

## **STATEMENT OF LAY EVIDENCE - TUBBS FARM AREA REZONING**

**Hearing 15C – October 2025**

**Vision Kerikeri and other submitters**

Statement of lay evidence on behalf of submitters and further submitters

FS337 K.Mahoney

FS333 M.Hart

S68 D.Putt

S83 & FS342 C.Baker

S88 D.M.Pope

S89 I.Pope

S144 T.Clarke

S564 J.Christensen

S558 J.Neison

S181 & FS335 C.& M.Sawers

S76 J.Putt

S537 & FS353 A.Panckhurst

S162 D.Pope

FS338 P.Mahoney

S145 & FS334 F.Clarke

FS550 L.Anderson

S444, S448 & FS566 Kapiro Conservation Trust

S529 Carbon Neutral NZ Trust

S526, FS569 Vision Kerikeri

FS336 R.Holman

FS390 T.Schubert

FS352 K.Panckhurst

FS443 P.Donnellon

FS549 V.Anderson and others

In 2022 & 2023, the submitters (listed above) sought horticultural or rural production zoning for the paddocks in the west part of Tubbs Farm (due to LUC 2 & 3 land and other issues). We recognise that productive zoning is not feasible now, following an Environment Court decision in 2024. The submitters therefore firmly support Rural Lifestyle zoning now.

Community groups, submitters and further submitters strongly support Rural Lifestyle zoning, as notified in the PDP, for the entire 'Tubbs farm' area.

We strongly oppose Rural Residential rezoning in the Tubbs farm area<sup>1</sup>, because it fails to meet key criteria for rezoning and has adverse effects. The supply of rural zoning capacity greatly exceeds demand. A genuine 'need' for upzoning the Tubbs farm area has not been demonstrated. RRZ zoning signals land that is anticipated to be converted to urban use in the future. However, the Tubbs location is not able to provide a compact urban form for Kerikeri.

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<sup>1</sup> PDP submissions by Neil Construction s349.001 and Simpkins S22.003, S284.004, S288.004.

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### **1. NPS-Urban Development and spatial plan principles**

Upzoning the Tubbs area would be contrary to the PDP's *Strategic Direction Objective* SD-UFD-O2 which **supports a more compact urban form** and planned growth.

The Kerikeri-Waipapa spatial plan (KWSP) aligns with the general direction set out in the NPS for Urban Development.<sup>2</sup> The zoning in rural areas of Kerikeri, including the Tubbs area, was examined by FNDC during the development of the spatial plan (KWSP). The KWSP identified six potential growth scenarios suitable for examination. None of these scenarios included the Tubbs area (see Figure 1).

All six scenarios for the KWSP showed future urban development taking place only around central Kerikeri, central Waipapa, and the main road linking these centres.

The spatial plan's governing *hapu ropu* body was composed of a number of local hapu (mana whenua). The hapu ropu supported this approach, and approved the spatial plan adopted by Council.

### **2. Tubbs location in relation to CBD and RRZ boundary (PDP map)**

Figure 2 shows the PDP zone map –

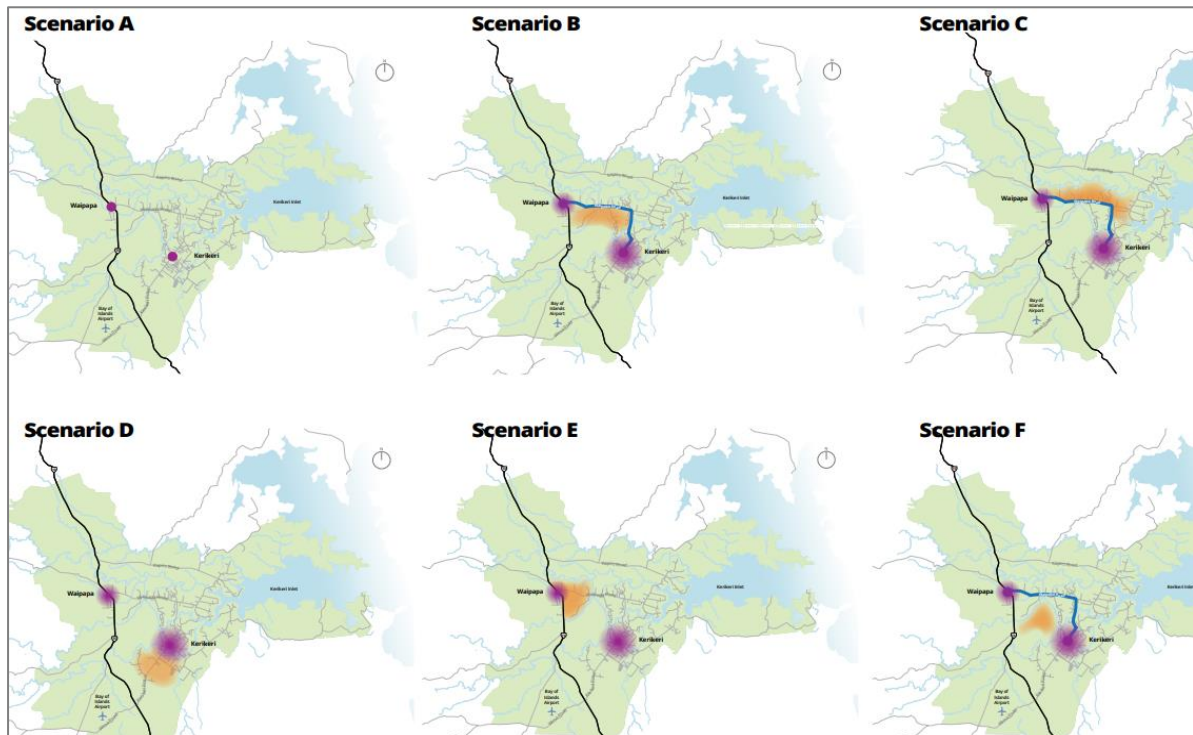
- Red lines indicate the location of Tubbs farm area.
- Dark grey area indicates the boundary of the Rural Residential zone, just south of Tubbs.
- Blue arrows indicate the distance from Kerikeri CBD to the boundary of the Rural Residential zone. The three blue arrows are roughly the same distance from the CBD.
- Dotted blue line shows an area towards Tubbs where the Rural Residential zone is already further away from the CBD than any other part of the Rural Residential zone.

