge

As outlined in the Economic Assessment, prepared by Urban Economics to support the Structure Plan, Far North's annual population growth has increased from around 300 people per annum over the 2000-2012 period, to around 1,500 per annum over the 2012-2020. This represents a major step-change in the Far North's population growth and has now been occurring for ten years.

The Economic Assessment also notes that over the 2013-2021 period, the population for Kerikeri increased by around 310 per annum. Urban Economics population projections note that there is a projected increase of 500 (Medium Growth) to 760 (high growth) per annum over the 2023-2028 period. This rate of growth requires careful planning to ensure that quality environmental outcomes are achieved.

1.2.1 Housing demand

Urban Economics have undertaken an assessment of the Plan Enabled Development enabled by the Proposed District Plan within Kerikeri. Under both the medium and high growth scenarios, there is enough land within the General Residential Zone (and supported by infill housing) to meet the short-term development capacity requirements under the National Policy Statement for Urban Development (NPS-UD). However, Urban Economics note that the housing demand for the medium- and long-term population growth is not met by the current Proposed District Plan zoning.

Following the assessment provided by Urban Economics, it is clear that additional land is required to be zoned for General Residential Use within the Proposed District Plan to meet the demands associated with the projected population growth. The Proposed District Plan does not provide 10 years of housing supply as per the requirements of the NPS-UD and Section 31(1)(aa) of the Resource Management Act 1991. The current demand for housing cannot be met by infill housing alone, as per the current approach within the Proposed District Plan.

The Urban economics Assessment also notes that there is an anticipated demand for two additional retirement villages by 2032. These types of developments typically require between 5ha and 10ha of land. This type of housing option cannot be delivered through infill housing. Additional greenfield land needs to be allocated for providing for this type of land use.

1.2.2 Business demand

Kerikeri and Waipapa have their own distinct identities, which are important to retain. The Urban Economics report notes that there is demand for 5,870m² of convenience retail floor space as of 2022, with demand increasing to 7,500m² by 2032. With the increase in population, commercial land will be in demand to service the growing population.

In section 7 of the report, it is concluded that approximately 17.5 hectares net land area is required for commercial and employment related activities, which can be provided for within the Structure Plan.

1.3 What is a Structure Plan and what outcomes should the Structure Plan achieve?

Structure Planning is a tool for managing the effects and demands of a development or redevelopment of larger areas held in multiple ownership in an integrated holistic and orderly way. It is an effective means to achieve sustainable management of natural and physical resources, particularly in an urban context. Source: Quality Planning Website.

The Structure Plan should achieve a coordinated and holistic framework to guide the future development of a specified location i.e. the Structure Plan area; that will achieve the management of natural and physical resources and enable development to be undertaken in a way that avoids significant adverse effects on the environment.

As determined by the Economic Assessment, there is a demand for additional housing options and commercial land within Kerikeri and Waipapa. The ongoing vitality of Kerikeri and Waipapa depends on new business, more jobs and other population supporting activities, being able to establish in this area.

2. Development of the Structure Plan

The purpose of this Structure Plan was to examine the suitability of the land for urban development. The purpose of this exercise was to inform a Submission to the Proposed District Plan and determine whether there was a sound basis for seeking that some or all the land be zoned urban.

The Structure Plan for this area of land has been prepared following several years engagement with the community including input and consultation with Far North District Council, Ngāti Rēhia and various other community groups, including Vision Kerikeri, The Rotary Groups and the Bay of Islands Golf Club.

Detailed analysis of the technical reports, the outcomes of consultation and the GIS mapping constraints have been utilised to inform preparation of the Structure Plan. These technical reports inform the Structure Plan and are appended to the s32 Report.

The Structure Plan has been prepared taking into consideration all relevant statutory documents such as National policy Statements, National Environmental Standards, the regional Policy Statement for Northland and Regional Plans as well as statutory and non-statutory documents relevant to planning.

Economic analysis demonstrates there is demand for the more land to be zoned for urban purposes in the Kerikeri / Waipapa area. This includes residential and business land. Providing for this demand is in keeping with the National Policy Statement – Urban Development.

3. Vision and Objectives

3.1 Vision

To create an exemplar high-quality urban environment, reflecting a strong pattern of natural elements, providing seamless connections to Waipapa and Kerikeri whilst contributing to the overall unique character and vitality of Kerikeri - the largest urban centre in the Far North District.

The land exhibits high quality natural features that can be protected and enhanced. The opportunity to manage flood hazards in the area provides further opportunity to strengthen natural environment elements and the land is strategically well-placed to provide strong multi-modal transportation connectivity.

Vision Statement

The Brownlie Land is strategically located between the townships of Kerikeri and Waipapa and will provide for a high-quality urban environment that has a seamless connection to both Kerikeri and Waipapa, while reinforcing the unique characteristics of Kerikeri and the wider region. Urban development can be achieved that will contribute positively to the existing town centre and urban areas of Kerikeri and Waipapa as both have different and distinctive character.

The vision statement is supported by key objectives relating to achieving a quality urban environment, enhanced natural environment, provision of business and mixed-use commercial land to support the residential land uses. Walkways and shared paths will connect the future land uses to Kerikeri and Waipapa as well as provide access to Rainbow Falls.

3.2 Structure Plan Objectives and Guiding Principles

Objectives:

1. To provide for the growth demands of Kerikeri and Waipapa in a strategic manner that will achieve efficient, connected, high-quality, and sustainable urban outcomes.
2. Recognise the existing different urban roles of Kerikeri and Waipapa and support and integrate the development with those existing uses.

3. Reflect and incorporate Ngāti Rēhia values in the development of the land.
4. To integrate urban development with efficient infrastructure servicing (physically, spatially, and economically) and to align the expansion and extension of reticulated infrastructure with the FNDC levels of service and proposed infrastructure upgrades.
5. Ensure that the infrastructure provided to service future development is resilient and has sufficient capacity to respond to future growth demands.
6. Promote an urban character that reflects the unique characteristics of Kerikeri in terms of temperate climate, strong Māori and European heritage, proximity to the coastal environment, and presence of horticultural activities.
7. Reduce the creation of solid waste through sustainable design solutions and material choices during construction.
8. Promote energy use reduction through, sustainable urban form including the creation of walkable catchments, pedestrian, and cycle connections throughout the development and to the wider area.
9. Promote the use of solar energy to harness the benefits of the temperate climate.
10. Encourage sustainability in food production through the provision of community gardens, common allotments, use of appropriate spaces in proposed reserve areas, and provision of a range of site sizes.

Structure Plan Principles:

Transport:

1. Create opportunity for a strong east / west transportation link between Kerikeri and Waipapa.
2. Facilitate connectivity and integration of all modes of Transport.
3. Provide a single connection to SH10.
4. Optimise activation of the reserve areas and open space/natural open space zoned land to ensure that the River is always accessible.
5. Integrate shared spaces and pathways with the flood management spillway.
6. Ensure that new dwellings are designed to have passive surveillance over pedestrian paths and parks.
7. Provide opportunities to connect with nature through provision of pathways through wetland and riparian areas.
8. Provide walking and cycling connections to Rainbow Falls, and opportunity for connections to the existing trails within Kerikeri.

Flood Management:

1. Create a spillway for flood management that is designed as an asset for public open space in order to maximise recreation and amenity opportunities.
2. Manage the flooding constraints on the Site in a way that enables the efficient development of land.

3. Where possible, aim to mitigate flood risk for the wider Kerikeri and Waipapa communities.
4. Align flood mitigation outcomes with ecological and environmental outcomes.

Landscape and urban design:

1. Development is to provide a high level of living amenity that reflects and is respectful to the form and character of Kerikeri.
2. Achieve a compact and efficient urban form that responds to the physical characteristic and constraints of the Site.
3. Provide a mix of residential living opportunities supported by an appropriate extent and mix of non-residential activity such as commercial and retail activities.
4. Use the open space zones as a framework that ties the development together. The use of the open space and natural open space zone is to be multifaceted (i.e., stormwater, wildlife, transport connections, amenity).
5. Promote non-vehicular modes of transport.
6. Minimise barriers between public and private spaces.
7. Support higher density development in close proximity to amenity, transport connections and access to open space.

Economics:

1. Achieve flexibility in housing sizes and options to respond to demand and market changes.
2. Provide for a mix on non-residential activity to support the community.
3. Allow for the staging of the development, while ensuring that multiple stages can occur at the same time.
4. Provide for a mix of uses within the Site- residential, commercial, and social.
5. Provide local employment options and opportunities.
6. Provide for affordable housing options.

4. Spatial Context

The land within the Structure Plan area adjoins the Kerikeri River. Te Araroa Trail, which runs the length of New Zealand is located on the northern side of the River. Land to the Northeast is zoned Rural Residential. The land accessed from Waitotara Drive is zoned for rural production purposes, however, this land is currently being used for rural residential purposes. To the Southeast is the Bay of Islands Golf Course. The land within the Structure Plan area is currently zoned Rural Production and is being used for dairy farming.

The Site is located strategically between Kerikeri and Waipapa and presents a significant opportunity to integrate the development between the two towns in a compact and efficient manner. Kerikeri commercial area is characterised by typically fine-grained retail and supporting commercial activities. Waipapa urban area is typically characterised by industrial and large format retail activities.

The residential development in Kerikeri is older style development to the east of the Bay of Islands Golf Club land with newer development further east and to the south of the town centre. Beyond the urban fringe are rural residential living sites. Along Kerikeri Road there is a broad mix of land uses ranging from garden centres, boutique production and associated retail activities and a range of visitor accommodation options.

The land to the south of Kerikeri and to the North of Waipapa is proposed to be zoned for horticultural purposes. reflective of current and potential land use. The presence and identification of horticulture land limits where feasible urban growth can occur to provide for the growth needs of Kerikeri and Waipapa. Land on the fringes of Kerikeri and Waipapa is zoned and proposed to remain zoned for Rural Residential purposes.

Immediately to the north of the Site is a 46.77-hectare piece of land owned by Far North District Council that is being developed for a sports hub to cater for multiple sporting disciplines.

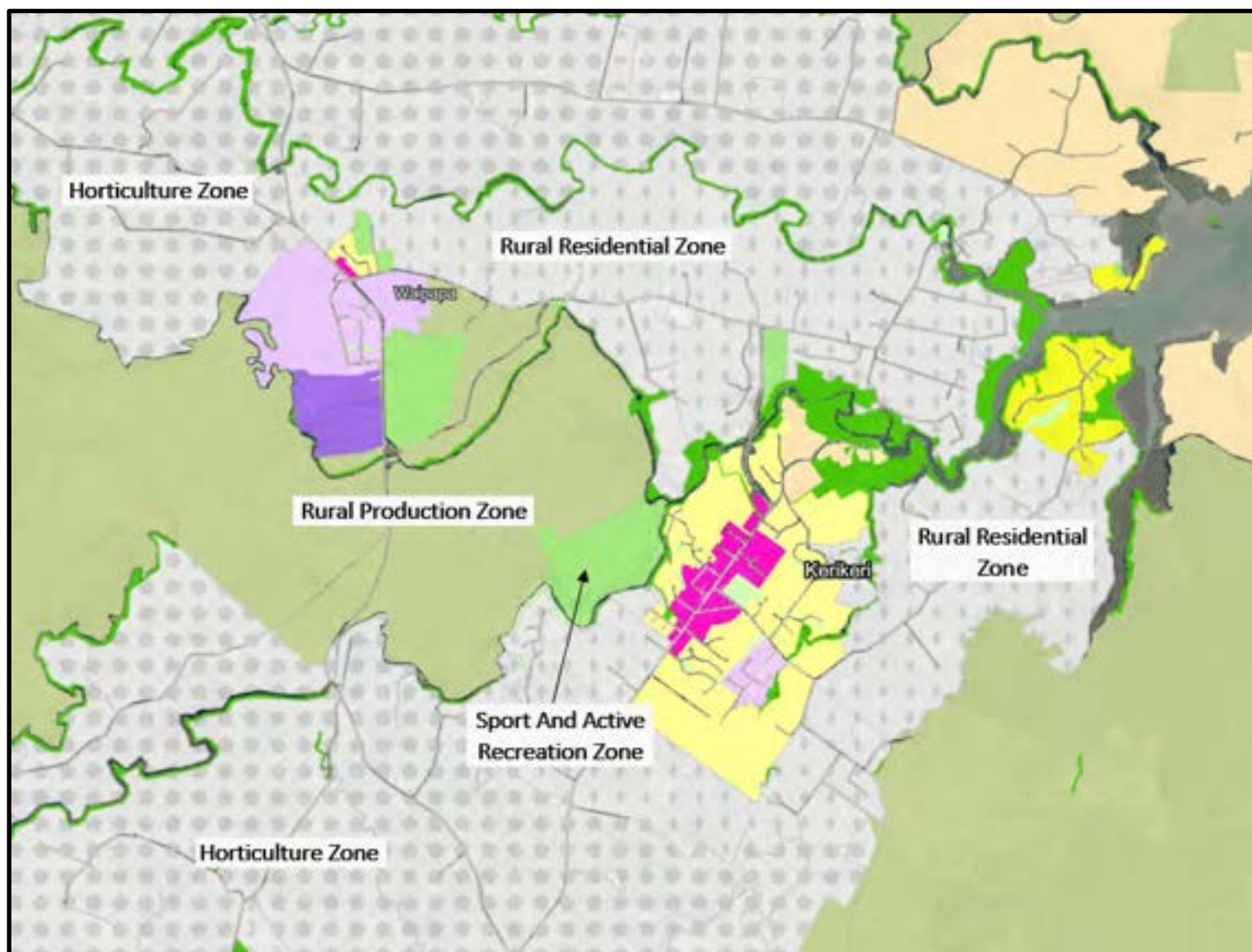


Figure 2: FNDC Proposed District Plan – Zoning map of Kerikeri and Waipapa

4.1 Description of the Site

The proposed Structure Plan area encompasses approximately 197ha of land to the northwest of Kerikeri Township extending west to State Highway 10 and Waipapa. The land is currently zoned Rural Production under the Operative Far North District Plan. The boundary of the Structure Plan area is well defined by the Kerikeri River on its north, eastern and western boundaries, with the Bay of Islands Golf Course to the South and State Highway 10 to the Southwest.

The Kerikeri River is a significant natural element that contributes to the character of Kerikeri and the surrounding area. The River extends east past the historic Stone Store (the oldest surviving stone building in New Zealand) discharging out to the Bay of Islands.

Kerikeri is the largest town in the Far North District located 85km north of Whangarei. The easiest and most direct route to Kerikeri is via State Highway 1, then onto State Highway 10 at Pakaraka. Kerikeri Road is located off State Highway 10. Kerikeri is well known for its temperate climate and its natural and cultural heritage values.

The land within the Structure Plan area is currently used for grazing of cattle and dairy farming. A small parcel of land parcel fronting Waitotara Drive and located adjacent to the Kerikeri River, is currently mown.

4.1.1 Geotechnical Context

The Structure Plan is supported by a Geotechnical Site Suitability Assessment provided by LDE dated June 17 2022. The Report concludes that the land is suitable for urban development based on the desk top analysis, Site walkover and initial geotechnical investigation.

Based on the investigation and appraisal of the site reported herein, the subject area has been assessed as suitable for residential development.

Based on our assessment of stability and other natural hazards, we consider that there are no significant geotechnical constraints. Specific foundation design will however be required to address the expansive soils identified across the site.

Adequate provision for access to the future developments is provided in the scheme plan and only minor earthworks will be required.

Further geotechnical investigations will be required to determine the location and design of the proposed spillway.

In addition, the following points can be made regarding the characteristics of the Site:

- Earthquake hazards and the risk of liquefaction is low
- The risk of tsunami inundation is negligible
- Land adjacent to the Kerikeri River may be susceptible to lateral spreading in an earthquake
- There is evidence of historic slope instability, but failures are minor
- Near surface soils are highly plastic and moderately to highly expansive

4.1.2 Hydrological Context

The Structure Plan is supported by a Hydrological Report, prepared by E2. The Report notes that Flood management is a significant constraint for the development of the Site.

The Site is bound by the Kerikeri River to the north, west and east of the Site. The River is generally 20 to 30m wide. Rainbow Falls is a waterfall within the Kerikeri River that has a drop height of approximately 25m. There are two on site waterfalls that have a drop of 15m and 20m and are fed by smaller waterways that run through the Site.

The Puketotara Stream flows into the Kerikeri River approximately 275m down stream of the southeast corner of the Site.

4.1.3 Ecological Context

The Structure Plan is supported by an Ecological Assessment, prepared by Bioresarches. The assessment noted that there are many different freshwater habitats on the Site including farm drains, ponds, streams, the Kerikeri / Waipেকakoura River, Puketotara Stream and natural wetlands. Figure 3 shows the location of the identified freshwater habitats by Bioresarches.

In summary, the report concluded that:

- the majority of the farmland is well maintained with a series of farm drainage channels located throughout the Site.
- The gully between the golf course and the farm has well established native vegetation and 'natural wetlands' and is therefore subject to the NES-F regulations regarding wetlands.
- The central flood path could provide some constraints with regards to potential streams in the pathway and the wetlands. Investigation of the status of the flood mitigation measures as 'specified infrastructure' is recommended.
- A 20m esplanade reserve will be required upon subdivision. This will protect most the existing riparian vegetation but there are several areas, particularly in the northern corner where this would need to be wider to include all of the established native riparian vegetation.

The Kerikeri River borders the Site to the north and provides significant amenity and recreational opportunities, including opportunities for ecological enhancement. Overall, Bioresarches concluded that there are few ecological constraints



*Figure 3: Freshwater habitats within the Kerikeri Plan Change Area
(Dark blue – rivers/streams; blue – ponds; light blue – assumed streams; green – natural wetlands; yellow – farm drains)*

4.1.4 Economic Context

Waipapa is a growing service centre for the Far North region, offering a range of light industrial, larger format retail stores, and commercial services to support the businesses within the Far North. Waipapa is strategically located on State Highway 10 and can be accessed from Kerikeri either by State Highway 10 or the Twin Coast Discovery Highway that connects to Waipapa Road. Kerikeri has historically been known for its horticultural activities and citrus orchards. Today, this type of land use still shapes the character of Kerikeri and the local economy.

The population of the Far North is growing. In 2021 the population of Far North District increased by 1,200 people. This reflects a trend exhibited since 2014, where prior to 2015 population growth in the district had typically been a 200 – 300 person increase per annum.

Urban Economics (“UE”) have prepared an economic assessment to determine the demand for additional urban land in this location and the range of urban land uses that may be appropriate from an economic perspective.

UE report that:

1. Executive Summary

New Zealand's population increased by 32,600 for the year ending March 2021 and by 63,000 for the year ending March 2022.

By comparison the Auckland population has declined by 1,300 people for the year ending March 2021 and by 4,500 for the year ending March 2022. This is the first decline Auckland has seen since 1861 and this exodus has led to the rise of the population in the regions.

Far North's annual population growth has increased from around 300 people per annum over the 2000-2012 period to around 1,500 per annum over the 2012-2020 period. This represents a major step-change in the Far North's population growth and has now been occurring for ten years.

There have been some notable demographic changes that have underpinned population growth in Kerikeri since 2014. This has been driven by an increase in empty nesters and retirees entering the town. This is likely because Kerikeri is a popular destination for Aucklanders looking to move into the Far North, given it is the largest town and offers a range of amenities (retail, community, recreation, etc).

Over the 2013-2021 period, the population for Kerikeri increased by around 310 per annum. Both Statistics NZ and Infometrics expect this growth to drop over the 2023-2028 period, to 160 and 220 respectively, a drop of 48% and 29%. By contrast, the UE Medium projections are for an increase to 500 people per annum over the 2023-2028 period, and the UE High projections are for an increase of 760 people per annum over the 2023-2028 period.

UE analysis concludes that there is 5.4-6.4 years capacity in terms of a Reasonably Expected to be Realised Market Scenario related to the Far North District Council's proposed approach in the Proposed District Plan of providing for the growth demand through infill housing in the existing urban area. This outcome indicates that the short-term development capacity requirements of the National Policy Statement – Urban Development (“NPS-UD”) can be met, but that the medium and long-term development capacity requirements are not met.

If development capacity demands are not met housing will become more unaffordable. More land is required for urban development around Kerikeri and Waipapa to fulfil the requirements of the NPS-UD.

Figure 30 in the Urban Economics assessment shows that between September 2020 and 2022 the greatest proportion of dwellings in Kerikeri sold in the \$700-\$800,00 price bracket. The next greatest proportions were in the \$800-\$900,000 bracket and then properties in the \$900-\$1,000,000 price bracket. The demand for new homes within the Far North and within Kerikeri in particular is not keeping up with supply, meaning housing unaffordability is increasing.

4.1.5 Landscape Context

A Landscape and Visual Assessment has been provided by Littoralis Landscape Architects to support the Structure Plan. It is noted that the Site has a predominantly gentle terrain and is visually contained.

In section D the analysis identifies the landscape opportunities and constraints that have informed the Structure Plan. These opportunities and constraints are summarised as follows:

- *A distinctive character and identity that infuses the wider context of the Site as a result of its soils, topography, catchment pattern and climate. This combination of geophysical qualities imbues Kerikeri with a rich history of growing food and, in the past century, a reputation for supporting subtropical plants for both fruit crop and amenity purposes. That established character can be distilled and expanded through future urban areas to give it further strength.*
- *Much of the Site is relatively featureless and virtually flat, so that large portion of the land is unconstrained within the scope of this assessment.*
- *Those parts which aren't almost flat occupy steep flanks dropping to riparian areas, where care for habitat values, associated visual amenity and providing for off-road access can offer heightened value to development on the "easy" part of the land and surrounding areas beyond the Site.*
- *Watercourses lining two edges of the Site as part of a clearly expressed catchment system that converges on the margin of the land. The combination of the Kerikeri River corridor and the Puketotara Stream, along with their indigenous riparian vegetation associations, create a frame to approximately 2/3 of the perimeter of the Site.*
- *A related network of existing Open Space – as outlined in the preceding section – that incorporates "destination" reserves as well as narrower access and waterside management strips.*
- *Frontage to SH10 and very close proximity to Kerikeri offers scope for unification of these currently separated urban hubs and residential areas.*
- *A significant flooding limitation across a large section of the land leads to a solution that opens considerable potential amenity and character opportunity through the development of a corridor to channel those floodwaters.*

The landscape related Structure Plan components include the riparian margins, the floodway and non-vehicular corridors that can provide strategic linkages to Kerikeri and Waipapa, including the Sports Hub.

The landscape assessment concludes:

Far North District Council's Kerikeri Sports Hub site is of a substantial area and strategically positioned relative to both Waipapa commercial area and the Site. Its development will shape the character of the area and the Structure Plan is poised to create a very constructive interface with that focus for the wider community.

The Site's spatial relationship with Kerikeri to one side and Waipapa to the other, combined with virtually flat topography, suggests that it is optimally positioned to accommodate future growth. This is particularly clear when the Site is compared with the characteristics of other parts of Kerikeri's margin, which typically carry much stronger rural character and higher landscape sensitivity.

4.1.6 Urban Design Context

The Submission Area is centrally located between Kerikeri and Waipapa. It connects directly with State Highway 10 and Waitotora Drive (giving direct and close access to Waipapa Road). To the South it borders the Bay of Islands Golf Club and a large pastoral land holding, both of which lie between it and the Kerikeri urban area. Significant natural features such as the Kerikeri River, waterfalls and tracts of native bush surround the northern and eastern edges of the Site with larger lot detached dwelling across the River.

Both Waipapa and Kerikeri are reasonably low-rise towns with distinctly different urban characteristics, Kerikeri being a multifaceted service town with a significant residential population, and Waipapa being of a commercial and light industrial nature in its centre with associated larger scale low rise buildings, and residential large lot holdings further out. Waipapa also contains a recently consented "Sports Hub" owned by Council.

Kerikeri is characterised by single detached dwellings on lots around 600-800m², and a highly activated fine grain commercial centre with most road frontages being between 8 and 25m. There is not a robust choice of housing typologies or densities at present in Kerikeri or the wider area including Waipapa.

There is potential for the Site to connect to the Kerikeri urban area through the surrounding land holdings to the south, this would allow the Site to consolidate Kerikeri as the urban centre for the entire area and enhance it.

While connections to Kerikeri would require bridging over the Puketotara River, the overall remaining topography ensures the potential for multimodal connections including pedestrian, cycle, and vehicle between Waipapa and Kerikeri, and from within the submission area to these two areas without having to rely on external perimeter roads such as SH10 and Waipapa Road.

The distinct urban context of the submission area begins to inform an urban direction for the Site, with opportunities to address the larger scale environment of Waipapa with a similar scale of development that can also act to consolidate the urban form of Waipapa by being a legible and high-quality gateway to it.

The balance of the Site can provide a continuation of the Kerikeri urban character and scale, with the introduction of more residential typological choice that can be incorporated as appropriate around local centres, high value landscape and visual amenity, and potential public transport corridors.

These areas reflecting the variety surrounding urban characters can be buffered by internal elements such as landscaped overland flowpaths and floodways.

4.1.7 Transport Context

A draft Integrated Transport Assessment (“ITA”) has been prepared by TEAM Traffic to inform the Structure Plan. The ITA is draft reflecting transport modelling being undertaken by Far North District Council that is not yet available. The intention is to review and finalise the ITA once that modelling is available and has been reviewed and tested by TEAM.

The draft ITA states that the Site has good vehicular accessibility to the surrounding road network which includes, and could potentially include:

- State Highway 10
- Waitotara Road
- Through neighbouring properties including the golf course to roads such as Golf View Road and Access Road.

A small part of the Site currently fronts Waitotara Road and access from this point could be provided into that part of the Site and also to the wider Site with the provision of a bridge across Kerikeri River.

Four key transport options have been investigated. All options have the same pedestrian and cycle connectivity options. TEAM comments that *A high-level appraisal of each option shows that the following strategically important regional transportation benefits are realised by all four options:*

- *Network resilience provided for SH10 can be realised for this section of the nation’s primary roading infrastructure.*
- *The provision of a comprehensive network of more direct active mode (walking and cycling) connections that will provide significantly better connections than presently exist between the Kerikeri urban area, the expanding Waipapa area and the Council’s Sports Hub.*
- *Development potential located centrally between the two recognised growth nodes of the region.*

The Site provides opportunity to provide an alternative access route connecting between State Highway 10 and Waitotara Drive to improve network resilience. The opportunity to construct a new intersection on State Highway 10 is facilitated by the proposal because the management of approach speeds and other design requirements are met require that northern and southern legs of the round-a-bout would need to be located on the subject Site.

Overall, it has been concluded that the development of the Site for urban purposes provides significant opportunity to integrate Kerikeri and Waipapa, provide resilience to the existing network and integrate active modes to the Sports Hub and potentially further afield to the Kerikeri River and Te Araroa tracks.

4.1.8 Soils and Land Management Context

The Structure Plan is supported by a high-level assessment of the soil types present by Hanmore Land Management. The report identifies that there is a mix of Land Use Classification 2, 3 and 4 soils present on the Site.

The Northland Regional Policy Statement defines highly versatile soils as follows:

Highly versatile soils are Land Use Capability Classes 1c1, 2e1, 2w1, 2w2, 2s1, 3e1, 3e5, 3s1, 3s2, 3s4 - as mapped in the New Zealand Land Resource Inventory³.

Although the soils are identified as highly versatile a more thorough assessment of the soil quality present on Site can be undertaken to specifically identify soil types and qualities on a more Site-specific basis.

In September 2022 the Government released a National Policy Statement – Highly Productive Land (“NPS-HPL”). The NPS-HPL came into legal effect on 17th October 2022. The document seeks to protect highly productive land and recognise the finite characteristics of that land including its long-term values for land-based primary production. The NPS-HPL whilst restrictive, does provide pathways in specific and limited circumstances for highly productive land to be utilised for urban land use outcomes. In the context of those pathways the Site is considered suitable for urban land uses.

³ Northland Regional Policy Statement 2016 – updated June 2018, Chapter 5, 5.1 Regional Form, page 89

4.1.9 Topographical Characteristics

A review of the survey information for the Site has determined that the information available is satisfactory from a survey point of view. Overall, the Site is relatively flat and drops away towards the Kerikeri River. There are two waterfalls present on Site that will be integrated into the open space strategy and the greenways strategy for the Site. There is an area of rolling contour, commonly referred to as the Amphitheatre, which provides a transitional zone from the flat land, down towards the Kerikeri River.

As shown on the constraint's maps, the areas of land that are over 12% and 20% gradient have been mapped to assist with the proposed zoning of the land.

The land subject to the steep land has been included within the live zoning and the development constraint will be assessed at the time of subdivision.

4.1.10 Contaminated Soils Context

The Structure Plan is supported by Preliminary Site Investigation, prepared by NZ Environmental. The report concludes that the entire golf course is considered to be a HAIL Site (Hazardous activities and industries List). There is a small area of historic rubbish piles and stacks of untreated timber on the Site which may result in potential soil contamination. Further testing will be required at the time of applying for a resource consent to develop the land.

Overall, there are no significant contaminated land issues that would pose a risk to human health, which would prevent the development of this Site for residential and commercial purposes.

4.1.11 Archaeological and Cultural Context

An Archaeological Assessment, prepared by Origin Archaeology has been prepared to support the Structure Plan. The report notes that There is currently one archaeological/heritage site (P05/930) recorded within the subject property. The Site was originally recorded by Simon Best in 2003 as the remains of the 1909-1915 Puketū Forest to Waipapa Landing tram line which carried timber for the Kauri Timber Company. The Site is located c.250m north of the falls and comprises concrete strips evident on the bedrock with metal bars drilled into the rock. The clear remains of the 1910's tramline were identified at the eastern edge of the property. The most intact section should be preserved, protected and promoted as part of any future development.

The Bay of Islands and Kerikeri were a location of intensive Māori settlement before the arrival of Europeans and the location of some of the earliest contacts between Māori and Europeans. The first mission station and the earliest permanent European settlement in the country was established in 1814 on the Purerua Peninsula at Oihi, near Rangihoua pā. Even before this period, there had been several years of trading contact between Europeans and Māori in the Bay of Islands, which was known as the rest and provisioning centre of New Zealand for whaling and other ships. Rangihoua pā was the main settlement of Ngāti Rēhia in the early years of the 19th century⁴.

The assessment does not make any notes of potential sites of mana whenua significance. Consultation with Ngāti Rēhia is ongoing but to date no issues of concern have been raised. Ngāti Rēhia have confirmed that they will be able to provide a Cultural Impact Assessment prior to the hearings on the Proposed District Plan.

⁴ Origin Archaeology, Preliminary Archaeological Appraisal, April 2022

5. Strategic Context

5.1 Regional Policy Statement

The Regional Policy Statement (“RPS”) for Northland covers the management of natural and physical resources in the Northland Region, from Kaiwaka in the south, to Cape Reinga in the north, and out to the 12 nautical mile (22.2 km) limit.

The RPS provides the broad direction and framework for managing the region's natural and physical resources. It identifies significant resource management issues for the region and sets out how resources such as land, water, soil, minerals, plants, animals, and structures will be managed.

The RPS was made operative in 2016 in part and updated in 2018. Section 5 of the RPS addresses Regional Form and Infrastructure. Policy 5.1.1 is directly relevant. This Policy seeks to ensure that development occurs in the right place at the right time, enabling planned co-ordinated development that anticipates and addresses its cumulative effects. For plan changes and subdivision on land zoned primary production, the Policy requires that they do not materially reduce the potential for soil-based primary production on land with highly versatile soils unless the net public benefit exceeds the reduced potential for soil-based primary production (5.1.1. (f)). The Policy also seeks that development is located, designed, and built in a planned and co-ordinated manner that is integrated with development, funding, implementation, and operation of transport, energy, water, waste, and other infrastructure (5.1.1 (d)); and maintains or enhances a sense of place and character of the surrounding environment except where changes are anticipated by the approved regional or district council growth strategies and / or district or regional plan provisions (5.1.1 (g)).

Policy 5.1.1(a) noted that subdivision, use and development should be located, design and planned in a co-ordinated manner which is guided by the “*Regional Development and Design Guidelines*” in Appendix 2 of the RPS. These guidelines that be considered when developing the Structure Plan to ensure that in principle, the proposed development of the Site is consistent with Policy 5.1.1.

Other relevant sections of the RPS include Objective 3.5, which seeks that Northland’s natural and physical resources are sustainably managed in a way that is attractive for business and investment that will improve the economic wellbeing of Northland and its communities. The explanation to that objective confirms that Northland’s gross domestic product per capita is below the national average and the Northland economy has been hit hard by economic recession and climactic events (not to mention the impacts of COVID-19 and current escalation in the cost of living). To improve social and economic wellbeing, it is a goal

for Northland to attract and retain large and small-scale investment. Policy 6.1.1 implements Objective 3.5, by requiring that district plans only restrict activities if it is the most effective and efficient way of achieving resource management objectives, and that district plans otherwise enable subdivisions, use and development that complies with the RPS. Given the Urban Economics' conclusions regarding the net economic benefit of the rezoning sought, the Structure Plan would achieve this key objective of the RPS.

Other parties of the RPS respond to how adverse effects on the natural environment will be avoided, remedied or mitigated (for example, Policy 4.4.1 relating to maintaining and protecting significant ecological areas and habitats). As addressed further below, various technical assessments have supported the development of the Structure Plan, such that it appropriately manages its potential adverse effects on the environment.

The Structure Plan has been developed in accordance with the RPS provisions.

5.2 Kerikeri Waipapa Structure Plan 2007

The Kerikeri Waipapa Structure Plan 2007 (The 2007 Structure Plan) was prepared to provide an integrated and sustainable response to growth pressures within the region. The 2007 Structure Plan noted that growth was expected to double as shown in the area between 2001 and 2021- refer Figure 4 below.

The 2007 Structure Plan area covered the area shown in Figure 4 below.

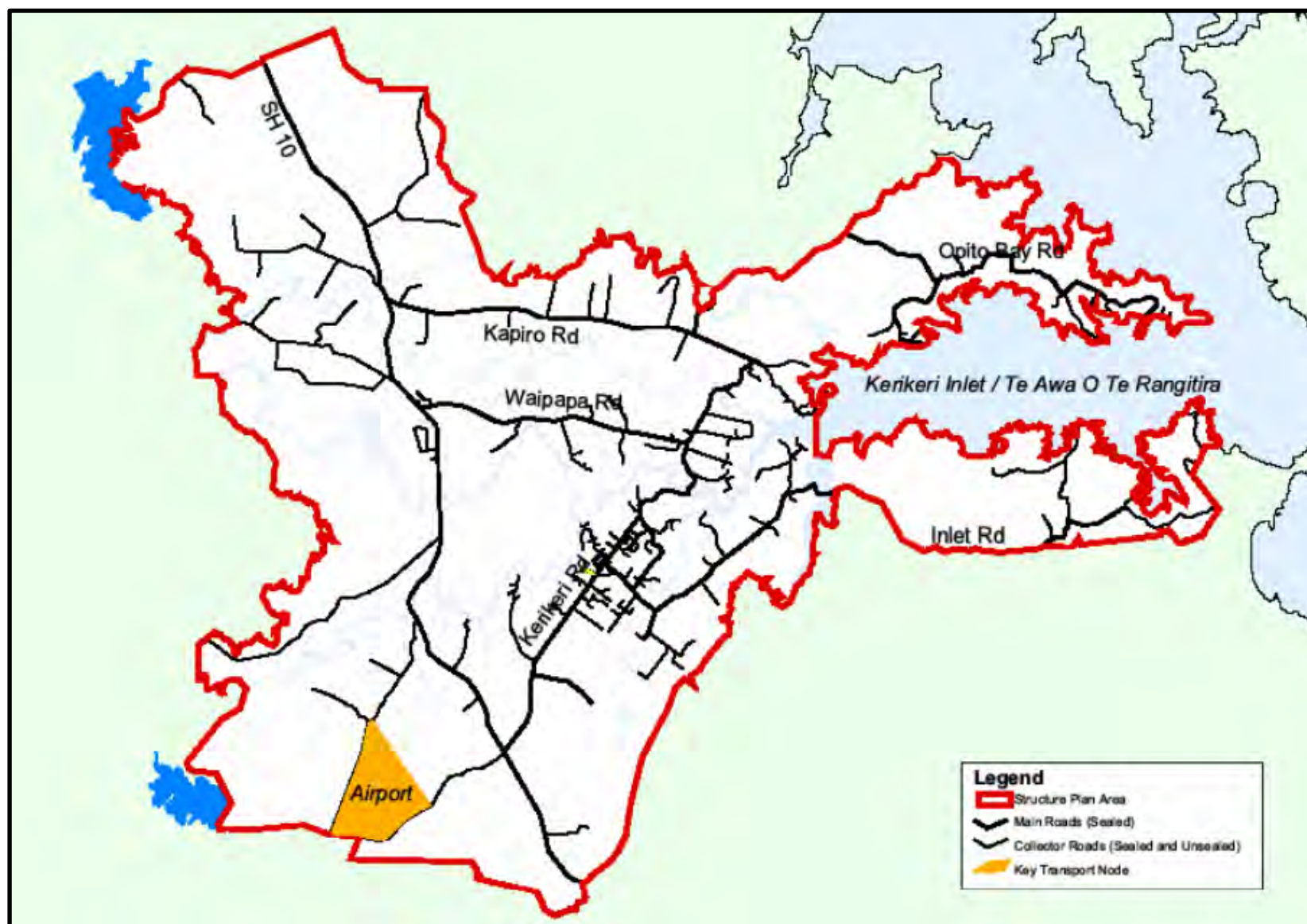


Figure 4: The 'Structure Plan Area' as defined by the 2007 Structure Plan for Kerikeri and Waipapa

The population projections that informed the 2007 Structure Plan are set out in Figure 5 below:

Household and Population Projections 2001 to 2026
(Extended from FNDC Activity Management Plans projections to 2021)

Households			Population		
2001	2021	2026	2001	2021	2026
3,351	6,424	7,205	7,830	14,975	16,835

[The projections in this table were checked against the 2006 Census data, and it was found that the actual population numbers for the Kerikeri-Waipapa area closely mirrored the projections shown.]

Figure 5: Population and Household projections used to guide the 2007 Structure Plan for Kerikeri and Waipapa

Map 1 within the 2007 Structure Plan identifies the constraints and opportunities. Overall, the Structure Plan area was identified as being suitable for a growth.

The Kerikeri Waipapa Structure Plan 2007 did not identify the Site as an area for urban development, given its rural zone. However, when reviewing the plans, the Site is located in the centre of Kerikeri and Waipapa, meaning that it is strategically located to accommodate future growth without sprawling to the outskirts of town or on land that has a horticultural zoning. Whilst the Site was not required for urban expansion in 2007 the reporting and analysis clearly indicate a strong and significant change in the growth demand since 2007.

