Ref 61 4211915 (9)
29.9.2025

15c SUBMISSION OF ROBERT AND SUSAN SINTES.

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The Commissioners.
Far North District Council
KAIKOHE
Dated 29.9.2025
Ref 61 4211915 (9).

Robert and Susan Sintes
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My name is Robert Sintes, I am retired, having earlier qualified as a Commercial Pilot, subsequently becoming involved in national managerial roles, ultimately becoming involved in both commercial and domestic construction supervision in a private capacity.

We have owned the subject land for over 30 years and lived there for much of that time, until recently being forced to retire closer to our daughter in Auckland.

This submission for the Hearing Commissioners follows on from the planners recommendations received recently.

TO ASSIST THE COMMISSIONERS WE HAVE RECORDED THE SUBMISSION LODGEMENT HISTORY BELOW SURROUNDING OUR REZONING APPLICATION.

(18 point for ease of reading.)

Our original very detailed submission addressing all relevant RMA and PDP considerations, was lodged on the 30th September 2022, Number (61) Ref 4211915 (9), and for the Commissioners convenience should be read on line.

This was followed by the second submission dated 4.6.2025 (attached,) which I ask the Commissioners read in sequence with the above.
(The second submission was created as new information emerged surrounding area specific issues, and referencing the ME Consulting report provided by council, essentially supporting our rezoning request.).

This third submission results from issues we now wish to raise in responding to the planners advice to Council relating to our rezoning submission.

I make no apology for using more than once, descriptive terms such as *'on the ground realities'...'purist approach'....'back door method'...'rabbit hole'...etc. Please see definitions on page 39.*

It's this submitters alternative to a more detailed comment by a specialist planner I agree with, whose sentence construction is more adroit and less descriptive than mine, though matching my concerns, where they state .....

'I conclude that the officers recommendations are flawed insofar that it is based on an inconsistent application of planning principles, a miss characterisation of the submissions intent, and a misinterpretation of the strategic context for growth in Kerikeri'.

These submissions are not personal, and we would be genuinely disturbed if such a belief arose as a result of our submissions, which by their very nature will be questioning given the planning approach adopted by the planner.

These submissions will be provided as follows.....

1. An addendum that may, at the discretion of the Commission Chairman, be included if no response to our complaint to the Council via the Commissioner is not addressed prior to the hearing.

2. Our submission pointing out errors in the planners reasoning and recommendation .

3. A more in-depth background review of issues supporting our application to rezone to Rural Residential.

4. The provision of pin point matters supporting our rezoning application, followed by our reaffirming our rezoning request.

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2. MY REVIEW POINTING OUT ERRORS IN THE PLANNERS RECOMMENDATIONS....

A. The planner in para 149 of the recommendations has misquoted from an 'advisory' attachment to our (second) submission, suggesting we had asked the existing rural Production zone remain.....

.....That is incorrect, as our application for a Rural Residential zone is entrenched in all the documents.

To claim in 149, the planner had *'taken up'* my request to rezone our land Rural Production, (actually leaving it under its existing zoning), is a misinterpretation of what was intended.

We do however accept the existing Rural Production zoning remaining pending the Commissioners deliberation.

We similarly accept the planners reasons why this land should (not) be rezoned Horticultural Production.

Our land is equally unproductive for Rural Production as it would have been under the proposed HP zoning.

Components of the following are also incorrect, where the planner states..

Quote..

'Finally, while Mr Sintes background to the Wiroa Road and airport area was very helpful and informative in terms of understanding the local context (reinforced by my site visit), I informed Mr Sintes at the pre-hearing meeting (phone call) ***'that his request for a 'mixed use' zone between SH 10 and the Bay of Island Airport is not able to be considered as it is not within the scope of his original submission. 'e/c***

*(The above reference surrounding a 'site visit' is challenged later in this submission.)

That 'mixed use' was never my direct intention, it was an *advisory observation*, which is why my submission was separated into two parts.

Whilst any review surrounding a potential mixed use zone, would have been materially advanced by the information this submitter provided, my offering that opinion and information was unrelated to our rezoning submission except that it highlights how a long standing Rural Production zone had over decades been overwhelmed by totally unrelated land uses, which appear to have been ignored by both Council and the planner.

This creates a planning rabbit hole, insofar as the planners recommendation seeks to retain or apply a zone that is acknowledged as being a poor fit for the established environment and the unproductive land involved.

The planner has ignored the opportunity presented within the district plan review to correct such anomalies, (not perpetuate them). Ignoring this opportunity appears to be the planners *'opt out'* position over a wide canvas within the PDP process.

The problem surrounding applying a correct zoning, substantially but not completely derives from the existing zoning criteria found in Table 6, along with the planning approach adopted, seeing nearly all applications for a rural residential zoning denied, for want of any discretionary provisions, or realistic site analysis.

I will in more detail address the matter of Table 6 later.

Our desire is to see our land zoned and used in a compatible way with surrounding Rural Residential development under a Rural Residential zone.

