

**Before the Far North District Council
Proposed District Plan Hearings Panel**

1st October 2025

SUBMISSION Nos : S51.001, S51.002 and S92.002 and

FURTHER SUBMISSION 32 ;

Under the Resource Management Act 1991 (**RMA**)

In the matter of a **Proposed District Plan** for the Far North District Council
under Schedule 1 of the RMA

Statement of planning evidence in Reply of Jeffery Victor
Kemp in support of the Submissions lodged as S51.00,
S51.002 and S92.002 AND Further Submission 32

Dated: 22 September 2025

INTRODUCTION:

1. My full name is Jeffery Victor Kemp. My background, qualifications and experience are detailed within my Evidence in Chief [EIC] . I also affirm compliance with the Code of Conduct and confirm none of my evidence has been created using AI technology.
2. I have lodged Submissions on behalf of myself and my wife Robyn, seeking to amend the zoning of our property and those along Waitotara Drive, Kerikeri [Submission 51.002] from **Rural Production Zone** to **Rural Residential Zone** and supporting the **Sport and Active Recreation Zone** adjoining our property [Submission 51.001].
3. I am also presenting evidence on behalf of my adjoining property owner Mr Ernie Cottle. Mr Cottles submission being No S92.002 seeks the same relief as that contained in Submission 51.002. Please note that Mr Cottle's interest lie solely in the rezoning of Waitotara Drive to Rural Residential and not my evidence on the Kerikeri Waipapa Spatial Plan.
4. For ease of this Hearing, I will not comment on **Submission 51.001** which seeks the retention of the **Sport and Active Recreation Zone** adjoining our property, as the Reporting Planner has recommended this new zone should be retained. I note this is within Hearing 15D but can respond to questions from the Panel.
5. This Reply therefore centres on our **Submission 51.002** which seeks to establish the **Rural Residential Zone** over those properties fronting Waitotara Drive. I also provide comments on my Further Submission No 32 supporting Kiwi Fresh Orange Company [KFO].
6. My Reply also includes the consideration of my Further Submission opposing Housing New Zealand who seek to create a medium density zone over a large number of properties in the Kerikeri Town Centre environs. This is scheduled for a 15D Hearing but I am unable to attend due to prior arrangements.
7. In addition, I provide my opinion on the Kerikeri Waipapa Spatial Plan in two parts relating to Hearing 15C and 15D.

8. To expedite the consideration of our Submission request and to address matters in the Section 42A Report [the Report] , I have compiled my Reply in the same chronological order as those presented in the Report.

EVIDENCE IN CHIEF

9. My evidence provided comments under the following headings –

Waitotara Drive Environment ;

Soils;

Flooding;

Information to date – Flooding;

Council drainage maintenance;

New flooding mitigation ;

Cost to Council in allowing the rezoning ;

Section 32 Analysis.

10. I am not repeating this evidence but would be pleased to answer any questions from the Panel on this evidence.
11. I am also assuming the Panel has taken time to visit the properties in Waitotara Drive and other properties contained in the Report. Member Watson has visited Waitotara Drive on a previous resource consent matter relating to the adjoining sports grounds. Given the diversity of the rezoning requests assessed within the Report I consider it is imperative that the contextuality of each request is understood via a site visit within the context of the Kerikeri Waipapa environs.

SECTION 42A REPORT.

12. I have received a copy of this Report and considered the content and recommendations within. The Report is responsive to the statutory considerations and the diversity of the matters raised within our Submission and those of other plan participants. My Reply adopts the chronological format and headings of the Report.

Minute 14 matters

13. This Minute sets out a list of matters to be addressed as applicable to a rezoning request. The identification of such matters is useful and appears to provide an “equal playing field” for all rezoning requests

across the whole district. That being said, and as is inherent in establishing criteria , one shoe will not fit every foot. Account needs to be taken of exceptions, irregularities and idiosyncrasies which may not fit the norm [in this case the criteria] , which if not for this set of broad assessment matters warrant a positive consideration. Indeed, I consider our request to remove the Rural Production Zone has distinguishable characteristics to uphold the request made.

Rural Zoning Evaluation Framework

Criterion A – Location

14. The Report notes there are proposed changes to the NPS-HPL but these are not yet promulgated. As detailed in the Report these amendments to the NPS-HPL will remove Class 3 soils from the NPS. The subject land within this Submission is identified as within Class 3 – w. The "w" relates to water concentrations in the ground not the propensity for flooding.
15. The locality of Waitotara Drive and its surrounds is known to have high water table pockets, and this was evident during the construction of the adjoining sports grounds. The high-water table causing construction and timing delays.
16. Consequently, it is not a question of will this amendment to the NPS be made but rather when it will become operative. I therefore consider a pragmatic response is required which combined with the information I provide in this Reply would sustain the change in zoning as sought. Unless I am mistaken once land is taken out of being rural production the NPS would not in any event apply.
17. The Report at Paragraph 39 succinctly addresses the term – "*logical and defensible zone boundary*" and defined those matters which have been assessed by the Reporting Planner when considering a rezoning request. With regard to the four elements described, as these relate to our request, I would comment as follows –
 - a. The rezoning request has existing and definitive zone boundaries being created by Kerikeri River, the new sports grounds and adjoining Rural Residential properties along Waipapa Road. The properties along Waitotara Drive are therefore contained within a

defined and discrete area which has no external effect beyond the property boundaries.

