STATEMENT OF EVIDENCE By Ingrid Kuindersma (Senior Policy Planner) on behalf of Northland Regional Council

IN THE MATTER OF

Submissions and further submissions

ON

Proposed Far North District Plan Hearing 15D – Urban Rezoning Requests in the Kerikeri/Waipapa Spatial Plan Area

by email: alicia-kate.taihia@fndc.govt.nz

Introduction

1. My name is Ingrid Elise Kuindersma. I have a Bachelor of Applied Science (Natural Resource Management) from Massey University and a Post Graduate Diploma in Resource Studies from Lincoln University. I have worked for Northland Regional Council (NRC) since May 2021. This has included preparing submissions (on changes to district plans and central government proposals), spatial planning in combination with Whangarei District (Future Development Strategy) and Far North District councils (structure planning), a review of the Regional Policy Statement and managing NRC's response to the requirements of the National Policy Statement on Highly Productive Land (NPS-HPL) (among other things). Prior to that I worked for several councils in Auckland in regulatory planning roles and for Whangarei District Council in a mix of regulatory and policy planning roles. I have also worked for private consultancy undertaking land development projects.

2. I have prepared this evidence in accordance with the Environment Court Practice Note – Expert Witness and am familiar with the Code of Conduct. The evidence I present is within my area of expertise and I am not aware of any material facts which might alter or detract from the opinions I express. The opinions expressed in this evidence are based on my qualifications and experience. If I rely on the evidence or opinions of another, my evidence will acknowledge that position. In preparing this evidence I have considered and relied on the provisions of: the Resource Management Act (the RMA); the Regional Policy Statement for Northland (the RPS) and the documents relating to the Proposed Far North District Plan, including relevant submissions and the Council's s42A Report.

3. The NRC submission and further submissions on the Proposed Far North District Plan (the PFNDP) were lodged under delegated authority and my evidence supports the position taken in those submissions. The submissions were submitted in the interests of a robust approach to the management of land use activities in the Far North district and ensuring direction in the RPS is given effect to (particularly the RPS direction on the management of natural hazards and inclusion of hazard maps generated by NRC and associated provisions in the PFNDP).

Purpose and Scope of Evidence

4. The scope of my evidence relates to resource management planning rather than technical aspects of modelling and mapping flood hazards. The purpose of my evidence is to assist the Hearings Panel in considering the submissions and further submissions by NRC on the PFNDP. The evidence also provides background on the direction in the RPS for addressing flood hazards and development.

Northland Regional Council Position Summary

5. NRC supports the inclusion of the flood and coastal hazard maps within the PFNDP and associated provisions to manage risk. The focus of my evidence in this instance relates to the NRC flood hazard maps and how they inform the PFNDP zoning decisions.

6. Rezoning of land that would allow for greater intensity of development within hazard prone areas (either as proposed by the PFNDP or in decisions in response to submissions seeking rezoning) is not supported without appropriate levels of mitigation having been undertaken and level of residual hazard risk being reassessed and adequately managed.

Regional Policy Statement Direction

7. In accordance with Section 75(3)c of the RMA, the PFNDP must give effect to the RPS.

8. The RPS became operative in May 2016. It includes Objective 3.13 which seeks that the risks and impacts of natural hazards are minimised and a suite of policies and methods in Sections 7.1 and 7.2 (the most relevant provisions from Section 7.1 of the RPS are set out in Appendix 1). Of most relevance to this hearing are policies and methods in Section 7.1 of the RPS – these are summarised below:

    a) Policy 7.1.2 which provides direction on new subdivision, use and development in river flood hazard areas – the primary focus being to ensure new subdivision and land use assess and manage flood risk and will not be subject to material damage / inundation in a 100-year flood event.

    b) Method 7.1.7 which includes requirements for district councils to include flood and coastal hazard maps and associated provisions to give effect to RPS policies in district plans. It also directs that district plans apply non-complying or prohibited activity status to subdivision that cannot meet Policies 7.1.2 or 7.1.3 and requires engineering assessments for new subdivision in 10-year and 100-year flood and coastal hazard areas and for new land use / built development in 10-year flood hazard and high-risk coastal hazard areas.

9. In summary, the RPS policy direction is focused on assessing and managing river flood and coastal hazard risks over a 100-year timeframe, with the most precaution and prescription applied to new subdivision, use and development. Under Section 75(3)c of the Resource Management Act the PFNDP must give effect to the RPS.