An image from the Kerikeri Waipapa Structure Plan 2007 showing the urban and rural lifestyle areas is provided in Figure 6 below:

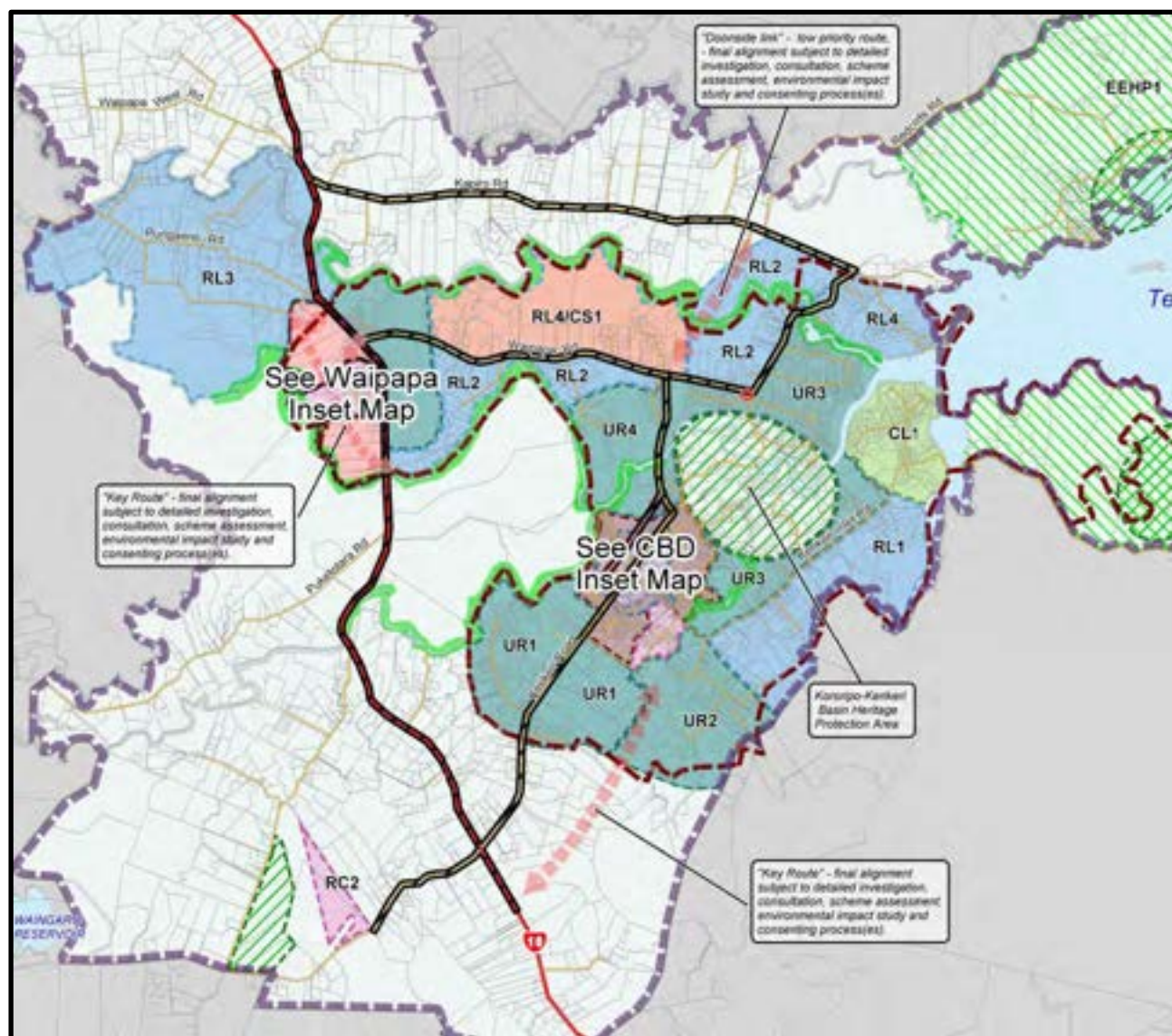


Figure 6: Kerikeri Waipapa Structure Plan 2007 – Areas identified for urban growth and key transport connections

Four Options were considered to provide for growth opportunities. “Option 4” was progressed into the FNDC Operative Plan which up zoned a number of areas to provide for future growth, rather than relying on the current zoning or leaving it up to the market to decide where growth is to occur. The subject Site was not included within the residential and rural lifestyle growth areas provided in the current District Plan. It appears that this decision was made due to the Site being located outside of the Utilities Service Area, meaning the Site was not above to be serviced with infrastructure at that time.

5.3 Long Term Plan 2021 - 2031

Long Term Plan 2021 - 2031 (“LTP”) is the Council’s key strategic planning document setting out what the Council plans to deliver over the next ten years and how it plans to pay for the planned deliverables.

The provisions of the LTP are addressed in the TEAM Traffic ITA in relation to funding for transport related matters.

A copy of the Capital Works Programme is appended to the Structure Plan. In summary funding is allocated for:

- A water main upgrade in Cobham Road, Kerikeri (2022/ 2023 \$72,100)
- An intake rising main upgrade for Kerikeri (2021/2022 \$700,000)
- Fire flow upgrades Waipapa Industrial area (2022/2023 \$74,010)
- Kerikeri water take consent (2021/ 2022 \$3,492)
- Upgrade main to the Heritage Bypass (2025/2026 \$9,688,320)
- Water source renewals Kerikeri (2021/2022 \$54,707)
- Water treatment plant upgrade Kerikeri (2024/2025 \$3,252,900 and 2025/2026 \$3,340,800)
- Wastewater network Stage 2 Kerikeri (2028/2029 \$3,388,582 2029/2030 \$13,947,204 and 2030/2031 \$17,904,057)
- Recycling station Kerikeri (2024/2025 \$2,168,600 and 2025/2026 \$1,113,600)
- Dog park Kerikeri 2021/ 2022 \$34,000 2022/2023 \$38,110)

Ongoing discussions with Council will ensure future development is integrated with the provision of infrastructure.

5.4 Parks and Reserves Management Policy – June 2022

FNDC currently do not have an open spaces strategy, meaning there is minimal dedicated funding for the maintenance of existing and proposed parks. The Parks and Reserves Policy⁵ adopted in June 2022 applies to all parks and reserves that are owned by Council, or where the administration, control or management of the park or reserve is vested in Council. Section 4 of the Policy Documents notes that:

- 1. The Council will actively seek to acquire land that creates connectivity between public spaces and provides significant public benefit.*
- 2. The Council will acquire or engage developers to vest land or funds to provide connectivity to and between parks, reserves, waterways, subdivisions, nature areas, neighbourhoods and communities to create better spaces and corridors for walking, cycling and passive recreation.*

The Structure Plan area includes a number of proposed parks and open spaces. On-going engagement with Council will be critical to securing the appropriate management regime for future parks.

5.5 National Policy Statement for Urban Development

The National Policy Statement on Urban Development 2020 (“NPS-UD”) came into force on 20 August 2020 and replaced the National Policy Statement on Urban Development Capacity 2016. The NPS-UD has assessed all the local authorities within the country and classified them as either Tier 1, Tier 2 or Tier 3, with Tier 1 referencing the largest local authorities in New Zealand. The FNDC is classified as a Tier 3 under the NPS- UD. A tier 3 local authority is defined as *a local authority that has all or part of an urban environment within its region or district, but is not a tier 1 or 2 local authority...*

The NPS-UD defines “**Urban Environment**” as:

“means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that: is, or is intended to be, predominantly urban in character; and is, or is intended to be, part of a housing and labour market of at least 10,000 people.”

⁵ [final-parks-and-reserves-policy-for-adoption.pdf \(fndc.govt.nz\)](#)

The Economic Assessment, prepared by Urban Economics notes that currently, Kerikeri has a population of 12,300 people as at 2021 (refer to Appendix 3 of the Economic Assessment). This differs from the Council figures because the Urban Economics assessment includes the rural residential areas to the north and south of Kerikeri that have an urban rather than a rural function. Therefore, Kerikeri does meet the definition of “Urban Environment” under the NPS-UD. The Council figures show an estimated population for Kerikeri of 10,040 as at 2024. This is within the life of the proposed District Plan therefore it is considered Kerikeri should be assessed as an Urban Environment.

The NPS-UD specifies a number of tasks that must be undertaken by Tier 1 and Tier 2 local authorities. At Section 1.5 (1) the NPS states that *Tier 3 local authorities are strongly encouraged to do the things that tier 1 or 2 local authorities are obliged to do under Parts 2 and 3 of this National Policy Statement, adopting whatever modifications to the National Policy Statement are necessary or helpful to enable them to do so.*

Such tasks include preparing Future Development Strategies to inform preparation of the next long-term plan of each relevant local authority; and preparing a Housing and Business Development Capacity Assessment (HBA). An HBA has to analyse how planning decisions and provision of infrastructure affects the affordability and competitiveness of the local housing market. The analysis must also include how well the current and likely future demands for housing by Māori and different groups in the community (such as older people, renters, homeowners, low-income households, visitors and seasonal workers) are met, including demand for different types and forms of housing. The assessment also needs to include what is feasible and reasonably expected to be realised. The assessment undertaken by Urban Economics includes these assessments in relation to Kerikeri.

Objective 1 seeks that New Zealand has well-functioning urban environments that enable all communities to provide for their social, economic and cultural wellbeing and for their health and safety, now and into the future.

Objective 2 states that planning decision need to improve housing affordability by supporting competitive land and development markets.

Objective 3 states that regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:

- (a) the area is in or near a centre zone or other area with many employment opportunities*
- (b) the area is well-served by existing or planned public transport*
- (c) there is high demand for housing or for business land in the area, relative to other areas within the urban environment.*

Objective 4 states that New Zealand’s urban environments develop and change over time in response to diverse and changing needs of people, communities and future generations.

Objective 5 states that Planning decisions relating to urban environments, and Future Development Strategies take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

Objective 6 states that Local authority decisions on urban development that affect urban environments are:

- a) integrated with infrastructure planning and funding decisions; and
- b) strategic over the medium term and long term; and
- c) responsive, particularly in relation to proposals that would supply significant development capacity.

Objective 8 seeks that New Zealand’s urban environments are resilient to the current and future effects of climate change. The Structure Plan aims to mitigate the natural hazard risk, taking into account climate change to manage the flood risk on the Site, ensuring that the Site is capable of being developed for urban purposes. The Structure Plan provides an opportunity to increase use of public and active modes of transport as urbanisation of the Structure Plan area upgrades roads to provide for walking and cycling infrastructure and generates more public transport demand from residents.

To assist in achieving the objectives **Policy 2** states that Tier 1, 2, and 3 local authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and business land over the short term, medium term and long term. Policy 1 states that planning decisions need to contribute to well-functioning urban environments, which are urban environments that as a minimum:

- (a) have or enable a variety of homes that:
 - (i) meet the needs, in terms of type, price, and location, of different households; and*
 - (ii) enable Māori to express their cultural traditions and norms; and**
- (b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and*
- (c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and*
- (d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and*
- (e) support reductions in greenhouse gas emissions; and*
- (f) are resilient to the likely current and future effects of climate change.*

Policy 5 is directly relevant. This relates to tier 2 and 3 local authorities and states:

Regional policy statements and district plans applying to tier 2 and 3 urban environments enable heights and density of urban form commensurate with the greater of:

- (a) the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or*
- (b) relative demand for housing and business use in that location.*

Policy 6 relates to making planning decisions that affect urban environments.

When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:

- (a) the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement*
- (b) that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:*
 - (i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and*
 - (ii) are not, of themselves, an adverse effect*
- (c) the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)*
- (d) any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity*
- (e) the likely current and future effects of climate change.*

The overall Intent of the Structure Plan is to provide a range of housing at various price points, including the high demand \$700,000 price point, which gives effect to **Policy 1**. There is greater demand than anticipated by the Council and they have overestimated the number of houses that will actually be infill developed. The rezoning is therefore necessary to sufficient development capacity in the medium and long terms.

The NPS-UD requires sufficient development capacity to be provided in the short, medium and long terms. Short-medium term is defined as up to 10 years, so a plan should enable development capacity needed for the medium term.

Overall, the Structure Plan gives effect to the NPS-UD because it will enable development that can provide for and contribute to a well-functioning urban environment for Kerikeri / Waipapa.

5.6 National Policy Statement for Freshwater 2020 and the National Environmental Standard for Freshwater 2020

The National Policy Statement for Freshwater Management 2020 (NPS-FM) contains a number of requirements, including:

- *Managing freshwater in a way that ‘gives effect to Te Mana o te wai through involving tangata whenua, and prioritising the health and wellbeing of water bodies, then the essential needs of people, followed by other uses.*
- *Improve degraded water bodies.*
- *An expanded national objectives framework.*
- *Avoid any further loss or degradation of wetlands and streams.*
- *Identify and work towards target outcomes for fish abundance, diversity and passage and address in-stream barriers to fish passage over time.*
- *Set an aquatic life objective for fish and address in stream barriers for fish over time.*
- *Monitor and report annually on freshwater.*

The factors listed above have been considered with significant weight and in detail as part of the hydrology and infrastructure assessments as well as within the areas identified to be protected using the Natural Open Space Zone and Significant Natural Area overlay. Protecting and enhancing the Kerikeri River and associated natural assets is a key factor that needs to be considered when integrating the future land use patterns with the existing freshwater environment.

The National Environmental Standards for Freshwater (NES-FM) came into force on 3 September 2020.

Future land use activities will need to comply with the relevant standards under the NES-FM 2020 with respect to streams, wetlands and discharges to these environments, which will ensure that the effects of activities on water quality and water quantity appropriately managed in accordance with the NPS-FM.

5.7 National Policy Statement for Highly Productive Land

The National Policy Statement on Highly Productive Land (NPS-HL) was notified on 20 September 2022. The NPS- HL is about ensuring the availability of New Zealand’s most favourable soils for food and fibre production for now and for future generations. In regard to the development and proposed change of zoning

sought via the Structure Plan, Section 3.5 (7) (b) (ii) is relevant to this Site. The proposed Structure Plan and the associated supporting information provides supporting evidence that there is demand for future urban land and all of the Far North is subject to a Council initiated notified plan change. Through the Structure Plan, a rezoning is sought to change the land from rural production to urban.

The Site is not identified within the Horticultural Zone within the PFNDP which has stricter requirements on the use of productive soils.

The NPS-HPL provides 3-years for regional councils to map their highly productive land and then further time for the district councils to amend their plans. Policy 2 of the NPS states that the identification of HPL should be undertaken in an integrated way that considers the interactions with freshwater management and urban development.

Section 3.6 (4) of the NPS-HPL notes that Territorial Authorities that are not Tier 1 or Tier 2 may allow the rezoning of the land only if:

- (a) the urban zoning is required to provide sufficient development capacity to meet expected demand for housing or business land in the district; and*
- (b) there are no other reasonably practicable and feasible options for providing the required development capacity; and*
- (c) the environmental, social, cultural and economic benefits of rezoning outweigh the environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values.*

Section 3.6 (4) of the NPS-HPL notes that:

- (5) Territorial authorities must take measures to ensure that the spatial extent of any urban zone covering highly productive land is the minimum necessary to provide the required development capacity while achieving a well-functioning urban environment*

Regarding Section 3.6(4) the following assessment is made:

- the land is needed to provide sufficient development capacity to meet expected demand because growth will exceed supply, based on the Urban Economics report.
- infill development will not yield sufficient houses to provide sufficient development capacity.
- the alternative of not zoning could result in piecemeal rural-residential subdivision, as the infill development approach is not adequate to address the demand for housing in Kerikeri and Waipapa.

- while the Site does contain productive land, it is not in the highest category of soils and the land is strategically located between existing urban areas.

In summary, while the soil types present on Site, based on the high-level assessment are identified as highly productive, the NPS-HPL does provide an option for the rezoning of land to occur where there is sufficient demand- as is the case for Kerikeri and Waipapa.

5.8 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011.

The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES Contaminated Soils) were gazetted on 13th October 2011 and took effect on 1st January 2012. Council is required by law to implement this NES in accordance with the Resource Management Act 1991 (RMA). The standards are applicable if the land in question is, or has been, or is more likely than not to have been used for a hazardous activity or industry and the applicant proposes to subdivide or change the use of the land, or disturb the soil, or remove or replace a fuel storage system.

As noted previously, there are areas on the Site where the risk of finding contaminants in soils are high. A Detailed Site investigation will be required at the time of development resource consent. The areas are discrete on Site and associated with the use of the land for farming purposes.

5.9 National Environmental Standard- Sources of Drinking Water 2008

Water supply to the Structure Plan area will be from the existing public water supply. A secondary on-site water supply will be required via a ground water take during periods when the Kerikeri Water supply is subject to Algal bloom. This on-site water supply will need to be treated to meet the Drinking Water Standards. The Structure Plan does not compromise the outcomes sought to be achieved by this NES.

It is noted that the Capital Works Programme has identified some water supply upgrading works for Kerikeri. Further discussion will ensure development is aligned with the planned provision of infrastructure.

5.10 National Environment Standards- Air Quality

There are no known air quality standard issues in the Structure Plan area.

5.11 Proposed Far North District Plan (pFNDP)

The pFNDP was notified on the 27th of July 2022 as part of the FNDC District Plan review. The PFNDP seeks to replace the current District Plan which was made operative on the 27th August 2009. The PFNDP controls the way land is used, developed, and subdivided as a requirement under the RMA 1991.

All the Land within the Structure Plan area is proposed to be zoned Rural Production. The Rural Production zone enables a range of rural activities including, but not limited to farming, quarrying and large buildings associated with rural activities.

The Structure Plan Area is subject to the following overlays:

- River Flood Hazard Zone (100 Year ARI Event)
- River Flood Hazard Zone (10 Year ARI Event)
- Designation: Reference NZTA2- to construct and operate, maintain, and improve a state highway, cycleway and or/shared path and associated infrastructure.

The Structure Plan Area does adjoin the Kerikeri River. The banks of the River are proposed to be zoned Natural Open Space. The Rainbow Falls are identified as an Outstanding Natural Feature.

Otherwise, there are no other overlays of relevance to the Site.

5.12 Ngāti Rēhia – Hapū Environmental Management Plan, Second Edition, 2014

Section 7 of the Plan sets out the Kaupapa or mission statement; Tikanga / values and Core Focus Area. The Mission Statement for Te Rūnanga o Ngāti Rēhia is *to develop a sustainable economic, social and cultural base for the continued growth of Hapū and Whanau.*

To strengthen-develop-promote

- *Te Reo*
- *Whakawhanaungatanga*

- *Tikanga*
- *Mahi-a Rehia*
- *Wananga*

In relation to the Structure Plan Ngāti Rēhia seek to be active participants in the sustainable development of their taonga.

Engagement on the proposal has occurred with Ngāti Rēhia and will be ongoing as the process continues. An objective of the Structure Plan is to embrace the Māori culture and history of the location and wider area and reflect Ngāti Rēhia values in the development of the land.

6. Constraints and Opportunities

This section provides a summary of the opportunities and constraints associated with the development of the Brownlie Land. The technical assessments provide for detailed assessments of the Structure Plan area.

The identified Site constraints and opportunities have been mapped in the two figures below, which are also attached in **Appendix 1**.

The following sections address the opportunities and constraints by topic.

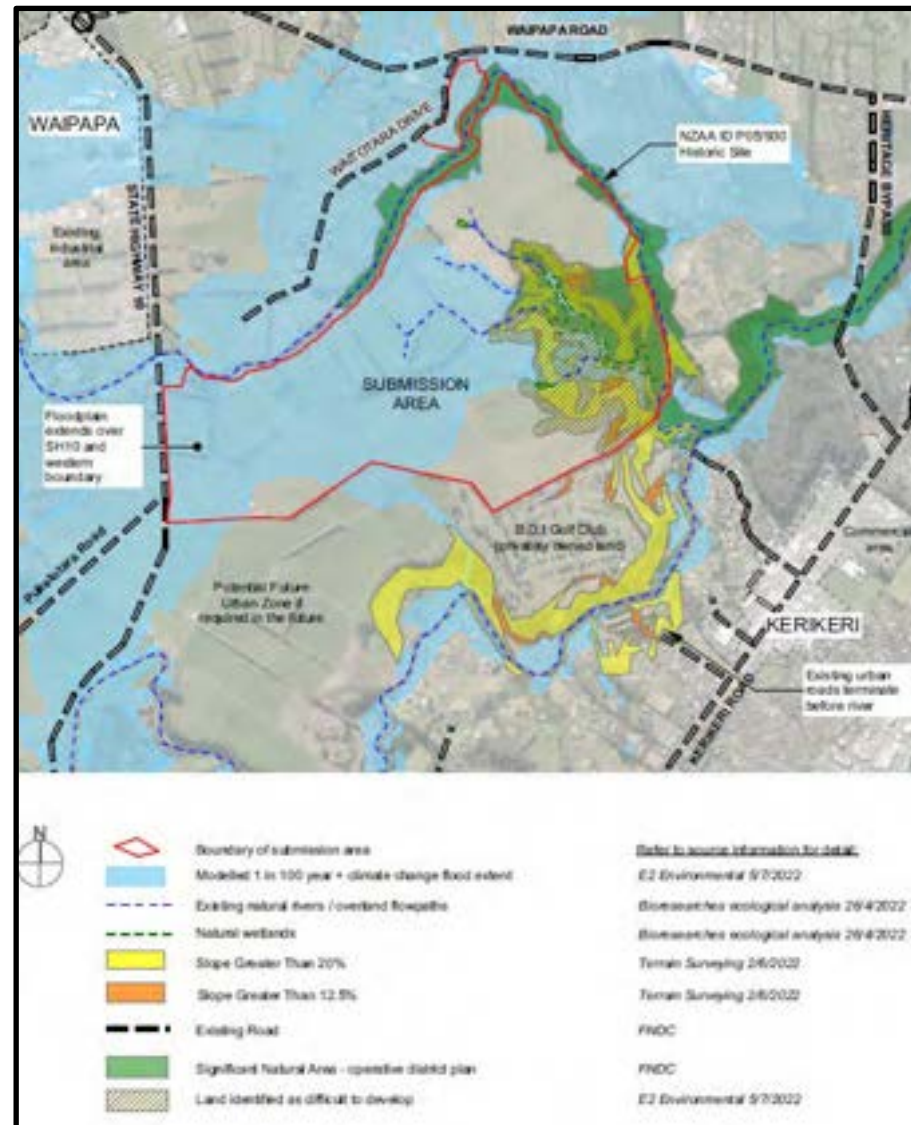


Figure 7: Identified Site Constraints (Prepared by Pacific Environments)

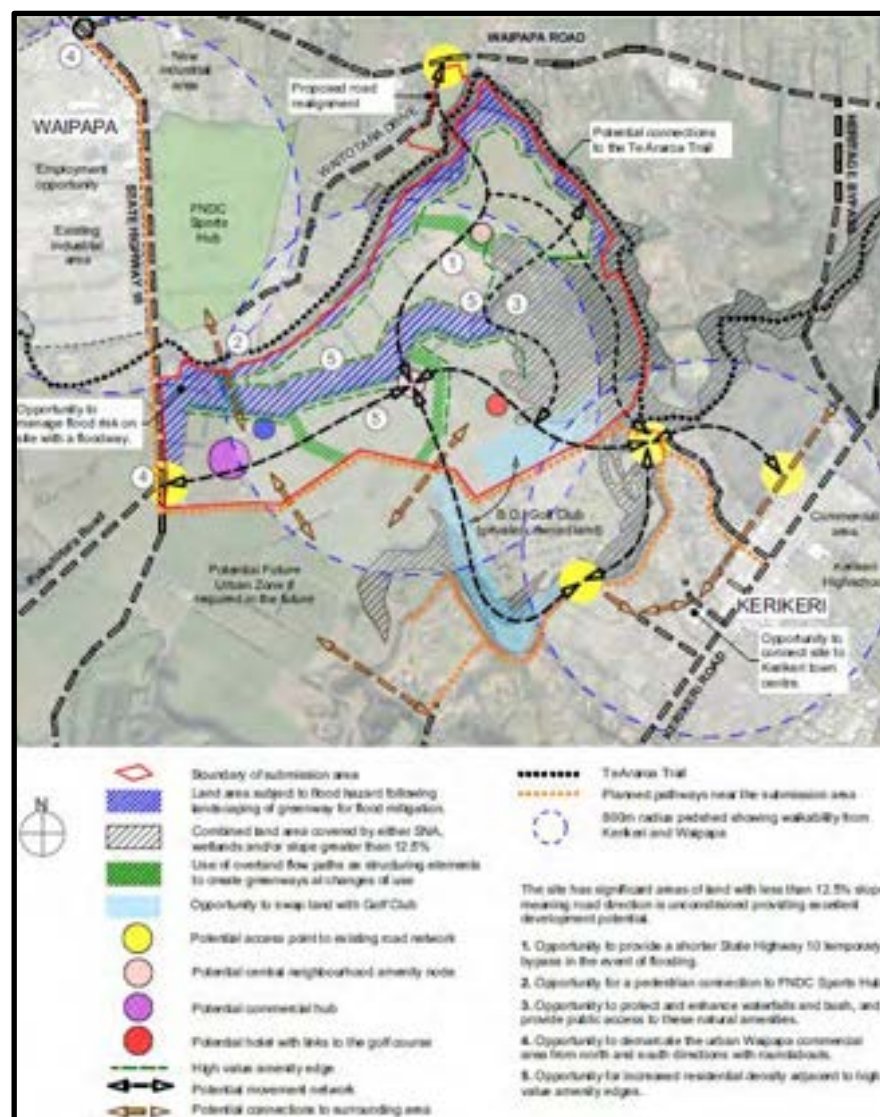


Figure 8: Identified development opportunities (Prepared by Pacific Environments)

6.1 Location

The Site is centrally located between Kerikeri and Waipapa providing the opportunity to connect these two areas. 800m radius pedestrian shed circles can be overlaid to demonstrate that a viable walking and cycle network can be incorporated, to achieve non-vehicular access to both townships from the area, and from Kerikeri to Waipapa.

This provides opportunities for a residential population to be within a walkable distance of the larger employment catchments of Waipapa and Kerikeri and the proposed and consented FNDC Sports Hub.

This has clear value opportunities for both the area catchment, and possibly also for educational facilities that can connect to it for sharing of sports grounds.

Significant natural features such as waterfalls and tracts of native bush surround the northern and eastern edges of the Site. The natural amenities can be accessed in new ways through this Site and create visually high value internal edges to it. Additionally external walking trails such as Te Araroa can directly connect to this area allowing national trail walkers to both enjoy commercial amenity and an internal walking network.

A large waterfall internal to the Site can be accessed along with a lower terraced area to provide recreational opportunity for both visitors to it, and future residents of the area.

6.2 Sustainability

The Structure Plan represents an opportunity to achieve sustainable urban development and create a model for development with Kerikeri and Waipapa that responds to the constraints of the Site, while incorporating features of the area to ensure that the character of the two distinctive town centres is retained.

Environmental sustainability will be achieved through the implementation of the urban design principles that secure quality urban spaces whilst respecting natural features within the environment and achieving enhanced water quality outcomes.

Economic sustainability will be achieved through providing a balance of living and employment land development opportunities. By co-locating employment and housing together, the reliance on the car is minimised and the overall diversification of land uses, supports an efficient use of the land.

Cultural sustainability will be achieved by opening up the southern bank of the River to the public, enabling residents to connect directly with the Awa. All wetland areas on the Site will be enhanced and protected where practicable and will be used to create an interesting and exciting walking and cycling connections through the Site.

Connectivity will be increased and enhanced within and outside of the Structure Plan area through a number of new transport connections and pedestrian and cycling walkways.

With respect to the built environment locations for higher intensity have been considered and will be located near the roading connections and the employment areas.

6.3 Land Tenure

The land within the Structure Plan is held in one tenure. To clarify, there are three landowners within the submission area are:

- Kiwi Fresh Orange Company Limited
- Brownlie Brothers Limited
- Cole James Investments Limited

All the above are companies owned jointly by Stephen and Chris Brownlie. This presents a significant opportunity to achieve comprehensive and integrated development across the Site and at a scale that will enable economic efficiencies to be achieved – *economies of scale*.

6.4 Transport

An Integrated Transport Assessment has been undertaken for the Structure Plan area and the proposed land uses and development that would be enabled by the Structure Plan. The existing transport environment of the Structure Plan is characterised by:

- State Highway 10 to the west.
- Waipapa Road to the north
- Limited public transport options, put opportunity to increase servicing.

State Highway 10 is currently a Limited Access Road and would require approval from Waka Kotahi to establish a new entry/exit point to the Site from State Highway 10. State Highway 10 is the main connection route between Kerikeri and Waipapa and is supported by the Heritage Bypass and Waipapa Road.

There are several road entry points into the Structure Plan area that will allow both pedestrian, cycle, and vehicle access. There is no legal road access to the land from the southern and western boundaries, however the Structure Plan provides opportunities to connect with this area in the future. Four potential roading options have been included within the Structure Plan.

The transport related opportunities and constraints are summarised as follows:

- Constraint that the access options to connect the Site to Kerikeri township are restricted due to privately owned land.
- The access options to the north and east are constrained by the Kerikeri River.
- Opportunity to provide a key access point to the Site from State Highway 10. This will enable key vehicle connectivity to the State Highway without having to pass through sensitive natural or urban environments.
- Opportunity to provide a key access route to Waipapa Road.
- Opportunities to create a direct access point to Kerikeri Township are constrained by the private land to the south of the Structure Plan Area and by the Kerikeri River.
- There are options to access the Kerikeri urban area through the surrounding land including the Golf Club. These are commented on in the Integrated Transport Assessment for technical compatibility. These options also include accessing the large undeveloped parcel to the southwest of the submission area should its development be contemplated in the future.
- Opportunity for access options through the golf club to be mitigated by a land swap with land in the area adjacent to the golf club of generally very good topography. Such an option could include the provision of developable land within the golf club along any access corridors for lifestyle type housing opening into the golf course.

- Opportunity to provide an alternative route from Kerikeri to Waipapa if State Highway 10 is flooded.
- Opportunity to integrate traffic calming measures into the local road design to ensure that the proposed new roading network does not create a short cut through the Site to access Kerikeri and Waipapa. The main thoroughfares should remain to be via State Highway 10 and Waipapa Road.
- Opportunity to use the roading connections as a demarcation of the change from rural to an urban environment.

6.5 Housing Demand

The Economic Assessment prepared by Urban Economics notes that over the 2013-2021 period, the population for Kerikeri increased by around 310 per annum. Urban Economics population projections note that there is a projected increase of 500 (Medium Growth) to 760 (high growth) per annum over the 2023-2028 period.

Urban Economics have undertaken an assessment of the Plan Enabled Development enabled by the Proposed District Plan within Kerikeri. The Assessment notes that there is capacity for another 3,450 dwellings within Kerikeri without the Multi Unit Rule- and for 5,560 dwellings with the Multi Uni Rule. Under the Urban Economics Medium Population projection scenario of 500 persons per year, there is an expected capacity of 5.4- 6.4 years of housing supply, indicating that in the short term, there is enough land (and supported by infill housing) to meet the short-term development capacity requirements under the National Policy Statement for Urban Development (NPS-UD). However, the housing demand for the medium- and long-term population growth is not met by the current Proposed District Plan zoning. Under the high-growth scenario, the Proposed District Plan only provides for 3.5 to 4.2 years of housing supply.

Following the assessment provided by Urban Economics, it is clear that additional land is required to be zoned for General Residential use within the Proposed District Plan to meet the demands associated with the projected population growth. As it stands, the Proposed District Plan does not provide 10 years of housing supply as per the requirements of the NPS-UD. The current demand for housing cannot be met by infill housing alone.

The Urban Economics assessment also notes that there is an anticipated demand for two additional retirement villages by 2032. These types of developments typically require between 5ha and 10ha of land. This type of housing option cannot be delivered through infill housing. Additional greenfield land needs to be allocated for providing for this type of land use.

6.6 Commercial Land Demand

The Urban Economics report assesses the need for business land in this locality. The assessment identifies that there is market demand for an estimated 5,870m² of convenience retail floor space at the present time (2022). Assessing the projected population growth associated with the Kerikeri Waipapa area which includes the Site, Kerikeri Rural Area, the Secondary Rural Area and the Urban areas it is estimated that 12,040m² of gross floor area for convenience retail floor space will be required.

A range of activities are considered in the Urban Economics report. Figure 37 of the Urban Economics Report provides an indicative floorspace composition for the Site. Figure 37 identifies 15.4 hectares of land for commercial / employment activities, 1.1 hectares of land for a Mixed Use Local Centre, 4,000m² for a Local Centre to support the residential population, and land for visitor accommodation for which there is an identified demand in this location. The total identified land area required is 25-hectares gross resulting in 17.5-hectares net land area of business activities. 15.4 hectares of land has been identified within the Structure Plan Area for business activities. The Urban Economics assessment states this is consistent with the level of demand identified.

6.7 Urban Design

The western edge of the Structure Plan Area is bordered by SH10, and this forms the southern entrance to Waipapa.

Waipapa is dominated by commercial activity and zoning along the highway, along with the proposed sports hub. This connection with SH10 gives an opportunity to provide a small continuation of compatible commercial develop against the highway and provide controls to ensure a high quality of building against the highway. This would give “gateway” to Waipapa from the south. Such an area would also be an ideal buffer to a residential area within the Site, from the highway.

The inevitably large scale of the sports area is also compatible with a commercial area adjacent to it.

Internal to the submission area, there is opportunity to provide a liveable residential environment where significant amenity is available to most within a 15-minute walk. Given the favourable topography of most of the Site a wide range of residential typologies can be accommodated without environmental restriction. A central point where main connections meet would provide a natural location for a neighbourhood service centre.

6.8 Open Space and Recreation

Kerikeri has a range of open spaces. Significant open spaces include the Kerikeri Heritage Area, the Kerikeri River Trail, part of which forms Te Araroa Trail, the Bay of Islands Golf Club and the recently consented Sports Hub, off State Highway 10, near Waipapa.

The Site itself presents a range of excellent opportunities to enhance access to open spaces, the Kerikeri River and Rainbow Falls. The Site also contains two significant waterfalls and a large wetland complex. A key project objective is to ensure that the public have the ability to access the Kerikeri River via the Site, which is currently held in private ownership.

Another significant recreational and open space opportunity is the proposed floodway which runs through the Site area. This area will be constrained in regard to the types of land uses that can occur in this area given the need for the floodway to be designed to convey water in a 1:100-year flood event. This presents an opportunity for several recreational opportunities to occur in this space. Cycleways, foot paths and street furniture are intended to be utilised to provide a key walking and cycling connection through the Site to Kerikeri and Waipapa. A Schematic illustration outlining what this area could look like is contained in the Landscape assessment and in Figure 9 below. Given that the floodway design requires a land area of circa 100m wide, there may be opportunities to integrate other uses such as sports fields into this space for use when the River is not in flood.

Another project objective is to have a local road running around the edge of the Kerikeri River, with at least a 20m esplanade reserve. This design will ensure that the River is seen and used, provides opportunities for pathways to access the River and ensures that the River is highlighted as a key feature and integrated into the development and fronts the street network.

There is opportunity to physically define and protect areas of identified heightened ecological value, and to extend those values through future restoration initiatives.



Figure 9: Schematic Illustration of the floodway (Source: Littoralis Landscape Architecture).

6.9 Stormwater Management and Management of Freshwater

Based on advice from the FNDC Infrastructure Team, stormwater treatment needs to be provided on Site. A Report by Infir has been prepared to support the Structure Plan. The assumptions in this report have been peer reviewed by GWE.

Hydrology for the wider catchment has been addressed by E2 Environmental. This work produced a formalised floodway option (Figure 6 dated 5 July 2022), which is the preferred option. It primarily consists of a 100m wide channel and minor reshaping of the existing landscape.

As noted by Infir, the Development of the Site will result in an increase in impermeable areas, and therefore increase stormwater runoff. Mitigation options for the development include:

Table 1- Stormwater Mitigation Options for the Site

Effect	Runoff rate	Runoff volume	Quality
Description of effect	Increased peak runoff rate	Increased runoff volume	Potential for contamination
Mitigation measure	Attenuation storage	Discharge runoff for a longer length of time	Treatment through a suite of industry standard measures including swales, rain gardens, filter strips and separators.
Result of mitigation	Reduce peak runoff rate to pre-development rate. This will avoid increased flood levels.	No change in flood levels, but water levels will stay at elevated levels for slightly longer lengths of time (measured in hours, not days)	Stormwater discharge compliant with Regional Council rules

In Infir Report notes that it is expected that stormwater attenuation and treatment devices will occupy 15% of the land area that will be developed. Land required for on-site stormwater discharges is excluded from this estimate because that land will be pervious and stormwater discharge considerations is part of the design parameters for on-site wastewater disposal.

Regarding opportunities and constraints:

- There is a constraint on the development that on-site stormwater mitigation needs to be provided, resulting in the loss of developable land.

- There is an opportunity to integrate the stormwater management devices into the development into the existing environment in a sustainable way utilising the floodway, roadside swales and other discrete management devices to mitigate stormwater effects.
- Opportunity to re-use grey water and stormwater run-off on residential sites through small collection tanks.

Regarding freshwater, there are a number of minor streams and farm drains that run through the Site. There are two large waterfalls and a significant wetland within the Site boundary. Kerikeri River runs along the northern, eastern, and western boundary of the Site and the Site has direct access to Rainbow Falls. The majority of the Structure Plan area has been historically farmed.

The Site presents a significant opportunity to protect and enhance these freshwater features, through appropriate zoning, the creation of an esplanade reserve at the subdivision stage along the Kerikeri River and the opportunity to create a pedestrian pathway through the wetland area to allow public access to view three large waterfalls within close proximity to the Kerikeri Township.

The Objectives of the Structure Plan have been shaped to ensure that the freshwater assets of the Site are protected and enhanced through the development of the Site.

6.10 Water and Wastewater Management

FNDC have advised that there is no capacity in the current wastewater system to service this development. FNDC is working on identifying suitable upgrades, or potentially a new plant at Waipapa. Engagement will need to be ongoing, hence the consideration of some onsite servicing to facilitate initial development.

In regard to water supply, there is capacity in the current water supply network, except in times where there is an algal bloom in the reservoir. The backup water supply from Puketotara stream is fully allocated. An on-site backup solution, likely through a bore will be needed to service the development. An engineering solution is available [in progress of development] that does not decrease flows within the Kerikeri River, providing backup water supply enabling development of the Site. An assessment into the availability of groundwater supply is underway and will be available prior to the pFNDC hearings commencing.

In terms of infrastructure capacity, the Structure Plan is based on 1,500 to 2,000 dwellings. This is indicative and is not an absolute. The actual number of dwellings will be addressed, taking into account demand and the infrastructure capacity, at the time of applying for resource consents.

FNDC has provided funding in their 10-year capital plan for a significant wastewater network and wastewater treatment plant upgrade, including the Waipapa area. Planning work for the upgrades is in an early stage and no definitive upgrade options have been released. FNDC officers have indicated that the existing network and treatment plant do not have spare capacity, and that upgrade options at the existing treatment plant at Okura Drive (located 5km from the Structure Plan area as the crow flies and 8.5km via Waipapa Road and Twin Coast Discovery Highway) are constrained by the topography.

A key project consideration is that the treated wastewater discharges must be to land and not into water to protect the Mauri of the Kerikeri River.

As noted in the Infir Report, the approach to servicing the Site must be twofold:

1. Integrate the wastewater system for the Structure Plan area into the reticulated system, following the implementation of the upgrades to the reticulated network as outlined within the FNDC 10-year Capital Plan for the Waipapa area.
2. Develop a standalone wastewater disposal system. This system will consist of a treatment plant, sludge processing facility and areas of land for disposal of treated wastewater. It is possible that land areas outside the structure plan area may become available for land disposal but for the purposes of this Structure Plan it has been assumed that the disposal areas will be inside the structure plan area. The standalone wastewater disposal system must be developed such that the following options are left open:
 - a. To redirect raw wastewater to a future wastewater treatment plant outside the structure plan area.
 - b. To redirect treated wastewater to a future disposal area outside the structure plan area.
 - c. A combination of the two options.

The Report by Infir notes that the estimated land requirements for an on-site wastewater treatment and disposal system consists of 2 hectares for a treatment plant and 30 hectares for on-site wastewater disposal system.

The Structure Plan Area presents both a constraint and an opportunity to deliver an onsite solution to wastewater treatment to deliver the first stages of development until such time as the reticulated system is upgraded to include additional capacity for the Site.