- b. The rezoning has no “over site” effects beyond the zone boundary sought and it is fanciful to consider it would create development sprawl.
 - c. Supporting the rezoning request will create an extension of the same zone which is applied along Waipapa Road. Contextually the proposed Rural Production Zone as notified has created an isolated island of rural land due to the adjoining Kerikeri River and the new sports grounds.
 - d. The rezoning is not creating or resolving a split zone.
18. Based on these factors I consider the rezoning request supports and sustains Criterion A.

Criterion B – Land use and subdivision pattern

19. The Report details the manner in which land in the rural area has been able to be subdivided creating a range of lot sizes in the rural environment. Perhaps unintended but my reading of the comments appears punitive to the creation of these lots which were legally created in accordance with the ODP provisions and the RMA. Fragmentation is in my opinion overstating the situation as the new lots were established under the operative planning framework which had its own objectives, policies and rules.
20. Whilst the subdivision provisions have been summarised in the Report, there is no recognition of lots created outside the parameters described in items a. – d. This relates to subdivision applications previously described as Specified Departures [pre RMA] and now Non Complying Applications post RMA. A number of such subdivision applications, that is non complying , exist in the Far North and this includes all those properties along Waitotara Drive.
21. While I agree land use opportunities should be reflected within the appropriate zone it is in my opinion fanciful to suggest the properties along Waitotara Drive will be used for rural production activities. Yes, there are a few horses and stock on some of the sites which provides for

natural mobile lawn mowers, family recreational pursuits and home kill requirements - [No not the horses !].

22. These on-site pursuits do not derive what can be described as true and real economic and production returns. This reinforces the intent of the underlying subdivision approvals which established Waitotara Drive to purposely extract the land from a farming unit to create small sites for rural residential use. The original farming unit being all that land containing the Waitotara Drive properties and that of the land now occupied by the sports grounds. This intent to create rural residential lots is further reinforced with the installation of the reticulated potable water system to all properties but not connected. And over the past year fibre has been provided to all the properties.
23. The Panel is assisted at paragraph 45 in the Report with the consideration of three matters relative to assessing Land Use and Subdivision Pattern. Regarding the rezoning of the lots along Waitotara Drive my response to these three matters is as follows –
 - a. The rezoning would adjoin land of the same zone along Waipapa Road and will remove an isolated pocket of actively used rural residential land as notified in the PDP ;
 - b. Contextually in viewing the overall Rural Production Zone the lots in Waitotara Drive are insignificant small parcels with limited intensification being sought. Such intensification complementing the adjoining land along Waipapa Road.
 - c. Additional growth opportunities in my opinion are but one factor that may be assessed and considered which as detailed in my EIC, and the underlying regime is that subdivision is permissive not mandatory.
24. The rezoning request in my opinion supports and does not offend the above factors.

Criterion C – Site Suitability

25. Core to the Report is the potential effects from natural hazards / climate change whereupon the Reporting Planner recommends land subject to natural hazards is unlikely to be supported.

26. In terms of Waitotara Drive some of the lots are in relation to the Northland Regional Council [NRC] Hazard Maps currently included with 1:100 Year flood events. My Reply will show that this current evaluation is being reevaluated by the NRC to at least 1:50 and the original resource consents for the mitigation works advised the stop bank actions , mitigation measures , would reduce that level of flood incidence to 1:10 years. Furthermore it is evident that development of the lots along Waitotara Drive can occur outside of a 1;100 year flood event which development incorporating mitigation measures.

Criterion D – Growth Demand

27. I am unable to provide growth related evidence to satisfy the Reporting Planner as suggested in the Report. However, I can say that growth demand is a derivate which Council cannot control. It is the landowners who control and manage how growth and demand are meet.
28. I do note that this rezoning request is not affected by any short, medium and long term growth referenced in the Report, by reason the request sits within the KKWSP.
29. However, I can respond to some of the matters raised. In this regard the request relates to land which is rural residential in character and if approved would have minimal if any infrastructural costs being applied to Council. The area the subject of the rezoning request is discrete, defined and cohesive to the adjoining rural residential areas. It does not involve the exclusion of productive rural land set in a rural context which may well be found outside of the KKWPS area.