For the planner to seek to retain a zone that is fundamentally at odds with the existing environment is both illogical and counter productive, since it leaves unresolved appropriate land zoning outcomes for unproductive land the PDP was designed to address.

The reasons are.....

a..The area in which we resided has a substantial and dominant presence of non rural production development, including primarily rural residential homes.

b. The land limitations, soil conditions, and small Lot sizes in the area, (though already largely built on,) essentially eliminate any economic viability for rurally productive outcomes in any event.

c. One of Councils own contracted assessments concludes there will be a need for additional land to provide capacity for future residential growth, (including our families needs,) within the life of the plan, in order to meet demand in both urban and rural sectors, and for Council to meet its obligations under the National Policy Statement 2020.

d. In referring to the planners evaluation of rezoning submissions headed Robert Sintes Appendix 1.02 , the planner raises (four) matters which I will touch on below, though not within the realms of *'planning philosophy'* but rather by way 'of *'on the ground realities'* which may have escaped the planners notice.

e. With respect to technical information raised in the above (four) items, I submit as follows....

f. ' I seek to correct a zoning anomaly, and consider the level of information and background explanatory information provided is appropriate for this process.

g. Any technical considerations raised in the Appendix 1.02 document would ultimately be addressed at any subdivision consent stage, where site specific benefits or limitations would be raised and addressed.'

h. I submit its *an accumulation of factors* that leads to a rezoning of our land to Rural Residential, not simply the lands unsuitability for productive purposes.

B. I now respond to a definitive statement made by the planner, para 144a recommendation preamble, addressing specific PDP and RMA considerations.

The planner states...

The land is not suitable for Rural Residential zoning as it is not adjacent to an existing urban area', e/c

That is demonstrably wrong. It is in fact surrounded (and beyond) by lawfully established homes creating a rural urban environment, demonstrating the existing character of the land as it stands today, as seen in the plan provided (item 1), highlighting how the current incomplete Table 6 descriptions as currently drafted, fail to address or recognise existing land use situations.

(*I have made a suggested correction much later in this submission as this matter is central to understanding the effects of Table 6..)*

C. The planner goes on to claim..... ***'although Mr Sintes indicates that his neighbours are in support of his rezoning proposal, no specific evidence of this has been provided'.....***

Unfortunately that is also incorrect. Please see below.

The planner also inappropriately includes in the report the following inadmissible comment.....

'I am aware of the owner of the adjacent property at 90B Wiroa road has made a submission on the draft KKWPSP supporting the horticultural zone as notified, and opposing further subdivision or intensification of land in this area.' e/c

That is a directly misleading characterisation of the 90b owners comments and intent, deriving from a non statutory spatial plan community participation opportunity, where the owner of 90b Wiroa Road ***adds her private address in (both) her submissions,*** in a (second) and ultimately successful attempt to obtain a back door method of influencing a formal statutory process in which she had never participated.

This is seen (nor can it be read) as just a blanket land zone opinion available to any ratepayer, but an attempt by an directly adjoining land owner to make a submission ***specific to our rezoning application,*** made worse by the planner inappropriately picking it up and using it totally outside of the statutory PDP process.

Sadly the planner allowed that to happen, whilst at the same time implying this submitter was attempting to mislead the Commissioners.
I have raised the matter of the inadmissibility of this information, both with Council and the Commissioners at the beginning of this submission in a separate addendum.

(This addendum will only be provided at the sole discretion of the Commissions Chairman.)

The following more detailed observations are provided for the Commissioners for wider clarification purposes.

With respect to specific matters surrounding the conduct of the owner of 90b Wiroa Road, I point out that over the extensive life of the PDP process, not one of our neighbours (including the owner of 90b Wiroa Road) has made any formal submissions (at all,) nor have they ever contacted us, though this submitter has at least (twice) discussed with the owner of 90b Wiroa Road, both before and after the commencement of the PDP process the protections and wider zoning outcomes we sought, so that she and our family and neighbours could avoid detrimental reverse sensitivity effects from any Horticultural or Rural Production activity, were that actually possible.

All surrounding families supported our (original) subdivision application, and none of those families have objected to our current rezoning application, we believe for the above reasons.

It is entirely reasonable to conclude, that a failure by surrounding land owners, (including the owner of 90b Wiroa Road) to take the opportunity to participate in the PDP process, fairly and reasonably infers a general acceptance of our rezoning application, which has been widely publicly notified.

(Its referred to as 'presumptive evidence'.)

This submitter has lodged a separate and detailed complaint for the Commissioners and Council, addressing the conduct of the owner of 90b Wiroa Road, and Councils equally unfortunate surrounding conduct.

The Councils conduct in both retaining and publishing clearly defamatory non statutory information on line, then allowing it to be quoted and published in a formal planners report, is naturally very concerning.

Unless formally struck out, the Planner and Councils actions have provided and delivered the owner of 90b Wiroa Road with a back door method of objecting to our rezoning application, totally outside of the statutory PDP process.

