

BEFORE THE INDEPENDENT HEARINGS PANEL

UNDER the Resource Management Act 1991 (RMA)
IN THE MATTER of the Far North Proposed District Plan - Hearing 15D:
Rezoning Kerikeri-Waipapa

**STATEMENT OF REBUTTAL EVIDENCE OF BURNETTE ANNE O'CONNOR
ON BEHALF OF KIWI FRESH ORANGE COMPANY LIMITED**

PLANNING

24 SEPTEMBER 2025

PO Box 2401 AUCKLAND 1140
Tel +64 9 300 2600
Fax +64 9 300 2609

Solicitor: M J Doesburg
(mike.doesburg@wynnwilliams.co.nz)

WYNN WILLIAMS

INTRODUCTION

- 1 My full name is Burnette Anne O'Connor.
- 2 I have been engaged by Kiwi Fresh Orange Company Limited (**KFO**) to provide independent expert advice on the Proposed Far North District Plan (**FNPDP**).
- 3 This rebuttal evidence relates to the Council's section 42A report for Hearing 15D, including the planning responses and recommendations of the reporting planner Jerome Wyeth, the relevant statement of evidence from council experts e.g. Azman Rueben; as well as the Rezoning Submissions Overview report prepared by Sarah Trinder and Melissa Pearson.
- 4 KFO owns 197 ha of land between Kerikeri and Waipapa (**Site**), which is proposed to be zoned for Rural Production. KFO's submission seeks a live urban zoning of the Site, comprising a mix of general residential, mixed use and natural open space.

Qualifications and experience

- 5 I confirm I have the qualifications and experience set out at paragraphs 5 to 12 of my statement of evidence dated 30 June 2025 (**June evidence** or **EIC**).

Code of conduct

- 6 I repeat the confirmation provided in my June evidence that I have read and agree to comply with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023. This evidence has been prepared in accordance with that Code. I confirm that the issues addressed in this rebuttal evidence are within my area of expertise, and I have not omitted to consider material facts that might alter or detract from the opinions that I express.

Scope of rebuttal

- 7 In addition to the material that I considered, reviewed, took into account and relied on in my June evidence, in preparing this evidence I have reviewed:
 - (a) The Rezoning Submissions overview report co-authored by Sarah Trinder and Melissa Pearson.
 - (b) The Hearing 15D s42A report and in particular the section of the that report addressing the KFO submission, authored by Jerome Wyeth.
 - (c) The supporting Statements of Expert evidence in support of the Council s42A report.

(d) Appendices 1 to 7 attached to the council s42A report.

- 8 I have sought to focus this rebuttal evidence on the key differences between my opinion and the s42A report authors.

SUMMARY OF EVIDENCE

- 9 Greenfield development is required, as identified in the Spatial Plan. The KFO submission enables rezoning that will enable a coordinated and quality urban outcome. It will achieve housing affordability which is a key issue for Kerikeri.
- 10 The level of analysis supporting the KFO submission is significantly more detailed than the analysis that supports the PDP-R.
- 11 All actual or potential effects of the KFO proposal on the environment have been assessed. The amended Te Pāe Waiōra Precinct provisions, in conjunction with the PDP provisions, provide a robust framework for the assessment of future development of the land, including the management of the existing floodway to ensure no net increase in flood hazard, management of transport networks, and quality urban development including urban design and landscape outcomes.
- 12 The KFO proposal aligns strongly with the Strategic Direction of the PDP, gives effect to the relevant NPS and RPS and Te Pātukurea. Overall, the KFO submission better achieves the policy outcomes for Northland and the Far North District than the PDP or the PDP-R.

PROPOSED DISTRICT PLAN RECOMMENDATIONS FOR REZONING

- 13 Appendix 4 to the s42A report shows the Council's recommended changes to zoning in response to submissions on the PDP, which it has referred to as the PDP-R.
- 14 The s32AA analysis for the zoning changes is set out in the s42A report. From reading the report I am unable to see how the collective effects of the recommended changes to zoning have been considered, or how the detail of various recommended changes has been considered, for example with respect to impacts on infrastructure upgrades and transportation.
- 15 In my opinion all options for urban rezoning in the Kerikeri / Waipapa area need to be considered in robust detail in order to determine the best, or optimal planning outcomes for Kerikeri and Waipapa in the context of the District Plan review – that is the analysis that s32 requires.

- 16 In particular, the Council's proposal to upzone areas of the existing residential area in Kerikeri to Medium Density Residential zone and Town Centre zone to accommodate infill to meet the projected growth demand, does not seem to have considered or assessed the likely need for infrastructure upgrades to service that development, or the transportation impacts of infill on the existing road network, including the one-way road system through Kerikeri town centre. It does not appear that any consideration has been given to how the PDP-R land would be developed given its fragmented ownership, funding uncertainty and lack of transport mitigation triggers.
- 17 A further important omission, despite the guidance in the rezoning criteria in Minute 14, is the lack of information regarding consultation with the community or the position of mana whenua. Based on Mr Corbett's rebuttal evidence, it is clear that the community and mana whenua not been consulted on the Council's adoption of the PDP-R.
- 18 There appears to be an inconsistency in approach by the s42A report. The s42A report recommends that Kainga Ora's submission is accepted in order to provide for the PDP-R, despite Kainga Ora providing no evidence to address the matters in Minute 14. On the other hand, the s42A report has been critical of the level of detail provided by KFO in support of its submission, despite it providing detailed technical information from independent experts who regularly participate in planning processes under the RMA. As an independent expert planner, it is difficult to understand the principled basis for the different positions adopted.