Kerikeri Waipapa Spatial Plan

30. I agree, as noted in the Report the KKWSP [the Spatial Plan] is but one document which may be assessed by the Hearing Panel. It is not a formal planning document which has undergone the rigors of the RMA and has not been evidentially tested in the same vein as the process being followed under the PDP.
31. In my opinion the introduction of this document has undermined the integrity of the PDP process. Upon reading both Hearing 15C and 15D Section 42A Reports there is in my opinion a predetermination of submission outcomes. To be blunt, unless the rezoning request follows the Spatial Plan narrative then it is not going to succeed.

32. I discuss in some depth the implications of the Spatial Plan later in my Reply.
33. Procedurally in the preparation of the Spatial Plan, Council has created the document after notification of the PDP and then deliberately adopted the document for the purpose of being introduced and intervening the PDP hearing process. In all my years of being involved in planning I have never seen or experienced such direct and purposeful intervention of this nature !
34. While it is not for me to assume what the Panel is thinking about Councils approach and how the Spatial Plan was introduced and how it should be addressed, my senior years tell me this is an awkward situation which must be dealt with in an open and transparent manner.
35. I note the contents of Panel Minute 25, being the Panels response to some submitters concerns about the introduction of the Spatial Plan partway through the Hearing process. This Minute appears to me to be more about meeting a timeline rather than enabling due and respectful consideration of all those affected by this new document.
36. I am not aware of any of the Section 32A Reports written in support of the provisions of the PDP as notified making any consideration of the Spatial Plan and in terms of fairness and transparency has placed submitters and further submitters on the back foot. The introduction of the Spatial Plan release has also precluded any party who to date was not involved in the PDP from wanting to become involved by reason of the contents within the Spatial Plan.
37. In my opinion the correct approach would have been to have followed one of three options as to enable the proper and due consideration of the Spatial Plan. These options embody –
 - adopting the Spatial Plan before the PDP was notified [this I know is not possible] ;
 - notifying a Variation to the PDP which captures the Spatial Plan outcomes ;
 - applying no weight to the Spatial Plan in the hearing of the PDP submissions and further submissions, releasing decisions then notifying a Plan Change.

38. In my opinion the incorporated costs, including time, associated with these options significantly outweighs the public responsibility of ensuring equity in the planning process. Indeed, as noted, unless the requested zoning fits the Spatial Plan narrative the Reporting Planners do not recommend a rezoning request that does not fit.
39. As a planner I find such an approach unacceptable and is a pre determination of decisions after the event. Given this background weighting of the Spatial Plan in my opinion should be negligible if any recognition at all.
40. Perhaps light hearted, but in my opinion the Spatial Plan is not the “final cut” of a record being released on vinyl or EP. It’s a record which requires more studio work to integrate the rhythm, lyrics, chorus ,melody and sound. Without this musical collaboration the record once released will be either a great hit or just another coffee coaster. Yes, a bit of humour but given my years in planning these comments unfortunately become a reality.
41. Turning to the contents of the Spatial Plan itself I feel the direction is towards a brave new world well removed from the scale, intensity and character which makes Kerikeri what it is. In my opinion the document is seeking to create a living environment that is completely divergent to why people come and live in Kerikeri.
42. The emphasis on intensification creates living environments not found in the local environs and indeed the whole Far North. Indeed, this type of living environment may be found outside of Kerikeri/Waipapa and the Far North in concentrated city environments but one would ask why would you relocate from one intense living area to another ? The only one I can recall in the Far North is in Kaikohe being the former RSA site transformation. My company was involved with that development which was zoned Commercial.
43. Intensification in the town centre is being over emphasised as solving a housing shortage and creating affordable housing. Having lived in Kerikeri since 1991 and through my business background it reveals there is no appetite for intensification of the housing stock in Kerikeri as being promoted. I acknowledge the HNZ development on Clark Road

but this an erratum to the nature and scale of development taking place around the Kerikeri town centre.

44. The ODP already enables the intensification in the residential areas and since the notification of the ODP in 1996 I am not aware of any private land owner taking the gamble to intensify their land as now opined in the Spatial Plan. The exception is government funded agencies who rely on SEM [Some Elses Money] and are not constrained by private business monetary realities. Intensification of land in the town centre where it has occurred has been single storey town house developments.
45. The only other provider who is activity seeking to intensify site development are those providing aged care facilities. These providers have a guaranteed market and design their facilities to match their clients needs.
46. Intensification around the town centre is physically hampered due to the size and configuration of existing sites. Many are realistically too small to be economically redeveloped and only by the amalgamation / collaboration of sites can any real results be achieved.
47. I have worked with collaborative development options in Australia and these have achieved good results. Unfortunately, I do not foresee this type of collaborative development being fostered in Kerikeri.
48. The acquisition of those infill intensification sites by a developer is not cheap and adds considerable costs to the overall development. This may well be balanced out by existing landowners undertaking the development of their land, but history shows this owner / occupier intensive infill development is not being taken up.
49. The Spatial Plan continues to create a traffic nightmare with the only access into and out of the town centre being Kerikeri Road. No alternative access options have been introduced or entertained. This could include proposals involving the extension of Cottle Hill Drive and Maraenui Drive. Furthermore, if Council had a genuine desire to reduce heavy traffic from passing through the town centre, then removing the industrial zone from Mill Lane and facilitating business relocation to Waipapa would be a positive course of action.
50. The town centre bypass [Butler Road] is highlighted but this does nothing to address the overall traffic management issues which are

increasing every year without abatement. As I have noted the Spatial Plan has not looked at rationalising traffic movements along Kerikeri Road and those future urban areas are being left to their own devices on securing road access to the existing road network. There is no effort to actually undertake forward planning.

51. The infrastructure required to serve this new development regime is perplexing to say the least. Council has embarked on upgrading the wastewater system which is financial drain on the disposable incomes of those land owners who are connected. One could ponder if the need to consolidate urban development around the existing urban area resonates from creating more connections as a mechanism to redistribute the serving costs.
52. I do raise further comments on other issues I see within the Spatial Plan in the balance of my Reply in relation to Hearing 15D, which highlights my professional and ratepayer concerns with what this document proports to achieve.
53. Whilst these comments may seem negative they are being provided in order to create a better understanding of the issues and effects evolving from the Spatial Plan. I am also conscious and while I may be wrong, the Spatial Plan is I recall document number 14 that has been developed to future proof the long-term development in and around the Kerikeri / Waipapa area. This is daunting reality.
54. While I do have grave concerns about the Spatial Plan I note, on a positive note, the Spatial Plan has taken good steps to enable commercial and industrial development in Waipapa in what appears to be a co ordinated approach. There is still a need to rationalise the servicing and roading network as well as managing the additional high peak storm water flows in a manner which does not create down stream effects. In particular impacting upon properties along Waitotara Drive.
55. Unfortunately reticulated servicing of these new areas is going to take a considerable amount of time to achieve due to a limited number of land owners involved and the associated costs with developing these services. As I have mentioned collaborative development regimes is an option to consider.

56. Overall I do not consider the Spatial Plan as being fit for purpose. It does not enable managed and sympathetic living environments which reflect what is known as Kerikeri. Time may well prove me wrong however development history in Kerikeri presents a totally different song sheet.

SECTION 42A REPORT ASSESSMENT OF REZONING REQUEST

57. Paragraphs 188 to 193 summarise the rezoning request and reasons in support.

58. I now turn to Paragraph 196 and the seven matters raised in the Report

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- a. The lots created along Waitotara Drive were never created to sustain rural production activities based upon the ODP zoning of the land at that time. The lots are for rural residential pursuits which is reflected in the current activities on the lots. The creation of say 2 – 10 lots along Waipapa Road which is formed, sealed and now with a 40kph speed limit would in my opinion have no effect upon the KKWSP nor undermine its professed urban form.

People coming to Kerikeri are looking for a range of living lifestyles without moving from one compact urban area to another. To place all growth reliance in Kerikeri and Waipapa solely upon the Spatial Plan is putting all eggs in one basket which cannot be guaranteed to eventuate. I expand on this factor in my consideration of the 15D Section 42A Report below.

- b. I have also contacted NRC and attach to my evidence a response from the authority regarding the mitigation works along Kerikeri River which adjoin Waitotara Drive. It is evident the works allow for 1:50 events and the current flood maps do not show the influence of these works.

My EIC did not say all flooding has been ameliorated rather Council in compiling the PDP and in particular the hazard of flooding did not apply the most current mitigation measures that has been undertaken. There has been a presumption made without asking the appropriate authority nor “ground truthing” [a terrible term] of what actually exists and this has again been amplified within the release of the Spatial Plan.

I also ponder why the extract below from the resource consent application states the stop banks along Waitotara Drive would establish a 1:10 year protection -

6.2.2 Kerikeri River Stopbanks (Assessment by Others)

The proposed stopbanks constructed on the left bank of the Kerikeri River, significantly decreases the risk of the river overtopping the left bank and flooding over land and into the Waipapa Catchment.

The changes to the extent of the floodplain reduce flood risks in a 1:100-year ARI event for 41 buildings within the study area and some 90 properties. The majority of the benefits are provided to properties along Waipapa Road and Waitotara Drive. The design provides flood protection to these properties to the current level of 1:10 year ARI event that would otherwise be considered a 1:100-year ARI event. While this provides the direct benefit of reducing the intensity of floods across these properties, secondary benefits associated with the scheme could potentially facilitate increased potential for future development within the area.

The scheme does not increase the number of properties within the extent of the floodplain, but will slightly increase flood levels where flooding does already occur. The lower catchment downstream of the first stopbank will experience some minor increases in flood levels for limited durations; however, no new structures will be subject to flooding in a 1:100-year event.

Overall I consider the flood levels along Waitotara Drive have been reduced and that additional development within the lots can be designed to meet potential flood events.

- c. I cannot at this point in time comment on the NRC evidence relating to food prone land around Kerikeri and Waipapa. I would at least expect NRC to show what mitigation measures have been undertaken since the release of their current flood data maps and what is programmed in the future. Only in this manner would the Panel be informed of a before and after approach on flood mitigation and how this may affect the zoning pattern. A similar approach could be made of the Reporting Officer on the hazard areas as to what information was used to compile the mapping regime contained in the Spatial Plan.
- d. I have discussed the NPS – HPL and how it would not apply if the Class 3 soils was removed. I am rather confused in the Report as while it suggests the upzoning may be actioned by the Panel , the Reporting Planer stills seeks the retention of the Rural Residential Zone at the Waipapa Road boundary !
- e. Contrary to the Reporting Planner a request to allow a zone which allows smaller lots is a natural phenomenon of such a rezoning request. The presence of existing lots which exceed the new zone is of no relevance as otherwise why would a rezone request be made. The ability to create 2 -10 new lots , if the land owners do

decide to subdivide is in my opinion an obvious opportunity that does not compromise the KKWSP with flood mitigation measures being readily embodied into development design. Such design being reflected in the new offices opposite the Thai restaurant on Waipapa Road.

- f. In relation to traffic I have read the report of Mr Collins and placing aside this rezoning request the long-term ability for the roads around the Kerikeri and Waipapa area to accommodate growth related development is going to be strained if not curtailed and we are going need a new Kerikeri Bypass. I actually thought the Reports comments were in jest !

Mr Colins report concludes the additional traffic movements from the Waitotara Drive upzoning will have a direct affect upon the capacity of the Bypass and could accelerate the need for an upgrade.

Whilst I am not an engineer but having spent over \$19 million dollars to construct the Bypass and only been open since 2008, I ponder if NZTA and the government was aware that their bypass bridge is about to see its life span come to an end !. Even a new dwelling has a life expectancy of 50 years. Indeed I am sure Member Watson, who was on the consent hearing panel for the Bypass, would find such information interesting.

If upzoning of Waitotara Drive will have effect upon the KK Bypass then what will the additional increase of 200% in lots within the Rural Lifestyle Zone have ? !

I can only say that Waitotara Drive is a legally formed and kerbed road which intersects with Waipapa Road. How the additional traffic movements from the additional lots in Waitotara Drive creates the stick which breaks the camels back is bewildering and contextually has ramifications for all development being contemplated within the Waipapa Kerikeri environs.

- g. With respect to the Reporting Planner, the PDP process is not a numbers regime, and this is not to say the RMA negates equal opportunity for other landowners to be involved. All land owners are entitled to be involved in the planning process and they can

avail themselves to become part of it or not. Indeed, we were not contacted by Housing NZ if we would be happy with a new medium density zone over our land in the town centre.

I also note that the Report does not record Submission No 070 from B & KS Hutching No 070 who seek the Rural Production Zone to be changed to Rural Residential over their land on Waipapa Road and all lots in Waitotara Drive. To assist the Panel I attached a copy of this Submission and consider Mr Hutching's Reasons are succinct and valid.

59. Overall I consider the rezoning request fits within the nine matters discussed in the Report and the request can be supported.

FURTHER SUBMISSION - KIWI FRESH ORANGE COMPANY

60. At paragraph 197 the Reporting Planner comments on the land owned by Kiwi Fresh Orange Company [KFO].
61. **NOTE** – KFO was a previous client of my company when I owned my planning business. I was activity involved in the initial concepts being developed for their land and had initial discussions with Council staff. KFO then engaged another company to assist them with their endeavours.
62. I lodged a Further Submission supporting the KFO Submission to the PDP. Notwithstanding my initial business relationship with KFO their Submission on the PDP has, based on my background and experience, merit and should be actively pursued by Council.
63. Their development creates an immediate response to the pressures along Kerikeri Road with regard to traffic movement and connection to areas beyond the town centre. There is minimal connectivity required from Council services and it would provide a unique living environment with a range of housing options. My understating is the submitter is keen to develop the land and has the resources to undertake such a development. I do not consider the same development timeline is prevalent in the Kerikeri Town Centre as the ODP already provides for a range of development options.

OVERVIEW

64. I believe the Reporting Planner at Paragraph 198 has unexpectedly presented to the Panel why this rezoning request should be approved. The Waitotara Drive properties are within their own definitive natural environment created by the sports fields, Waipapa Road and Kerikeri River. This is a discrete area which adjoins other Rural Residential areas. The lots have not been established under historical ODP provisions rather they were intentionally created via resource consent, non-complying, to remove the land from rural activity for the direct purpose of residential development.
65. Flood effects have been mitigated with the issue not being the land does not flood rather what is the new flood event period. The information I have presented indicates that ranges from 1:10 to 1:50 years. In this regard I believe it would be helpful to reveal how Council has come to the conclusion the land is within the 1:100 year events when the mitigation works have now been undertaken.
66. And in relation to the KKWSP this is only but one document which may be considered and as detailed in my Reply under this 15C Hearing the ramifications of its outcomes are well removed from what makes up Kerikeri and the nature and scale of its living environments.

SECTION 32AA EVALUATION

67. In concluding this Reply it is also appropriate to address the matters within Section 32AA. These are outlined in Paragraph 28 of the Report.

a. The reasonably practicable options for achieving the PDP objectives.

I do not consider this rezoning request would undermine nor offend the PDP objectives for the Rural Production Zone and would achieve those within the Rural Residential Zone.

b. The environmental, social, economic and cultural benefits and costs of the zoning or requested zone changes.

The rezoning will create environmental, social and economic benefits. I am not aware of any cultural matters that would be offended by this rezoning request. And there are no known costs involved other than those attributed to the landowners.

- c. The efficiency and effectiveness of the zoning or requested zone change and whether it would achieve the objectives.*

The rezoning would provide for efficient use of the land involved and would negate what is currently ineffective zoning of the lots.

- d. The risk of acting or not acting where there is uncertain or insufficient information about the requested zone change.*

I consider the Panel has received information which details the constraints and opportunities affecting the land which not undermine the ability for the land to be rezoned Rural Residential.

SUMMARY

68. My preceding evidence addressing Hearing 15C has endeavoured to succinctly detail the various contributing factors which would support a rezoning from Rural Production to Rural Residential. These factors are in my opinion distinguishable and unique and do not sustain retaining the Rural Production Zone.

FURTHER SUBMISSION 32.165 OPPOSING HOUSING NEW ZEALAND

69. Unfortunately I cannot attend the 15D Hearing relating to my Further Submission [FS] opposing Housing New Zealand's Medium Density Zone [HNZ] and it appears I may well have missed the opportunity to have provided initial supporting evidence.
70. I have read the 15D Section 42A Hearings Report [42A Report] and note the Reporting Planner recommends my FS be disallowed and at the same time has adopted HNZ's submission save some minor modifications therein. This support in my opinion resonates solely from the Spatial Plan.
71. The Panel has a copy of my FS which is reproduced in Appendix 2 of the 42A Report to which I will not repeat.
72. Key to my FS was the premise of HNZ embarking on creating a new zone across a substantial area of the Kerikeri town environs. This new zone was not included within the PDP as notified. The Submission by HNZ included a plan showing the extent of the proposed new zone along with a new zone chapter.

73. My FS has been disallowed in Appendix 2 and unless I am mistaken no reasons have been detailed within the 42A Report. I also note that the commentary / overview of my FS at Paragraph 91 in the 42A Report has omitted one of the key factors I had raised. That is, there was no Section 32 Report accompanying the submission.
74. As detailed in my FS, this is a new zone not contemplated within the PDP and now is being adopted by Council without any consideration of those values and factors integral to a Section 32 analysis.
75. The submission is not just a slight tweak of what exists in the PDP rather it about changing the overall character , scale and focus of a very large area in the Kerikeri town centre environs. As the new zone name implies – Medium Density, it is about significantly increasing housing intensity, scale and character at the expense of Kerikeri's intrinsic characteristics.
76. While I appreciate the days of a nuclear family, living in 900sq ft three-bedroom single story house on a 40 perch section have now passed, the HNZ proposal takes living environments for Kerikeri to an alternative extreme ! Some of these 40 perch sections do exist but are relatively few having been developed over many years.
77. The impacts of this new zone are not known which includes for example waste water capacity , stormwater management , traffic management and potable water supply. Just these four factors on their own are imperative to what is being sought due to significant infrastructural requirements and costs associated with an increase in housing density.
78. On the question of costs, I have read the evidence of Mr Hensley [Appendix 5 of the 42A Report]. While being directed to the KFO submission the evidence does discuss the three waters requirements to service the urban area of Kerikeri. Whilst I applaud these three services do have some existing capacity, overall all three services require reinstatement , upgrading and extension.
79. These works all come at a cost and my impression is that the figures are significant and if I read correctly in the range of \$145m - \$248m. I ponder at the ability for the Kerikeri community let alone the District to be able to fund these works.
80. I am also mindful of the upgrading of Kerikeri Reticulated Waste Water System and the turmoil in the community about the cost of this service.

There is only a limited number of rate payers, and the burden of such costs can be heartbreaking.

81. Compounding this factor, as I have previously mentioned, the history of infill development within Kerikeri is the exception rather than the rule. And with regard to the waste water, unless I am mistaken Council will need to increase the volume of discharge in the Waitangi forest , which I recall the original discharge approval took 15 – 20 years to be granted. Indeed the Council acknowledges itself their inability to meet existing resource consent discharge conditions.
82. I am also mindful that Council, through the rezoning reports, is placing the onus on the submitter to provide information at a scale that reflects what is being sought in the rezoning request. I have seen nothing of this nature applying to HNZ request and can only assume the Reporting Planner has, to have reached the recommendation made. Indeed the Panel issued a Minute highlighting this requirement, namely Minute 14, which I have discussed in the opening statements of this Reply. Consistency in my opinion needs to be applied and maintained.
83. The submission by HNZ is in my opinion self serving and seeks to create an open unchecked planning environment without the parameters which currently exist within the ODP. Whilst I acknowledge a new zone may well be introduced, the ODP already provides an even playing field which allows intensification of residential development. However the referee, in this case the ODP and now PDP activity status, does not suit HNZ business model so seek the change the rules accordingly. Infill development has occurred in Kerikeri through the appropriate planning process and the PDP as notified does not prohibit such development.
84. As my FS recorded the nature and scale of this HNZ Submission warrants either a plan change or variation to the PDP. It is in my opinion “beyond scope” to just be embodied into the PDP within this hearing process. Using the words within the 42A Report – “best practice” should be applied. Furthermore the Spatial Plan should not be used as the conduit within the hearing process to enable the creation of the medium density zone.
85. In preparing my Reply it dawned up me that both Reporting Planners have adopted the Spatial Plan into their evidence. Other Council

supporting expert witnesses have also embodied the document into their evidence.

86. That being said one of the purposes of this hearing process is to test the evidence presented in an open and transparent way. I am not aware if the Panel has heard evidence from the Council as to the background, strengths and weaknesses within the Spatial Plan. In my opinion only in this way is the Panel in an informed position to determine whether or not the proposals in the Spatial Plan should be adopted in full, modified or rejected within determining the submissions and further submission to the PDP. These factors lead to the question of weighting.
87. As a planner and ratepayer and to assist with testing the Spatial Plan it would commence with the following questions –
 - a. In what other small towns or communities like Kerikeri, not cities, have the infill proposals being accepted by the Reporting Planner being planned or implemented within New Zealand ? ;
 - b. If there are such locations how many developments are implemented and funded via government, NGO agencies and the private sector ? ;
 - c. Of those infill developments how many are for rental accommodation and owner occupied ? And if owner occupied what is the average cost per accommodation unit ?
 - d. In relation to upgrading infrastructure at what point and what methodology would Council apply to determine when this should be undertaken ?
 - e. If the infill opined in the Spatial Plan is not taken up how will this be enforced as land and subdivision activity is permissive not mandatory. One could foresee a Prohibitive Activity – *Any development of a site which is less than the Controlled Activity subdivision standard.*
 - f. What exposure would sit with Council if the infill does not occur and infrastructure has been funded or installed. Sweetwaters is perhaps a good example.

- g. If incentives are proposed to facilitate the uptake of the infill living environments what parity would be presented to those developments beyond the infill zone ?
88. While there are many other questions which can be asked, I would trust the Panel will have their own questions on the Spatial Plan. In my opinion such examination is non-negotiable given the Spatial Plan will have direct social, cultural , economic and character effects for the communities now and into the future, and the environment. Such determinations not only affecting the Kerikeri Waipapa environs but across the whole district that will eventuate from the promulgation of the new Operative District Plan for the Far North District.
89. As I have humorously noted the Spatial Plan is not the final cut of the song. The HNZ submission to establish a Medium Density Zone in my opinion skews the body, feel and attributes which have made Kerikeri what it is now and should be sustained into the future. As such the submission should be disallowed.

CONCLUSION

90. Whilst opportunity does exist to elaborate and explore further elements within this Reply, I consider the core values have been addressed. I am more than happy to answer questions from the Panel or clarify matters raised within my Reply.

Thank you.

DATED this 22nd day of September 2025



Jeffery Victor Kemp



Remember
submissions
close at 5pm,
Friday 21
October 2022

Proposed District Plan submission form

Clause 6 of Schedule 1, Resource Management Act 1991

Feel free to add more pages to your submission to provide a fuller response.

Form 5: Submission on Proposed Far North District Plan

TO: Far North District Council

This is a submission on the Proposed District Plan for the Far North District.

1. Submitter details:

Full Name:	Brian & Katherine Susan Hutching		
Company / Organisation Name: (if applicable)			
Contact person (if different):			
Full Postal Address:	P O Box 575		
	Kerikeri 0245		
Phone contact:	Mobile: 021-241 9879	Home:09-407 9850	Work:09-407 7049
Email (please print):	brian@totaldesign.co.nz		

2. (Please select one of the two options below)

- ☒ x I **could not** gain an advantage in trade competition through this submission
☐ I **could** gain an advantage in trade competition through this submission

If you could gain an advantage in trade competition through this submission, please complete point 3 below

3. ☐ I **am** directly affected by an effect of the subject matter of the submission that:
 (A) Adversely affects the environment; and
 (B) Does not relate to trade competition or the effect of trade competition
- ☐ I **am not** directly affected by an effect of the subject matter of the submission that:
 (A) Adversely affects the environment; and
 (B) Does not relate to trade competition or the effect of trade competition

Note: if you are a person who could gain advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991

The specific provisions of the Plan that my submission relates to are:

(please provide details including the reference number of the specific provision you are submitting on)

Rural Production Zoning of the area bounded by Waipapa Road to the North, State Highway 10 to the West, and the Kerikeri River to the East, but excluding the new Light Industrial zone in the Northwest corner and the new Sport & Recreation zone next to State Highway 10.

S70.001



Confirm your position: ☐ Support ☐ Support In-part ☒ X Oppose
(please tick relevant box)

My submission is:

(Include details and reasons for your position)

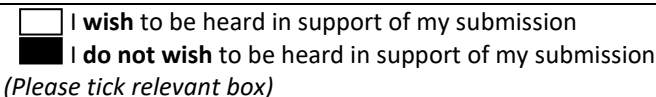
The area defined above is currently zoned Rural Production with the proposed plan continuing that zoning. It is our submission that the zoning should be changed to Rural Residential for the following reasons:

- The Rural Production zoning does not reflect the current land use which is predominately residential.
- Almost all properties are 0-2 hectares in size with only 3 larger lots of approximately 5 hectares each, one of which is to become the Harvest Christian School. No properties are economically viable as rural production units. Three businesses operate in the area: a door & window factory, a roofing business and a childcare centre. There is also a Jehovah's Witness church. None are related to rural production.
- Zoning this area as Rural Production continues the discord between the purpose, objectives and policies of that zoning and the current land use. Conflict has occurred where businesses complying with the current zoning have established themselves and created adverse effects for the neighbouring residential properties, most of whom predate the businesses.
- Retaining the Rural Production zoning in proximity to the new Rural Residential and Sport & Recreation zones on the boundaries of the area risks reverse sensitivity issues. Zoning the area Rural Residential will prevent new industrial & commercial activities starting up adjacent to existing residential properties & mitigate this risk of reverse sensitivity.
- It has been suggested that the reason for maintaining the Rural Production zoning for this area on the South side of Waipapa Road, while designating the North side as Rural Residential, is to do with the susceptibility of parts of the area to 100-year flooding. This is inappropriate when the new plan contains a full set of provisions designed to mitigate the risks from natural hazards. There are also engineering solutions available to mitigate the risk. These should be used to control development where appropriate, rather than applying a zoning restriction that unfairly affects all properties.
- The area is ideally located for residential housing to serve both Waipapa and Kerikeri. It includes the proposed Harvest Christian School at 351 Waipapa Road and is across the road from the future third Kerikeri Primary School at 334 Waipapa Road. It is close to the Waipapa & Klinac Lane shopping areas as well as Kerikeri. The proposed new sports fields are close by & the existing sports facilities at Bay Sport (Harmony Lane) and the Kerikeri Rugby Club (Kerikeri Heritage By-pass) are within walking distance.

I seek the following decision from the Council:

(Give precise details. If seeking amendments, how would you like to see the provision amended?)

Change the area described from a Rural Production zoning to Rural Residential.



Important information:

- Send your submission to:**

Email to: pdp@fndc.govt.nz

Submissions close 5pm, 21 October 2022

Please refer to pdp.fndc.govt.nz for further information and updates.

Please note that original documents will not be returned. Please retain copies for your file.

Note to person making submission

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least one of the following applies to the submission (or part of the submission):

- It is frivolous or vexatious
- It discloses no reasonable or relevant case
- It would be an abuse of the hearing process to allow the submission (or the part) to be taken further
- It contains offensive language
- It is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.



SUBMISSION NUMBER