I submit, quoting this information was an error of judgement by the planner, administratively inappropriate, inadmissible and unwise, as it implied this submitter was attempting to mislead the Council and Commissioners, and is thus defamatory.

It involves a breach of good faith, since no right of reply existed at the time such claims were made, and then widely published.

To avoid this submitter exacerbating the detrimental effects of the defamatory information now found in Councils records deriving from the owner of 90b Wiroa Road, I will refrain from publishing those in this submission.

I request those comments found within the planners Council report be struck out as an abuse of process, as their source was derived from totally unrelated non statutory proceedings where residents were asked to express their opinions **around** spatial plans.

It was not intended to be used as an avenue for any ratepayer to provide a 'back door' submission *directly relating to an existing rezoning application within the formal PDP process.*

D. I now refer to 144b where the planner advises.....

The 'proposed lots 'this small' are not in keeping with the intensity or character or development in the surrounding area....

This is manifestly incorrect, The directly adjoining neighbour at 90b Wiroa Road *sits on a identical 4000 square meter Lot,* as do many lots of a similar size in the surrounding area, thus claims of incompatibility are demonstrably unfounded.

The planners observation above, places in question how thorough the planners investigation of our application has been, particularly when combined with ongoing refusals by the planner to make a requested site visit, which presents as rather unfortunate.

A review of the plan marked as item (1) shows the true position re surrounding lot sizes.

E. I now refer to 144c where the planner states...*'there is no need for additional rural residential capacity in this location'*.

That is simply wrong and ultimately speculative. Beyond the planners or their advisors endlessly speculating about rural residential land demand, who really knows what the demand might actually be given the 10 year life of the plan.

I accept that Council has an obligation to make assumptions surrounding rural residential land demand, however *assumptions are not fact,* and should not be quoted as fact in the planners report. In any event we have no intention of selling the land as clarified below, thus demand considerations are irrelevant.

One specialist Council funded report (quoted in submission 2) paints a distinctly different picture from that of the planner, and that is one of the problems that arise where planners are separately employed to provide an alternative view.

The matter of demand is however immaterial, as we have owned this land for some 30 odd years, and lived on it for a third of a lifetime. It is part of the fabric of who we are as a family and our connection with Kerikeri, and we wish to leave individual land lots for our daughters in our trust after we die.
There cannot be any effects on wider planning objectives surrounding the theory of supply since we are not adding to the supply considerations that appears to feature in the planners thinking.

F. I now refer to para 145 of the recommendation report narrative *surrounding reverse sensitivity. ....*

Unfortunately the planner ignores salient facts with respect to our land.

There cannot be any reverse sensitivity as the area is already developed and surrounded by homes on small rural residential lots, and there is little (if any) available productive land of a size or soil quality anywhere in the general location that might cause either any reverse sensitivity effects, or see any investor attempt any small scale activity without considerable financial risk.

This is another unfortunate case of policy theory simply ignoring on the ground reality.

G. As to para 146, the planner states.... ***'that pockets of rural lifestyle/rural residential sized lots occurring within otherwise productive rural environments, are not an outcome desired under the PDP.'***

This is a particular point I wish to clarify.....

The above aspirational outcome ignores the reality of an existing Lot of *unproductive* infill land as confirmed by the planner, surrounded by rural residential homes, totally unrelated to rural production or horticultural activity.

The planner appears to rely instead on a wider planning objective that fails to reflect the realities of our area, distinguishing our land and setting it outside of the planners aspirational comment above.

An inappropriate approach that blocks any sensible land use outcome within the PDP process.

This is another example of a planning approach unnecessarily imposing a rigid application of policies and rules over (any) individual site analysis, which has unfortunately formed a distinctive pattern over all the planners deliberations, resulting in an almost complete rejection of all similar applications.

I struggle to find any compelling evidence that demonstrates all those rural residential submitters to the PDP in the 15c category, are wrong.

H. I now refer to para 147 of the planners decision document where it states...

'Plan making is a strategic 'forward looking' process. Its about determining what the planning framework 'should be for the future.'

I agree, and therein lies the problem.

Applying those *'forward looking'* and *'for the future'* objectives to (existing) small blocks of infill land in essentially fully developed rural residential locations with established homes, leaves submitters down a planning 'rabbit hole' due to a lack of any sensible (or indeed any) 'outcome driven' planning approach.

Its worth emphasising, *The planners existing pattern of adjudication leaves completely unresolved appropriate land zoning, relying instead on strategic objectives and planning theory to the detriment of realistically delivering sensible land use outcomes.*

This is again an example of a total and rigid preoccupation with policy objectives, ignoring existing long standing Council approved development on Wiroa Road.

I. I now refer to para 148 where the planner states.....
(reinforced by my site visit') e/c.

I enclose an e-mail from the planner which confirms (no) site visit ever took place. (item marked 2)

A drive-by is not a site visit, and this reinforces my concerns surrounding a blanket *'rules and strategic directions'* approach that fails to address individual on-site realities, which has pervaded the planners approach over all similar applications as previously noted.
It is simply not an appropriate methodology.

Rules surrounding site visits are easily found via Google at QUALITY PLANNING www.qualityplanning.org.nz

An entire set of requirements and expectations are found under the 'Hearings' banner.

The only qualification I would add, is that any site inspection be with this submitter to offset any existing insurance Policy Liability Risk due to existing horses, animals, and ground conditions, (including rabbit holes funnily enough.)

J. I now refer to para 147 of the planners recommendation narrative.....
This discusses precedent where the planner states ...

'Might set a pattern, or signal acceptability for similar future proposals'...e/c

This precedent approach again totally ignores 'area unique features' of our location, and thus completely sets aside any potential 'non- precedent' adjudication, again due to the planners policy approach, combined with a lack of understanding of the structure of precedents as an evaluation tool at this level.

I am concerned the planner and Council may have failed to understand the practical benefits of precedent, where it may be applied both positively and negatively.

Its called a *Persuasive Precedent,* (not a Binding Precedent.)

Planners appear to mistakenly treat 'Persuasive Precedents' as 'Binding Precedents', or worse, treat them as Case Law.

Persuasive precedents provide information that might well lead to approving rather than denying an unrelated zoning or consent application.

Why precedent issues are seen by planners as an obstacle to good decision making in assessing rezoning (or other) applications, remains unexplained.

Exceptions and precedents are everywhere, that's life.

K.. The planner goes on to state...

'I am considering each rezoning request on its own merits, based on evidence, policy direction and statutory requirements, not on whether it might set a precedent for future plan changes or resource consent applications.'

Clearly that's not the case, read the planners para 147 comment above under **(J)**.

Ignoring which side of the planning fence the planner is currently commenting from, the above highlights how evidence, policy direction and planning objectives as currently applied, *are simply drowning out common sense decision making outcomes.*

L. I now refer to 144 b in the planners recommendation document where it states....

'As per the economic assessment, there is no clear need for additional Rural Residential capacity in this location, Further to provide such additional capacity close to Kerikeri and Waipapa would undermine the growth of the spatial plan (inconsistent with criteria D).'

Even if the above claim was sustainable which I dispute given the life of the proposed plan, there is no evidence (four) infill sites created on our land for personal family use would make one shred of difference, since they will not in our lifetime become available as detailed earlier.

I ask the Commissioners note, I will address below more specific responses to the planners recommendation, since some responses require more in-depth comment, and may relate to wider planning issues that emerge.

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3. A MORE IN-DEPTH REVIEW OF ISSUES SUPPORTING OUR APPLICATION TO REZONE TO RURAL RESIDENTIAL.....

These observations are driven by real concerns at how viable rezoning applications have been inappropriately addressed by the planner due to the current Table 6 descriptions, combined with an inflexible policy approach failing to address individual rezoning applications such as ours.

These concerns emerge over much of this submission, and bear emphasising for reasons of clarity.

For example, I quote from page 12 of the planners Hearings 15c document para 47, which states....

'As such, my recommendations in this report generally reject rezoning submissions where the key argument put forward is that the size of the land parcels and existing patterns of subdivision better match an alternative zone, as this argument alone is insufficient justification for up zoning. e/c.'

I have serious concerns surrounding this approach, firstly because it derives from the planners strict policy approach, whilst not addressing (or even opening the door) for balanced individual '*area specific*' assessments, *since any application of the above rule sees applications fail at the first hurdle, without the need for any appropriate, (or indeed any) realistic investigation.*

Even when a rezoning application is the most logical and efficient land use outcome for a small block of unproductive infill land, it still fails under the planners currently adopted planning approach.

The planner appears to ignore the 'golden rule' applicable to any planning process, and indeed over a much wider social canvas.. ..

There are many shades of grey between black and white.

The planner has applied the above rule consistently over the entire catchment of rural residential zone change applications, seeing virtually all rezoning applications rejected.

The sheer number of rejected rezoning applications should raise a red flag, leading to the inevitable conclusion the planners obligation to deliver balanced and fully researched individual assessments and recommendations, has unfortunately been overwhelmed by an entrenched and visibly narrow application of inappropriate or incomplete rules or zone descriptions.

I have printed out and read the entire 166 pages of the Section 42a 15c rezoning submissions document.

The words used almost exclusively in a constant pattern of denial is ....'rejected'.and 'I do not support'.

This is why this submitter has been forced to individually respond to (all) the conclusions advanced in the planners report.

I submit, the current assessment process and criteria applied by the planner is concerning, unusually repetitive and demonstrably unreliable.

It raises concerns surrounding outcomes arising from such an approach ultimately becoming counter-productive, whilst leaving effective land zoning outcomes unresolved.

As touched on previously, this is made worse since every effort we made to have Councils planner conduct an on-site visit with the owner were denied. (Horses, sheep and topography considerations demand we be on site to mitigate any public liability risk.)

The planner simply drove down Wiroa Road.. (See item 2.)

I thus ask the Commissioners carefully analyse our application so that an appropriate land use outcome may be achieved.

Neither I nor my wife want our neighbours or ourselves to have to confront the unproductive and inappropriate zoning outcomes of the existing or proposed HP zoning, given the rural residential nature of our location.
Similarly, leaving our lands zoning as it is, is not a balanced or well researched planning outcome, but rather an abandonment of any (real) research into area and applicant specific considerations, making some three years of work and research by this submitter effectively meaningless.

The following matters are also relevant...

Fragmentation, is non existent with respect to our rezoning application, as the area is already substantially fragmented.

Creep....
Any final zoning of our small lot infill land within our area is simply irrelevant, as it cannot generate creep as there is no land capacity remaining. Its already built up.

I again refer to the planners comments in para 144 b of the planners decision, addressed in more detail in this particular submission, given its wider implications surrounding the current Table 6 descriptions...

Quote...
'Key areas where I disagree with Mr Sintes relate to alignment with zone outcomes given that the land is not adjacent to an existing urban area and it is not suitable for rural residential zoning.' e/c

That factually incorrect and erroneous conclusion derives from the restrictive Table 6 descriptions currently applied, as they lack any discretionary capacity sufficient to address applications such as ours, and regularly generate adverse reactions according to the planner, (whose honesty in this matter I personally appreciate.)

The Table 6 descriptions as they stand, are clearly incomplete and not fit for purpose, as a break-down later will identify.

In any event, the above claim is factually incorrect, as that form of rural residential development *already surrounds our land (and beyond,)* no matter what name or zone description is actually applied.

The planner appears more concerned about *zone names and descriptions,* rather than (as so often highlighted,) achieving appropriate land use outcomes, *whilst simply dismissing the relevance of prior subdivision consents that were granted under the Operative District Plan.*

The planner for unexplained reasons seeks to retain the existing rural production zoning, whilst ignoring it being, *'not fit for purpose' and a 'poor fit'* given the surrounding rural residential development, whilst at the same time avoiding the requirement to do anything constructive about it.

I have no explanation or clarification that might support such a position being taken by the planner.

Please review the plan numbered (1) attached, and the following observations below....

The planner then makes the following entirely incorrect claim in para 144b....

Quote....

'Although there is (some) fragmentation of land in the surrounding area, 'lots this small' are not in keeping with the intensity or character of development in the surrounding area. e/c'

I ask the Commissioners again view the attached plan (1) which is colour coded ORANGE for similar sized lots, and GREEN, for slightly larger unproductive lots with residential homes.

The planners claim of only '*some fragmentation*' found in para 144b is simply incorrect, and I have no idea how the planner could possibly arrive at that conclusion.

Its interesting to note, the directly adjoining 90b Wiroa Road Lot subdivided by this submitter, (and then privately purchased by the current owner), is 4000 sq metres.

Yes that's correct.....The same owner who has (twice) inappropriately attempted to formally object *to lots of an identical size on our directly adjoining land,* **actually lives on one within the boundaries of the initial subdivision.**

(This is a lot size the planner claims are '*not in keeping*' etc)

I remain uncertain why the planner seeks to ignore entirely visible development patterns along Wiroa Road, even though our application for rural residential zoning is completely compatible with existing surrounding rural residential development.

The rules permit unserviced minimum 4000 sq metre and above Lots in the Rural Residential zone, and our likely future preference, subject to normal consent controls which are of course currently unknown, is to ultimately design for (4) 5000 sq metre Lots, thus evenly dividing the available land, though other options exist.

Again I highlight the contradictions between '*on the ground realities,*' and the planners observed interest in enshrining restrictive zone descriptions, directed at ..'*forward looking*' '*for the future*' objectives, without any realistic individual land zoning evaluations having ever been undertaken.

Table 6, descriptions (should) have the capacity to influence and progress sensible land zoning outcomes for small lots of bare and unproductive land no matter what the underlying zoning is, however as its currently written, Table 6 leaves existing unoccupied infill land such as ours becoming one of many unresolved applications due to restrictive zone descriptions that clearly need rectifying, since they lack any capacity to address appropriate alternative land uses.

Claims of oversupply, *might actually be relevant in cases of a large land mass application for rezoning with area wide implications*, however its irrelevant for a three to four lot rezoning application, fully funded by the land owner, with all Council requested and approved infrastructure already in place.

In our case, as previously clarified, we desire to keep the land for family inheritance purposes as we have done for the last 30 odd years.

Rezoning our infill land rural Residential, simply cannot create any negative outcomes that might affect wider planning objectives.

Sadly, to achieve what any moderately well informed community member could so easily identify, has become swallowed up in endless theoretical assumptions and policies.

With respect to theoretical objectives, Minute 30 surrounding heritage areas is a classic example.

Minute 30 dated 28th August 2025 saw the Commissioners quite correctly dump a reporting planners proposal to accept an expert heritage specialists recommendation, involving a resource consent should anyone dig a hole more that 500mm deep in heritage area overlays, in both rural and urban locations.

How or on what sensible basis the heritage specialist or councils planners might have seriously (if at all) considered the implications of this zone rule, remains unexplained.