TE PĀE WAIŌRA PRECINCT

- 19 The reporting planner states as paragraph 324. of the s42A report that he considers that there are numerous shortcomings in the proposed provisions in the Precinct Chapter and associated Precinct Plan, leaving aside the more fundamental questions as to whether it is appropriate to rezone the Site for urban development through the PDP.
- 20 The s42A report identifies the following 'shortcomings' with the proposed Te Pāe Waiōra Precinct:
- (a) Consideration of cultural values.¹

¹ S42A Hearings report 15D Rezoning, paragraph 334

- (b) Certainty that the flood mitigation assets can be funded and maintained.²
 - (c) Impacts of the peak flows on the natural inland wetland.³
 - (d) Certainty that the Precinct provisions will achieve the landscape and development outcomes recommended in the landscape assessment.
 - (e) Staging, delivery of transport connectivity and timing of transport upgrades.⁴
 - (f) Lack of good practice urban design principles, certainty as to staging and urban design considerations in the Comprehensive Development Plan (**CDP**).⁵
- 21 The Precinct provisions have been updated to respond to the matters raised in the s42A report. The revised Precinct Chapter is **Attachment A** to this Rebuttal Statement.
- 22 The Precinct provisions have been drafted to address site specific matters not otherwise addressed by the proposed plan provisions. They are designed to ensure that development occurs in an appropriate manner, integrating with the delivery of infrastructure and appropriately managing the effects of urban development on the specific features of the Site.
- 23 I note that aspects of the 'shortcomings' listed above are also addressed in detail in the rebuttal statements of the KFO experts, and the amendments to the Precinct respond to only those changes that are considered necessary to secure the best planning outcome.
- 24 I have reviewed other Precincts proposed in the PDP and am satisfied that the level of detail and updated provisions in the amended Precinct are consistent with other Precincts in the context of the underlying zoning and the likely environmental impacts of development in the Precinct area.
- 25 Specifically, the Precinct has been amended to include the following:
- (a) Addition of a requirement in the CDP to provide evidence of engagement with Iwi and measures to reflect cultural features in the urban development as appropriate.

² S42A Hearings report 15D Rezoning, paragraph 376

³ S42A Hearings report 15D Rezoning, paragraphs 377 and 378

⁴ S42A Hearings report 15D Rezoning, paragraph 406 e)

⁵ S42A Hearings report 15D Rezoning, paragraph 411

- (b) Standards to ensure appropriate flood mitigation is provided.
- (c) Provisions and standards to ensure the appropriate management of effects on wetlands with respect to the implementation of flood mitigation infrastructure.
- (d) Updated CDP requirements related to landscape and urban design outcomes.
- (e) Standards to secure staging of development in relation to the delivery of transport infrastructure.

26 In my opinion the amended Precinct provisions in conjunction with the PDP recommended provisions for the General Residential zone and the Mixed-Use zone, will ensure an optimal planning outcome.

NPS-UD, DEVELOPMENT CAPACITY AND PLACEMAKING

- 27 Mr Thompson's rebuttal evidence further details the reasoning why greenfield land is required to provide for a variety of housing in the Kerikeri Waipapa area and to achieve housing affordability. I concur with the findings and conclusions in Mr Thompson's rebuttal evidence.
- 28 With respect to the proposed PDP-R that seeks to provide infill housing via a Medium Density Residential zone (**MDRZ**) and Town Centre zone (**TCZ**), the s42A report addresses this option at paragraphs 53 – 56.
- 29 I am unclear why a MDRZ is required. The proposed General Residential Zone (**GRZ**) enables up to three dwellings per site where the parent site has an area of at least 600m² as a controlled activity. The MDRZ enables greater height (11m rather than 8m in the GRZ) but infringement of the height standard in the GRZ simply requires consent as a restricted discretionary activity. Given the matters of discretion, consent to exceed the height limit in the GRZ would realistically be granted provided a proposal provided a quality design response.
- 30 I concur with the commentary in Mr Thompson's rebuttal evidence that there is little evidence of demand for this type of housing in the Kerikeri – Waipapa area. The Operative District Plan (**ODP**) enables multiple unit development and development to a density of one dwelling per 300m² as a Discretionary activity in the Residential zone. However, as Mr Thompson's rebuttal demonstrates, that development typology has had little uptake.
- 31 In my opinion, this issue extends to the issue of place making. I understand Ms Rennie's comments regarding urban design principles and density, but as

stated by Mr Neill, simply applying urban design principles does not amount to quality place making that reflects the character or features of Kerikeri and Waipapa. The Te Pāe Waiōra Precinct requires a Comprehensive Development Plan (**CDP**) to be prepared and submitted with the first resource consent for development within the Precinct. The CDP requirements have been amended to require submission of urban design and landscape assessments with the CDP. In my opinion this will achieve a quality outcome because it will enable the assessments to be undertaken in the context of the future environment and in relation to the specific type of urban development proposed. The CDP will be considered through a robust consenting process and will secure any recommendations that need to be delivered in conjunction with urban development of the land.