If the Tubbs area is rezoned (red dash lines in Figure 2), it will create a very large new 'bubble' of Rural Residential zone (about 146 hectares). This bubble (red dash lines) will be substantially further from the CBD than any other part of the Rural Residential zone, and rather isolated from the rest of the RRZ.

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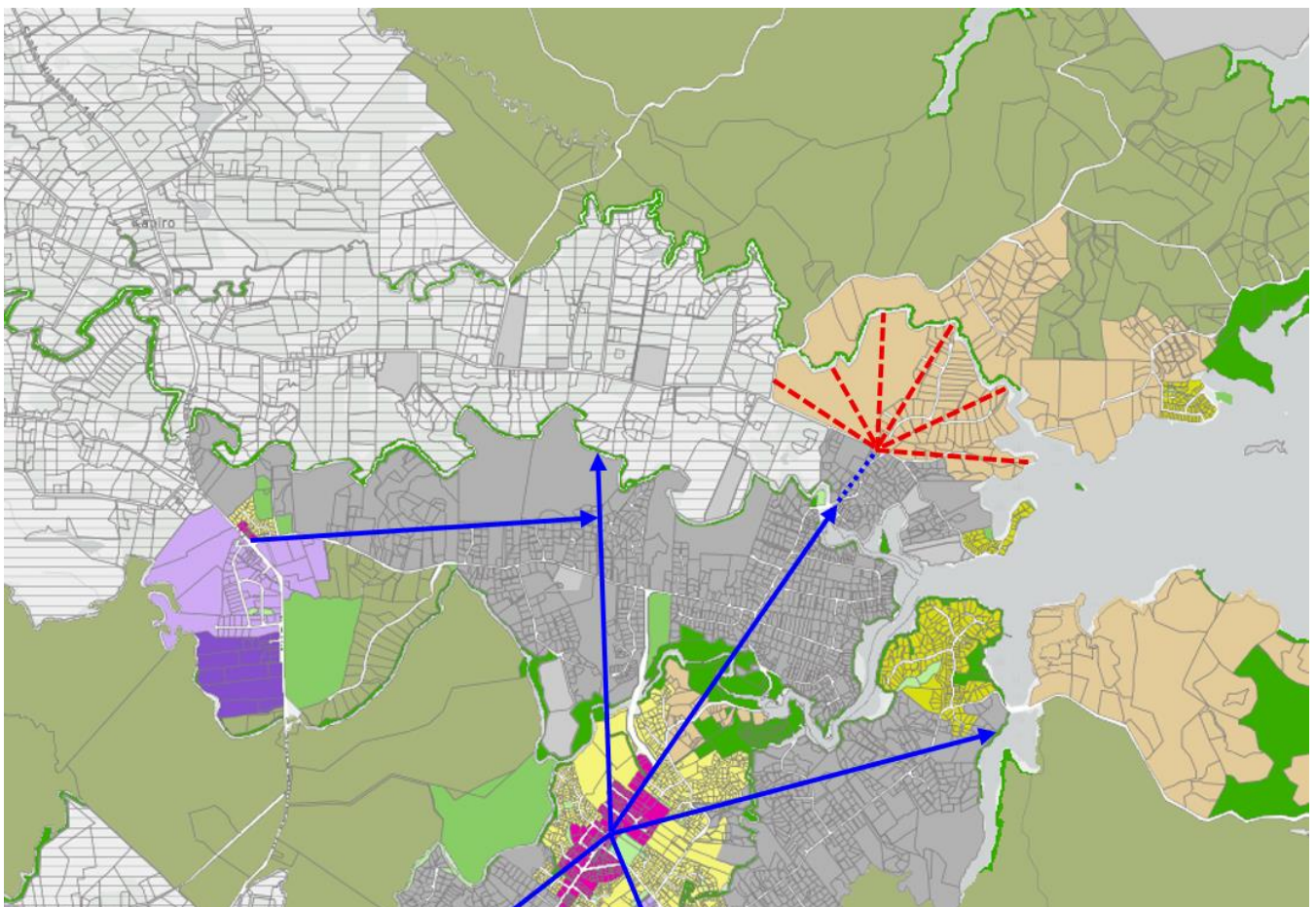
<sup>2</sup> We recognize that the spatial plan is a non-statutory document, however s42 reports have noted its relevance where appropriate.

**Figure 1 – Potential growth areas identified in KK-W spatial plan**



Creating a large new ‘bubble’ of Rural Residential zone in the Tubbs location (marked as red dashed lines below) would not be logical, nor defensible in planning terms.

**Figure 2 – Distance from CBD to boundary of Rural Residential zone (in notified PDP)**



PDP map in FNDC Far North Atlas, <https://experience.arcgis.com/experience/>

### **3. Defensible boundary at PDP boundary of Rural Residential zone**

As noted above, Figure 2 shows the boundary of the Rural Residential zone (dark grey) in the PDP map. The boundary stops at Kapiro Road.

There is no Rural Residential zoning on the north side of Kapiro Road.

The notified PDP boundary for RRZ is the logical, defensible boundary in planning terms.

The bubble at Tubbs Farm (red dash lines in Figure 2) would extend well beyond the boundaries of the existing Rural Residential zone. Creating a bubble of this type is not logical, nor defensible in planning terms.

### **4. Tubbs area unsuitable for future RRZ upzoning for urban development**

As we know, the PDP anticipates that Rural Residential zones (RRZ)<sup>3</sup> can become urban in the longer term. The PDP Objective RRZ-O3 seeks to ensure that RRZ land is able to be rezoned for urban development in future:-

The s42 report on rural rezoning states that **“The purpose of the Rural Residential zone is to signal land that is anticipated to be converted to urban use in the future.”** (para. 144).

The PDP S32 report states that the *overall management approach* for RRZ includes: **“Making it clear at a policy level that this zone can be up-zoned as required....”** (p.28)

S32 *Summary of objectives* (s5.3.1): The Rural Residential zone **“... ensures the ability of the land to be rezoned for urban development in the future.”** (p.30-31)

However, Figure 2 (red lines) shows that a ‘bubble’ of Rural Residential zone in the Tubbs area is not an appropriate location for future urban zoning. This location is too far from the CBD; it is not able to provide a ‘compact urban form’.

In fact, it takes about 1 hour and 17 minutes to walk from the centre of Tubbs area to the Kerikeri High School or the post office (CBD centre). The distance to Waipapa services (e.g. Four Square supermarket) is 1 hr 36 min walking, or 24 min cycling time. However, school students cannot cycle safely from Tubbs area to the CBD. Landing Road has several narrow winding bends with poor visibility and other safety issues.

Houses in the Tubbs area are 100% reliant on cars for accessing work, schools and services in central Kerikeri or Waipapa.

### **5. Market demand and over-supply of rural lots**

FNDC has consented hundreds of subdivisions in the past decade. There is currently a very large surplus of bare lots that have not yet been built on.

Moreover, the market demand for bare lots (less than 1 hectare) has declined since 2016, and slumped in the past few years in the greater Kerikeri area (area similar to the Kerikeri High School zone) - details in Box 1.<sup>4</sup> In 2023 and 2024, only about 12 bare sections (less than 1 ha) were sold per year – details in Box 1. Estate agents consider that demand is low due to the economic downturn and concerns about high construction costs.

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<sup>3</sup> Rural Residential zone: minimum lot size is 4000m<sup>2</sup> controlled activity, 2000m<sup>2</sup> discretionary activity, lot sizes as recommended by s42 report for Hearing 9.

<sup>4</sup> Data on annual land sales in Kerikeri. Annual sales data compiled by real estate agents in Kerikeri.

**Box 1 - Number of bare sections (less than 1 ha) sold per year in Kerikeri area. Annual sales data compiled by real estate agents**

Year	Number of sections sold
2016	90
2017	58
2018	34
2019	47
2020	65
2021	53
2022	21
2023	9
2024	12
2025	12

Data for 2025 is incomplete – covers January to August 2025

### Substantial over-supply reported by s42 Market Economics evidence

The section 42 report evidence on Market Economics<sup>5</sup> notes that the total requested rural rezonings (on top of Council’s recommended subdivision provisions) would increase the total Plan-Enabled Dwelling Capacity (PEC) by 30% districtwide (from 11,320 to 14,661 dwellings) – refer to details in Table 8 of s42 Market Economics report.

Most requests are for Rural Residential zoning, an increase of more than 3,000 dwellings.<sup>6</sup>

s42 evidence has pointed out that the existing PDP provisions already provide ample capacity to accommodate projected demand for rural dwellings.<sup>7</sup>

In fact, the s42 Market Economics evidence notes there is a **substantial over-supply** of rural residential capacity in the notified PDP zoning: **“Rural capacity exceeds expected demand by more than 2.3 times...”**

Based on supply and demand, there is no need for additional rural upzoning. For the Tubbs area in particular, there is no evidence of an actual need for upzoning this area.

A major concern from an urban planning perspective is that a large over-supply of rural lots strongly discourages intensification in the urban zones, undermining a key goal of the spatial plan and PDP and Strategic Direction.

Upzoning additional rural areas, such as the Tubbs area, will only increase the over-supply.

Importantly, the S42 Market Economics report states:-

**“While submitters have requested rezoning ... to more intensive rural categories, the evidence does not support a need for such changes.”<sup>8</sup>**

**“Based on the findings of this analysis, it is recommended that Council decline rezoning requests to more intensive rural zones** considered under hearing 15C, and

<sup>5</sup> S42 report Hearing 15C rural rezoning, Appendix 3, Market Economics evidence by M Hong and L McIlrath, p.8.

<sup>6</sup> S42 report Hearing 15C rural rezoning, Appendix 3, Market Economics evidence, p.8, Table 8.

<sup>7</sup> S42 report Hearing 15C rural rezoning, Appendix 3, Market Economics evidence, p.9.

<sup>8</sup> S42 report hearing 15C rural rezoning, Appendix 3, p.9.

retain the PDP's proposed zoning, which already provides sufficient flexibility and capacity to meet rural housing demand.”<sup>9</sup>

**Box 2 - PDP Rural capacity greatly exceeds expected demand**

The section 42 Market Economics evidence for Hearing 15C noted that:

- “Rural capacity exceeds expected demand by more than 2.3 times...”<sup>10</sup>
- “the existing PDP provisions already provide ample capacity to accommodate projected rural demand” .... The requested additional zoning “is not required to satisfy demand, a deficit (capacity) is not evident in the PDP provisions. In fact, being too permissive is likely to lead to adverse outcomes...”<sup>11</sup>
- “The analysis confirms that the PDP, as notified, already enables more than sufficient capacity to meet projected rural and settlement demand over the next 30 years... rural plan-enabled capacity significantly exceeds expected growth.”
- “While submitters have requested rezoning ... to more intensive rural categories, the evidence does not support a need for such changes.”<sup>12</sup>
- “Based on the findings of this analysis, it is recommended that Council decline rezoning requests to more intensive rural zones considered under hearing 15C, and retain the PDP's proposed zoning, which already provides sufficient flexibility and capacity to meet rural housing demand.”<sup>13</sup>

Creating additional houses in rural areas increases the travel distances for work, schools and services, increases emissions and transport network issues.

It makes no sense to keep increasing the supply of rural lots when the supply is already 2 times larger than projected demand.

**6. S42 report: existing small blocks do not justify rezoning a wider area**

Tubbs can be divided into west and east areas, with different consent conditions and different circumstances. Figure 3 shows -

- **West Tubbs** (red line) – the developer recently started to develop two stages of future stages 3 to 6 on the former Tubbs farm (68ha, lots 3,000 - 6,000m<sup>2</sup>)<sup>14</sup>
- **East Tubbs: Blue Penguin Drive area (stages 1-2)** (blue line) – an existing development, this was stage 1 & 2 of Tubbs farm (58 ha, average lot size about 1 ha).
- **East Tubbs: Kingfisher Drive** (purple line) - a totally separate older area with ad hoc coastal development (20 ha, comprising 7 lots of 1-3 ha, other various sizes).

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<sup>9</sup> S42 report hearing 15C rural rezoning, Appendix 3, p.9.

<sup>10</sup> S42 report hearing 15C rural rezoning, Appendix 3, p.4. Note that this over-supply even allows for the generous NPS-UD competitiveness margin.

<sup>11</sup> S42 report hearing 15C rural rezoning, Appendix 3, p.9.

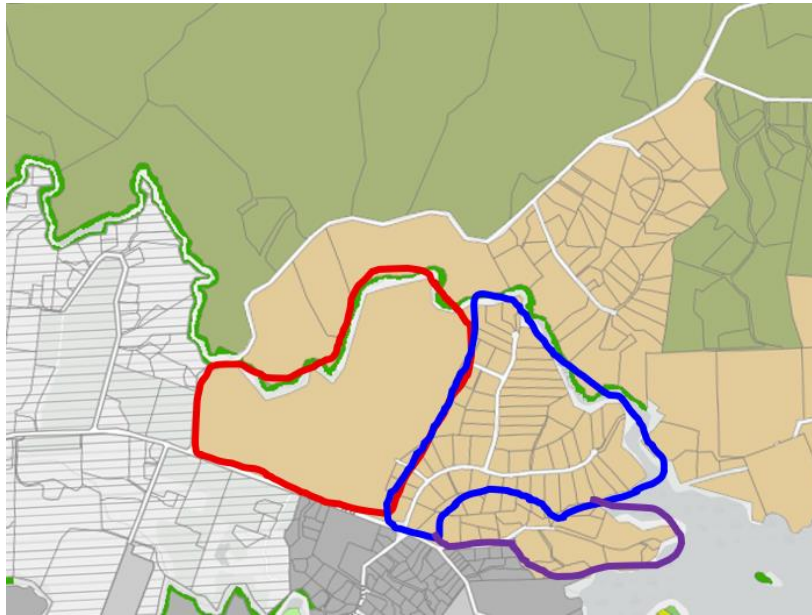
<sup>12</sup> S42 report hearing 15C rural rezoning, Appendix 3, p.9.

<sup>13</sup> S42 report hearing 15C rural rezoning, Appendix 3, p.9.

<sup>14</sup> S42 report Hearing 15C Rezoning Submissions, p.71.



**Figure 3 - west Tubbs, east Tubbs and surrounding zones**



The submitter suggests that the area of smaller lot sizes in west Tubbs (stages 3-6) indicates that the entire area including east Tubbs should be upzoned as RRZ.

Importantly, s42 reports have rejected some rezoning requests on the grounds that an area may contain small lots but this does not justify upzoning.

## **7. Potential number of additional lots if rezoning occurs**

### **Potential additional lots in west Tubbs (stages 3-6)**

Stages 3-6 were recently approved by the Environment Court.<sup>15</sup> The primary reason for the Court hearing was the non-complying lot size (Coastal Living zone). The Court based its decision on an interpretation of the permissive policies/rules in the Operative District Plan. (The PDP text and Section 32 reports have recognized that the ODP is permissive, leading to inappropriate forms of development<sup>16</sup>.) The Court did not consider the notified PDP; nor the spatial plan since it was in draft form

States 3-6 have a consent condition (with unusual phrasing) that limits further subdivision to the minimum lot sizes specified by the ODP etc.<sup>17</sup> The submitter took this into account when estimating that only 3-6 additional lots could be created in stages 3 - 6.<sup>18</sup>

We note that the construction of stages 4 and 5 is not due to start for at least 3 years or possibly much more. If the area is upzoned to RRZ, it would give the developer an opportunity to seek to reconfigure the lots in stages 4 and 5 to accommodate smaller size lots of 2,000m<sup>2</sup>.

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<sup>15</sup> Environment Court decision [2025] NZEnvC 156, enabling 115 lots from 3,000-6,000m<sup>2</sup>.

<sup>16</sup> Examples of PDP statements about the permissive nature of the ODP: “The approach in the Operative District Plan (ODP) has been to... have a permissive subdivision framework for the rural environment. This has resulted in land fragmentation, loss of highly productive land, reverse sensitivity issues and uncoordinated urban development” (PDP s32 Rural Environment report, p.3). “A permissive planning framework...” (PDP Description of the District issues, p.1).

<sup>17</sup> The condition states “There shall be no further subdivision of any lot unless the subdivision... complies with the minimum lot size required for a permitted, controlled, restricted discretionary or discretionary activity by the Operative District Plan at the time of the application for resource consent.”

<sup>18</sup> Submitters supplementary evidence, P. Brown planner, 4 August 2025.

Assuming the Environment Court consent conditions can be amended at some future date,<sup>19</sup> it would be feasible to **reconfigure future stages 4 and 5** and accommodate lots of 2,000m<sup>2</sup> if the area is upzoned as RRZ. (It appears that the consent holder (developer) would be able to submit an application under RMA s127 to vary the consent to enable reconfiguration of future stages, if the area is upzoned. Applications under s127 are normally treated as discretionary activity).

Ms Dvorakova (KASA Architects) has modelled several scenarios for the reconfiguration of lots in Stage 4 for Rural Residential Zone lot sizes. In the current consent, Stage 4 has 31 lots on about 14.8 ha. Ms Dvorakova provided the following estimate of additional lots in Stage 4 and noted that more dense configurations would provide a higher number of lots.

#### **A scenario for reconfiguration of lots in Stage 4**

RRZ reconfiguration scenario	Net yield (%)	Total lots in stage 4	Additional lots
Mix of lot sizes mainly 2500-3000m <sup>2</sup> , with some 2000m <sup>2</sup>	65-70%	49 - 51	18 – 20 extra lots

#### **Potential additional lots in east Tubbs**

Some of the properties in east Tubbs have constraints, which we have taken into account (including access, topography and steep slopes, Coastal Environment rules, existing vegetation, avoiding mapped coastal and river flood risk areas, wetlands, etc.).