Had it escaped the attention of the Commissioners and been enshrined in the PDP, it would have seen the writer potentially needing to obtain a resource consent prior to digging a hole to plant a Lemon tree in our own back yard.

I only raise this matter as it highlights ongoing concerns by this submitter as to reliability of simply accepting reports and advice of specialist planners and their advisors, and then endlessly seeing them quoted to the detriment of sensible land use outcomes.

Absolutely nothing personal, but somebody has to express concerns surrounding the implication for the community had this not been noticed.
I remain heartened the Commissioners decided to strike it out.

Whilst I fully acknowledge the qualified nature of the Table 6 zone descriptions described in the section 42a report in para 83, the current use of the existing land zoning descriptions are demonstrating insufficient clarity for general applicants or indeed qualified planners to adequately and smoothly address individual land use outcomes that fall outside those limited zone descriptions, leaving land owners in an appeal *'no man's land'* unless the Commissioners intervene.

The Table 6 'Rural Zoning Evaluation Framework' presents as being predicated on what I would describe as an *'unoccupied land,* or a largely *'new community development rule,'* where planners have correctly tried to formulate a universally applicable rule for the control of naturally migrating land use, *that unfortunately in its current form fails to address or acknowledge the reality of existing Council approved residential development.*

Table 6 thus creates unclear and unresolved planning voids the Table is unable to address or resolve.

For all practical purposes, this difficulty appears to have been ignored or not fully understood, and its been corrupting common sense planning outcomes during the PDP process.

This in my submission is made worse by a graded colour coding system surrounding Table 6 , (under categories 2 and 3,) that fail to explain exactly 'what' deficiencies may require clarification, or 'what' remedies or steps might address such limitations.
It provides little or no guidance, either for planners or existing bare land owners.

That in my submission is one of the problems with ***aspirational zoning lacking any mitigating or clarifying options,*** as it simply ignores existing on the ground realities.

I submit that the Table 6 description should for clarity have added...

For zones RLZ and RRZ.....

'The contiguous definition in this rule does not apply for infill land that otherwise will meet the threshold for rural residential land use.

That, or a similar (perhaps wider) discretionary provision to the Table 6 description narrative, largely solves the problem.

The problem with Table 6 descriptions is further clarified below, where (none) of the existing zone descriptions directly acknowledge that land such as ours, even exists.....

Under RLZ...*'adjoins an existing area of RLZ, RRZ or RSZ or urban zone'* .....
(However our land doesn't in terms of existing land uses, as its already settled and built up, yet historically left in a Rural Production Zone, that ignored years of progressive Council approved development permanently altering the character of the area).

And under RRZ *;'the location is intended to transition to an urban or settlement zone over time'*...
(however that land use *already exists*, our land being surrounded by semi rural lifestyle homes.)

And under RSZ....It meets (all) the requirements, having at least 15 surrounding houses....and (not) being on a reticulated waste water system...however the planner has advised this criteria does not apply to the Wiroa Road area.

(None of the above zone descriptions individually address land such as ours, and that lies at the heart of the problem.)

As it stands at present, I submit Commissioner intervention is now essential to protect the rights of applicants who have honestly sought to obtain an appropriate zoning, often providing expensive and detailed specialists reports surrounding their lands correct zoning, only to see the advisory planners interests in applying a strictly 'rule based' evaluation framework, overcome sensible land use outcomes.

Its worth repeating...

The rezoning we are requesting relates to an existing small infill land parcel, surrounded by developed residential lifestyle land, and professionally deemed unproductive.

If the current Table 6 descriptions remain unaddressed, it may see submitters being driven to use an unnecessary second consent process and forced to start all over again some three years later, seeing them replicating an identical yet separate application surrounding *'exceptions'* whilst (again) confronting a plethora of rules...planning objectives...spatial objectives..suitability evaluations ...considerations of creep...fragmentation....reverse sensitivity....site sizes....wider effects...site visits....demand theory...and precedent and policy consistency, (to name but a few) in circumstances where a complete and reliable professionally supported application has already been provided within the PDP process addressing those issues.

I respectfully ask the Commissioners to use their authority to avoid such an outcome.

Unfortunately, additional planning policy objectives then emerge, further restricting sensible land zoning outcomes, where in para 75 of the section 42a report, the planners state.....

'The officers will consider 'consistency' with the Kerikeri Waipapa spatial Plan when evaluating the rezoning submissions for hearings 15c etc...e/c

I question whether that should ever have been a primary consideration. The KKWSP sets out aspirational objectives for the next 10 years, whilst still having to provide sensible land use resolutions for existing long standing rural residential development.

Please note...The planner is now recommending the removal of our land from the Horticultural Production zone .

It would in any event present as an extraordinary set of circumstances where Council has over a considerable period permitted ongoing contiguous rural residential development on Wiroa Road, leaving small Lots of unproductive infill land surrounded by rural residential homes then denied its correct zoning due to claims surrounding *the consistency* of a *'proposed'* spatial plan.

Objectives surrounding spatial plans, are so far ahead in time they might well extend beyond the life of the PDP, even if given effect to immediately.

I finally wish to quote from para 83 of the evaluation frameworks criteria.....

It states in part....

' The nature of information required to evaluate a rezoning submission varies depending on the particular circumstances. Other relevant matters, such as Council strategies, ***or previously granted consents****, have also been considered where appropriate, as part of the evaluation of submissions in the individual report. In some cases officers have relied on technical information associated* ***with a granted consent application, where a rezoning submission is consistent with a granted resource consent.***

I submit, with respect to our (earlier) approved subdivision consent, and the supporting reasons surrounding why it was granted, ***it is clear (no) realistic or any meaningful in-depth evaluation under the above criteria has ever taken place with respect to (this) rezoning application.***

A brief historical overview of rural residential land development in Kerikeri may add some balance....

In the old Bay of Islands County Council May 1986 preview statement of some 39 years ago, the issues surrounding Rural Residential land use and subdivision, largely mirror the same objectives sought today.

(See pages 24 to 26 of that document attached as item (3), which highlights and mirrors rural residential objectives sought today.

It will be seen that the need for rural residential land hasn't changed over the last 39 years, and the requirements for creating those rural residential blocks then, are much the same as those sought today.

So our request for rural residential use for our unproductive land is neither new or special. Its merely a reflection of the ongoing evolution of the need for such rural residential lots close to Kerikeri village as the Kerikeri community has expanded.

The Commissioners can obtain a copy of the complete document as it provides an historical perspective that has been lost over the years for want of lack of access to progressive development history patterns that could provide useful direction for today.

The demand is just the same today, and whilst its entirely reasonable for Council to desire to protect productive land (which we support,) *it raises concerns the planner has adopted a purely regulatory approach,* ***rather than a land suitability evaluation approach,*** *resulting in the inappropriate colouring of the section 42a reports.*

This is seen by outside observers as a blanket desire to achieve Councils PDP objectives at all costs, and thus becomes unnecessarily adversarial in nature.

It sees Councils planners formulating a regulatory framework that only endless and expensive appeals demonstrating *'exceptions'*, can overcome.

That as previously noted, is a totally inappropriate position to leave rezoning applicants, who have (as in our case) and at considerable cost, provided both RMA and PDP review submissions, and specialists reports in support of the correct zoning of our unproductive infill land.

The planner goes on to describe our specific area as a 'ribbon development',

It isn't...its actually both a ribbon (and) a settlement zone development in terms of meeting the settlement zone criteria as seen in the plan provided as item (2.)

In the plan attached, it may be seen our land is clearly the centre of a cluster of 15 plus sites and homes in our location, and thus meets Rural Settlement zone criteria, though obviously quite small, however this has been rejected by the planner.

This review highlights the Table 6 zone description deficiencies as they are presently defined.

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4 . PIN POINT MATTERS SUPPORTING OUR REZONING APPLICATION.....

1. Our land is (not) land that is deemed productive, and is surrounded by rural residential homes.

2. Being surrounded by homes, it contributes to and creates part of a logical and defensible zone boundary, ceasing primarily at the Kerikeri Airport entrance, and definitely at the Wiroa Road/Waimate North Road junction, as clarified in our submission (2).

This meets the planners page 10 subsection 39a criteria, which states....

'Results in a strongly geographical defence boundary i.e. a road or a river in preference to a cadastral boundary'...and ultimately finishes with....*'conversely a rezoning request that fills in a gap between a zone and a defence boundary* ***may be more likely to be supported.'*** **e/c**

Submitters note...From the Kerikeri Airport entrance to the junction of Wiroa Road and Waimate North Road, all the land on the right hand site is Doc land, and all the land on the left largely unproductive lots with rural residential homes, as described in our submission (2). A clearly defined defence boundary exists there.

3. *Is close to key transport routes..*(as per Rural living zone criteria in Table 6).

4. *Has good access to services in nearby urban areas...*
(as per Rural living zone criteria in Table 6, it being in the order of 4km plus/minus from the centre of Kerikeri.)

5. *Is (not) in a location that is intended (or possible) to transition to an urban or settlement zone over time..*(as per Rural living zone criteria in Table 6).

PN, Any transition to an urban or settlement zone is impossible as it already exists, no matter what name is applied, thus the Table 6 clause (quoted directly above) is impacting on otherwise sensible land zoning outcomes. Please see our surrounding comments.

6. It meets all the relevant RMA considerations as a result of a recent Council subdivision approval over the land as identified in our original application file, that is most easily viewed on line.

7. It is a small block of infill unproductive land as described in the earlier subdivision consent approval document. (Provided.)

8. It is already fully serviced with three phase power and communication services.

9. It has a council approved access with appropriate sight distances, along with a 16 metre sealed road splay and 10 metre access width on the boundary, 100% bigger than councils requirements.

10. It neither experiences or creates any reverse sensitivity effects, being surrounded by homes on similar sized lots approved by Council.

11. There exists no precedent effect as clarified in our previous approved subdivision consent, and its lack of any reverse sensitivity effect, supports the requested rural residential zoning.

12. It does not undermine the growth objectives of the Kerikeri Waipapa spatial plan, as it simply provides for 3-4 lots, (consent dependant) as earlier described, and will not corrupt any wider planning objectives under the PDP.

(The planner has taken out of context our referencing the smallest permitted lot size, given the controls surrounding any subsequent subdivision consent process are currently unknown, whilst failing to acknowledge desirable larger lot size options exist.)

We reiterate again, we have no intention (or financial need) to subdivide for sale, or indeed immediately subdivide at all, making land demand concerns irrelevant. The land is to remain within the family, as it has done for over 30 years.

What we seek is to establish the correct zoning over the 10 year life of the PDP, for our and our daughters ultimate individual use.

The land passes into a trust administered by our daughters after our death, individual lots then becoming desirable for estate settlement purposes.

13. It is surrounded by boundary trees and fencing as per the previous subdivision consent. (Recently upgraded.)

14. There were no objections to our rezoning application, and one supporting submission. Please refer to my separate concerns surrounding the conduct and defamatory claims of the owner of 90b Wiroa Road, and the unfortunate matters subsequently raised with the Council and Commissioners.

15. Its uses are clearly defined and supported by Councils ME Consulting report, and the earlier subdivision approval.

16. The site is infrastructure ready.

17. It is consistent with the National Policy Statement, whilst ensuring the location advantages are unlocked and captured to deliver economic benefits beyond our lifetime, due to its proximity to Kerikeri and Waipapa.

18. It is consistent with the observed existing council approved housing development in the surrounding area, (without) expanding the area available for development.

(It is definitely not precedent setting due to the 'area unique elements' clarified in this application, and in our previous approved consent.)

19. It does not undermine other PDP planned growth opportunities given its very limited scale.

20. It has proximity to existing infrastructure if needed.

21. Whilst irrelevant since we have no intention of selling, it will beyond our families lifetime ultimately deliver a much needed availability of 5000+/- sq metre rural residential lots, close to Kerikeri yet private and off SH10, and its approval will form a cohesive infill land use outcome of otherwise unproductive land.

22. There are (no) associated development costs for Council as all infrastructure is already in-place and paid for by our family. If council institutes a reserve levies regime, it would ultimately generate income for Council, as will its ongoing rating revenue.

23. There is no loss of productive land as the land is professionally identified as unsuitable for the proposed HP zone, or indeed its existing Rural Production zone as recently confirmed by the planner.

24. There can be no 'creep' considerations, as the surrounding land is already built up, and defensible boundaries already exist.

25. The chances of land use reversion appears distinctly unlikely given the exiting entrenched and long standing mixed use between SH10 and the Kerikeri Airport entrance, and beyond to the Waimate North Road junction.

26. There are little additional traffic movements involved, given that the land as it stands can build 'as of right' both a family home and an accessory unit, (two households), thus a four site subdivision of this five acre lot, adds very few extra traffic movements.

27. The land has been earlier assessed by Far North Holdings Airport Manager, and in a written report advised the following....

'The development plan elevations show that this subdivision will (not) penetrate these protection surfaces, so there is no issue there.' e/c

And goes on to state....

'Although within the noise control boundary of the airport, we note that the (existing) dwelling falls outside of the twenty year 55 and 60 dba area.'e/c

(This report is provided in our original submission.)

28. The land has been assessed for soil soakage capacity by PK Civil Engineers, approving its suitability for land based soakage systems.

I ask the Commissioners to consider the following...

'When comprehensive evidence has been provided for the Commissioners sufficient to support a rural residential zone outcome, the Commissioners set aside the current approach adopted by the advisory planner, and elect instead to apply a more common-sense approach, embracing *a 'land suitability evaluation analysis,'* and grant our rezoning application on the basis its rezoning to Rural Residential is the most appropriate and efficient planning outcome for the land.

Yours sincerely,
Robert Sintes.

Definitions following page....

Definitions.....

'On the ground realities'..a description suggesting the planner has not bothered to look. Meaning.....

'To describe the actual practical conditions that exist in a specific situation or location, rather than theoretical ideas or wishes..' e/c

'Purist approach'....a way of identifying situations where abstract ideas or thoughts have the effect of corrupting sensible outcomes, usually defined as...

'A viewpoint that emphasises strict adherence to traditional values, original ideas or established methods, often to the exclusion of any modifications or compromises' e/c

'Back door method' is described as.....

'An indirect, dishonest or secret way of achieving something, especially a way to gain unauthorised access, or to bypass standard procedures.' e/c

'Down a Rabbit hole'..... *'Leading to a prolonged and often confusing exploration that goes far beyond the initial intention, resulting in significant time lost, overwhelming complexity, or a complete detour from the original goal, similar to Alice in Wonderland' e/c*

'Presumptive evidence'.... may be assumed to be reliable.

'It allows for a conclusion to be inferred. It is often called indirect or circumstantial evidence, and relies on inferences drawn from human experience and conduct.' e/c