- 32 I find it hard to reconcile the conclusions reached by Ms Rennie with respect to the adverse urban design effects stated for the KFO development, versus the proposed MDRZ and TCZ and its associated impacts on adjacent GRZ areas. In my opinion providing sufficient, or more than sufficient land for the future growth demands for urban land will achieve better outcomes with respect to urban boundaries than ad hoc development or continuing rural residential development on the outskirts of the urban area. This approach compromises future choices for comprehensive and coordinated urban development.
- 33 An issue that has not been addressed in the s42A report or evidence is how the MDRZ and TCZ provisions will achieve quality outcomes in practice. Both proposed zones enable residential development as a permitted activity, provided the core standards are met. As permitted activities, there will be no assessment against the objectives or policies of the zones and no assessment of the urban design or quality of built form outcomes.
- 34 It is difficult to see how permitted activity development will be appropriately managed to achieve good urban design outcomes, let alone maintain the character of Kerikeri and Waipapa.
- 35 I am also unclear how the KFO development is seen to erode the respective identity of Kerikeri and Waipapa, but the implementation of infill development is not expected to change the character or identity. Change will alter the existing urban identity and character no matter what. The challenge in my opinion, is to ensure new development respects, identifies and carries through, key features that contribute to the existing character and identity of Kerikeri and Waipapa. This outcome can be better achieved through comprehensively planned

greenfield development than ad hoc infill development achieved via the MDRZ and TCZ.

- 36 On the basis of the amended Precinct, I consider that all necessary place making, urban design and landscape requirements will be reflected through the CDP and able to be secured via the urban development consents for the land.
- 37 I consider that Te Pātukurea – the Kerikeri-Waipapa Spatial Plan provides a more realistic and better allocation of greenfield and infill development than the PDP or the PDP-R. As set out in Mr Thompson’s rebuttal (paragraph 12) the Spatial Plan anticipates approximately 70% greenfield development. All Council experts and reporting officers seem to accept that greenfield development is required to provide for housing affordability in the area. Housing affordability is a requirement of the NPS UD (Objective 2 and Policy 1) and a key issue for Kerikeri. On this basis, properly planning for greenfield development, especially where that development can be comprehensively planned and developed, will provide for a higher quality and better growth outcome for the Kerikeri-Waipapa area.

FLOODWAY, FLOOD HAZARD, ECOLOGY AND MAPPING OF SIGNIFICANT NATURAL AREA

- 38 The rebuttal evidence of Mr Kuta responds to comments about the formalisation of the existing floodway to manage flooding effects.
- 39 I have recommended adding provisions in the Precinct to ensure that the Stormwater Management Plan (which is required to be submitted with the CDP) facilitates hydrological neutrality i.e. pre-development flows are maintained or lessened – not increased. I have also added a standard to ensure that any development proposals that would not achieve this outcome would require resource consent. This would then enable assessment of the site’s freshwater resource environment and downstream.
- 40 Importantly, development of the proposed floodway will require resource consent under other provisions of the PDP. Under the Natural Hazards Chapter Rule NH-R10, new structural mitigation assets require consent as a discretionary activity. That will enable assessment of all relevant adverse effects of the floodway on the environment, as well as requiring assessment of all relevant objectives and policies (including in the Natural Hazards Chapter and in the Precinct). I consider that will ensure robust assessment of the floodway proposal.

- 41 Based on the evidence of Mr Kuta, and my knowledge of the Site, I consider the Precinct and other PDP provisions will together ensure that there is no flood hazard risk to people or property. Therefore, there is no hazard risk basis to not zone the land as sought.
- 42 The ecological assessment in the s42A report mentions the need for offsetting. I consider that it is premature at this zoning stage to determine whether or not the urban development of the land would generate adverse ecological effects that would require offsetting. The evidence of Ms Barnett confirms that there are no ecological values present, or likely to be present that would warrant refusal of the urban zoning sought; and that all ecological effects can rightly be assessed at resource consent stage. In my opinion this is standard practice.
- 43 The area of the site with ecological value has consistently been identified as natural open space and would be managed to be protected and enhanced. It is likely that area would be covenanted as part of the first stage of subdivision of the site, however, consistent with the NPS Indigenous Biodiversity that area of native terrestrial vegetation could be identified as Significant Natural Area (**SNA**) on the Precinct Plan.
- 44 Finally, the Council's ecological evidence suggests that KFO's ecological assessment is deficient for not providing a full list of the relevant provisions of the PDP that would apply to manage ecological effects. In my experience, that is not a common approach in ecological evidence. The combination of the PDP's esplanade reserve provisions (Rule SUB-S8) and Natural Open Space Zone provisions, indigenous vegetation provisions (e.g., Rule IB-R4), the Precinct provisions and the National Environmental Standards for Freshwater all provide relevant safeguards.

LANDSCAPE

- 45 The s42A report raises questions about the landscape effects outcomes associated with the KFO submission.
- 46 The Precinct provisions have been amended to require a detailed landscape assessment to be submitted with the CDP.
- 47 Ms Absolum, the council's landscape expert raises two concerns with the landscape assessment provided with the submission. These are:
- She does not agree that the urban margin of Waipapa has moved as a result of the Sports Hub.

- The large drop to the bridge over the Puketotara stream on Golf View Road.