Rezoning of land within areas subject to identified natural hazards

10. The NRC submission sought that the land subject to natural hazard risk should not be rezoned to allow for greater intensity of development in accordance with direction in the RPS:

11. RPS Objective 3.13 Natural hazard risk seeks to minimise the risks and impacts of natural hazard events. Clause (c) of this objective is particularly relevant:

    (c) Avoiding inappropriate new development in 10- and 100-year flood hazard areas and coastal hazard areas

12. Rezoning of land that allows for more intensive development creates the expectation that this level of development is appropriate and can be realised on the subject land even where a flood hazard notation it present. Enabling development through 'up-zoning' can lead to added costs related to assessing risks at the property scale (e.g. engineering assessment) and / or mitigation costs – there can also be residual risks despite mitigations being established whereby 'over-design' flood events result in material damage that can also lead to additional costs (insurance and rebuilding).

13. In some cases, it may be possible to develop flood prone land with suitable mitigation. However, mitigation may not be achievable due to a range of factors including cost and potential effects on the wider catchment. This is particularly the case for development within the 10-year flood hazard areas. I also note that in some cases subdivision and land use consents that cannot appropriately mitigate flood risk can be declined under Sections 106 and 106A of the RMA respectively or be subject to conditions of consent which again imposes costs. Another point to note is that the Regional Plan for Northland includes Rule C.8.6.1 that requires resource consent (restricted discretionary activity) to rebuild habitable buildings in high-risk flood hazard areas[1] that have been materially damaged or destroyed by a natural hazard event.

14. The combination of the above factors creates significant uncertainty (and potential development costs) for landowners (and council) that the district plan zoning can be fully realised on land subject to flood hazards - this is especially the case for vulnerable activities such as residential housing in 10-year flood hazard areas. Deferring mitigation decisions to consent processes can also lead to ad-hoc / piecemeal approaches to flood risk mitigations.

Rezoning of General Rural Zoned land to Light and Heavy Industrial

15. In the Waipapa industrial area, a significant area of land has been rezoned in the PFNDP as notified from Rural Production to Industrial and is within mapped areas of 10- and 100-year hazard areas (Refer Appendix 2). While I acknowledge the existing industrial development in the area, I do not support an increase in development in a flood-prone area and note the expectation that flooding (frequency and severity) is likely to increase with climate change. This is also supported by the direction in the RPS.

16. Paragraph 9.2 of our primary submission raises this issue of additional industrial zoning within a hazard prone area using Waipapa as an example and it is unclear how this submission point has been addressed in the Section 42A. Despite indicating that it has been accepted in part, no changes to the zone boundaries appear to have been made.

17. The RPS contains the following provisions relevant to avoiding inundation of hazardous substance:

3.13 Natural hazard risk

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

c. *Avoiding inappropriate new development in 10 and 100 year flood hazard areas and coastal hazard areas;*

7.1.1 Policy – General risk management approach

Subdivision, use and development of land will be managed to minimise the risks from natural hazards by:

e. *Exercising a degree of caution that reflects the level of uncertainty as to the likelihood or consequences of a natural hazard event.*

7.1.2 New subdivision and land use within 10-year and 100-year flood hazard areas

a. *Hazardous substances will not be inundated during a 100-year flood event.*

[1] Defined as land where there is at least a 10-percent chance of river flooding occurring Annually (or mapped 10-year flood hazard areas).

18. Hazardous substances are more likely to be associated with industrial development and therefore additional provision for these activities within a flood hazard zone is inconsistent with this provision.

19. The additional area proposed for Heavy Industrial Zoning appears to be largely developed and has a limited overlap with the flood hazards mapped by NRC. However, there are significant portions of newly identified Light Industrial Zone with flood hazards present (both 10- and 100-year flood hazard areas). Not all of this area has been developed for industrial activity, and it appears that the extent of the Light Industrial Zone goes beyond simply reflecting the current reality of development. Based on the level of flood risk identified in this area, the additional Light Industrial Zoned area should be limited to the area identified in Appendix 2 that is not subject to significant hazard risk. In my view, the remaining area should retain the previous Rural Production Zoning.

20. This is further supported by the evidence of Mr de Boer where he refers to updated modelling NRC completed in September 2025 that shows the proposed area for rezoning continues to be exposed to flooding under a 1-in-10 year and 1-in-100 year event and in fact the extent and depth of flooding predicted by the model is greater than identified in the 2008 modelling.

