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**PROPOSED FAR NORTH DISTRICT PLAN**  
**RECOMMENDATIONS OF THE INDEPENDENT HEARINGS**  
**PANEL**  
**RECOMMENDATION REPORT 15C**  
**Hearing 15C: Rezoning Requests – Rural and Urban Areas**  
  
**March 2026**

## **Recommendation Report 15C**

**Recommendation Report 15C** is to be read in conjunction with the **Preamble Report** and **Recommendation Reports 4, 9 and 14**.

**Recommendation Report 15C** contains the Hearings Panel recommendations on requests for rural and urban rezoning.

**Recommendation Report 15C** also contains consequential amendments resulting from recommendations from other recommendation reports.

**Recommendation Report 15C** contains the following appendices:

**Appendix 1:** Schedule of Hearing Attendances

**Appendix 2:** Hearings Panel Recommended Amendments to the PDP – tracked from notified version (provisions not subsequently renumbered) including:

**Appendix 2.1** Haruru Development Area

**Appendix 3** Hearings Panel Recommended Amendments to Planning Maps

**Appendix 3.1** Recommended Amendments to Planning Maps – Rural Rezoning Requests

**Appendix 3.2** Recommended Amendments to Planning Maps – Urban Rezoning Requests

**Appendix 4:** Summary table of the Hearings Panel recommended decisions on each submission point including:

**Appendix 4.1** Recommended Decisions on Submissions - Rural Rezoning Requests

**Appendix 4.2** Recommended Decisions on Submissions - Urban Rezoning Requests

The Independent Hearings Panel for this hearing comprised Robert Scott – Independent panel member and Chairperson; Felicity Foy – Council member and Independent Commissioner; Steve McNally - Independent panel member; and Alan Watson – Independent panel member.

Commissioner Steve McNally was originally appointed as a Council member but was not re-elected in the 2025 Local Body elections. However, having gained certification under the Making Good Decisions programme, he continued as an Independent Panel Member for Hearing 15C and Hearing 16.

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# RECOMMENDATION REPORT 15C

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## 1. Introduction

### 1.1 Report Structure

This is **Recommendation Report 15C** prepared by the Independent Hearings Panel appointed to hear and make recommendations with respect to submissions and further submissions lodged on the Proposed Far North District Plan (**PDP**).

This report makes findings and recommendations relating to submissions requesting new zoning in rural and urban areas. These areas also include some areas that are also within Te Pātukurea - Kerikeri Waipapa Spatial Plan (**KKWSP**) area.

### 1.2 Section 32AA of the RMA

The requirements in clause 10 of the First Schedule of the Act and s32AA RMA are relevant to our considerations of the PDP provisions and the submissions received on those provisions. These are outlined in full in the **Preamble Report**.

We have not produced a separate evaluation report under s32AA. Where we have adopted the recommendations of hearing report authors, we have adopted their reasoning, unless expressly stated otherwise. This includes the s32AA assessments within or attached to the relevant hearing reports, provided within evidence for Submitters, and/or within the Council's right of reply reports. Those reports are part of the public record and are available on the Council website.

Where our recommendation differs from the hearing report authors' recommendations, we have incorporated our s32AA evaluation into the body of our recommendation report as part of our reasons for recommended amendments, as opposed to including this in a separate table or appendix.

As per Section 4.2 of the **Preamble Report** where we generally agree with the Council recommendations relating to the relief sought by those submitters who did not wish to speak at the hearing, we have concluded that these matters are not in contention. In that regard, we have focussed our discussion in this recommendation report on those submitters who presented evidence to us.

### 1.3 Consequential Amendments

This recommendation report contains consequential amendments, including to or from other plan chapters. These are discussed further in this report.

## 2. Procedural Issues

### 2.1 Pre-Hearing Engagement with Submitters

As per Minute 14 we directed a bespoke process for all rezoning requests (Hearings 15A-15D) to allow those submitters seeking a new zoning to engage with Council planners to discuss the merits of the requests and to allow submitters to submit evidence and detailed provisions ahead of the preparation of the Council hearing reports. This allowed

both submitters and Council officers to engage in the analysis as required under section 32 of the RMA to examine the proposals for their appropriateness in achieving the purpose of the RMA and for their benefits, risks and effects on the community, the economy, and the environment. It also allowed submitters and Council officers to agree on recommended new zones and the provisions that would apply to them.

Minute 14 set out criteria to be considered with each rezoning request. Those criteria are:

General guidance criteria for rezoning submissions

<b>Criteria</b>	<b>Matters to be addressed</b>
Strategic direction	<ul style="list-style-type: none"> <li>How the rezoning request is consistent with the PDP strategic direction (refer Hearing 1)</li> </ul>
Alignment with zone outcomes	<ul style="list-style-type: none"> <li>When rezoning request relates to existing PDP zone, an assessment of how the proposal is aligned with the objectives, policies and intended outcomes for the zone</li> </ul>
Higher order direction	<ul style="list-style-type: none"> <li>How the request “gives effect to” higher order documents in accordance with section 75(3) of the RMA?</li> <li>Consideration of all relevant national policy statements, the national planning standards, and the Northland Regional Policy Statement.</li> </ul>
Reasons for the request	<ul style="list-style-type: none"> <li>The reasons for the rezoning request, including an assessment of why the notified zoning is not appropriate for the subject land.</li> </ul>
Assessment of site suitability and potential effects of rezoning	<ul style="list-style-type: none"> <li>Assessment of the suitability of the land for rezoning, including an assessment of: <ul style="list-style-type: none"> <li>The risks from natural hazards (refer Part 2 – District Wide Matters)</li> <li>Effects on any natural environment values, historic heritage, coastal environment, or other PDP overlay (refer Part 2 – District Wide Matters)</li> <li>Effects on surrounding sites, including compatibility of the rezoning with surrounding land-uses and potential reverse sensitivity effects.</li> </ul> </li> </ul>
Infrastructure (three waters) servicing	<ul style="list-style-type: none"> <li>How the rezoning request (including subdivision and development potential enabled by the request) will be supported by adequate infrastructure servicing. This assessment should set out, as applicable: <ul style="list-style-type: none"> <li>Any proposed connections to existing infrastructure systems. <ul style="list-style-type: none"> <li>Any outcomes of discussions with infrastructure providers and any assumptions about infrastructure servicing/sequencing or capacity, including demands from other plan-enabled development.</li> <li>Any on-site provision of infrastructure.</li> </ul> </li> </ul> </li> </ul> <p>Note: if the rezoning request would result in any substantive demand on Council’s infrastructure or alternative bulk infrastructure solutions, we encourage submitters to engage with Council infrastructure staff during preparation of submitter evidence.</p>
Transport infrastructure	<ul style="list-style-type: none"> <li>How the rezoning request will be supported by existing or proposed transport infrastructure, including how new or upgraded transport infrastructure is required.</li> </ul> <p>Note: if the rezoning request includes any access to a State Highway, engagement with Waka Kotahi is strongly encouraged, and the outcomes of this engagement should be recorded in evidence.</p>
Consultation and further	<ul style="list-style-type: none"> <li>Any consultation undertaken with key stakeholders or tangata</li> </ul>

submissions	<p>whenua in relation to the rezoning request.</p> <ul style="list-style-type: none"> <li>• A list of any further submissions on the rezoning request and a response to those further submissions</li> </ul>
Section 32AA evaluation	<ul style="list-style-type: none"> <li>• How the rezoning request is a more appropriate, effective and efficient way to achieve the PDP objectives (compared to the notified zoning) in accordance with section 32AA of the RMA</li> </ul>

Having regard to the above matters in Minute 14, Council officers for both Rural and Urban rezoning topics have set out a specific rezoning evaluation framework (see Appendix 2 in the Council hearing report – Rezoning Overview Report) to focus on matters relevant to these rezoning request submissions. Those criteria are:

- Criterion A - Location
- Criterion B – Land Use and Subdivision Pattern
- Criterion C – Site suitability
- Criterion D – Growth Demand

The Council reporting officers for both rezoning Rural and Urban topics have provided a detailed explanation and guidance on the application of these criteria for each topic.

The Panel supports the use of these criteria as they provide explanation and guidance to submitters and links to the matters outlined in Minute 14 and ultimately the matters to be considered under section 32 of the RMA.

This process followed an agreed timeframe information/evidence exchange is as follows:

- **16 weeks before hearing (earlier if possible)** – submitters file their evidence for their rezoning submission, addressing the criteria below as applicable and providing supporting section 32AA evaluation.
- **12 weeks before hearing** – further submitters supporting or opposing the rezoning submission file their evidence.
- **4 weeks before hearing** - reporting officers provide a section 42A report for the rezoning sub-topic.
- **2 weeks before hearing** – submitters requesting rezoning can file rebuttal evidence.

As set out in the hearing report, the table below sets a high-level summary of pre-hearing informal engagement with certain submitters. We note that a more detailed summary of the evaluation of each new zoning request is set out in Appendix 1 to the hearing report.

The hearing reports for these topics included a summary of engagement with each submitter that opted-in to the Minute 14 process. We are encouraged that these submitters chose to engage in the process and the feedback from them at the hearing was that it was generally a positive and iterative process.

## 2.2 Te Pātukurea – the Kerikeri Waipapa Spatial Plan

There were two hearing reports prepared for this hearing:

- Hearing 15C Rural: Rezoning Submissions; and

- Hearing 15C Urban: Rezoning Submissions.

As set out in each hearing report Te Pātukurea, the Kerikeri-Waipapa Spatial Plan (**KKWSP**) was adopted by the Far North District Council on 18 June 2025. The KKWSP has been discussed at a high level in hearing report (see Section 3.6.1 of the Rezoning Submissions Overview report).

The KKWSP is mainly relevant for those submissions being considered as part of Hearing 15D - Urban Rezoning Requests for land within Kerikeri-Waipapa Spatial Plan Study Area. However, there are some requests for rezoning of rural land to a Rural Residential zone (RRZ) on the periphery of Kerikeri and Waipapa where the outcomes sought to be achieved by the KKWSP are a relevant consideration. Hence the inclusion of the reference to the KKWSP in Criterion D, discussed above.

We note that, while it is a non-statutory document, the KKWSP is a matter that should be “had regard to” under section 74(2)(b)(i) when making recommendations in response to submissions on the PDP. We also consider that the KKWSP is a council adopted strategy that is consistent with the purpose and content of a future development strategy, as set out in the NPS-UD, despite this not being mandatory for a Tier 3 local authority. As such, we have formed the view that the KKWSP can be given some weight when considering submissions that have the potential to influence whether the outcomes sought by the KKWSP will be achieved.

The core outcome sought by the KKWSP is that a compact urban form around Kerikeri and Waipapa is achieved, as opposed to accommodating future growth via continued greenfield development outside of the boundaries identified in the KKWSP. We have discussed this approach in detail in our **Recommendation Report 14**. The compact urban form adopted by the KKWSP is intended to be achieved in Kerikeri by providing approximately 30–40% of future growth through brownfield development / intensification, with 60–70% accommodated in greenfield areas. For Waipapa, the proportions are approximately 17% brownfield/intensification and 80% greenfield. We consider this policy direction to be relevant when considering requests for additional rural residential or lifestyle development on the periphery of Kerikeri and Waipapa and whether this would likely undermine a compact urban form being achieved.

On this basis there has inevitably been some overlap between the matters addressed in Hearing 15C and 15D and some submitters preferred to present their evidence as part of Hearing 15D as opposed to Hearing 15C.

With regard to the Council reporting, we note that some of the expert assessments provided (especially the field of economic evidence), the analysis may be applicable to both Hearing 15C and Hearing 15D. On that basis we recommend that submitters read all hearing reports associated with Hearings 15C and 15D.

## 2.3 National Planning Instruments

As discussed in section 3.2 and 3.3 in the **Preamble Report**, where any national policy or environmental standard was notified prior to the hearing these provisions have been incorporated in the hearing report and addressed at the hearing and in our evaluations and recommendations. With regard to the ten national policy statements and environmental standards that came into effect on 15 January 2026 (i.e. after all hearings

had been completed), we have determined (following legal advice) that the Council can only give effect to those documents through a Schedule 1 variation or plan change process. See also Minutes 40-42 which address this matter.

Following Minute 41 we received a legal memorandum from Lucklaw Farms Limited referring to the Water Services (Wastewater Environmental Performance Standards) Regulations 2025, which also came into force on 19 December 2025. We acknowledge this additional national planning instrument and have had regard to this in our recommendation reports and especially the Lucklaw Farms rezoning request. In this instance we consider that these regulations are more relevant to a regional consent process for wastewater discharge than to a rezoning request, albeit with a wastewater component included.

### 3. Topic 1: Rural Rezoning Requests

#### 3.1 Relevant Provisions

As set out in the hearing report a total of 147 original submissions and 628 further submissions were received on the Hearing 15C: Rural Rezoning topic, either requesting a new zone or supporting the notified zoning of land as one of the rural zones.

Several rezoning requests were received from submitters requesting that their notified zoning of Horticulture zone be amended to an alternative rural zone. As we have set out in **Recommendation Report 9**, we have recommended that the Horticulture zone (a special purpose zone) be replaced with a Horticulture Precinct and confirmed this in our Interim Guidance in Minute 23<sup>1</sup>. In the interests of consistency all references to the notified Horticulture zone in this recommendation report have been replaced with Horticulture Precinct.

Where submissions sought an urban zoning within the notified Horticulture zone these have been considered under Topic 2: Urban Rezoning Requests.

#### 3.2 Scope of Hearings Panel Recommendations

As set out in paragraph 25 of the hearing report this topic concerns rezoning requests seeking a change from one type of rural zone to another (i.e. where the requested zone is either Rural Production, Horticulture, Rural Lifestyle, Rural Residential or Settlement) and does not address urban or special purpose zones (other than the notified Horticulture zone).

The exception to this is the rezoning requests from Lucklaw Farm Ltd, Trustees of Taranaki Trust and Grace Sturgess, which include a component of General Residential and Mixed Use zoning as part of their rezoning requests. As the requests for these zones need to be considered in conjunction with the larger scale request for Rural Lifestyle zone, the entire submission has been considered in this topic, as opposed to being split across the rural and urban components of Hearing 15C.

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<sup>1</sup> Refer to Minute 23 – [www.fndc.govt.nz/\\_data/assets/pdf\\_file/0013/40414/Minute-23-Interim-Guidance-of-the-Independent-Hearings-Panel-Horticulture-Zone.pdf](http://www.fndc.govt.nz/_data/assets/pdf_file/0013/40414/Minute-23-Interim-Guidance-of-the-Independent-Hearings-Panel-Horticulture-Zone.pdf)

### 3.3 Key Issues

The key issues identified in the hearing report and in evidence are set out below:

- Key Issue 1: Rezoning Requests in the related to the Horticulture Precinct
- Key Issue 2: McCaughan Road submitters
- Key Issue 3: Robert Sintes
- Key Issue 4: Douglas Percy and Theodora Symes and Jeff and Robby Kemp
- Key Issue 5: Neil Construction Limited (Tubbs Farm Limited)
- Key Issue 6: Meridian Farm
- Key Issue 7: Gray Giltraine Holdings Limited Farm)
- Key Issue 8 Ian Diarmid Palmer and Zeija Hu and RHL & LM Ferguson Family Trust
- Key Issue 9 Nigel Ross Surveyor Ltd
- Key Issue 10 Musson Family Trust
- Key Issue 11 Kingheim Limited
- Key Issue 12 Ian Ray (Joe) Carr
- Key Issue 13 Lucklaw Farm Ltd

We have followed this logical structure in our assessment, evaluation and recommendations.

### 3.4 Key Issue 1 – Rezoning Requests in the Related to the Horticulture Precinct

#### 3.4.1 Scope of Recommendations on the Horticulture Precinct

As set out in our recommendation report for **Hearing 9** and our interim guidance in Minute 23, we have recommended that the Horticulture zone be replaced with a Horticulture Precinct with an underlying zoning of Rural Production Zone (**RPROZ**).

The hearing report identified two key matters for the Panel to consider with respect to submission points requesting an alternative zone to the Horticulture zone as notified:

- a) Based on the criteria set out in PREC1-P1 (the first policy drafted in the Horticulture Precinct chapter), how much land should be included in the Horticulture Precinct?
- b) For land that is not recommended to be included in the Horticulture Precinct, what is the most appropriate zone for that land?<sup>2</sup>

The reporting officer (Ms Melissa Pearson) has undertaken an extensive analysis of the spatial extent of the new Horticulture Precinct and has recommended that the notified

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<sup>2</sup> Hearing report 15C – Rural – Paragraph 92

Horticulture zone be broadly retained and be re-configured as a Horticulture Precinct with an underlying RPROZ zone.

In evaluating the spatial extent of the Horticulture Precinct, the Council has undertaken an in-depth analysis of the soil quality, land use and related data and has engaged Dr Reece Hill (Landsystems Ltd) to lead this assessment. As set out in Minute 22 the Panel directed that submitters proposing to provide evidence on soils as part of their requests to remove land from the Horticulture Precinct engage in expert conferencing. We were advised that no submitters nominated a soil expert to engage in expert conferencing. As such, Dr Hill has conducted his assessment independently, although any site specific soils assessments provided by submitters with their submissions or as part of Hearing 9 evidence were considered.

The analysis resulted in a spatial mapping of a proposed Horticulture Precinct while also labelling that land investigated as being:

- a. Dark green – Include in the precinct
- b. Light green – Possibly Include in the precinct
- c. Light red – Possibly Exclude from the precinct
- d. Dark red – Exclude from the precinct<sup>3</sup>

Essentially, the light green and light red colours indicate land that, based on soils alone, requires more detailed consideration as to whether it should be included or excluded i.e. there is a particular factor that may reduce its potential to be used for horticultural activities, such as soil drainage or slope. The distinction between light red and light green is intended to add more nuance to the data (as opposed to a generic 'orange' colour to indicate more marginal land).

The final spatial map recommended by Dr Hill is set out below (see Figure 1). It recommends that the precinct comprise two areas with a number of areas notified to be considered for exclusion.

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<sup>3</sup> Dr Reece Hill - Revised soil and Land Use Capability criteria to inform the delineation of a Horticulture Precinct (HP) in the Far North District Plan. Figure 3

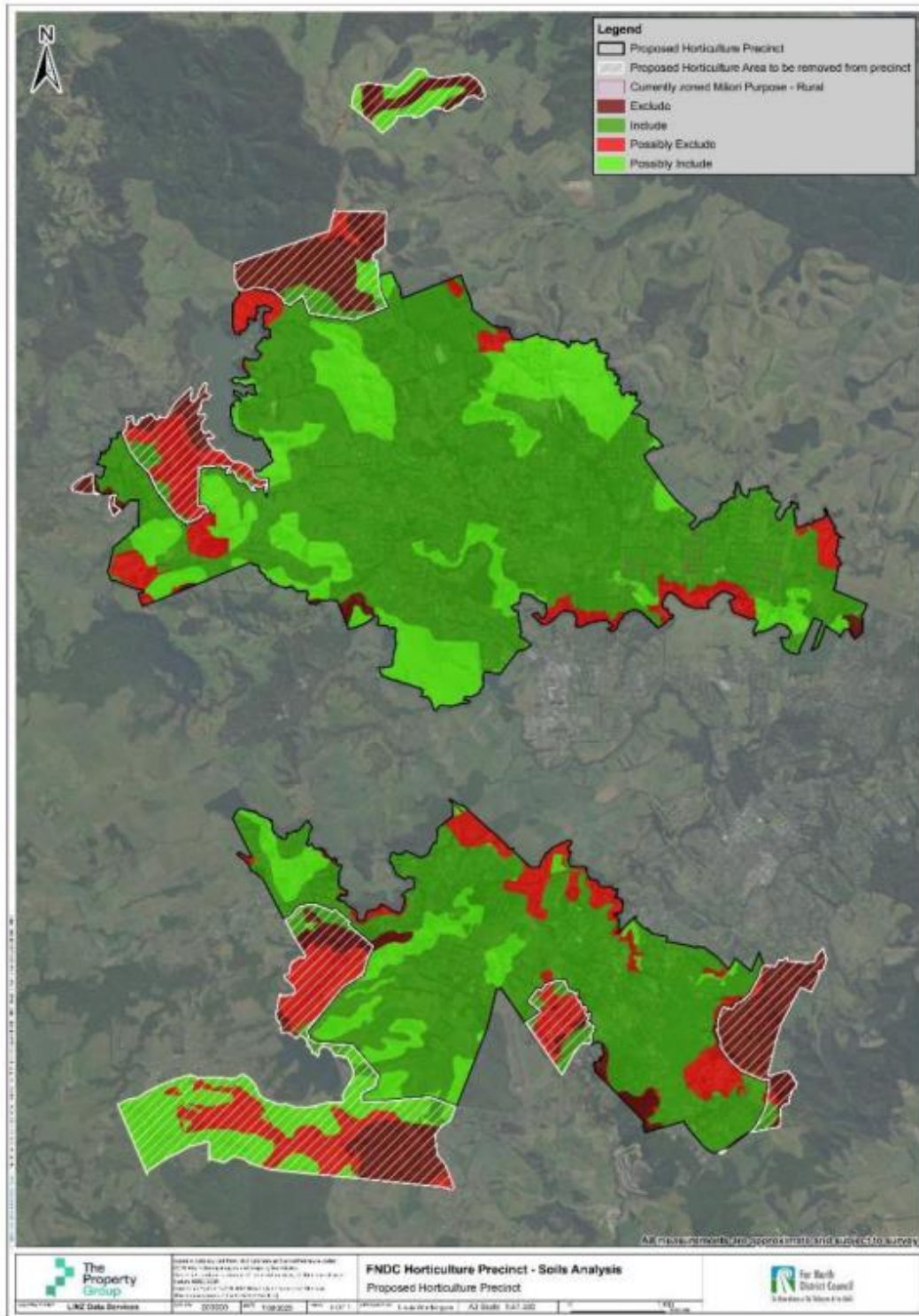


Figure 1: Proposed spatial extent of Horticulture Precinct

While an analysis of soils is critical to the spatial extent of a horticulture precinct, there are other related matters that must also be considered and these are set out in the hearing report (see paragraphs 102-110). The reporting officer has taken the final mapping recommended by Dr Hill and considered the following:

- a) Inclusion of land that may have poor soils or unfavourable slope but is surrounded by productive soils (to avoid creating holes or gaps in the spatial extent of the precinct).

- b) Amending the spatial extent of the Horticulture Precinct to create defensible boundaries where possible – ideally a road or geographic feature (such as a river) in the first instance, otherwise a cadastral boundary as a secondary option. No sites should be partially within the Horticulture Precinct.

Another relevant matter to consider is that of reverse sensitivity. The reporting officer has identified two reverse sensitivity options:

**Option A:**

Ensure that the Horticulture Precinct includes a fringe area of land within the Precinct as a buffer to ensure sensitive activities do not establish in close proximity to horticultural activities; or

**Option B:**

Only apply the Horticulture Precinct to land identified by Dr Hill (as adjusted for defensible boundaries, a spatially cohesive area and land fragmentation/land use change) but introduce a setback that applies to the Rural Production zone to manage sensitive activities, as measured from the boundary of the Horticulture Precinct.

The reporting officer recommends a mixture of both options to manage reverse sensitivity effects. She states:

*The locations where I think Option A is the most appropriate (i.e. including areas within the Horticulture Precinct that may already be fragmented and contain a range of non-productive activities) are along the boundaries between the urban and Rural Residential areas of Kerikeri and Waipapa. These are the interfaces under the most pressure from urban expansion and/or demand for Rural Residential scale development.*

*I acknowledge the common theme from a range of submitters that much land around Kerikeri and Waipapa is already fragmented, is predominantly used for residential activities and/or commercial activities and is unlikely (either due to lot size and/or current land use) to ever be used for horticultural activities. These arguments have been put forward predominantly from submitters located in either the area bound by Access Way, Kerikeri Road and State Highway 10 near Kerikeri, or in the area around Koropewa Road, Pungaere Road and Riverstream Drive near Waipapa. I agree that, despite this land being identified as largely containing good soils by Dr Hill, the existing land uses and fragmentation of parcels in and around existing horticulture activities is a limitation on what productive activities that land can, or is likely to, be used for in the future.*

*However, in my view, excluding these areas from the Horticulture Precinct increases the likelihood that further fragmentation and/or establishment of sensitive activities will occur and continue to spread out towards the land currently in horticultural production, i.e. a continuation of the status quo. This is also an outcome that is*

*inconsistent with the strategic direction in the KKWSP to achieve a compact urban form. The key reasons for retaining these areas within the Horticulture Precinct are to manage reverse sensitivity effects (including for the pockets of horticulture activities that are still operating in these fragmented areas) and to send a clear signal that further sprawl of rural residential and/or commercial development on the edges of Kerikeri and Waipapa is not an outcome supported by the PDP.<sup>4</sup>*

For the balance of the proposed Horticulture Precinct, the reporting officer recommends the Option B approach being: a setback from the boundary of the Horticulture Precinct rather than to include more land parcels as it allows for the remainder of the sites outside of that setback to be used for sensitive activities. The reporting officer advises that, to be consistent with the recommendations for the Rural Zones topic (Hearing 9), an additional setback of 20m for sensitive activities be applied to properties zoned Rural Production that adjoin the Horticulture Precinct.

At the hearing we were advised that the final Horticulture Precinct was 22% smaller (approximately 1,500ha) than the original Horticulture zone, as notified. We were also advised that the majority of the land to be removed from the new precinct is recommended to be rezoned RPROZ.

Our evaluation of the spatial extent of the Horticulture Precinct relies on and adopts the methodology and assessment of Dr Hill and the reporting officer in principle but considers the merits of each specific request to rezone land within recommended Horticulture Precinct on their own merits.

The final layout of the Horticulture Precinct recommended by the reporting officer is set out in Appendix 6 to the hearing and report, reproduced in Figure 2 below and contained in **Appendix 3.1**.

### **3.4.2 Highly Productive Land**

As set out in section 3.2 and 3.3 of the **Preamble Report** the NPS-HPL as amended in December 2025 has removed consideration of Clauses 3.6(1), 3.6(2), 3.6(3) and 3.6(4) when considering urban rezoning of LUC Class 3 land. As the reconfiguration of the Horticulture zone into a Horticulture Precinct only involves rural zoned land, the recent amendments to the NPS-HPL do not apply.

We understand that the approach taken by Dr Hill and Ms Pearson has recommended retaining of the LUC Class 3 land within the precinct in order to protect those horticulture industries that have been established and to link smaller areas of LUC Class 2 and 3 into more effective and manageable horticultural farming areas. In that regard we agree that the retention of LUC Class 3 soil within the Horticulture Precinct is very important to land productivity in the Far North. As set out in our reasoning for a Horticulture Precinct in Hearing 9, we have found that the horticulture industry (especially in Kerikeri) is a vitally important economic component of the Far North economy and should be maintained and protected.