- 48 I respect the opinion of Ms Absolum with respect to landscape matters and note that landscape is one component of the technical assessments and analyses required to determine the appropriateness of land for urban development. In my opinion the concerns raised with respect to landscape aspects can and will be managed by the proposed Precinct provisions and the opportunity for the connected river pathways; and road connection points onto State Highway 10 and Waitotara Drive will result in a cohesive and connected development outcome. I consider that the matters of discretion in the Precinct provisions appropriately address these matters.
- 49 Kerikeri is the main urban centre of the Far North District and will grow. In my opinion, it is highly unlikely that the growth demand will be met by infill development and greenfields will be required to ensure housing variety and affordability. Of all the options for growth the KFO option is the only option available through this Plan process that aligns with the outcomes sought by the Spatial Plan.

PRODUCTIVE CAPACITY OF RURAL LAND

- 50 The s42A report states that the urban rezoning of the Site will result in the loss of HPL that could be avoided through the uptake of other urban growth options. Presumably the author means the infill option.
- 51 Whilst the infill option may avoid HPL, it is unlikely to be realised and will not fully respond to growth demand, nor will it achieve appropriate housing choice, housing affordability or create a quality urban environment reflecting the characteristics of Kerikeri and Waipapa.
- 52 I have analysed the range of options for the growth of Kerikeri and Waipapa, such options were also addressed in the Spatial Plan. In my opinion the growth options need to consider the location and extent of Horticulture zoned land around Kerikeri and ensure the growth options do not limit or adversely impact on that Horticulture zoned land.
- 53 I understand from Mr Hunt's rebuttal evidence that Dr Hill identified a Southeastern site as having a similar productive capacity as the KFO site.⁶ The

⁶ Rebuttal Evidence of Jeremy Hunt at paragraph 39.

location of the Southeastern site is located in Figure 9 of Dr Hill's evidence, shown below.



Figure 9: S-Map Online screenshot showing the soil map information (soil classification) for the Southeastern site and surrounding area.

- 54 Given the location of the Southeastern site, I do not consider it to be a practical or realistic alternative for providing the necessary development capacity. The site is separated from the established urban area of Kerikeri, lacks clear natural or other defensible boundaries, and there has been no assessment of whether developing the Southeastern site would deliver the same advantages as the KFO site. In my view, it would not adequately meet the needs for urban growth in this area, nor would it deliver environmental, social, cultural, or economic benefits that would outweigh the associated costs.
- 55 I have addressed the location of the Horticulture zoned land around Kerikeri and reverse sensitivity effects in the following section. On the basis of the suite of evidence provided in support of the submission I consider that the environmental, social, cultural and economic benefits of the zoning sought outweigh these costs associated with the loss of any highly productive land for land based primary production. The urban zoning of this land therefore achieves the pathway provided via Clause 3.6(4) of the NPS HPL.

EFFECTS OF THE PROPOSED URBAN ZONING ON THE ENVIRONMENT

- 56 With respect to the proposed PDP-R that seeks to provide infill housing via a MDRZ, the s42A report addresses this option at paragraphs 53 – 56. I have discussed the PDP-R above, and further to those comments, point out that there is no evidence provided that indicates whether the effects of the PDP-R

were considered with respect to transportation effects, or infrastructure effects in terms of upgrades required to facilitate a greater density of development. This may be because the General Residential zone provisions, as proposed enabled up to three dwellings per site, where the site area is at least 600m² as a controlled activity, however this is unclear. It is also unclear why a MDRZ is required when the GRZ enables up to 3-dwellings as a controlled activity.

- 57 I concur with Mr Thompson that given the Operative District Plan has provisions that enable density, and these provisions, have not been utilised, for other than 'non-market' social housing, that it is unlikely that there will be a future demand that warrants application of a MDRZ.
- 58 I have considered the zoning pattern and reverse sensitivity effects in relation to the development of the KFO site and notably in terms of reverse sensitivity effects the proposed zoning is better than Rural Production with respect to the adjoining rural residential development. If the KFO site could be viably developed for rural productive activities, including horticultural and cropping operations, the associated practices could result in odour, spray drifts (agrichemicals), dust and noise pollution, as noted in paragraph 23 of Mr Hunt's rebuttal, that can affect nearby sensitive receivers. Such receivers would include the existing rural residential activity accessed by Waitotara Drive.
- 59 In this vein, I support the rezoning of Waitotara Drive to Rural Residential zone as sought in submissions from J & R Kemp and others. The proposed Rural Production zoning of land on Waitotara Drive does not reflect the existing environment and is therefore what I term dishonest zoning (i.e. the zone does not reflect what is there and creates a problem for assessing future resource consents). Retaining Waitotara Drive as Rural Production also makes little sense with the proposed Rural Residential zoning applying to larger sites on the northern side of Waipapa Road. That proposed zoning pattern also results in proposed Rural Residential zoned land directly adjoining the Horticulture zone, which appears to be potentially problematic with respect to reverse sensitivity effects. Other than the clusters of purely rural residential development on the northern side of Waipapa Road it would seem preferable to zone land to the south (i.e. Waitotara Drive) as Rural Residential and create a buffer of Rural Production zoned land between the Rural Residential and Horticulture zoned land.
- 60 With respect to other effects where issues have been raised in the s42A report I note that all issues are thoroughly addressed by the submitters' experts in relation to transportation, flood hazards, infrastructure servicing, ecology,

economics and urban design. I have read and concur with the findings of the respective experts and where appropriate I have proposed further amendments to the Te Pāe Waiōra Precinct provisions to ensure that these are as robust as possible to ensure effects of urban development are managed. In my opinion the CDP is an appropriate mechanism to secure these outcomes because endeavouring to write prescriptive rules and standards now is less likely to enable the best outcomes to respond to the future environment at the time development occurs.