In order to provide a realistic perspective on the question, we considered lot sizes that are in the range of 2,000 – 4,000m<sup>2</sup>, since this is the reality of what would occur (rather than restricting the analysis to 4,000m<sup>2</sup> only).

A preliminary analysis, lot by lot, indicates that Rural Residential upzoning would enable a significant number of additional lots -

#### **Blue Penguin & Fernbird area (stages 1 & 2):**

- 3 bare lots (without houses) could provide at least 6 extra lots.
- Other lots with houses: at least 13 extra lots, and probably more.

**Kingfisher Drive:** at least 16 lots.

#### **Estimated total extra lots due to RRZ upzoning:**

- At least 38 extra lots if future stages 4 & 5 are not reconfigured.
- At least 50 extra lots if future stages 4 & 5 are reconfigured.

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<sup>19</sup> RMA s127 allows a consent holder to apply to the consent authority to change or cancel conditions attached to a resource consent (other than the duration of the consent). An application to change or cancel conditions of consent is normally treated in the same way as a resource consent application for a discretionary activity. (<https://www.environmentguide.org.nz/rma/resource-consents-and-processes/changing-consent-conditions>)



## **8. Traffic and transport network impacts**

### **Effects on the capacity of Heritage Bypass**

The Kerikeri-Waipapa spatial plan assessments have noted that the capacity of the Heritage Bypass could become an issue as urban growth increases, due to increasing traffic volumes. The s42 expert evidence on transport by Mr Collins reviewed the implications of several rezoning cases.

The report found that an additional 19 – 33 lots, for example, would generate 223-405 vehicles/day. This “...would have a direct effect on the capacity of the Heritage Bypass, which is anticipated to be under significant pressure in the future”<sup>20</sup>

As noted above we have estimated that upzoning Tubbs farm area could produce at least 38 extra lots, or 50 extra lots if future stages 4 and 5 are reconfigured. **Based on Mr Collins’ figures, we consider that upzoning the Tubbs farm area would have a direct effect on the capacity of the Heritage Bypass.**

### **Effects on the capacity of Landing Road bridge**

Vision Kerikeri’s earlier statement at Hearing 15C described the northern traffic catchment, a rural area north of Landing Road bridge. The catchment includes Tubbs farm area.

A traffic engineer report by Mr Scanlen estimated that “at full permitted development” of the northern traffic catchment, the traffic on the Landing Road bridge will increase substantially.<sup>21</sup>

His analysis indicates that the **traffic volume will regularly exceed the bridge’s capacity**, and expressed concerns about related safety issues.

We note that any upzoning in the Tubbs farm area will generate extra lots, adding to capacity issues at the bridge.

### **Adverse effects due to noise, vibration, disruption & safety issues**

Additional traffic due to upzoning in the northern traffic catchment, including the Tubbs area, will increase the noise, vibration and disruption to residents, and reduce amenity values for people living in Landing Road in particular. Road safety issues are also a matter of concern.

The statement by Maree Hart and other submitters, at Hearing 15C, will provide you with further information about the adverse effects of additional traffic in Landing Road (especially in the vicinity of the bridge and winding bends at the north end of Landing Road).

### **Traffic issue at entrances to Tubbs subdivision**

NZ Post’s Rural Delivery (RD) area starts in Landing Road (south of the bridge) and covers all land to the north including Tubbs area. NZ Post’s stated policy is NOT to deliver mail to individual houses in new housing developments constructed in RD areas:-

“Where a housing development is established on, or close to an existing rural delivery route, a mail delivery service will only be provided to aggregated delivery points (nests of boxes) at an agreed location. ...”<sup>22</sup> This is often at the entrance to the development.

As result of this NZ Post policy, the roadside entrance to Blue Penguin subdivision has a line of mailboxes erected by individual residents. Already, there can be traffic issues at the roundabout area when residents stop to get mail and block the Blue Penguin road at peak times.

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<sup>20</sup> S42 report Appendix 3, Expert evidence of M. Collins, Abley page 5.

<sup>21</sup> D. Scanlen transport network analysis of Landing Road bridge northern catchment, 2022

<sup>22</sup> Where a housing development is established on, or close to an existing rural delivery route, a mail delivery service will only be provided to aggregated delivery points (nests of boxes) at an agreed location.

The traffic issues at the roundabout and entrance to Blue Penguin will become a significant road safety hazard when stages 3-6 are built and about 1000 additional vehicles/day are using the roundabout.<sup>23</sup>

***Traffic hazard due to many roadside mailboxes at entrance to Blue Penguin Drive***



A similar traffic issue is expected in the future West Tubbs development (stages 3-6). The main entrance road (called road 'A') will be a new junction on Kapiro Road. The Road A entrance will have a rail so that 115 individual houses can each attach their own mailbox. Road A will also have a slender pullover area. Despite the slender pullover area, we expect residents' vehicles will block Road A to some extent, and this will cause problems for cars waiting in Kapiro Road, waiting to turn right into Road A.