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<sup>4</sup> Hearing Report 15C – Urban paragraphs 104-106

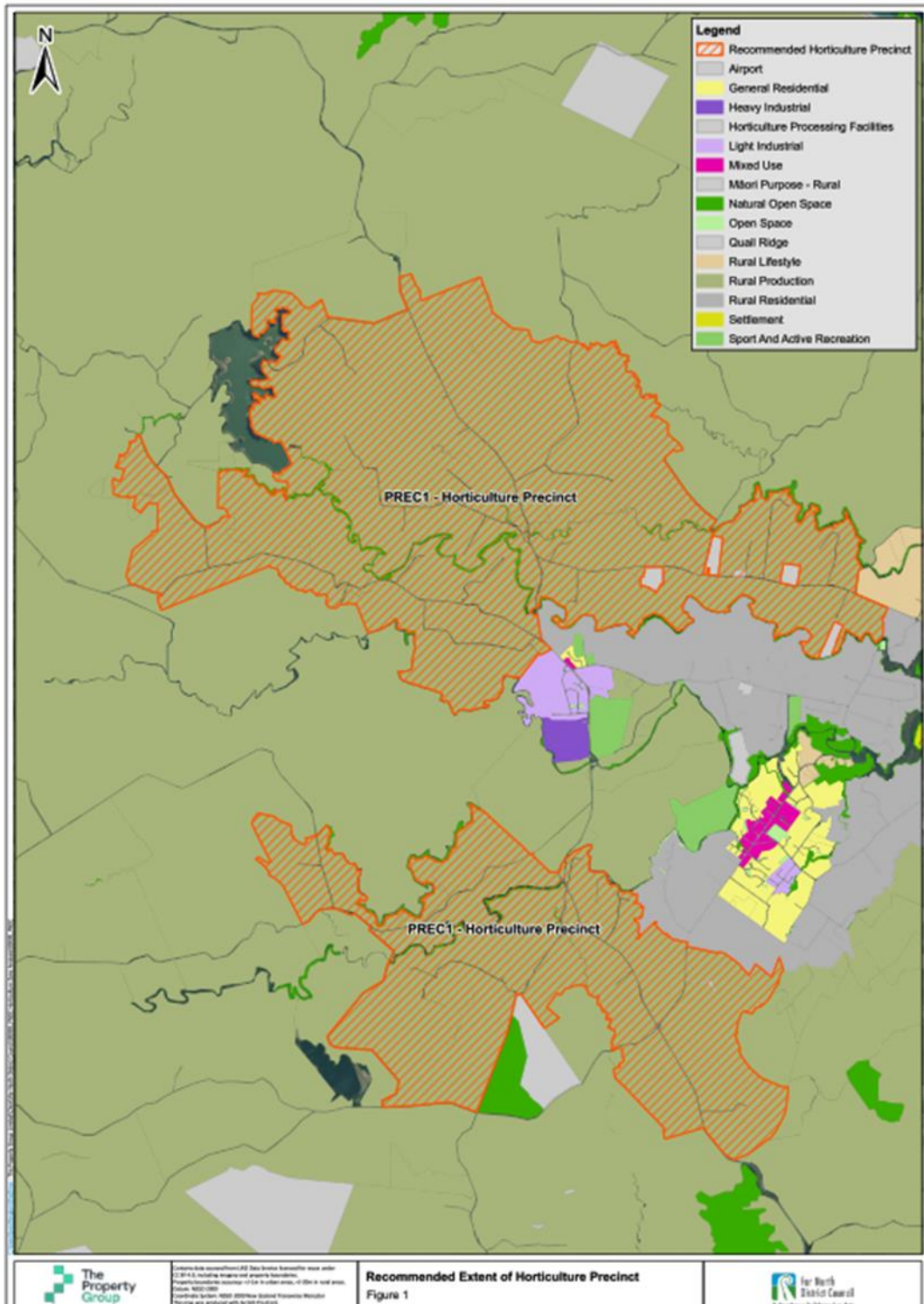


Figure 2: Recommended extent of Horticulture Precinct

### 3.4.3 Hearings Panel Evaluation

We generally support the spatial extent of the proposed Horticulture Precinct based on the methodology and assessment undertaken by Dr Hill and the reporting officer. We note that while we heard evidence from several submitters seeking their land be removed from the Horticulture Precinct (and rezoned) we did not hear any evidence that challenged the methodology adopted by Dr Hill and the reporting officer, in principle. Added to that is our acknowledgement that while we directed the Council and submitter soil experts to

conference on the spatial extent of the Horticulture Precinct, no submitter made their soil expert available. On that basis we accept the methodology adopted by Dr Hill and further planning analysis of the reporting officer with regard to the spatial extent of the Horticulture Precinct, in principle.

Except for those areas which we recommend be rezoned and/or excluded from the Horticulture Precinct (as set out in the sections that follow) we recommend that a Horticulture Precinct be applied to the land as set out in **Appendix 3.1** to this recommendation report.

#### **3.4.4 Recommendations and Reasons**

For the reasons set out in section 3.4.3 above we recommend the following:

- a) That the Horticulture zone, a special purpose zone, be re-configured as a Horticulture Precinct;
- b) That the spatial extent of the Horticulture Precinct be generally as set out in Appendix 6 of the Council Right of Reply report except for where we recommend additional changes as set out in the mapping recommended by us and contained in **Appendix 3.1** to this recommendation report.

#### **3.5 Key Issue 2 – McCaughan Road Submitters**

Michael Francis Toft, Robert George Vellenoweth, Campbell Family Trustee Limited and others (S266.001) request that seven properties on McCaughan Road, Kerikeri are rezoned from Horticulture zone to RRZ<sup>5</sup> (referred to in this report as the **McCaughan Road submitters**).

The McCaughan road submitters consider Rural Residential zoning aligns better with the existing environment and note that there are no existing horticultural activities at any of the properties. The McCaughan Road submitters consider that the land has already been subdivided to an extent that reversion to horticultural land use is unlikely. The McCaughan Road submitters are “opt in” submitters in accordance with Minute 14 but no evidence was provided by them prior to this report being completed.

The assessment in the hearing report acknowledged that the soils between McCaughan Road and Waipapa Stream (to the south) were generally poor quality. However, the land further to the north along McCaughan Road contains good quality soils that warrant, in Dr Hill's view, inclusion in the Horticulture Precinct. It is also noted (and confirmed when we visited the area) that many of the land parcels between McCaughan Road and Kapiro Road to the north are currently being used for horticulture, which confirms, in Ms Pearson's view, that there are a combination of factors that make this area suitable for commercial horticulture.

In the hearing report, the reporting officer concedes that the McCaughan Road land parcels that are the subject of this submission are too small to be used for horticulture (approximately 1-1.8ha in area) and are currently being used as rural lifestyle properties but adds:

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<sup>5</sup> Legal descriptions are: NA127A/757 57, NA123A/757 63, NA123A/748 79, NA123A/749 93, NA123A/454 49E, NA110C/920 41, NA124C/708 37F.

*I agree with the submission that this area has been subdivided to an extent where reversion to horticultural use is extremely unlikely. However, this area forms a buffer between the horticultural activities to the north and the Waipapa Stream to the south. The Waipapa Stream, in my view, serves as a clear, defensible boundary between the Rural Residential zone to the south of the stream and the Horticulture Precinct to the north of the stream.<sup>6</sup>*

The reporting officer does not support the rezoning of the McCaughan Road to Rural Residential for the following reasons:

- a) The Minute 14 criteria have not been considered.
- b) Not all land parcels need to be used for horticulture activities to align with the zone intent. The inclusion of small lots between or adjacent to more productive parts of the precinct manages reverse sensitivity effects and fragmentation on the edges to reduce growth pressure on productive horticultural land.
- c) There is no consideration of other relevant criteria such as transport infrastructure and consultation or adjoining landowners.
- d) The rezoning would shift the boundary between the RRZ and the Horticulture Precinct away from a clear geographic boundary (the Waipapa Stream) to a cadastral boundary (inconsistent with Criterion A).
- e) Reverse sensitivity issues - The rezoning would allow for intensification of the McCaughan Road properties, as the 1-1.8ha lots could be subdivided into between 2-4 lots as a controlled activity.
- f) There has been no economic assessment demonstrating demand for more rural residential zoned land.



Figure 3: Properties on McCaughan Road requesting rezoning to Rural Residential (red)

<sup>6</sup> Hearing report 15C – Rural – Paragraph 121

While the reporting officer does not support a rural residential zoning, she does support the land being rezoned from Horticulture zone (as notified) to RPROZ.

### **3.5.1 Matters Raised in Evidence**

The hearing report recorded that the McCaughan Road landowners opted in to the Minute 14 evidence exchange timetable but did not file any evidence in accordance with the 9 June evidence exchange deadline.

#### **Evidence of Steve Sanson**

While no evidence was pre-circulated, we received rebuttal planning evidence from Mr Steve Sanson in support of the McCaughan Road submitters. The hearing was also attended by the following residents in McCaughan Road: Timothy Sopp, Ellison Moloney, Don Orr and Rob Vellenoweth.

Mr Sanson took issue with the criteria adopted in the Minute 14 process and was of the view that the criteria did not apply to the land in McCaughan Road. He stated that McCaughan Road has been developed for rural lifestyle activity and is highly fragmented as a result and in his view, was unlikely to be used for commercial horticulture in the future.

Mr Sanson opined that the introduction of rezoning criteria in Minute 14 was "prejudicial" to his clients as these were not provided at the start of the process and that it was difficult to retrofit these criteria into merits sought in their submission. Mr Sanson disputed the use of the Waipapa Stream, which is relied on by the Council officers and suggested that McCaughan Road itself could be a more defensible boundary.

While there was no economic assessment provided, Mr Sanson opined that a majority of people moving to Kerikeri clearly preferred to do so in order to live on a rural residential property. He also took issue with the Council's use of "plan enabled capacity" in its assessment of demand and stated in his evidence that that was an issue as it was only a "theoretical" number which often did not apply in practice.<sup>7</sup>

#### **Timothy Sopp**

Mr Sopp lives at 49E McCaughan Road and he referred to demand for rural residential subdivision and development that he had observed in Kerikeri. He stated that the planning tools available to the Council needed to be refined and responsive to local demand for rural residential development and that McCaughan Road was a good example of how that demand could be met at the local level.

#### **Rob Vellenoweth**

Mr Vellenoweth has lived at 57 McCaughan Road for approximately 25 years. He supported a Rural Residential zoning to allow further subdivision which, in his view, would benefit the whole district while not needing to be connected to the reticulated wastewater system. He also was of the view that Rural Residential subdivision would still allow proper maintenance and protection of the Waipapa Stream.

#### **Ellison Moloney**

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<sup>7</sup> Evidence of Steve Sanson Paragraph 58

Ms Moloney has recently moved to Kerikeri. Her view was the land was clearly used for rural residential activity and would never be used for commercial activity. In response to reverse sensitivity risk if the land was rezoned, she opined that commercial operators needed to be more responsible for their activities such as spraying and can be managed. She opposed residential intensification such as that being pursued in Auckland (and adopted in the KKWSP) and opined that it was not appropriate in Kerikeri.

### **Don Orr**

Mr Orr lives at 57 McCaughan Road and he stated that Waipapa was becoming a popular place to live due to the growth of Waipapa as a service centre to Kerikeri and surrounding area. He stated that his property adjoins the Waipapa Stream and provided a natural boundary. In his view McCaughan Road was a natural boundary and a "no-brainer".

We asked the submitters to give us an idea of how much horticultural activity was currently being undertaken along McCaughan Road (as there is evidence of shelter belts on aerial photos). Mr Orr referred to large areas of native planting around their properties with some commercial horticulture being undertaken between Kapiro Road and McCaughan Road, that being selling trees and shrubs. Overall, they agreed that there was little commercial horticulture in the McCaughan Road area.

In response to another question from the Panel, we were advised that all the properties were over 1 ha in area but less than 2 ha. In response to this we asked whether the Rural Lifestyle zone was considered as an alternative zoning as this may be a zoning that reflects the current land use at the present, whereas the RRZ allows sites down to as small as 2,000m<sup>2</sup>. We were advised by Mr Sanson that the Rural Lifestyle zone was not considered on the basis that the minimum lot size for that zone is larger than the lots sizes at McCaughan Road (i.e. 2ha in area).

In response to the evidence presented, Ms Pearson reminded the Panel and submitters at the hearing that her recommendation for the Rural Lifestyle zone as part of Hearing 9 - Rural was to reduce the minimum lot size as a controlled activity in the Rural Lifestyle zone to 2ha and 1 ha as a discretionary activity.

### **3.5.2 Hearings Panel Evaluation**

Minute 14 and the Criteria used to evaluate rezoning requests

Mr Sanson in his evidence took issue with the criteria adopted by the Council officers in evaluating rezoning requests. In his view, these criteria were developed well after the submissions process and put submitters in an unfair position when responding to rezoning requests based on their original submissions.

The Panel issued Minute 14 on 2 December 2024 and its purpose, as set out in the first paragraph is:

*The purpose of this minute is to set out the process and criteria to hear and consider 'rezoning' submissions on the Far North Proposed District Plan (PDP). The intent is to outline the information needed to support rezoning requests and also to provide submitters with clarity on the process leading up to the rezoning hearings. These hearings are*

*scheduled to take place over four sub-hearings (Hearings 15A to 15D)  
from 25 August to 8 October 2025.*

The Panel was aware that over 420 original submissions sought rezoning of various land throughout the District and wanted a process that allowed submitters to make their case – following section 32 RMA principles and guidance from relevant national planning instruments (i.e. the NPS-UD, NPS-HPL and the NPS-IB) as well as relevant regional policy direction. Minute 14 contained a range of relevant criteria, primarily based on section 32 RMA requirements for submitters to consider and have regard to in evidence. These criteria were then further refined to the various rezoning contexts being urban, rural Kerikeri Waipapa Spatial Plan area etc. Our understanding was that the refined criteria for each Hearing 15 hearing (Hearings 15A-D) was made available to submitters in the opt-in engagement process set out in Minute 14.

We have reviewed the criteria developed and applied by the Council officers and find these to all be relevant to the section 32 RMA requirements and those national and regional policy instruments that must be addressed as part of a section 32 analysis. We also note that the Hearing 15 Rezoning Submissions Overview Report (dated July 2025) clearly sets out the evaluation criteria to be applied and its link to relevant RMA section 32 matters.

While we acknowledge Mr Sanson's concerns with the process, we also note that he did not participate in any pre-evidence engagement with Council officers and did not pre-circulate evidence in accordance with the requirements of Minute 14. In our view, had Mr Sanson and the submitters participated in the Minute 14 process, the relevance of the criteria adopted would likely to have been more evident. The Panel therefore rejects the assertion that the criteria was prejudicial to the submitters, and we remain of the view that it is soundly based on relevant resource management practice related to section 32 of the RMA.

### **The Merits of the Rezoning Request**

Having considered the planning evidence and the evidence of the submitters we understand the substance of their evidence and the reasons why they consider a RRZ should apply to their land and the desire for the defensible boundary to be McCaughan Road itself.

We also appreciate the analysis undertaken by the Council officers (including Dr Hill) and the concession that the soils are not highly productive (or at best variable) and that the land along McCaughan Road is somewhat fragmented.

In that light, we accept that the land should be removed from the notified Horticulture zone and excluded from the proposed Horticulture Precinct.

However, we also accept the thrust of the Council evaluation, and we find that there is merit in keeping the McCaughan Road land within the RPROZ for the following reasons:

- a) We prefer the use of a geological feature (the Waipapa Stream) to define the edge of the zone boundary and the edge of the Horticulture Precinct.
- b) While we heard anecdotal evidence supporting demand for a Rural Residential zoning in this location, it was not backed up with any expert economic assessment that

addressed the economic analysis presented by the Council on rural-residential demand.

- c) We have concerns regarding further fragmentation of the land resource under a Rural Residential zoning and the likelihood of reverse sensitivity issues between a RRZ and the Horticulture Precinct at the zone boundary.
- d) The Panel was of the view that the properties at McCaughan Road may have a better case for the rezoning of that land to Rural Lifestyle zone as the size and configuration of the existing site lots would be more suited to the purpose and expectations of that zone – especially in light of our recommended reduction in the minimum lot sizes applying to this zone. However, that zoning option was not sought in submissions and the submitters clearly were seeking a zoning that enabled further subdivision – which the Rural Lifestyle zone would not be able to deliver due to the existing lots being between approximately 1ha to 1.8 ha in size.

### **3.5.3 Hearings Panel Recommendations**

For the reasons above, we recommend that the submissions from the McCaughan Road submitters (S266.001) be accepted in part and that the land subject to the submission be rezoned from Horticulture zone to Rural Production zone and the mapping of the submitters land be changed accordingly.

## **3.6 Key Issue 3 – Robert Sintes**

### **3.6.1 Matters Raised in Submissions**

Mr Sintes (S61.001) owns and resides at 90 and 90A Wiroa Road. Mr Sintes seeks that these properties be rezoned Rural Residential and both removed from the Horticulture Precinct.

No evidence, nor any other correspondence and documentation, was made available to the Panel in support of questions regarding the conduct of Council officers and the process followed in reporting on his submissions. However, while we acknowledge his concerns, we have focussed on the resource management issues associated with his submission's relief.

Mr Sintes' properties are located approximately midway between the SH10 Kerikeri roundabout and Kerikeri Airport.



Figure 4: Location of Sintes Properties - 90 and 90A Wiroa Road

Mr Sintes states that the land is not highly productive and his properties and those immediately in the vicinity have been fragmented by subdivision and development under the Operative District Plan. He also disagreed with the Council economics assessment and opined that demand for rural residential subdivision and development was higher than acknowledged in that assessment.

Mr Sintes stated:

*It presents as fairly obvious that any owner of a smallish and bare unproductive block, strategically located close to Kerikeri, surrounded by well established residential homes on small lots of the size sought in (this) rezoning submission, is unlikely to contemplate any inappropriate development in its currently proposed zoning category, which would have the effect of denying the community the opportunity to ultimately benefit from this obviously suitable land use outcome as set out in Councils M.E. Consulting report.<sup>8</sup>*

We visited the two properties on the day following the hearing of Mr Sintes' evidence and were escorted around the property by him and his wife. We were able to observe the level of fragmentation in the locality and the nature and location of development that has occurred on his properties and those immediately adjoining. We also observed the

<sup>8</sup> Evidence of Robert Sintes Page 9

prevalence of rural production and horticulture sites in the surrounding locality including Kerikeri Gardens and Marsden Winery.

The Hearing report confirms the following:

- a) That Dr Hill confirms that the soils on the Sintes properties are of poor quality and have limited value for primary production;
- b) That 90 and 90A Wiroa Road were created via a non-complying subdivision consent granted in 2021 (creating two lots sized just over 2ha) and there is other evidence of land fragmentation along Wiroa Road between Bay of Islands Airport and Kerikeri township.

The reporting officer and Dr Hill both agree that these properties should be removed from the Horticulture precinct (and this has been shown on Council's recommended mapping of the Horticulture Precinct).

With regard to the RRZ sought, the hearing report states that the criteria in Minute 14 have not been addressed in evidence and the reporting officer states that she disagrees with Mr Sintes in the following regards:

- a) The zoning sought by Mr Sintes is effectively a "spot zone" and does not adjoin or align with any residential or other urban zone boundary in Kerikeri.
- b) Potential reverse sensitivity effects from adjoining landowners<sup>9</sup>.
- c) The intensification enabled in the RRZ could allow subdivisions down to lots as small as 4,000m<sup>2</sup>. In Pearson's view this level of potential fragmentation significantly exceeds the fragmentation that exists in the locality at present.
- d) Zoning of land in this locality would not be consistent with the purpose of the RRZ which is intended to signal land that is anticipated to be converted to urban use in the future. Ms Pearson opines that there is no strategic policy to intensify rural land in this locality.
- e) Ms Pearson stated that she continues to rely on the expert assessment of Mr McIlrath in the economic assessment that there is no clear need for additional Rural Residential capacity in this location.

The Council recommendation is to not include the properties in the new Horticulture Precinct but to retain its current zoning of RPROZ.

### **3.6.2 Hearings Panel Evaluation**

We understand the reasoning of Mr Sintes with regard to request for this land to be rezoned. We agree with Mr Sintes that the land on his properties is not highly productive and should be excluded from the new Horticulture Precinct. However, we also acknowledge the concerns of the reporting officer that a Rural Residential zoning would allow a level of further subdivision and development that would further, and significantly in our view, fragment the land in this locality. Following from this we also agree with the

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<sup>9</sup> Ms Pearson refers to Mr Sintes stating that he had adjoining landowners support for the requested Rural Residential Zone but notes that he did not provide specific evidence of this has been provided. She refers to at least one submission from an adjoining landowners supporting the Horticulture Zone (as notified) specific evidence of this has been provided – see paragraph 144(a) of the hearing report.

reporting officer that reverse sensitivity issues could arise should the properties be developed at the intensity enabled in the RRZ.

We accept that the level of fragmentation that has occurred in this locality may not be conducive for rural production activities, but we are of the view that a RRZ goes too far toward an urban scale of development in this locality. We also note that had Mr Sintes sought a Rural Lifestyle zoning in this locality, we may have been more favourable to granting his relief, as the two existing sites are more reflective of that scale of subdivision and development. However, this outcome has not been sought by Mr Sintes and is outside the relief that we can consider.

We note that Mr Sintes has the option of seeking a further resource consent (albeit as a non-complying activity) to further subdivide his property on the grounds that the circumstances may support that further subdivision without eroding the rural character of the wider locality and rural production zone.

We therefore agree with the reporting planner that Mr Sintes' submission be accepted in part insofar as 90 and 90A Wiroa Road should be rezoned from Horticulture zone to Rural Production zone, but we do not agree that the land should be zoned RRZ.

### **3.6.3 Recommendations and Reasons**

For the reasons set out in section 3.6.2 above we recommend that the submission by Robert Sintes (S61.001) be accepted in part as follows:

- a) That the properties at 90 and 90A Wiroa Road is excluded from the Horticulture Precinct;
- b) That the properties at 90 and 90A Wiroa Road be rezoned from Horticulture zone to Rural Production zone.

## **3.7 Key Issue 4 – Douglas Percy and Theodora Symes and Jeff and Robby Kemp**

### **3.7.1 Matters Raised in Submissions**

Douglas Percy and Theodora Symes (S19.001, S19.002) oppose the land along the southern side of Waipapa Road, including Waitotara Drive between SH10 and the Waipekakoura River being zoned RPROZ and request it is rezoned Rural Residential. The submitters consider that the zoning of these sites should align with neighbouring land uses. They also note that screening from SH10 is provided by commercial premises along the south side of Waipapa Road. Douglas Percy and Theodora Symes consider it is a logical place for “infill housing” between Kerikeri and Waipapa to prevent sprawl from the two centres going in all directions.

Jeff and Robby Kemp (S51.002) oppose the Rural Production zoning of land located along Waitotara Drive in Waipapa. Specifically, properties at 45, 51, 52, 55, 60, 65, 66, 74, 81, 86, 90, 99, 104, 107, 108, 109, 114, 119, 120, 121, 137, 145 and 147 Waitotara Drive. Mr and Ms Kemp point out that sites to the north of Waipapa Road are zoned RRZ in the PDP and that there is no difference between these properties and those on Waitotara Drive. The Kemp's assert that the land along Waitotara Drive is not highly productive and, subject to flood mitigation measures, can be used for rural residential activities. As such, Jeff and Robby Kemp request the land identified in their submission is rezoned from Rural Production to RRZ.

We note that evidence for these properties has been split between the Hearing 15C and 15D timetables with Mr Percy and Ms Symes provided evidence in accordance with the Hearing 15C timetable while Mr Jeffery Kemp has provided evidence in accordance with the Hearing 15D timetable. We understand that the split was largely due to a number of properties on Waitotara Drive being also within the Kerikeri Waipapa Spatial Plan area. As set out in the hearing report, we note that the evidence of Mr Kemp was also provided on behalf of Mr Cottle.

The hearing report records that Council officers held pre-hearing discussions (as recommended in Minute 14) on 12 May (Mr Percy) 16 May 2025 (Mr Kemp and Mr Cottle). We understand that issues of highly productive land (under the NPS-HPL) and flood hazards were discussed and that the submitters confirmed that they would not be engaging experts to address these matters.