- 61 The Precinct provisions will ensure an appropriate and quality design response for the urban development enabled under the underlying zoning and the Precinct.

POLICY ASSESSMENT

- 62 I have addressed the Strategic Direction of the PDP in my EIC (paragraph's 60 – 67). In terms of this rebuttal the key points are that in order for the Far North District to achieve sustainable prosperity and wellbeing there needs to be land available for housing in a manner that will facilitate an affordable housing market and enable quality urban outcomes to be achieved now and into the future. Paragraph 63 of my EIC confirms the outcomes that will be achieved by the KFO submission. I cannot see that such an assessment has been completed with respect to the PDP-R. Specifically paragraph 100, that sets out the assessment of the relevant submissions in relation to the Strategic Direction does not delve into detail on how the recommended outcome will achieve sustainable prosperity and wellbeing, as the Strategic Direction seeks.
- 63 At paragraph 411 Ms Rennie states that the MDRZ is required to achieve the NPS UD. I do not agree. As set out in paragraph 34, above, the NPS UD requires *planning decisions to improve housing affordability by supporting competitive land and development markets* and to *contribute to a well-functioning urban environment* that has or will enable *a variety of homes that meet the needs, in terms of type, price and location, of different households....*
- 64 As discussed above, the ODP Residential zone provisions, and the PDP General Residential zone enable resource consents to be obtained for multi-unit developments.
- 65 Without reiterating my EIC my opinion is that the KFO proposal gives effect to all relevant NPS and the relevant RPS provisions, particularly those relating to urban form and development.

- 66 In my opinion, given historic trends, it would seem less likely that there will be significant uptake of the infill development typologies. For this reason, I consider other development options need to be provided for growth, and this should be provided through the PDP process to ensure the PDP can meet the requirements of the NPS UD and the Northland RPS.
- 67 The Northland RPS 2016 requires sustainable built environments that effectively integrate infrastructure with subdivision, use and development, and have a sense of place, identity and a range of lifestyle, employment and transport choices. Policy 5.1.1 and the Regional Form and Development Guidelines and Regional Urban Design Guidelines are also relevant.
- 68 Policy 5.1.1. requires the integration of urban development with the delivery of infrastructure and this is addressed above. The impacts of the proposal on soil based primary production is also addressed in the statements of evidence from Mr Hunt and I agree that the proposed zoning achieves the pathway for urban development as set out in Clause 3.6 of the NPS HPL. Reverse sensitivity effects have also been considered and are addressed in paragraph 56 above. With respect to a sense of place and character I have set out my opinion above and consider that the greenfield option is more likely to provide better outcomes than the infill development option of the PDP-R.
- 69 I have reviewed Te Pāe Waiōra Precinct and the underlying zoning sought in context of the objectives and policies for the General Residential zone and the Mixed Use zone.
- 70 The KFO proposal achieves the objectives for the GRZ because it will enable a variety of housing densities, housing types and lot sizes to be delivered in response to housing needs and demand, aligned with the delivery of the required infrastructure and in a manner that will acknowledge and respect the character of Kerikeri and Waipapa. The Precinct provisions will secure coordinated delivery and funding of the required infrastructure; will respond to climate change and known flood hazards and will achieve a functional and high amenity environment.
- 71 The Mixed Use zone and the Precinct will achieve the objectives of that zone, as stated in the PDP, because the CDP will ensure that development in the zone will respond to any adverse effects at zone boundaries; that development will be of a form, scale, density, and design quality that contributes positively to the vibrancy, safety, and amenity of the zone.

CONSULTATION AND ENGAGEMENT

- 72 The rebuttal evidence of Mr Corbett addresses the ongoing consultation and engagement undertaken. In my experience the level of community and Iwi engagement for the KFO proposal is significantly greater than would typically occur.
- 73 With respect to consultation and engagement with NZTA my understanding is that initial engagement and analysis confirmed that a round-a-bout with State Highway 10 and Puketotara Road would be an appropriate outcome. That Infrastructure can be delivered without any impacts on adjacent land. As with any development that affects the State Highway, there will need to be ongoing engagement with NZTA if the rezoning is confirmed.
- 74 Further submissions in opposition because of indicative / potential road access points are acknowledged. The structure plan / Precinct Plan shows these potential access points, and it is noted that landowner agreements, or acquisition would be required, in the future, to enable construction of any access point through private land. However, as addressed in Mr Hughes' rebuttal evidence, those access points may not be required in order to enable appropriate transport connections.
- 75 With respect to the further submission from Horticulture NZ, this relates to a submission point around LUC 4. In my opinion this further submission is addressed in the evidence of Mr Hunt.
- 76 The matters raised in the Kainga Ora further submission have been thoroughly addressed in the evidence with respect to infill versus greenfield development.
- 77 I consider that all relevant submissions and further submissions have been addressed and that more than adequate consultation and engagement has occurred in the process of developing the submission, the Precinct and in the intervening time period between lodging the submission and the hearings process.