6.11 Natural Hazards

Flood modelling of the wider catchment undertaken by Northland Regional Council (NRC) has highlighted that the Site is subject to floodwaters which spill out from the Kerikeri River and flows across the Site. The existing flood hazard on Site therefore limits the land available for development in its current state. The Site is bounded on the northern and eastern boundaries by the Kerikeri River. The rezoning will facilitate the development of residential and commercial properties on this land. Flood modelling of the wider catchment undertaken by Northland Regional Council has highlighted that the Site is subject to significant floodwaters which spill out from the Kerikeri River and flows across the Site. The existing flood hazard on Site therefore limits the land available for development in its current state.

A key design principle for the development of the Structure Plan has been to firstly assess the flood risk on the Site and the surrounding area, then determine the developable areas of the land following mitigation of the flood hazard.

There is opportunity to mitigate the floodplain by using an engineered solution. This increases the developable land area significantly and provides the ability to create a central landscaped recreational area that can become a structuring urban element a future masterplan. An opportunity exists to provide a road bypass from SH10 to Waipapa Road in the event of flooding, which occasionally covers SH10.

A managed floodway across the Site is proposed, and shown in the Structure Plan, to efficiently convey floodwaters on Site while mitigating the impact on flood hazard outside of the Site. The alignment of this floodway generally follows the alignment of the existing overland flow path once it has collected floodwaters that spilled across SH10. Floodwaters which spill from the true right bank of the Kerikeri River to Brownlie land are proposed to be blocked off in favour of taking increased flows into Site from the spill over SH10. The design concept is for approximately the same flow rate to discharge from the floodway back into Kerikeri River. The managed floodway will typically have a total width of 120 m.

In regard to flood management, E2 have advised that:

- The Site is able to be at least partially developed.
- There are challenges and constraints which will need to be worked through to ensure there is appropriate access to the development.
- Regardless of future design, a significant proportion of the Site will always need to be dedicated to managing flood. This area can also be used as amenity to provide other benefits for the local community.

The floodway has initially been modelled at its conceptual design stage. The conceptual design has been developed with the following details:

- Total floodway width = 120 m
- Floodway base width = 92 m
- Side slopes = 1:5 (vertical: horizontal)
- Depth = 1.8 m, including 0.3 m of freeboard above the 1% AEP +CC flood level
- Longitudinal grade = 1 in 130
- Maintenance access width of 5 m either side of channel

The total area required for the conceptual floodway is approximately 20ha and has been shown on the Structure Plan. An additional 15.5ha of land is expected to be required for the flood hazard along the true right of the bank of the Kerikeri River, which is reflected in the proposed overlay plan.

This design is at the conceptual stage only and will require further detailed development through the Resource Consent Stage to ensure that the floodway is designed to the appropriate specifications.

The inclusion of a flood way creates a significant opportunity to create a development where the risk of flooding can suitably managed, presenting an opportunity to use the flood way as a public asset.

6.12 Ecology

A detailed assessment of the Significant Natural Area overlay that is contained within the Operative District Plan has not yet been undertaken to fact check the area that should be covered under this overlay.

This does present a constraint to the development of the Site. However, this assessment will be undertaken prior to the implementation of the Structure Plan to ensure that the ecological features of the Site are accurately mapped and appropriately managed.

6.13 Topography

As slope analysis shows, there are areas of land within the Site that exceed 12.5% and 20% gradient making it primarily developable for housing only and large lot residential subdivision and activities given the extensive earthworks that would be required to provide effective building platforms for business uses. Much of the land area over 20% gradient is located within the area of Significant Ecological Areas and where the wetland has been identified, meaning that this land is not developable. This land has been identified and mapped as “difficult to develop” by engineering specialists.

There is an opportunity to develop the steeper areas of land, which are not subject to Overlays based on advice from geotechnical engineers at the time of the subdivision consent. In this context, a General Residential Zone is considered to be appropriate.

6.14 Heritage and Archaeology

There is currently one archaeological/heritage site (P05/930) recorded within the subject property. The Site is located c.250m north of the falls and comprises concrete strips evident on the bedrock with metal bars drilled into the rock. The clear remains of the 1910’s tramline were identified at the eastern edge of the property.

There is a clear opportunity to protect the heritage site from inappropriate development as per the archaeologist recommendations. A more detailed assessment of the heritage asset and a possible preservation strategy will be developed during the resource consent stage of the development.

A constraint to the development is the lack of understanding regarding the location of potential sites of mana whenua significance. No known sites of mana whenua significance have been identified. Further engagement with Ngāti Rēhia will be required during the resource consenting stage of the development.

6.15 Cultural Values

The Structure Plan area contains natural heritage features such as the Kerikeri River and Rainbow Falls and areas of natural wetland. As noted above, no known sites of significance have been identified.

Engagement has been undertaken with Ngāti Rēhia and will be ongoing. It was determined that Ngāti Rēhia would be provided opportunity to provide a Cultural Impact Assessment on a specific development proposal, and on the structure plan should they wish to do so.

6.16 Social Impacts

Most community facilities are located in the central areas of Kerikeri, including the school facilities and community centres, the town library and healthcare facilities. Bay of Islands Hospital is located in Kawakawa. The next major hospital is located in Whangarei.

The proposed zoning in the Structure Plan provides for the opportunity for additional health care providers to establish within the Structure Plan Area within the Mixed-Use area. The population is aging and there is a growing demand for additional healthcare services and retirement living services. The nature of this green field development will provide larger land parcels to ensure that new social infrastructure will have sufficient space to establish new facilities.

The proposed zoning also provides the opportunity for a new school to establish within the Structure Plan area and to provide strong connections to the Sports Hub within Waipapa.

6.17 Health

The urban environment is a key determinant of health and wellbeing. Decisions made in the Structure Plan process will fundamentally direct and frame the way people live, travel, play and work in this locality. It is important that health and welfare considerations are placed at the forefront of the structure planning process particularly when considering residential intensification.

Healthy places and communities require:

- Access to services and amenities for all persons – i.e., young, elderly, people with disabilities, families.
- Connectivity and public transport – There is an opportunity to extend the bus connections into the Structure Plan area as well as promote active transport options.

- Safety – Crime Prevention through Environmental Design Principles are a cornerstone that should be incorporated into the design and layout of the Structure Plan. Such principles drive design to provide passive surveillance of public spaces, provide appropriately lit and open spaces for movement and social spaces.
- Housing – there is an opportunity to provide a range of housing typologies within the Structure Plan area providing a range of choice and affordability, particularly in areas that are not suitable for business activities. All building will be quality and meet the required standards for insulation, heating and sound attenuation.
- Communities Facilities – The Structure Plan area can be served by existing community facilities, however, there would be opportunities to establish new public or private community facilities within land zoned for business activities.
- Public and open space – There is opportunity within the Structure Plan area to establish an open space network that provides a range of active and passive spaces and supports local amenity and physical health.
- Māori heritage and cultural identity.

6.18 Affordability

An adequate supply of a variety of dwelling types and sizes located near jobs and transport links is an important component of a functioning society and economy and provides a good quality of life for everyone.

The provision of a wide variety of housing types is expected in the structure plan area to meet the needs of people and communities, including:

- a. households on low to moderate incomes
- b. people with special housing requirements.

There is an immediate need for housing to rent and purchase at a variety of price points to meet the needs of Far North Population people, as most standalone dwellings in Kerikeri over the September 2020-2022 period sold for between \$600,000 and \$1,000,000, with many selling over the \$1,000,000 mark.

Under the Urban Economics medium growth projections, the proportion of households that can only afford dwellings up to \$600,000 increased to 31% in 2031 and 45% in 2051. This highlights the importance of increasing housing supply within the lower price bands, which will place downward pressure on the price of housing and make housing more accessible to lower income households.

The following initiatives have been identified as opportunities which could be explored to help deliver more housing choices:

- enable a range of dwelling types to be developed at scale within the greenfields Site.
- Provide smaller section sites to provide opportunities for first home buyers to enter the market.
- Explore options to provide for medium density townhouses.
- locate dwellings close to employment opportunities and transport connections
- encourage good quality dwellings which exceed environmental minimums and provide more comfortable homes for the Far North people.
- apply universal design principles to buildings to make them usable for people of all ages.

There is an opportunity to provide for affordable housing at scale through the proposed Structure Plan area, which will result in more affordable pricing and an increase in supply, more so than what can be delivered through infill housing.

6.19 Contamination

As noted previously, there is a small area of historic rubbish piles and stacks of untreated timber on the Site which may result in potential soil contamination. Further testing will be required at the time of applying for a resource consent to develop the land. Overall, there are no significant contaminated land issues that would pose a risk to human health, which would prevent the development of this Site for residential and commercial purposes.

6.20 Reverse Sensitivity and Rural Land Use

The Site interfaces with adjacent rural land and State Highway 10. These interfaces provide potential for reverse sensitivity effects to be created.

There is also rural residential living at Waitotara Drive. Development of the Structure Plan Area will potentially alter the perceived rural character of some properties in this location. However, development of the Structure Plan area will be separated from properties on Waitotara Drive by the Kerikeri River, the associated riparian area and land that will in future be vested as esplanade reserve. Consequently, there will be visual containment and a reasonable separation. The proposed new road connection will increase traffic and movement at the northern end of Waitotara Drive. This is considered acceptable in light of the character and level of activity on Waipapa Road. It is also noted that properties on the western side of Waitotara Drive back onto the proposed Sports Hub and character and the level of activity in this location will be changing over time.

The land to the south of the Site is used for rural purposes and it is likely this land use will continue for the foreseeable future. Suitable setbacks, landscaping and other treatments can be employed to ensure any urban development on the Site will not unduly limit or restrict the ongoing use of adjacent land for rural production purposes.

With respect to reverse sensitivity effects in relation to State Highway 10, this effect can be managed by locating business land at the western extent of the Site. This creates a suitable and appropriate buffer to the Highway, enables less sensitive activities to locate in this area, provides a complimentary land use to connect the Site with the existing urban area of Waipapa, facilitates creation of a strong activated urban frontage whilst providing safe vehicular access from the rear of sites; and also provides for appropriate integration of land uses with the Sports Hub.

6.21 Summary of constraints and opportunities

The Development constraints identified above will require mitigation to implement the development of the Site. The main factors of infrastructure provision and flood risk will need to be addressed in the early stages of the development of the Structure Plan to ensure that a successful development can be implemented.

There are multiple opportunities to develop this Site in such a way that achieved Sustainable Management⁶ outcomes, including consistency with Section 6, 7 and 8 as required by the Resource Management Act 1991.

⁶ As per Section 5- Purpose of the Resource Management Act 1991.

7. The Structure Plan

7.1 Methodology and Urban Design Principles

The Structure Plan Objectives and Guiding Principles are set out in Section 3.

The Proposed Structure Plan is shown in Figure 10 below.

The methodology for the development of the Structure Plan has been to identify all the constraints of the Site and understand how these constraints impact on the land available for development. Areas where development would be inappropriate or constrained have been identified with overlays (e.g Flood hazard). The land was assessed for opportunities in relation to identified resource management issues e.g. the growth and connectivity issues.

The outcome of the proposed Structure Plan is that the land is suitable for urban zoning and can provide Kerikeri and Waipapa with capacity to accommodate the expected growth over the medium- and long-term planning horizons. The analysis suggest that the majority of the land would be suitable for residential development and some land is required for commercial and employment related activities to support the objectives of sustainability. Following a detailed assessment of demand for commercial space, an appropriate area has been identified to meet the commercial development needs of the area, to supplement the existing commercial uses within Kerikeri and Waipapa. This also includes a smaller area to act as a neighbourhood centre, closer to the residential population.

Key Design Principles

- Multi modal local roading networks provided through the Site
- Pedestrian access to the Kerikeri River and into Kerikeri.
- Provide for equitable access to public open space.
- Key transport links to State Highway 10 and Waipapa Road.
- Creating legible entries to the Site.
- Providing the ability for higher densities of development to face the natural assets and high value amenity edges.
- Provide a mitigation option for managing the flood risk on the Site.

- Protect and enhance Rainbow Falls and the existing wetland and waterfalls on the Site.
- Provide well connected neighbourhoods within walking distance to key amenities.
- Opportunities for local employment.
- Opportunities for living choices.
- Create a commercial centre that fronts both the State Highway and the internal Road network.
- Create one strategic access point from State Highway 10.
- Distributing uses so they can be cost effectively developed on appropriate areas of the Site.
- Incorporating these natural features into the storm and water treatment design.
- Setting development levels from existing natural features and working with surrounding topography.
- Providing opportunities for large scale retirement villages or affordable housing blocks to be provided for within the Site.
- Providing the opportunity to develop a hotel within the Site.
- Providing for opportunities for the character of Kerikeri to be reflected in the overall design of the development.

The urban form needs to respond to the adjoining rural land, State Highway 10, the sports hub and the River. There are noise and other reverse sensitivity issues related to the Highway and reverse sensitivity related to the rural land. The outcomes of the Structure Plan respond to the matters above, resulting in primarily residential zoning with a commercial area against SH10 to provide an appropriate urban relationship to Waipapa, adjoin the Highway with suitable urban activities that will create a suitably active frontage and mitigate noise, traffic and pedestrian safety associated with the Highway.

The floodway is a significant feature that needs to be accommodated. The floodway is a constraint as well as an opportunity. The floodway is proposed to be managed as a comprehensive and connected greenway system connecting with the Te Araroa Trail and the existing FNDC walkways.

By being residential focussed the area can contribute to accommodating the strong demand for housing identified in the region in an efficient way where residents can live in very close proximity to employment, commercial/retail and amenity areas.

The urban form has been considered and developed to provide multiple connections and provide a range of land uses that will compliment and not compete with Kerikeri or Waipapa. Importantly the structure plan area provides an opportunity to accommodate population growth over the next decades in an efficient and connected way.

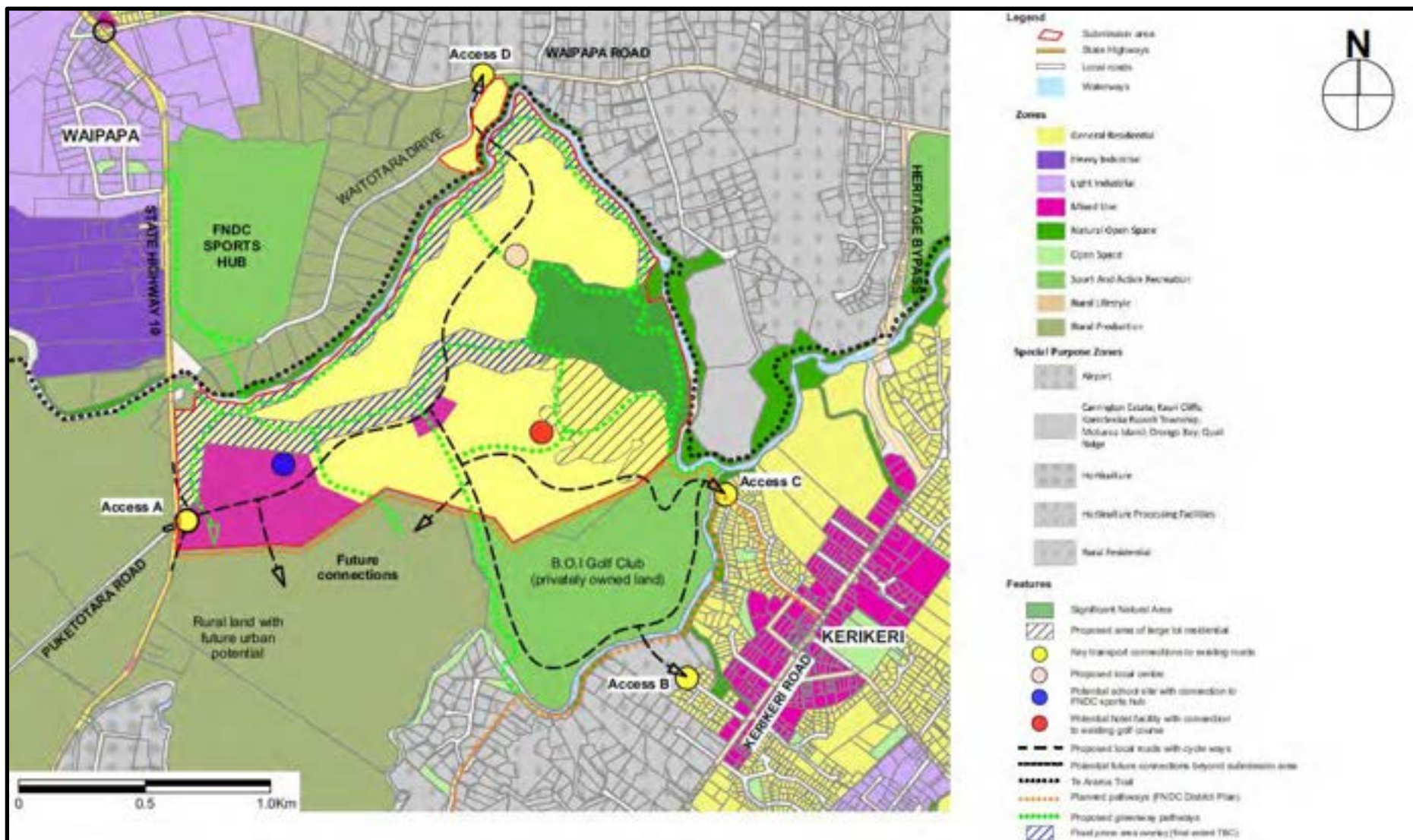


Figure 10: Proposed Structure Plan for Brownlie Land

7.2 Transport Connectivity Options

Four Transport options have been developed. Each of these options is outlined in **Appendix 2**. A preferred approach will be confirmed once the modelling has been completed. For completeness, all transport connectivity options have been included in the Structure Plan to ensure that a range of options can be appropriately considered. The technical evaluation of the movement options is covered by the Integrated Transport Assessment (ITA). All options have the same proposed movement network except for variances in the southern connections into the Kerikeri area. The option evaluation will address the Kerikeri access options only, with common features evaluated first.

It is also noted that all options include an extended road from Aranga Road to Heritage Bypass parallel to the Kerikeri main road. This is a recommendation from the traffic engineer to begin to address congestion issues by dispersal of traffic load and providing route options. It is understood some Council initiatives support this idea as well.

All options have a continual road from SH10 to Waipapa Road, with a separate road off an intersection to access the southern part of the Site. This is supported, as where the southern road extends into a Kerikeri access option, it will not intuitively encourage a direct connection from Kerikeri to Waipapa but promote priority from SH10 to Waipapa Road.

All options have a comprehensive walkable network, separate to the road network in some cases, and connect to Waipapa through the Sports hub paths largely incorporated in the consented sports hub design. A school site is also suggested that can make use of open space in the floodway mitigation area for grounds and connect directly with the sports hub to share amenities.

The floodplain area is shown with path and cycle way integrated, and significant roads run alongside or close to it ensuring maximum public access and enjoyment of what can be a high quality landscaped public space. “Greenways” access and connect other high value open spaces and features such as waterfalls and the lower terrace area.

A very small neighbourhood area is indicated between the proposed SH10-Waipapa Road and the large open space area. This will provide both a walkable amenity to future residents of that area, and an attractive gateway of a café or similar use to the open space. A tourist facility or hotel is shown in an area that can be compatible with access to the golf club.

Each of the four transport options are attached in **Appendix 2** and described in more detail below.

Transport Option 1

Option 1 has single road going through the western edge of the golf club into a proposed new connection at the end of Aranga Road into Kerikeri (access B) and then continuing to an existing connection (access C). This option gives good connection to the Kerikeri urban area from the submission Site and can be built at walkable grades. It also provides access options to the large undeveloped block to the southeast. A pedestrian connection continues through the eastern edge of the golf course to the submission Site. The Aranga Road connection can divert traffic to the north of the existing supermarket into the proposed connector road, meaning the existing residential environment can be left largely unaffected.

Transport Option 2

This option again has one access road into Kerikeri and while the direct connection to the urban centre. Access C into Golf View Road goes through an existing residential environment.

Transport Option 3

This option goes through Access E to an area that is logical for future urban development. It provides reasonable access to the Kerikeri urban centre avoids large scale residential disruption. It is understood the geographical constraints of this access point present more issues than for access points B and C. Nonetheless it provides a viable connection in terms of urban structure alone.

Transport Option 4

This option provides a road connection at access F, somewhat from the Kerikeri urban centre, with pedestrian and cycle access into the town centre through Access C. This has the benefit of keeping traffic away from potential residential areas in the submission Site. It would not however provide strong structural connectivity with Kerikeri in the same way a multimodal road would. A pedestrian and cycle access only has inherent Crime Prevention through Environmental Design (CPTED) disadvantages for users, by not being activated by further means including cars and public transport.

Conclusion

It is considered that all options would provide for movement to, from and through the Site that provides choice, has resilience, and gives a robust connection to both Kerikeri and Waipapa. The preferred options from an urban design perspective are having two multimodal connections into the existing Kerikeri town centre, so that transport load can be dispersed with better urban outcomes. Further refinement of the Transport Options and a preferred solution will be assessed on the completion of the Transport Modelling.

7.3 Infrastructure

Infrastructure for the proposed Structure Plan will need to be staged. The first stages of the development will need to rely on on-site wastewater and stormwater management, with the later stages connecting to the wastewater reticulated network following the upgrades planned in the FNDC Long Term Plan. Significant upgrades or a new wastewater treatment plant solution are required to service the proposed development. Integration with the FNDC timeframes for their planned infrastructure upgrades as detailed in the Long-Term Plan 2018-28 will be key to the success of the development.

To successfully manage the development of this land, a temporary on-site wastewater treatment solution could be provided to support the first stages of the development. The solution will include a discharge to land option, which considers the environmental constraints of the Site, including the locations of the wetlands and the Kerikeri River. Discharge to water solutions have been discounted. Any future solution will be developed with reference to relevant rules, legislation and in consultation with Ngāti Rēhia.

The new development will be designed to connect to a reticulated wastewater system and the delivery of development will be integrated with infrastructure development and the provision of the required capacity. At this point in time, any onsite discharge solution will be decommissioned, and the remainder of the land will be developed in a staged approach.

A secondary water supply system via a ground water take will need to be established on Site to service the development during times of low flow or algal bloom in the main water supply for Kerikeri.

All stormwater management measures will be on-site.

7.4 Natural Hazard Management

A conceptual design for a floodway has been proposed to manage the 1:100-year flood risk. The area required for the floodway forms the Flood Hazard Overlay for the Site. The development of the Site will form one of the first stages of the development to ensure that the natural hazard risk is managed prior to the construction of the development.

The Structure Plan shows an indicative floodway that runs through the Site to manage the natural hazard flood risk on the subject land. There is a smaller area of land to the north of the Structure plan that is still susceptible to the 1:100-year flood event. A key design principle for this area is to integrate public amenity spaces and other infrastructure such as shared paths to ensure that these areas can be utilised by the community when not needed to manage flood flows.

7.5 Natural Environment

Development of the Structure Plan responds to the natural environment features, opportunities and constraints discussed in the report above.

The Structure Plan proposes to maintain and enhance the existing freshwater habitats and vegetated areas within the Structure Plan area, both of which contribute to the ecological values of the area. Improvements to the existing vegetated area will be incorporated into future developments on the Site, including fencing off areas that are not currently and undertaking weed removal.

The design of the proposed development will be guided by the location of these natural features and their protection and enhancement to the greatest extent practicable. These features will be incorporated into the development as part of the green corridor network and the pedestrian and cycling network. The overall aim of the Structure Plan is to protect and enhance the existing ecological areas on the Site. However, some of the natural features may need to be modified to provide for the infrastructure connections and local road network on the Site. This would be addressed in detail at the future development stage.

The southern side of Kerikeri River is currently not accessible to the public. An objective of the proposed development is to create a green corridor along the River edge to facilitate walking and cycling creating a high level of amenity for the residents of Kerikeri/Waipapa. Rainbow Falls are a significant natural feature and tourist attraction for Kerikeri. At the moment, access to the Falls is only available via the existing Kerikeri River Track. Through the proposed greenways identified in the Structure Plan, Rainbow Falls is highlighted as a natural asset for protection and enhancement, ensuring that the effects associated with the development of the Structure Plan do not adversely affect the Falls. The general public will have greater access to be able to view and enjoy the Falls from the Site.

7.6 Land Use

Building on the constraints outlined in Section 6 of the report above, the preferred Structure Plan proposes a mix of residential and mixed-use land, with an area of natural Open Space over the existing Wetland Area. A neighbourhood centre is included where the key internal road network intersects. A local centre

is also shown on the opportunities map to service the northern end of the development. Once the location of the local centre is more certain, there is an opportunity to rezone this area to Mixed Use, which is better suited to the use of the land as a local centre.

Commercial Land

As noted in the pFNDP, the Mixed Use Zone provides:

“a framework in which commercial and residential activities can co-exist and it enables a range of compatible activities. The focus of the zone is to revitalise urban centres and support business owners, residents and visitors, while ensuring that associated effects are appropriately managed. The Mixed Use zone will contribute to the vibrancy, safety and prosperity of the District's urban centres and will be serviced by appropriate infrastructure.”

The Mixed-Use Zone could provide for opportunities for future employment for the local population and the future population. The Mixed-Use zone also provides an opportunity to interface with State Highway 10, having a dual frontage to the internal roading network and the State Highway. The intention for the Mixed Use zone is to build on the existing commercial and industrial uses within Kerikeri and Waipapa and to incorporate complementary uses that do not detract from the main centres of Kerikeri and Waipapa.

In terms of managing the interface between uses and adjoining zone boundaries, the following is noted:

- The proposed General Residential Land to the east will be separated from the Mixed Use zone via a natural overland flow path that will ensure that there are appropriate setbacks between each of the different zonings.
- The proposed General Residential Land to the north will be separated via the proposed floodway.
- The smaller neighbourhood centre in the middle of the Structure Plan Area will be set back from the General Residential Area by the local road network. The intention of this area is to provide for services that are complementary to the residential uses.
- The proposed new roundabout on State Highway 10 will provide a key demarcation for a transition from the rural zone to the urban zone. As identified on the opportunities map, there is the potential for the land to the south to be identified as Future Urban Zone.
- The boundary between the Mixed-Use Zone and the Rural Production Zone can be managed via planting and landscaping at the time of applying for resource consents.

Open space and recreation.

An open space and recreation strategy will be developed during the resource consenting stage to respond to opportunities identified to incorporate open spaces into the proposed development area. The Structure Plan indicates roads running alongside existing and enhanced areas of bush or waterways wherever possible. This creates a strong awareness of these areas and also allows them to be enjoyed by the public. Houses across the road from these open or natural spaces address the road and as such overlook these areas.

Where a demand is identified, flat and useable neighbourhood parks will be provided for in central locations that are accessible where higher density residential development is proposed, consistent with the Council's Open Space Provision Policy.

Summary

The proposed land use pattern contributes toward future housing needs and allows the retention of landscape features such as bush areas and waterways to be incorporated in the overall design and not used as saleable land as might be otherwise. The use of the General Residential Zone and the Mixed-Use Zone will provide for a wide range of housing choices and levels of affordability and complementary commercial uses, facilitating employment opportunities for the Far North.

8. Implementation

The proposed staging of the development is to be confirmed and will be guided by the implementation of the Proposed Precinct Rules. The construction of the flood way and one access point are likely to form part of the first stage of the development, prior to the commencement/occupation of the residential development. On-site wastewater treatment will also need to be considered for each Stage.

The Precinct Plan will contain a number of development triggers that will influence the Staging of the development. This level of detail is still to be confirmed.

Funding arrangements for the proposed infrastructure to facilitate the Structure Plan are still to be confirmed but will be largely developer lead.

9. Conclusion

The Structure Plan outcomes have identified that the Brownlie land is well situated to provide capacity for the urban growth of Kerikeri and Waipapa. The land is strategically located between the two townships, has few constraints to urban development and opens up several opportunities in relation to connectivity.

Through development of the Structure Plan a solution has been identified to enable development of the land while taking into account the natural features and flooding constraints, as well as highlighting the opportunities of the Site to provide a range of transportation connections including access to Rainbow Falls - *Waianiwaniwa*.

The land provides significant benefit in terms of being held in one ownership thereby offering significant opportunity to create a well-functioning, quality urban environment because land development can be planned and implemented comprehensively.

The Structure Plan outcomes indicate primarily residential zoning with a commercial area against SH10 and a small-scale neighbourhood centre to support residential development. The floodway is defined as an overlay and any future zoning will require a Precinct, or other Site-specific provisions to ensure the appropriate land is secured to manage flood hazards.

A comprehensive and connected greenway system is proposed that has potential to connect with Te Araroa Trail and the Kerikeri River walkway. Two road connection options are provided into Kerikeri giving benefits as previously outlined.

By being residential focussed the area can contribute to accommodating the strong demand for housing that has been identified in an efficient way where residents can live in close proximity to employment areas, and commercial/retail amenity.

The commercial area located against SH10 can provide a positively designed entrance to Waipapa providing a southern bookend to the urban part of Waipapa. Part of the Site will be required to facilitate construction of the new State Highway 10 connection that will provide access to the Site and opportunity for a strong east west connection between Waipapa and Kerikeri. This connection also provides opportunity to connect, via local roads to Waitotara Drive thus providing an alternative route, and network resilience, for situations where State Highway 10 floods.

Locating business zoning to the west fronting State Highway 10 provides opportunity to manage reverse sensitivity effects with the State Highway and also create dual frontage to business premises to create a strong urban edge and facilitate safe access for vehicles and pedestrians to the business area from within the Site. Locating Business land in this location supports the character of Waipapa and creates greater opportunity for connection and integration with the Sports Hub.

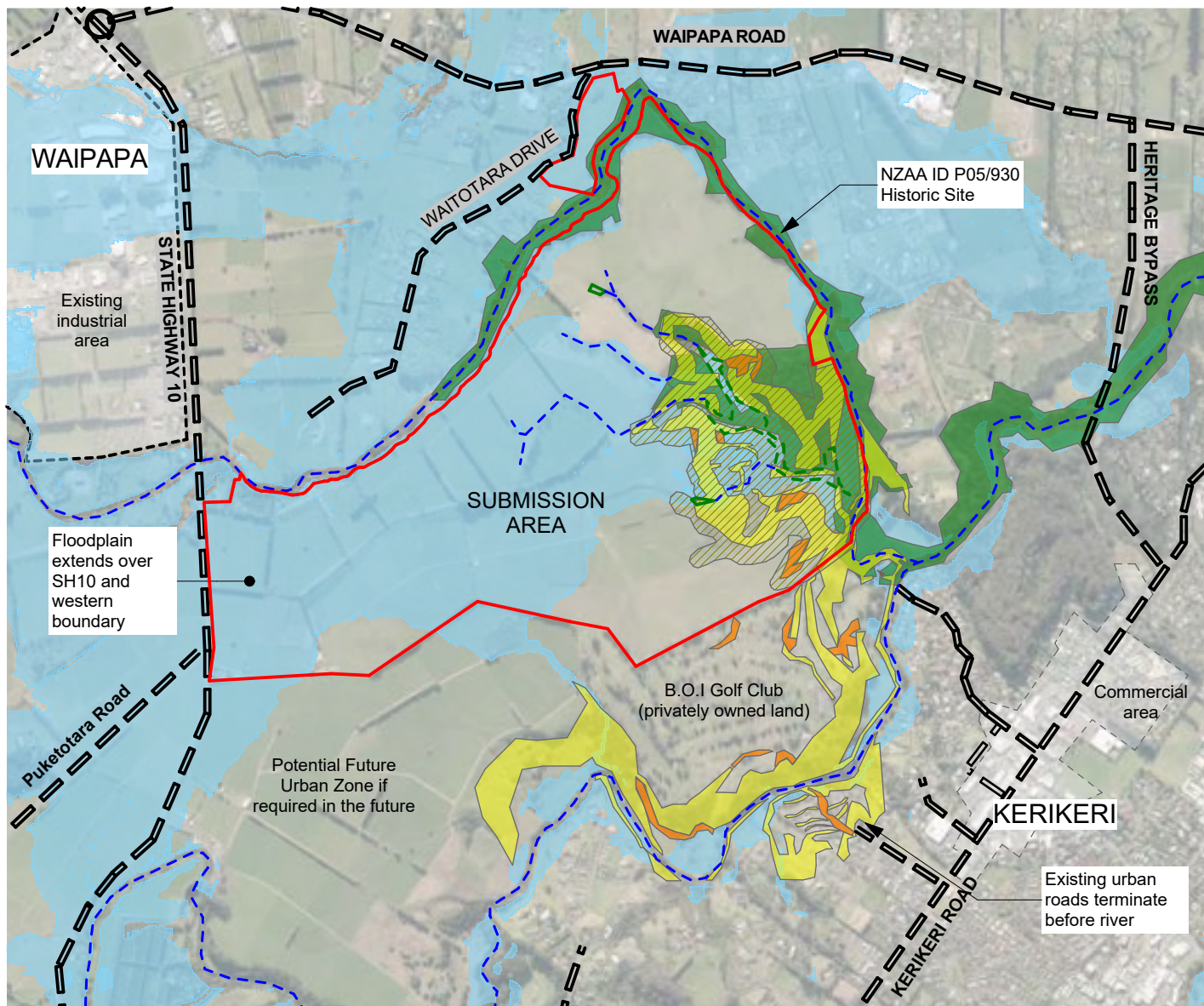
The commercial area also allows for social infrastructure that may be required to service the anticipated population of the residential area. The land would enable social infrastructure such as schools and medical centres to be located efficiently.

Development of the Structure Plan Area will complement and not compete with the existing townships of Kerikeri or Waipapa. It will provide land for a balanced and complimentary range of land uses, and most importantly will provide land capacity required for growth in an efficient manner and will facilitate a range of outcomes that will directly contribute to creating a high quality and well-functioning urban environment.

Supported by various technical assessments, the rezoning of the land will provide capacity for additional housing supply for the Kerikeri and Waipapa area. The location of the Site and its characteristics will facilitate creation of a well-functioning urban environment - compact and well-connected neighbourhoods and appropriately designed commercial centres. The rezoning will create multiple opportunities for provision of a range of housing typologies and encourage more affordable housing by increasing land capacity and creating a less constrained housing market.

Appendix 1:

Site Constraints and Opportunity Plans



-  Boundary of submission area
-  Modelled 1 in 100 year + climate change flood extent
-  Existing natural rivers / overland flowpaths
-  Natural wetlands
-  Slope Greater Than 20%
-  Slope Greater Than 12.5%
-  Existing Road
-  Significant Natural Area - operative district plan
-  Land identified as difficult to develop

Refer to source information for detail:

E2 Environmental 5/7/2022

Bioresearches ecological analysis 26/4/2022

Bioresearches ecological analysis 26/4/2022

Terrain Surveying 2/6/2022

Terrain Surveying 2/6/2022

FNDC

FNDC

E2 Environmental 5/7/2022

Brownlie Land - Site Constraints

Submission on FNDC District Plan

1828 & 1878 State Highway 10, Waipapa



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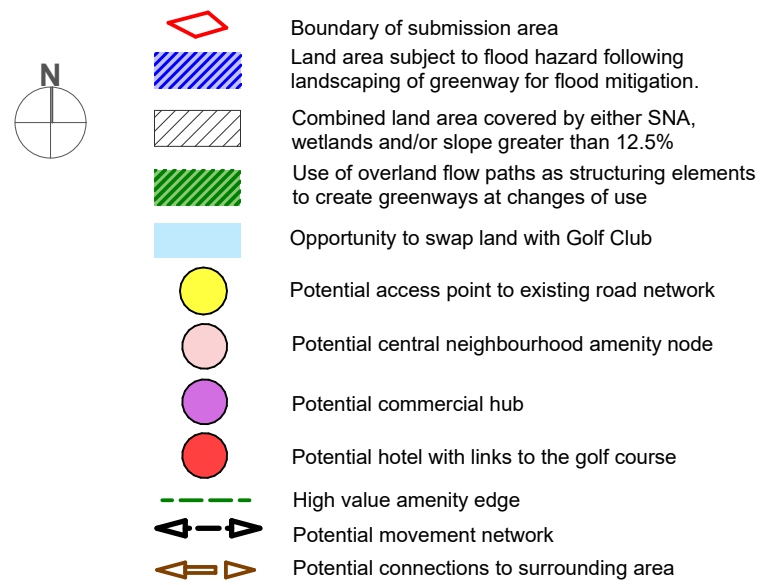
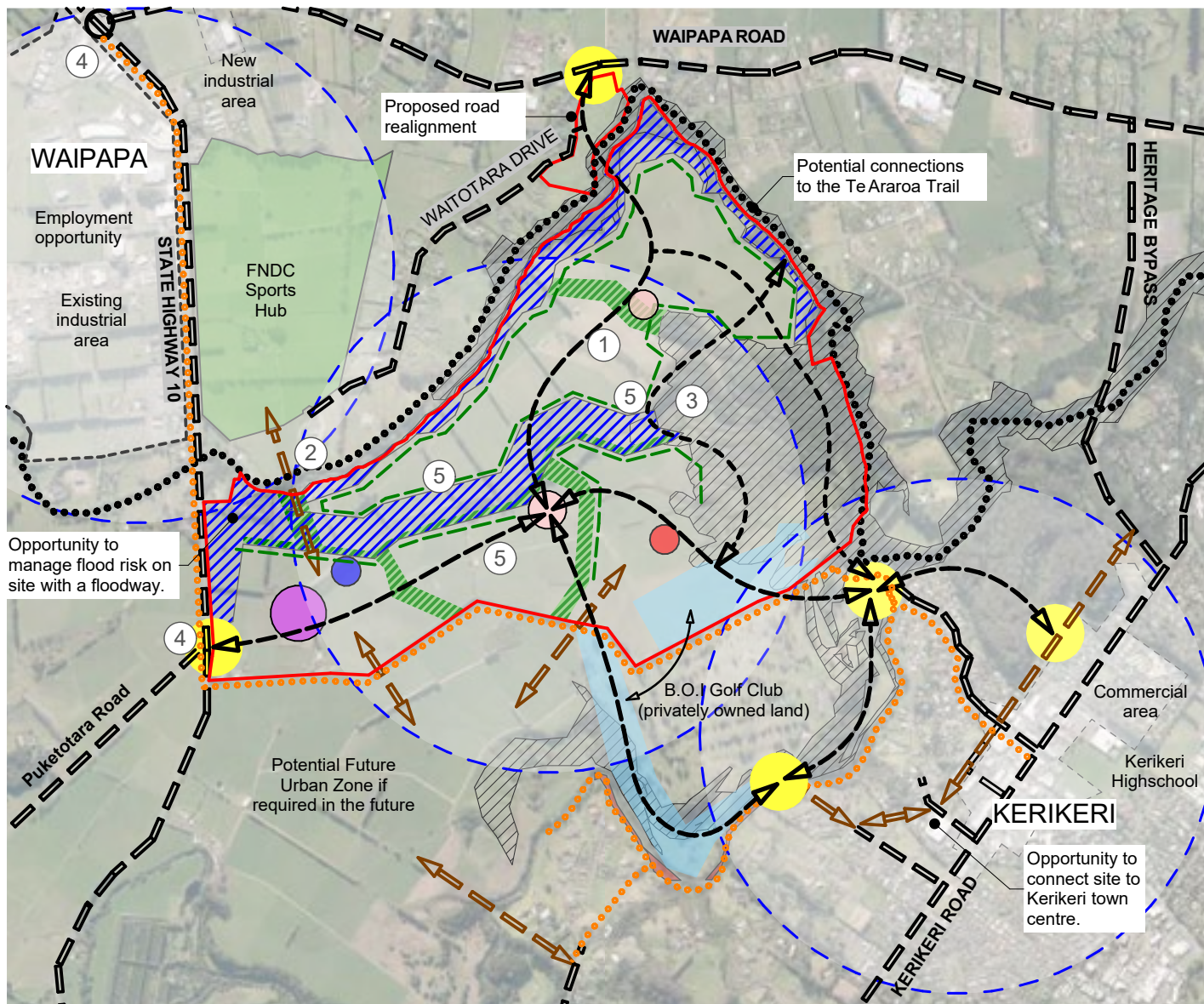
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A001

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- Te Araroa Trail
 Planned pathways near the submission area
 800m radius pedshed showing walkability from Kerikeri and Waipapa
- The site has significant areas of land with less than 12.5% slope; meaning road direction is unconstrained providing excellent development potential.
1. Opportunity to provide a shorter State Highway 10 temporary bypass in the event of flooding.
 2. Opportunity for a pedestrian connection to FNDK Sports Hub.
 3. Opportunity to protect and enhance waterfalls and bush, and provide public access to these natural amenities.
 4. Opportunity to demarcate the urban Waipapa commercial area from north and south directions with roundabouts.
 5. Opportunity for increased residential density adjacent to high value amenity edges.