The hearing report provides a good summary of the matters raised in Mr Kemp's written evidence and these are further summarised below:

- a) Rural Production zoning applied to Waitotara Drive is inappropriate and does not reflect the existing land use, subdivision history, or environmental context. Mr Kemp notes that the properties were created through resource consents that transitioned the land from pastoral use to rural residential purposes, and that 16 of the 25 lots now contain established residential activities (noting that Mr Kemp and Mr Cottle are focusing on the properties accessed from Waitotara Drive, not Waipapa Road).
- b) The Rural Production zoning appears to have been retained from the ODP based on outdated flood hazard data, despite extensive flood mitigation works having been implemented in recent years. These works, approved by the Northland Regional Council, include stop banks, flood gates, and stormwater detention infrastructure associated with the adjoining sports complex. Mr Kemp considers that these measures have removed the properties from the 1:100 year flood event threshold, although this has not yet been reflected in updated hazard mapping.
- c) With respect to the NPS-HPL, the land is LUC Class 3 (Waipapa clay), which is poorly drained and not considered highly versatile under the ODP or RPS. He acknowledges that LUC class 3 soils are currently considered highly productive land under the NPS-HPL, but notes that this classification is proposed to be removed in the future and that a pragmatic approach should be taken.
- d) Mr Kemp considers that the RRZ is a more appropriate fit for the properties, given their existing use, proximity to the Waipapa settlement, and compatibility with surrounding zoning. He notes that the properties are not used for productive rural activities and that the rezoning would not undermine the strategic direction of the PDP or create adverse effects on infrastructure, the environment, or neighbouring properties.
- e) Mr Kemp concludes that sufficient information has been presented to support the rezoning request under section 32AA. He considers the request to be discrete and clearly distinguishable from land genuinely suited to rural production. He states that the rezoning would better achieve the purpose of the RMA, with benefits

outweighing any risks, and no adverse effects on the community, economy, or environment.<sup>10</sup>

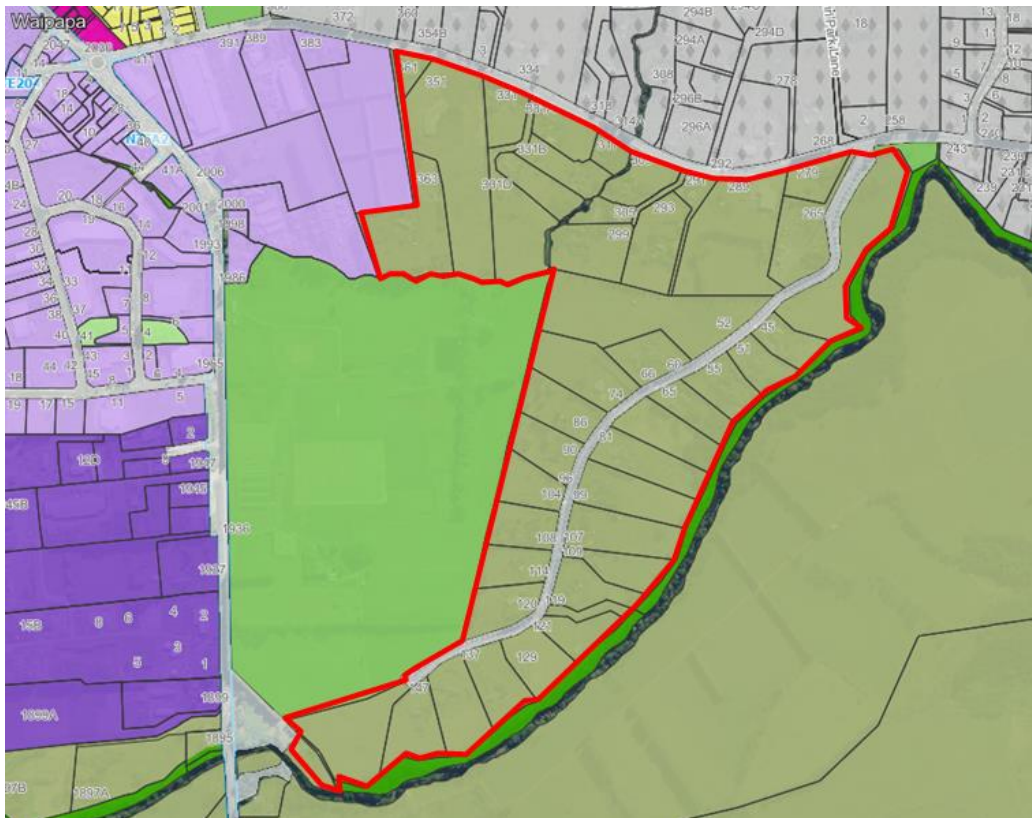


Figure 5 - Extent of land requested to be rezoned (Percy, Symes and Kemp) Rural Residential (red)

At the hearing Mr Kemp stated that his evidence was prepared in accordance with the Code of Conduct for expert witnesses notwithstanding that he was giving “expert evidence” concerning the zoning of his own residential property (i.e. a pecuniary interest). We also noted that his evidence strayed into areas (e.g. natural hazards and flooding) where he clearly was not an expert. While we acknowledge Mr Kemp’s extensive experience as a planner in the Far North, and not to diminish it any way, we have treated his evidence as being non-expert evidence in light of this.

Mr Percy’s evidence included an offer of land to establish a pedestrian walkway across private land on Waitotara Drive in exchange for upzoning the land to Rural Residential.

The Council response to the evidence was consistent with other responses for the hearing and raised the following matters:

- a) Fragmentation of rural land, on its own, does not justify a rezoning to RRZ.
- b) A RRZ would allow further fragmentation of the land as it enables subdivision down to 4,000m<sup>2</sup> as a controlled activity.
- c) The requested zoning is not consistent with the approach taken in the KKWSP and its focus on establishing a compact urban form. We note that the KKWSP was adopted by the Council on 18 June 2025.

<sup>10</sup> Hearing report paragraph 193

- d) Comments about flooding relate to length of time since the last major flooding event (March 2007) rather than the efficacy of any rent flood mitigation works. Council, supported by evidence from NRC retain their evidence that the land is still at risk of flooding.
- e) Council agree that changes signalled for the NPS-HPL will remove LUC Class 3 from the definition of “Highly Productive Land”. We note that in the amendments dated 18 December 2025 the NPS-HPL has introduced a clause that in effect requires local authorities to not have regard to LUC Class 3 soils when considering plan changes for urban zoning. We note that the RRZ is a rural zone and not an urban zone.
- f) Council officers consider that a rural residential zoning would likely increase traffic on Waitotara Drive and would require an upgrade of its pavements and potentially and upgrade of the intersection with Waipapa Road.
- g) While the submissions refer to a number of properties, neither Mr Kemp nor Mr Percy have provided substantive evidence with respect to the level of support for the rezoning from the landowners affected.

### **3.7.2 Hearings Panel Evaluation**

Firstly, we acknowledge the evidence of Mr Percy and his offer to provide a pedestrian access between the sports fields, Waipapa Road and the Waipekakoura River. Should we be minded to recommend that this land be rezoned this aspect would positively improve connectivity.

However, having reviewed all the evidence (including natural hazard and flooding evidence from NRC as part of Hearing 15D) we agree with the analysis presented by the Council and find that rezoning of the properties in Waitotara Drive should remain under their current zoning for the reasons set out in the Council hearing report (paragraphs 190-198) and summarised above.

We consider that the ongoing risk of natural hazards (flooding) in this locality significantly counts against a zoning at the intensity that the RRZ enables. Coupled with this is the intensity enabled by the RRZ and the potential further fragmentation of the land in this locality that would occur under that zoning. Added to this, we share the reporting officer’s concerns regarding traffic effects and likely roading upgrades which have not been addressed by the submitter. Furthermore, while we accept that LUC Class 3 is not relevant to an urban zoning, the zoning sought is for a rural zone and as such does not apply, in our view. Notwithstanding this, while the land may or may not be highly productive, it is nonetheless potentially productive for a range of other rural production activity. Accordingly, we recommend that the submissions be rejected and the land retain its RPROZ zoning.

### **3.7.3 Hearings Panel Recommendations**

For the reasons set out above in section 3.7.2 above (and in the Council hearing report) we recommend that submissions by Douglas Percy and Theodora Symes (S19.001, S19.002) Jeff and Robby Kemp (S51.002) be rejected and the remain Rural Production zone.

### 3.8 Key Issue 5 – Neil Construction Limited (Tubbs Farm)

#### 3.8.1 Matters raised in submissions

Neil Construction Limited (S349.001) oppose the Rural Lifestyle zone as it applies to the property previously known as ‘Tubbs Farm’ on Kapiro Road, Kerikeri consisting of:

- a) Approximately 68.25 ha of land owned by Neil Construction Limited, subject to a recently granted subdivision consent;
- b) Existing residential development at Blue Penguin Drive and Fernbird Grove, developed by Neil Construction Limited, and comprising approximately 58.05 ha; and
- c) Existing residential development at Kingfisher Drive comprising approximately 20 ha.

The submitter seeks that the land be rezoned from Rural Lifestyle zone (**RLZ**) to RRZ.

We were advised by the planners for Council and Neil Construction (**Neil**) that the land subject to this submission has been subject to an Environment Court decision (NZEVC 156 [2025]) which approves the creation of 115 lots ranging in size from 3,000m<sup>2</sup> to 6,000m<sup>2</sup>.

#### Neil Evidence

Philip Brown Planning Evidence

In planning evidence for Neil, Mr Philip Brown stated that he supported the Neil submission to rezone the land to RRZ for the following reasons:

- a. The purpose of the RRZ more closely aligns with the enabled (consented) and lawfully established actual use of the Site;
- b. The RLZ has the potential to enable activities that are incompatible with those that are enabled on the Site;
- c. The development standards of the RLZ may not align with enabled development on the Site;
- d. The RRZ would provide for a more coherent zoning pattern in this instance than the RLZ; and
- e. The Site has natural and defensible boundaries that would avoid undue pressure for future expansion of the RRZ in this location.

Mr Brown refers to Plantation Forestry being enabled in the RLZ (and not in the RRZ) and that this activity would be “incompatible” with the activities enabled on the site via the Environment Court decision. He states:

*The permitted activity status of plantation forestry in the RLZ creates potential for the provisions to be ineffective in maintaining rural residential amenity and character on the Submission Land. I consider that forestry operations in close quarters to residential activities would not be appropriate and may create both reverse sensitivity effects on*

*the forestry activity and adverse effects on the residential activities such as noise, shading and health and safety effects.*<sup>11</sup>

He also opined that the setback standards that apply in the RLZ (i.e. 10m setbacks) would need to be repeatedly infringed on those approved sites (being approximately 3,000m<sup>2</sup> and 6,000m<sup>2</sup> in area).

Mr Brown's evidence also included a detailed assessment of the Minute 14 criteria and he concluded that an RRZ would result in a more efficient development outcome than the RLZ. He stated:

*Dealing first with efficiency, I consider that the RRZ would be a more efficient option for the land than the RLZ. This is primarily because the RLZ is misaligned with the approved and existing land use on the Submission Land. In respect of the Site, I would expect the RLZ setback provisions to generate a greater number of resource consent applications than the equivalent RRZ standards. That would not be an efficient outcome, particularly as the Site circumstances suggest that applications would be routinely granted. The result would be significant cost and uncertainty for landowners, or potentially inefficient use of residential lots with buildings setback an unnecessary distance from boundaries.*<sup>12</sup>

James Rigg – Corporate Evidence

Mr Rigg is the Commercial Manager for Neil and he provided corporate evidence. He advised the Panel that Tubbs Farm was being branded as Rangitane River Park and summarised a protracted consenting history since 2008 and the resulting approved development as granted by the Environment Court. In his view, the RRZ is the only current zoning that accurately reflects the nature, intent, current development, and consented form of development already enabled on Our Land and the wider Submission Land<sup>13</sup>. He offered the same concerns as Mr Brown with regard to the “incompatibility” of the RLZ and the difficulty of complying with the RLZ setback standards. He states:

*Applying the Rural Residential Zone would result in a coherent, logical zoning pattern that is aligned with the environment as it exists today and as intended under our current resource consents. This ensures planning consistency and reduces the likelihood of fragmented or ad hoc zoning outcomes in (the) future.*<sup>14</sup>

### **Council Hearing Report**

The Council evaluation acknowledged the Environment Court decisions and that the approved 115 lots formed part of the “existing environment”. The reporting officer then focussed on the possibility for further subdivision and development of the sites under a RRZ. The reporting officer referred to the possibility for resource consents being sought for a discretionary activity for existing lots over 4,000m<sup>2</sup> in size. The hearing report notes

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<sup>11</sup> Evidence of Philip Brown for Neil paragraph 39

<sup>12</sup> Evidence of Philip Brown for Neil paragraph 38

<sup>13</sup> Evidence of Geoffrey Rigg for Neil paragraph 21

<sup>14</sup> Evidence of Geoffrey Rigg paragraph 34

that Mr Brown acknowledged that this subdivision pathway was available but it would be challenging and unlikely to be pursued in practice. We were advised that there are constraints in realising theoretical further subdivision including:

- Steep topography
- Planting covenants
- Setback standards in the RRZ.

Mr Brown concluded that 3-6 lots may have realistic subdivision potential.

In the hearing report, the reporting officer agreed with Mr Brown on the limited potential for further subdivision under a RRZ. The reporting officer stated:

*I agree with Mr Brown that there are numerous factors, both physical and statutory (e.g. required setbacks, Coastal Environment overlay), that significantly reduce the likelihood that rezoning the Tubbs Farm land to Rural Residential Zone will result in additional subdivision of lots. The fact that there is no controlled pathway to subdivision (which has been my consistent test for additional yield generated by a zone change) and that only a small portion of lots are both large enough and sufficiently unconstrained to apply for a discretionary activity subdivision satisfies me that rezoning this land is more likely to reinforce the status quo as opposed to enable more development.<sup>15</sup>*

Kapiro Conservation Trust / Vision Kerikeri / Carbon Neutral Trust / Kapiro Residents Association (S426.001) and others

The submission from Kapiro Conservation Trust (S448.004) Carbon Neutral NZ Trust (529.110), Vision Kerikeri (S526.001) and others opposed the rezoning of the land and the submissions referred to the transition from a General Coastal zone under the ODP to a RRZ under the PDP was effectively a significant upzoning of the land which also contained significant indigenous biodiversity.

We received evidence from Maree Hart, Kevin Mahoney and Vision Kerikeri on behalf of the submitters in opposition and that this evidence raised the following concerns:

- a. Traffic congestion (especially on the existing single land wooden bridge at Landing Road);
- b. Traffic noise and vibration (especially at night) and particularly at the Landing Drive Bridge;
- c. Pedestrian safety issues; and
- d. Loss of rural character.

The evidence referred to the Council economic assessment by Mr McIlrath and his conclusion that the supply of rural residential sites exceeds demand by a factor of two. At the hearing Vision Kerikeri stated that the RRZ was essentially an urban zone in terms

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<sup>15</sup> Hearing 15C – Rural hearing report paragraph 215

of its intensity and character and that this zone, while being included with other rural zones, did not have much in common with a rural zone.

The evidence included a detailed assessment of the heritage (natural and historic) and community activities at the Kerikeri Inlet.

### **3.8.2 Hearings Panel Evaluation**

At the hearing we spent some time questioning Mr Brown on the opportunities for further subdivision and development under a RRZ and Mr Brown reiterated the arguments made in evidence and his conclusions that while the RRZ enabled additional subdivision (as a discretionary activity) it was only likely to result in 3-6 additional lots at best.

We also questioned the Kapiro Conservation Trust and Vision Kerikeri Trust witnesses on this matter. We noted that the evidence presented raised concerns with traffic congestion especially at the single-lane Landing Drive Bridge and the evidence also stated that the existing supply of RRZ land outstripped demand. We find these two opinions to be somewhat contradictory, and we asked the reporting officer if she could clarify the situation.

At the hearing (and the subsequent written right of reply) the reporting officer stated that she relied on Mr McIlrath's economic assessment regarding capacity around Kerikeri and Waipapa and that this was based on a set of assumptions, which included the Council officers' Hearing 9 recommendation to amend the minimum lot sizes in the RLZ, as well as the consented density of the Tubbs Farm land. In the reporting officer's view, this was relevant in the context of evidence presented by Vision Kerikeri and others who asserted that the upzoning of the Tubbs Farm land to RRZ would add in more capacity on top of the capacity calculated by Mr McIlrath. The reporting officer clarified that Mr McIlrath's evidence concludes that there is already sufficient residential capacity in Kerikeri and Waipapa and no deficit is expected over the short, medium or long term. However, The reporting officer's understanding (and later confirmed in discussions with Mr McIlrath) is that this conclusion is not aimed at the rezoning of Tubbs Farm as this development is consented, partially developed and already forms part of the baseline capacity. Accordingly, The reporting officer maintains her recommendation to rezone the land at Tubbs Farm to RRZ.

#### **Finding**

We agree with the reporting officer that the land should be rezoned from RLS to RRZ. We acknowledge that the issue of potential future subdivision under a RRZ is considerably higher given the relatively more enabling minimum lot sizes allowed in the RRZ. We also acknowledge that this subdivision potential has played a part of other recommendation as part of this hearing especially for submitters seeking a RRZ in an existing RPROZ. In this case we are satisfied that the opportunities for further subdivision are limited, at best, and unlikely to change the intensity of subdivision already approved by any significant amount. We also visited the site following the hearing of evidence and confirmed that additional subdivision potential was limited and that established house sites, more or less, in the centre of a number of the larger lots also meant that further subdivision and development was unlikely without significant disruption to approved or established building platforms or dwellings.

We acknowledge the concerns regarding the Landing Drive Bridge, being a wooden single lane bridge and connecting to the Heritage Highway and Kerikeri town centre. Without diminishing these concerns, we are also satisfied that a RRZ at Tubbs Farm would not significantly increase likely traffic numbers beyond that which has already been approved through the consent process.

### **3.8.3 Hearings Panel Recommendations**

For the reasons above, we recommend the following:

- a) That the submission from Neil Construction Limited (S349.001) and others<sup>16</sup> seeking that change of zoning from RLZ to RRZ at Tubbs Farm be accepted.
- b) That the submissions from Kapiro Conservation Trust / Vision Kerikeri / Carbon Neutral Trust / Kapiro Residents Association (S426.001) be rejected.

## **3.9 Key Issue 6 – Meridian Farm**

### **3.9.1 Matters Raised in Submissions**

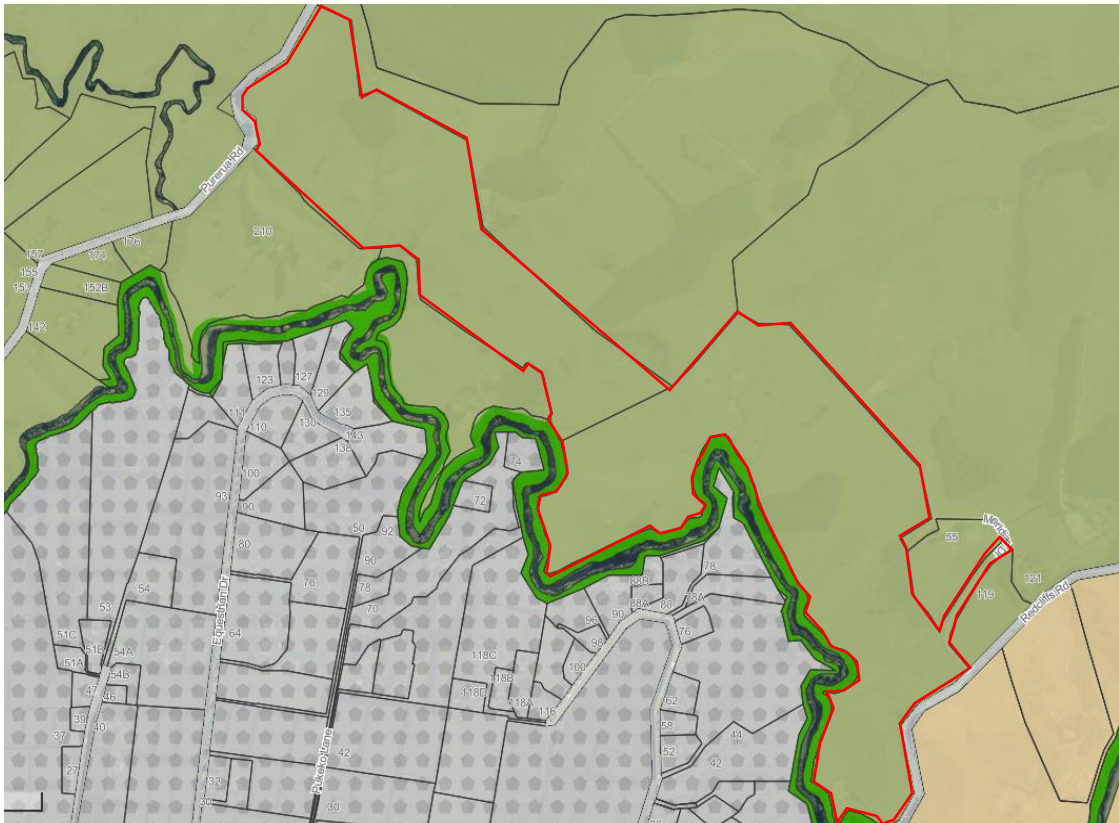
Meridian Farm Ltd (S403.001) requested that the property at 119 Redcliffs Road, Kerikeri (consisting of Lot 1 DP 94462 and Lot 2 DP 376997) is rezoned from Rural Production to Rural Lifestyle zone. Meridian Farm Ltd requests this relief as the site does not contain productive soils and to use fertiliser on poor soils would mean inevitable run off into the bordering Rangitane River. Meridian Farm Ltd notes that a subdivision is already approved for the site and an additional consent is being processed (at the time the original submission was made). Meridian Farm Ltd also consider that Rural Lifestyle zone is appropriate given the proximity of the site to Kerikeri and the fact that some neighbouring land is already being used for rural residential activities.

The 68ha of land subject to Meridian Farm's rezoning request is adjacent to both the Horticulture zone (now recommended to be Precinct), Rural Production zone and Rural Lifestyle zone on the northern side of the Rangitane River, as shown in the figure below.

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<sup>16</sup> Deidre Putt (S68.001), Christopher Baker (S83.001), Jeffrey Putt (S76.001), Dianne Margret Pope (S88.001) Ian Harold Pope (S89.001), Terry Clarke (S144.001), Fiona Clarke (S145.001), Jeff Christensen (S564.001), John Neison (S558.001), Craig and Mary Sawers (S181.001), Denyse Pope (S162.001), Kapiro Residents Association (S426.001), Carbon Neutral NZ Trust (S529.110), Vision Kerikeri (S526.001) Kathryn and Al Panckhurst (S537.001), Kapiro Conservation Trust (S444.001)

The hearing report advised that the parcel fronting Redcliffs Road is in the process of being subdivided into four rural lifestyle lots ranging between 2-4ha in size and one larger



balance site with an area of 37.3260ha. The rear parcel has also been recently granted  
Figure 6: Meridian Farm Ltd (S403.001) requested that the property at 119 Redcliffs Road, Kerikeri

subdivision consent to subdivide into three lots, ranging in size from 5.35ha to almost 17ha.

### Meridian Farm Evidence

Planning evidence of Joseph Henehan highlighted that four rural lifestyle lots had already been created and that the rezoning of the entire property to RSZ would be consistent with the purpose of the RLZ. He advised that the land was comprised of mainly LUC Class 4 and 6 soils and as such were not highly productive land under the NPS-HPL. He stated that the steep topography of much of the land limited its use for other rural production activities.

Mr Henehan stated that the site is located approximately 5km from Kerikeri township and has good access to roads, services, and school bus routes. His evidence took us through the relevant national and regional planning instruments and he also addressed the KKWSP and its focus on consolidating future growth within and immediately around Kerikeri and Waipapa townships. In his view the KKWSP is “aspirational and long-term” in nature and should only be regarded as a “useful guide” and not treated as a prescriptive framework.

At the hearing Mr Henehan clarified that under a RLZ a further 19 lots could be created using a controlled activity pathway and potentially 33 sites under - a discretionary pathway – based on recommended subdivision standards as set out in Hearing 9 - Rural.

### **Council Hearing Report**

The hearing report acknowledged that four rural lifestyle lots adjoining Redcliffs Road have been approved but reiterated the Council’s view that fragmentation created through the currently permissive ODP provisions alone should not be used to justify a RLZ. Ms Pearson also noted that some of the newly created sites were larger than 40ha in area meaning that they could also be further subdivision under the recommended RLZ provisions.

In the reporting officer’s view an RLZ would actually facilitate a opportunity for further subdivision that is not in accordance with the scale of development and that the proposed rezoning would be inconsistent with the KKWSP, a spatial plan that we should “have regard to” under the NPS:UD. The reporting officer stated that the current northern extent of RRZ and RLZ was defined by the Rangitane River which, in her view, was a defensible boundary - similar to the natural boundary of the Tubbs Farm property. The reporting officer stated:

*Rezoning Meridian Farm as Rural Lifestyle would continue the fragmentation creep outside of these defensible boundaries, as well as create an illogical pattern of zoning whereby parcels caught between Purerua Road, the Rangitane River and the Meridian Farm land would remain Rural Production, creating a small finger of Rural Production land between the Horticulture Precinct and Rural Lifestyle Zone.<sup>17</sup>*

In the reporting officer’s view, the rezoning request was not a “logical” extension of the RLZ and as such, the proposal fails to be consistent with the evaluation criteria as set out in Minute 14.

### **3.9.2 Hearings Panel Evaluation**

We visited the site on the day following the hearing of evidence and we observed the general topography of the property and the location of the Rangitane River and Redcliffs Road relative to the property.

We agree with the reporting officer that the Rangitane River in conjunction with Redcliffs Road are effective topographical and cadastral features and establish a clearly defensible boundary for both RRZ and RLZ and the northern extent of these rural living zones relative to the Kerikeri township.

We have had regard to the KKWSP and agree with the reporting officer’s interpretation with its direction to focus growth within Kerikeri and Waipapa townships. While this is primarily an urban growth spatial planning tool the KKWSP also acknowledges that rural and residential and rural lifestyle development on the periphery of Kerikeri has, over time, eroded the ability to maintain a vibrant town centre and retain a functional rural environment The KKWSP therefore directs growth to within and immediately adjacent to

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<sup>17</sup> Hearing Report 15C – Rural – paragraph 204(e)

the existing built-up environments of Kerikeri and Waipapa and away from rural areas<sup>18</sup>. Having regard to the provisions of the KKWSP we find that the rezoning of this property to RLZ would be inconsistent with the KKWSP.

For the reasons set out above, we recommend that the submission from Meridian Farm Limited to rezone the land from RPROZ to RLZ be rejected.

### **3.9.3 Recommendations and Reasons**

For the reasons set out in 3.9.2 above we recommend the following:

- a) That the submission from Meridian Farm Ltd (S403.001) to rezone the property at 119 Redcliffs Road, Kerikeri (consisting of Lot 1 DP 94462 and Lot 2 DP 376997) from RPROZ to RLZ be rejected.

## **3.10 Key Issue 7 – Gray Gilraine Holdings Limited**

### **3.10.1 Matters Raised in Submissions**

The submission by Gray Gilraine Holdings Ltd (S295.001) (**Gray Gilraine**) asserts that there is a lack of additional land zoned for residential purposes around Kerikeri and seeks more land released for development. Gray Gilraine understand that there are limited options for providing for additional growth around Kerikeri due to the presence of versatile soils but notes that large areas of land around Shepherd Road, Okura Drive and Riddell Road (i.e. to the east of Kerikeri township) with poor soils have been zoned Rural Production rather than enabling more rural residential development via the Rural Residential zone.

Gray Gilraine request that land to the south-east of Shepherd Road, including the properties at 99 and 101 Shepherd Road, 19 Okura Drive (Lot 2 DP 555928 and Lot 1 DP 548286) and 27C Riddell Road (Lot 3 DP 156034) are rezoned from Rural Production to Rural Residential.

A further submission was lodged by the Okura Trust supporting the Gray Gilraine submission and specifically requesting that the properties at 99 and 101 Shepherd Road and 19 Okura Drive be rezoned RLZ.

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<sup>18</sup> Kerikeri Waipapa Spatial Plan – Page 16 and 17

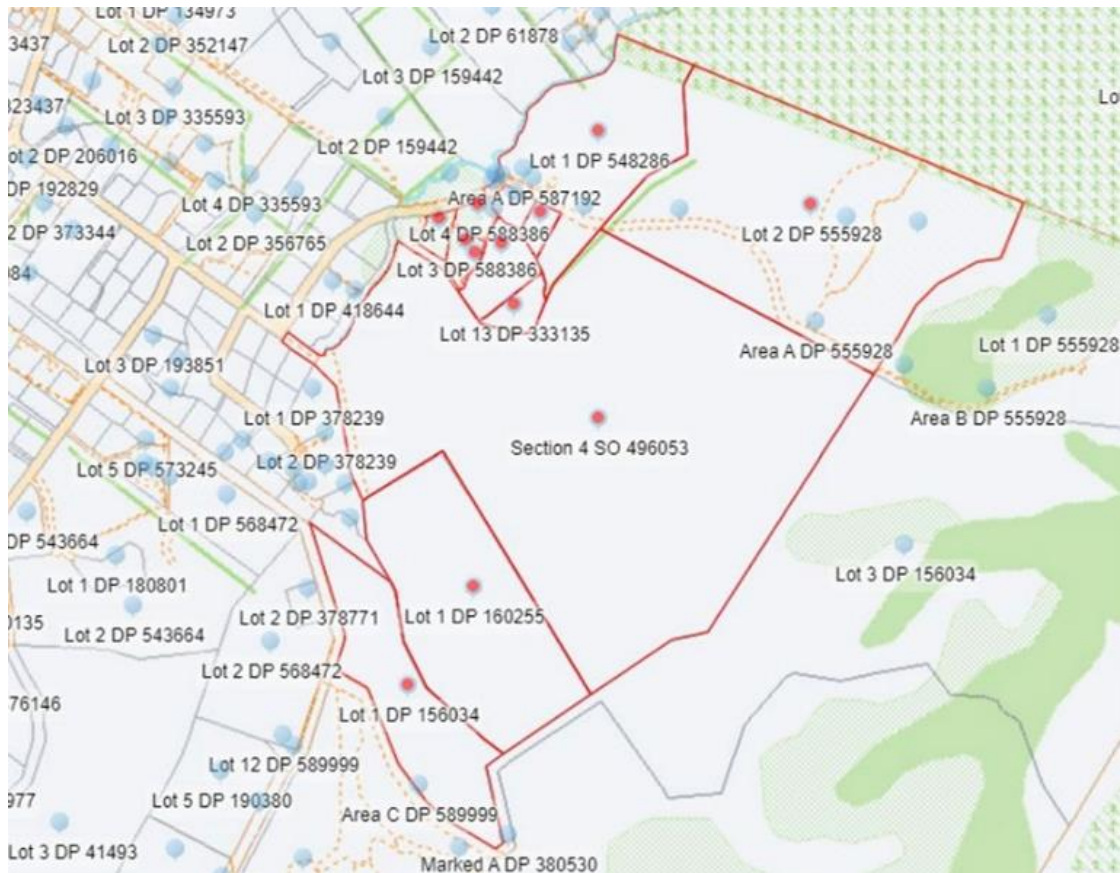


Figure 7 - Rural Residential rezoning request from Gray Gilraine Holdings Ltd (parcels shown in red)

The lay evidence of Mr Craig Lee and Ms Toni Monro (trustees of the Okura Trust) confirms that there has been further subdivision of Lot 2 DP 555928 and that the PDP maps do not show the extent of consented titles. However, the hearing report clarified this and showed these sites within Lot 2 DP 555928.

### **Gray Gilraine evidence**

#### Andrew McPhee - Planning

Planning evidence for Gray Gilraine was provided by Andrew McPhee. Mr McPhee stated that the properties subject to the rezoning request are fragmented into 23 titles and already have a distinctive rural residential character. He advised us that the soils on these properties were primarily LUC Class 4 and therefore not classified as highly productive under the NPS-HPL. Mr McPhee further opined that these soils were not suitable for agricultural production.

Mr McPhee opined that the request was not a “speculative” greenfield proposal but a “correction of a zoning anomaly” with defensible boundaries to the west in the form of the Kerikeri township and the Waitangi Forest to the east. He advised that the Kerikeri wastewater treatment plant was located nearby and the rising main runs directly through the property and would offer future servicing opportunities.

Mr McPhee was of the view that any reliance on the KKWSP is “misplaced” on it being a non-statutory document without funding allocated to achieve identified infrastructure upgrades including a new wastewater treatment plant for Kerikeri.

In questioning to Mr McPhee he advised us that the rural residential zone, while being a rural zone, was part of the mix of zones that can provide for residential housing. Mr McPhee stated that while the RRZ provided a housing option, it was not an urban zone. He added however, that it was an efficient option for housing when there were significant constraints on urban growth. In his view, the current wastewater servicing constraints at Kerikeri meant that a rural residential zoning adjoining the eastern limits of the Kerikeri township was an efficient option to meet housing demand.

We questioned Mr McPhee on the weighting to be given to the KKWSP and he conceded that while it was a non-statutory document it did follow a national direction from the NPS-UD.

#### Craig Lee – Okura Trust

Mr Lee advised that he has lived at Okura Drive for 25 years and the land was well placed for rural residential zoning and was only 2km from the centre of Kerikeri township. He confirmed the location of the rising main for the wastewater treatment plant was on their land and that this favoured the rezoning request provided there was capacity within the treatment plant.

#### Council Hearing Report

In response to the evidence of Mr McPhee, the Council's hearing report (prepared by Ms Pearson) reiterated her view that fragmentation is a common occurrence in the RPROZ and is not, in and of itself, sufficient justification for a rural residential or rural lifestyle zoning, particularly if the rezoning would enable further fragmentation and intensification of that land.

The reporting officer has considered the potential yield of 175 lots provided by Mr McPhee and considered this number to be "relatively conservative" and suggests that it could be much larger, although she does not give us an estimate of how many more lots this would entail.

The reporting officer agrees with Mr McPhee that the soils, being primarily LUC Class 4 soils, are not highly productive under the NPS-HPL. However, she disagrees that LUC Class 4 soils are "marginal" or not otherwise productive. We note that Mr McPhee appeared to accept this in response to our questions at the hearing.

The reporting officer (in response to Criterion 1) expressed concerns with defensible boundary argument put forward by Mr McPhee. While the reporting officer concedes that the Waitangi Forest is a "natural boundary of sorts" she opines that there is no such natural boundary to the east or the south and asserts that a RRZ in this location would result in land that is surrounded by Rural Production zone on three sides. In the reporting officer's view this would result in a protrusion of the zone further out into the rural environment, as opposed to creating a consolidated and well-functioning urban environment around Kerikeri (inconsistent with Criterion A).<sup>19</sup>

In response to the recently approved lots on Okura Road, the reporting officer opined that these were established at a RLS scale and that a RRZ would enable a much greater

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<sup>19</sup> Hearing Report 15C – Rural Paragraph 321(a-d)

intensity of subdivision and development than what exists in the surrounding rural environment. She States:

*As I've mentioned above in response to other submitters, I note that the size and non-productive use of the land parcels may not sit comfortably in the Rural Production Zone, however this is a common occurrence across the Rural Production Zone due to a legacy of permissive subdivision rules in the ODP.<sup>20</sup>*

The reporting officer also notes the recent subdivision decisions have all been assessed and approved under the ODP planning provisions and she advises that the PDP is actively moving away from a permissive approach to allowing small scale fragmentation of Rural Production zoned land and, in the reporting officer's opinion, those same resource consents would not be granted under the PDP decision making framework. In her view, those decisions are not evidence that rural residential development is supported by Council in this location.

With regard to the KKWSP, the reporting officer is of the view that providing substantive rural residential capacity on the eastern edge of Kerikeri (where the majority of the submission area sits outside the KKWSP) is inconsistent with the objective of the KKWSP to create a compact urban form. The reporting officer disagrees with Mr McPhee that KKWSP should be given little weight and that rural residential development is an efficient method to achieve more housing at Kerikeri.

Finally, the reporting officer considers that the lack of a transportation assessment provided to be inadequate considering the yield suggested by Mr McPhee.

Overall, the reporting officer concludes that the reasons to retain the land identified by Gray Gilrairie Holdings Ltd and Okura Trust as RPROZ outweigh the reasons presented supporting the land being upzoned to RRZ, particularly considering the conflict with the outcomes sought by the KKWSP and the creation of less defensible zone boundaries compared to the PDP as notified. We note that the reporting officer retained this view in the hearing report and verbal response to evidence at the hearing and she did not provide any further comment on these submissions in the written right of reply.

### **3.10.2 Hearings Panel Evaluation**

We have considered this submission and evidence carefully. Firstly, we comment on the KKWSP and the weight to be given to this document. We then address the other evidence presented on the various merits associated with this rezoning request.

#### **Kerikeri Waipapa Spatial Plan**

Mr McPhee's evidence is that we should give little weight to the KKWSP on the basis that it is (1) a non-statutory document and (2) that it not provide funding for infrastructure to support the intensification of urban areas in Kerikeri and Waipapa. The Council position is that the KKWSP is a matter that should be "had regard to" under Section 74(2)(b)(i) of the RMA when making recommendations in response to submissions on the PDP (to the

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<sup>20</sup> Hearing Report 15C – Rural Paragraph 321(e)

extent that any amendments recommended are within the scope of submissions on the PDP).

Under section 74 of the RMA, a local authority is required to have regard to any management plans and strategies prepared under other acts. In our view this includes the KKWSP. As set out in the Rezoning Submissions Overview Report, which provides an overview of the approach taken for all Hearing 15 rezoning submissions, the Council accepts that the KKWSP is a non-statutory document that sets out how Council will manage growth in the area around Kerikeri-Waipapa by identifying areas appropriate for housing, business and industry. The KKWSP serves as a blueprint for future planning and investment for the area. We note that the KKWSP was adopted by Council on 18 June 2025.

The Panel recognises that the weight to be given to the KKWSP is a matter for it to assess and determine. In our view this determination involves a number of factors which we set out below. In recognising these factors we have had regard to the legal submissions presented to us by Tim Fischer at Hearing 15D – Rezoning within the KKWSP and other legal submissions including those presented by Kiwi Fresh Orange Limited and Audrey Campbell-Frear. We summarise these factors as follows:

- a. The KKWSP followed a special consultation procedure (informed by technical reports) which involved public submissions, hearings and the support of several technical reports.
- b. The NPS-UD requires all tier 1 and 2 local authorities to prepare a Future Development Strategy and:
  - i. Recognises that an FDS can be incorporated into a spatial plan (Clause 3.12(5)); and
  - ii. and where a non-tier 1 or 2 local authority prepares a spatial plan, the spatial plan requirements shall apply as if it were.
- c. The KKWSP makes the following statement with regard to the FDS requirements in the NPS-UD:

*The National Policy Statement on Urban Development (NPS-UD) directs Tier 1 and 2 councils to prepare a Future Development Strategy (FDS). An FDS is a strategic document that sets out how local authorities will accommodate growth in the long-term. Its purpose is to promote long-term strategic planning by setting out how local authorities will:*

- *achieve well-functioning urban environments in their existing and future urban areas, and*
- *provide at least sufficient development capacity over the next 30 years to meet expected demand, and*
- *assist with the integration of planning decisions under the Resource Management Act (RMA) with infrastructure planning and funding decisions.*

*Simply put, it provides direction and clarity on where new homes and businesses should be located, and the actions necessary to achieve well-planned growth. Although not a Tier 1 or 2 local authority, Council has decided to follow the NPS-UD and take a good practice, evidence-based approach to planning for growth. This spatial plan sets out how Council will achieve these outcomes.<sup>21</sup>*

- d. Based on the matters addressed in the KKWSP a number of growth scenarios which direct growth for Kerikeri Waipapa and influenced the introduction of two new zones to the PDP specifically targeted to growth in Kerikeri Waipapa being: the Town Centre zone and the Medium Density Residential zone.

Our finding on this matter is that we should have regard to the KKWSP as it has been through a robust public consultation procedure (involving submissions and hearings) and has been prepared to give effect to the NPS-UD in the context of the Far North being a Tier 3 local authority. It provides targeted direction for growth in Kerikeri Waipapa, sets out the broad requirements for infrastructure necessary to achieve growth and a clear spatial plan identifying where that should occur.

Turning now to Mr McPhee's point regarding infrastructure funding, we are of the view that the role of a spatial plan is not to undertake detailed infrastructure funding and allocation. Rather, we see the role of a spatial plan to identify where infrastructure needs to be provided and a broad direction to achieve this. We also recognise that there are other mechanisms to provide detailed infrastructure funding and these include the Long-Term Plan process and specific infrastructure plans enabled under the Local Government Act.

### **Fragmentation**

The issue of fragmentation has been raised by most submitters seeking a rezoning of RPROZ land to RRZ or RLZ. We agree with the reporting officer that fragmentation is a relevant matter but not a determining factor on its own. We also agree that fragmentation has, to a large extent, occurred under a more enabling planning framework under the ODP and the PDP has moved away from this approach to one focussed on retaining the productivity of rural land for agricultural production. As set out in our recommendation report for the Rural zones (**Recommendation Report 9**), we generally agree with this approach albeit with some amendments enabling some increased subdivision opportunities in the RPROZ and RLS.

In this case, we accept that there has been some fragmentation of the various properties included with the submission but consider the fragmentation that could be achieved under a RRZ to be far in excess to that which has already occurred.

### **Soil Productivity**

Both Mr McPhee and the reporting officer agree that the land is primarily LUC Class 4 which is not classified as "highly productive land" under the NPS-HPL. However, this does not mean that the land is not productive for other forms of agriculture activity. We have received evidence from Dr Hill that LUC Class 4 soils can be productive for some

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<sup>21</sup> KKWSP Page 5

horticulture, dry stock and dairy production. On this basis we do not consider the soil classification of the submitter's land to be justification for an RRZ.

### **Risk of over-zoning rural residential land**

We are conscious that the KKWSP has a focus on directing a significant proportion of growth to occur within urban areas of Kerikeri and Council has introduced the Town Centre zone and the Medium Density Residential zone into the PDP to largely facilitate this growth. In that light we are cognisant that this strategy is not undermined by providing too much RRZ land. We accept that this involves a delicate balance as the RRZ needs to provide for opportunities to live in a rural environment and it is a recognised popular housing choice in Kerikeri Waipapa.

This issue is raised in Mr McIlrath's evidence for Hearing 15D where he states:

*... risks manifest when the enabled capacity that is out of proportion (over-zoned) relative to the anticipated demand. It occurs because in such cases, a large share of demand could be accommodated by a small number of large developments in sub-optimal locations. This means that the remaining demand is too small to relative to the remaining development opportunities to generate the concentration benefits.<sup>22</sup>*

While we have been minded to recommend some new areas of RRZ (i.e. Tubbs Farm) these have been relatively discrete areas and/or areas where a consents for a RRZ scale and intensity already forms part of the existing environment. In this case, we are of the view that the requested zoning (being conservatively estimated as being 175 lots) is a substantial realisable increase to the development capacity in the RRZ, which in Mr McIlrath's assessment, is already over-supplied. We therefore find that rezoning this land to RRZ could exacerbate the over-supply of RRZ at Kerikeri and in turn would undermine the urban growth strategy for Kerikeri as set out in the KKWSP.

### **Infrastructure servicing**

The evidence of Mr McPhee emphasised the presence of the rising main for the Kerikeri Wastewater Treatment Plant as being within the submitter's property and that servicing of the site could therefore be achieved in the future.

We were advised by Council officers that the capacity of the existing plant was still an issue and that the Council was currently going through a resource consent process to address this. We also understand that upgrades to the plant are recognised in the KKWSP to facilitate the growth identified for Kerikeri. We are also conscious that the RRZ is a rural zone and the minimum lot sizes have been established on the basis that they can be serviced on site without the need for reticulation. While we see a readily available connection to future wastewater services as a positive aspect, we do not consider it prerequisite or a necessary component to support a RRZ. Furthermore, we would consider reticulation of development within a RRZ an inefficient use of any future wastewater infrastructure on the basis that minimum lots sizes for the RRZ can provide for on site wastewater disposal. That said, should the capacity of the Kerikeri Wastewater

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<sup>22</sup> Evidence of Lamerance McIlrath for Hearing 15D paragraph 3.44

Treatment Plant be expanded, we consider that there may be an opportunity for the land to be zoned for residential activity. However, there is no scope for this outcome as part of this process.

### **Overall finding**

Overall, we have not been persuaded that the land subject to the Gray-Gilraine and Okura Trust submissions should be rezoned RRZ. We prefer the evidence of the Council that the properties should remain RPROZ.

### **3.10.3 Hearings Panel Recommendations**

For the reasons set out in 3.10.2 above we recommend the following:

- a) That the submission by Gray Gilraine Holdings Ltd (S295.001) and the further submission from Okura Trust (FS343.001) to rezone that land to the south-east of Shepherd Road, including the properties at 99 and 101 Shepherd Road, 19 Okura Drive (Lot 2 DP 555928 and Lot 1 DP 548286) and 27C Riddell Road (Lot 3 DP 156034) are rezoned from Rural Production to Rural Residential be rejected.

## **3.11 Key Issue 8 – Ian Diarmid Palmer and Zeija Hu and RHL & LM Ferguson Family Trust**

### **3.11.1 Matters Raised in Submissions**

Ian Diarmid Palmer and Zeija Hu (S244.001) oppose land on the Rangitoto Peninsula being zoned Rural Production and consider this zoning to be inappropriate. Approximately 51ha of the 59ha that make up the Rangitoto Peninsula is privately owned and already fragmented into numerous parcels resulting in 12 properties – of which the submitters own three. The land is located between the General Residential zoned area of Hihi and the Natural Open Space zoned northern headland of the Peninsula.

RHL & LM Ferguson Family Trust (S57.001) oppose the proposed zoning of 95 Marchant Road in Hihi ‘Butler Point’ as Rural Production, which is another property on the Rangitoto Peninsula that consists of six titles. The spatial extent of the Ferguson’s submission is a subset of this land, consisting of the six lots that they own.

We received evidence from Mr Palmer in support of his and Ms Hu’s rezoning request and planning evidence of Thomas Keogh was presented in support of Mr and Mrs Ferguson.



Figure 8 - Spatial extent of rezoning submissions on the Rangitoto Peninsula (orange outline)

### Planning Evidence of Thomas Keogh

Mr Keogh submitted planning evidence for Mr and Mrs Fergusson but did not attend the hearing. The evidence of Keogh stated that the land subject to the Fergusson submission was highly fragmented and lacked capacity for primary production and the soils were classified LUC Class 6. He stated that the sites were occupied and used for rural lifestyle activity.

Mr Keogh considers the Rural Lifestyle zone to be a more appropriate zoning framework, reflecting the existing use and enabling low-density development consistent with the site's physical characteristics. He notes that rezoning would not enable significant additional subdivision, with only one site currently meeting the 8ha threshold for controlled subdivision into 4ha lots, and four others qualifying for discretionary subdivision at 2ha. Under our recommended rural subdivision provisions (see Recommendation Report 9) and additional five sites could be established via a discretionary activity pathway.

Mr Keogh considers that the objectives and policies of the Rural Lifestyle zone are more closely aligned with the existing characteristics of the submission area. Mr Keogh concludes that the rezoning request is consistent with higher order documents, including the RPS and New Zealand Coastal Policy Statement as Rural Lifestyle zoning better

supports consolidated settlement patterns, ecological enhancement, and appropriate use of land in the coastal environment compared to the Rural Production zone.

### **Evidence of Mr Palmer**

Mr Palmer attended the hearing and presented a slide show which focussed on the Minute 14 assessment criteria and Council assumptions regarding plan enabled capacity. His evidence asserted that the plan enabled capacity assessment in the hearing report was incorrect and that plan enabled capacity has been over-estimated.

### **Council Hearing Report and Right of Reply**

Consistent with the assessment for other rural rezoning requests, the Council's reporting officer stated that previous fragmentation of land into smaller parcels with more limited options to be used for productive purposes does not automatically mean that land should receive a rural residential or rural lifestyle zoning, particularly if the rezoning would enable further fragmentation and intensification of that land. In the reporting officer's view a RLZ in this location would enable further fragmentation, although the exact number is disputed by Mr Palmer in his evidence.

The reporting officer agrees that the land is affected by various overlays (including heritage items, notable trees, Coastal Environment, Outstanding Natural Landscape, High Natural Character Area and natural hazards) but opines that these overlays simply change the activity status from controlled activity to discretionary activity. The reporting officer concludes that the rezoning request fails to meet the rezoning criteria in Minute 14.

In the right of reply, the reporting officer concedes that her plan enabled capacity calculations (78.99ha) were not correct and should have been based on the number presented by Mr Palmer (50.03ha). The reporting officer presented a revised table of plan enabled capacity (based on the Hearing 9 recommendations) which resulted in 12 additional lots as a controlled activity and 35 additional lots as a discretionary activity. The reporting officer states:

*... despite the identified errors in my initial calculations, I remain of the opinion that the feasible yield from the rezoning would not equate to only one additional lot, being the suggested level of development that Mr Palmer and the Fergusons are seeking from their rezoning request, particularly if my recommendations from Hearing 9 are adopted. I maintain there is a difference between landowner intent for future subdivision and what could be achieved from a subdivision perspective by other (or future) landowners focussed on obtaining maximum yield.*

The reporting officer states in the right of reply that she initially used the total number of lots that could be achieved as opposed to reflecting the additional lots that could be created beyond those already existing. She states that the revised plan enabled capacity table she provided focussed on additional lots "to be as fair to the submitters as possible", and that this has resulted in more conservative numbers.

Notwithstanding the concession made by the reporting officer, she remained opposed to the rezoning request.

### **3.11.2 Hearings Panel Evaluation**

We have carefully considered the evidence presented on this matter and we are of the view that the circumstances relating to this land are different to other rural rezoning requests we have considered. Firstly, the requested zoning is RLZ which, while potentially adding additional capacity to the number of sites currently in existence, is significantly less than those requests which have sought a RRZ, being the highest intensity rural zone in the PDP. We are also satisfied that the likelihood of these properties being used for rural production is unlikely given the relatively isolated location on the south western side of the settlement of Hihi. Furthermore, we note that the land adjoining Hihi on the eastern side is also zoned RLZ and see a RLZ on the submitter's land as complementing that zoning. We also consider the RPROZ adjoining Hihi to the north and north east to be part of a more contiguous and more viable RPROZ than this relatively isolated pocket of land.

We also recognise the evidence of Mr Keogh, regarding the multiple overlays that apply to the land and we are of the view that these would further constrain potential development under a RLZ. For these reasons we disagree with the reporting officer and the other Council officers and we recommend that this land be rezoned RLZ as requested by the submitters.

### **3.11.3 Recommendations and Reasons**

For the reasons set in the 3.11.2 above we recommend that:

- a) The submissions by Ian Diarmid Palmer and Zejia Hu (S244.001) RHL & LM Ferguson Family Trust (S57.001) to rezone land on the Rangitoto Peninsula be rezoned from Rural Production zone to Rural Lifestyle zone be accepted and rezoned and mapped accordingly.
- b) The PDP maps be amended to show the above land as RLZ.

## **3.12 Key Issue 9 – Nigel Ross Surveyor Ltd**

### **3.12.1 Matters Raised in Submissions**

Nigel Ross Surveyor Ltd (S367.001, S374, S380, S381) requests that an area of land surrounding the Omapere Settlement is rezoned from Rural Production to Rural Residential. Mr Ross notes that many of these properties are between 0.5 and 2ha in size and have not been used for rural productive purposes for years, making the Rural Production zoning inappropriate. Mr Ross considers that the existing and future land uses within the area identified are more consistent with the Rural Residential zone.

Mr Ross also opposes the partial Rural Production zoning of the properties at 98A-110, and 109-115 State Highway 12, Opononi (Lots 1-5, 8, and 10-13 of DP 32412, Lot 2 DP 92721, and Part Lot 1 DP 84442). Mr Ross sees no reason for any part of these properties to be within the Rural Production zone (potentially an error) and requests that each is rezoned to be fully within the Rural Lifestyle zone.

Mr Ross did not file any evidence in accordance with Minute 14 but attended the hearing and gave verbal evidence and presented a plan of the areas he sought to be rezoned. Mr Ross explained to us that his key rationale for the request is that, in his opinion, the land is not very productive and the people who live there are part of the Omapere community so should have a rural residential zoning to reflect that. Mr Ross also confirmed that he is

open to the Rural Lifestyle zone as alternative relief if that is a better fit. The land that Mr Ross considers should be upzoned to either Rural Lifestyle or Rural Residential zone is shown in the figure below.

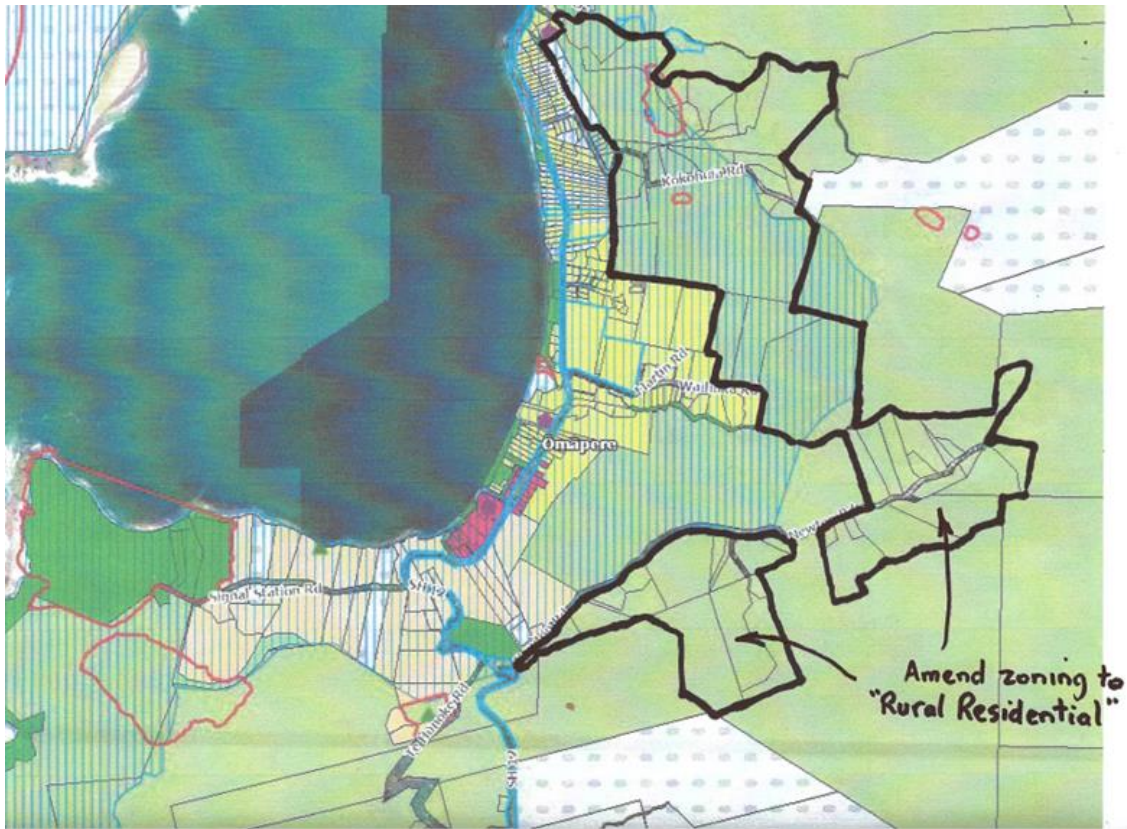


Figure 9 - Nigel Ross Surveyor Limited rezoning request around Omapere

### Council Hearing Report

In the hearing report (see paragraph 243) the reporting officer was not supportive of the request for the following reasons:

- a. The matters in Minute 14 have not been addressed.
- b. While the soils are a mix of LUC Class 4, 6 and 7 (and not highly productive), Ms Pearson has concerns as the RRZ is a zone that anticipates transition to urban or settlement areas over time which is not anticipated in the locality.
- c. Some of the land is subject to natural hazards (i.e. flooding and potential landslip) and no analysis of this been undertaken.
- d. There has been no economic analysis whether there is demand for RRZ or RLZ zoning in this locality.

The reporting officer does recognise that the properties from 98A to 110, and 109 to 115 State Highway 12 in Opononi appear to have been split zoned in error and was likely a GIS mapping error. Ms Pearson states:

*I consider that the intent of these maps is to show the entirety of the properties at 98A to 110, and 109 to 115 State Highway 12 in Opononi as Rural Lifestyle zone as opposed to creating a split zone situation for*

*these sites and surrounding properties. As this is clearly an error, I recommend that Mr Ross' submission S381.001 in relation to these properties be accepted.*

### **3.12.2 Hearings Panel Evaluation**

We understand the rationale behind Mr Ross' request and also the concerns raised by the reporting officer. In our view, not enough assessment has been carried out to address the criteria in Minute 14 which is a necessary component of the section 32 requirements to support a rezoning request. We understand that the Council will be undertaking a district wide spatial planning exercise following the PDP and this will present another opportunity for more consideration of RRZ, RLZ or Settlement zones to be considered in this locality.

We agree with the reporting officer that the properties at 98A to 110, and 109 to 115 State Highway 12 have been incorrectly mapped and acknowledged that this has mapping has been corrected and is annexed as Appendix 4.2.

### **3.12.3 Hearings Panel Recommendations**

For the reasons set in the 3.12.2 above we recommend that:

- a) The submissions from Nigel Ross Surveyor (S381.001, S367.001, S374, S380, S381) be rejected and the land remain RPROZ.
- b) The submissions from Nigel Ross Surveyor, as above, be accepted with the properties at 98A to 110, and 109 to 115 State Highway 12 in Opononi all zoned as Rural Lifestyle zone, the notified zoning having been identified as an error.

## **3.13 Key Issue 10 – Musson Family Trust**

### **3.13.1 Matters Raised in Submissions**

The submissions by Musson Family Trust (S404.001) oppose the RLZ being applied to land at 30 Houhora Heads Road (Lot 4 DP 530683) and surrounding properties in Raio. Musson Family Trust consider that the RLZ effectively 'downzones' the site compared to the ODP (which provided for a discretionary lot size of 5,000m<sup>2</sup> in the Coastal Living zone). Musson Family Trust consider that more land zoned Settlement in this location is necessary as some of the land already notified as Settlement zone to the northwest is subject to wetlands, which reduces its development potential. The submitter also considers that there is a high demand for housing in the area at a scale more akin to that provided by the Settlement zone, as opposed to the larger lots enabled by the Rural Lifestyle zone.



- d) Mr Henehan considers that the range of lot sizes for 20 of the 21 lots more closely aligns with the Settlement zone compared to the Rural Lifestyle zone, ranging between 4,000m<sup>2</sup> and 1.9ha (plus one larger 10.84ha lot).
- e) Mr Henehan considers the location of the land adjacent to State Highway 1 is well located in terms of accessibility, noting that any deficiencies with the intersection between State Highway 1 and Houhora Heads Road can be addressed at subdivision stage.

### **Council Hearing Report**

The reporting officer disagrees with Mr Henehan and her reasons can be summarised as follows:

- a. The reporting officer considers the economic analysis of Mr McIlrath (that there is no significant demand for additional Settlement zone) over the anecdotal opinions of real estate agents;
- b. The reporting officer reminded us of the recommended changes to the minimum lot sizes for the RLZ (being 2ha as a controlled activity and 1ha as a discretionary activity) as part of Recommendation Report 9 (which we have since adopted). In her view this makes the RLZ similar to the Settlement zone in terms of intensity;
- c. The reporting officer states that Mr Henehan has not recognised that almost all of the 21 lots requested to be rezoned are also subject to the River Flood Hazard zone (both 10 and 100 Year ARI events);
- d. The reporting officer has concerns that the submitter has not consulted with Waka Kotahi NZTA and there has been no assessment of traffic generation or traffic safety.

We were also advised during the hearing that Musson Family Trust have not engaged with or obtained approval from any of the other owners of land subject to their submission and have not engaged with iwi or hapu. Mr Henehan offered the explanation that there was general support as no further submissions in opposition have been received.

### **3.13.2 Hearings Panel Evaluation**

We understand the request to rezone the land from RLZ to RSL. However, we agree with the reporting officer that the final provisions for the RLZ that we have recommended include significant more enabled subdivision opportunities as discussed above (minimum lot sizes for the RLZ (being 2ha as a controlled activity and 1ha as a discretionary activity) and we are of the view that these more enabling subdivision provisions will go some way to addressing the concerns with the RLZ as opposed to the zoning under the ODP.

We also share the reporting officer's concerns regarding the rigour adopted to addressing the criteria in Minute 14. These are important considerations and are linked to a robust assessment under section 32 of the RMA and we have included them in Minute 14 for this reason.

Finally, we did not receive any convincing evidence that the land is suitable for rezoning from a natural hazards standpoint, especially with regard to flooding hazards.

### 3.13.3 Hearings Panel Recommendations

For the reasons outlined in 3.13.2 above we recommend that the submission from Musson Family Trust (S404.001) to rezone the land at 30 Houhora Heads Road (Lot 4 DP 530683) and 21 surrounding properties in Raio from Rural Lifestyle zone to Settlement zone be rejected.

## 3.14 Key Issue 11 – Kingheim Limited

### 3.14.1 Matters Raised in Submissions

Kingheim Limited (S461.001) oppose the RPROZ zoning of the property at 44 Gillies Road on Karikari Peninsula, legally described as Lot 1 DP 149495. This property contains a range of visitor accommodation and residential activities, known collectively as Reef Lodge.

Kingheim Limited consider that the Rural Production zoning is inappropriate given the size of the property, existing buildings, non-productive soils and close proximity to the coast. The Kingheim Limited submission states that a RPROZ zoning is not an effective or efficient use of resources and they request that the land is rezoned to Settlement zone or an alternative zone with similar effect, noting the planning evidence provided by Mr Henehan at the hearing recommends a precinct framework as an alternative to the Settlement zone.



Figure 11 - 44 Gillies Road, Karikari Peninsula (red)

## **Planning Evidence – Joseph Henehan**

The evidence of Mr Henehan proposes a bespoke precinct over the underlying Rural Production zone to enable the continued operation of a long-established combination of mixed-use visitor accommodation, rural tourism and residential activity on the 1.17ha site, currently operating as Reef Lodge. This includes motel accommodation, residential units, and a self-contained motorhome campsite, as well as provision for local tourism events such as fishing competitions. Mr Henehan's evidence acknowledges that rezoning the site as Settlement zone is not the most appropriate option as it would enable a level of development that exceeds Kingheim Limited's intentions for the site.

In our questioning of Mr Henehan he advised that the principal driver for the precinct request is to limit the circumstances where Kingheim Limited are required to obtain a resource consent or vary the conditions of their existing resource consents. We also note that the precinct provisions proposed by Mr Henehan would effectively negate the current consented situation, which precludes both the consented residential activity and motel activity occurring on the site at the same time.

The proposed precinct provisions would enable three residential units, 14 motor home campsites and eight motel units to operate concurrently on the site as a permitted activity, which is a level of development not considered or approved by the combination of existing resource consents for the site.

## **Council Hearing Report**

In the hearing report and at the hearing the reporting officer did not consider a precinct necessary or appropriate and her views are summarised as follows:

- a. The reporting officer questions whether wanting to avoid the resource consent process is sufficient reasoning for a bespoke precinct activity;
- b. The fact that it is a visitor accommodation activity in the RPROZ is noted by the reporting officer however she opines that the activities on the site have use existing rights (under section 10 of the RMA) and have been lawfully established and on that basis, they can continue to rely on them;
- c. In The reporting officer's view, the precinct tool should be used sparingly and only in situations where a large area of land requires a different planning/spatial framework to an underlying zone.
- d. The reporting officer disagrees with Mr Henehan that a precinct is required for development on a singular 1ha site. In her view, this is a scenario where the resource consent process is sufficient to consider future development proposals. It was also her view that if Kingheim Limited require more flexibility from their resource consents then this should be applied for and factored into future consent applications as opposed to using the precinct tool.

### **3.14.2 Hearings Panel Evaluation**

The Panel was not convinced that a bespoke precinct is necessary or appropriate in this location. We agree with the reporting officer that a resource consent process, even with a coastal environmental overlay, would be the most appropriate method to manage the activities as part of the visitor accommodation activities undertaken there. We also agree

with the reporting officer that the activities on this site are all lawfully established and have existing rights pursuant to section 10 of the RMA.

On this basis we do not recommend any rezoning or precincts on this property and the submissions be rejected.

### 3.14.3 Hearings Panel Recommendations

For the reasons set out in 13.14.2 above we recommend that the rezoning request from Kingheim Limited (S461.001) seeking a Settlement zone or a precinct (as an alternative) is rejected.

## 3.15 Key Issue 12 - Ian Ray (Joe) Carr

### 3.15.1 Matters Raised in Submissions

Ian Ray (Joe) Carr (S397.006 and S397.007) supports the Settlement zone as it applies to part of his property on Horeke Road, Okaihau but requests that the split zoning is removed so the entire property (legally described as Lot 2 DP 336924) is zoned Settlement zone, as opposed to part Settlement, part Rural Production zone. Mr Carr considers that Settlement zoning across the entire property will enable provision for future housing to meet demand.

The hearing report states that Mr Carr opted-in to the Minute 14 process but did not engage with the Council officers.



Figure 12 - Rezoning request from Ian Ray Carr

The submission from Mr Carr seeks that all of his property be zoned RLZ and opposes the split zone that has been applied to his property with only part of the eastern part of his site being zoned RLZ.

The submissions are supported by a LUC soil assessment prepared by Bob Cathcart. Mr Cathcart's report notes that 28% of the property is shown on the NZLRI maps as being highly productive land under the NPS-HPL (class 2s1). In reality, Mr Cathcart considers that only 11% of the property can be considered highly productive land under the current definition in the NPS-HPL and that it is, in fact, LUC class 3s2. It is Mr Cathcart's opinion that rezoning the land Settlement zone would meet the tests under clause 3.10 of the NPS-HPL based on permanent, long term constraints including lack of groundwater, shallow bouldery soils, existing fragmentation and reverse sensitivity from adjoining neighbours. Mr Cathcart also considers that the small fragment of class 3s2 land would not form part of a large or geographically cohesive area of HPL were it to be mapped by NRC and that the loss of such a small spatial area is not significant, particularly in the context of being so close to Okaihau.

At the hearing Mr Carr revised the rezoning proposal and now seeks a smaller area to be rezoned, effectively 5.30ha in area as opposed to 7.0ha areas as set out in his submission. He stated:

*I consider that this area has logical and defensible zone boundaries and provides for an extensive buffer zone between the Subject Property and the only neighbouring pastoral farming operation (Lot 1 DP527660). The average separation distance of the buffer zone is about 120 metres and the minimum distance of the buffer is about 50 metres, and that is located where the buffer makes contact with my adjacent parcel of land Lot 3 DP454131.*

*Note: I propose to amalgamate the 2.70 ha buffer zone with Lot 3 DP454131, which is RPZ, as condition of this proposed zone change. As a result there will no longer be a split zoned lot.*

<i>Lot 2 DP336924 – the Subject Property</i>	
<i>Existing Settlement zone</i>	<i>1.6 ha</i>
<i>Residual RPZ (as Settlement zone buffer)</i>	<i>2.7 ha</i>
<i>Rezone RPZ to Settlement zone (includes 1 ha of bush)</i>	<i>5.3 ha</i>
	<i>9.6 ha</i>

We visited the property on Friday 3 October 2025 following the hearing of evidence.

### **Council Hearing Report**

The hearing report acknowledged Mr Carr's desire to allow for further expansion of the Okaihau Settlement and not have a split-zone on his property. However, the reporting officer raised two issues being:

- a) whether a sufficient case has been made as to why Okaihau needs to expand; and
- b) whether the balance of Mr Carr's property is the most appropriate location for that expansion.

The hearing report concluded that the rezoning request be rejected on the basis that the Minute 14 criteria had not been addressed (although the soil assessment does) and that the revised proposal by Mr Carr still resulted in a split-zone on his property. The reporting officer opined that the zone boundary proposed by Mr Carr is not in a defensible or logical location and would still result in a split zoned site. She stated:

*In my view, the zone boundary proposed by Mr Carr is not in a defensible or logical location and would still result in a split zoned site. I am also not convinced that Mr Carr's property would be the most appropriate location for a future expansion of Okaihau as it would continue the pattern of ribbon development down Horeke Road, as opposed to prioritising rezoning land closer to the centre of Okaihau nearer to the school and sports fields to create more of a central development cluster (inconsistent with Criterion A).<sup>23</sup>*

The reporting officer also noted that Mr Carr had not provided any economic assessment or assessment of natural hazards to support his request.

### **3.15.2 Hearings Panel Evaluation**

At the hearing we asked questions of Mr Carr and the reporting officer whether there was a logical alternative solution to allow the flatter part of the site and fronting Horeke Road to be rezoned RLZ. During our site visit we observed that the northern section of the site is a steep escarpment and in our view that forms a natural demarcation and defensible boundary.

In the Council right of reply, the reporting officer acknowledges the merits of this revised approach and she discusses the merits of whether the zone boundary should be at the top or the bottom of the escarpment. She opines that locating the zone boundary at the top of the ridge would limit the Settlement rezoning to flatter land that is genuinely capable of being developed for residential purposes. It would ensure that all steep land remained as part of the Rural Production zone in the ownership of a single landowner, which could assist with the land being managed consistently. Conversely, the reporting officer opined that locating the zone boundary at the bottom of the ridge would require the residential lots to be larger to include the steep land to the rear, which is land that would be unsuitable for wastewater disposal and may make the lots less attractive to purchasers.

We discussed this at the hearing and the Panel indicated a preference for the escarpment to be planted out to provide an additional buffer against rural production activities to the north and to stabilise the land, which we noted could be a requirement of a future subdivision consent. The reporting officer agrees with this approach and recommended a revised RLZ boundary at the top of the escarpment.

With regard to the economic assessment to justify the rezoning request, we are of the view that the rezoning is for a relatively small area of land and under the RLZ provisions the feasible capacity has been estimated by the reporting officer to be 8-10 lots, which we consider to be a modest increase in the context of Okaihau. We therefore consider this modest number of lots would be an appropriate addition to the Okaihau settlement

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<sup>23</sup> Hearing 15C – Rural hearing report paragraph 306

in light of the more restrictive subdivision provisions in the RPROZ (which surrounds the settlement on all sides) and Okaihau being a vibrant rural settlement that would benefit from additional residential capacity.

### 3.15.3 Hearings Panel Recommendations

For the reasons set out in 13.16.2 above, we recommend that:

- a) The submissions (S397.006 and S397.007) by Mr Carr (Lot 2, DP 336924) to rezone 5.3ha of land from Rural Production zone to Settlement zone be accepted; and
- b) The mapping be amended as set out in **Appendix 3.1**.

## 3.16 Key Issue 13 - Lucklaw Farm Ltd/Taranaki Trust Trustees

### 3.16.1 Matters Raised in Submissions

Lucklaw Farm Ltd (S551.001) partially support the selection of zones in and around Rangiputa on the Karikari Peninsula. There are three requests made by Lucklaw Farm Ltd relating to the properties at 690 and 700 Rangiputa Road (Lot 2 DP 446414, Sections 3 and 4 Block III Karikari Survey District) surrounding Rangiputa, Lake Rotokawau and Puheke Beach. These are as follows:

- a) Rezone area 'A' (as marked in Schedule 2 of the submission document) from Rural Production to a mixture of Mixed Use and General Residential to enable future urban growth and development around Rangiputa. Lucklaw Farm Ltd considers that expansion of the urban area of Rangiputa could result in better funding for, and the eventual replacement of, the existing wastewater ponds.
- b) Rezone area 'B' (as marked in Schedule 2) from Rural Production to Rural Lifestyle Zone.
- c) Retain area 'C' within the Rural Production zone (as marked in Schedule 2) as the land use is compatible with the purpose, character and amenity of zone as notified.

The Trustees of the Taranaki Trust (S552.001) (**Taranaki Trust**) have made a submission that is very similar to that made by Lucklaw Farm Ltd and requests the same relief. The Taranaki Trust provide further information relating to the 52ha property at 700 Rangiputa Road, which is located within the area 'B' shown in the Lucklaw Farm Ltd submission. This property is legally described as Lot 2 DP 446414 and is noted as containing a mix of lifestyle activities and other uses, with several primary dwellings, baches and sheds. The Taranaki Trust assert that the area marked 'B' (refer Schedule 2 of the submission) does not feature land use that is compatible with the purpose, character and amenity of the Rural Production zone. In lieu of the primary relief not being granted (being the full rezoning of areas 'A' and 'B'), Taranaki Trust request that Rural Lifestyle or Settlement zoning be applied to the property at 700 Rangiputa Road.



Figure 13 - Proposed rezoning areas – Lucklaw Farm Ltd and Trustees of the Taranaki Trust

The hearing report advised that in accordance with Minute 14 there were several pre-hearing meetings with the submitter (represented by Mr John Sturgess) and his consultant team and with the Panel’s encouragement, meetings were held following the hearing.

The hearing report summarises the objectives of the submitter as follows<sup>24</sup>:

- a. Obtain the ability to develop areas of the site for both urban and rural lifestyle purposes to fund the protection of the most environmentally important areas of the site and to fund the necessary wastewater upgrades necessary to justify additional urban zoned land; and
- b. Undertake development in accordance with a masterplan to manage the sensitive landscape and ecological values of the site as well as manage potential adverse impacts on water quality.

The evidence of Lucklaw Farm comprised planning evidence from Marcus Langman, Landscape evidence from Bridget Gilbert, wastewater evidence from Gavin Sole, ecological evidence from Melanie Dixon and water quality/hydrology evidence from James Blyth.

We visited the Lucklaw Farm land on 3 October 2025 and were helpfully escorted around the property by Mr Sturgess.

#### **Planning Evidence – Marcus Langman**

The evidence of Mr Langman set out the vision for Lucklaw Farms. The submissions essential seek a mixture of Mixed Use or General Residential (identified in Area A), Rural

<sup>24</sup> Hearing 15C - Hearing report paragraph 284

Lifestyle zone (RLZ) (identified in Area B) and Rural Production zone (RPROZ) (identified as Area C). The Taranaki Trust submission supports the Lucklaw Submission but also sought an alternative of Rural Lifestyle or Rural Settlement zoning for the property at 700 Rangiputa Road. The submission also sought any further consequential relief amending the objectives, policies and other provisions of the district plan in order to give effect to the submission.

As we understood from the evidence presented to us the vision for the Lucklaw Farms land is the development of a range of rural lifestyle living opportunities, as well as mixed use development to provide for a commercial centre for Rangiputa (for which there is no current commercial zoning), and residential activity which builds on and attaches to the existing settlement of Rangiputa. Active protection and restoration of natural ecological values is also an important component of the proposal.

We were advised that Area C is intended to be used for a combination of eco-tourism and sustainable farming activities and ecological protection and enhancement. We were advised that these could include an education centre, a lodge and visitor accommodation, a mountain bike park, and a “glamping” accommodation facility.

Mr Langman’s evidence addressed the relevant national and regional planning instruments and the relevant zoning and spatial planning options consistent with the National Planning Standards. Mr Langman identified three options:

#### Option 1

Retain the notified Rural Production zoning for all of the sites within the area subject to the submission;

#### Option 2

Amend the zoning in accordance with the submission from Lucklaw Farm and Trustees for the Taranaki Trust, providing for a mixture of Mixed Use/Residential zoning in Area A and Rural Lifestyle zoning in Area B;

#### Option 3

Creation of Development Areas (as a spatial planning technique) in accordance with a finalised masterplan.

The primary evidence of Mr Langman supported the second option but with the third option as an alternative. In rebuttal evidence, Mr Langman revised the relief and sought a Development Area – Option 3.

### **Landscape Evidence – Bridget Gilbert**

Ms Gilbert’s evidence evaluated the existing landscape and natural character values of the Lucklaw Farms land and the surrounding locality her evidence then made a number of recommendations with respect to the key landscape characteristics of any future rezoning of the land and the landscape-related effects of the proposed rezoning. Attached to her evidence was a “Preliminary Spatial Strategy”. We were somewhat confused as to which component of Ms Gilbert’s evidence comprised the masterplan and this was addressed in rebuttal evidence through the production of a Development Plan to accompany the Development Area provisions proposed by Mr Langman.

### **Ecological Evidence – Melanie Dixon**

Ms Dixon set out the ecological values on the Lucklaw Farms land including the sensitive ecological areas of Puwheke Beach, Rotokawau Lakes and areas of existing or regenerating indigenous vegetation and wetlands. She supported the proposed rezoning and Development Area requests subject to the drafted provisions set out by in Mr Langman’s evidence.

### **Wastewater Evidence – Gavin Sole**

The evidence of Mr Sole addressed the likely wastewater infrastructure requirements necessary to implement the Lucklaw Farms proposal. He concluded that the urban components of the proposal (Mixed Use zone and General Residential zone) would exceed the capacity of the Rangiputa WWTP and recommends a new wastewater treatment plant be provided that allows for flow from the current catchment and additional flows to allow for development in the General Residential and Mixed Use areas.

He further recommended that any new wastewater treatment plant should be staged to match growth from both areas. The current wastewater treatment plant could be repurposed for primary treatment and flow attenuation or alternatively polishing treated water from a new wastewater treatment plant. If of adequate quality, the treated wastewater may be used as an emergency firefighting water supply.

### **Water Quality and Hydrology Evidence – James Blyth**

The evidence of Mr Blyth described the soils at Karikari as having little groundwater storage due to the presence of podzolised soils with iron/silica pans that results in poor drainage and limited groundwater recharge to the deeper aquifer. He recommends “water sensitive design” principles be adopted for any development which includes enhancement planting and protection of riparian areas with the use of detention and other water treatment devices to address any contaminated runoff from development areas and roads.

### **Council Hearing Report**

The Lucklaw Farm submission and evidence was assessed by the reporting officer, Ms Pearson, with assistance from the following Council specialists: Landscape – Melean Absolum, Economics – Lawerance McIlrath, Ecology – Elizabeth Morrison; and Traffic – Mat Colins.

In the hearing report and following expert peer review, the reporting officer advised that she did not support the Lucklaw Farms request and her reasons (given in the hearing report, at the hearing and in the right of reply report) can be summarised as follows:

- a. The rezoning request (based on the areas A-C) as set out in Mr Marcus Langman’s planning evidence does not align with the Preliminary Spatial Strategy (PSS), prepared by landscape architect Ms Bridget Gilbert. The reporting officer acknowledged that this disconnect was partially addressed in the rebuttal evidence of Mr Langman but disagreed that a Development Area was the correct approach and that a Precinct was a better method.

- b. The level of engagement has been assessed as inadequate. In particular, the reporting officer was concerned that there had been little engagement with local iwi and the local community at Rangiputa.
- c. The proposal was unlikely to be supported by the FNDC Infrastructure team even if a private wastewater treatment plant was introduced. The primary concern raised was that the Council was focussed on other larger areas within the District for urban growth (i.e. Kerikeri/Waipapa) and Rangiputa was not a priority for growth. We were advised that while it was proposed to use private funding to construct a new wastewater treatment plant, it would be an on-going Council responsibility to operate and maintain it.
- d. No specific transport evidence was provided in support of the proposal, and specialist review by Mr Collins stated that more investigation on the transportation effects (especially in the proposed urban areas) was needed to support any new rezoning.

In the Council right of reply report the reporting officer reiterated her opposition to the rezoning request and we noted the following aspects in the right of reply:

- a. Opposition to the urban component of the proposal with a key concern being wastewater servicing and transportation/traffic congestion effects especially around the coastal interface and boat ramp area of Rangiputa.
- b. Concerns regarding engagement with iwi and the local community remained and was further reinforced by evidence from these groups (discussed further in the sections below).
- c. Concerns over the scope and adequacy of archaeological investigations on the property.
- d. Concerns for a number of drafting approaches taken in the proposed Development Area provisions<sup>25</sup> and a clear preference for a precinct, should the Panel agree to the approach proposed by Lucklaw Farms.

### **Submitter Evidence**

We received evidence from two further submitters being Michael Morse (FS98) and Ross Morley (FS286) who were both in opposition to the Lucklaw Farm submission. Mr Morse also exchanged legal submissions from Aiden Cameron and brought two witnesses with him being Nina Rahahuri (who read out the legal submissions from Mr Cameron) and Graham MacMillan who is the Chair of the Rangiputa Community Incorporated Society. We also received a tabled email from Keringawai Evans Haititaimarangi Marae Trust Chairperson which was read out by Ms Rahahuri.

While the Panel had no issue with the presentation of this evidence from Mr Morley and Mr Morse (and their witnesses) we advised Ms Rahahuri that we could not ask her any questions pertaining to the evidence that she read out as it was not her evidence.

Mr Morley addressed his key concerns which were:

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<sup>25</sup> See paragraph 59 and Table 2 in the Hearing 15C – Rural Council right of reply report.

- a. Rangiputa is a small coastal settlement and any further intensification (further subdivision) will result in placing significant unnecessary pressure on existing services (boat launching/parking facilities), parking and infrastructure. Rangiputa is already under severe pressure, particularly at peak holiday times, without the addition of potentially a further 100 -150 sections.
- b. Whilst capital cost of wastewater infrastructure will (should) be born by the developer ongoing operational/maintenance costs will fall on FNDC and therefore the ratepayer. This at a time when annual rate increases are significant and the demand for Council funding is needed elsewhere.
- c. There is no need for a Mixed Use zone (commercial) as the settlement is principally a holiday destination and adequately serviced by existing (basic needs at the motel and wider needs at Whatuwhiwhi/Kaitaia/Doubtless Bay).
- d. Development will result in clearance of extensive areas of scrubland, habitat to a variety of fauna/flora already under pressure. Stormwater runoff will have a detrimental effect on Lake Rotokawau and the surrounding wetlands.
- e. There appears to have been a complete lack of engagement by the submitter with the residents of Rangiputa, the people who will be most affected by the proposed rezoning. Until recently, the majority have been completely unaware of what has/is being proposed. Greater engagement is required.

The legal submissions of Aiden Cameron opposed the Development Area approach set out in the evidence of Mr Langman and reiterated the concerns of the hearing report in this regard. The evidence highlighted natural justice concerns regarding the introduction of the Development Area provisions at a late stage (i.e. rebuttal evidence) and the lack of engagement with mana whenua.

The email from Keringawai Evans Haititaimarangai Marae Trust Chairperson highlight a lack of consultation, infrastructure issues (especially wastewater) and its impact on tikanga Māori, the need to protect Wahi Tapu and Cultural Landscapes, reverse sensitivity and access concerns.

### **3.16.2 Hearings Panel Evaluation**

We acknowledge the considerable amount of effort put into this proposal from Mr Sturgess and his expert advisors. We see many potential positive outcomes associated with this proposal including the further protection of Puwheke Beach and foredune areas and the sensitive ecological values associated with the lake and wetlands especially within Area C.

We are also generally supportive of the proposed eco-tourism, educational activities within Area C. In that light we asked the reporting officer to comment on the ability to establish these activities under the current RPROZ zoning. The reporting officer replied in the right of reply report<sup>26</sup> that the following activities can be established as restricted discretionary or discretionary activity in the RPROZ:

- Management Plan subdivision

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<sup>26</sup> See Hearing Report 15C – Rural Table 3 paragraph 60

- Mountain bike complex (including parking, buildings and tracks)
- Zipline
- Education centre
- Visitor accommodation (includes lodge and glamping).

We note that this advice does not include the presence of overlays or the potential impact of other district wide rules. Nonetheless, we are of the view that the RPROZ is reasonably enabling with regard to the establishment of these activities.

Turning now to the proposed spatial planning method to establish the Lucklaw Farm “vision” we agree with the reporting officer that a Precinct method is a better fit than the use of a Development Area method. In our view and supported by the reporting officer, the key difference between the two spatial tools is whether or not the provisions of the associated chapter need to apply for the life of the PDP, or whether they can fall away once the development has been completed and simply rely on the underlying zone provisions. We have concerns with the proposed provisions and whether certain provisions need to remain following completion of development. In our assessment, a number of provisions relating to protection, and enhancement of vegetation and riparian areas would need to be ongoing even once the “development” was deemed to be complete. In that light a precinct approach would be more robust as it:

- a. Can rely on the RPROZ as an underlying zone; and
- b. Can include ongoing obligations to protect and enhance regard to ecological values – as has been the case with other precincts recommended by the Panel (e.g. Mataka, The Landing and Wiroa Station).

We acknowledge the assessment of the Precinct versus Development Area approaches in Mr Langman’s rebuttal evidence but prefer the analysis and conclusions made by the reporting officer.

Furthermore, as set out by the reporting officer in the Council right of reply report, we have significant concerns with the proposed urban components to this proposal – being the proposed Mixed Use zone and General Residential zone components. Both rezoning proposals are significant in scale and would have a significant, if not transformative effect on Rangiputa as a community. As set out in the hearing report, we also have concerns regarding the traffic effects that could arise from the increased residential zoning particularly at the coastal interface at Rangiputa Road and the single boat ramp located there. During our site visit (being on a weekday in October 2025) we observed the narrowness of Rangiputa Road and an existing high level of demand for boat parking competing with the traffic demand from dwellings located on both sides of Rangiputa Road.

At the hearing Mr Sturgess suggested that an additional boat parking areas could be established further along Rangiputa Road on the higher elevations to the east. However, we do not see this as being particularly viable given its distance and elevation from the actual boat ramp.

We also share the Council's concerns regarding wastewater servicing and the viability of a private wastewater facility to provide the necessary capacity to service the urban areas proposed. We share the concerns raised by the FNDC infrastructure team that private wastewater systems can be inefficient and costly to manage and their reluctance to take on the responsibility to operate and maintain these facilities.

We have concerns regarding the consultation undertaken with both the local community and the local iwi who both appear to be opposed to the proposal. We acknowledge the evidence presented by the Rangiputa community and their desire to retain the character of the settlement as it currently stands. We Also acknowledge the legal submission and evidence from Haititaimarangai Marae Trust regarding the lack of engagement and the concerns raised by them with regard to cultural values and obligations under Te Tititi o Waitangi.

Finally, we have concerns that the urban rezoning aspects of the proposal have not been supported by any economic assessment, which we see as an important component in any rezoning request and a part of Our Minute 14 criteria to be addressed. We note the economic assessment of Mr McIlrath which assessed demand and capacity for additional urban growth across the district and concluded that the PDP already has sufficient capacity in its smaller settlements to meet demand for the next 30 years. We did not receive any economic evidence to demonstrate that there is demand for additional residential or mixed use commercial zoning.

Accordingly, we conclude that the rezoning requested and the method proposed to achieve it are not the best way to achieve the purpose of the RMA and we recommend that these submissions from Lucklaw Farms be rejected. In making this recommendation, we also acknowledge that elements to this proposal that potentially have merit and could be pursued via a resource consent. These include the opportunity to pursue a management plan subdivision to establish residential lots along with environmental protection and enhancement and the various eco-tourism/education components discussed above.

### **3.16.3 Hearings Panel Recommendations**

For the reasons set out in 13.16.2 above we recommend that the rezoning request from Lucklaw Farm Ltd (S551.001) and Trustees of the Taranaki Trust (S552.001) mix or urban zones (General Residential zone and Mixed Use zone) and a Development Area at the properties at 690 and 700 Rangiputa Road (Lot 2 DP 446414, Sections 3 and 4 Block III Karikari Survey District) be rejected.

## **4. Topic 2: Rezoning Requests Urban**

### **4.1 Relevant Provisions**

The relevant provisions we address in the Recommendation Report for this topic concern those submissions that sought rezoning or support for the notified zoning within the urban areas.

## 4.2 Overview of Submissions Received

A total of 77 original submissions and 85 further submissions were received on Hearing 15C: Rezoning – Urban, either requesting a new zone or supporting the notified zoning for the Urban zones.

A number of substantive rezoning submissions were received from submitters who had opted to provide further information or evidence prior to the hearing (referred to as ‘opt – in submitters’) as per Minute 14 from the Hearing Panel. We discuss Minute 14 in Section 2, Procedural Issues above.

## 4.3 Key Issues

The key issues identified in the hearing report and in evidence are set out below:

- Key Issue 1: Ken Lewis Limited (S9) - Donald Road and Allen Bell Drive, Kaitia
- Key Issue 2: Victoria Yorke and Andre Galvin (S567 and S530), Lot 1 DP 53506, Haruru
- Key Issue 3: Per Lugnet (S322 and S321), Ahipara and Coopers Beach
- Key Issue 4: Ed and Inge Amsler (S341) 6 Bedggood Close, Paihia
- Key Issue 5: Cavalli Properties Limited (S177)
- Key Issue 6: Doug’s Boatyard, Opua (S21)
- Key Issue 7: Ngawha Generation Limited (S432) - Ngawha Springs Rezoning
- Key Issue 8: Health New Zealand (S42) - Hospital Special Purpose zone
- Key Issue 9: Errors Submissions including Variation 1
- Key Issue 10: Retain Submissions
- Key Issue 11: General Residential zone – North
- Key Issue 12: General Residential zone – West
- Key Issue 13: General Residential zone – Mid
- Key Issue 14: Mixed Use zone
- Key Issue 15: Light Industrial zone
- Key Issue 16: Kororareka Russell Township zone
- Key Issue 17: Other.

We have followed this logical structure from the hearing report in our assessment, evaluation and recommendations.

## 4.4 Key Issue 1: Ken Lewis Limited (S9) and Allen Bell Drive, Kaitaia

### 4.4.1 Matters Raised in Submissions

Ken Lewis Limited (S9.001) seeks a General Residential zone be applied to 64ha of land at Donald Road and Allen Bell Drive, Kaitaia (Lot 1 DP 173052) rather than the notified RRZ. The submitter considers that the application of the General Residential zoning for this site is appropriate as the site adjoins the General Residential zone along the western and northern boundary. No further submissions were received.



Figure 14 - Ken Lewis Limited Part Lot 1 DP 173052 - Donald Road and Allen Bell Drive, Kaitaia

The submitter chose to “opt-in” to the process for rezoning submissions set out in Minute 14 from the Hearing Panel. A meeting was accordingly arranged with the reporting planner and the submitter’s representatives at which expert evidence was provided by the submitter which was then peer reviewed by Council experts. That review showed potential difficulties with the rezoning sought. The economic assessment indicated that only 18% of the site would be required to meet long term demand and significant infrastructure upgrades would be necessary to support development at the proposed scale. The reporting planner was not able to support the rezoning but noted the submitter may wish to consider an amended proposal.

For the submitter Sarah Robson then provided further planning evidence at the hearing and also evidence from Mr Yin an environmental engineer that addressed the flooding potential of the area. We had the opportunity during the hearing to discuss the consideration of a staged approach and whether there was some “middle ground” in the master plan Ms Robson produced.

### 4.4.2 Hearings Panel Evaluation

We acknowledge the quality of the information provided by the submitter but find that even with a reduction in the area sought to be rezoned that the General Residential zoning

would enable residential capacity for Kaitaia that significantly exceeds the projected long term demand (estimated at some 210 dwellings). The potential scale of the relief sought at 500 dwellings is excessive relative to demand and cannot be supported by economic evidence, it raises concerns for inefficient use of land and potential speculative behaviour.

There are also infrastructure constraints in relation to water supply and wastewater which would require upgrades to those systems and particularly the need to co-ordinate with FNDC's programme of works. We acknowledge that the site adjoins land zoned General Residential making it a logical and contiguous extension of Kaitaia's urban area, but significant infrastructure upgrades would be required to support the level of development that would need to be provided for through rezoning.

We find that retaining the Rural Residential zoning allows for a more measured, demand-responsive approach to growth, and ensures that future development is aligned with actual market needs and infrastructure capacity. On balance, the evidence supports retaining the existing zoning to protect the integrity of Kaitaia's urban form and to manage infrastructure investment prudently.

#### **4.4.3 Hearings Panel Recommendations**

That for the reasons set in 4.4.2 above we recommend the submission by Ken Lewis Limited (S9.001) is rejected and the zoning of the land at Donald Road and Allen Bell Drive (Lot 1 DP 173052) is retained as notified as RRZ.

### **4.5 Key Issue 2: Victoria Yorke and Andre Galvin (S567 and S530), Haruru**

#### **4.5.1 Matters Raised in Submissions**

Andre Galvin (S567.004) and Victoria Yorke and André Galvin (S530.003) seek that a Settlement zone is applied to 3.9ha of land at Puketona Road, Haruru (Lot 1 DP 53506) and that the High Natural Character (**HNC**) overlay be reduced. Both consider that a residential zoning is appropriate as the site adjoins an existing residential area, and partial rezoning of the property for more intensive residential use would consolidate growth around the urban centre.



Figure 15 - Victoria York and Andr  Galvin Puketona Road, Haruru (Lot 1 DP 53506)

#### 4.5.2 Hearings Panel Evaluation

We note that a range of specialist assessments were provided relating to this site, being in relation to landscape, traffic and planning. We also had the opportunity for extensive discussion with the submitters and Council’s reporting officers/consultants at the hearing. We acknowledge the value in that discussion and the assessment work carried out.

From all of this work, and our discussion at the hearing, the landscape experts Ms Absolum (for the Council) and Mr Brown (for the submitter), were both supportive of the need to retain the HNC overlay over most of the site and providing for a small number of appropriate building platforms outside of the overlay. The reporting officer, Ms Sarah Trinder agreed with the additional information that was presented and we acknowledge the input from Ms Absolum’s site visit and reporting. The reporting officer accordingly has recommended:

- a. Revised recommendation for the further reduction of HNC 409 and 422.
- b. Insertion to the PDP of the Haruru development area over the property at Lot 1 DP 53506.

Another consideration was the issue of access and resulting traffic effects with the Council’s expert Mr Collins not being in favour of direct access off the State Highway. He did however indicate he would support access from Goffe Drive which the submitters demonstrated at the hearing they could arrange given their ownership of 42 Goffe Drive.

We find agreement with the reporting officer that an appropriate approach to providing for some development on the site is to adopt a development area overlay whilst retaining the Rural Production zoning. This would allow for limited development outside the HNC. The

reporting officer has provided a Haruru Development Area, being 3.9ha in the Upper Waitangi catchment, being a coastal site with high natural character and substantial areas of native vegetation. The process of development would then need to follow the preparation of a comprehensive Development Area Plan with buildings confined to identified areas and designed to protect landscape and ecological values, while encouraging conservation outside these areas. Subdivision is a restricted discretionary activity if it is consistent with the development plan with a maximum of five allotments. The development plan also requires safe and appropriate site access with access from Goffe Drive being favoured through the process of considering these submissions.

We find that applying a Development Area overlay is the most appropriate option as it provides for a limited amount of development outside the High Natural Character overlay. The approach offers appropriate limited development opportunities for the site. It achieves PDP objectives by balancing development needs with environmental protection, is consistent with higher order planning instruments and minimises adverse effects compared to rezoning.

### 4.5.3 Hearings Panel Recommendations

For the reasons above, we recommend the submissions S567.004 and S530.003 are accepted in part, to the extent that:

- a) we recommend the insertion of the Haruru Development Area into the PDP. in the Rural Production chapter. with consequential amendments to the Subdivision provisions.. The Haruru Development Area provisions is set out in **Appendix 2.1**; while the Haruru Development Area subdivision provisions are identified in **Appendix 2**, Subdivision in **Recommendation Report 16**.
- b) the extent of HNC 409 and 422 is reduced; and the planning maps are amended as identified in **Appendix 3.2**.

## 4.6 Key Issue 3: Per Lugnet (S321, S322, S324), Ahipara and Coopers Beach

### 4.6.1 Matters Raised in Submissions

#### Coopers Beach

Per Lugnet (S324.001, S324.002) has requested that a land use consent be issued to preserve development rights without incurring additional costs when the property at 9 Midgard Road is developed. The site is zoned General Residential zone under the notified PDP, which provides a pathway for multiple units on a site.

Mr Lugnet also seeks to rezone the area south of Freyja Crescent and the end of Torsby Road at Coopers Beach to Residential, so existing residential infrastructure can be utilised for Retirement Housing. He states the rezoning would be consistent with the strategic direction and would contribute to meeting growth demands for Retirement Housing by utilising existing infrastructure.

Mr Lugnet chose to “opt in” to the Minute 14 process for considering rezoning submissions and he provided information relating to the existing resource consents for the sites.

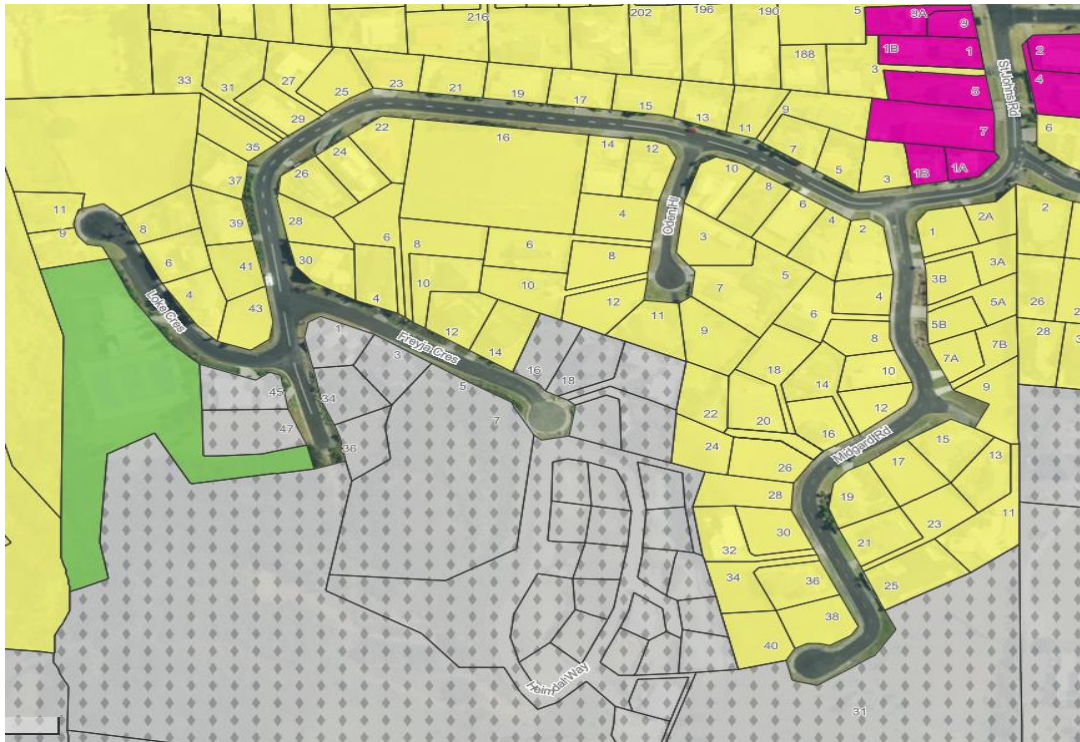


Figure 16 - Properties at Freyja Crescent and Torsby Road, Coopers Beach

#### 4.6.2 Hearings Panel Evaluation

##### Coopers Beach

For the property at 9 Midgard Road, the process of reviewing the District Plan does not allow for the issuing of a land use consent such that the submitter's request cannot be accommodated. Further, a change in zoning from General Residential zone at this location would result in a spot zone, which is not supported by evidence.

The proposed rezoning of land at Freyja Crescent and the end of Torsby Road in Coopers Beach as sought by Mr Lugnet has been subject to resource consent applications. Land use and subdivision consents have been granted for stages 1-3 of the development of the land for residential purposes. The actual and potential effects of that development were deemed acceptable for reasons that included:

- Being consistent with the surrounding suburban landscape and a logical extension of the existing residential zone. Effects on rural character and visual amenity were assessed as low.
- A professional assessment by landscape architect Simon Cocker confirmed low rural character and visual amenity effects with landscaping to be managed via an Incorporated Society to maintain quality and cohesion.
- Proposed lot sizes (400–500m<sup>2</sup>) and townhouse options are similar to surrounding development. Design controls and consent notices will guide future development to ensure compatibility with local character.
- A privately owned access road will connect the site to Torsby Road, with a turning head vested to Council. Traffic effects were assessed as acceptable, and conditions are in place to manage road construction.

- Residential development supports retirement housing, addressing a gap in local housing options. Stage 1 received strong public support, indicating demand for low-maintenance, small homes near Coopers Beach for older residents.

No formal consideration of the Minute 14 requirements was provided by the submitter although we note that the proposed rezoning may meet several criteria within the Urban Zoning Evaluation Framework. However, development has already been consented, with land use matters addressed to enable the proposed activity without the need for further resource consents or a change of zoning. Therefore, we do not consider the notified zoning to present a constraint upon ongoing development.

We do not support the proposed rezoning.

### **Ahipara**

Per Lugnet (S321.001) seeks to rezone the area consisting of Albatross Alley, Poseidon Way and the end of Weka Street in Ahipara to General Residential zone so that existing residential infrastructure can be utilised. Mr Lugnet states that rezoning of this area would be consistent with the strategic direction and would contribute to meeting growth demands for housing by utilising existing infrastructure.

There are two further submissions (FS152.1 and FS355.001) that oppose the rezoning sought and one further submission in support. The reasons for those in opposition include resource consent for residential development has earlier been refused for this land due to the effects on the further submitter's outlook and visual amenity values including:

- loss of privacy; the increased traffic intensity which would cause noise issues;
- unsealed driveways and parking areas would cause a dust nuisance (FS152.001); and
- that the subdivision proposed is right on the boundary of the further submitter's property such that it would adversely affect his farming activities. Council's sewerage infrastructure does not have sufficient capacity (FS355.001) to accommodate additional development.

Mr Lugnet chose to "opt-in" to the process for rezoning submissions set out in Minute 14 from the Hearing Panel and he provided further information including an Engineering Suitability Report for the subdivision at Weka Street, Ahipara.



Figure 17 - Properties at Albatross Aly, Poseidon Way and Weka Street, Ahipara

#### 4.6.3 Hearings Panel Evaluation

We find agreement with the reporting officer who was unable to support rezoning the land subject to S321.001—covering Albatross Alley, Poseidon Way, and at the end of Weka Street in Ahipara—to General Residential, for the following reasons:

- Stage 1, located along Weka Street and opposite Poseidon Way, was earlier refused resource consent due to infrastructure limitations. It is outside the current area of benefit, and connection to the Weka Street pump station would require currently unplanned and unfunded upgrades to the pump station; upgrades to two sections of the reticulation network; and upgrades to the wastewater treatment plant.
- Stage 2 of the subdivision, being along the western side of Albatross Alley has earlier been granted consent for eight lots (Lots 12–17), ranging in size from 687 m<sup>2</sup> to 1106 m<sup>2</sup>. Servicing is available but both the existing pump station and the wastewater treatment plant have limited available capacity.

We note that the reporting officer advised potential support to rezoning the lots (Lots 12 to 17) in Stage 2 approved by the resource consent, but due to the larger lot sizes there would be potential of further subdivision and or additional dwellings under the General Residential framework, in an area with known infrastructure limitations. In those circumstances we cannot support rezoning. Further, we find that a General Residential zone for these lots along the western side of Albatross Alley is not necessary, as development can proceed under the existing resource consent.

#### 4.6.4 Hearings Panel Recommendations

For the reasons above, we recommend the following:

- a) the submissions S324.001, S324.002 relating to 9 Midgard Road, Coopers Beach are rejected.
- b) the submission S322.001 relating to the area south of Freyja Crescent and at the end of Torsby Road at Coopers Beach is rejected.

- c) the submission S321.001 relating to Albatross Alley, Poseidon Way and the end of Weka Street at Ahipara is rejected.

#### **4.7 Key Issue 4: Ed and Inge Amsler (S341) 6 Bedggood Close, Haruru**

##### **4.7.1 Matters Raised in Submissions**

The submitter seeks rezoning of the site at 6 Bedggood Close, Haruru from Rural Lifestyle to General Residential. The submission outlines the reasons for the rezoning request including:

- It aligns with topography and surrounding land uses. Redefining the urban boundary in a more logical way by including this site is considered appropriate in this instance.
- The availability and presence of existing infrastructure. Power and telecoms are also provided to the site. Provision of such infrastructure supports an urban zoning approach, not a rural lifestyle approach.
- There is no true rural lifestyle use present on the site, nor are there significant vegetated landscapes. The site does not currently provide a transition between the urban fringe of Paihia to the Rural Production zone or any such rural production activities.
- The General Residential zone is more consistent with higher order RMA policies and plans and the purpose and principles of the RMA.
- The site is not impacted by hazards, historic heritage or archaeology, or any designations or special overlays except for the Coastal Environment, which provides specific controls for development.
- The current and proposed Rural Lifestyle zone of the site does not achieve the sustainable management of resources.
- The General Residential zone would be more consistent with the purpose and principles of the RMA as it would enable a site which has access to appropriate physical resources to be developed in a manner appropriate to its current qualities and characteristics.



Figure 18 - 6 Bedgood Close (Lot 2 SP 119719)

#### 4.7.2 Hearings Panel Evaluation

The submitters followed the “opt in” process for rezoning requests as set out in Minute 14 and provided planning evidence through Steve Sanson. Following consideration of that evidence the reporting planner set out reasons supporting the submission as:

- Location – The site adjoins existing General Residential land. There is a clear defensible boundary for the site to be rezoned General Residential.
- Land Use – The site is currently used for residential and visitor accommodation, and the use and site size are not representative of the Rural Lifestyle zone (RLZ).
- Site Suitability – The site is not subject to natural hazards but is within the Paihia Heritage Area B Overlay which can be appropriately addressed at time of development.
- Infrastructure – the submitter’s evidence is sufficient to demonstrate that three waters servicing is plausible and that a development pathway exists. However, further detailed work is required at subdivision and consent stage to confirm servicing arrangements, secure easements where necessary, and to ensure compliance with FNDC’s standards.
- Growth Demand – The realistic yield of this site is 9 lots. While the HBA Report does not isolate residential demand for Paihia specifically, it is part of the Coastal Urban Area, while there is theoretical capacity, actual development is constrained by feasibility limitations and infrastructure gaps and geographical constraints. However, is limited risk in oversupplying demand due to the small number of lots.

On that basis the reporting officer agreed with the submitter. We find agreement too with the reasons provided by the submitter’s planner and by the reporting officer.

### 4.7.3 Hearings Panel Recommendations

For the reasons set out in 4.7.2 above we recommend that the submission 341.001 by Ed and Inge Amsler is accepted and the land at 6 Bedggood Close, Paihia is zoned General Residential.

## 4.8 Key Issue 5: Cavalli Properties Limited (S177)

### 4.8.1 Matters Raised in Submissions

Cavalli Properties Limited (S177.001) sought to zone the company's entire Matauri subdivision, including privately owned lots, to General Residential in keeping with the instruction of the PDP to provide the General Residential zone over serviced urban land where wastewater management is provided and authorised by the Council.

Suzanne Linda Ashmore (S169.001) sought to delete the Māori Purpose - Rural zone from Lot 58 DP 451540, Matauri Bay Road and all residential lots in the Matauri Bay 2008 urban subdivision and to zone the sites General Residential.

Both submitters state that by imposing the Māori Purpose - Rural zone over privately owned land the Council has failed to understand the provisions of Te Ture Whenua Act in respect of Māori freehold land which can be owned by non-Māori.

There were no further submissions.



Figure 19 - Matauri Bay Subdivision

### 4.8.2 Hearings Panel Evaluation

Since the notification of the PDP Council officers have met with Cavalli Properties Limited representatives several times. Through these discussions it was determined that there are 11 lots within the Stage 1 Matauri Bay subdivision which have a Māori Purpose-Rural zone as notified, and that the agreed position requested is Settlement zone. All of these sites have a Coastal Environment Overlay, with minor amendments to the provisions

relating to the Matauri Bay subdivision that align with the ‘carve out’ recommendations for the Coastal Environment Chapter in Hearing 4.

For the submitter, Brian Putt provided planning evidence and background to the situation at Matauri Bay that was complemented with legal submissions from Alan Webb.

Mr Putt stated, consistent with his evidence, that the submitter accepts the position that a Settlement zone is appropriate for the Matauri Bay subdivision. Further, that the submitter accepts the agreed relief relating to the removal of the Māori Purpose – Rural zone from the 11 lots in the Matauri Bay Subdivision stage 1, a minor change to the Settlement zone rules and a minor change to the Coastal environment section. He also sought that the Settlement zone apply to stage 2 of the subdivision. The reporting officer considered that based on the impending application for s223 RMA certification and existing subdivision consent it is appropriate to zone stage 2 of the subdivision as Settlement zone.

The Panel is of the view that this change will mean alignment with the original recommendation by the Council’s reporting officer in the hearing report to amend the zoning of land in stage 1 of the subdivision. The sites already have an approved subdivision consent and applying the same zoning to stage 2 minimises consenting complexity and ensures integrated development outcomes. With the Section 223 RMA application anticipated in April 2026, rezoning provides certainty for landowners and avoids unnecessary plan changes or consent processes later.

We find agreement with the above and acknowledge Messrs Putt and Webb appearing at the hearing to confirm the details.

#### **4.8.3 Hearings Panel Recommendations**

For the reasons set out at 4.8.2 above, we recommend that:

- a) The submissions by Cavalli Properties Limited (S177.001) and Suzanne Linda Ashmore are accepted and the planning maps be amended accordingly, as identified in **Appendix 3.2**.
- b) That consequential amendments to the Settlement zone overview and RSZ-R3 are made to recognise the Matauri Bay subdivision. These are identified in **Appendix 2.5** to **Recommendation Report 9**.
- c) That consequential amendments to the Coastal Environment chapter are made to recognise the Matauri Bay subdivision as set out in Rule CE-R5 in **Appendix 2.5** in **Recommendation Report 4**.

### **4.9 Key Issue 6: Doug’s Boatyard, Opua (S21)**

#### **4.9.1 Matters Raised in Submissions**

Doug’s Opua Boatyard (S21.001) requests to amend the zoning of 1/5 Beechey Street, Opua from Rural Production and to have a split zoning for the site, noting part is supported by pilings over the coastal marine area (CMA).

Doug’s Opua Boatyard (S21.002) requests that 1 Richardson Street, Opua (that being the Boatyard area) be rezoned from Mixed Use to Light Industrial. The submitter notes that the site is no longer used for commercial purposes and that Maritime Exemption Areas in

Opua, previously zoned Industrial, have been zoned as Light Industrial in the PDP. As such, the submitter considers the Mixed Use zoning is inappropriate for this location.

Doug's Opua Boatyard chose to "opt-in" to the process for rezoning submissions set out in Minute 14 from the Hearing Panel and on 1 May 2025, planning evidence was provided from Mr Brett Hood, in relation to the CMA in front of 1 Richardson Street and in relation to the adjoining Local Purpose (Esplanade) Reserve. We note that planning evidence did not address the request in the submission that the site at 1 Richardson Street be rezoned from Mixed Use to Light Industrial.

#### 4.9.2 Hearings Panel Evaluation

The site at 1/5 Beechey Street Opua, (Lot 1 DP 59479) is zoned Rural Production in the notified PDP. The reporting planner pointed out that as per the recommendation in relation to S303.001 by Ms Mackay, the reporting officer, in the hearing report for Hearing 15A, this property is partially in the CMA. The reporting officer stated then:

*"... I recommend that the Rural Production zoning currently applied to Lot 1 DP 59479, Beechey Street, Opua, be removed and land above the MHWS is rezoned to Mixed Use, however the land (below) the MHWS is unclear at this time. The existing zoning does appear to be an obvious GIS mapping error, and it is not suitable given the sites location and Mixed Use zoning would better reflect and integrate with the surrounding context and neighbouring sites."*

We agree with the reporting officer that the part of the site above MHWS be rezoned Mixed Use. That part of the site is clearly below MHWS is part of the CMA and accordingly cannot be zoned in the District Plan, it being beyond the jurisdiction of the District Council. This point was made in the evidence of Mr Hood when discussing the zoning of esplanade reserves.

The reporting officer advised that the property at 1 Richardson Street, Opua is zoned Mixed Use in the notified PDP, reflecting a rollover from the Commercial zone under the ODP. The submitter notes that the site is no longer used for commercial purposes and is currently operating as a consented boatyard.



Figure 20 – Doug's Boat Yard 1 Richardson Street, Opua

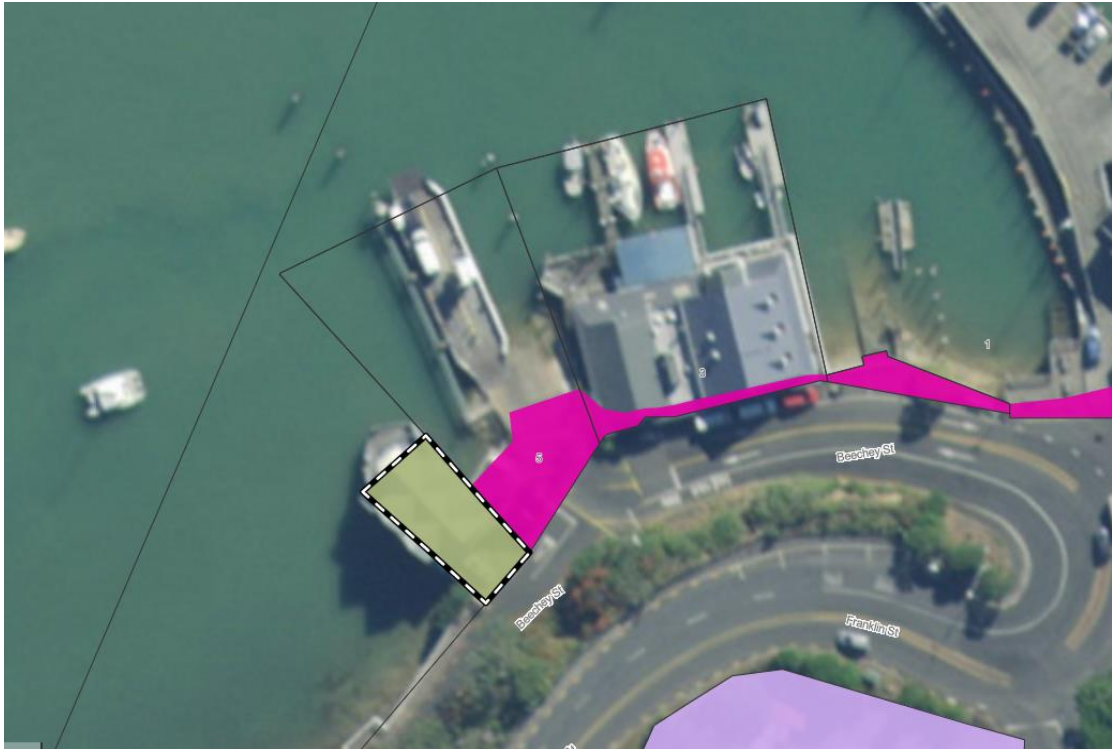


Figure 21 – Doug's Boatyard 1/5 Beechey Street, Opua

The evidence of Mr Hood provided a useful account of how district plan zones cannot extend into the CMA and of what he referred to as the inconsistent zoning of esplanade reserves across the district. We do not disagree with him and with his reasoned view that the Open Space zone is a better fit for the district's Local Purpose (Esplanade) Reserves, including the reserve in front of Doug's Boatyard. However, that did not address the request to rezone the site at 1 Richardson Street.

Mr Doug Schmuck provided a range of papers which included discussion regarding the request that the zone be amended from Mixed Use to Light Industrial. We have had regard to all that information in considering his submission. Whilst he documents the history of the site and raises concerns about the incompatibility of current activities with the Mixed Use zone and further, the view that the site aligns more closely with the Light Industrial zone in Opua, we received little information in support of the rezoning request.

In addition, the extent of the Mixed Use zoning is the single site at 1 Richardson Street meaning that there are no other activities that are likely to establish in conflict with the submitter's existing operation. Given the mix of activities occurring on the site, we find agreement with the reporting planner that a Mixed Use zone remains the most appropriate zoning for it.

#### 4.9.3 Hearings Panel Recommendations

For the reasons outlined in 4.9.2 above we recommend that:

- a) the submission from Doug's Boat Yard (S21.001) is accepted in part to the extent that part of Lot1 DP 59479 being 1/5 Beechey Street, Opua and being that part above MHWS is zoned Mixed Use.

- b) Submission S21.002 is rejected and the zoning of 1 Richardson Street, Opuia remains as Mixed Use.

## **4.10 Key Issue 7: Ngawha Generation Limited (S432) - Ngawha Springs Rezoning**

### **4.10.1 Matters Raised in Submissions**

The original submissions from Ngāwhā Generation Limited (NGL) (S432.001, S432.029) requested a Light Industrial zone (LIZ) or a Special Purpose zone (SPZ) be applied to its landholdings at Ngāwhā Springs, as set out in Attachment 2 of its original submission. NGL consider that this zoning would more efficiently and effectively enable the consented and future operations intended for its site, and the regionally significant economic, social and environmental benefits associated with it.

There are two further submissions from the Department of Corrections (FS571.001, FS571.002), that oppose the above submission points from NGL, requesting that:

- The rezoning in the form sought be rejected.
- Any rezoning be subject to appropriate controls to manage effects of any future light industrial activities on the Northland Regional Corrections Facility.

There are also two further submissions from Top Energy (FS369.521, FS369.549), which NGL is a subsidiary of, in support of the NGL original submission points.

### **4.10.2 Hearings Panel Evaluation**

NGL chose to “opt in” to the process set out for rezoning submissions in Minute 14 from the Hearing Panel and lodged planning evidence from David Badham in which he set out the revised relief that was now sought by NGL in accordance with Minute 14. The revised relief significantly reduces the extent of land requested to be LIZ to reflect the existing industrial zoning in the ODP. NGL are no longer requesting a SPZ for its landholdings or that its remaining landholdings be rezoned LIZ or SPZ.

Mr Badham’s evidence addresses the criteria in Minute 14 and we find no reason to disagree with his analysis, noting that the reduced extent of rezoning sought simply aligns with the ODP Industrial zoning. As pointed out by the reporting officer, that will avoid the potential interface issues with the Corrections Facility, and she could see no reason why the land would have been rezoned from Industrial in the ODP to RPROZ in the PDP. The Department of Corrections provided a letter confirming these actions served to address its concerns.

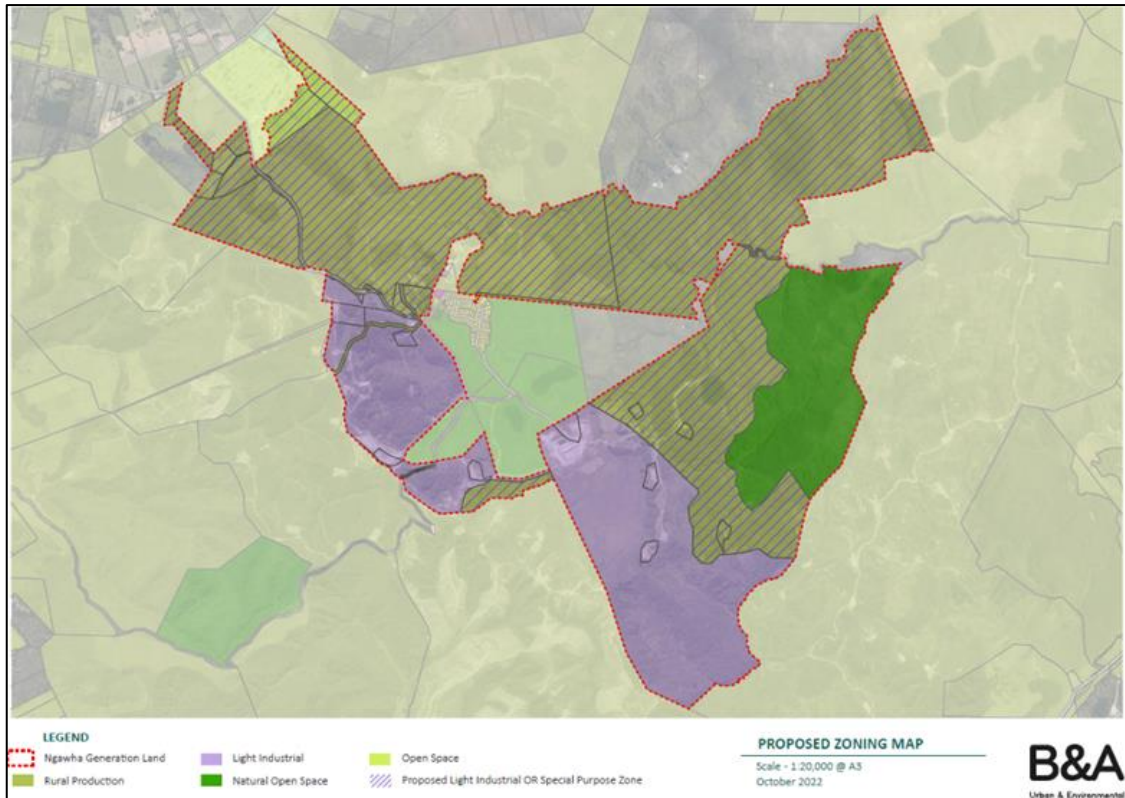


Figure 22 Requested extent of the Light Industrial or SPZ at Ngāwhā Springs in the original submissions from NGL (diagonal hatching).

We find agreement with the revised relief as sought by the submitter as the ODP zoning would more effectively enable the submitter to achieve its aspirations for the site, supporting renewable energy generation and contributing to social and economic wellbeing. The application of the LIZ to the revised land is the most appropriate, effective and efficient way to achieve the relevant PDP objectives in accordance with Section 32AA of the RMA.

#### 4.10.3 Hearings Panel Recommendations

For the reasons above, we recommend that the submissions from Ngāwhā Generation Limited (S432.001, S432.029) are accepted in part and the revised extent of the land is rezoned from RPROZ to LIZ (as identified in **Appendix 3.2**).

The ODP zoning would more effectively enable the submitter to achieve its aspirations for the site, supporting renewable energy generation and contributing to social and economic wellbeing. The application of the LIZ to the revised land is the most appropriate, effective and efficient way to achieve the relevant PDP objectives in accordance with Section 32AA of the RMA.

### 4.11 Key Issue 8: Health New Zealand – Te Whatu Ora (S42) - Hospital Special Purpose zone

#### 4.11.1 Matters Raised in Submissions

Health New Zealand – Te Whatu Ora (**Health NZ**) sought rezoning to Hospital Special zone (**HOSZ**) of properties at Bay of Islands Hospital at Kawakawa and at the Hauora Hokianga Hospital. Further submissions were received from Ng Kaingamaha o Ngati Hine

Charitable Trust (FS307.001) in support and from Vision Kerikeri 3 (FS570.034), Kapiro Conservation Trust (FS569.070) and Vision Kerikeri 2 (FS569.070) in opposition.

During the “opt in” process Health NZ advised it no longer wished to pursue all the changes sought in its original submission because it now had Ministerial approval to commence partial disposal of approximately 3.7ha of land at Bay of Islands Hospital and therefore no longer sought rezoning of that area. Further, that it no longer sought rezoning at Hauora Hokianga Hospital.

#### **4.11.2 Hearings Evaluation**

David Badham provided planning evidence on behalf of Health NZ with reasons for the rezoning submission based on Minute 14. These included it being to provide for future growth and development; the land being owned by Health NZ; the Hospital being regionally significant infrastructure and the zoning sought better facilitating hospital development and activities; rezoning being consistent with the PDP’s strategic direction; the land not being subject to natural hazards; and, three waters servicing connections being available. No evidence was lodged in support or opposition.

The reporting officer recommended the submission points be accepted. We agree noting that the land sought to be rezoned HOSZ is not designated in the PDP and rezoning is appropriate for the reasons provided by Mr Badham. The rezoning requested by Health NZ is a logical extension of the notified HOSZ to facilitate the ongoing development of the Bay of Islands Hospital as regionally significant infrastructure so that it can continue to meet the health needs of people and communities into the future. The land is all owned by Health NZ and managed as part of the hospital, and a single expanded HOSZ will better enable the integrated management of the facility.

#### **4.11.3 Hearings Panel Recommendations**

For the reasons set out in 4.11.2 above, we recommend that the submission from Health NZ (S42.017) is accepted in part as follows:

- Additional land at Bay of Islands Hospital (Part Section 13 Block XVI Kawakawa SD, Lot 1 DP 79488 and part of Section 25 SBRS S OF Kawakawa is rezoned from RRZ and GRZ to HOSZ (as identified in **Appendix 3.2**).
- No changes are made to the zoning of Hauora Hokianga Hospital.
- The further submissions from Ng Kaingamaha o Ngati Hine Charitable Trust (FS307.001) in support and from Vision Kerikeri 3 (FS570.034), Kapiro Conservation Trust (FS569.070) and Vision Kerikeri 2 (FS569.070) in opposition are accordingly accepted in part and rejected.

### **4.12 Key Issue 9: Errors Submissions including Variation 1**

#### **4.12.1 Matters Raised in Submissions**

Brownie Family Trust (S74.002) seeks to amend the zoning at 152-154 Marsden Road, Paihia from Mixed Use zone as notified to an Open Space zone. The reason is that this site is a Reserve and should be zoned as one of the Open Space or Recreation zones to ensure appropriate protection and treatment.

The group of submitters Glen Alan Jerkovich (S412), Nigel Ross Surveyor Ltd (S374) and Warwick John Ross (S398) seek to amend the zone from Sport and Active Recreation zone to Light Industrial zone for the following sites 7, 8 and 9 Enterprise Street, Kaikohe (Lot 6 DP 73952, Lot 4 DP 73952 and lot 5 DP 73952). These submitters state that this zoning is a mapping error.

Submitters John Andrew Riddell (S431.025) and Russell Protection Society (S179.107) seek to amend the zoning of 24B and 24C Florance Avenue and 16, 26A and 26B Gould Street, Russell from General Residential zone to Kororāreka Russell Township zone. The submitters state that there is no indication given as to why these properties are zoned General Residential and they have similar characteristics to the surrounding Russell Township zoned lands.

Nathaniel John Jull (S86.001) seeks to amend the zoning of 62 Albert Street, Kawakawa (Section 126 Block XVI Kawakawa SD) from Māori Purpose zone - Urban to General Residential zone. The submitters states that the property is not Māori Freehold Land under the Te Ture Whenua Māori Act 1993.

Nigel Ross Surveyor Ltd (S380.001) seeks to amend the zoning of 15 to 49 Kokohuia Road, Omapere (Lots 5 to 8 DP130479, and Lots 1 and 2 of DP 75761) from Rural Production to General Residential. The submitter states that the zoning of these sites is inappropriate.

#### **4.12.2 Hearings Panel Evaluation**

In relation to the Brownie Family Trust submission, the reporting officer investigated and found that the site is identified as the Lucy Elizabeth Williams Scenic Reserve, which was gifted to FNDC in June 2013 and that it should be zoned Open Space, rather than Mixed Use. The reporting officer concluded that the Mixed Use zoning was an error and recommended that the site be rezoned to Open Space zone.

In response to the group of submitters identifying mapping errors on Enterprise Street, Kaikohe, the reporting planner confirmed that the Sport and Active Recreation zoning in this location was an error. The zoning of 7, 8, and 9 Enterprise Street (Lot 6 DP 73952, Lot 4 DP 73952, and Lot 5 DP 73952) was corrected as part of Proposed District Plan Variation 1.

The zoning of 24B and 24C Florance Avenue, and 16, 26A, and 26B Gould Street, Russell was also updated from General Residential to Kororāreka Russell Township zone as part of Proposed District Plan Variation 1.

In regard to the zoning of 62 Albert Street, Kawakawa, Nathaniel John Jull provided a copy of his property title, confirming that the site is held in General Title. Theresa Burkhardt of Council investigated the status of this property and reported the details concluding that the submitter has provided a Record of Title that identifies the owners and states the owners are not Māori and that it also does not identify the land as being Māori Freehold Land or Māori Customary Land. Therefore, the conclusion is that the property should be zoned General Residential.

Nigel Ross Surveyor Ltd “opted in” to the Minute 14 timetable process. Through this process, Mr Ross provided further information indicating that the zoning of sites at Omapere, being Lots 1 and 2 DP 75761 and Lots 5–8 DP 130479, as Rural Production was an error. He noted the history of zonings of the properties and that they are serviced by

both wastewater and water. Based on this information, it is appropriate that Lots 1 and 2 DP 75761 and Lots 5–8 DP 130479 be zoned General Residential.

#### 4.12.3 Hearings Panel Recommendations

For the reasons set out in 4.12.2 above we recommend that:

- a) Submission S74.002 is accepted and the land at 152-154 Marsden Road, Paihia is zoned Open Space.
- b) Submission S86.001 is accepted and the land at 62 Albert Street, Kawakawa (Section 126 Block XVI Kawakawa SD is zoned General Residential.
- c) Submission S380.001 is accepted and the land at Lot 1 and 2 DP 75761 and Lot 5-8 DP 130479 is zoned General Residential zone.

### 4.13 Key Issue 10: Retain Submissions

#### 4.13.1 Matters Raised in Submissions

LMD Planning Consultancy (S419.002) and Roman Catholic Bishop (S413.002) are supportive of the General Residential zone as notified, stating that the existing sites at 164 and 166 Broadway, Kaikohe, and 45 Tawanui Road, Kaikohe (Lots 2 and 3 DP 165788 and Lot 2 DP 343569) are serviced and located within an area of residential development.

Z Energy Limited (S336.008) supports the Mixed Use zoning as notified for their service stations and truck stops. Z Energy states that Mixed Use zoning is considered appropriate in a wider sense but there is an inherent tension between service stations and zonings that was addressed in Hearing 14 – Urban zones. Z Energy Limited sites include:

- Z Kaikohe - 45 Broadway, Kaikohe.
- Z Kaitaia - 141-145 Commerce Street, Kaitaia.
- Z Taipa – 570 State Highway 10, Taipa.
- Caltex Kawakawa Truck Stop – 4 Station Road, Kawakawa.

Z Energy Limited (S336.023) supports the Light Industrial zoning as notified for the Caltex Awanui Truck Stop, State Highway 1, Awanui. No reasons are stated.

Te Rūnanga O Ngāti Rēhia (S559.006) supports in part the Mixed Use zone as notified generally stating that there are climate change mitigation measures and responses relevant to district planning that could be set out now. They support the greater use of Mixed Use zones and enabling greater density in urban centres.

Paihia Properties (S565.006, S565.007, S330.005) seeks to retain the underlying urban zones as they apply to Paihia Township, with minimal overlays and restrictions.

#### 4.13.2 Hearings Panel Evaluation

We find no reasons to amend the zonings for the sites at Kaikohe and accordingly agree with the submitter to retain the General Residential zoning of the properties at 164 and 166 Broadway, Kaikohe, and 45 Tawanui Road, Kaikohe (Lots 2 and 3 DP 165788 and Lot 2 DP 343569). The submission is accepted.

We find that the zoning of the Z Energy Limited sites across the district as either Mixed Use or Light Industrial is appropriate and note there have been no further submissions or requests for additional zoning changes relating to these sites. Accordingly, we recommend that this submission is accepted.

In relation to Te Rūnanga o Ngāti Rēhia's submission we note as advised by the reporting officer that Mixed Use zones are located in urban areas and are intended to enable greater density of development within those areas, that being supported by the introduction of a Town Centre for Kerikeri to better reflect its urban character and function. The PDP also includes objectives, policies, and rules across various chapters that address climate change mitigation. Accordingly, we recommend this submission is accepted in part.

In regard to the submission points from Paihia Properties, the extent of the urban zones has largely been retained for Paihia, along with the overlays and restrictions although there has been changes to the provisions, which are addressed by the various reports. Accordingly, we recommend this submission is accepted in part.

#### **4.13.3 Hearings Panel Recommendations**

For the reasons set out in 4.13.2 above, we recommend the following:

- a) That the submissions S419.002 and S413.002 are accepted.
- b) That submissions S336.008 and S336.023 are accepted.
- c) That the submission S559.006 is accepted in part.
- d) That the submissions S565.006, S565.007 and S330.005 are accepted in part.

### **4.14 Key Issue 11: General Residential zone – North**

#### **4.14.1 Matters Raised in Submissions**

The submissions all sought amendments to the notified zonings for their properties at Kohukohu, Ahipara, Awanui, Kaitaia and Cable Bay. The submission numbers and details of the submissions are listed in the Council's right of reply report. The submission numbers are:

- S478.001, S453.001 and S459.001 relating to Kohukohu;
- S572.001, S284.010, S288.012, S284.012, S54.001, S502.103, S85.001, S52.001, S502.104, S85.002, S22.001 relating to Ahipara;
- S519.033, S358.032, S543.031, S547.031, S464.033, S472.033, S357.042, S485.033 and S319.001 relating to Awanui; and
- S582.001, S502.107 and S284.007 relating to Kaitaia.; and
- S288.017, S284.017, S288.016 and S284.016 relating to Cable Bay.

#### **4.14.2 Hearings Panel Evaluation**

We state from the outset of our analysis below that in most cases, we would need to receive further information from these submitters regarding infrastructure servicing and the demand for growth in these respective locations. As outlined in Minute 14, the onus

is on the submitters to provide sufficient evidence to support and justify their rezoning requests in accordance with the requirements of section 32 of the RMA. That opportunity was made available by us. However, we did not in many cases receive adequate information to make informed recommendations nor, in most cases, did we hear from the submitters at the hearing and there was not the opportunity to discuss these details with them.

### **Kohukohu**

Alistair Kenneth Lambie (S478.001), along with two additional submitters (S453.001 & S459.001), seek the rezoning of the property located at 1368 Kohukohu Road from Mixed Use to General Residential zone. The submitters note that the site is isolated from the Mixed Use and Commercial zones in the Kohukohu Heritage Precinct and is instead surrounded by properties zoned General Residential. Their reasoning includes concerns that the site is an isolated pocket of Mixed Use zoning and that future commercial uses could negatively impact the amenity values of surrounding residential properties. The submitters state that commercial activity at this location would unreasonably affect neighbouring residents.

#### Analysis

The reporting officer informed us that their understanding is that the property is owned by the Kohukohu Community Arts and Creative Trust and appears to be a hall with the Mixed Use zoning being a rollover from the Commercial zone under ODP.

We agree with the reporting officer that, in the absence of consultation with the property owner and without further details at the hearings regarding the site's current or intended use, that the site retain its Mixed Use zoning.

### **Ahipara**

Several submitters, including Dave and Nisha Clark (S572.001) and Jacqueline and Timothy Gabriele Pfaender (S54.001), request rezoning of Wharo Way and adjacent properties from Rural Production zone to General Residential zone. They say that the current zoning fails to reflect existing residential development and that excluding Wharo Way from Ahipara's Residential zone appears to be an oversight. Additionally, concerns were raised about misaligned Coastal zoning on certain lots and inconsistencies with surrounding zones.

Trent Simpkin (S284.010) seeks to amend the zoning of land at 1-45 Kokopu Street and 6-25 Karawaka Street (Kokopu Subdivision) from RRZ to General Residential zone, stating that the land is already subdivided and is residential in nature.

Northland Planning and Development Limited (S502.103) seeks to amend the Rural Production zone for properties along Wreck Bay Road, Ahipara, and rezone General Residential. The submitter states that no rural production activity could be undertaken on these sites, and all development would trigger a land use consent for setback breaches.

#### Analysis

Advice from the reporting officer was that the bottom of Wharo Way, which provides the only access to these properties, is affected by multiple hazard overlays. These include Coastal Erosion (Zone 2: 100-year scenario and Zone 3: 100-year + rapid sea level rise

scenario), Coastal Flooding (Zone 2 and Zone 3 scenarios), and the River Flood Hazard Zone (100-year ARI event). Further, that while the properties may meet some of the urban rezoning criteria, such as location, land use, subdivision pattern, and infrastructure, there are access constraints, due to significant coastal and river hazards that do not support rezoning. Also, there is insufficient evidence of demand for growth in this location.

The properties sought to be rezoned as part of the Kokopu subdivision may meet some of the urban rezoning criteria and with lot sizes between 710-1,524m<sup>2</sup> there appears to be additional subdivision/residential intensity development potential. However, the servicing of wastewater in this location may not be able to support an increase in connections to the reticulated system and therefore would not be supported by Council's infrastructure team. The submitter would need to provide evidence that any increase in connections to the reticulated system could be accommodated

For the properties along Wreck Bay Road, Ahipara a Rural Production zoning is applied in the notified PDP. This zoning has been given to those sites that were zoned Coastal Residential under the ODP that were not serviced or located within a 'Settlement'. A General Residential zone would not be appropriate due to the absence of reticulated infrastructure.

### **Awanui**

Elbury Holdings (S519.033), Leah Frieling (S358.032) and other submitters seek an amendment to the Planning Maps to remove the Rural Production zone from areas such as Wireless Road in Kaitaia and at Awanui that are already serviced with urban infrastructure, proposing instead that these be rezoned to a suitable urban zone. Alternatively, the submitters request changes to the Rural Production zone provisions to allow smaller land parcels of 2,000m<sup>2</sup>. They state that retaining rural zoning in these urban-serviced locations significantly hinders future development and that rezoning would better align with existing infrastructure and support more appropriate land use.

FNR Properties Limited (S319.001) request that the Rural Production zone be removed from Lots 2 and 3 DP 547587 and replaced with the General Residential zone. The submitter states that the current zoning limits residential density and subdivision potential, which severely constrains development in an area where expansion should be accommodated. Rezoning to General Residential would better support housing demand and respond to the district's urgent need for additional residential capacity.

### Analysis

The reporting officer advised that a possible connection to infrastructure alone is not the only criteria to determine an urban zone. Wireless Road is disconnected from the Kaitaia urban area and appears to still be a rural environment with some large landholdings. Enabling greater density could potentially create reserve sensitivity implications. We note too, this submitter has not 'opted in' and further information would be needed to understand the merits of rezoning these properties.

With regard to FNR Properties submission for General Residential zone for the site located at Lot 2 and 3 DP 547587 to the north of the Awanui Town, we note there are points supporting a rezoning but we would need to receive further information regarding servicing and the demand for growth in this location.

## **Kaitaia**

Gabriele Pfaender (S582.001) requests that the Rural Residential zoning for 97 Okahu Road, Kaitaia be changed to General Residential. The submitter notes the increasing need for housing in Kaitaia and states that the hillside location, being outside known flood-prone areas, makes the suitable for future development in light of climate change and natural hazard considerations.

Fiona King (S485) requests residential and industrial zoning at Wireless Road and neighbouring locations. Ms King notes the characteristics of Wireless Road, specifically its transition from a rural environment to one that now includes schools and play centres; Wireless Road and the beginning of Bell Road having town services available; and other areas in northern Kaitaia where there is housing including Awanui, should have alternative zonings.

Northland Planning and Development 2020 Limited (S502.107) seek an amendment to rezone properties located at 192-238 Pukepoto Road from Rural Residential to General Residential. The submitter states that the sites, ranging from 809m<sup>2</sup> to 3,050m<sup>2</sup>, are connected to Council's reticulated wastewater and stormwater networks. Given their urban servicing and the fact that nearby properties are already zoned General Residential, the submitter states that the current zoning is inconsistent with the areas character and that it restricts appropriate development potential.

Trent Simpkin (S284.007) requests an expansion of the General Residential zone around Kaitaia, noting that no new land has recently been zoned for residential use. He states that the town has ample space to accommodate growth, and the shortage of developable land has made residential sections increasingly rare. The submitter asserts that proactive zoning, rather than relying on population projections will stimulate development and support growth in the district.

### Analysis

Ms Pfaender appeared at the hearing and pointed out her desire to be able to provide affordable residential sections in this location where there is a collection of existing houses. The property at 97 Okahu Road is a large 25.9-hectare site located to the south of Kaitaia. It's zoning in the notified PDP as Rural Residential reflects its position on the fringe of the settlement and acting as a transition to the surrounding Rural Production zone. The site is reportedly adjacent to a wastewater pipe and is outside identified flood hazard areas, but we would need further assessment regarding whether the site meets all the criteria of the urban rezoning evaluation framework and further information in line with the Minute 14 criteria. Rezoning to a live urban zone is not appropriate without additional supporting information regarding servicing, amongst other criteria.

In relation to Ms King's submission, we note there is uncertainty regarding the capacity of the wastewater network and other infrastructure to provide for closer development; we have no evidence of the demand for urban zonings and would want to see wider community consultation in this respect; and the zoning changes sought would without closer consideration, create an anomaly in this location. Further, the submitter did not present an alternative zoning plan from which we could determine exactly where new zonings would apply.

We note the onus on the submitter to provide the evidence to support and justify their rezoning request (as per Minute 14). We however have insufficient information to make a fully informed recommendation. Based on the information presented to us, our recommendation is to reject the submission point and retain the zonings (as notified).

The properties at 192–238 Pukepoto Road are zoned Rural Residential in the notified PDP. A wastewater line runs along Pukepoto Road which may support future servicing, but further information is required in line with the Minute 14 criteria to enable a site-by-site assessment against the urban rezoning evaluation framework.

### **Cable Bay**

Tristan Simpkin (S284.016 & S288.017) and Trent Simpkin (S284.016 & S284.017) request a zoning change for the properties at Cable Bay, proposing a shift from their current zone to General Residential zone, given that reticulated wastewater services are available. The submitters state that land with existing urban infrastructure should be zoned to support residential growth, and that would enable further development and subdivision in areas suitable for housing expansion.

### Analysis

We note that while infrastructure is a critical enabling factor, as acknowledged in the urban rezoning evaluation framework, zoning decisions must consider all criteria outlined in Minute 14. Each site would need to be assessed on its own merits to determine whether it is suitable for an urban zone, but that information has not been provided by the submitters. In this respect we refer to Minute 14 and the criteria it sets out to provide general guidance for rezoning submissions.

### **4.14.3 Hearings Panel Recommendations**

For the reasons set out in 4.14.2 above, we recommend the following:

- a) That S478.001, S453.001, S459.001 submissions are rejected and the Mixed Use zoning is retained as notified.
- b) That submissions S572.001, S54.001, S85.001, S52.001, S504.107, S85.002 and S22.001 are rejected and the Rural Production zoning is retained as notified.
- c) That submission S284.010 is rejected and the Rural Residential zoning is retained as notified.
- d) That submission S502.103 is rejected and the Rural Production zoning is retained as notified.
- e) That submissions S357.042, S464.033, S472.033, S543.031, S547.031, S519.033 and S358.032 are rejected and the zoning is retained as notified.
- f) That submission S319.001 is rejected and the Rural Production zoning is retained as notified.
- g) That submission S582.001 is rejected and the Rural Residential zoning is retained as notified.

- h) That submission S502.107 is rejected and the Rural Residential zoning is retained as notified.
- i) That submission S284.007 is rejected and the zoning as notified is retained.
- j) That submissions S288.017, S284.017, S288.016, S284.016 are rejected and the zoning is retained as notified.

## **4.15 Key Issue 12 - General Residential Zone - West**

### **4.15.1 Matters Raised in Submissions**

Stephen Manley (S223.001 & S299.001) requests that the Rural Production zone be removed from 72 Kokohuia Road, Ōmāpere and neighbouring properties, and that these sites be rezoned to either General Residential or Rural Residential. The submitter states that the existing zoning is inconsistent with the District Plan and inappropriate given the small lot sizes, lack of rural production activity and presence of urban infrastructure.

Richard G A Palmer (S248.001) requests that 341 Hokianga Harbour Drive be rezoned to either General Residential or Mixed Use, highlighting that the property is surrounded by land already zoned for residential and mixed-use activities.

### **4.15.2 Hearings Panel Evaluation**

Mr Manley's submission relates to the site that is 6,797m<sup>2</sup> in size and is zoned Rural Production in the notified PDP. He states that the site is serviced by wastewater and stormwater and is connected to the Kokohuia waterline and further, he has undertaken a brief assessment of the objectives and policies of both the Rural Production and Rural Residential zones. We note that applying a General Residential zone to this site would enable significantly more development capability on this site given its relatively large size. The submitter notes that the district plan would allow for a controlled activity subdivision of up to 11 lots but there is no evidence of growth pressure or a demonstrated need for additional development capacity in this location. We agree with the reporting officer that further information and evidence is required to confirm whether upzoning would achieve appropriate urban outcomes and we would need to receive a more robust assessment of infrastructure provision.

Mr Palmer's submission relates to the site at 341 Hokianga Harbour Drive, Ōmāpere which is 25,040m<sup>2</sup> and is zoned Rural Lifestyle in the notified PDP. He states that the property is surrounded by land zoned for Residential and Mixed Use purposes and briefly outlines why the Rural Lifestyle zone provisions are not appropriate for the site.

We note that applying a Mixed Use or General Residential zone to this site would enable significantly more development, potentially up to some 40 lots under the General Residential zone. However, there is no clear evidence provided of growth pressure or a demonstrated need for additional development capacity in this location. As outlined in the urban rezoning evaluation framework, further information and evidence is required to confirm that upzoning would achieve appropriate urban outcomes for this site.

### **4.15.3 Hearings Panel Recommendations**

We recommend:

- a) that submissions S223.001 and S299.001 are rejected and the Rural Production zone is retained as notified. We note that the onus is on the submitter to provide the evidence to support and justify their rezoning request (as per Minute 14).
- b) that submission S248.001 is rejected and the Rural Lifestyle zone is retained as notified. We note again that the onus on the submitter to provide the evidence to support and justify their rezoning request (as per Minute 14). We however have insufficient information to make a fully informed recommendation.

## 4.16 Key Issue 13: General Residential Zone - Mid

### 4.16.1 Matters Raised in Submissions

The submissions seek to either retain the notified zonings for sites at Paihia, Kaikohe and Kawakawa or to amend the notified zoning for properties at Kaikohe. The four submission numbers and details of the submissions are listed in the Council right of reply report. The submission numbers are S74.001 at Paihia, S561.124 at Kaikohe, S4.001 at Kaikohe, and S555.001 at Kawakawa.

### 4.16.2 Hearings Panel Evaluation

#### Paihia

Brownie Family Trust (S74.001) seeks to amend the zoning of properties 132-150 Marsden Road and the land extending from Davis Crescent and Marsden Road from Mixed Use to General Residential zone. The submitter states that the proposed Mixed Use zoning does not align with the surrounding residential development, which is incompatible with the provisions of the Mixed Use zone.

#### Analysis

The properties located on Marsden Road, Paihia are zoned Mixed Use in the notified PDP reflecting a rollover from the Commercial zoning under the ODP. The properties currently support a mix of commercial and residential uses. We heard substantial evidence during the hearings in support of permitting residential activity at ground floor level within the Mixed Use zone at Paihia which we found to have merit. As set out **Recommendation Report 14** we are of the view that allowing residential development at ground floor level would ensure a measure of compatibility with the surrounding residential context. As noted by the reporting officer too, in the urban rezoning evaluation framework existing land use is only one of several criteria considered when assessing a change in zoning. We find it is appropriate to retain flexibility in the type of land use in this area over time to provide for a range of activities in what is a geographically confined area. Accordingly, we find that rezoning is not necessary.

#### Kaikohe

Kāinga Ora (S561.124) requests rezoning of specified Kaikohe properties from Mixed Use zone to General Residential zone, unless the Council updates the Mixed Use zone provisions to allow residential activities on the ground floor, excluding sites with designated pedestrian frontage. The submitter states that, without these changes, the Mixed Use zoning could compromise the residential purpose of the sites and that maintaining General Residential zoning would better protect their intended residential use.

Northland Proprietors Trust (S4.001) requests a zoning amendment for 39 Harold Avenue, Kaikohe, proposing that the portion of the site that is currently zoned Rural Production be changed to General Residential. The submitter states that the site is split between the two zones, despite having sewer infrastructure that runs through the Rural Production portion of it.

#### Analysis

The reporting officer advised that the property at 14 Park was zoned Residential in the ODP and changed to Mixed Use in the PDP as notified. The reporting officer stated that the change in zoning was seemingly made in error when the adjoining properties were rezoned to Mixed Use zone in the PDP. She recommended the zoning be amended to General Residential zone. We agree.

The other Kainga Ora properties at Mangakahia Road and Guerin Street, Kaikohe were upzoned from Residential to Mixed Use as part of the notified PDP. The Urban s32 RMA report indicated that in the medium term there was the need for an additional 1.51 ha of commercial zoning in Kaikohe and an additional area of 1.8 hectares of residential land under the ODP was zoned Mixed Use along Mangakahia Road, including Guerin Street to accommodate commercial use while still allowing residential activity in the zone. Accordingly, we do not find agreement with the submitter.

The 7.6ha site at 39 Harold Avenue is split-zoned General Residential and Rural Production. We note the adjacent wastewater line but find agreement with the reporting planner that if there is evidence of demand existing and the site is able to be serviced through the Infrastructure Acceleration Fund project, it may be a suitable candidate for additional residential zoning. Until further information in those respects is provided, we find we are unable to support rezoning of the site.

#### **Kawakawa**

Ngā Kaingamaha o Ngāti Hine Charitable Trust (S555.001) requests rezoning of the rear of 11 Greenacres Drive and the adjoining southern site from Rural Residential to General Residential zone. The submitter states, as the site is part of the Bay of Islands Hospital land holdings, they see the area as functioning within Kawakawa's urban footprint and suitable for long-term housing and community development under a proposed 100-year lease. While minor infrastructure upgrades may be needed, they note no significant barriers to residential use, making the proposed General Residential rezoning appropriate.

#### Analysis

Ngā Kaingamaha o Ngāti Hine Charitable Trust "opted in" to the Minute 14 hearings process. Supported by evidence from planners Alvin Jung and Makarena Dalton they presented revised relief to only rezone part of the site to General Residential zone. That part is described as Section 25 SBRS of Kawakawa and we were advised it has now been subdivided from the site.

At the hearing discussion focussed on what further expert advice was needed in order for us to be able to provide a recommendation that supports the rezoning sought by the submitter. It was arranged that Ngati Hine planners and Council officers meet to agree what further information was needed on a process moving forward. That resulted in

additional evidence from the submitter including planning, geotechnical and ecological reports. At the hearing we reminded both parties that any further information did not need to be at a level required for a resource consent application but detailed enough to satisfy the section 32 RMA requirements to support the requested zoning.

This evidence package was presented to the Panel with the Council right of reply and set out an alternative management approach for the site. It retains the relief sought for the General Residential zone but that site specific precinct provisions also be applied in combination with that zone to account for the ecological features, Māori cultural values, the relationship of Ngāti Hine to the site that is not otherwise recognised or provided for by the PDP, and to give effect to the relevant higher order national direction.

While we consider that there may be merit in the rezoning, with a supporting precinct, there was insufficient time at the end of the hearing process for the Panel to direct any further discussion between the Council officers and the submitters regarding precinct provisions. We recommend that the submitter contemplate a future plan change on this matter.

#### **4.16.3 Recommendations and Reasons**

For the reasons set out in 4.16.2 above, we recommend:

- a) that submission S74.001 is rejected.
- b) that submission S561.124 is accepted in part on the basis that there has been an error in the PDP relating to 14 Park Road, Kaikohe which requires correction by zoning it General Residential zone. For the other properties at Mangakahia Road and Guerin Street, Kaikohe the submission is rejected and the zoning remains as Mixed Use, for the reasons above.
- c) the submission S4.001 is rejected and the zoning of 9 Harold Avenue Kaikohe is retained with a split zoning of Rural Production and General Residential, for the reasons above.
- d) that submission S555.001 be rejected.

### **4.17 Key Issue 14 - Mixed Use zone**

#### **4.17.1 Matters Raised in Submissions**

New Zealand Maritime Parks Ltd (S251.016) requests that 14 Baffin Street, Opuia be rezoned from General Residential to Mixed Use. The submitters state the site is not suitable for residential zoning due to natural hazard risks and highlight its strategic location near Opuia's industrial and commercial areas. They suggest Mixed Use zoning would better support future commercial development and serve as a buffer between residential and industrial zones.

#### **4.17.2 Hearings Panel Evaluation**

The site of 1,179m<sup>2</sup> is zoned General Residential in the notified PDP. We were advised that this zoning reflects a rollover from the Coastal Residential zone under the ODP where sites with servicing were generally transitioned to a General Residential. Zoning in the PDP. The submitter proposes a Mixed Use zone, citing reasons such as natural hazard

constraints that may limit residential development, the site's proximity to the Opuia Business area, and demand for commercial land. It is however unclear as to why one urban use would be more appropriate than another based on the hazards that affect the site. The submission lacks a detailed assessment to support and justify the rezoning request.

#### **4.17.3 Hearings Panel Recommendations**

For the reasons above, we recommend that the submission by New Zealand Maritime Parks Ltd (S251.016) is rejected for the reason that, as outlined in Minute 14, the onus is on the submitter to provide sufficient evidence to support and justify their rezoning request. We note there may be merit in the rezoning submission, but we do not have the necessary information to support the rezoning sought by the submission.

### **4.18 Key Issue 15: Light Industrial zone**

#### **4.18.1 Matters Raised in Submissions**

##### **Mangonui**

Grant Alan Billington & Georgina McGarry (S372.001) and Kaizen Management Limited (S392.001) request rezoning of 6 and 8 Waterfront Drive, Mangonui, from Rural Residential to Light Industrial. Both submitters emphasise the suitability of the sites based on their size, infrastructure potential, and existing consents for light industrial activities. Located near other industrial businesses like ITM Building Supplies and Mangonui Haulage, the submitters consider the sites are better aligned with Light Industrial zoning, which would support appropriate future use without infrastructure limitations.

There are two further submitters that oppose the Light Industrial rezoning sought by the submissions.

#### **4.18.2 Hearings Panel Evaluation**

The submitter has not provided the detailed analysis for the proposed rezoning of these properties in line with the criterion listed in the Urban rezoning evaluation framework. Further details would need to be provided in line with the Minute 14 criteria to support the rezoning sought by the submission. We are accordingly not able to support the rezoning sought by the submission and recommend it be rejected.

#### **4.18.3 Matters Raised in Submissions**

##### **Haruru**

Puketona Business Park Limited (S45.001) requests that 759 State Highway 10, Oromahoe be rezoned from Rural Production to Light Industrial, noting the site has been used for non-productive purposes since the 1970s and is not suited for Rural Production due to the flood hazards and limited size. The submitter states that Light Industrial zoning would allow the site to be used more appropriately without requiring special provisions.

#### **4.18.4 Hearings Panel Evaluation**

The submission relates to the site at 759 State Highway 10, Oromahoe, previously operating as the Bay of Islands Country Lodge. The site is located at Puketona Junction, between Kerikeri and Waipapa.

The site has direct access onto State Highway 10 and is predominantly affected by the River Flood Hazard zone (100-year ARI event). Applying a Light Industrial zone would result in a spot zone, with the site located approximately 8 kilometres from the nearest urban-zoned land. Whilst there may be information to support that approach, further information is required to understand the nature of the proposed activities, the suitability of the state highway access, and why urban uses are appropriate in a flood prone area. In the circumstances, we are unable to recommend a zone change.

#### **4.18.5 Recommendations and Reasons**

For the reasons set out in 4.18.2 and 4.18.4 above, we recommend:

- a) that submissions S372.001 and S392.001 is rejected. The submitter has not provided the detailed analysis for the proposed rezoning of these properties at Mangonui in line with the criteria listed in the Urban rezoning evaluation framework and Minute 14. Further details would need to be provided in line with the Minute 14 criteria to support the rezoning sought by the submission.
- b) that submission S45.001 is rejected. The submitter has not provided the detailed analysis for the proposed rezoning of this property at Puketona Junction in line with the criteria listed in the Urban rezoning evaluation framework. Further details would need to be provided in line with the Minute 14 criteria to support the rezoning sought by the submission.

### **4.19 Key Issue 16 - Kororareka Russell Township zone**

#### **4.19.1 Matters Raised in Submissions**

##### **Russell**

Colwyn Shortland (S315.001) and Des and Lorraine Morrison (S44.001) seek to rezone 19 and 24 James Street and 34 and 36 Pukematu Lane Russell from Rural Production zone to Kororāreka Russell Township zone. The submitters state the land is unsuitable for Rural Production zone activities due to terrain, size and lack of productive use, and note it aligns with surrounding residential character and is serviceable by existing infrastructure.

#### **4.19.2 Hearings Panel Evaluation**

The sites at 19 and 24 James Street, and 34 and 36 Pukematu Lane, Russell, were zoned Rural Production zone in the notified PDP, noting that the lot sizes range from 11,466m<sup>2</sup> to 32,815m<sup>2</sup>. The submission provides site-specific details and states that the Kororāreka Russell Township zone would be more appropriate for the sites. The land is not currently connected to the town's wastewater system, but the submitters state it is eligible for connection. The submission includes an assessment comparing the Rural Production and Kororāreka Russell Township zone provisions. Portions of the properties fall within the High Natural Character overlay and they are entirely within the Coastal Environment overlay.

As the reporting officer advised, applying the Kororāreka Russell Township zone to these sites would enable significantly more development potential. However, the submission does not provide clear evidence of growth pressure or a demonstrated need for additional development capacity in this location. The submitters would also need to demonstrate that infrastructure within Kororāreka Russell has capacity for additional development in order to support a rezoning request.

We find that significantly more information and supporting evidence as set out in Minute 14 are required to confirm whether upzoning would result in appropriate urban, landscape and coastal outcomes., especially in this location. Information and evidence would need to include a more robust assessment of infrastructure provision to support future development amongst other criteria in order for favourable consideration of the request in the submissions.

#### **4.19.3 Recommendations and Reasons**

The submission by Colwyn Shortland (S315.001) and Des and Lorraine Morrison (S44.001) is rejected. The submitters have not provided the detailed analysis for the proposed rezoning of these properties at Russell in line with the criteria listed in the Urban rezoning evaluation framework. Further details would need to be provided in line with the Minute 14 criteria to support the rezoning sought by the submission.

### **4.20 Key Issue 17: Other Submissions**

#### **4.20.1 Matters Raised in Submissions**

Tristan Simpkin (S288.015) and Trent Simpkin (S284.015) propose that all serviced residential areas across the district with sewer infrastructure be rezoned to General Residential. They advocate for a clear overlay map identifying serviced zones and state that this change will support further development and the creation of additional sites.

FNDC (S184.026) seeks changes to the Rural Residential zoning near urban centres, opposing small lot and rural development adjacent to urban centres. The submitter is supportive of development which encourages active and public transportation systems.

#### **4.20.2 Hearings Panel Evaluation**

In regard to submission points S288.015 and S284.015 seeking to rezone all serviced residential areas across the district with a wastewater connection to General Residential the reporting officer commented:

- a. There are uncertainties around detail in all networks and bulk capacity of infrastructure locations around the district. These uncertainties relate to:
- b. The legacy of inconsistencies of approvals for connection to wastewater.
- c. Sites sizes could be large enabling potentially significant plan enabled development and hence demand on connections that would need to be quantified relative to available capacity.
- d. There is no clear demand for growth in all areas throughout the district. Council needs to focus investment in infrastructure in areas where there is existing and/or future growth occurring.

The presence of a reticulated network does not identify nor quantify suitable capacity. Further information would need to be provided for each location in order for a thorough assessment to be undertaken.

In regard to the submission point from FNDC (Transport) S184.026, the zoning approach for land near urban centres reflects sound planning principles that balance growth management, land use efficiency, and transport outcomes. We consider that the zoning pattern, particularly that recommended for the district's fastest growing area of Kerikeri/Waipapa, supports compact urban form and avoids ad hoc rural development adjacent to urban centres. It also enables future development that can integrate with active and public transport networks, consistent with the submitter's support for sustainable transport outcomes.

#### **4.20.3 Hearings Panel Recommendations**

For the reasons set out in 4.20.2 above, we recommend:

- a) that submissions S288.015 and S284.015 are rejected as the submitter has not provided the detailed analysis for the proposed rezonings sought in line with the criteria listed in the Urban rezoning evaluation framework. Further details would need to be provided in line with the Minute 14 criteria to support the rezonings sought by the submission.
- b) That submission S184.026 is rejected as the submitter has not provided the detailed analysis for the proposed rezonings in line with the criteria listed in the Urban rezoning evaluation framework. Further details would need to be provided in line with the Minute 14 criteria to support the rezonings sought by the submission.

### **5. Conclusion**

For the reasons set out in this recommendation report, we recommend the adoption of a set of changes to the PDP provisions and to the PDP planning maps as identified in **Appendices 2.1; 3.1 and 3.2**.

Otherwise, for the reasons provided, we recommend no changes to the proposed zonings as shown in the PDP.

Our recommendations also include recommendations for consequential amendments to or from other recommendation reports.

We have had regard to the submissions and further submissions received, the evidence tabled and presented to us and to the Council's hearing reports (including right of reply). We have also incorporated our own s32AA evaluation into the body of our report as part of our reasons for recommended amendments.

Accordingly, we recommend that the submissions and further submissions should be accepted, accepted in part or rejected, as set out in this recommendation report and in the Table of Recommended Decisions on Submissions in **Appendices 4.1 and 4.2**.

Overall, we consider that our recommendations will ensure the PDP achieves the statutory requirements, national and regional policy directions, and provide that the PDP is easier to implement and understand for users of it.