S32AA

- 78 The proposed changes to the Precinct have been considered in relation to the further assessment required by s32AA.
- 79 The amendments to the Precinct address matters raised in the s42A report, providing greater certainty and clarity of the process and resource management outcomes.

80 The intent and overall outcomes remain unchanged.

TE PĀTUKUREA – KERIKERI - WAIPAPA

81 I have read the evidence of Mr Azman Reuben and respond to the criticisms he makes in response to my EIC.

82 Firstly, I have stated above that I agree with the Spatial Plan proposal to provide for approximately 70% of growth via greenfields development. I note that this is not proposed to be affected through the council officer's recommendations on the PDP, whereas in my opinion, it should be.

83 In terms of Mr Reuben's comments on my analysis of the Contingent Future Growth Area I simply state that this PDP process is a statutory process. There has been significant public and stakeholder engagement, and the public has been, and is, involved in the process. No further consultation is necessary, as I have addressed in paragraphs 72 – 77 above.

84 Detailed design for flood mitigation is not required to enable the urban zoning of this land. There is sufficient certainty the land can be developed for urban purposes whilst avoiding flood hazard risk. The proposed Precinct and PDP Hazards provisions further secure this outcome.

85 With respect to infrastructure funding, KFO has stated that they will fund infrastructure. There has been engagement with FNDC Infrastructure and Assets staff on this point, even prior to the submission being lodged. In my experience Infrastructure Funding Agreements, or Development Funding Agreements are typically resolved and locked in at the development stage because this is when the detail is known in terms of capacity demand, the infrastructure extensions and upgrades required, and the likely costs. It is premature to reach such an agreement ahead of the urban zoning of the land.

86 The Spatial plan and any future regional spatial plan are non-statutory documents. KFO submitted to the Spatial Plan highlighting significant concerns with the process and the quality of engagement. I share those concerns, particularly with respect to the transparency and sharing of information. I am aware that groups, such as the Hapū Rōpū, were not provided the technical assessments that supported the KFO proposal. In my opinion this is misleading and does not support or achieve honest robust decision making, especially on something as critical as the future growth and development of Kerikeri and Waipapa. The growth of Kerikeri and Waipapa will be fundamental to the sustainable prosperity and wellbeing of Northland.

- 87 Prior to preparing and lodging the KFO submission on the PDP we engaged with the council spatial planning team at that time. We undertook a field visit and had workshops to discuss the proposed re-zoning. Following this the council halted that spatial planning process and then subsequently formed a new team to work on the Te Pātukurea process.
- 88 I have addressed the road access points above and note that up to at least 1600 dwellings can be serviced via access points to State Highway 10 and Waitotara Drive. The Precinct provisions deal with any other future access points. There is no need for Golf Club support, especially not in the statutory PDP process.
- 89 I accept the Spatial Plan is a relevant consideration, but it is not the primary consideration in this statutory plan review process.
- 90 Overall, the Strategic Direction of the PDP is a more relevant consideration than the strategic direction of the Spatial Plan.

CONCLUSION

- 91 The KFO submission is supported by the full extent of technical assessments, robust and detailed expert evidence and rebuttal.
- 92 Zoning the land urban, as sought, will achieve better outcomes than not zoning the land; and will better achieve the higher order planning documents (NPS and RPS), and the proposed Strategic Direction of the PDP.
- 93 The Spatial plan has been considered to the extent it is relevant as a non-statutory document.
- 94 The amended Precinct provisions are robust and will ensure that all relevant matters are addressed, in conjunction with the PDP provisions, to secure quality urban outcomes now and into the future.
- 95 Housing affordability and growth management are significant issues for Northland, and Kerikeri – Waipapa in particular. In my opinion, the best planning outcomes for Kerikeri and Waipapa will be achieved by zoning the land as sought.



Burnette Anne O'Connor

24 September 2025

ATTACHMENT A

PART 3 – AREA SPECIFIC MATTERS / PRECINCTS (MULTI-ZONE)

PREC - X Te Pāe Waiōra precinct

Ko te momo waiora, he pae here

*Connecting the Falls, character and amenity for the community's wellbeing
Gathering space – water of life health and soundness –*

Drafting notes:

1. All cross-references are to provisions in the PDP as notified.

Overview

Te Pāe Waiōra Precinct relates to land at 1828 and 1878 State Highway 10, Waipapa and Lot 1 DP 333643. The Precinct is strategically located between the townships of Kerikeri and Waipapa providing an opportunity for a consolidated and compact urban form.

Development within the Precinct will be guided by a Comprehensive Development Plan that will provide a framework for development and ensure that a high-quality well-functioning urban environment is achieved, including the coordination of infrastructure and associated urban development and management of flood hazards.

The urban design requirements of the Comprehensive Development Plan will ensure quality place making outcomes that reflect and respect the characteristics of Kerikeri and Waipapa.

Development of land within Te Pāe Waiōra Precinct will occur in stages, over a period of time.

The location provides a significant opportunity for urban growth that will deliver affordable housing in a variety of typologies with high levels of environmental amenity.

The Precinct provisions secure the opportunity to manage flood risk for the site, and potentially the wider area, in a way that will also contribute to public and environmental amenity.