Additional lots due to upzoning would exacerbate these traffic issues, as well as the traffic issues experienced in Landing Road (refer to Maree Hart's statement of evidence).

The NZ Post's policy on new housing developments in RD areas also highlights how this RD area lacks the basic infrastructure and services that one would expect for the level of development that RRZ upzoning would bring.

**9. S42 one-hectare lot size for Rural Lifestyle implies new zone purpose**

Section 42 reports have recommended reducing the lot size in the Rural Lifestyle zone from 2 ha down to 1 ha discretionary.<sup>24</sup> One-hectare RLZ properties cannot be expected to have a significant rural production or forestry purpose.

RLZ properties of 1 ha cannot be expected to undertake productive activity. The s42 recommendation for smaller lot size therefore implies an expansion of the range of expected RLZ zone outcomes/objectives to include residential lifestyle, and moves the anticipated RLZ land uses and purpose further away from rural production or forestry.

The points above mean that RLZ zoning remains very suitable for east Tubbs.

The Blue Penguin area (stages 1 & 2) have average lot size around 1 ha. Kingfisher Drive has about 7 lots that are 1 - 2 hectares in size. East Tubbs is therefore an excellent match for Rural Lifestyle zoning (1 ha discretionary).

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<sup>23</sup> Traffic estimate for 115 new lots in stages 3-6, data provided by D. Scanlen, transport engineer, Whangarei.

<sup>24</sup> s42 reports have recommended 2 ha controlled activity, 1ha discretionary activity in Rural Lifestyle zone.

It would be highly inappropriate to rezone east Tubbs for small RRZ lots (as small as 2000m<sup>2</sup>) when the vast majority of lots currently fit much better with the RLZ lot size recommended by section 42 reports (1ha).

## **10. Lack of Consultation with affected residents**

There are residents living in the east Tubbs area, in Blue Penguin Drive, Fernbird Grove and Kingfisher Drive. The developer that submitted the upzoning request<sup>25</sup> **did not consult with the affected residents** about upzoning Blue Penguin, Fernbird and Kingfisher Drive. We asked a number of residents about this, and **they confirmed that they had received no information** from the developer about the upzoning proposal.

We can also confirm that the submitter **did not consult with community groups** about rezoning.<sup>26</sup>

We consider lack of consultation to be a significant omission.

## **11. Criteria for rezoning and related issues**

Key points

**Strategic direction** – Upzoning Tubbs area would be contrary to SD-UFD-O2 which supports compact urban form and planned growth.

**Zone outcomes** – The intention of RRZ is that it could be rezoned for urban development in future. The location of Tubbs is unsuitable for future urban zoning, for the reasons described previously in this Statement.

**Higher order direction** - Tubbs upzoning conflicts with NPS - Urban Development which promotes more compact urban areas.

**Site suitability** – Tubbs site is unsuitable for upzoning for many reasons. In particular, upzoning the Tubbs area would create a large ‘bubble’ of RRZ that stretches a long distance from the CBD and current RRZ boundary – refer to Figure 2 above.

**Adverse effects** – upzoning would cause adverse effects on people in the area, particularly loss of amenity values due to noise, vibration, disruption arising from additional traffic and other issues. It would increase traffic safety issues – refer to Statement by affected residents submitters M Hart, K Maloney and others at Hearing 15C.

**Infrastructure** - if Tubbs area is upzoned to RRZ, this will indicate an intention for urban rezoning in future. The cost to FNDC and ratepayers of constructing reticulated wastewater pipelines to service this area would be prohibitive.

**Transport effects** - Upzoning is likely to generate at least 50 extra lots in the Tubbs area (if stages 4 & 5 are reconfigured) or at least 38 lots without reconfiguration.

Section 42 transport evidence notes a case where 19-33 extra lots would generate 223-405 vehicles/day. This “would have a direct effect on the capacity of the Heritage Bypass, which is anticipated to be under significant pressure in the future...”<sup>27</sup> The evidences makes similar comments for other rezoning requests that would affect the Heritage Bypass (e.g. s51 Kemp).

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<sup>25</sup> PDP submissions by Neil Construction s349.001

<sup>26</sup> Community groups have discussed matters relating to the future Reserve in stage 3 with the developer, however community groups were not consulted about the developer’s upzoning proposal.

<sup>27</sup> S42 report Hearing 15C, Appendix 3, Transport review by Mat Collins p.8.

**Consultation** – the submitter did not consult about its rezoning proposal with affected residents and did not consult with community groups. We consider lack of consultation to be a significant omission.

**Section 32Aa evaluation** – the s32A assessment is incomplete because it has not assessed the direct, indirect and cumulative effects that will arise from upzoning this large area of land to RRZ.

**Over-supply** - the s42 Market Economics evidence for Hearing 15C demonstrates that there is a very large over-supply of rural zoning capacity. The supply exceeds demand by 2.3 times. There is no demonstrated need for upzoning the Tubbs area.

Further details will be provided in a separate Annex.

### **Annex - s32 rationale for notified PDP Rural Lifestyle zone in Tubbs area**

The notified PDP introduce Rural Lifestyle zoning specifically to the areas that were previously zoned Coastal Living and South Kerikeri Inlet, to recognise the demand for this type of zone.

The section 32 report (which sets out the rationale for PDP zoning) notes the ODP Coastal Living zone areas were rezoned as Rural Lifestyle. This included the Tubbs farm area.

Notably, the section 32 report added several other areas of land as Rural Lifestyle, described in Box 3. This included the land directly adjacent to Tubbs farm (north side), which includes a former quarry.<sup>28</sup> The section 32 noted that Rural Lifestyle zoning is the most logical land use for this area given the surrounding subdivision pattern:-

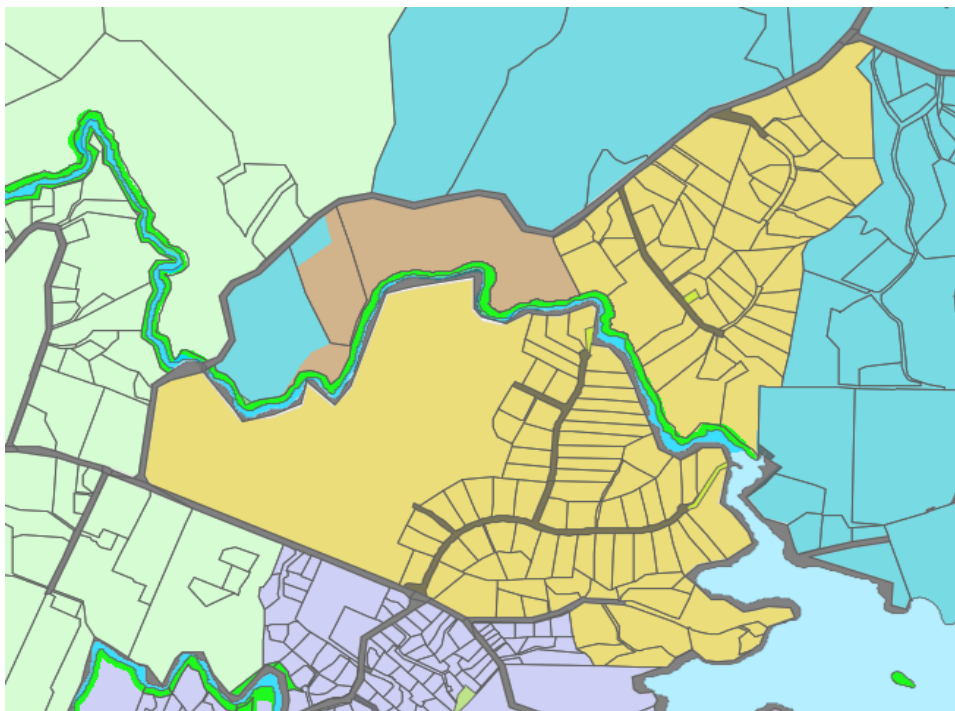
“Additional Rural Lifestyle zoned land is proposed along Redcliffs Road (previously Mineral Zone), as the quarry is no longer viable for further mineral extraction. Enabling **rural lifestyle development is the most logical land use to enable in this area given the surrounding subdivision pattern.**”

We wish to emphasise the point above. When the PDP was notified in 2022, the east half of Tubbs farm and Kingfisher Drive were already developed.

West Tubbs was a large area of grazing paddocks at that time (2022), but was earmarked for future development because it was zoned as Coastal Living.

Knowing all this, **the s32 report identified the entire area as logical for Rural Lifestyle zoning.**

***Figure 4 - Operative District Plan (ODP) Coastal Living zone in Tubbs area***



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<sup>28</sup> Ngati Hao is restoring the former quarry as wetlands and revegetating a large area north of the river to form a large ecological sanctuary for kiwi and other native wildlife.

**Box 3 - S32 rationale for Rural Lifestyle zone locations in PDP map**

“The majority of the Rural Lifestyle zone is based on the ODP Coastal Living zone areas, plus the two special purpose zones discussed above. However, some additional land parcels have also been zoned Rural Lifestyle in the wider Kerikeri area for a variety of reasons as follows:

- Some up zoning to Rural Lifestyle zone was required to avoid isolated Rural Production spot zoning and to ensure that the Rural Lifestyle zone formed a contiguous area.
- **Roads have been used as a clear and logical boundary between the Rural Lifestyle and Rural Production zones** to minimise adverse effects between activities along this interface. In some cases this has involved extending the Rural Lifestyle Zone up to the road boundary as opposed to stopping along a property boundary.
- Additional Rural Lifestyle zoned land is proposed along Redcliffs Road (previously Mineral Zone), as the quarry is no longer viable for further mineral extraction. Enabling rural lifestyle development is the most logical land use to enable in this area given the surrounding subdivision pattern.”

Section 32 report on rural environment, page 29.