Brownlie Land - Site Opportunities



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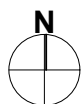
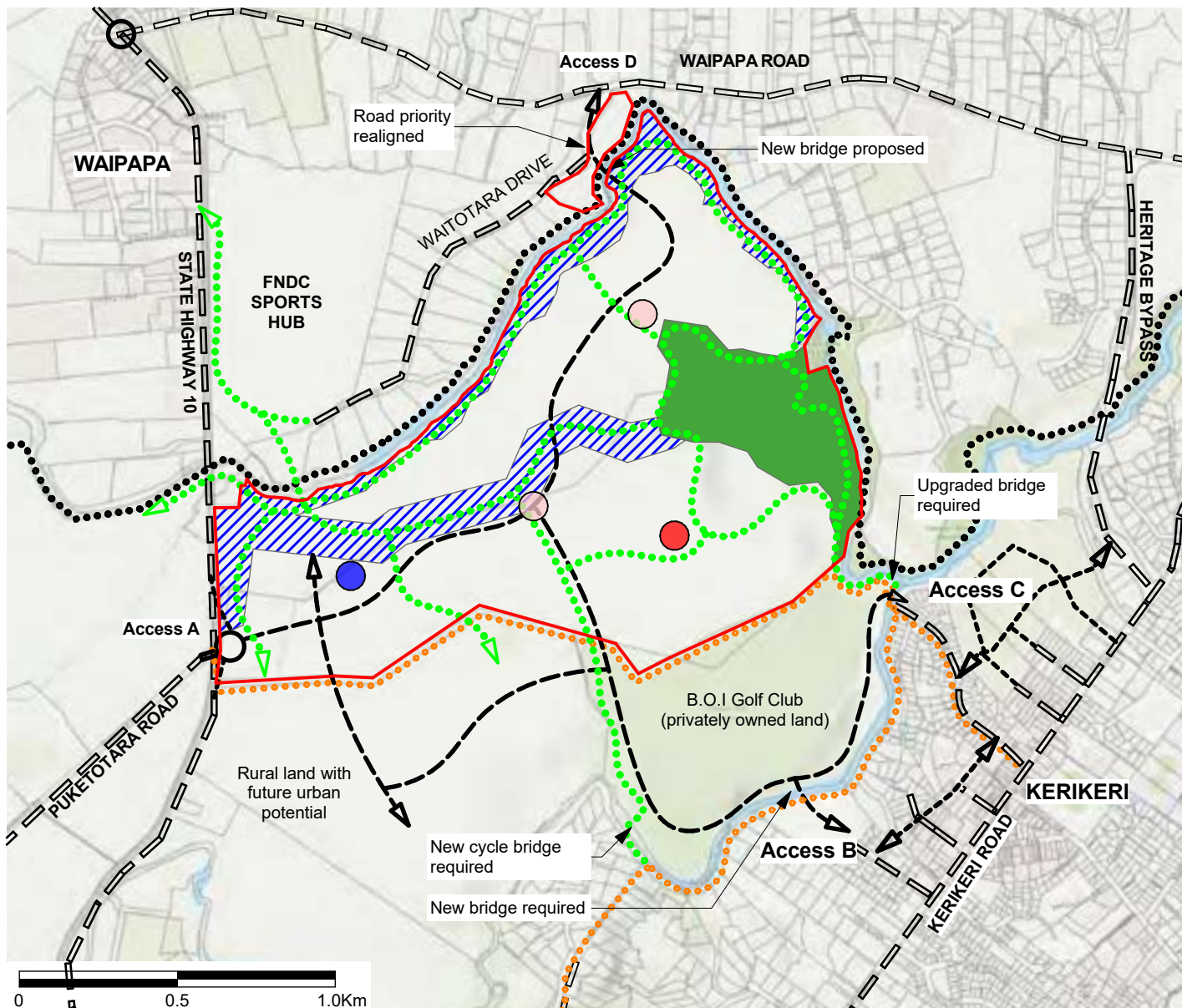
Client
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Appendix 2:

Transport Options Plans



LEGEND

- Submission area
- Existing road network
- Potential future connector road outside of submission area
- Proposed collector road network with cycle ways and footpaths
- Proposed greenway paths
- TeAraroa Trail
- Planned pathways (District plan)
- Proposed local centre with corner shops and a pocket park
- Potential school site with connection to sports hub and using floodway as sports fields
- Potential hotel facility with connection to existing golf course
- Land Required for landscaped Flood Hazard mitigation - to become landscape amenity
- Significant Natural Area within the boundary of the submission

Brownlie Land - Local Transport Network: Option 1 and Greenways Plan

Submission on FNDC District Plan

1828 & 1878 State Highway 10, Waipapa



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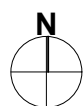
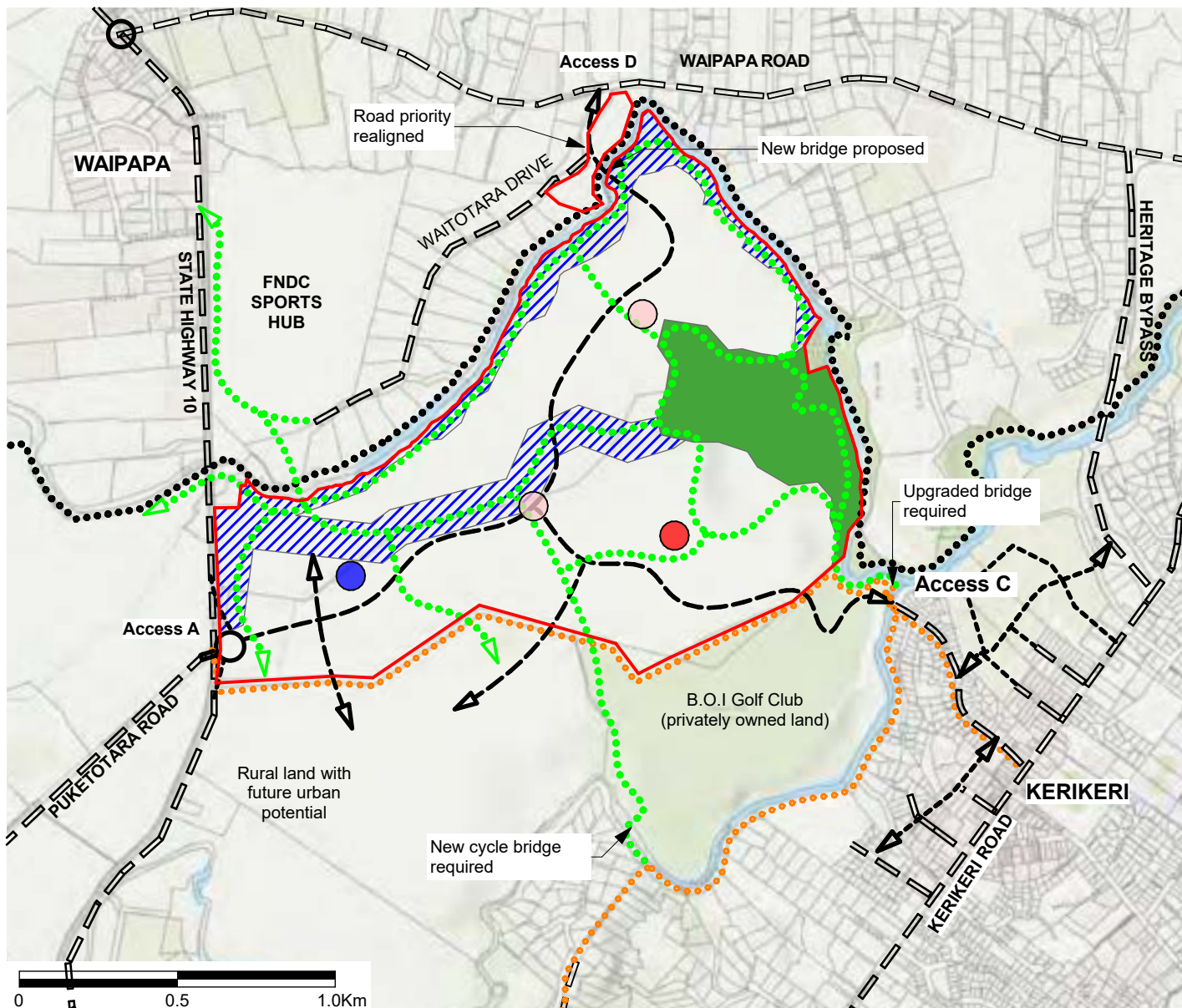
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LEGEND

- Submission area
- Existing road network
- Potential future connector road outside of submission area
- Proposed collector road network with cycle ways and footpaths
- Proposed greenway paths
- Te Araroa Trail
- Planned pathways (District plan)
- Proposed local centre with corner shops and a pocket park
- Potential school site with connection to sports hub and using floodway as sports fields
- Potential hotel facility with connection to existing golf course
- Land Required for landscaped Flood Hazard mitigation - to become landscape amenity
- Significant Natural Area within the boundary of the submission

Brownlie Land - Local Transport Network: Option 2 and Greenways Plan

Submission on FNDc District Plan

1828 & 1878 State Highway 10, Waipapa



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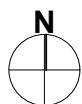
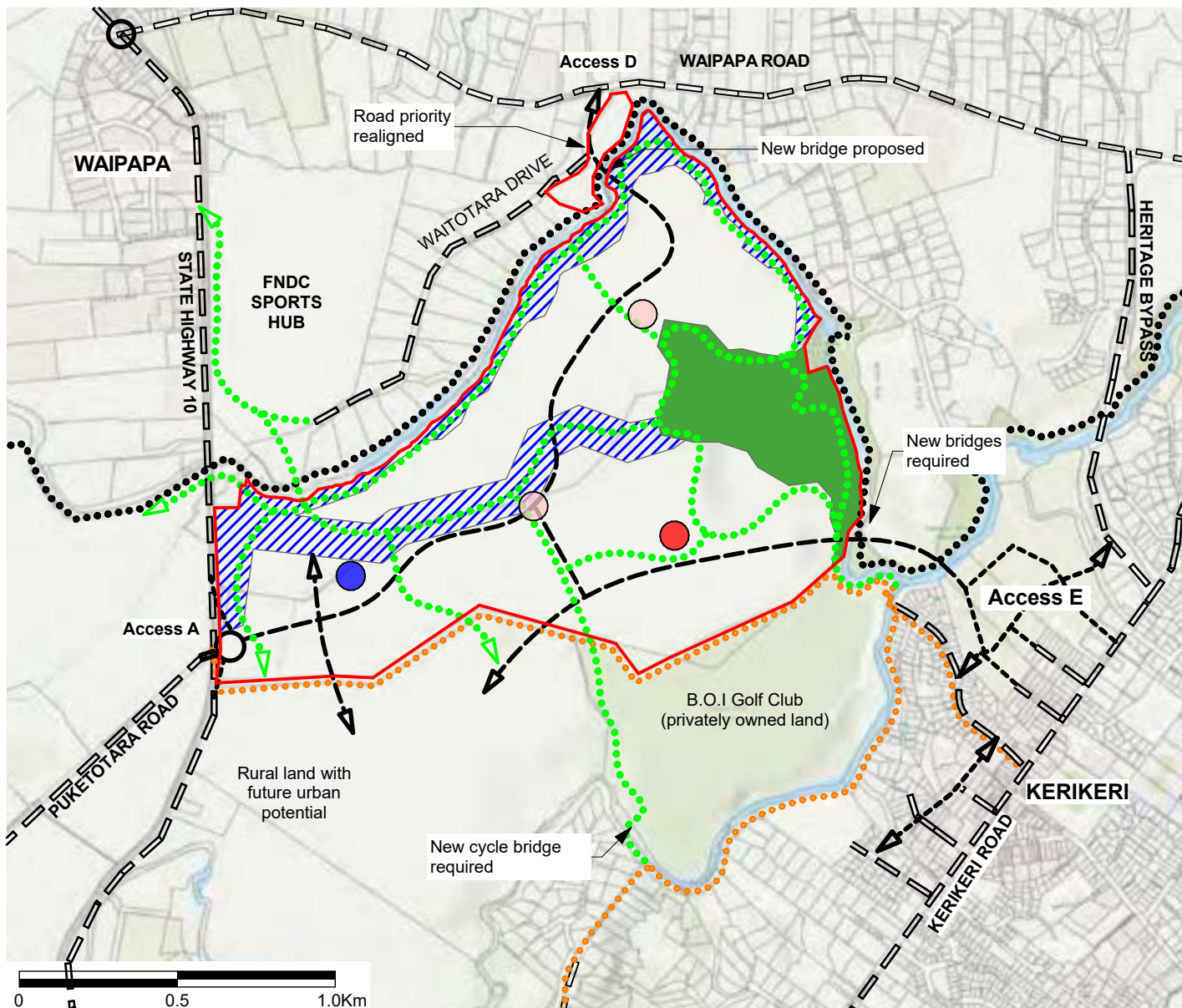
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Date
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LEGEND

- Submission area
- Existing road network
- Potential future connector road outside of submission area
- Proposed collector road network with cycle ways and footpaths
- Proposed greenway paths
- Te Araroa Trail
- Planned pathways (District plan)
- Proposed local centre with corner shops and a pocket park
- Potential school site with connection to sports hub and using floodway as sports fields
- Potential hotel facility with connection to existing golf course
- Land Required for landscaped Flood Hazard mitigation - to become landscape amenity
- Significant Natural Area within the boundary of the submission

Brownlie Land - Local Transport Network: Option 3 and Greenways Plan

Submission on FNDc District Plan

1828 & 1878 State Highway 10, Waipapa



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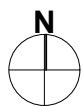
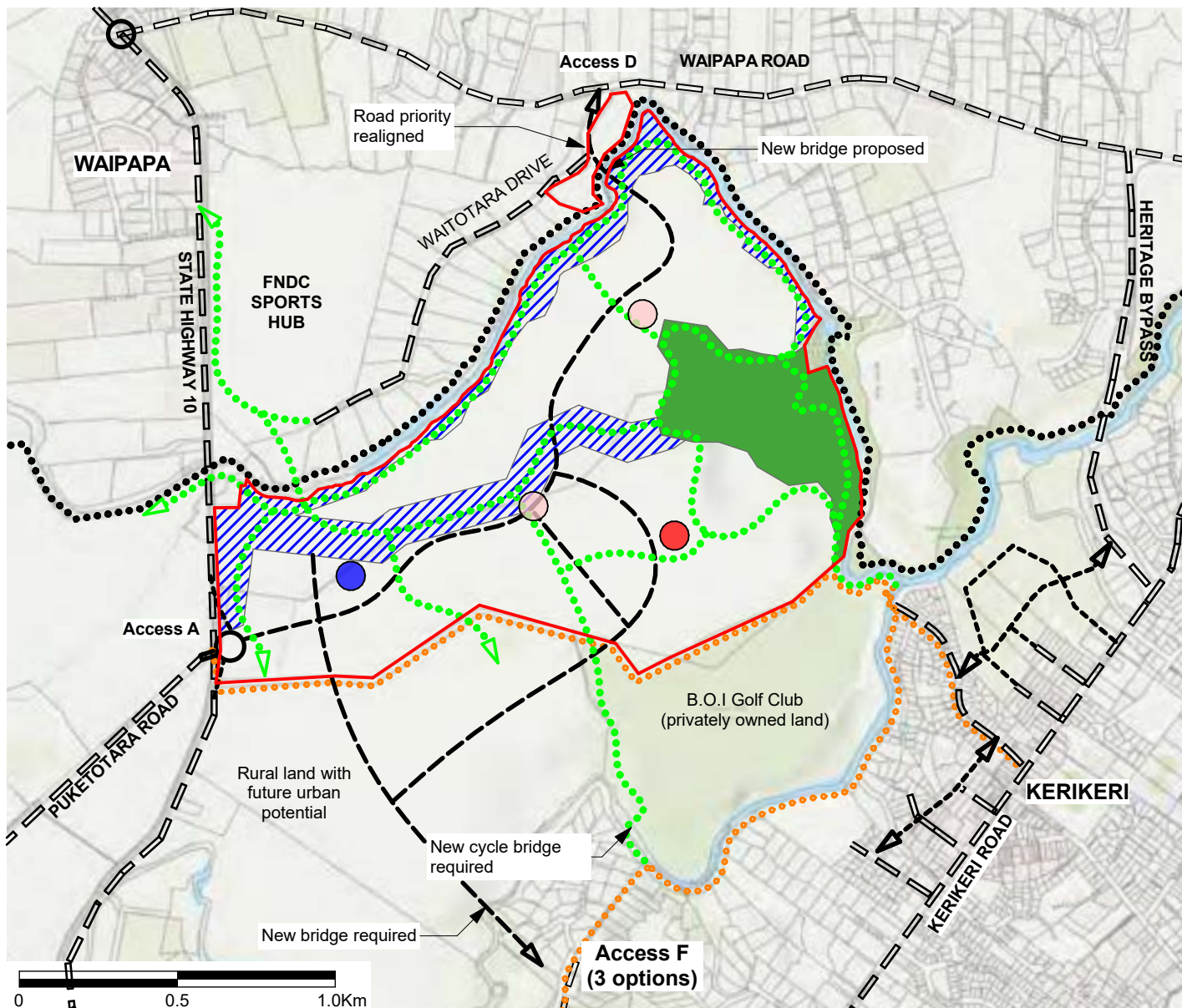
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LEGEND

- Submission area
- Existing road network
- Potential future connector road outside of submission area
- Proposed collector road network with cycle ways and footpaths
- Proposed greenway paths
- Te Araroa Trail
- Planned pathways (District plan)
- Proposed local centre with corner shops and a pocket park
- Potential school site with connection to sports hub and using floodway as sports fields
- Potential hotel facility with connection to existing golf course
- Land Required for landscaped Flood Hazard mitigation - to become landscape amenity
- Significant Natural Area within the boundary of the submission

Brownlie Land - Local Transport Network: Option 4 and Greenways Plan

Submission on FNDC District Plan

1828 & 1878 State Highway 10, Waipapa



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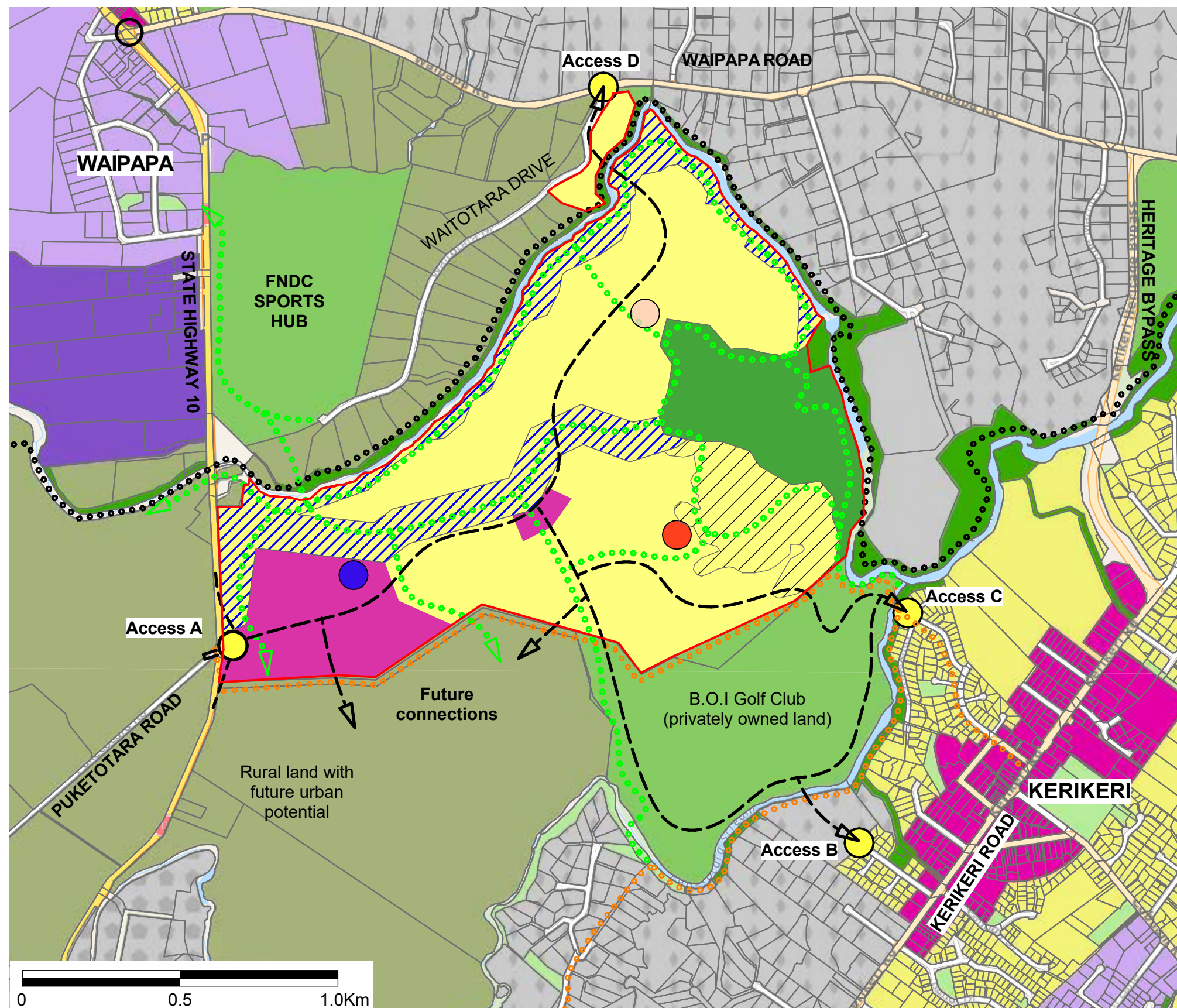
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Appendix 3:

Proposed Structure Plan



Legend

- Submission area
- State Highways
- Local roads
- Waterways

Zones

- General Residential
- Heavy Industrial
- Light Industrial
- Mixed Use
- Natural Open Space
- Open Space
- Sport And Active Recreation
- Rural Lifestyle
- Rural Production

Special Purpose Zones

- Airport
- Carrington Estate; Kauri Cliffs; Kororāreka Russell Township; Moturoa Island; Orongo Bay; Quail Ridge
- Horticulture
- Horticulture Processing Facilities
- Rural Residential

Features

- Significant Natural Area
- Proposed area of large lot residential
- Key transport connections to existing roads
- Proposed local centre
- Potential school site with connection to FNDc sports hub
- Potential hotel facility with connection to existing golf course
- Proposed local roads with cycle ways
- Potential future connections beyond submission area
- Te Araroa Trail
- Planned pathways (FNDc District Plan)
- Proposed greenway pathways
- Flood prone area overlay (final extent TBC)

Map notations (including zone boundaries, greenways etc) are indicative only and will be refined through later (more detailed) processes such as Plan Changes or Notices of Requirement.

Title

Brownlie Land - Proposed Structure Plan: Land Use

Submission on FNDc District Plan

1828 & 1878 State Highway 10, Waipapa

Date
20/10/2022

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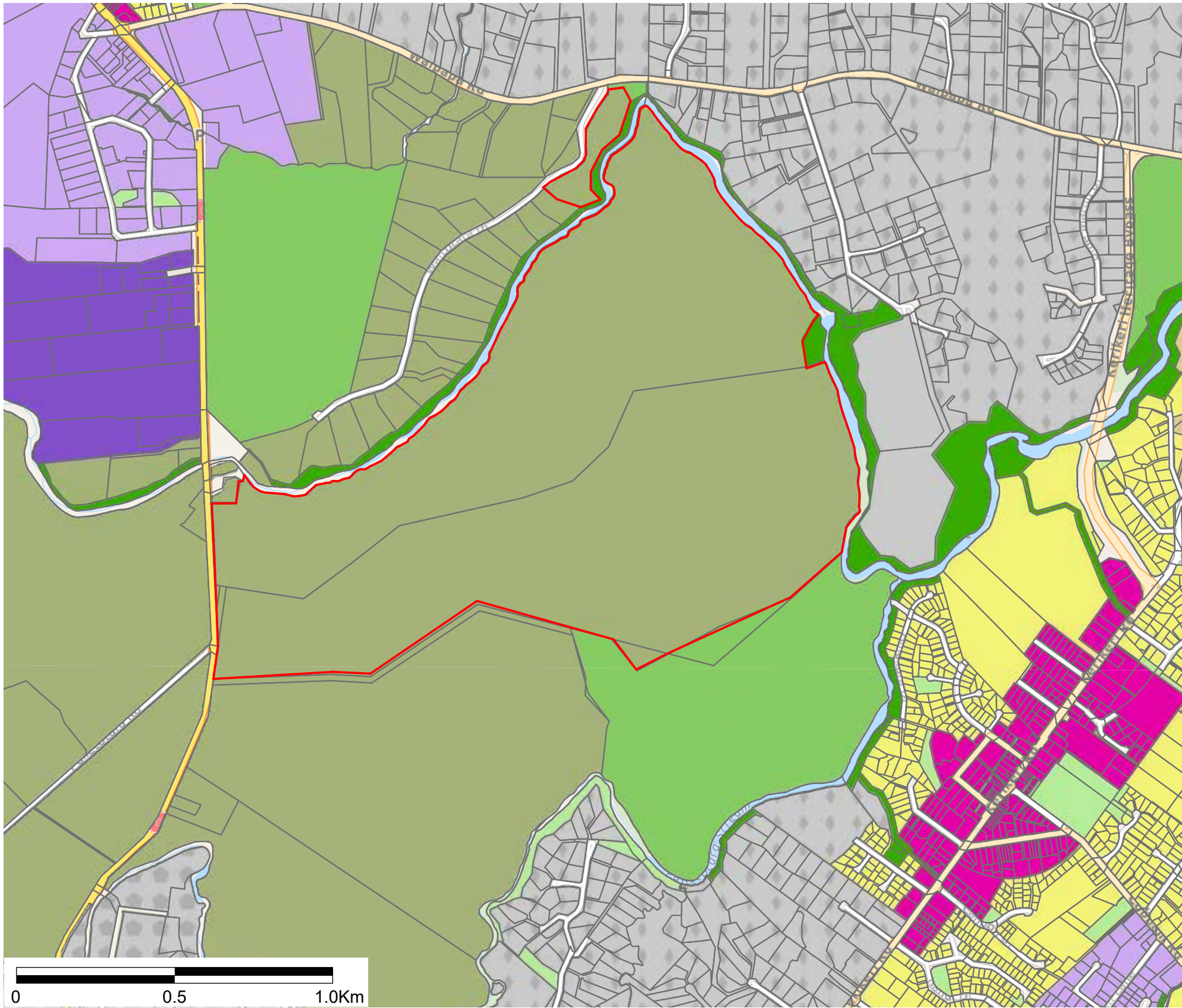
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Appendix 4:

Existing and Proposed Zoning of the Site, including proposed overlays and Precinct Area.



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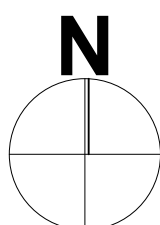
- Submission area
- State Highways
- Local roads
- Waterways

Zones

- General Residential
- Heavy Industrial
- Light Industrial
- Mixed Use
- Natural Open Space
- Open Space
- Sport And Active Recreation
- Rural Lifestyle
- Rural Production

Special Purpose Zones

- Airport
- Carrington Estate; Kauri Cliffs; Kororāreka Russell Township; Moturoa Island; Orongo Bay; Quail Ridge
- Horticulture
- Horticulture Processing Facilities
- Rural Residential



Title
Brownlie Land - FNDC District Plan - as notified 27 July 2022

Submission on FNDC District Plan
 1828 & 1878 State Highway 10, Waipapa

Date
 21/10/2022

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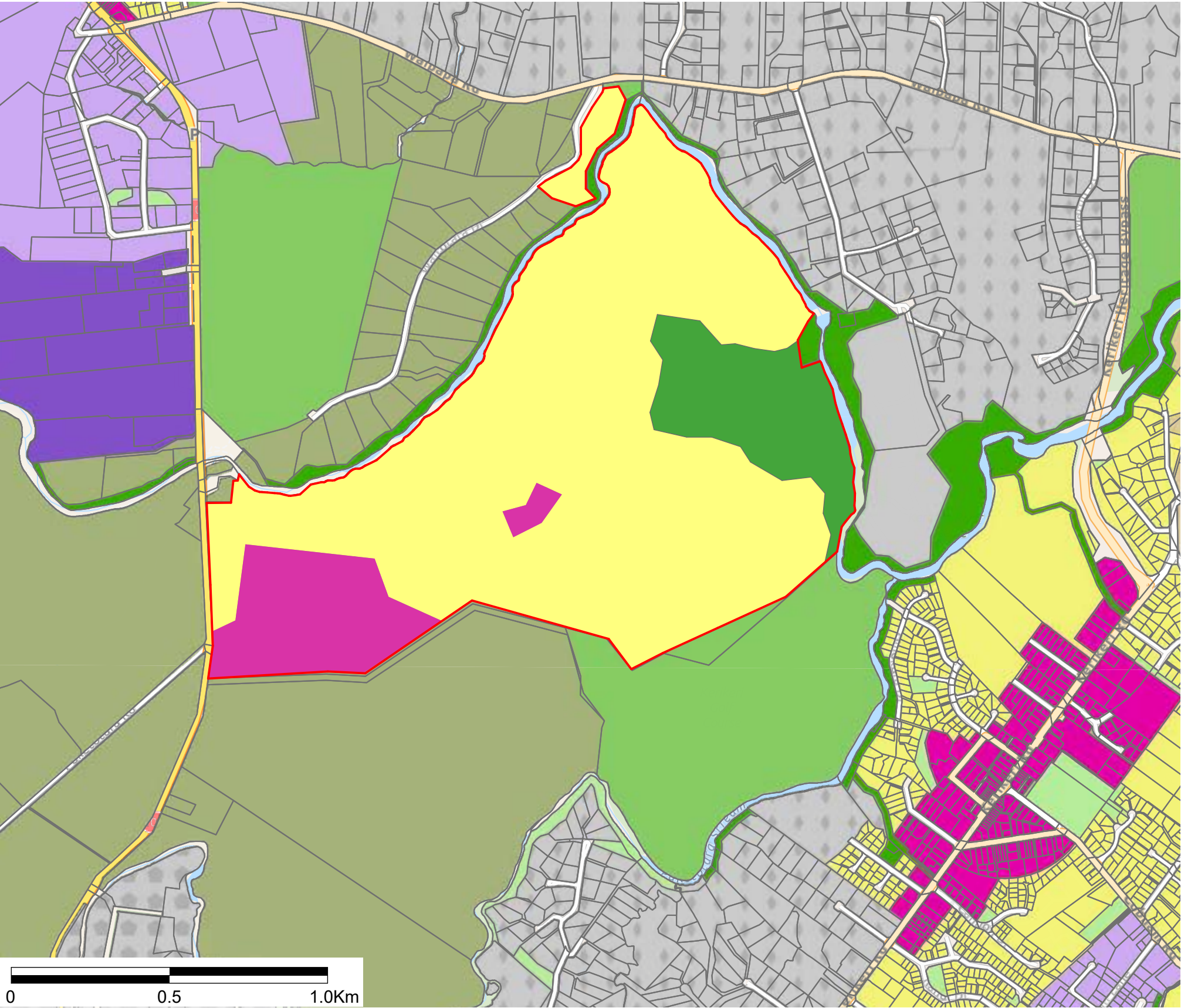


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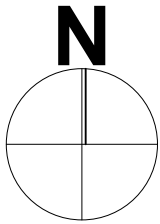
Submission area
State Highways
Local roads
Waterways

Zones

General Residential
Heavy Industrial
Light Industrial
Mixed Use
Natural Open Space
Open Space
Sport And Active Recreation
Rural Lifestyle
Rural Production

Special Purpose Zones

Airport
Carrington Estate; Kauri Cliffs; Kororāreka Russell Township; Moturoa Island; Orongo Bay; Quail Ridge
Horticulture
Horticulture Processing Facilities
Rural Residential



Title
Brownlie Land - Proposed Zoning Plan: Zones

Submission on FNDC District Plan
1828 & 1878 State Highway 10, Waipapa

Date
21/10/2022

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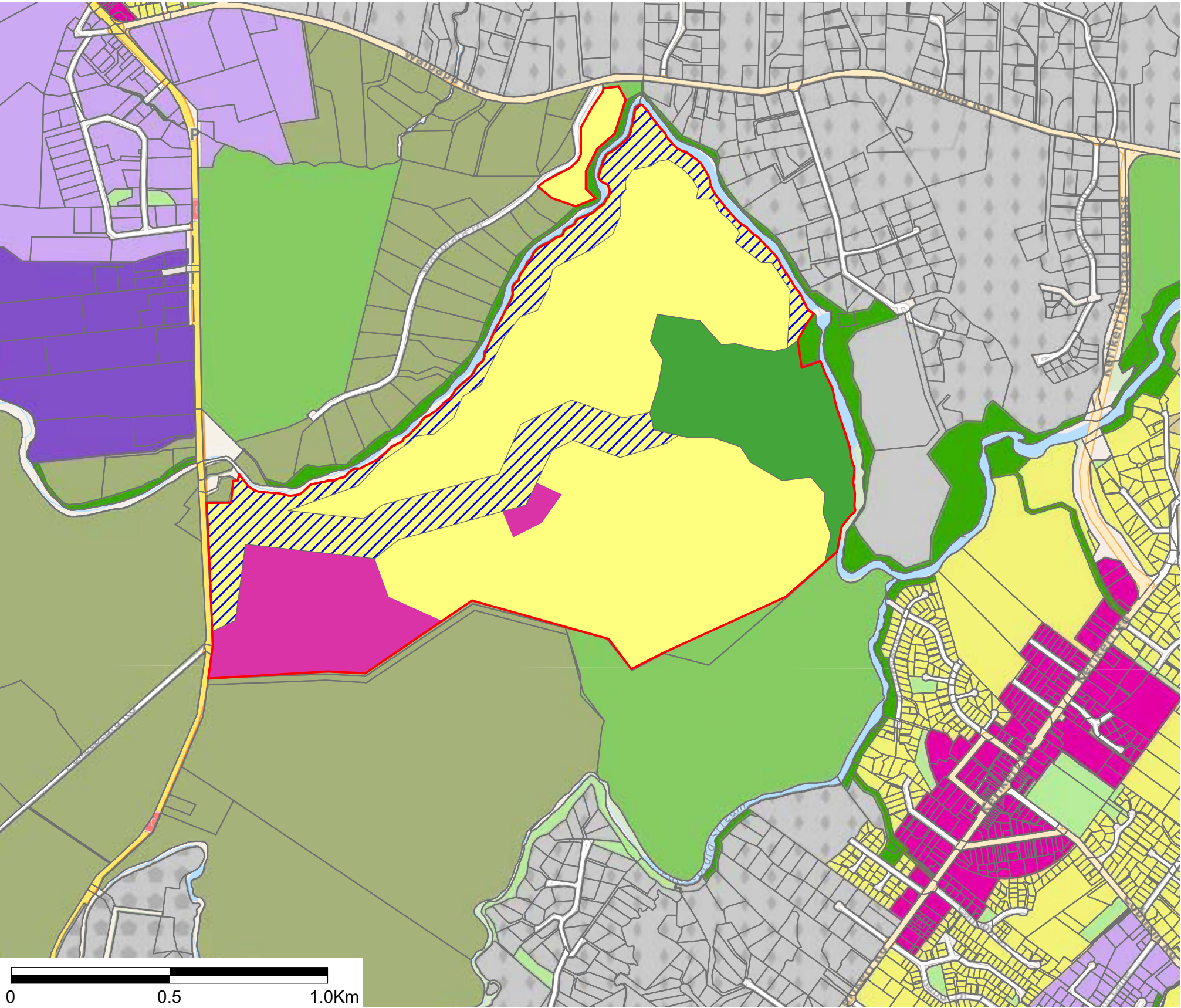


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Legend

Submission area

State Highways

Local roads

Waterways

Zones

General Residential

Heavy Industrial

Light Industrial

Mixed Use

Natural Open Space

Open Space

Sport And Active Recreation

Rural Lifestyle

Rural Production

Special Purpose Zones

Airport

Carrington Estate; Kauri Cliffs;
Kororāreka Russell Township;
Moturoa Island; Orongo Bay; Quail
Ridge

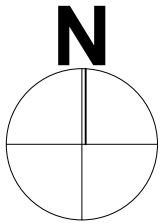
Horticulture

Horticulture Processing Facilities

Rural Residential

Overlays

Flood prone area overlay (final extent TBC)



Title
Brownlie Land - Proposed Zoning Plan: Overlays

Submission on FNDC District Plan
1828 & 1878 State Highway 10, Waipapa

Date
21/10/2022

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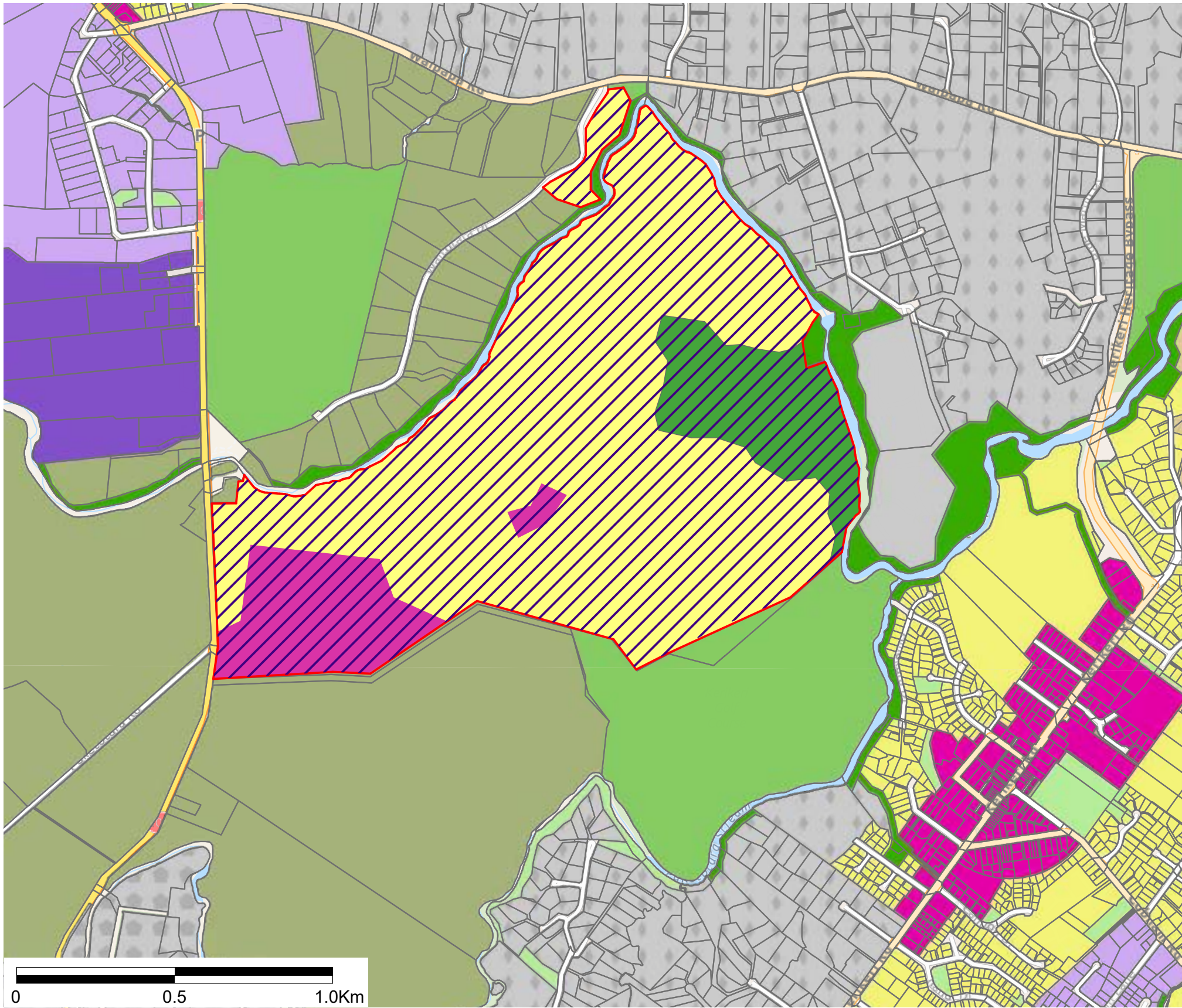


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Legend

- Submission area
- State Highways
- Local roads
- Waterways

Zones

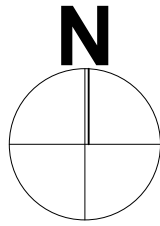
- General Residential
- Heavy Industrial
- Light Industrial
- Mixed Use
- Natural Open Space
- Open Space
- Sport And Active Recreation
- Rural Lifestyle
- Rural Production

Special Purpose Zones

- Airport
- Carrington Estate; Kauri Cliffs; Kororāreka Russell Township; Moturoa Island; Orongo Bay; Quail Ridge
- Horticulture
- Horticulture Processing Facilities
- Rural Residential

Precincts

- Brownlie Land Precinct



End of Report

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Section 32 Report: Brownlie Land

Assessing options for and the appropriateness of land for urban development.

Applicant Name: Kiwi Fresh Orange Company Limited

Date: 21 October 2022

This Section 32 Report has been prepared by The Planning Collective Limited and forms part of the Submission on the Far North Proposed District Plan on behalf of Kiwi Fresh Orange Company Limited relating to land at 1828 and 1878 State Highway 10, Waipapa and Lot 1 DP 333643 and Lot 2 DP 76850. (TPC Reference: KFO-024-22).



This report has been prepared by:

Claire Booth
Senior Planner
The Planning Collective Limited

Dated: 18/10/2022



This report has been peer reviewed by:

Burnette O'Connor
Director / Planner
The Planning Collective Limited

Dated: 18 October 2022

"The curves within the circle symbol of our logo are a depiction of the shape the Mahurangi River takes as it weaves its way through Warkworth. This was chosen to illustrate the whenua and landscape of the town that The Planning Collective works so closely with."

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5. Section 32 Analysis.....	9
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8. Conclusion	36

Appendices

- A. Strategic Directions (Proposed Far North District Plan)
- B. Assessment of Environmental Effects

1. Submitter Details

Applicant	:	Kiwi Fresh Orange Company Limited
Site Address	:	1828 and 1878 State Highway 10, Waipapa (including Lot 1 DP 333643 and Lot 2 DP 76850
Legal Description	:	Part Lot 2 DP 41113, Part Lot 2 DP 89875, Lot 1 DP 333643 and Lot 2 DP 76850
Area of Site	:	197ha
Operative Zoning <i>Far North District Plan</i>	:	<u><i>Proposed Far North District Plan</i></u> <i>Rural Production</i>
Zoning Requested	:	<u><i>Proposed Zoning</i></u> <i>-General Residential</i> <i>- Mixed Use</i> <i>- Natural Open Space.</i>

Contact Details

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2. Executive Summary

This is an evaluation report prepared under section 32 of the Resource Management Act 1991 (**RMA**). It is intended to examine and assess the proposal in the Structure Plan and The Precinct, and the relief sought by the Kiwi Fresh Orange Company Limited's submission on the Proposed District Plan (**Proposal**).

In summary, the objectives of the Proposal are the most appropriate way to achieve the purpose of the Act, because:

- The Proposal will result in an efficient use of land, providing for a cohesive and comprehensive solution to meet the housing and commercial needs of Kerikeri and Waipapa's growing population.
- The natural features identified within the Proposal are protected through appropriate zoning.
- Accessibility to the Kerikeri River is increased and amenity values are enhanced.
- Ad hoc infill development and further subdivision of Rural Lifestyle blocks is reduced.
- Affordable housing can be provided.
- Development can be staged to ensure appropriate provision of infrastructure services.

The provisions of the Proposal are the most appropriate way to achieve the objectives, because:

- The Proposal responds to the projected demand for more residential and commercial land in Kerikeri and Waipapa which the proposed Far North District Plan does not provide for. The Proposal provides development capacity for housing and business, while ensuring the business use is compatible with the surrounding residential use and is both an efficient and effective use of the land.
- The Proposal would result in an efficient use of the land for residential purposes, subject to the management of the traffic connections and the management of the flood hazard on site.
- The site can be adequately serviced via on site mechanisms in the short term and a connection to the reticulated system in the long term. This is consistent with objectives that seek to ensure urban development is provided alongside infrastructure needed to serve the development.
- Affordable housing can be provided at scale.
- The Proposal enables a flexible development opportunity, including retirement villages and greenfield affordable housing development, which require land holdings. These types of development cannot be achieved through infill housing.
- The Proposal protects and enhances the natural features of the site, including providing public access to Kerikeri River, where no access is currently available.

A comparative analysis of other options was carried out in the preparation of this report. These alternatives are less appropriate than the Proposal's provisions because they do not provide the housing and business development capacity required to service growth or do not enable compatible residential and commercial uses. They therefore do not unlock the benefits of the Proposal or have greater costs in terms of the environmental effects. The other options would result in further increases in sprawl and the inability to provide for affordable housing due to the infrastructure costs.

This report considers the benefits and costs of the environmental, economic, social, and cultural effects anticipated from implementation of the Proposal's provisions. In particular, it concludes:

- That demand for additional housing business development capacity will be met.
- Additional transport connectivity through the site (both for private vehicles and active transport uses) is provided.
- The Proposal will adequately manage the flood hazard risk present on the Site prior to development occurring through the Precinct.
- Development can be suitably serviced on-site until such time as there is capacity within the reticulated network.
- The Proposal opens up Kerikeri River to the public, which has significant amenity benefits.
- The Proposal protects the wetland features and vegetation around Rainbow Falls, through the use of the Natural Open Space Zone.
- The Proposal could result in 2,348 FTE potential jobs from the construction of approximately 1,830 dwellings and 653 FTE potential jobs from the construction of a commercial and employment centre.
- The Proposal will meet the identified demand for an additional 11ha of business and Commercial land identified in the FNDC Section 32 reports, as well as the additional 4ha demand identified in the Economic Assessment.
- Provide for uses that complement both Kerikeri and Waipapa Townships.

Therefore, the Proposal is the most effective and efficient option to achieve the objectives of the PDP and the Proposal.

A Section 32 report must consider the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions. There is sufficient information to assess the effects anticipated from implementation of the Proposal's provisions. The effects of urban development are well understood, and the Proposal is supported by technical expert reports which identify the need for further urban development capacity and provide solutions to overcome site constraints.

3. Introduction

Kiwi Fresh Orange Company Limited (**KFO**) is a submitter on the Proposed District Plan seeking to rezone 197ha of land in Kerikeri-Waipapa to a mix of General Residential, Mixed Urban and Natural Open Space (**Site** or **Submission Area**).

The content of KFO's submission is provided in the following reports:

- the Structure Plan – which provides the background and justification for the proposal to rezone the Submission Area. It also identifies the various zones, precincts and overlays to be applied to the land; and
- the Precinct – which contains the proposed provisions applying to the zones, precincts and overlays in the Structure Plan.

(We refer to these documents and submission and relief sought therein as the **Proposal**)

In formulating its Proposal, KFO commissioned technical expert reports to understand whether there was demand for rezoning and to assess the sites feasibility – in terms of constraints and environmental effects – for development.

In this section 32 evaluation report (**Evaluation Report**), we examine and assess the Proposal and the expert reports in accordance with section 32 of the RMA.

In preparing the Evaluation Report we have:

- Reviewed the Proposed District Plan (**PDP**).
- Reviewed the s32 Analysis and supporting documents provided in support of the PDP.
- Reviewed the Proposal and technical reports for the Site in light of the Proposed District Plan.
- Considered relevant higher order policy, including:
 - The Regional Policy Statement for Northland (**RPS**);
 - The National Policy Statement for Freshwater Management (**NPS-FM**);
 - The National Policy Statement on Urban Development (**NPS-UD**);
 - The National Policy Statement on Highly Productive Soil (**NPS-HPL**).

Site location and Description

We adopt the Structure Plan's assessment of the Site location and description and note, in summary:

- The Site is proposed to be zoned Rural Production under the PDP. It is currently used for rural production purposes.
- The Site is located on SH 10 between Kerikeri and Waipapa. The land to the south of Kerikeri and to the North of Waipapa is zoned for horticultural purposes which seeks to protect the land for horticultural uses.
- The Site adjoins Kerikeri River to the Northeast and Northwest. To the east is the Quail Ridge Country Park retirement village. To the Southeast is the Bay of Islands Golf Course. To the southwest and to the south is existing Rural Production Land. A network of roads exists

around the Site, including State Highway 10, Waipapa Road, Kerikeri Road and the Heritage Highway.

- The Site is relatively flat and drops away towards the Kerikeri River. There are two waterfalls present on site that have a drop of 15m and 20m. They are fed by smaller waterways that run through the Site. These waterfalls are located in the central / eastern portion of the land within an area of rolling contour, commonly referred to as the *Amphitheatre*. This area provides a transitional zone from the flat land, down towards the Kerikeri River and exhibits natural features worthy of protection.
- Rainbow Falls – *Waianiwaniwa* is a significant waterfall / natural feature within the Kerikeri River. The Falls have a drop height of approximately 25m.
- There are a number of streams and overland flow paths that traverse the Site. A large portion of the Site is also subject to the 1:100-year AEP flood event.
- Access to the Site is currently gained via SH10, which is a key connection route between Kerikeri and Waipapa.

4. Description of the Proposal

4.1 The Proposal – underlying zones, precinct and overlay

In support of its submission, the Proposal seeks to apply to the Submission Area existing PDP zones with additional an overlay and precinct. The Proposal’s proposed zoning, precinct, and overlay are explained in detailed below.

Proposed Zoning:

The proposed zoning seeks the following approximate zone areas:

- General Residential- 152ha (gross)
- Mixed Use – 22ha (gross)
- Natural Open Space- 23ha (gross)

The proposed zoning framework is outlined in Figure 1 below:

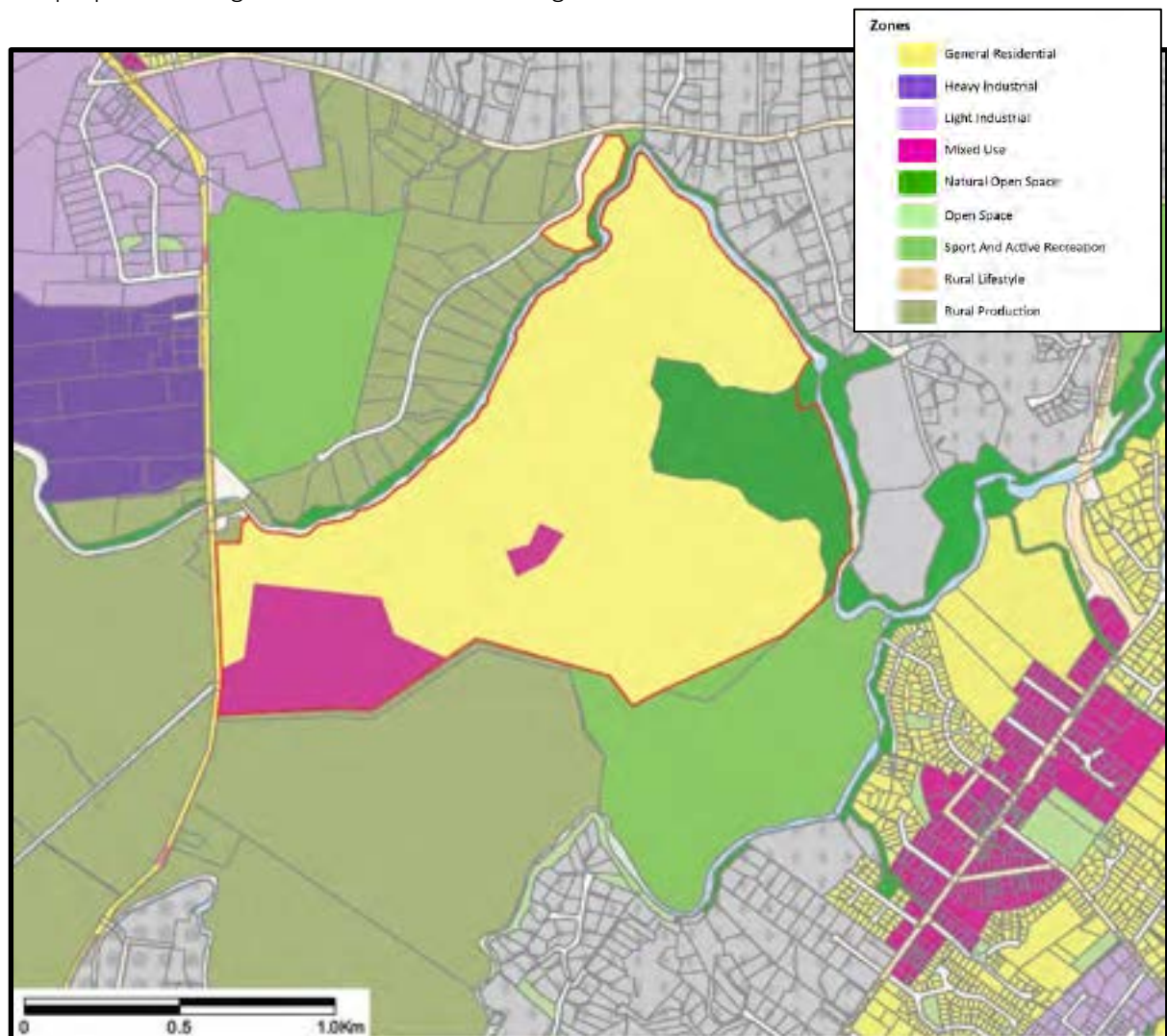


Figure 1: Submission area highlighted by red outline. Proposed re-zoning shown within the submission area.

Proposed Precinct Provisions and Rules:

The Structure Plan identifies the need for specific place-based provisions that address the following:

- The management of the flood hazard.
- Management of the delivery of infrastructure, specifically in relation to onsite wastewater services and staging connections to the reticulated network.
- Provision of potable water supply to service the development.
- Provision of an intersection with State Highway 10.
- Floor space cap for business activities.

Therefore, it proposes a precinct in addition to the underlying zoning.

For the purpose of the Proposal, the Precinct is named “**The Brownlie Land Precinct**”. However, a Hui is proposed to be held with Ngāti Rēhia to agree on a more appropriate name for the area. We adopt the current name for this Evaluation Report.

The proposed precinct framework is outlined in Figure 2 below:

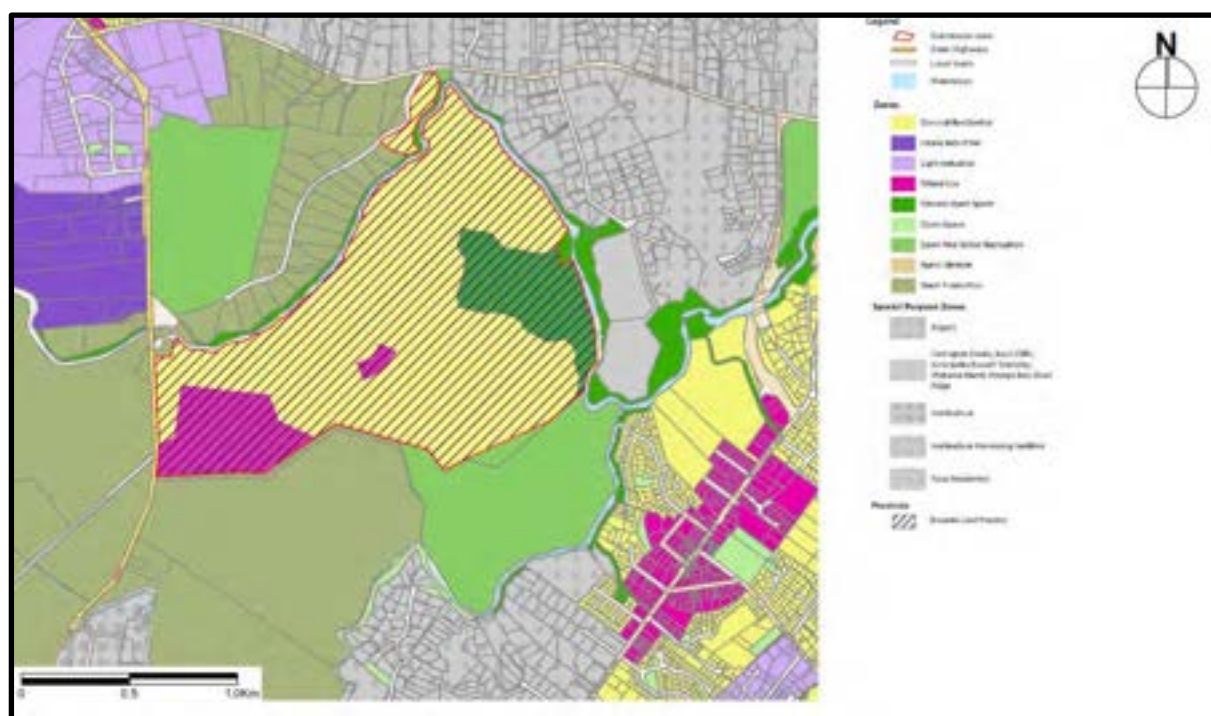


Figure 2: Proposed Precinct Plan- covering the entire Brownlie Land Structure Plan Site.

Proposed Overlay:

Flood modelling by Northland Regional Council identifies the Site is subject to a flood hazard, as is surrounding land. In support of the Proposal, KFO commissioned assessments to determine the maximum area of land on the Site needed and the feasibility of engineered solutions to manage the flood hazard.

The Proposal proposes a floodway to convey floodwaters and mitigate the impact of flood hazard outside the site. The alignment of this floodway generally follows the alignment of the existing overland flow path once it has collected floodwaters that spilled across SH10. The proposed floodway is defined spatially using an Overlay.

The Overlay relates to rules in the proposed Precinct that will require the land area for flood hazard management to be defined and secured alongside the first development consent on the land and ahead of any building.

The proposed overlay framework is outlined in Figure 3 below:

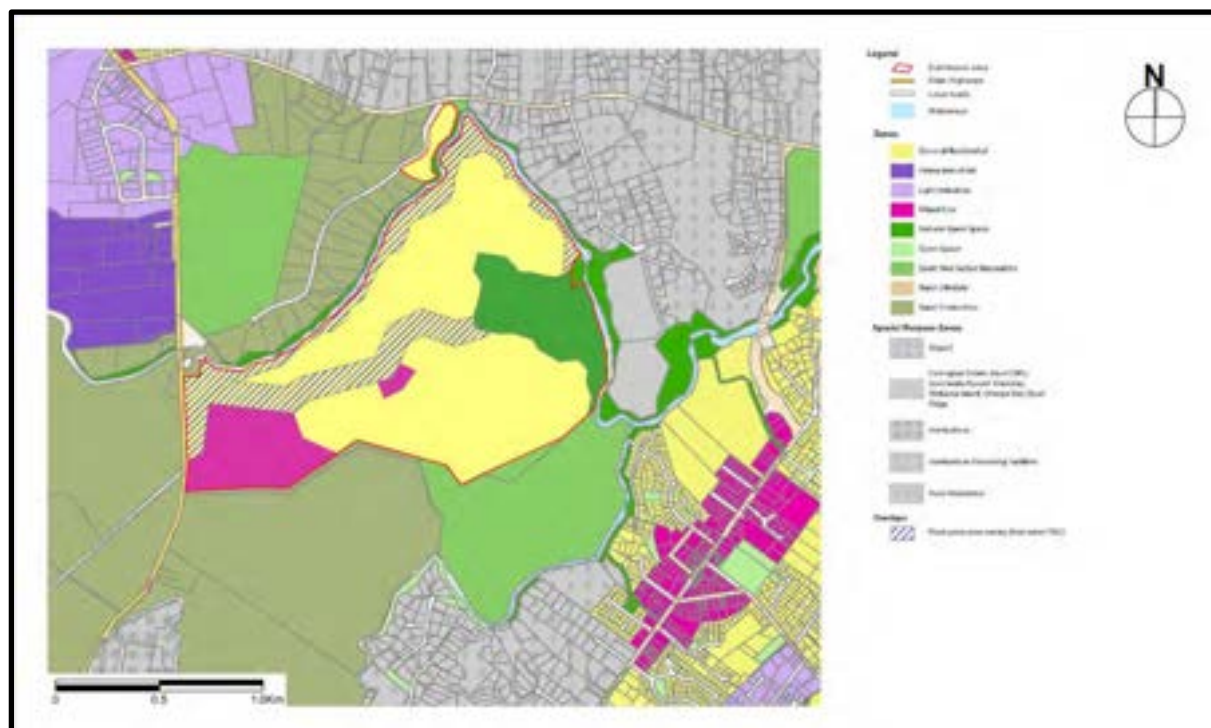


Figure 3: Proposed Flood Hazard Management Overlay.

4.2 Summary of the changes proposed to the Proposed District Plan

The PDP currently zones the Site Rural Production. The Site is also subject to a Natural Hazards and Risks Overlay. In summary, as per the maps and descriptions above, the Proposal seeks:

- to change the zone from Rural Production to a combination of General Residential, Mixed Use and Natural Open Space;
- to add a Precinct with associated tailored provisions; and
- remove the River Flood Hazard Zone Overlay (100 Year ARI Event) and apply the overlay in Figure 4, based on the site-specific flood hazard assessment prepared in support of the Proposal.

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4.3 Consultation and engagement

A number of meetings have taken place with FNDC, Ngāti Rēhia, local community groups, including the Kerikeri and Waipapa Rotary Clubs and Vision Kerikeri and Bay of Islands Golf Club, to discuss the proposed re-zoning of this Site. A summary of the consultation that has occurred to date and the general feedback is outlined in the Communications Summary Report, prepared by the Planning Collective.

5. Section 32 Analysis

Section 32 sets out the requirements for preparing and publishing evaluation reports. The overall purpose of section 32 in that context is to ensure that any provisions proposed through a plan change are evidence based, clear and certain, and the best means to achieve the purpose of the RMA.

This section of the Evaluation Report assesses the Proposal in accordance with section 32.

5.1 Appropriateness of the Proposal to achieve the purpose of the Act

Section 32(1)(a) of the RMA requires that the evaluation report: *‘examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act’*.

5.1.1 Objectives of the proposed re-zoning

The objectives that will apply to the Proposal are those in the underlying zones (General Residential, Mixed Use and Natural Open Space) and site-specific objectives to apply through a precinct and overlay. Below, we consider the general objectives of the Proposal, which have informed the objectives in the Precinct Plan (if site specific objectives were required in addition to the base zone).

In summary, these objectives seek to:

Structure Plan overall objectives:

- To provide for the growth demands of Kerikeri and Waipapa in a strategic manner that will achieve efficient, connected, high-quality, and sustainable urban outcomes.
- Recognise the existing different urban roles of Kerikeri and Waipapa and support and integrate the development with those existing uses.
- Reflect and incorporate Ngāti Rēhia values in the development of the land.
- To integrate urban development with efficient infrastructure servicing (physically, spatially, and economically) and to align the expansion and extension of reticulated infrastructure with the FNDC levels of service and proposed infrastructure upgrades.
- Ensure that the infrastructure provided to service future development is resilient and has sufficient capacity to respond to future growth demands.
- Promote an urban character that reflects the unique characteristics of Kerikeri in terms of temperate climate, strong Māori and European heritage, proximity to the coastal environment, and presence of horticultural activities.
- Reduce the creation of solid waste through sustainable design solutions and material choices during construction.
- Promote energy use reduction through, sustainable urban form including the creation of walkable catchments, pedestrian, and cycle connections throughout the development and to the wider area.
- Promote the use of solar energy to harness the benefits of the temperate climate.

- Encourage sustainability in food production through the provision of community gardens, common allotments, use of appropriate spaces in proposed reserve areas, and provision of a range of site sizes.

Within the General Residential zone:

- Enable a range of housing types at a range of densities and in a manner that is in keeping with the planned urban built character of the zone and characteristics of the Site.
- Development is in keeping with the amenity values or character values of the area.
- Provide for a variety of housing options in accordance with the capacity of the infrastructure on the Site.
- Provide for new communities with functional and high amenity living environments.
- The urban environment is resilient to climate change
- Enable and provide for multi-unit developments and terraced housing where there is adequate infrastructure capacity.
- Provide for a certain amount of non- residential activities to support the social and economic wellbeing of the residential area.
- Encourage development within the site to provide strong connections to the Kerikeri River.

Within the Mixed-Use Zone

- Provide for a range of land uses that complement the existing Town Centres of Waipapa and Kerikeri.
- Development in the Mixed Use zone is of a form, scale, density and design quality that contributes positively to the vibrancy, safety and amenity of the zone.
- Reverse sensitivity issues between the Mixed Use Zone and the General Residential Zone are managed through active street frontages or greenways to provide a buffer between the zones.
- A range of commercial, civic, community and residential uses (above ground floor level) are provided for within the Zone.
- All development is supported by adequate infrastructure.

Within the Natural Open Space Zone

- The ecological, historic heritage, cultural and natural character values of the Natural Open Space zone are protected and enhanced for the benefit of current and future generations.
- Public access is provided for, for leisure and customary activities.
- Ensure that natural hazards are managed through this site, including the integration with the floodway.

Within the District Wide provisions

- Strategic Direction: The management of urban growth integrating existing and future infrastructure, providing sufficient land, or opportunity to meet growth demands for housing and business.
- A Commitment to engagement in partnership with tangata whenua.
- Urban Growth and infrastructure are resilient and adaptable to the effects of natural hazards and climate change.

- Adequate development infrastructure in place or planned to meet the anticipated demands for housing and business activities.
- The natural character of wetland, lake and river margins are managed to ensure their long-term preservation and protection for future generations. The proposed land use enhances the natural assets of the Site.
- Land use and subdivision is consistent with and does not compromise the characteristics and qualities of the natural character of wetland, lake and river margins.
- Rainbow Falls is managed to ensure the long-term protection for current and future generations.
- The subdivision of the Site results in an efficient use of land, in accordance with the Zone provisions, manages the effects of natural hazards, protects the ecological values of the site and positively contributes to the local character and sense of place.

Through the precinct plan

- Infrastructure is adequately provided for in a staged approach.
- On-site infrastructure solutions are capable of being accommodated for on the Site.
- Natural hazards are managed and mitigated to provide for a resilient urban environment
- Larger scale retail is provided for in the Mixed-Use Zone.
- No more than 7,500m² of retail flood space is provided for within the Precinct Area.

5.1.2 Assessment of the Objectives against Part 2 of the RMA

Purpose of the RMA

Section 5 of the RMA identifies the purpose of the RMA as being the sustainable management of natural and physical resources. This means managing the use, development and protection of natural and physical resources in a way that enables people and communities to provide for their social, cultural and economic well-being and health and safety while sustaining those resources for future generations, protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.

Proposed District Plan – Strategic Direction

The PDP sets out its overarching direction for the district plan. Its ‘Strategic Direction’ reflects those factors which are considered key to achieving the overall vision for the pattern and integration of land use within the Far North District. The appropriateness of the Proposal’s objectives are assessed against these directions.

We refer to **Appendix A** which contains the Strategic Directions.

Analysis against the PDP’s Strategic Direction

Urban form and development

Objectives SD-UFD-01 to SD-UFD-04 set out the overarching direction for the District’s urban form and development and aim to improve efficiency and affordability for communities, seek to contribute to the vibrancy and viability of town centres and solidify investment Council makes into development

infrastructure. SD-UFD-03 in particular seeks to ensure “Adequate development infrastructure in place or planned to meet the anticipated demands for housing and business activities.”

The objectives of the Proposal are consistent with objectives SD-UFD-01 to SD-UFD-04, which in turn achieve the purpose of the RMA. An objective of the Proposal is to provide additional housing and business development capacity based on growth projections and demand identified in the Economics Assessment. It seeks to provide affordable housing in an area where affordable housing is in high demand – the Economics Assessment projects that many households will not be able to afford housing above \$600,000. The Proposal is prepared so as to enable urban development that is resilient to the impact of flooding.

Natural environment

The natural environment Strategic direction objectives in SD-EP-01 to SD-EP-06 seek to actively manage ecosystems to protect, maintain and increase biodiversity for future generations and protect significant indigenous vegetation and significant habitats of indigenous fauna.

The objectives of the Proposal are consistent with SD-EP-01 to SD-EP-06, which in turn achieve the purpose of the RMA. The natural resources of the site, including in particular, Kerikeri River and Rainbow Falls and the adjacent wetlands will be maintained and enhanced, with public access to ensure that the resources are sustained for the current and future generations. The existing provisions within the PDP and the Proposed Precinct Plan that will apply to the Site will ensure that development avoids, remedies, or mitigates adverse effects on the environment.

Rural Environment

The rural environment Strategic direction objectives in SD-RE-01 to SD-RE-02 seek to enable the efficient operation of primary production and protect highly productive land from inappropriate development to ensure its production potential for generations to come.

As is discussed in section 6.3, the Site contains highly productive soils / highly versatile soils under the RPS (Policy 5.1.1(f)) and NPS-HPL. While the PDP is silent as to what constitutes ‘inappropriate development’ the NPS-HPL and RPS are prescriptive. Under the NPS-HPL, the rezoning of highly productive land is only permitted if it is required to provide sufficient development capacity, there are no other reasonably and practicable and feasible options for providing the development capacity, and the environment effects and economic benefits of rezoning outweigh the environment effects of economic costs of losing the highly productive land.

This issue is also considered in detail elsewhere in this report and, in brief, we consider that the test in the NPS-HPL is met. Consequently, the rezoning would therefore not be inconsistent with SD-RE-01 to SD-RE-02 and the RPS. The summary of the points supporting this conclusion are:

- The Economics Assessment has identified that there is unsatisfied demand for development capacity.
- The Council’s section 35 assessment has identified through an analysis of resource consents by zone and type that growth may not be occurring where the operative plan anticipated and there is inadequate supply of urban zoned land.

- The PDP has identified important areas for horticultural production, which does not include the Site. Rezoning the Site to meet demand for housing capacity will reduce the risk of future fragmentation of valuable horticultural land.
- Alternatives, such as infill development or piecemeal rural residential development (identified as occurring the Council's section 35 assessment) will not meet the demand for development capacity and could lead to the loss of higher productive soils servicing horticulture – a more important primary product of the Far North.

Analysis of the proposal objectives against Part 2

Section 6(a) - the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:

The Site contains a number of areas of high amenity areas, including the Kerikeri River which borders the site, Rainbow Falls – *Waianiwanīwa* (which is identified as an Outstanding Natural Feature in the PDP), and a significant internal wetland system which also contains two natural waterfall features.

The proposed zoning and identification of non-developable areas will protect the environmental values and qualities of these areas as well as enhancing them through the provision of public access. The natural features have been appropriately zoned to ensure their protection from inappropriate use, subdivision, and development.

Section 6(b) - the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:

There are no identified outstanding natural features on the site under the PDP. Adjacent to the site is the Rainbow Falls which is identified as an Outstanding Natural Feature within the PDP (reference 66). The Proposal aims to protect and enhance this outstanding natural feature as well as provide public access to the Kerikeri River.

Section 6(c) – the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:

There are areas of significant indigenous vegetation within the Site. These areas are identified in the technical report prepared by Bioresarches and are intended to be protected from inappropriate development. Additionally, the identified wetland areas will be protected within the proposed Natural Open Space zoned area. The proposed flood Overlay also extends to this area. The Kerikeri River will also be protected by an esplanade reserve at the time of subdivision, ensuring that habitat is protected from inappropriate development.

The objectives are therefore consistent with the Bioresarches recommendations to protect significant areas and section 6(c).

Section 6(d) - the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:

The Proposal seeks to enhance access to the Kerikeri River by providing public access to the true left of the river, which is currently restricted by private ownership. An esplanade reserve will protect the river edge at the time of subdivision.

The objectives which seek to enable this access are therefore consistent with section 6(d).

Section 6(e) and (g) - the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga; and the protection of protected customary rights

KFO has engaged with Ngāti Rēhia throughout the preparation of the submission. While there are no known sites of cultural significance in this area identified to date, consultation and related discussions have traversed the potential benefits to Ngāti Rēhia in terms of involvement in the development of the land and related land uses that will be facilitated.

The Proposal does not result in the loss of customary rights.

Objectives seeking to reflect and incorporate Ngāti Rēhia values in the development of the land are consistent with section 6(e) and (g).

Section 6(f) – the protection of historic heritage from inappropriate subdivision, use, and development:

Objectives seeking to protect and enhance the historical heritage of the Natural Open Space Zone are consistent with section 6(f). A preliminary Site investigation has been undertaken by Origin archaeology. The remains of a 1910s tramline (recorded as P05/930) were identified along the eastern edge of the site. This tramline has been utilised as a farm track. No other archaeological sites were identified as a result of the primary field inspection. It is recommended that this feature be retained once the re-zoning is achieved.

Section 6(h) - the management of significant risks from natural hazards:

While a 1:100-year flood hazard presents a risk, the technical reports demonstrate there is an engineering solution to the management of the natural hazard through the Site, ensuring it is resilient to the effects of climate change and is suitable for urban development.

The flood protection measures are encouraged by objectives seeking the urban environment be resilient to climate change and ensuring that infrastructure is resilient of capacity to respond to future growth demands. The objectives are therefore consistent with section 6(h).

Section 7 – other matters

Section 7 of the RMA identifies a number of “other matters” to be given particular regard by Council. Specific matters from section 7 that are relevant to the Plan Change include:

(a) kaitiakitanga:

(b) the efficient use and development of natural and physical resources:

- (c) the maintenance and enhancement of amenity values:*
- (d) intrinsic values of ecosystems:*
- (f) maintenance and enhancement of the quality of the environment:*
- (g) any finite characteristics of natural and physical resources:*
- (i) the effects of climate change:*

Assessing the objectives of the Proposal, the proposed re-zoning will enable the efficient use and development of natural resources including finite resources by providing for a spatially appropriate area for projected future growth to be accommodated while not resulting the further fragmentation of rural lifestyle living blocks or the loss of land suitable for horticultural uses.

The matters in Sections 7(c), (d), and (f) are fundamental principles to be incorporated into the Site's development. The inclusion of the Natural Open Space zone in areas identified as significant natural areas is consistent with both section 6(c) and sections 7(c), (d) and (f).

The effects of climate change under section 7(i) are mitigated through the proposed precinct Provisions and the requirement to mitigate the natural hazard flood risk prior to the occupation of buildings on Site.

In regard to the finite characteristics of the natural and physical resources on the Site in section 7(g), we adopt the analysis under the 'Rural Environment' heading above.

Section 8 – Te Tiriti o Waitangi

Section 8 requires Council to take into account the principles of the Treaty of Waitangi. It is considered that this proposal will not offend against the principles of the Treaty of Waitangi, based on our consultation with Ngāti Rēhia.

Ngāti Rēhia are the relevant hapū for this area. The Hapū Management Plan acknowledges overlapping interests with other Ngāpuhi hapū.

It is understood that Far North District Council has intended to take the principles of Te Tiriti o Waitangi into account in preparing the Proposed District Plan. This combined with the engagement with Ngāti Rēhia to date, that will be ongoing, that the principles have been taken into account.

Conclusion

Based on the analysis above, and elsewhere in this Evaluation Report, we consider the Proposal's objectives are the most appropriate way to achieve the purpose of the Act.

5.2 Appropriateness of the provisions to achieve the objectives

Section 32(1)(b) requires: *An evaluation report required under this Act must—*

- (b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*
- (i) identifying other reasonably practicable options for achieving the objectives; and*

- (ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
- (iii) summarising the reasons for deciding on the provisions; and*
- (c) contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.*

When assessing the efficiency and effectiveness of the provisions in achieving the objectives, section 32(2) of the RMA requires that the assessment:

- (a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*
 - (i) economic growth that are anticipated to be provided or reduced; and*
 - (ii) employment that are anticipated to be provided or reduced; and*
- (b) if practicable, quantify the benefits and costs referred to in paragraph (a); and*
- (c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*

This step requires an identification and assessment of reasonable alternative options and associated provisions (policies, rules and standards) for achieving the objectives in accordance with the requirements of section 32 (costs, benefits, efficiency and effectiveness).

In examining whether the provisions of the Proposal are the most appropriate way to achieve the objectives, we have considered the objectives of the underlying zone proposed in the PDP and the site-specific precinct objectives. These are referred to collectively as the 'objectives' in the options analysis.

Consideration has been given to the following other reasonably practicable options:

- Option 1: Do nothing (retain Rural Production Zoning)
- Option 2: Zone the land a mix of Residential and Industrial Zoned Land
- Option 3: Zone the land a mix of Residential and Mixed Use Zoned Land
- Option 4: Zone the land Rural Lifestyle or Rural Residential zone.
- Option 5: within each of Options 2 and 3, there is an option to zone the wetland vegetation areas of the Site as Open Space Zone, rather than the Natural Open Space Zone used in Options 2 and 3.

A table with the detailed options analysis, which assesses the efficiency and effectiveness and the benefits and costs of the environmental, economic, social, and cultural effects anticipated from the implementation of the options is provided below.

Options Analysis

Benefits	Costs
Option 1: Do Nothing (retain Rural Production Zone)	
Would retain the rural production activities on the site, with the land valued at \$9,680,000 (Urban Economics). No loss of rural production land and highly productive soils.	The ability to use the land for urban development would be lost, meaning that growth for residential development and retirement villages would need to occur elsewhere in Kerikeri and Waipapa, which could result in additional urban sprawl and inefficient use of land. The Kerikeri Riverbanks will remain in private land ownership along the true right. Restricting connectivity and access to the Awa. As demonstrated through the technical assessments, affordable housing will not be able to be provided at scale to service the growing Kerikeri/Waipapa populations. Retaining the zoning will result in a loss of 2,348 FTE potential jobs from the construction of approximately 1,830 dwellings and the loss of 653 FTE potential jobs from the construction of a commercial and employment centre.
Efficiency and Effectiveness	
Option 1 is not an efficient or effective option for achieving the objectives. In particular, it does not enable the development capacity required to meet the business and housing demand. The Economic Assessment demonstrates that infill development will not provide the required capacity in the medium and short term. Doing nothing will therefore not “provide for the growth demands of Kerikeri and Waipapa in a strategic manner that will achieve efficient, connected, high-quality, and sustainable urban outcomes.” Page 5 of the Efficiency and Effectiveness of the Far North District Plan- April 2020, prepared under Section 35 of the RMA to support the PDP, outlines that throughout the 2013-2018 period, a significant amount of resource consent applications were located in the rural environment, and in particular the Rural Production zone. In summary, the report notes that the increase in resource consents may be due to the following reasons: • Growth may not be occurring where the plan anticipated; • Supply issues with wastewater in the Kerikeri urban area may be restraining development; and • May indicate there is an inadequate supply of urban zoned land.	

Benefits	Costs
The report concludes noting that the PDP needs to ensure that there is an adequate supply of land for urban uses. The Do-Nothing option does not secure additional supply in the most appropriate location for growth in Kerikeri and Waipapa. Because the infill development will not provide the required development capacity, development may creep into rural land (as demonstrated by the section 35 report). This will result in an inefficient use of land due to the potential for urban sprawl and impact on highly productive soils. It may also be suboptimal from an infrastructure servicing perspective. It will not, therefore: • integrate with efficient infrastructure servicing and the expansion of reticulated infrastructure; • ensure that the infrastructure provided to service future development is resilient and has sufficient capacity to respond to future growth demands; • provide for new communities with functional and high amenity living environments; and • recognise the existing different urban roles of Kerikeri and Waipapa and support and integrate the development with those existing uses.	

Benefits	Costs
Option 2- Zone the land a mix of General Residential, Natural Open Space and Industrial Zoned Land This option entails rezoning the Site a mix of General Residential, Natural Open Space, and a mix of heavy and light industrial uses. This option is considered as an alternative because the Section 32 Report – Urban Environment (sections 4.3.1 and 7.1) identifies there is demand for some light industrial activities (11ha) in Kerikeri and Waipapa.	
Direct access from SH10 Meets the demand for additional residential land. Provides additional transport connectivity through the site (both for private vehicles and active transport uses) Opens up Kerikeri River to the public, which has significant amenity benefits Protects the wetland features and vegetation around Rainbow Falls. Retaining the zoning will result in 2,348 FTE potential jobs from the construction of approximately 1,830 dwellings.	Potential Oversupply of industrial land. Proposed land uses competing with the industrial activities within Waipapa. Reverse sensitivity issues associated with locating light and heavy industrial land next to residential land. The definition of Industrial Activities “<i>means an activity that manufactures, fabricates, processes, packages, distributes, repairs, stores, or disposes of materials (including raw, processed, or partly processed materials) or goods. It includes any ancillary activity to the industrial activity.</i>” Sprawl of industrial land uses along SH10. Additional infrastructure requirements including trade waste disposal.

Benefits	Costs
	Loss of the rural production activities on the site, with the land valued at \$9,680,000 (Urban Economics)
Efficiency and Effectiveness	
Option 2 is an efficient and effective option for achieving the objectives in some respects. However, the industrial use of the land is not compatible with the predominant purpose of zoning the land General Residential, reducing the appropriateness of this option. In terms of the General Residential Zone, the Economic Assessment establishes development capacity for housing in Kerikeri-Waipapa. The proposed rezoning would result in an efficient use of the land for residential purposes, subject to the management of the traffic connections and the management of the flood hazard on site. Having some greenfields land available for development will ensure that the demand can be met for providing affordable housing and retirement villages, which cannot be achieved through infill housing alone. This meets the objectives that seek to provide for growth demands of Kerikeri and Waipapa. The use of the land near SH10 for industrial purposes would not be an efficient use of land as industrial land should be clustered closer to the industrial centre of Waipapa, where there is already a clear land use pattern. Having additional heavy and light industrial activities on the Site would result in a fragmentation of industrial land and potentially resulting in issues of reverse sensitivity on the edges of the zone where the zoning pattern moves to residential. The demand for the additional 11ha of Industrial land can be provided for within Waipapa for the next 10 years. Having additional Industrial zoned land would be surplus to meeting the demand requirements. It would be inconsistent with the objectives that seek to ensure development is in keeping with the amenity values or character values of the area.	

Benefits	Costs
Option 3- Zone the land a mix of General Residential, Natural Open Space and Mixed Use Land	
Option 3 is the Proposal contained in the Structure Plan and Precinct Plan. It seeks to zone the site a mix of General Residential, Natural Open Space and Mixed Use Land. This option is considered because the Section 32 Report – Urban Environment (sections 4.3.1 and 7.2) identifies there is demand for some commercial activities (9-14ha) in Kerikeri and Waipapa.	
Meets the demand for additional residential land. Provides additional transport connectivity through the site (both for private vehicles and active transport uses) Opens up Kerikeri River to the public, which has significant amenity benefits	Loss of the rural production activities on the site, with the land valued at \$9,680,000 (Urban Economics).

Benefits	Costs
Protects the wetland features and vegetation around Rainbow Falls. Retaining the zoning will result in 2,348 FTE potential jobs from the construction of approximately 1,830 dwellings and 653 FTE potential jobs from the construction of a commercial and employment centre. Will meet the identified demand for an additional 11ha of business and Commercial land identified in the FNDC Section 32 reports, as well as the additional 4ha demand as demonstrated by the Economic Assessment, provided by Urban Economics. The Mixed-Use zone will have direct access from SH10. Provide for uses that complement both Kerikeri and Waipapa Townships	
Efficiency and Effectiveness	
Option 3 the most efficient and effective option for achieving the objectives. It provides development capacity for housing and business, while ensuring the business use is compatible with the surrounding residential use. In terms of the General Residential Zone, the Economic Assessment establishes development capacity for housing in Kerikeri-Waipapa. The proposed rezoning would result in an efficient use of the land for residential purposes, subject to the management of the traffic connections and the management of the flood hazard on site. Having some greenfields land available for development will ensure that the demand can be met for providing affordable housing and retirement villages, which cannot be achieved through infill housing alone. This meets the objectives that seek to provide for growth demands of Kerikeri and Waipapa. As noted in the PDP Mixed Use Zone Chapter, <i>“The Mixed Use zone provides a framework in which commercial and residential activities can co-exist and it enables a range of compatible activities. The focus of the zone is to revitalise urban centres and support business owners, residents and visitors, while ensuring that associated effects are appropriately managed. The Mixed Use zone will contribute to the vibrancy, safety and prosperity of the District’s urban centres and will be serviced by appropriate infrastructure.”</i> The use of the land near SH10 for “Mixed Use purposes” would be an efficient use of land and would meet the demand identified by the Section 32 Reports that support the PDP. The Commercial land would have direct access from SH10 via a roundabout and would offer a greenfields development for	

Benefits	Costs
commercial uses that do not compete with the boutique offering within Kerikeri. There is also the option to integrate residential development above the commercial uses through the proposed Mixed-Use provisions. As demonstrated through the technical supporting documents, the site can be adequacy serviced via on site mechanisms in the short term and a connection to the reticulated system in the long term. This is consistent with objectives that seek to ensure urban development is provided alongside infrastructure needed to serve the development. The proposed re-zoning under Option 3 would create an additional 9,303 FTE jobs over a 30-year lifetime, which is a considerable economic benefit to the region.	

Benefits	Costs
Option 4- Rezone the land to either Rural lifestyle or Rural Residential	
All sites could be self-serviced in terms of the three waters infrastructure.	The ability to use the land for urban development would be lost, meaning that growth for residential development and retirement villages would need to occur elsewhere in Kerikeri and Waipapa, which could result in additional urban sprawl and inefficient use of land. Affordable housing will not be able to be provided at scale to service the growing Kerikeri/Waipapa populations. Rural Lifestyle and Rural Residential land would result in an unproductive use of the land, resulting in increased low density urban sprawl between Kerikeri and Waipapa. Highly productive soils would be lost to inefficient uses. Additional transportation infrastructure would still be required to service the site, resulting in a higher cost per site The identified demand for housing and commercial land would not be met by developing the Site into Larger Lots.

Benefits	Costs
Efficiency and Effectiveness	
Option 4 is not an efficient or effective option for achieving the objectives of the Structure Plan. In particular, it does not enable the development capacity required to meet the business and housing demand. The Economic Assessment demonstrates that infill development will not provide the required capacity in the medium and short term. Creating larger lifestyle/residential living lots on the site will therefore not “provide for the growth demands of Kerikeri and Waipapa in a strategic manner that will achieve efficient, connected, high-quality, and sustainable urban outcomes.” Applying the Rural Residential/ Rural Lifestyle zoning to the Site will not: • Provide sufficient land to meet the residential and commercial demand for the lifetime of the PDP. • Provide development at a scale to invest in the significant infrastructure required to develop the land (i.e., the floodway and the transport links). • provide for new communities with functional and high amenity living environments. • Provide for affordable housing options for the Kerikeri-Waipapa Population.	

Benefits	Costs
Option 5- Use of the Natural Open Space Zone within Options 2 and 3	
Within each of Options 2 and 3, there is an alternative option to zone the wetland vegetation areas of the Site as Open Space Zone, rather than the Natural Open Space Zone used in Options 2 and 3.	
Will adequately protect the natural freshwater and vegetation assets from inappropriate development. Allows for some recreational tracks to be established as a permitted activity, subject to the requirements of the National Environmental Standard on Freshwater.	Potential to be more restrictive than the Open Space zone for the establishment of infrastructure connections. Recreational facilities not provided for by the Natural Open Space Zone. Reduces productive land area available for housing.
Efficiency and Effectiveness	
The proposed rezoning of the land for to Natural Open Space is the most efficient use of the land as it protects the wetland area from inappropriate development and enables the land to be used for the enjoyment of the public. While both zones are very similar in terms of permitted activities, the Natural Open Space Zone is slightly more restrictive than the Open Space Zone and is consistent with the intended use of the land. The provisions of the Natural Open Space Zone were more in keeping with objectives seeking to protect ecological, historic heritage, cultural and natural character values and ensure access is provided to those zones for leisure and customary activities. As such, the Natural Open Space zone included in Options 2 and 3 is the preferred zone for the protection and management of freshwater features and significant vegetation on the Site.	

5.3 Conclusion of the provisions and the preferred option

Based on the Assessment above, Option 3- Zone the land a mix of General Residential, Natural Open Space and Mixed-Use Land is the preferred option for the Brownlie Land Structure Plan as this is the most appropriate way to achieve the objectives of the Proposal and PDP, without significant costs.

Natural Open Space zone is more appropriate for the protection of the freshwater habitat on the site, compared to the Open Space Zone.

Use of a Precinct

Under the National Planning Standards 2019, the use of a precinct is appropriate where the underlying zone provisions are still applicable and relevant, with the precinct introducing a collection of new provisions.

In regard to the Brownlie Land, there are gaps within the current zone objectives, policies and rules to ensure that the development of this Site is undertaken in a comprehensive and integrated way. For example, there are key infrastructure milestones that need to be achieved prior to development occurring on the Site, including the mitigation of the flood hazard and construction of the floodway, key transport connections and the provision of on-site servicing until such time as there is capacity within the reticulated network. The report prepared by Urban Economics also recommends that the retail floorspace is capped to 7,500m² within the Site. These additional mitigation measures are best suited to support Option 3 through the development of a precinct.

Under the National Planning Standards 2019, a Precinct is defined as:

“A precinct spatially identifies and manages an area where additional place-based provisions apply to modify or refine aspects of the policy approach or outcomes anticipated in the underlying zone(s)”

As per Section 4 of the National Planning Standards the Precinct provisions will be incorporated as a separate Chapter in the Plan because the Precinct applies over more than one Zone i.e., General Residential, Mixed Use and the Natural Open Space zone.

One of the tests for this assessment is whether this is the most appropriate outcome or whether a Special Purpose zone, or development area is warranted. The tests for a Special Purpose zone are set out in the National Planning Standards. Section 8 states:

1. *A district plan, and a combined plan with a district plan component (for areas landward of mean high water springs), must only contain the zones listed in table 13 consistent with the description of those zones, except for:*
 - a. *a special purpose zone when direction 3 is followed, or*
 - b. *in the case of a combined plan that includes a regional plan and district plan, a zone that is both seaward and landward of mean high water springs.*
2.

3. *An additional special purpose zone must only be created when the proposed land use activities or anticipated outcomes of the additional zone meet all of the following criteria:*
 - a. *are significant to the district, region or country*
 - b. *are impractical to be managed through another zone*
 - c. *are impractical to be managed through a combination of spatial layers.*

A development area is defined as:

Development areas	A development area spatially identifies and manages areas where plans such as concept plans, structure plans, outline development plans, master plans or growth area plans apply to determine future land use or development. When the associated development is complete, the development areas spatial layer is generally removed from the plan either through a trigger in the development area provisions or at a later plan change.	Development area chapters
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It is considered that use of a Precinct and an Overlay, in conjunction with the zones proposed in the Plan is the best and most appropriate way to achieve the outcomes. Development areas appear to be more appropriate for bespoke areas of development with greater variation from the zone provisions.

As such, the use of a Development Area for the Brownlie Land has not been pursued as Development areas appear to be more appropriate for bespoke areas of development with greater variation from the zone provisions.

In summary, the use of a precinct in addition to the proposing zoning chapters and district wide matters will ensure that the development of the Site is undertaken in a sustainable manner, consistent with the purpose of the Resource Management Act 1991.

6. Statutory and Policy Context

Section 74 of the RMA sets out the matters to be considered by a territorial authority in preparing or changing its district plan, including under s74(1)(ea) a national policy statement, a New Zealand coastal policy statement, and a national planning standard.

Additionally, under section 75(3) a district plan must give effect to:

- (a) any national policy statement; and*
- (b) any New Zealand coastal policy statement; and*
- (ba) a national planning standard; and*
- (c) any regional policy statement.*

Because the Proposal proposes changes to the PDP that are consequential under the higher order policy, we have considered the statutory and policy context of the Proposal (in addition to the section 32 analysis above).

6.1 National Policy Statement for Freshwater Management 2020 and Resource Management (National Environmental Standard) for Freshwater Regulations 2020

The National Policy Statement for Freshwater Management (NPSFM) is a Government Policy that gives local authorities direction on how to manage freshwater resources. The National Environmental Standard for Freshwater (NES:FW) sits under this Policy Statement. Under the NES:FW resource consents are required to discharge any stormwater or wastewater or sediment laden water within 100m of a wetland and earthworks within 10m wetland. There are also rules regarding the construction of culverts. The reclamation of wetlands is a prohibited activity meaning that a resource consent cannot be applied for.

Any consents required to support the development of the Structure Plan will be applied for at the time resource consents are applied for. The NES:FW and NPSFM will be addressed at this time.

6.2 National Policy Statement on Urban Development Capacity

The NPS-UD contains objectives and policies that local authorities must give effect to in their resource management decisions. The NPS-UD requires councils to plan well for growth and ensure a well-functioning urban environment for all people, communities, and future generations. The objectives and high-level policies of the NPS-UD 2020 apply to all councils that have all or part of an urban environment within their district or region.

Based on the Economics Assessment, Far North District Council is a Tier 3 territorial authority because it has an urban environment in its district. Specifically, the Economic Assessment identifies that Kerikeri-

Waipapa had a population of 12,300 in 2021 (refer to Economic Assessment). However, under the Council's projections, Kerikeri-Waipapa is not an urban environment.

Nevertheless, regardless of whether Kerikeri-Waipapa is an urban environment presently, under both Urban Economics' and the Council's projections Kerikeri will exceed a population of 10,000 within the life of the PDP. The Council projects that Kerikeri will reach a population of 10,000 by 2027¹ and Urban Economics projects will have the population of Kerikeri reaching 10,000 by 2024.

Given this will occur within the life of the PDP, the PDP must give effect to the NPS-UD and provide development capacity to meet demand over the short, medium and long term. The short-medium term is defined as up to 10 years. The PDP and the development capacity it enables should therefore be considered over this 10-year horizon.

There is also a general obligation under s31(1)(aa) for territorial authorities the establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district:

Because Kerikeri-Waipapa meets the definition of 'urban environment', and Kerikeri alone will become an urban environment within the life of the PDP, the PDP must give effect to the NPS-UD

Well-functioning Urban Environments

Under Policy 1 planning decisions must contribute to **well-functioning urban environments**. Policy 1 defines this as follows:

- (a) have or enable a variety of homes that:
 - (i) meet the needs, in terms of type, price, and location, of different households; and*
 - (ii) enable Māori to express their cultural traditions and norms; and**
- (b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and*
- (c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and*
- (d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and*
- (e) support reductions in greenhouse gas emissions; and*
- (f) are resilient to the likely current and future effects of climate change.*

The components of a well-functioning urban environment Proposal will support include:

- Enabling a variety of housing choices within the General Residential Zone as supported by the proposed zone rules;

¹ [appendix-7e_kerikeri-summary_amc_2022.pdf \(fndc.govt.nz\)](#)

- Providing larger areas of residential zoned land to support the delivery of affordable housing and activities such as retirement villages which require larger land holdings.
- Increasing public access to Kerikeri River.
- Providing for growth of complementary commercial uses within the Mixed-Use zone that also minimise potential for reverse sensitivity effects with respect to State Highway 10 and adjacent rural land.
- Promoting good accessibility across the site, connecting the Site to Kerikeri and Waipapa and providing resilience in the network for times when State Highway 10 floods.
- Providing good transport connections between home and employment thereby minimising carbon footprint and greenhouse gas emissions.
- Being resilient to climate change and managing the natural hazard risks throughout the Site, prior to the development of the land.
- Integrating with amenities including a planned sports field.

Development Capacity

Policy 2 of the NPS-UD requires: *“Tier 1, 2, and 3 local authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term.”*

The Economics Assessment states that under the medium population projections scenario, there is 5.4-6.4 years of development capacity provided for within the PDP. This shows that short-term development capacity is met but the medium- and long-term capacity is not. If the Economics Assessment high population projections scenario are taken, only 3.5 to 4.2 years of development capacity is provided for within the PDP. Consequently, the PDP is not consistent with Policy 2 because it does not provide ‘sufficient’ development capacity to meet expected demand for housing and for business land over medium term and long term.

The PDP assumes that housing capacity will be supplied by infilling the existing residential zone. The Economics Assessment notes the potential risks with infill and greenfield development. While there are benefits to infill development from the efficient utilisation of existing infrastructure and improving building stock, there are many benefits to greenfield development that align with the objectives of the PDP and NPS-UD, including Policy 2.

We note that greenfields developments provide economies of scale that allow housing to be produced efficiently. The development can be master planned which enables onsite amenities, access to services, and integrated design that supports higher density forms of housing.

Infill development can be less feasible and occurs in a more ad hoc way and at lesser scale meaning that comprehensive outcomes in relation to infrastructure upgrades, new road, parks etc are more difficult to fund and deliver.

The Council assumption relies on the private landowner to provide for more housing within Kerikeri, as opposed to greenfields development which is a for efficient cost-effective way of providing for housing as noted in Section 11 of the Urban Economics Report.

Also relying on rural residential areas to provide for future growth beyond the current foreseeable plan period is inefficient and likely to generate greater adverse environmental effects with respect to reverse sensitivity, the provision of infrastructure and urban amenities such as parks and cycleways. Because of the value of rural lifestyle land, it is likely to be more costly to develop this land. Costly land development does not contribute to achieving an improvement in housing affordability.

Planned built form and amenity values

Objective 4 requires that *“New Zealand’s urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.”* Policy 6 of the NPS-UD acknowledges that there may be changes to the planned built form of an area to give effect to the NPS-UD and that those changes, may detract from the existing amenity values, but are not, of themselves an adverse effect. The benefits of a well-functioning urban environment need to be considered when assessing the effects of urban development.

The proposed zoning of the Site will result in a change of character of this area and may detract from some of the amenity values currently enjoyed by the population of Kerikeri and Waipapa. However, the proposed re-zoning of the land will enable amenity to be provided for on Site through a different lens. The additional amenity values will include access to the Kerikeri River which is currently restricted, more vibrant residential and commercial areas, greater connectivity between Kerikeri and Waipapa, including the promotion of active transport options. The above changes in amenity values are acknowledged, encouraged and supported by Policy 6 of the NPS-UD.

Infrastructure Planning

Objective 6 of the NPS-UD outlines that decisions on urban development that affect urban environments are integrated with infrastructure delivery, are strategic over the medium term and long term and are responsive to proposals that would supply significant development capacity.

Policy 8 of the NPS-UD notes that: *“Local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is:*

- a. unanticipated by RMA planning documents; or*
- b. out-of-sequence with planned land release.”*

The Economic Assessment says there is sufficient demand for additional residential zoned land over the next 10-years to justify live zoning the entirety of the Site. There is a clear intent for the type of development needed for Kerikeri and Waipapa in the immediately foreseeable future. This approach provides KFO the certainty that the land can be developed for residential and commercial purposes. This level of certainty is required to facilitate the significant investment in infrastructure required.

The analysis demonstrates that zoning all or part of the land Future Urban would not create as optimal an outcome as live zoning. This is because of the uncertainty, time and costs associated with applying an urban zoning to Future Urban zone land and also the high likelihood that there would be insufficient capacity provided now that would increase costs as demand would be higher than capacity.

Climate Change

Objective 8 of the NPS-UD notes that New Zealand's urban environments are supportive of reductions in greenhouse gas emissions; and are resilient to the current and future effects of climate change.

The Proposal is developed to mitigate the risks of flooding and natural hazards, providing resilience to the current and future effects of climate change. The Structure Plan has been designed to encourage active transport options through a range of proposed greenways.

The location of the Site is strategically located between Kerikeri and Waipapa, two areas of employment. The redevelopment of this site will aim to reduce the total number of vehicle miles travelled within the immediate area and provide options for people who work in Kerikeri and Waipapa, but live elsewhere, to move to the area where they are employed.

6.3 National Policy Statement on Highly Productive Soils

The NPS- HPL is about ensuring the availability of New Zealand's most favourable soils for food and fibre production for now and for future generations.

Section 3.5(7) provides that until highly productive land is mapped, territorial authorities must apply the NPS-HPL as if references to highly productive land were references to land which at the date of commencement:

- is zoned general rural or rural production and is LUC 1, 2, or 3 land;
- but is not identified for future urban development or subject to a Council initiated, or an adopted, notified plan change to rezone it from general rural or rural production to urban or rural lifestyle.

The Site contains class 2 and 3 soils. The NPS-HPL therefore applies and its effect on the rezoning proposed must be considered.

Section 3.6 (4) of the NPS-HPL says that territorial authorities that are not Tier 1 or Tier 2 (i.e., FNDC) may allow the rezoning of the land only if:

- (a) the urban zoning is required to provide sufficient development capacity to meet expected demand for housing or business land in the district; and*
- (b) there are no other reasonably practicable and feasible options for providing the required development capacity; and*
- (c) the environmental, social, cultural and economic benefits of rezoning outweigh the environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values.*

Further, section 3.6 (4) notes that:

(5) Territorial authorities must take measures to ensure that the spatial extent of any urban zone covering highly productive land is the minimum necessary to provide the required development capacity while achieving a well-functioning urban environment

Analysis

The Site is not within the Special Purpose Horticultural Zone within the PDP which has stricter requirements on the use and protection of productive soils and larger size land holdings for horticultural activities.

As noted, and highlighted throughout this Report, the FNDC's approach to the District Plan is to provide for growth through infill housing. However, as the Urban Economic assessment has shown, infill housing is not appropriate for providing affordable housing at scale or for more specialist residential development such as retirement village living. Green field development can better achieve the delivery of more housing types and affordable housing options at scale.

In summary, while the soil types present on site (based on the high-level assessment) are identified as highly productive, the NPS-HPL provides an option for the rezoning of land to occur where there is sufficient demand - as is the case for Kerikeri and Waipapa.

For the following reasons, it is considered that section 3.6(4) of the NPS-HPL applies, and the Site is the minimum land necessary to provide the required development capacity while achieving a well-functioning urban environment:

- The PDP must give effect to the NPS-UD and provide development capacity for housing and business in the short, medium and long term. As demonstrated in the Economics Assessment, there will be demand for additional housing capacity under the medium and long terms (under both medium and high growth projections). Importantly, because there will be demand in the medium term (meaning up to ten years), the PDP (which has a 10-year review period) must enable housing rather than deferring to subsequent plans.
- The Economics Assessment finds that the Council's assessment underestimates projected growth and the overestimates additional housing capacity likely to be created through infill development – i.e., the Council projections overestimate supply and underestimate demand. Therefore, the PDP does not provide sufficient development capacity to meet the housing demands of the Kerikeri-Waipapa area. This meets limb (a) of section 3.6(4).
- The Economics Assessment identifies the limits of infill development and the benefits of greenfields development. Specifically, there is risk that infill development will not supply the houses needed meet the demand. We also note that the majority of the demand for housing is in the lower price brackets (\$600,000 - \$700,000) and there is risk that infill housing will not provide substantial housing within those brackets. According to the Economics Assessment the efficiencies gained from greenfields development enables the creation of affordable housing. This indicates that infill development alone is not a reasonably practicable or feasible option for providing development capacity, which meets limb (b) in section 3.6(4).

- Alternative options will encourage rural residential development. This is contemplated by the Council, whose section 35 analysis identifies from a consent analysis that the high proportion of Rural Production Zone consents “could be a result of growth not occurring where the plan anticipated”, that infrastructure issues in the Kerikeri urban area may be constraining development, and “indicate [there is] an inadequate supply of urban zoned land.” Rural residential development has negative impacts on potentially higher quality soils. Given the Economics Assessment’s projections, the land supply must be provided somewhere. For the reasons explained in the Economics Assessment concerning the merits of greenfields development, there are significant economic and environment benefits of allowing structure planned development over piecemeal rural residential development. This supports the economic and environmental benefits to overcome limbs (b) and (c) of section 3.6(4).
- Finally, the Site is the minimum area needed to meet achieve a well-functioning urban environment and provide sufficient development capacity. The land will yield the lots needed to service housing and business demand projected (while ensuring there is land available for flood mitigation, ecological enhancement and infrastructure servicing).

6.3.1 National Environmental Standard for assessing and managing contaminants in soils to protect human health (NESC)

The NESC applies to certain activities, such as subdivision, undertaken on a ‘piece of land’ that contains an activity that is listed on the Hazardous Industries and Activities List.

A preliminary site investigation has been undertaken and does identify some areas of likely contamination. The development of these areas on the site will need to be addressed and remediated if required prior as part of the land use consenting requirements.

6.3.2 Regional Planning Documents

Northland Regional Policy Statement (RPS)

The RPS covers the management of natural and physical resources across the Northland Region. The provisions within the RPS give guidance at a higher planning level in terms of the significant regional issues.

The proposed Structure Plan is consistent with the Objectives and Policies of the RPS. The urban development of the Site is not expected to generate reserves sensitivity effects as a result of the loss of farmland. The location of the Site is strategically important to both Kerikeri and Waipapa.

Proposed Regional Plan for Northland

Section 75(4)(b) of the RMA states that any district plan must not be inconsistent with a regional plan for any matter stated in s30(1) of the RMA. Section 74(2)(a) of the RMA states that when preparing or changing a district plan, a territorial authority shall have regard to any proposed regional plan of its

region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4 of the RMA.

The latest Appeals Version of the Proposed Regional Plan for Northland was released in August 2022. The Proposal is not inconsistent with the Proposed Regional Plan for Northland and has been designed to respond to Regional Plan provisions, including Objective F.1.10 regarding the management of Natural Hazards.

Iwi and Hapū Environmental Management Plans

Section 74(2A) of the RMA requires Council to take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.

There are 14 iwi planning documents lodged with the Council.

The Ngāti Rēhia Hapū Environmental Management Plan - Third Edition (2018) (HEMP) has been the key document referred to for the development of the Structure Plan. Consultation has been on-going with Ngāti Rēhia over the past 12 months. The Kaupapa of the HEMP is to develop a sustainable economic, social and cultural base for the continued growth of Hapū and Whanau. As per the on-going discussions with Ngāti Rēhia, the Structure Plan will provide additional housing choices for members of the whanau and hapū. Opportunities are currently being investigated regarding the establishment of a hotel or tourism venue on the site to support employment and training opportunities for Ngāti Rēhia. The proposed zoning of the site will enable provision of public access to the Kerikeri River and Rainbow Falls which is currently held in private ownership, the local community, whanau and hapū will be able to reconnect with the Awa.

6.4 National Planning Standards

Section 75(3)(ba) of the RMA requires that district plans give effect to the Planning Standards. The Planning Standards were gazetted in April 2019 and their purpose is to assist in achieving the purpose of the RMA and improve consistency in the structure, format and content of RMA plans. The National Planning Standards provide mandatory direction that any district plan must only contain zones listed within Table 13 of the National Planning Standards documentation and the use of each zone must manage the use, development and protection of natural and physical resources within it, in accordance with Part II of the RMA.

The Structure Plans and Precinct Plans are prepared consistently with the zones proposed in the PDP, which are consistent with the Planning Standards.

6.5 Other legislation and Policy Documents

Integrated Transport Strategy September 2020:

A Programme Business Case has been prepared in conjunction with the Integrated Transport Strategy to consider the case for investment to support communities and business in the Far North by providing a safer, more resilient and reliable transport system.

The Strategy identifies three key problems through six strategic responses. The Strategy states that by doing these things the Far North will benefit from:

- A better, safer transport system with more transport choice.
- Improved resilience of key roads in far North.
- Community transport needs will be met.

The proposal provides opportunity to improve resilience for State Highway 10 when that floods by providing alternative connections between Kerikeri and Waipapa.

The proposal also increases transport choice.

Kerikeri Waipapa Structure Plan- 2007:

The original Kerikeri - Waipapa Structure Plan 2007 (KKWSP) set a high-level direction or vision for the integrated and sustainable development of the Kerikeri-Waipapa. This document predates the current operative district plan and is not considered relevant to guide future decision making on the Proposed District Plan because of the significant growth and related changes that have occurred, particularly since 2015.

Council is currently undertaking work to replace the KKWSP with a spatial strategy, which will look at options for accommodating growth over the longer term.

Far North 2100:

Far North 2100 is an aspirational strategy looking at how the Far North might look in 80 years' time, based on Council's vision 'He Whenua Rangatira – a district of sustainable prosperity and wellbeing'.

The document was adopted by Council on 4 November 2021. The proposal supports and is in keeping with the objectives – the *Where we are Going* because:

- The proposal will assist in creating economic prosperity for the district. This is evidenced in the Urban Economics report which sets out the contributions to GDP and provision of employment opportunity.
- The ethic of stewardship – to protect, enhance and restore, including environmental prosperity.
- A strong sustainable growing economy.
- Communities of care resulting in cultural and social prosperity.
- The proposal enables a comprehensive development that will contribute to strong place making within the submission area and also contributing positively to Kerikeri and Waipapa. A

place making approach to urban planning is identified as an aim to ensure that the wellbeing of the people is considered first when it comes to planning towns and places.

- There has been initial and ongoing engagement with Ngāti Rēhia and discussions include how there can be collaboration and partnership with Ngāti Rēhia as the land is developed.
- The proposal represents an active response to climate change.
- The proposal represents quality outcomes in terms of connecting people, businesses and places.
- The natural environment features of the site will be protected for current and future generations.

Long Term Plan 2021- 2031:

Long Term Plan 2021 - 2031 (“LTP”) is the Council’s key strategic planning document setting out what the Council plans to deliver over the next ten years and how it plans to pay for the planned deliverables.

A copy of the Capital Works Programme is appended to the Structure Plan. In summary funding is allocated for:

- A water main upgrade in Cobham Road, Kerikeri (2022/ 2023 \$72,100)
- An intake rising main upgrade for Kerikeri (2021/2022 \$700,000)
- Fire flow upgrades Waipapa Industrial area (2022/2023 \$74,010)
- Kerikeri water take consent (2021/ 2022 \$3,492)
- Upgrade main to the Heritage Bypass (2025/2026 \$9,688,320)
- Water source renewals Kerikeri (2021/2022 \$54,707)
- Water treatment plant upgrade Kerikeri (2024/2025 \$3,252,900 and 2025/2026 \$3,340,800)
- Wastewater network Stage 2 Kerikeri (2028/2029 \$3,388,582 2029/2030 \$13,947,204 and 2030/2031 \$17,904,057)
- Recycling station Kerikeri (2024/2025 \$2,168,600 and 2025/2026 \$1,113,600)
- Dog park Kerikeri 2021/ 2022 \$34,000 2022/2023 \$38,110)

Ongoing discussions with Council will ensure future development is integrated with the provision of infrastructure. If zoning is in place this will provide certainty for the developer to enter into a Development Agreement with Council to determine the contributions and works required to facilitate development of the land. This can be worked out in relation to the staging of development and the Council works programme and funding. This will ensure infrastructure upgrades and extensions are provided efficiently for the benefit of the wider community as well as the Site.

7. Assessment of Environmental Effects

The environmental effects of the Proposal are considered in detail in the Structure Plan and technical reports. To support this Evaluation Report, refer to the Assessment of Environmental Effects, prepared by the Planning Collective, which is attached in **Appendix B**. The Assessment of Effects has informed our analysis of the objectives and proposal under section 32 above.

8. Conclusion

This report has been prepared in support of Kiwi Fresh Orange Company Limited Submission to rezone circa 197ha of land at 1828 and 1878 State Highway 10 from Rural Production to Urban. The request for the re-zoning of the land is made via a submission on the Far North District Council's Proposed District Plan.

Based on the Assessment of environmental effects and the specialist assessments, it is concluded that the proposed re-zoning of the land will have positive effects on the environment through providing for land to meet the needs of the growing Kerikeri/ Waipapa population over the 10-year lifetime of the District Plan, for both residential and commercial needs. Other potential effects are managed through the general District Wide Standards of the PDP as well as via the proposed Precinct provisions that apply to the Site.

This includes an analysis with respect to the extent to which the objectives of the Structure Plan area are the most appropriate to achieve the purpose of the RMA and an examination of whether the provisions of the re-zoning are the most appropriate way to achieve the objectives.

For the above reasons, it is considered that the proposed re-zoning of the Site accords with the sustainable management principles outlined in Part 2 of the RMA and should be accepted and approved through the Proposed District Plan process.

4 September 2023

Far North District Council
Proposed District Plan Planning and Policy
Via email: pdp@fndc.govt.nz

Dear Sir / Madam

RE: Further submissions to the proposed Far North District Plan



The attached further submissions are made on behalf of Kiwi Fresh Orange Company Limited ("KFO")– Submitter Number 554 to the proposed Far North District Plan ("pFNDP").

KFO lodged a comprehensive submission to the pFNDP seeking the rezoning of approximately 197 hectares of rural land it owns located between Kerikeri and Waipapa for urban land uses. A Precinct is proposed to enable greenfields land to be zoned now and provide sufficient certainty to secure integrated planning and investment for the required infrastructure, to secure outcomes to manage flood risk and the amount of retail floor space to ensure future development does not detrimentally affect the Kerikeri Town Centre.

KFO's landholding, the nature of its submission and the impact of the pFNDP on KFO's land means that KFO has an interest greater than the public generally in relation to many aspects of the pFNDP and the submissions made to it.

The nature of KFO's further submissions seek to identify interest in decisions sought that may adversely affect the KFO proposal, or could have a direct influence, positively or negatively, on the submission and the outcomes it seeks. To this end the KFO further submissions relate to all aspects of the pFNDP related to zoning, subdivision and land development.

There are also submissions that seek provisions of a non-specific nature be added to the Plan to address new National Policy Statements (eg NPS IB). Whilst the need for the Plan to give effect to any National Policy Statement is supported, the submissions seeking the additional and non-specific provisions are supported in principle only, subject to the content of the changes to be made.

The attached Table lists all the submissions that further submissions are made in relation to, the particular parts of the submission KFO supports or opposes and the reasons why.

KFO wishes to be heard in support of its further submissions.

Yours sincerely

Burnette O'Connor
The Planning Collective Limited
Ph: 021422346
Email: burnette@thepec.co.nz

Attachments:

- A. Further Submissions Table.
- B. Addresses of Submitters

Attachment A

Further Submission on behalf of Kiwi Fresh Orange Company Limited – 4 September 2023

Sub #	Sub Point	Submitter	Theme	Summary	Decision Requested	Further Submission		
						Support / oppose	Reasons	Decision requested
General Process								
#338	006 - 008	Our Kerikeri Community Charitable Trust	Urban design	Consider the PDP should enshrine the principles/design qualities of the Urban design Protocol etc. Consider that spatial plans should be prepared.	The PDP should include provisions that support urban design principles for quality and innovative developments that cater for mixed use, mixed dwellings and mixed income levels, whilst protecting and preserving the characteristics of respective townships and the things that communities value.	Support	Implementation of urban design principles is a cornerstone to achieving well-functioning urban environments.	Allow the submission, subject to appropriate drafting FS25.001, FS25.002, FS25.003
#338	013	Our Kerikeri Community Charitable Trust	General process	The Operative DP contains a chapter on development financial contributions (chapter 14). However, some years ago the council eliminated most requirements for development contributions. This has resulted in a large, accumulated shortfall in infrastructure and related funding, and ratepayers are unfairly expected to carry this cost burden.	Amend the PDP to require development contributions when Council has adopted policy on development contributions as part of its Long-Term Plan (Inferred)	Support	Development contributions under the Local Government Act are an appropriate mechanism. While development contributions are generally dealt with under separate policy instruments, it may be appropriate to include reference to development contributions in the pFNDP.	Allow the submission, subject to appropriate drafting. FS25.004
#428	003	Kapiro Residents Association	General process	The PDP fails to address the urgent need to reduce greenhouse gas emissions wherever possible now and fails to adequately avoid or mitigate the anticipated effects.	Amend PDP to include policies/rules/standards that will reduce greenhouse gas emissions related to the activities covered by district plans.	Support	KFO supports including provisions that encourage quality, compact built form to, among other things, reduce greenhouse gas emissions.	Allow the submission, subject to appropriate drafting. FS25.005
#429	009	Kapiro Residents Association	General process	In areas where freshwater issues are relevant to District Council functions and the DP, the NPS Freshwater Management of 2020 needs to be given effect in all relevant parts of the DP, including the Ecosystems & Biodiversity chapter and Natural Character chapter.	Amend the Plan to ensure that when subdivision, land use or development is considered, it gives effect to: -the NPS FM's fundamental concept of Te Mana o te Wai (including the principles and the hierarchy of obligations) should be applied to all freshwater issues that may be affected by development, not just the aspects of freshwater management referred to in the NPS (this point is stated in NPS FMs1.3(2)) Policies and rules to promote positive effects and avoid, remedy, or mitigate adverse effects (including cumulative effects) of urban development on the health and wellbeing of water bodies, freshwater ecosystems, and receiving environments (NPS FM s3.5(4)) Avoiding the loss of wetlands and protecting their values: ... -When subdivision or development takes place, all waterways should be protected by requirements for native planting and other measures.	Support	KFO supports the proposal that subdivision, land use and development is managed in an integrated way to achieve the concept of Te Mana o te Wai. KFO is interested to ensure that the proposed provisions are the most appropriate way to achieve the objectives of the pFNDP.	Allow the submission, subject to appropriate drafting. FS25.006
#429	012	Kapiro Residents Association	General process	We consider that the PDP should take on board the changes proposed in submissions made by Forest & Bird, Pacific Eco-Logic and Marianna Fenn. In cases	Amend District Plan as sought by Forest & Bird (submitter 511), Pacific Eco-Logic (submitter 451) and Marianna Fenn (submitter 542), unless relief	Support in part	Elements of the submissions by Forest & Bird, Pacific Eco-Logic and Marianna Fenn are appropriate, however, it is questionable whether some of the relief sought is the most	Allow the submission in part, subject to appropriate drafting. FS25.007

Sub #	Sub Point	Submitter	Theme	Summary	Decision Requested	Further Submission		
						Support / oppose	Reasons	Decision requested
				where our proposed changes differ, we seek the changes that will provide the strongest protection for the natural environment.	sought by Kapiro Residents Association is more onerous		appropriate way to achieve the purpose of the RMA or the objectives of the pFNDP.	
#449	003	Kapiro Conservation Trust	General process	We support intensification of the urban area. However, intensification needs to be carefully planned, with good design principles, appropriate infrastructure and adequate green open spaces for the community. Subzones or precincts (or whatever terms are now required by the National Planning Standards) need to be identified to achieve good connectivity, good functionality and protect character and amenity values. Subzones are needed to ensure that building height and density are reduced in a graduated manner moving out from the central area to high density residential areas and then lower density residential areas. Policies/rules are also needed to avoid pepper-potting multi-storied buildings in diverse locations in random fashion. Within close distance to Kerikeri township, there are limited opportunities to develop greenfield land for future growth. We consider that the PDP zoning, at present, does not focus on greenfield sites that are more appropriate for future growth, taking into account potential for infrastructure, connectivity, traffic, and other issues.	Amend the zoning framework to introduce more subzones or precincts as per the National Planning Standards to achieve good connectivity, good functionality and protect character and amenity values.	Support	Given anticipated growth in the Kerikeri and Waipapa areas, the pFNDP zoning needs to focus on greenfield sites which are more appropriate for future development. The level of urban development required to meet expected demand cannot be provided by infill development alone.	Allow the submission subject to appropriate mapping and wording. FS25.008
#465	001	Groundswell NZ	General process		Seek to pause the district plan process until the failings of the RMA outlined in this submission are addressed, and there is clarity around the NPS Indigenous Biodiversity and the RMA replacement the Natural and Built Environment Act (NBA). If this is not accepted, then our submission would be the sections relating to the zoning issues above be paused or removed altogether.	Oppose	Delaying the preparation of the second-generation District Plan is neither an efficient nor effective response to the submitters concerns around the NPS-IB or reform of the RMA.	Reject the submission. FS25.009
#524	001	Vision Kerikeri	General process	Support planned growth as this helps ensure efficient and effective infrastructure, and connectivity. While it is acknowledged that there are no current growth strategies or structure plans, some are in development, and could be completed prior to the PDP being made Operative. To ensure that these strategic documents can be given effect and implemented once approved by Council, provisions and assessment criteria that hold a space for these planning documents should be included.	Continue to develop spatial and strategic direction for the District's urban centres and include place holding provisions throughout the plan	Support	The pFNDP should give effect to and implement strategic documents addressing planned growth for reasons including that adequate infrastructure must be in place to support development.	Allow the submission FS25.0010
#529	003	Carbon Neutral NZ Trust	General process	We support intensification of the urban area for the reasons outlined in our previous submissions and discussions with council. However, intensification needs to be carefully planned, with good design principles, appropriate infrastructure and adequate green open spaces for the community. Sub zones or precincts (or whatever terms are now required by the National Planning Standards) need to be identified to achieve good connectivity, good functionality and protect	Amend the zoning framework to introduce more subzones or precincts as per the National Planning Standards to achieve good connectivity, good functionality and protect character and amenity values.	Support in part	KFO supports including additional zones or precincts where that is appropriate to provide a specific response to a particular site.	Allow the submission subject to appropriate mapping and wording. FS25.011

Sub #	Sub Point	Submitter	Theme	Summary	Decision Requested	Further Submission		
						Support / oppose	Reasons	Decision requested
				character and amenity values. Subzones are needed to ensure that building height and density are reduced in a graduated manner moving out from the central area to high density residential areas and then lower density residential areas. Policies/rules are also needed to avoid pepper-potting multi-storied buildings in diverse locations in random fashion.				
#529	066	Carbon Neutral NZ Trust	General process	Support planned growth as this helps ensure efficient and effective infrastructure, and connectivity. While it is acknowledged that there are no current growth strategies or structure plans, some are in development, and could be completed prior to the PDP being made Operative. To ensure that these strategic documents can be given effect and implemented once approved by Council, provisions and assessment criteria that hold a space for these planning documents should be included.	Continue to develop spatial and strategic direction for the District's urban centres and include place holding provisions throughout the plan.	Support	The pFNDP should give effect to and implement strategic documents addressing planned growth.	Allow the submission FS25.012
#559	001	Te Runanga o Ngāti Rēhia	General process	Urban Sustainability and Affordable Infrastructure are of interest to Ngāti Rēhia, including better management of urban infrastructure, land and building resources to reduce wasted and insufficient use of existing land and infrastructure resources that increase the living costs. The studies alongside affordable housing options, would assist in meeting SD-UFD-O1.	Amend to prioritise working with Ngāti Rēhia and the hapū of Kerikeri Waipapa on cultural and historical heritage inventories to be initiated as an integral part of this plan.	Support	KFO wholeheartedly supports the aspiration of Ngāti Rēhia to develop cultural and historical inventories and better manage urban infrastructure.	Allow the submission. FS25.013
#559	008	Te Runanga o Ngāti Rēhia	General process	For example, there are amenity-based rules on 'reflectivity', building height or similar that unduly limit opportunities for small to medium scale solar or wind generation.	Amend land use to ensure there are no impediments to climate change mitigation.	Support	KFO wholeheartedly supports the aspirations of Ngāti Rēhia in respect of climate change mitigation.	Allow the submission. FS25.014
#560	004	Jane Johnston E	General process	There is a need to provide for accommodation that is affordable and accessible to work, education and recreation opportunities. Accommodation as per the PDP fails to provide for young adults (new entrant workers or students), as well as for the home-alone elderly. The PDP does not cater to all options or 'potential' choices for people throughout their life-cycle, in being heavily biased towards providing for 'families' rather than for individuals or other groups who may choose to want to cohabitate. The requirements of a minimum size of section, a cap on the number of units able to be accommodated per section, outdoor living space and yard to boundary rules prohibit high density residential accommodation, without a relationship with 'commercial' use as provided for in the mixed-use zone.	Insert a new high density residential zone which provides choice at the opposite end of the continuum from 'rural-residential', 'rural lifestyle' and 'coastal-living' as per the operative plan and does not require a commercial ground floor level.	Support	KFO supports the proposal to include additional housing choice by providing for high density dwellings in appropriate locations.	Allow the submission, subject to appropriate wording. FS25.015
General Plan Content								
#138	021	Kairos Connection Trust and Habitat for Humanity	General plan content	To further improve housing choices for low-moderate income households in the Far North and in addition to the amendments sought in the submission, seek that the Council consider including a separate Inclusionary Housing chapter, or integrate throughout proposed subdivision and residential and mixed use zone chapters, provision for inclusionary housing that would	Insert a separate Inclusionary housing chapter or integrate throughout proposed subdivision and residential and mixed use zone chapters, provision for inclusionary housing that would require a 5% share of the estimated value of the sale of subdivided lots (or as appropriate to the Far North context) to a nominated community housing	Oppose	While KFO supports the aspiration of having affordable housing for low-moderate income households, it does not support the proposed inclusionary housing mechanism. No assessment has been provided of the costs and benefits of such a scheme in the Far North District to support an understanding of whether the proposal is the most	Disallow the submission. FS25.016

Sub #	Sub Point	Submitter	Theme	Summary	Decision Requested	Further Submission		
						Support / oppose	Reasons	Decision requested
				require a 5% share of the estimated value of the sale of subdivided lots (or as appropriate to the Far North context) to a nominated CHP to ensure the establishment of affordable housing within its high growth urban environments. The appropriate % share of lots would need to be determined for the Far North District, as it would essentially be a financial contribution condition for which a district plan policy is required under Section 108 (10).	provider to ensure the establishment of affordable housing within its high growth urban environments.		appropriate way to achieve the purpose of the RMA or the objectives of the pFNDP.	
#215	052	Haigh Workman Limited	General plan content	Inconsistencies in stormwater rules	Insert a new chapter to the General District-Wide Matters addressing Stormwater Management (or Impermeable Surfaces generally) including overview, objectives, policies and rules in a similar way to the section on Earthworks management	Support	KFO supports the intent of including a new chapter that improves the clarity and usability of the pFNDP by grouping provisions relating to stormwater management in a single place.	Allow the submission subject to appropriate wording. FS25.017
#252	006	Hall Nominees	General plan content	The Mixed Use Zone is not the most appropriate zone for Kerikeri town centre for the following reasons: a. The Mixed Use Zone does not give effect to objective 1 and policy 1 of the National Policy Statement on Urban Development (NPS-UD); b. The Section 32 Evaluation - Urban Environments incomplete and flawed: i. The evaluation 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; ii. The evaluation fails to consider the full range of commercial zoning options and identify reasonably practicable options to achieve objectives; iii. The evaluation fails to evaluate appropriate zone criteria and boundaries; c. The PDP does not provide strategic direction or policy support for the suite of urban zones proposed; d. The Mixed Use Zone provisions do not sufficiently enable a range of commercial activities. The PDP does not provide alternative commercial zones, providing only a Mixed-Use Zone. The Section 32 Evaluation - Urban Environment does not provide any justification for this approach nor does it evaluate options utilising the full range of National Planning Standard commercial zones. The PDP does not include any form of direction by way of mapping or provisions to set a clear hierarchy of centres. This lack of strategic direction will hinder the ability to achieve a sustainable and compact urban form. The approach to commercial zoning within the PDP has resulted in the inability to utilise the Mixed Use Zone as intended by the National Planning Standards. This approach has led to ineffective and inefficient methods	Amend 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; OR If above relief is not accepted, amend the Mixed Use zone provisions to provide for an increased range of commercial and community activities.	Support	KFO supports the intent of the submission to provide greater flexibility for development in the Kerikeri town centre. KFO agrees with the submitter that Kerikeri and Waipapa comprise an urban environment that must give effect to the NPS-UD.	Allow the submission, subject to appropriate wording FS25.018

Sub #	Sub Point	Submitter	Theme	Summary	Decision Requested	Further Submission		
						Support / oppose	Reasons	Decision requested
				in the PDP, which does not provide for the sustainable development and use of business land.				
#339	016	Te Aupōuri Commercial Development Limited	General Plan Content	The Strategic Direction chapters do not contain policy which gives effect to proposed objectives. TACDL considers that there is no clear policy direction to give effect to the proposed objective which could lead to an ineffective plan.	Amend the Strategic Direction Chapter to: • Provide clear direction for growth and development throughout the Far North District. • Include appropriate policy to give effect to strategic direction objectives. • Evaluate objectives in accordance with section 32AA to confirm that these are the most appropriate objectives.	Support in principle	Definitions and nesting tables can change the outcomes of what things mean. The strategic direction and request to include policy to give effect to the strategic direction objectives could have flow down effects on other plan provisions.	Allow the submission, subject to appropriate wording. FS25.019
#344	001	Paihia Properties Holdings Corporate Trustee Limited and UP Management	Entire Plan	The PDP does not include any form of direction by way of mapping or provisions to set a clear hierarchy of centres. There is no identification of small, medium or large centres. PPHCTL consider this lack of strategic direction and centres hierarchy to be a significant flaw in the plan that will hinder the ability to achieve a sustainable and compact urban form.	Establish a centre hierarchy to set a clear policy direction for the larger urban areas within the District and amend provisions and zoning as necessary to implement the hierarchy that achieves a compact urban form.	Support in principle	There are a range of centres in the Far North that fulfil different functions. It is important for the future vitality and sustainability of the various centres that there are appropriate provisions in the Plan to guide development and achieve optimal urban outcomes, including outcomes that support the wider communities.	Amend Plan to provide an appropriate hierarchy of centres. FS25.020
#356	009	Waka Kotahi		Consider adding new objectives: - to support good urban design including good accessibility for all people between housing, jobs, community services, recreational spaces, including by way of active and public transport where practicable; - the provision of a range of zones to meet the demands of the district and support wellbeing;	Insertion of new objectives to address: - good urban design, including good accessibility for all people between housing, jobs, community services, recreational spaces, including by way of active and public transport where practicable; and - provision for a range of zones to meet expected demand for the district and to support wellbeing.	Support	KFO supports the intent of the submission to support achieving good urban design and accessibility, subject to appropriate wording.	Allow the submission, subject to appropriate wording. FS25.021
#364	005	Director General of Conservation	Amendment requested	Give effect to the NPS IB	Update the Proposed District Plan to be consistent with the NPSIB exposure draft. Specifically, but not limited to: • Protect SNAs and identified taonga on Māori lands in line with clause 3.18 of the NPSIB exposure draft. • Include objectives, policies, or methods in the PDP for managing the adverse effects of new subdivision, use, and development on highly mobile fauna areas. • Incorporate NPSIB Appendices 3 and 4 or like principles into the PDP. Update proposed Policy IB-P4 to require that any biodiversity offset, or biodiversity compensation be in accordance with these principles. Any other amendments that may be necessary or appropriate to address my concerns.	Support in part, subject to the nature of changes proposed to address the submission	The submission refers to the exposure draft of the NPS-IB, which has been superseded. While some amendments may be appropriate to give effect to the NPS-IB within the scope of the pFNDP and submissions, it may not be possible to fully implement the NPS-IB given the pFNDP and submissions predated the NPS-IB.	Allow the submission in part, subject to appropriate wording. FS25.022
#368	116	Far North District Council	General	Give effect to the NPS HPL	Make amendments where necessary, in instances where the terms “Highly Productive Land” and “Versatile Soils” are used in the PDP and make any other amendments necessary to give effect to the NPS HPL.	Support subject to the nature of the proposed amendments.	KFO supports revisiting the pFNDP to ensure that it appropriately gives effect to the NPS-HPL, including its exceptions.	Allow the submission, subject to appropriate wording. FS25.023
#368	101-114	Far North District Council	General	Stormwater	Add wording to every impermeable coverage rule in the PDP stating that stormwater must be disposed on in accordance with Far North District Engineering Standards April 2022.	Support.	KFO supports the proposal to provide additional clarity by referring to the applicable engineering standards.	Allow the submission. FS25.024 - FS25.037

Sub #	Sub Point	Submitter	Theme	Summary	Decision Requested	Further Submission		
						Support / oppose	Reasons	Decision requested
#368	005	Far North District Council	Ecosystems and Indigenous Biodiversity	The District Plan has to give effect to National Policy Statements.	All amendments necessary to give effect to the National Policy Statement Indigenous Biodiversity (NPS IB).	Support in part, subject to the nature of changes proposed to address the submission	While some amendments may be appropriate to give effect to the NPS-IB within the scope of the pFNDP and submissions, it may not be possible to fully implement the NPS-IB given the pFNDP and submissions predated the NPS-IB.	Allow the submission in part, subject to appropriate wording. FS25.038
Definitions								
#271	003	Our Kerikeri Community Charitable Trust	Definitions	Development Infrastructure: Support the definition of Development Infrastructure noting that the definition of Land Transport includes transport on land by any means and the infrastructure that facilitates it which would include cycling networks.	Retain definition as drafted	Support	The definition as drafted is appropriate.	Allow the submission. FS25.039
#271	005	Our Kerikeri Community Charitable Trust	Definitions	Integrated Transport Planning: This is a term that is used often throughout the PDP but is not defined. The principal of integrated transportation networks is supported, and it is considered useful to have this term defined to ensure that it is clear to plan users what is meant. The definition should include enforce the importance of connectivity, and multi modal transport options.	Include definition for 'Integrated transport network'.	Support	KFO supports the proposal to clarify what is intended by an integrated transport network.	Allow the submission, subject to appropriate wording FS25.040
#359	037	Northland Regional Council	Definitions	Three waters infrastructure	The definition only applies (as drafted) to council owned infrastructure. We would suggest future-proofing this given the three waters reform as these services are likely to be owned and operated by 'three waters water entities' in the medium term (potable, wastewater and stormwater systems). The definition should consider those used in the Water Services Bill and refer to networks available for connection to private property. This definition needs to be considered carefully in light of the rules which then apply, for example CE-P5.	Support	The amendment provides appropriate clarification and future-proofs the definition against likely changes to local government services.	Allow the submission. FS25.041
#368	002	Far North District Council	Definitions	Impermeable surface	Correct the definition to state 20m ² rather than 2m ² .	Support	The submission seeks to correct an obvious error, which is appropriate.	Allow the submission. FS25.042
#91	003	PF Olsen Limited	Definitions	The definition of Highly Productive Land is inconsistent with the definition contained in the National Policy Statement for Highly Productive Land.	Amend the definition to Highly Productive Land to be consistent with the requirements of the National Policy Statement for Highly Productive Land	Support	The amendment seeks to align the definitions of the pFNDP with the NPS-HPL, which is appropriate as it avoids confusion or inconsistency of application of provisions.	Allow the submission subject to appropriate wording. FS25.043
#561	008	Kāinga Ora	Definitions	Multi-unit development can be in the form of detached units and attached units and a separate definition is not required.	Delete definition of multi-unit development.	Support	KFO agrees that multi-unit development can include attached and detached units.	Allow the submission. FS25.044
Support Planned Growth								
#271	001	Our Kerikeri Community	Support planned growth	Support planned growth as this helps ensure efficient and effective infrastructure, and connectivity. While it is acknowledged that there are no current growth	Continue to develop spatial and strategic direction for the District's urban centres and include place holding provisions throughout the plan.	Support	The pFNDP should give effect to and implement strategic documents addressing planned growth.	Allow the submission. FS25.045

Sub #	Sub Point	Submitter	Theme	Summary	Decision Requested	Further Submission		
						Support / oppose	Reasons	Decision requested
		Charitable Trust		strategies or structure plans, some are in development, and could be completed prior to the PDP being made Operative. To ensure that these strategic documents can be given effect and implemented once approved by Council, provisions and assessment criteria that hold a space for these planning documents should be included.				
Urban form and development								
#356	005 & 009	Waka Kotahi	Urban form and development	Amend objectives to provide more clarity of how it might be implemented.	SD-UFD-O1 is unclear consider deleting the objective or amend to provide more clarity and certainty perhaps more in line with NPS-UD Objective 1.	Support in principle	It is imperative that the Plan sets out clear objectives with clear supporting policies directing how the objectives are to be achieved.	Allow the submission, subject to appropriate wording. FS25.046, FS25.047
#561	018	Kāinga Ora	Objectives	Add new objective SD-UFD-05	SD-UFD-O5 Enable higher residential intensification in the area within moderate walking distance around Kerikeri Town Centre.	Support in principle	KFO agrees that intensification should be provided for within walkable catchments to town centres.	Allow the submission. FS25.048
District Wide Matters								
#359	005 - 009	Northland Regional Council	Climate Change	We suggest a greater emphasis on response to climate change. There are climate change mitigation and adaptation responses relevant to district planning that could be set out now. We support the greater use of mixed-use zones and enabling greater density in urban centres subject to appropriate requirements for water resilience and minimising risk from natural hazards.	7.3 We would suggest strategic direction on climate change include: a) A clear statement on how the district plan enables the district’s communities to respond to climate change (eg. an objective could be framed along the lines of “Far North District communities are prepared for the impacts of climate change and an equitable transition to a low emission economy”, and policies could include: “Provide for development patterns that are resilient to climate change impacts” and “Support the inclusion of design features that take into account the impacts of climate change and the need to transition to a low-carbon economy in proposals for land use, subdivision and development”). b) Signal that zoning, overlays and controls on subdivision, use and development are used to minimise risk from natural hazards, protect high value resources that enable climate change responses or are particularly vulnerable to predicted impacts (such as indigenous biodiversity, elite soils and renewable energy generation). They also promote development patterns and land uses and associated transport / infrastructure that enable emissions reduction (such as mixed-use zoning, higher residential density in serviced areas, renewable energy generation and special purpose zoning such as horticulture). 7.4 We recommend that land use provisions be tested to ensure there are no undue impediments to climate change mitigation (eg. amenity-based rules on ‘reflectivity’, building height or similar that unduly limit opportunities for small to medium scale solar or wind generation).	Support subject to the nature of changes proposed	KFO supports the intent of providing direction that provides a clear statement of how communities will respond to climate change.	Allow the submission, subject to appropriate wording. FS25.049, FS25.050, FS25.051, FS25.052, FS25.053

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					7.5 We also note the actions set out in the Te Taitokerau Climate Adaptation Strategy. These actions should guide development of climate change provisions within the new district plan. 7.6 Recent updates from the Ministry for the Environment indicate that sea level is rising faster than anticipated. The Proposed Plan should therefore consider the potential for updating of NRC hazard maps and working with NRC to reflect new understanding of the issue.			
#359	010 - 012	Northland Regional Council	Resilient and Reliable Water Supply	Resilient and reliable water supply is another key issue now and in the long term as climate change effects increase. Water resilience is a particular concern for the Far North district, as was highlighted in the 2019/2020 drought that exposed the vulnerability of existing supplies, primarily those that rely on ‘run of river’ and are highly unreliable during extended dry periods. We suggest this be embedded in the relevant sections of the strategic direction chapter. We note drought is included in the District Wide Matters section on Hazards and Risks but feel the significance of these issues could be more strongly highlighted. We note droughts have been assessed to have economic impact six times higher than floods – this impact will only be compounded where development is enabled without adequate water supply.	We suggest signalling high intensity development will not be enabled unless serviced by a supply network or adequate on-site storage is provided to cater for extended dry spells / droughts.	Support subject to the nature of changes proposed	KFO supports the intent of the submission, subject to appropriate wording being provided.	Allow the submission, subject to appropriate wording. FS25.054, FS25.055, FS25.056
#359	027 - 030	Northland Regional Council	Highly Productive Land	Application of the NPS HPL	We recommend applying a minimum of Rural Production or General Rural zoning to large tracts of highly productive soils, and where appropriate encouraging lifestyle / rural residential development on poorer soils with supporting infrastructure (roading, water supply, waste and stormwater). We recommend objectives and policies in the subdivision section be strengthened to strongly discourage fragmentation of rural land as this can limit the viability of surrounding farming units and lead to high costs to service these developments. This is of particular concern for highly productive soils and should be based on the provisions in the NPS-HPL. The Regional Policy Statement for Northland does not fully reflect the direction in the NPS-HPL with regard to the protection of productive land. Therefore, it is considered appropriate to take direction from the NPS-HPL.	Support in part	KFO supports the intent of amending the pFNDP to implement the NPS-HPL. However, any provisions that are to be more stringent than the NPS-HPL need to be justified. Furthermore, the NPS-HPL provides a range of exceptions, which should be recognised.	Allow the submission in part. FS25.057, FS25.058, FS25.059, FS25.060,
#421	161, 162, 163	Northland Federated Farmers		Federated Farmers supports objectives PA-O1 and PA-O2 as they are currently drafted in the proposed district plan. However, there is a need for an additional	Federated Farmers seeks the following relief:	Support	KFO supports the submission, including the proposed amendment to reflect that there are some areas of public land adjoining waterbodies.	Allow the submission subject to appropriate wording.

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				objective to be included that provides recognition for private property rights as well as the additional impacts public access may also have on the amenity value of selected landscapes and areas. The landowner's private property rights are a key area of focus which needs to be considered within this chapter.	(a) the retention of objectives PA-O1 and PA-O2 as currently drafted with wording to similar effect; and (b) the addition of a new objective PA-O3 that reads as follows: <u>Practical and safe public access to and along the margins of lakes and rivers and the coastal environment is provided in a way that respects private property and does not result in adverse effects on natural character, landscape, indigenous biodiversity, historical heritage, or cultural values.</u> or wording to similar effect; and (c) any consequential amendments required as a result of the relief sought.			FS25.061, FS25.062, FS25.063
Strategic Direction								
#271	006	Our Kerikeri Community Charitable Trust	Strategic Direction	Integrated transport planning is a critical component to ensuring a coordinated response to land use development and good urban design outcomes. As noted earlier, it is considered that this is difficult to implement when strategic and spatial direction is lacking as the opportunity for triggers at development stage is missed and it is sought that place holders are included throughout the plan to hold a place for the development of such documents (noting that the Transport Strategy does not appear to currently spatially identify any future transport networks). Without such guiding documents, it is unclear how the outcome sought by SD-EP-O4 will be achieved, particularly given that there are no policies associated with these objectives. Encouraging multi modal transport (e.g. cycling, walking and public transport), as a critical element to social and economic well-being. Accordingly, the following amendment to SD-EP-O4 is sought.	People, businesses and places are connected digitally and through <u>multi modal</u> integrated transport network	Support	KFO supports the recognition that the integrated transport network will be multi-modal (i.e., providing for private vehicles, buses, cyclists and pedestrians).	Allow the submission. FS25.064
#271	007	Our Kerikeri Community Charitable Trust	Strategic Direction / Economic and Social Wellbeing / New policy	Without policies, it is difficult to understand how the Strategic Direction is intended to be implemented throughout the plan. With specific regard to integrated transport networks, a policy is sought that provides this direction, and wording suggested.	Insert corresponding policy to SD-EP-O4 regarded integrated transport networks: SD-EP-PXX To ensure multi modal integrated transport networks by: a. Requiring Integrated Transport Assessments at the time of subdivision. b. Ensuring that provision for planned integrated transport networks is made at the time of development. c. Funding for integrated multimodal transport networks is identified in the Long Term Plan	Support in part	KFO supports the proposal subject to the following: 1. There will also need to be corresponding rules and supporting assessment criteria. 2. There should be specified triggers for this requirement as a subdivision involving only 1 or 2 additional lots is unlikely to warrant this requirement. 3. There are other methods that should be employed to secure this outcome for smaller scale developments without the need for a full ITA e.g., Council's Subdivision Standards, Structure Plans secured in the Plan through Precincts to give statutory weight for example.	Allow the submission subject to appropriate wording. FS25.065
#271	008	Our Kerikeri Community Charitable Trust	Strategic Direction / Urban Form and Development /	The District urban centers have been ad hocly developed, in most cases resulting in poor urban design outcomes. This chapter provides the first opportunity for a 'top down' approach to ensure that this is not the	Insert an additional objective and policy that acknowledges the importance of urban design in achieving integrated development and good urban form and development outcomes. SD-UFD-OX	Support	KFO supports the proposed new provisions targeted at achieving good urban design outcomes.	Allow the submission subject to appropriate wording. FS25.066

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			New Objective and Corresponding Policy	case going forward and that integrated development resulting in good urban design outcomes is achieved. The objective in this chapter does this to an extent, but an additional objective should be included that expressly identifies the importance of urban design in insuring good urban form and development. See suggested wording for new objective and corresponding policy.	Urban growth and development is high quality and responds positively to the local context and outcomes expected for the zone. SD-UFD-PX To manage change in urban environments by ensuring a high level of amenity through quality urban design by: a. Identifying areas where active frontages are required to support a vibrant and pedestrianized environment b. Requiring development in urban centers to show how they will contribute to a connected, distinctive attractive, appropriate, sustainable and safe urban form. c. Ensuring that development responds to local context, including through alignment with relevant spatial or strategic document.			
Transport								
#271	009 & 010	Our Kerikeri Community Charitable Trust	Transport	In general, our group seeks to ensure that Council and Developers are required to ensure that land use and development considers transportation effects beyond the site. That cul-de-sac roads are generally discouraged unless provision has been made for future connectivity, and that multi modal transport planning is encouraged.	Seek changes to provisions within the plan that direct a high level of connectivity, integrated land use and transport planning, and multi modal transport networks. Amend TRAN-O3 as follows: Land use <u>and development planning, and transport planning</u> all modes of transport are integrated so that the <u>to ensure an efficient pattern of land use and transport networks that are</u> transport network <u>is</u> , safe, efficient and well-connected. Or Add new policy that specifically addresses integrated land use and transport planning. Amend TRAN-O5 as follows: The transport network provides for the safe and efficient movement of vehicular, cycle and pedestrian traffic, and that also meets the needs of persons with a disability or limited mobility.	Support in part	KFO supports the intent of the proposed amendments, subject to considering the most appropriate wording.	Allow the submission, subject to appropriate wording. FS25.067, FS25.068
#271	012 & 023	Our Kerikeri Community Charitable Trust	Transport	Support acknowledgment of Twin Coast Trail and future cycling pathways, particularly where they contribute to connectivity. Seek inclusion of multi modal transport options to ensure social and economic wellbeing of our communities, and to respond to climate change. See suggested amended change to better reflect this.	Establish and maintain a transport network that: a. provides safe efficient linkages and connections; b. avoids and mitigates adverse effects on historical, cultural and natural environment values to the extent practicable; c. recognises the different functions and design requirements for each road classification under the most current National Transport Network classification system; d. supports reductions of greenhouse gases from vehicle movements <u>including through implementation or multi modal transport options</u> ; e. considers the likely current and future impacts of climate change when new sections of the network are proposed or existing sections upgraded; and	Support	KFO supports the amendments for the reason given in the submission.	Allow the submission. FS25.069, FS25.070

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					f. provides for existing and future pedestrian and cycling pathways <u>that are well connected</u>, including the Pou Herenga Tai Twin Coast Cycle Trail. Encourage new land uses <u>and development</u> to support an integrated <u>and well connected</u> and diverse <u>multi modal</u> transport network by: a. <u>Requiring consideration of promoting</u> alternative transport modes <u>at the time of land use and development</u>; b. <u>Ensuring that the construction of new transportation infrastructure aligns with relevant spatial or strategic document</u> c. <u>Encouraging</u> the provision of safe and secure parking facilities for bicycles and associated changing or showering facilities for staff; d. <u>Requiring</u> allocation of parking facilities for motorcycles, mobility scooters, car share vehicles, pick up/drop off areas for ride share services and charging stations for electric vehicles; and e. supporting the establishment and operation of accommodation and tourism related activities in close proximity to the Pou Herenga Tai Twin Coast Cycle Trail, provided reverse sensitivity effects can be avoided.			
#271	013	Our Kerikeri Community Charitable Trust	Transport	TRAN-R2 PER -1 allows private accessways where there is a maximum of 8 household equivalents (80 vehicle movements), where this cannot be achieved resource consent is required as a discretionary activity.	Amend TRAN-R2 to clarify that where TRAN-PER 1 cannot be complied, a public road that complies with TRAN-S4 is required to be vested in Council, or Discretionary resource consent required.	Support in part	KFO supports the submission, subject to considering the wording as better environmental outcomes may be achieved by having a tailored regime for determining the best outcome for specific circumstances. The activity status should also change to Restricted Discretionary as the relevant matters for assessment will be restricted to transport connections, safety, amenity, the viability of a public road, engineering construction matters.	Allow the submission in part subject to appropriate wording. FS25.071
#271	017	Our Kerikeri Community Charitable Trust	Transport	The construction of roads should exceed the standards in the Engineering Standards, particularly where required by a spatial/strategic document. Support requirement for Traffic Impact Assessment where a new road is constructed. Cul-de-sacs should be disincentivized as they are widely accepted as presenting bad urban design outcomes, and are currently a favoured position of developers due to the lower costs associated.	Amend to: - Provide for design that exceeds that required in the Engineering Standards (e.g. provides for separated cyclist network where not otherwise required), particularly where in alignment with a spatial/strategic document. - Disincentivize cul-de-sacs, as a minimum in regard to TRAN-S4.2 The following additional requirements should be included: - ITA with targeted information requirements should be required. Without this, cul-de-sacs are essentially further incentivized as a lower costs option. - The cul-de-sac legal width must extend to the boundary of the site to facilitate future connection.	Support in part	KFO supports the proposal that there are clear standards for the development of roading infrastructure. It is appropriate that there is the opportunity to seek resource consent for departures from standards.	Allow the submission in part subject to appropriate wording. FS25.072

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#368	018	Far North District Council	Transport	Requirements for road design.	Seeks to add FNDC Engineering Standards April 2022 to matters of discretion.	Support in part	KFO supports the intent of the amendment, subject to appropriate matters of discretion that include alternatives that provide a safe and appropriate transport outcome.	Allow the submission in part. FS25.073
Zoning								
#22	002	Trent Simpkin	Rural Production zoning	Zoning should reflect the existing environment	Rezone land at Waitotara to Rural Living	Support	KFO supports the rezoning of this land so that the zoning reflects the land use pattern. It also appropriately provides a transition from the zoning proposed on the KFO site.	Allow the submission. FS25.074
#51	002	Jeff & Robby Kemp	Rural Production zoning	Contextually there is a discord in zoning.	Rezone land at Waitotara to Rural Residential zone	Support	KFO supports the rezoning of this land so that the zoning reflects the land use pattern. It also appropriately provides a transition from the zoning proposed on the KFO site.	Allow the submission. FS25.075
#271	033	Our Kerikeri Community Charitable Trust	Commercial and Mixed Use Zones - General	In general, it is sought that good urban design outcomes are encouraged in the urban centers throughout the District. However, given that only one commercial zone has been picked from the available options (Mixed Use Zone), this provides limited ability to really target this in a meaningful way. Accordingly, in general more targeted zoning in the urban centers is sought. Further it is considered that the development of urban design guidelines and reference to the guidelines in any Commercial Zone would help to clearly direct good urban design outcomes.	Seek that Council introduce additional commercial and mixed use zones to better manage the larger urban centers (such as Kerikeri) and develop a set of urban design guidelines to be referenced.	Support	KFO supports the proposal to establish different commercial zones to respond to particular issues in particular centres. Subject to appropriate drafting, a more nuanced zone for the Kerikeri town centre may be appropriate.	Allow the submission, subject to appropriate wording. FS25.076
#271	036 & 038	Our Kerikeri Community Charitable Trust	MUZ-P5	Seek the following additions to ensure good urban design outcomes that a requirement to consider alignment with urban design guidelines (see earlier point seeking that Council develops some) be included as a matter in this policy.	Seek the following amendments: Manage land use and subdivision to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application: a. consistency with the scale, density, design, amenity and character of <u>the surrounding mixed use environment, and with the urban design guidelines</u> ; b. the location, scale and design of buildings or structures, outdoor storage areas, parking and internal roading; c. at zone interfaces: i. any setbacks, fencing, screening or landscaping required to address potential conflicts; ii. any adverse effects on the character and amenity of adjacent zones; d. the adequacy and capacity of available or programmed development infrastructure to accommodate the proposed activity; including: i. opportunities for low impact design principles; ii. management of three waters infrastructure and trade waste; e. managing natural hazards;	Support	KFO supports the concept of achieving good urban design outcomes. However, any urban design guidelines would need to be carefully considered and appropriately drafted.	Allow the submission, subject to appropriate wording. FS25.077, FS25.078

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					f. the adequacy of roading infrastructure to service the proposed activity; <u>g. alignment with any strategic or spatial document;</u> <u>h. provisions made to ensure connectivity;</u> i. any adverse effects on historic heritage and cultural values, natural features and landscapes or indigenous biodiversity, and j. any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.			
#331		Ministry of Education – Te Tāhuhu o Te Mātauranga	Zoning changes and urban growth	The Ministry notes that various changes are proposed to the zoning of land throughout the district. Changes in zoning have the potential to result in changes in development and in the population size and demographic of residents throughout the district, which can consequently impact on the capacity of educational facilities. The Ministry acknowledges the changing nature of zoning and development within a district as part of the District Plan process, however, requests that educational facilities are enabled as part of urban growth and development and are considered in any zoning changes made. Council has an obligation under the National Policy Statement for Urban Development 2020 (NPS-UD) to ensure sufficient additional infrastructure (which includes educational facilities) is provided in urban growth and development areas (see Policy 10 and 3.5 of Subpart 1 of Part 3: Implementation, in particular). The Ministry considers that enabling provisions for educational facilities in the relevant zones and relevant policy framework assists in achieving this outcome.	No specific relief is sought in relation to this point.	Support	KFO agrees that Kerikeri is part of an urban environment.	Allow the submission, subject to appropriate wording. FS25.128, FS25.129
#359	013 - 022	Northland Regional Council	Zoning	9.3 Enabling further development in areas prone to flooding is at odds with direction in the RPS Policy 7.1.2 (New subdivision and land use within 10 year and 100 year flood hazard areas) and Method 7.1.7 – in particular method 7.1.7(6). 9.4 In summary, these RPS provisions seek to avoid an increase in risk and discourage subdivision, built development and storage of hazardous substances in hazard zones – especially where rezoning land to more intensive use in hazard prone areas is proposed. It can also create demand for flood mitigation schemes/works over a comparatively large area which is expensive and can create affordability issues. 9.5 Further to the above, any such re-zoning without three waters infrastructure is also an issue in the long term – retrofitting networks to service such sites can be problematic and more costly than establishment at the	We suggest ensuring the extent of the new zoning that provides for intensification avoids areas prone to natural hazards unless the change reduces vulnerability to risk.	Support in principle	KFO further submits that greenfield development is a more appropriate and more cost-effective way of meeting housing demands. Retrofitting networks to service infill development can be problematic and costly, particularly where existing development has already established infrastructure.	Allow submission to the extent that hazard prone areas are correctly identified and mapped and that there are appropriate consent triggers that enable more detailed assessment in appropriate circumstances. FS25.079, FS25.080, FS25.081, FS25.082, FS25.083, FS25.084, FS25.085, FS25.086, FS25.087, FS25.088

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				‘greenfield’ stage. This is especially so where existing development has already established on-site services (eg. wastewater disposal and water storage) but would need to pay to connect to new network services. Without access to appropriate servicing there are major limitations on the density and type of urban development which can be accommodated in these zones.				
#364	074 - 076	Director General of Conservation	Amendment requested	The Director-General requests the addition of an objective, policy, and/or rule that acknowledges the potential adverse effects that bright lights can have on indigenous fauna. The additional objective/policy should seek to avoid, minimise/remedy, or mitigate adverse effects from lighting on indigenous fauna. The policy should apply for activities adjacent to or within SNAs.	Include a policy with lighting recommendations in line with the following document, which New Zealand is a party to as part of the United Nations Convention on Migratory Species: National Light Pollution Guidelines for Wildlife Including Marine Turtles, Seabirds and Migratory Shorebirds - DAWE In summary, best practice lighting design incorporates the following design principles: 1. Start with natural darkness and only add light for specific purposes. 2. Use adaptive light controls to manage light timing, intensity and colour. 3. Light only the object or area intended – keep lights close to the ground, directed and shielded to avoid light spill. 4. Use the lowest intensity lighting appropriate for the task. 5. Use non-reflective, dark-coloured surfaces. 6. Use lights with reduced or filtered blue, violet and ultraviolet wavelengths with a correlated colour temperature of 2700K or warmer.	Oppose	The submission is based on overseas research, rather than an assessment of potential effects on indigenous fauna in Northland. No assessment has been provided of the costs of the proposal, nor the potential benefits. There is no justification for including the proposed provisions in the pFNDP.	Disallow the submission FS25.089, FS25.090, FS25.137
#368	006	Far North District Council	Mixed Use	The Plan needs to consider a minimum net internal floor area for residential units in the Mixed Use zone, similar or the same as for the General Residential zone for residential activity (multi-unit development).	Apply an internal floor area.	Support	KFO supports the management of internal floor area to ensure that dwellings in the MUZ are of an appropriate size to provide a quality living environment.	Allow the submission, subject to appropriate wording FS25.091
#559	029	Te Runanga o Ngāti Rēhia	Zoning	Re-zoning without three waters infrastructure is an issue in the long term – retrofitting networks to service such sites can be problematic and more costly than establishment at the ‘greenfield’ stage. Waipapa is an example of an area that has been re-zoned from rural production to light and heavy industry. Noting there is already existing development there that has already established on-site services (e.g. wastewater disposal and water storage) but would need to pay to connect to new network services. Without access to appropriate servicing there are major limitations on the density and type of urban development which can be accommodated in these zones.	Amend zoning of areas in Waipapa when the necessary three waters infrastructure is in place (inferred).	Support	Zoning can be applied with supporting rules, standards, assessment criteria etc to require connection to reticulated services; or for these services to be provided in conjunction with development.	Allow submission subject to appropriate wording that clarifies zoning with appropriate provisions can be enabled ahead of all infrastructure being in place. FS25.092
#561		Kāinga Ora	Kerikeri Town Centre	Kāinga Ora seek a new Town Centre zone for Kerikeri in recognition of its importance as a growing centre in the Far North. The zone provisions enable buildings of up to 6 storeys (22m maximum height) and also provide for ground floor residential activity except where a pedestrian frontage is identified (aligning with that currently shown on the planning maps, other than where amended in Kaikohe). See Appendices 3 and 5.	That MUZ-O1 be retained as notified with the introduction of a Town Centre zone for Kerikeri.	Oppose	KFO supports a more appropriate zoning for Kerikeri town centre than the Mixed Use Zone subject to appropriate provisions that reflect the character and environmental characteristics of Kerikeri. KFO does not support a maximum building height of 22 metres for all of Kerikeri town centre and considers that more fine grained planning should be undertaken to identify locations suitable for higher buildings	Disallow the building height aspect of the submission subject to more detailed / fine grained planning – potentially a Precinct to identify suitable locations for higher buildings. Support other changes subject to wording and changes sought. FS25.130

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						Support / oppose	Reasons	Decision requested
							to ensure town centre amenity is maintained. This includes wind tunnel and other amenity effects.	
#561		Kāinga Ora	Kerikeri Medium Density Housing zone	Kāinga Ora supports these objectives and policies as they relate to General Residential zoned sites, in particular, as they provide a planning framework to achieve good housing outcomes. However, a Medium Density Residential zone is sought for the walkable catchment around Kerikeri and new objectives, policies and rules related to that zone are sought as discussed further in Appendix 4 and detailed in Appendix 5.	That GRZ-O1, GRZ-O2 and GRZ-O6 be retained as notified in relation to General Residentially zoned sites. New provisions are sought to apply to Medium Density Residentially zoned sites around Kerikeri Town Centre. Refer to Appendix 4 and Appendix 5 below.	oppose	KFO seeks to ensure that quality-built and urban form outcomes are achieved for the Kerikeri town centre and adjoining residential zoned land. To secure these outcomes appropriate objectives, policies, rules – consent triggers, assessment criteria etc are required. 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.	Disallow. FS25.131, FS25.132, FS25.133
Subdivision								
#356	072 - 092	Waka Kotahi	Subdivision	Objectives, policies, and rules	Various changes sought	Support	KFO supports the amendments for the reasons given in the submission, to the extent that they are consistent with the relief sought in KFO's submission.	Allow the submission in part FS25.093 - FS25.113
#368	004	Far North District Council	Subdivision	Correction: The onsite wastewater option for both Mixed Use and Light Industrial zones needs to be removed as they are both 'urban' as defined in the PDP. This was incorrectly applied, the intention of the PDP in urban zoned land is the availability of adequate development infrastructure.	Amend SUB-S1 Mixed Use 2,000m2 onsite wastewater disposal 250m2 reticulated wastewater disposal Light Industrial 2,000m2 onsite wastewater disposal 500m2 reticulated wastewater disposal	Support the proposed changes.	KFO supports the correction as it reflects the underlying intent of the pFNDP.	Allow the submission FS25.114
#368	087	Far North District Council	Subdivision	If a subdivision is not able to connect to a reticulated water system, the way the rule is currently drafted it could be interpreted as requiring that there be a system installed or be provided as a condition of consent (i.e s224(c)) prior to issue of any new title. The intention is that at subdivision it shall be demonstrated that a water supply system can be provided. Redraft more aligned with the standard for wastewater SU B-S5 (2)	Amend SUB-S3 3. Where a connection to Council's reticulated water systems is not available all allotments <u>shall be provided with a means to</u> must provide a water supply system.	Support	KFO supports the amendment, which clarifies the intent of the standard.	Allow the submission FS25.115
#561	045	Kāinga Ora	Subdivision	Amend SUB-O3	Infrastructure is <u>existing and / or</u> planned to service the proposed subdivision and development where: a. there is existing infrastructure connection, infrastructure should be provided in an integrated, efficient, coordinated and future-proofed manner at the time of subdivision; and b. where no existing connection is available infrastructure should be planned and consideration be given to connections with the wider <u>infrastructure network</u> .	Support	KFO supports the amendment because it is appropriate that development can support and enable the provision of infrastructure.	Allow the submission. FS25.116
#561	048	Kāinga Ora	Subdivision	Amend SUB-R5	Delete multi unit and replace with land use.	Support	KFO agrees that it is appropriate to enable subdivision around consented land use activity in general, not just around multi-unit development and that the provision should be extended to the Medium Density Residential zone.	Allow the submission. FS25.117

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Planning Maps								
#368	027	Far North District Council	Planning maps	Amend symbology	Amend symbology of Special zones, as well as legend scale, to enable easier differentiation of special zones in the PDP.	Support.	KFO supports the proposal to include greater clarity in the planning maps.	Allow the submission. FS25.118
Earthworks								
#364	072 & 073	Director General of Conservation	Kauri Dieback	The Director-General submits that the earthworks rules and policies should recognise the potential threat posed by Kauri Dieback where it can be easily spread through soil movements.	Ensure earthworks policies and rules allow consideration and management of kauri dieback.	Support	KFO supports the intent of the submission, subject to appropriate wording.	Allow the submission, subject to appropriate drafting FS25.119, FS25.120
#368	084	Far North District Council	Earthworks	The standard does not exclude the forming of an approved driveway or crossing from a legal road or the installation and upgrading of utility connections and infrastructure. It is not the intent of this standard to require consent for these activities.	Amend EW-S6 to include This standard does not apply to a legal road boundary where: i. The earthworks are for the formation of an approved driveway or crossing. ii. The earthworks are for the installation and upgrading of utility connections and infrastructure.	Support.	KFO supports the amendment, which appropriately clarifies the intent of standard EW-S6.	Allow the submission. FS25.121
Natural Character								
#368	007	Far North District Council	Natural character	Technical error. Incorrect reference to one of the points within Standard NATC-S2. NATC-S2 point 1. should reference point 4. not point 5.	Amend NATC-S2 Earthworks or indigenous vegetation clearance Any earthworks or indigenous vegetation on a site within wetland, lake and river margins clearance must: 1 . not exceed a total area of 400m2 for 10 years from the notification of the District Plan, unless a control in 5-4 below applies; 2. not exceed a cut height or fill depth of 1 m; 3. screen exposed faces; and 4. comply with Ecosystems and indigenous biodiversity chapter, NFL-S3 Earthworks or indigenous vegetation clearance and	Support	The correction is appropriate.	Allow the submission FS25.122
Significant Natural Areas and Biodiversity								
#364	002 - 004	Director General of Conservation	Significant Natural Areas	There are no scheduled SNAs within Schedule 4 of the Proposed District Plan. The Director-General is strongly opposed to this decision, which is considered contrary to section 6(c) of the RMA, the objectives and policies of the Regional Policy Statement for Northland, and the NPSIB exposure draft. The Director-General is concerned that the current wording of the subdivision chapter will allow potential SNA sites to be subdivided	Use the report prepared for Council titled “Significant Indigenous Vegetation and Habitats of the Far North District -Volume 1” prepared by Wildlands Consultants (Contract Report No. 4899d, December 2019) to include SNAs in the Proposed District Plan. Include more stringent controls to allow for the consideration and scheduling of SNAs in the subdivision chapter. Due to the lack of scheduled SNAs, review all Restricted	Oppose	The identification of SNA requires current mapping based on ground truthing and ecological assessment.	Disallow. FS25.123, FS25.124, FS25.125

Sub #	Sub Point	Submitter	Theme	Summary	Decision Requested	Further Submission		
						Support / oppose	Reasons	Decision requested
				with minimal ability to consider the adverse effects of the subdivision on indigenous biodiversity.	Discretionary Activity and Controlled Activity rules and add matters of discretion/control for indigenous biodiversity where not already identified.			
#364	006 & 007	Director General of Conservation	Kiwi conservation	Kiwi conservation is a primary concern of the Director-General and it is particularly important in the Far North District context. Although it is noted that the North Island Kiwi is “Not Threatened”, it has only reached this improved conservation status after significant community conservation efforts. These efforts should not go to waste and specific kiwi conservation objectives, policies, and rules should therefore be incorporated into the Proposed District Plan.	Add overlays to identify locations of ‘Kiwi present’ and ‘high-density’ kiwi areas. Add provisions to promote pet-free subdivisions in high-density kiwi areas.	Support	KFO supports the intent behind the submission, subject to the Department providing appropriate information to identify areas and appropriate drafting of provisions.	Allow the submission, subject to appropriately identifying areas FS25.126, FS25.127
#421	138 & 139	Northland Federated Farmers	Part 2 – District wide matters - Natural environment values – Ecosystems and indigenous biodiversity - Policies – Rule IB-R1	Federated Farmers supports the inclusion of proposed Schedule 4 in the proposed district plan. The schedule is an appropriate way to recognise the relationship between private landowners and Council and the need to work in partnership to manage Significant Natural Areas.	Retain Rule IB-R1 or wording with similar intent. Retain Schedule 4 Schedule of Significant Natural Areas and develop as proposed.	Support in principle subject to changes	KFO supports in principle the need to identify and protect Significant Natural Areas and to give effect to the NPS Indigenous Biodiversity. However, the process needs to ensure landowners affected have a fair and reasonable opportunity to be involved in decisions affecting their land.	Allow in part subject to appropriate wording and mapping. FS25.134, FS25.135
Natural Hazards								
#359	013	Northland Regional Council	Natural Hazards	Understand a constraints mapping approach has been undertaken to provide underlying guidance as to which are the most appropriate zonings across the district, by excluding those areas where more intensive development and subdivision should be restricted due to constraints such as highly versatile soils, flood and coastal hazards, ONLs and ONFs, historic/cultural heritage sites and areas. The proposed maps appear to rezone a number of areas to provide greater development intensity in areas at risk from natural hazards or that are unserved (e.g. lack three waters infrastructure). Do not support further intensification in flood plains given storm/flood events are predicted to intensify with climate change. Enabling further development in areas prone to flooding is at odds with direction in the RPS Policy 7.1.2 and Method 7.1.7 It appears that some areas with potential flood hazards allow for intensive development. Applying a hazard overlay does not fully address this issue as the underlying zoning can create a development expectation. This is of particular concern for industrial zones with the potential for hazardous chemical storage, but is also relevant to sensitive activities such	Amend the planning maps to ensure that areas prone to natural hazards are not zoned for intensification.	Support	KFO supports the intention of managing zoning to avoid natural hazard risks, subject to appropriate identification of areas at risk and consideration of whether risk can be appropriately managed in other ways.	Allow the submission, subject to appropriate wording FS25.136

Sub #	Sub Point	Submitter	Theme	Summary	Decision Requested	Further Submission		
						Support / oppose	Reasons	Decision requested
				as residential development, education facilities, visitor accommodation etc.				

Attachment B

List of submitters for service

Submitter to be served	Contact details
Our Kerikeri Community Charitable Trust	annika@wwc.co.nz
Kapiro Resients Association	kapiroresidents@protonmail.com
Kapiro Conservation Trust	kapiroconservationtrust@gmail.com
Groundswell NZ	hello@groundswell.org.nz
Vision Kerikeri	visionkerikeri@gmail.com
Carbon Neutral NZ Trust	carbonneutraltrust@gmail.com
Te Rūnanga o Ngāti Rēhia	kipa@ngatirehia.co.nz
Jane E Johnston	agentjane99@gmail.com
Kairos Connection Trust and Habitat for Humanity Northern Region Ltd	chrishirley130@icloud.com conrad.lapoint@habitat.org.nz
Haigh Workman Limited	JohnP@haighworkman.co.nz
Hall Nominees Ltd	sipsiuyee@yahoo.com.au
Te Aupōuri Commercial Development Ltd	ceo@teaupouri.iwi.nz davidb@barker.co.nz makarenad@barker.co.nz
Paihia Properties Holdings Corporate Trustee Limited and UP Management Ltd	RPorter@urbanpartners.co.nz DavidB@barker.co.nz
Waka Kotahi NZ Transport Agency	Sarah.ho@nzta.govt.nz EnvironmentalPlanning@nzta.govt.nz
Director-General of Conservation (Department of Conservation)	asycamore@doc.govt.nz
Far North District Council	greg.wilson@fndc.govt.nz
Northland Regional Council	ingridk@nrc.govt.nz
PF Olsen Ltd	heather.arnold@pfolsen.com
Kāinga Ora Homes and Communities	Brendon.liggett@kaingaora.govt.nz
Northland Federated Farmers of New Zealand	jcookmunro@fedfarms.org.nz
Trent Simpkin	trent@arcline.co.nz
Jeff and Robby Kemp	114 Waitotara Drive, Kerikeri 0295
Bay of Islands Kerikeri Golf Club	graeme3008@gmail.com
Ministry of Education Te Tāhuhu o Te Mātauranga	Vicky.Hu@beca.com

30/06/2026

Public Notice

Decisions on Submissions

Far North Proposed District Plan

Te Kaitiaki
o Te Hiku o Te Ika
Far North District Council

**Proposed
District
Plan**
Decisions
version



Pursuant to Clauses 10 and 11 of Schedule 1 of the Resource Management Act 1991 (RMA), Far North District Council advises that decisions on submissions and further submissions to the Proposed District Plan have been released.

The decisions include amendments to a range of plan provisions and planning maps in response to submissions received.

From 30 June 2026, a copy of the **Decision Version of the Proposed District Plan**, along with the **Panel Recommendation Reports, Council's Decision**, and guidance material, can be viewed online at pdp.fndc.govt.nz

From 30 June 2026, hard copies of the Decision Version of the Proposed District Plan can also be inspected at the below Council service centres:

- Kaikohe, Head Office, 5 Memorial Drive
- Kaitiāia, Te Ahu, Corner Matthews Avenue and South Road
- Kerikeri, Procter Library, 6 Cobham Road

Visit the following libraries to view the relevant information online:

- Kaeo Library, 30 Leigh Street, Old Post Office Building
- Kaikohe Library, Marino Place
- Kaitiāia Library, Te Ahu, Corner Matthews Avenue & South Road
- Kawakawa Library, 56 Gillies Street
- Paihia Library, 6 Williams Road
- Procter Library (Kerikeri), 6 Cobham Road

Right of Appeal

Under Clause 14 of Schedule 1 of the RMA, submitters may lodge an appeal with the Environment Court within **30 working days** of receiving this notice, by **12 August 2026**.

Details on how to make an appeal are available at pdp.fndc.govt.nz

Dated 30 June 2026

Kate Ivicheva

Group Manager – Planning and Policy

For more information go to
pdp.fndc.govt.nz, email pdp@fndc.govt.nz
or phone 0800 920 029 and ask for the
District Plan Team



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	• How the rezoning request is consistent with the PDP strategic direction (refer Hearing 1)
Alignment with zone outcomes	• When rezoning request relates to existing PDP zone, an assessment of how the proposal is aligned with the objectives, policies and intended outcomes for the zone
Higher order direction	• 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	• 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	• Assessment of the suitability of the land for rezoning, including an assessment of: ○ 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	• 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: ○ Any proposed connections to existing infrastructure systems. ▪ Any outcomes of discussions with infrastructure providers and any assumptions about infrastructure servicing/sequencing or capacity, including demands from other plan-enabled development. ▪ Any on-site provision of infrastructure. 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.
Transport infrastructure	• How the rezoning request will be supported by existing or proposed transport infrastructure, including how new or upgraded transport infrastructure is required. Note: if the rezoning request includes any access to a State Highway, engagement with Waka Kotahi is strongly encouraged, and the outcomes of this engagement should be recorded in evidence.
Consultation and further submissions	• 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	• 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.

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).

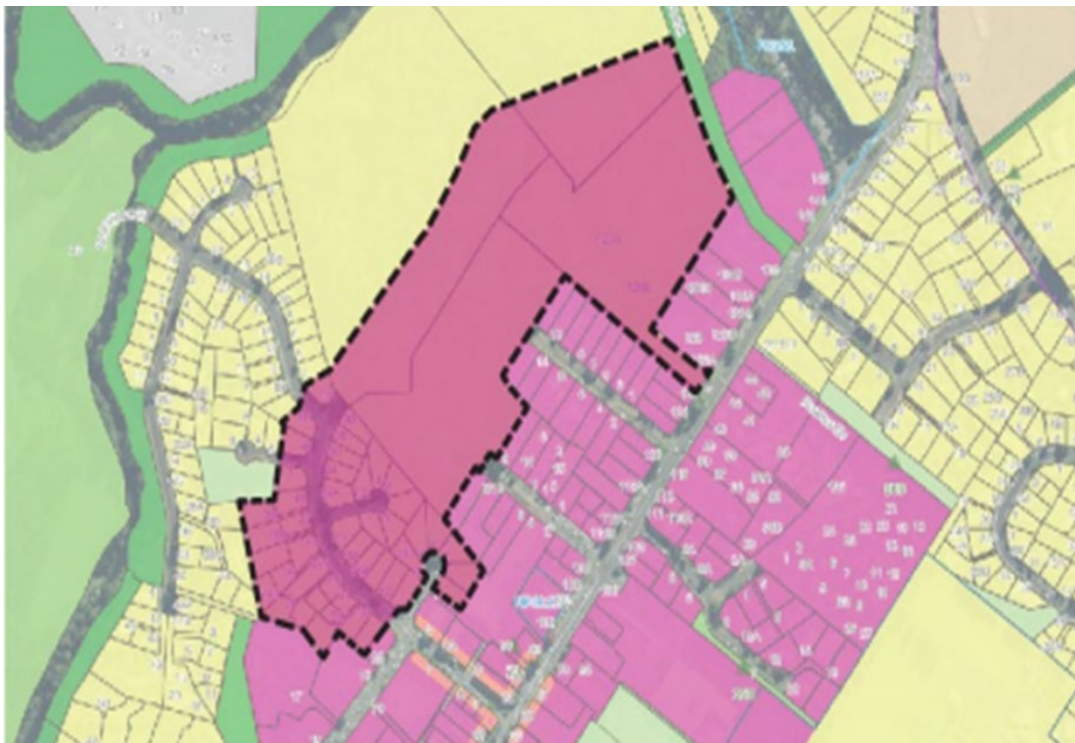


Figure 2 - Turnstone area sought for Mixed Use zone - Source planning evidence from Ms O'Connor

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.

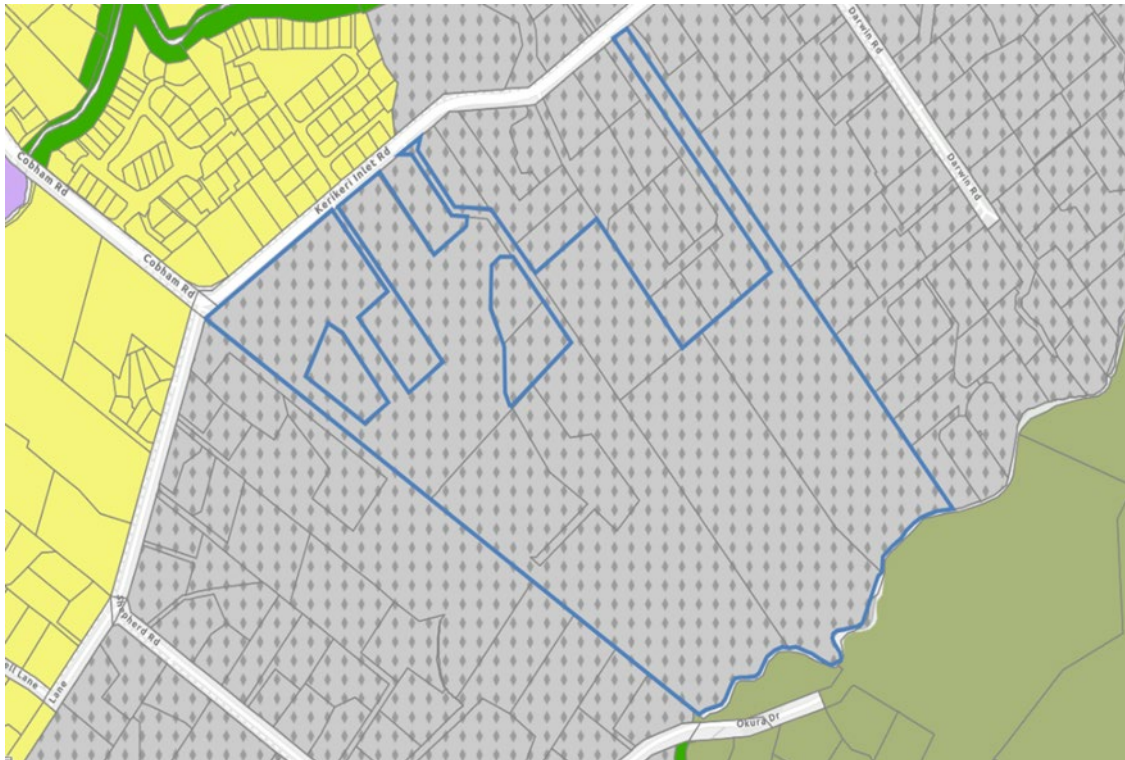


Figure 4 - Properties Mentioned in the Submission are within the Blue Outline

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 Henahan 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.

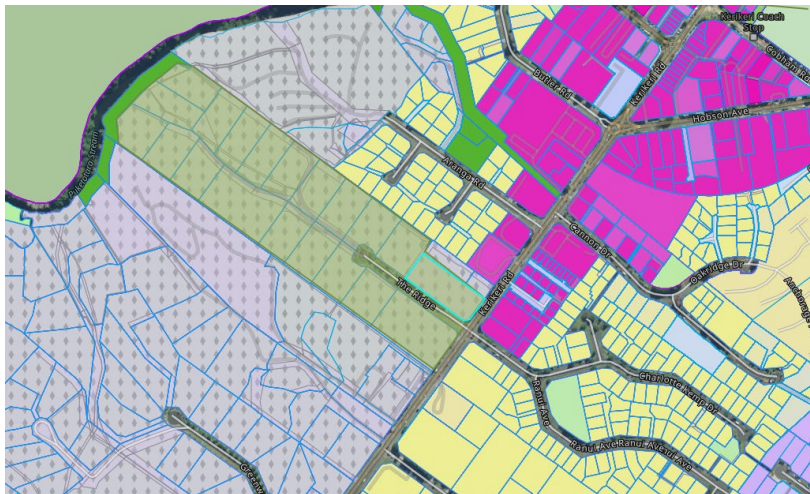


Figure 6 - The Ridge, Kerikeri

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 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:

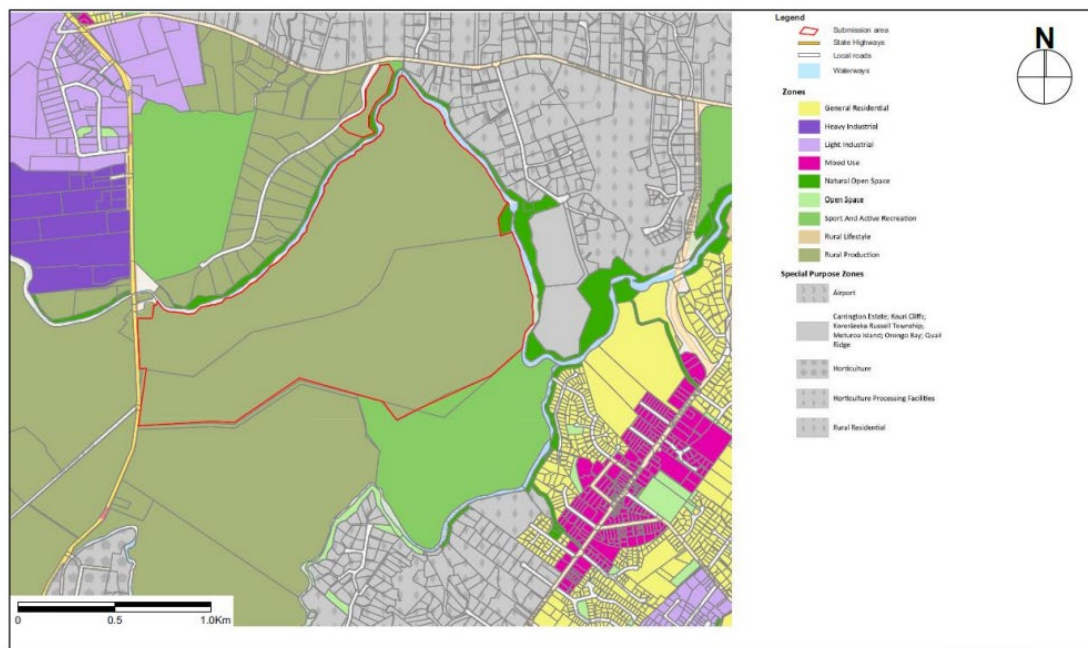


Figure 7 - KFO Land (in red)

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

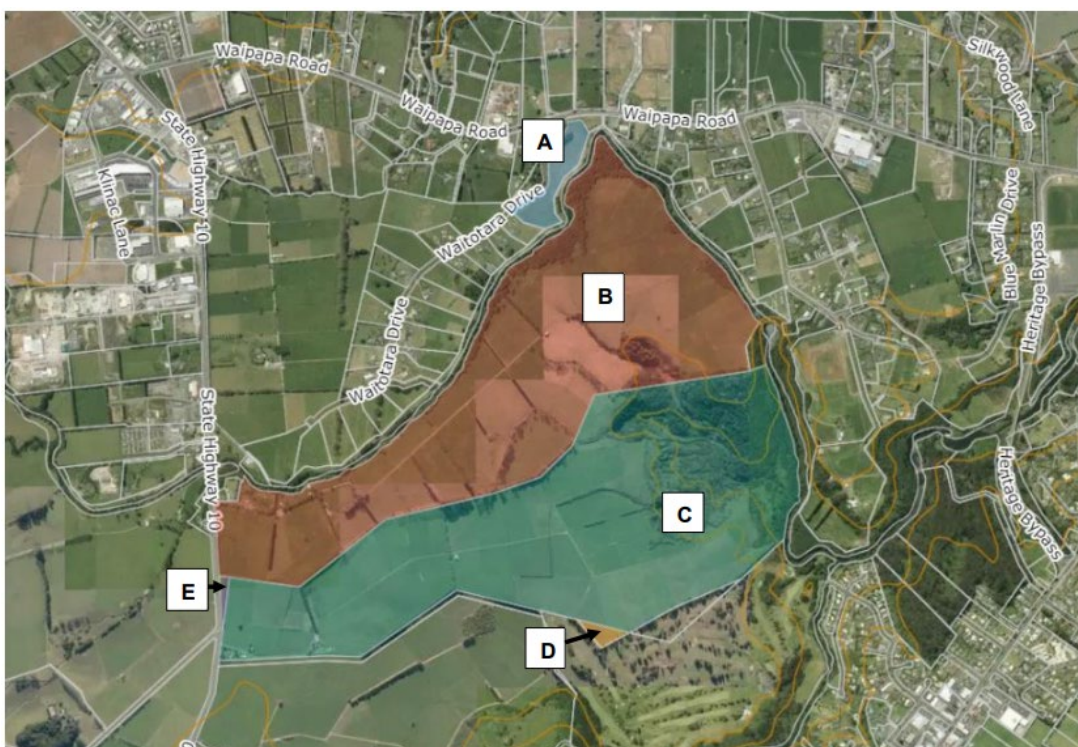


Figure 8 - KFO land parcels

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

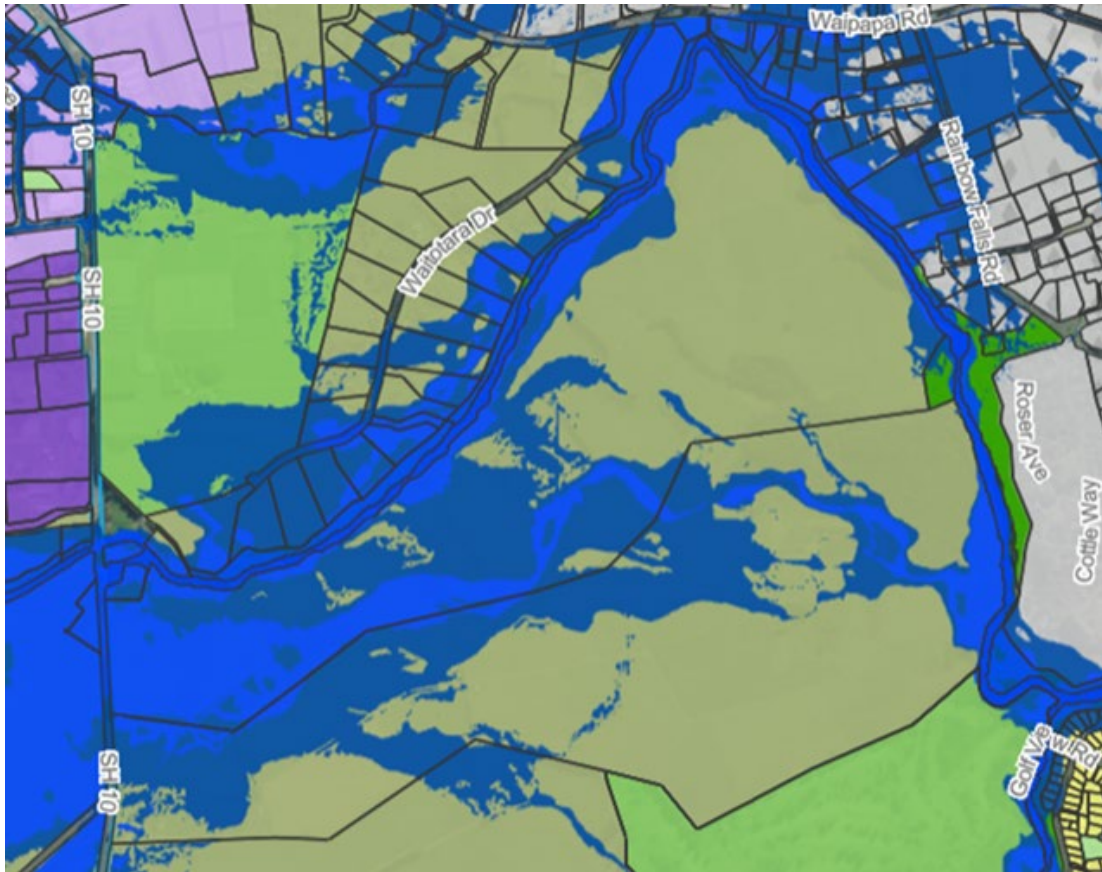


Figure 9 - PDP zoning and River Flood Hazard Area over KFO land

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.

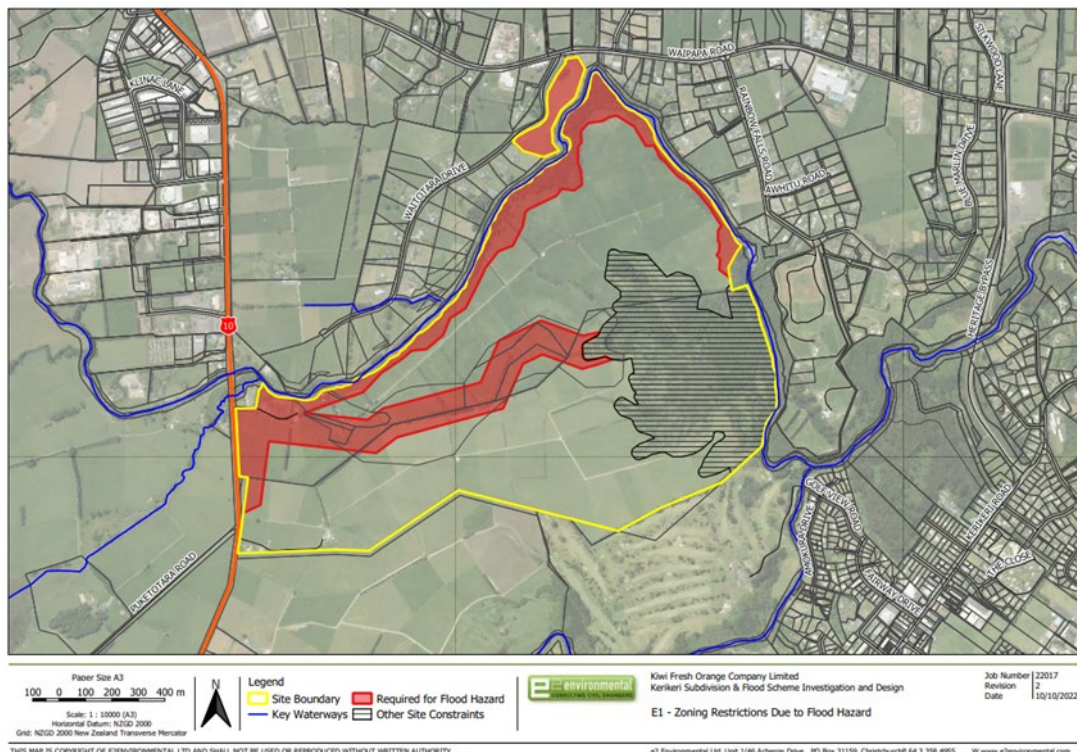


Figure 10 - Proposed areas where Development should be avoided (from proposed KFO precinct plan)

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 Waipetakoura 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 (163.1ha) 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 Waipetakoura 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 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 Waipapakauri 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 Waipapakauri 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 Waipetakoura 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 Pae 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**.

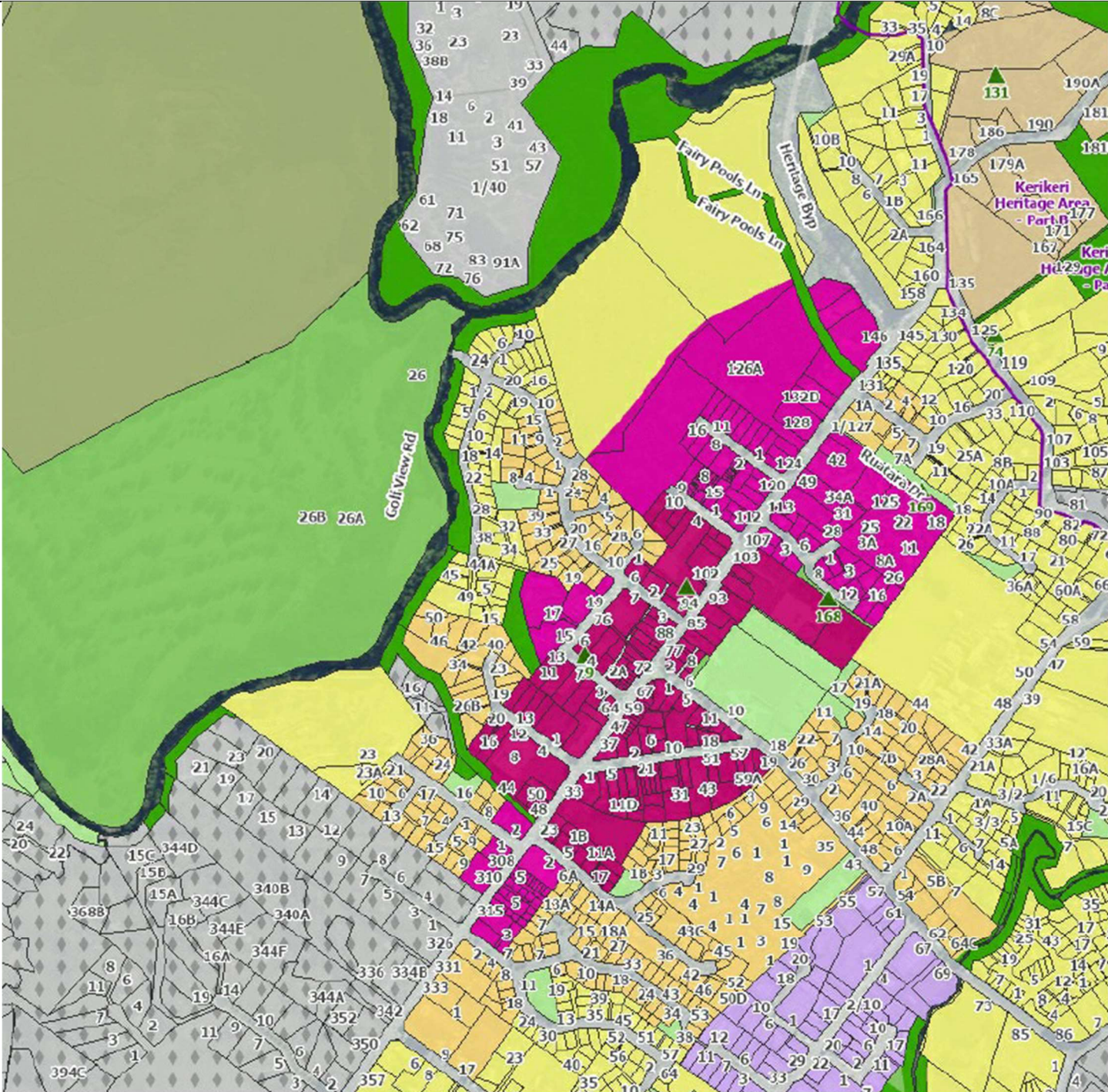
We have had regard to the submissions received, the evidence tabled and presented to us and to the council's hearing reports (including right of reply). We have also incorporated our own s32AA evaluation when needed into the body of our report as part of our reasons for recommended amendments.

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.

Recommendation Report 15D

Appendix 2 - Hearings Panel Recommended Amendments to Planning Maps

Identifier	Hearings Panel Recommended Amendment to Planning Maps	Consequential amendment to PDP Schedule (additions in <u>underline</u> and deletions in strikethrough)
Hearing 15D	 Rezone parts of the Mixed Use zone and General Residential zone in Kerikeri to Town Centre zone and Medium Density zone as identified in the map above. Refer to Recommendation report 15D, section 3.2.3 (a) and (b).	N/A

Annexure F – list of names and addresses of persons to be served with a copy of this notice

Submitter name	Contact name	Address for service	Email
Kāinga Ora Homes and Communities	Brendon Liggett	PO Box 2628, Wellington 6140	Brendon.liggett@kaingaora.govt.nz
Waka Kotahi New Zealand Transport Agency	Sarah Ho	N/A	Sarah.ho@nzta.govt.nz EnvironmentalPlanning@nzta.govt.nz
Jeff Kemp	Jeff Kemp	114 Waitotara Drive, Kerikeri 0230	N/A
Alec Brian Cox	Alec Brian Cox	51B Hall Road, Kerikeri 0230	ab.ws.cox@xtra.co.nz
Des and Lorraine Morrison	Des Morrison / Vicki Morrison- Shaw	71 Butcher Road, Pukekohe 2120	des.lorraine@xtra.co.nz vicki@morrisonshaw.nz
Our Kerikeri Community Charitable Trust	Annika Dickey	PO Box 501, Kerikeri 0245	annika@wwc.co.nz
Waipapa Pine Limited	Steven Sanson, Bay of Islands Planning (2022) Limited	PO Box 318, Paihia 0247	office@bayplan.co.nz
Vision Kerikeri	Jo Lumkong	2299 State Highway 10, Waipapa 0295	visionkerikeri@gmail.com
Smartlife Trust	Steven Sanson, Bay of Islands Planning (2022) Limited	PO Box 318, Paihia 0247	office@bayplan.co.nz
Trent Simpkin	Trent Simpkin	49 Matthews Ave, Kaitaia 0410	trent@arcline.co.nz
Audrey Campbell-Frear	Sarah Shaw	PO Box 4146, Kamo 0141	sarah@sarahshaw.co.nz
Turnstone Trust Limited	Burnette O'Connor, the Planning Collective Limited	PO Box 591, Warkworth 0941	burnette@thepc.co.nz
Peter Malcolm	Peter Malcolm	PO Box 596, Kerikeri 0245	N/A

Kapiro Conservation Trust	Dr Melanie Miller	123 Equestrian Drive, RD1 Kerikeri 0294	kapiroconservationtrust@gmail.com
Kapiro Residents Association	Rob Wilson	Kapiro Road, RD 1, Kerikeri 0294	kapiroresidents@protonmail.com
Carbon Neutral NZ Trust	Rolf Mueller Glodde	28 Landing Road, Kerikeri 0230	carbonneutraltrust@gmail.com
Northland Regional Council	Ingrid Kuindersma	Private Bag 9021, Te Mai, Whangarei 0143	ingridk@nrc.govt.nz
Bay of Islands Kerikeri Golf Club	Graeme Brown	47 Ness Road, RD2, Kerikeri 0295	graeme3008@gmail.com
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