Specific provisions control the amount of retail floor space to ensure the needs of the neighbourhood are met and that commercial and retail activity does not generate adverse competing impacts with the existing Kerikeri town centre.

An urban gateway to Waipapa can also be facilitated by delivery of a round-a-bout intersection on State Highway 10 with Puketotara Road and the proposed development.

The zoning of land within the Precinct is General Residential, Mixed Use and Natural Open Space. The objectives, policies and rules of the underlying zone apply, in addition to the Precinct provisions.

Objectives	
TPW-O1	Te Pāe Waiōra Precinct is an example of a quality, well-functioning urban environment that enables the community to provide for their social, economic and cultural well-being, and for their health and safety.
TPW-O2	Urban development is coordinated with the supply of sufficient transport, water supply, stormwater, wastewater, energy and communications infrastructure.
TPW-O3	Locate urban development outside the identified flood hazard areas and enable urban development on areas subject to the flood hazard overlay, subject to modification of the floodway to ensure flood hazard risks for that land are avoided.
TPW-O4	Connected, quality, multi-modal transport connections that provide high amenity and resilience for the community are provided in conjunction with urban development.
TPW-O5	Ensure commercial activities are of an appropriate scale and nature that support the neighbourhood community and do not detract from the Kerikeri Town Centre.

Policies	
TPW-P1	Enable the efficient use of land strategically located between Kerikeri and Waipapa by providing capacity for urban development that is coordinated with infrastructure provision.
TPW-P2	Zone sufficient land to ensure competitive housing and business land markets for current and future generations and to support the healthy and optimal functioning of the Kerikeri Waipapa and Far North economy.
TPW-P3	Require urban development to occur generally in accordance with Te Pāe Waiōra Precinct and the Structure Plan.
TPW-P4	Provide a connected public pedestrian and cycle network adjacent to the river, connecting to Rainbow Falls – <i>Waianiwaniwa</i> , through the site and to areas beyond the site.
TPW-P5	Enable urban development within the Precinct; and within the flood hazard overlay once the existing natural floodway is modified to appropriately manage flood risk to avoid flood hazard risk to people and property, or until an alternative flood hazard management solution, is operational.
TPW-P6	Limit the extent of retail activity gross floor area to support Te Pāe Waiōra Precinct and contribute to the continued vitality of Kerikeri town centre.
TPW-P7	Deliver a quality, connected road network that matches the scale and timing of urban development within Te Pāe Waiōra Precinct and ultimately secures a resilient road network that benefits the wider community.

TPW-P8	Provide public open spaces in the vicinity of natural site features as shown on the Precinct Plan to ensure the ongoing protection of native vegetation, stream, wetland, and waterfall areas.
TPW-P9	Deliver a range of commercial activities to provide local employment and service the neighbourhood community.
TPW-P10	Deliver sections sizes for residential living in keeping with the underlying zone and the Precinct Plan.
TPW-P11	Enable urban development in Te Pāe Waiōra Precinct through the staged release of land, ensuring that each stage is supported by sufficient infrastructure to support its development.

Rules	
	<p>Notes:</p> <p>Part 2- District-Wide Matters of the District Plan apply to a proposed activity within the Precinct</p> <p>Part 3- Area Specific Matters apply to the Precinct as per the underlying zoning being General Residential, Mixed Use; Open Space and Recreation Zones.</p> <p>The Precinct provisions apply in addition to those matters listed within Part 2 and 3 of the Proposed District Plan.</p> <p>Refer to the “how the plan works” chapter to determine the activity status of a proposed activity where resource consent is required under multiple rules.</p>

Rules Te Pāe Waiōra Precinct		
TPW-R1 New buildings or structures		
Te Pāe Waiōra Precinct	<p>Activity status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> The building or structure is located outside the Flood Hazard overlay. For buildings or structure within the Flood hazard overlay; once the existing floodway has been modified; or an alternative flood hazard solution, is operational. Complies with TPW-S1 and TPW-S2. 	<p>Activity status where compliance not achieved: with TPW-R1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> Management of flood hazard. Risk to proposed buildings associated with flooding. Risks to other persons or property associated with the proposal in relation to flood hazard.