Rezoning of land subject to natural hazards from General Rural to Residential

21. In my view the submission from Kiwi Fresh Orange (KFO) seeking to re-zone a parcel of land between Waipapa and Kerikeri from General Rural to Residential currently mapped as being within 10- and 100-year flood hazard areas is inconsistent with direction in the RPS. A flood mitigation solution using an engineered floodway is proposed to reduce the area of land exposed to flooding. However, the evidence of Mr de Boer raises a number of issues with this proposal from a hazard management perspective, which are outlined below. Mr de Boer is a technical expert in flood hazard management and further information is provided in his statement of evidence.

22. Key concerns identified by Mr de Boer include:

    a) A lack of certainty in modelling and construction feasibility and the level of residual risk for new residential properties.

    b) A lack of consideration of over-design events in the floodway design or any specifications in this regard; and

    c) The potential for upstream and downstream disbenefits for properties and the transport network.

23. Prior NRC investigations into a similar floodway design found an unacceptable increase in flood levels and impact for downstream properties. I also note that FNDC would likely inherit a large, engineered flood management scheme, with associated management needs, that will need to be funded by the wider community.

24. Mr de Boer's evidence also addresses updated flood modelling completed in September 2025 and concludes that the updated modelling shows little change from the flooded extent in the 2008 model.

25. These concerns have also been assessed in detail by the reporting officer in Section 5.3 of the Section 42A report and I support the conclusions and recommendations with regard to Flood Hazard Risks and Proposed Mitigation in paragraphs 386-389 of the report. I consider it is inappropriate to rezone the land subject to flood hazards as proposed in the KFO submission, given the uncertainty over final design and level of service and the unknown residual risks. I also consider the rezoning proposed would leave significant uncertainty that the

purpose/objectives of the zoning could be realised – I also consider that it would potentially lead to significant costs (and uncertainty) for landowners as they may need to assess and mitigate residual natural hazard risks through resource and building consent processes.

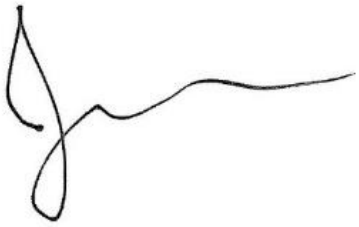
Conclusion

26. In summary, I consider the proposed rezoning of land to allow for intensification of development within areas prone to flood hazards is not consistent with the direction in the RPS for managing risk from natural hazards.

27. I support the officer's recommendations in Section 5.3 of the 42A report declining the rezoning request from KFO.

28. I recommend that the area proposed for rezoning from General Rural to Light Industrial in Waipapa be reduced to the area identified on the map in Appendix 2.

29. I consider this relief in relation to both the Proposed Light Industrial Zoning and the KFO proposal is within scope of the NRC submission point S359.013 seeking to ensure the extent of the new zoning that provides for intensification avoids areas prone to natural hazards.



Ingrid Kuindersma
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Dated: 22 September 2025

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Appendix 1: Regional Policy Statement Provisions

Objective

3.13 Natural hazard risk

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

a) *Increasing our understanding of natural hazards, including the potential influence of climate change on natural hazard events;*

b) *Becoming better prepared for the consequences of natural hazard events;*

c) *Avoiding inappropriate new development in 10 and 100 year flood hazard areas and coastal hazard areas;*

d) *Not compromising the effectiveness of existing defences (natural and man-made);*

e) *Enabling appropriate hazard mitigation measures to be created to protect existing vulnerable development; and*

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

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

Policies

7.1.1 Policy – General risk management approach

Subdivision, use and development of land will be managed to minimise the risks from natural hazards by:

a) *Seeking to use the best available information, including formal risk management techniques in areas potentially affected by natural hazards;*

b) *Minimising any increase in vulnerability due to residual risk;*

c) *Aligning with emergency management approaches (especially risk reduction);*

d) *Ensuring that natural hazard risk to vehicular access routes and building platforms for proposed new lots is considered when assessing subdivision proposals; and*

e) *Exercising a degree of caution that reflects the level of uncertainty as to the likelihood or consequences of a natural hazard event.*

7.1.2 Policy – New subdivision and land use within 10-year and 100-year flood hazard areas

New subdivision, built development (including wastewater treatment and disposal systems), and land use change may be appropriate within 10-year and 100-year[1] flood hazard areas provided all of the following are met:

a) *Hazardous substances will not be inundated during a 100-year flood event.*

b) *Earthworks (other than earthworks associated with flood control works) do not divert flood flow onto neighbouring properties, and within 10-year flood hazard areas do not deplete flood plain storage capacity;*

c) *A minimum freeboard above a 100-year flood event of at least 500mm is provided for residential buildings.*

d) *Commercial and industrial buildings are constructed so as to not be subject to material damage in a 100 year flood event.*

e) *New subdivision plans are able to identify that building platforms will not be subject to inundation and / or material damage (including erosion) in a 100-year flood event;*

f) *Within 10-year flood hazard areas, land use or built development is of a type that will not be subject to material damage in a 100-year flood event; and*

g) *Flood hazard risk to vehicular access routes for proposed new lots is assessed.*

h) *Any use or development does not increase the risk of social, environmental or economic harm (from coastal hazards);*

i) *Infrastructure should be located away from areas of coastal hazard risk but if located within these areas, it should be designed to maintain its integrity and function during a hazard event;*

j) *The use of hard protection structures is discouraged and the use of alternatives to them promoted; and*

k) *Mechanisms are in place for the safe storage of hazardous substances.*

l) *Designing for relocatable or recoverable structures (when changing existing buildings);*

m) *Providing for low or no risk activities within hazard-prone areas;*

n) *Providing for setbacks (from rivers / streams or the coastal marine area);*

7.1.6 Policy – Climate change and development

When managing subdivision, use and development in Northland, climate change effects will be included in all estimates of natural hazard risk, taking into account the scale and type of the proposed development and using the latest national guidance and best available information on the likely effects of climate change on the region or district.

Methods

7.1.7 Method – Statutory plans and strategies

1. *The district councils shall notify a plan change to incorporate finalised flood hazard maps into district plans in the first relevant plan change following the operative date of the Regional Policy Statement or within two years of the Regional Policy Statement becoming operative, whichever is earlier. Additionally, the district councils shall incorporate new flood and coastal hazard maps into district plans as soon as practicable after such areas have been investigated, defined and mapped by the regional council.*

2. *In their respective plans, the regional and district councils shall provide objectives, policies, and methods (including rules) to give effect to Policies 7.1.1, 7.1.2, 7.1.3, 7.1.4, 7.1.5 and 7.1.6.*

3. *District councils shall set out rules in district plans classifying the following as prohibited or non-complying activities:*

   a) *New subdivision proposals that do not comply with policies 7.1.2 and 7.1.3; and*

   b) *New proposals that do not comply with policy 7.1.2(f).*

4. *The regional and district councils shall require an engineer's assessment for new subdivision within 10-year and 100-year flood and coastal hazard areas and for new land use or built development within 10-year flood hazard areas and high risk coastal hazard areas.*

5. *The regional and district councils shall ensure that within the coastal environment:*

   a) *Any new habitable dwelling has a minimum floor level of 3.3m above One Tree Point datum on the east coast and 4.3m above One Tree Point Datum on the west coast. New non-habitable buildings will have a minimum floor level of 3.1m above One Tree Point datum on the east coast and 4.1m on the west coast; and*

   b) *An additional allowance for wave run-up [1] shall be assessed over and above the requirements above for exposed east coast locations where ground elevation is less than 5m above One Tree Point datum, and for exposed west coast locations where ground elevation is less than 6m above One Tree Point datum.*

   c) *Clauses (a) and (b) do not apply to:*

      i. *Non-habitable buildings not designed for habitation or commercial use and where the potential impact of the building being materially damaged or destroyed by a coastal hazard event (including the replacement cost) is minor (e.g. pump sheds, car ports, farm sheds and public toilets); and*

      ii. *Non-habitable buildings that have a functional need to be located in the coastal marine area (e.g. boatsheds); and*

      iii. *Network utility infrastructure.*

      Circumstances where (a) and (b) are not met will be subject to the resource consent process.

6. *Before any new areas are zoned or identified in a district plan in ways that enable intensification of use, district councils shall ensure that the risks of natural hazards are assessed.*

7. *The regional and district councils, when setting out objectives, policies, and methods in regional and district plans, and when assessing resource consent applications, will take into account the latest national guidance and the best available information on the effects of climate change on natural hazards for sea-level rise, drought and storm rainfall intensity.*

8. *Where buildings occupied by people, animals and/or hazardous substances in 10-year flood areas and high-risk coastal hazard areas have been materially damaged or destroyed by a natural hazard event, the regional council (through the relevant regional plan) will require land use consent for the repair or reconstruction of the building. The regional council will limit its discretion in determining the land use consent to avoiding or mitigating natural hazards.*

Appendix 2: Zoning Maps

Map 1: Existing zoning and flood overlays

Map 2: Proposed zoning and flood overlays

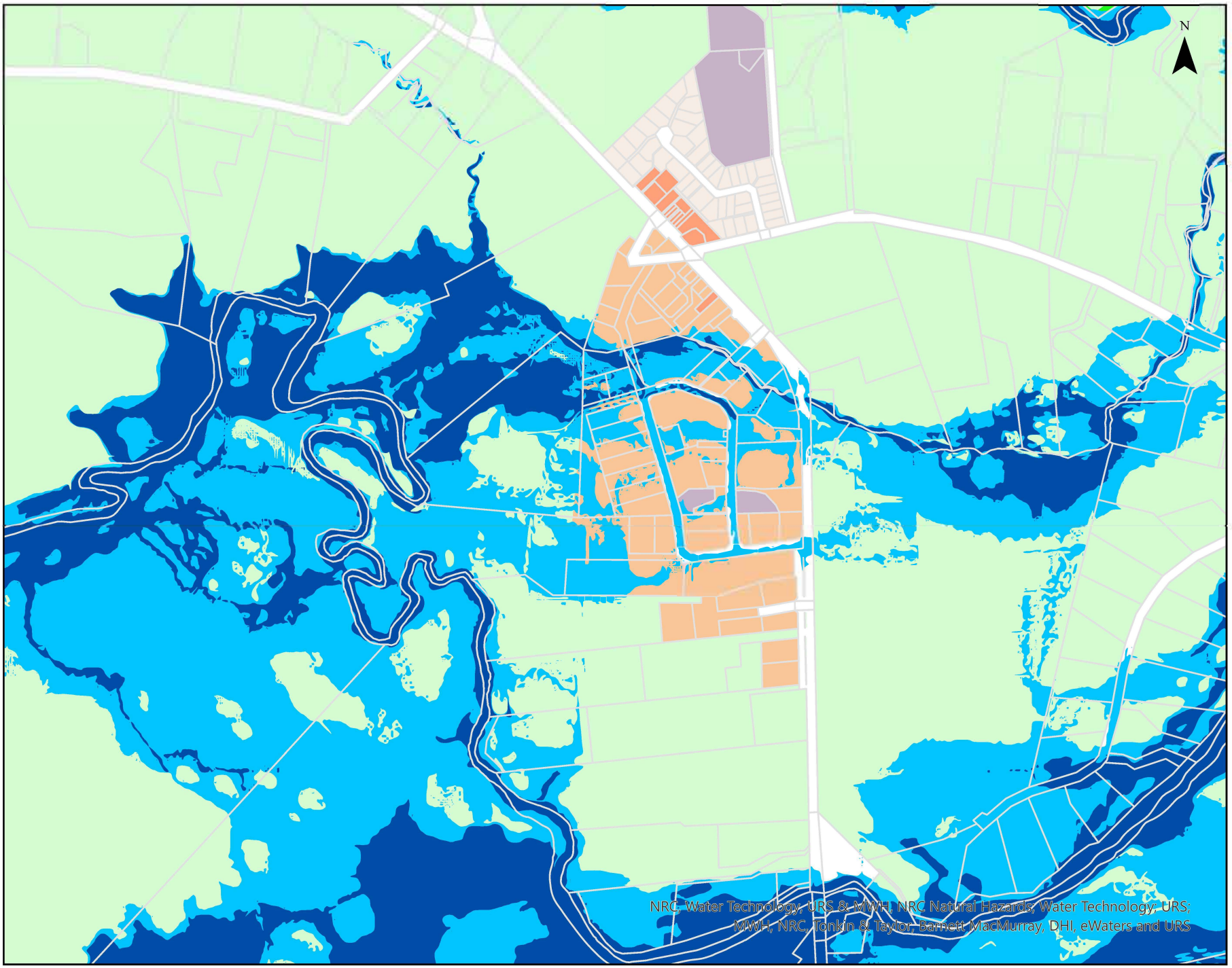
Map 3: NRC submission on proposed zoning and flood overlays

Legend

- Priority Rivers (10 year Extent)
- Regionwide Models (10 year Extent)
- Priority Rivers (100 year CC Extent)
- Regionwide Models (100 year CC Extent)

FNDC Current Zones

- Carrington Estate
- Coastal Living
- Coastal Marine
- Coastal Residential
- Commercial
- Conservation
- General Coastal
- Horticultural Processing
- Industrial
- Kauri Cliffs
- Lakes & Rivers
- Minerals
- Motoroa Island
- Orongo Bay Special Purpose
- Point Veronica
- Quail Ridge Country Club
- Rail
- Recreational Activities
- Residential
- Road
- Rural Living
- Rural Production
- Russell Township
- South Kerikeri Inlet Zone
- South Kerikeri Inlet Zone Sensitive Area
- Waimate North



Map 1: Existing zoning and flood overlays

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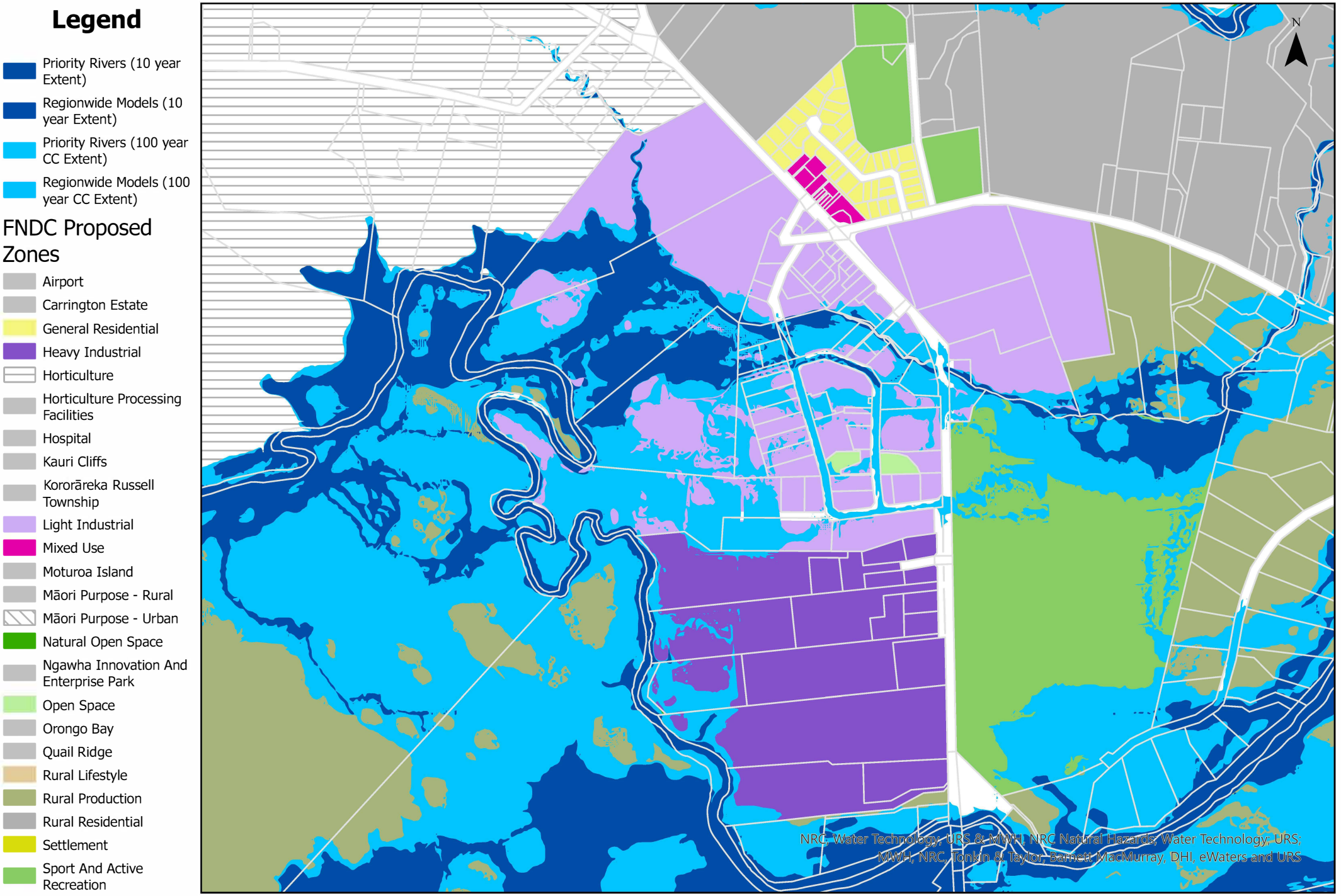

Map 2: Proposed zoning and flood overlays

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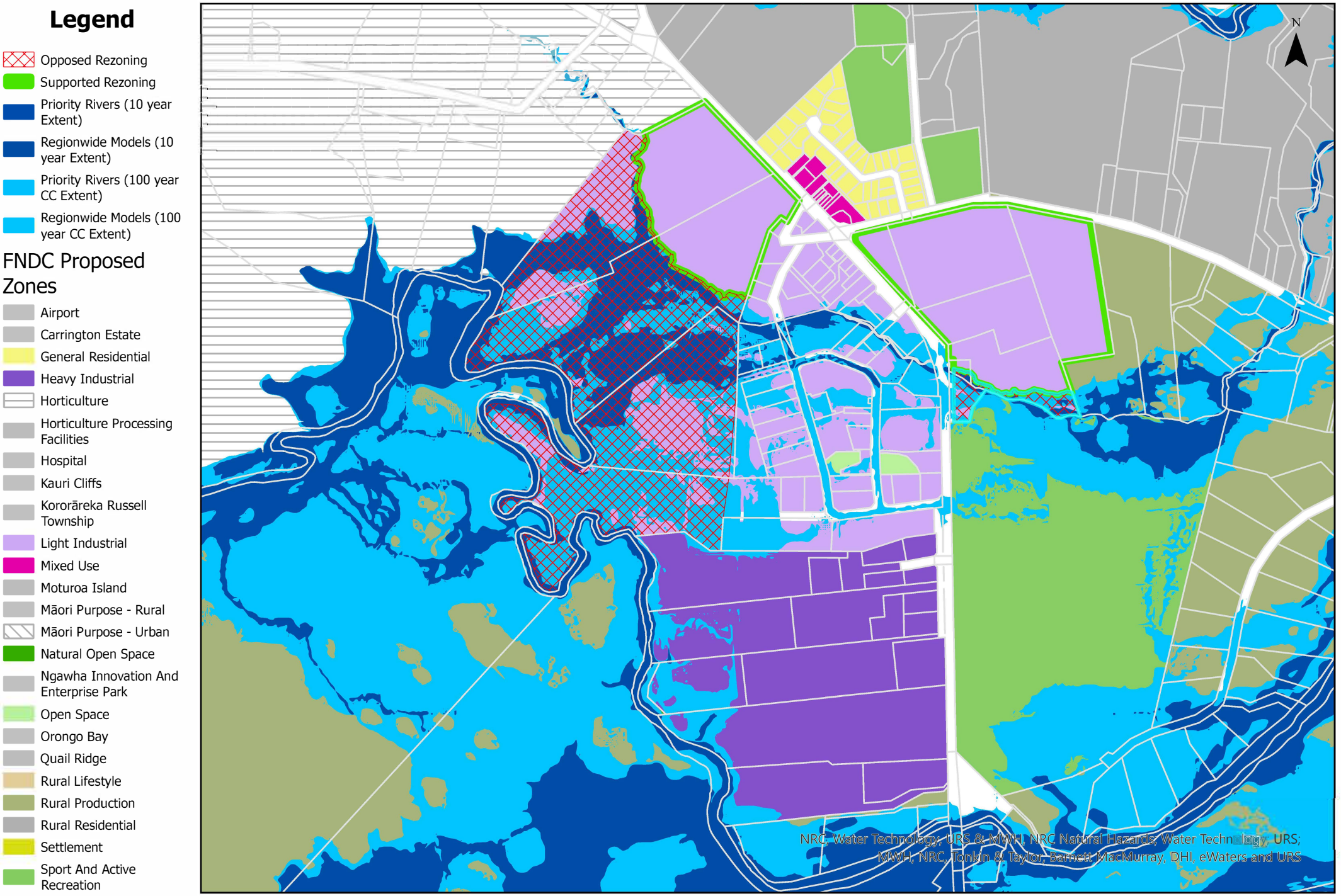

Map 3: NRC Submission on proposed zoning and flood overlays

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