TPW-R2 Retail Floor Space in the Mixed Use zone		
Te Pāe Waiōra Precinct	<p>Activity Status: Permitted</p> <p>Where:</p> <p>The total retail floor space in the Mixed Use zone shall not exceed 7,500m² excluding a supermarket.</p> <p>a. Complies with TPW-S1.</p>	<p>Activity status where compliance not achieved with TPW-R2:</p> <p>Discretionary</p>
TPW-R3 – New Development Meeting Standards		
Te Pāe Waiōra Precinct	<p>Subdivision and land use meeting the Standards TPW-S1 and TPW-S2</p>	<p>Activity status where compliance not achieved:</p> <p>Restricted Discretionary –</p> <p><i>Note: refer to Standards for relevant matters of discretion.</i></p>
TPW-R4 Neighbourhood centre		
Te Pāe Waiōra Precinct	<p>Activity status: Restricted Discretionary</p> <p>Where:</p> <p>No more than 5 retail or commercial premises are provided to service the neighbourhood in the general location shown on the Precinct Plan.</p> <p>The new building/s or structure/s complies with the standards:</p> <p>MUZ-S1 Maximum height</p> <p>MUZ-S2 Height in relation to boundary</p> <p>MUZ-S3 Setback (excluding from MHWS or wetland, lake and river margins)</p> <p>MUZ-S4 Setback from MHWS</p> <p>MUZ-S5 Pedestrian frontages</p> <p>MUZ-S6 Verandahs</p> <p>MUZ-S7 Outdoor storage</p> <p>MUZ-S8 Landscaping and screening on road boundaries</p> <p>MUZ-S9 Landscaping and screening for sites adjoining a site zoned residential, open space or rural residential</p> <p>MUZ-S10 Coverage</p>	<p>Activity status where compliance not achieved with TPW-R4: Discretionary</p>
TPW- R5 Comprehensive Development Plan		
Te Pāe Waiōra Precinct	<p>Activity status: Restricted Discretionary Where:</p> <p>As part of the first resource consent application for any subdivision, use or development within the Precinct, a Comprehensive Development Plan shall be submitted for approval containing the following information:</p> <p>1. Detail of engagement with Iwi and how any cultural aspects will be incorporated into the development to reflect outcomes of the Iwi</p>	<p>Activity status where compliance not achieved with TPW-R5 Discretionary</p>

	<p>engagement.</p> <ol style="list-style-type: none"> 2. The layout, location and type of proposed lots. 3. Proposed staging of development and how that aligns with the delivery of the required infrastructure. 4. Road connections and access points, including land required for the round a bout connection to State Highway 10. 5. Internal roads, private access ways, pedestrian and cycle connections. 6. Detail of the funding and delivery of required infrastructure to service development, including staging as appropriate. 7. A comprehensive Stormwater Management Plan demonstrating, amongst other relevant factors how stormwater neutrality will be achieved. 8. Details of areas to be vested as esplanade reserve, public reserves and any other open space areas proposed. 9. Detail of natural hazard mitigation measures including provision for legally securing the land required for flood hazard mitigation and detail and plans for the physical construction of the floodway or other alternative flood management solution to avoid natural hazard risk for development within the Precinct. 10. Details of mitigation measures to ensure flood hazard mitigation and flood hazard management do not adversely impact freshwater features, including the natural inland wetland. 11. An Urban Design Assessment detailing how the proposed development layout and form responds to urban design principles and achieves a quality place making outcome reflecting the character of Kerikeri and Waipapa. 12. A Landscape assessment addressing how proposed urban development will achieve high levels of amenity and a strong landscape identity that contributes to the place making outcomes sought. 13. Detail of the location of a Neighbourhood Centre to provide retail premises to support the residential neighbourhood. 14. Indicative layout for development within the Mixed Use zone <p>Once approved the Comprehensive Development Plan can be implemented in stages as per granted resource consent applications.</p>	
--	--	--

	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> The quality, efficiency and suitability of proposed infrastructure to service current and future development within the Precinct. Alignment of development staging with the provision of infrastructure. The management of stormwater to avoid or otherwise mitigate the effects of stormwater on the environment. The extent to which pedestrian and cycle connections utilise and enhance access to Rainbow Falls – <i>Waianiwaniwa</i>, the Kerikeri river, the Sports Hub and the wider area. The suitability of reserves to vest in relation to location, connectedness, topography and access to services. The management of flood hazard to avoid flood hazard effects on urban development. The management and mitigation measures proposed for the floodway and flood flows to ensure ecological values are appropriately protected and enhanced. The design of sites to achieve a quality, sustainable urban environment, including but not limited to solar access, multi modal transport connections, walkability, amenity and connection to nature. The appropriateness of scale and location of a neighbourhood centre. The appropriateness of activities and buildings proposed in the Mixed Use zone, and the layout of sites to provide a dual frontage to State Highway 10 and the internal road network. 	
--	--	--

Standards		
TPW-S1	Hydrological Neutrality	
	<p>Stormwater management is designed to achieve hydrological neutrality, or pre-development flows.</p> <p><i>Note: Stormwater management shall be designed in accordance with the SMP required to be submitted with the Comprehensive Development Plan and this rule ensures all subsequent development is in accordance with the CDP and achieves hydrological neutrality.</i></p>	<p>Where the Standard is not met, matters of discretion are restricted to:</p> <ol style="list-style-type: none"> The impact of any increased stormwater flows on freshwater features on the site. Downstream effects on freshwater resources associated with any increased stormwater flows. The appropriateness of design and / or mitigation measures to

		appropriately manage any adverse effects.
TPW-S2	Integrated Transport Assessment	
	<ol style="list-style-type: none"> 1. Up to 1,600 dwellings all traffic connections shall be to State Highway 10 and Waitotara Drive. 2. An Integrated Transport Assessment shall be prepared and submitted with any application that would increase the number of dwellings in the Precinct above 1,600 	<p>Where the Standard is not met, matters of discretion are restricted to:</p> <ol style="list-style-type: none"> a. The transportation impacts of more than 1600 dwellings on the internal and external road network. b. The extent to which further road connections, or upgrades are required to manage the effects of additional development on the internal and external road network. c. The extent to which further staging of development could be detailed to manage effects on the transport network. d. Measures that can be employed to facilitate and enable multimodal connections. e. The availability and or provision of public transport options.

Te Pāe Waiōra Precinct Plan:

