

**BEFORE HEARINGS COMMISISONERS APPOINTED
BY THE FAR NORTH DISTRICT COUNCIL**

IN THE MATTER of the Resource Management Act 1991 (**RMA**)

AND

IN THE MATTER of the hearing of submissions on the Proposed Far
North District Plan

SUBMITTER Gray Gilraine Holdings Limited

HEARING TOPIC: Hearing 15C – Rezoning General

STATEMENT OF REBUTTAL EVIDENCE OF ANDREW CHRISTOPHER MCPHEE

15 September 2025

INTRODUCTION

1. My name is Andrew Christopher McPhee. I am a Director / Consultant Planner at Sanson and Associates Limited and Bay of Islands Planning (2022) Limited.
2. My qualifications and experience are set out in my statement of primary evidence dated 9 June 2025.
3. This rebuttal evidence is given on behalf of Gray Gilraine Holding Limited (**GGHL**) in response to the s42A Report, which recommends rejecting GGHL's submission¹ to rezone approximately 100 hectares from Rural Production to Rural Residential zone.
4. I have reviewed the s42A Report and the reasons provided for the recommendation. It remains my professional opinion that the proposed rezoning requested by GGHL is appropriate. I conclude that the officer's recommendation is flawed, insofar that it is based on an inconsistent application of planning principles, a mischaracterisation of the submission's intent, and a misinterpretation of the strategic context for growth in Kerikeri.
5. I note that while the Environment Court Code of Conduct does not apply to a Council hearing, I am familiar with the principles of the code and have followed these in preparing this evidence.

SCOPE OF REBUTTAL

6. My rebuttal evidence will address the key matters raised by the reporting officer to provide the Hearing Panel with a clear analysis demonstrating that the rezoning is the most logical, efficient, and effective planning outcome for this landholding. I have read the further submission evidence provided by the Okura Trust, which I refer to in this rebuttal.
7. In particular, I address the following matters where I disagree with the conclusions made in the s42A report.
 - Existing fragmentation and future potential
 - The need for further technical information
 - Land quality and justification for rezoning
 - Logical boundaries and reverse sensitivity
 - Strategic direction and the Kerikeri Waipapa Spatial Plan (**KKWSP**)

¹ Submission 295

EXISTING FRAGMENTATION AND FUTURE POTENTIAL

8. The s42A report acknowledges existing fragmentation of the land but concludes this does not justify rezoning, dismissing the relevance of prior consents as they were granted under the Operative District Plan (**ODP**). It is important to distinguish that the consents are not cited as evidence of what the new plan should allow, but as proof of the lawfully established, existing character of the land as it stands today.
9. The s42A Report states that the size of existing parcels "*may not sit comfortably in the Rural Production Zone*", yet concludes this is "*not in of itself a reason to upzone the land*". This creates a planning quandary in so far that the recommendation seeks to retain or apply a zone that is acknowledged as being a poor fit for the established environment. The opportunity presented within a district plan review is to correct such anomalies, not perpetuate them.
10. As detailed in the Okura Trust evidence, the Rural Production zone anticipates a maximum of two sites on this 100-hectare landholding, where 23 titles already exist. 20 of these sites are clustered within a 35-hectare area. Council in its 2022 decision for RC2220225, formally determined the area was "*not strictly rural in character, comprising mainly rural-residential development*" and involved "*no loss of land with significant rural production value*".
11. Of note there is only one site on the landholding that is over 40 hectares in size² and commensurate with what is anticipated within the Rural Production zone. When considering the 'existing environment' provided through the existing landholdings and granted subdivision consents the next two largest sites are 11.6 hectares and 6.7 hectares.
12. To recommend a zone that is fundamentally at odds with the 'existing environment' is illogical.

THE NEED FOR FURTHER TECHNICAL INFORMATION

13. The s42A Report notes the lack of supporting information from technical specialists in transport, urban design, and economics, and a lack of engagement with adjacent landowners.
14. The GGHL submission is part of the Schedule 1 RMA plan review process, seeking to correct a zoning anomaly, it is not a developer-led private plan change. I consider the level of detail provided in this instance is appropriate for this process. The technical matters raised by the reporting officer are appropriately addressed at the subdivision consent stage, where site-specific effects are properly assessed.
15. The request for extensive technical detail at the plan-making stage appears inconsistent with the approach taken for other comparable rezonings within the PDP. For example,

² 99 Shepherd Rd ~46.3 hectares

Council's s32 Report for the Rural Environment justifies the upzoning of 170 hectares of Rural Production land at Waipapa Road with a single planning principle to 'create a continuous area of Rural Residential zoning on this side of the road'.

16. While detailed technical assessments are appropriate at the subdivision consent stage, the justification for Council's Waipapa Road rezoning in the Section 32 report was based on a high-level strategic planning principle. I believe that a similar strategic assessment is appropriate for the GGHL land, given its context as an extension of the existing rural-urban fringe.
17. There appears to be a clear disparity in the level of evidentiary detail required for the GGHL submission compared to that which supported the Council-led rezoning at Waipapa Road. For consistency in the plan-making process, a similar level of justification should be considered appropriate.
18. Mr. Collins frames his transport analysis around the negative outcomes of sprawl and development more remotely from centres. This does not accurately describe the GGHL landholdings. As established in evidence, the site is a contiguous extension of Kerikeri's urban fringe, located less than 2km from the Kerikeri Town Centre, Kerikeri Primary and Kerikeri High School.
19. Mr. Collins calculates a potential trip generation of "230-460 veh/hr". The upper figure is based on a theoretical maximum yield of 350 lots, which is only possible via a discretionary activity pathway. The controlled activity pathway, which forms the basis of a reasonable assessment, anticipates 175 lots. Using the highest possible development yield to generate the most significant potential traffic effect is not a balanced assessment and overstates the likely impact.
20. My primary evidence noted the potential for a connector road from the site to State Highway 10, which was an initiative first signalled in the 2007 Kerikeri/Waipapa Structure Plan. The purpose of mentioning this initiative was because it has been indicated previously and assessed as part of the Kerikeri/Waipapa Structure Plan. It is a strategic connection that could provide an alternative route into Kerikeri alleviating pressure on the constrained Heritage Bypass and Kerikeri Road intersection, which Mr. Collins himself identifies as a key network risk.
21. I note that the GGHL proposal does not have a direct effect on the capacity of the Heritage Bypass and SH/10 Waipapa roundabout as the landholdings do not rely on this infrastructure to access the Kerikeri Township or the schools.
22. The Beca memo makes it clear that roading upgrades are required to support the growth anticipated in the KKWSP. The issue is therefore one of timing and funding, including the potential for developer contributions. The need for future network upgrades is not a sound reason to decline a rezoning at the plan-making stage, where in most instances they can be addressed at development stage.

LAND QUALITY AND JUSTIFICATION FOR REZONING

23. The s42A Report agrees the land is not "highly productive" under the National Policy Statement for Highly Productive Land (**NPS-HPL**) but argues this is not, in itself, a justification for rezoning, suggesting this logic would make much of the Far North's rural environment eligible for housing.
24. This rationale creates a strawman argument as the justification for rezoning this specific landholding is not solely because it is LUC Class 4 land. It is based on a combination of factors that distinguish it from other rural land in the district. For example:
- It is LUC Class 4 and not highly productive.
 - It is immediately contiguous with the existing Rural Residential zone on Kerikeri's urban fringe.
 - It is already fragmented with 23 consented rural-residential scale lots.
 - It has a significant, permanent, and defensible boundary in the form of the Waitangi Forest and belt of Rural Production zone to the east.
 - It is uniquely and strategically located adjacent to the Kerikeri Wastewater Treatment Plant (**KWTP**).
 - It is approximately 2km from the Kerikeri Town centre and local schools.
25. It is this convergence of factors that makes the land ideal for rural residential development, not simply its soil class.

LOGICAL BOUNDARIES AND REVERSE SENSITIVITY

26. The s42A Report acknowledges the Waitangi Forest provides as a "natural boundary of sorts" to the north and that the rezoning would result in Rural Production zone on three sides.
27. While the s42A Report describes the Waitangi Forest as a 'natural boundary of sorts', it is my opinion that a large, publicly-owned forest represents a highly effective, permanent, and defensible zone boundary. Such features are effective from a strategic planning perspective for defining the limits of future development.
28. The three remaining land holdings zoned Rural Production that abut the submission area to the east and south are owned by Far North District Council and two private landowners. The Council site is the location of the KWTP and to my knowledge the two private landholdings do not have submissions requesting a change in zone. As such there is no scope to consider them through this process. However, there are a number of instances across the district where the Rural Residential zone abuts the Rural Production zone, including Coopers Beach, Taipa, Kaikohe and Kaitaia.

29. The potential for reverse sensitivity at a zone interface is not unique to this site. The PDP itself anticipates and manages this. Objective RRZ-O4 is supported by Policy RRZ-P3 which specifically requires that subdivision is “managed to control any reverse sensitivity issues that may occur... at the zone interface”. Furthermore, the Okura Trust evidence demonstrates that robust reverse sensitivity controls (buffer zones, covenants) have already been successfully implemented in relation to the KWTP, proving such effects can be managed effectively on this landholding.

STRATEGIC DIRECTION AND THE KKWSP

30. The s42A Report contends that the proposal is inconsistent with the KKWSP's objective of creating a ‘compact urban form’ and that peri-urban development is an ‘inefficient use of land’. In my view this gives undue weight to a non-statutory and unfunded spatial plan. The KKWSP by its own admission states *“the projects and initiatives identified in this plan are unfunded at this stage”*.
31. A key limitation of the KKWSP's strategic framework is its reliance on a study area defined in 2007. This pre-dates the commissioning of the KWTP in 2019, which is a pivotal piece of infrastructure for Kerikeri. As a result, the analysis for the KKWSP may not have fully captured the development opportunities and efficiencies presented by land in immediate proximity to the new plant.
32. Similar to the 2007 Kerikeri/Waipapa Structure Plan the KKWSP represents a 'wish list' for future growth, not a committed works program, and runs a similar risk of not being implemented as a result.
33. Council has a statutory obligation under s31 of the RMA to ensure sufficient development capacity is available. Relying solely on an unfunded compact urban model while hamstringing logical peri-urban growth on un-serviced land creates a significant risk of housing shortfall. The Rural Residential zone is a specific tool within the PDP designed to meet demand on the urban fringe. The GGHL proposal seeks to locate this zoning in the most logical, serviceable, and unconstrained location available. I argue that a non-statutory document such as the KKWSP cannot be given the same weight as the PDP, or the requirements of the RMA.

COUNCIL INFRASTRUCTURE DELIVERY

34. While addressed directly in my primary evidence, I feel it is important to reiterate the risk of relying on a non-statutory document to deliver growth outcomes in an RMA context, particularly where the KKWSP seeks to achieve 95% of growth in its urban areas.
35. Council has historically demonstrated an inability to produce data in relation to development infrastructure in and around Kerikeri. Through the development of the PDP this was a key reason why there was no further urban rezoning (save for the Industrial component in Waipapa). The Urban Environment s32 report acknowledges at the time of

writing that there is a shortfall in information relating to the capacity and condition of wastewater and potable water assets³.

36. This brings to light Councils ability to provide sufficient development capacity within Kerikeri's urban area to satisfy growth in its urban areas (95% sought in the KKWSP), noting.

- \$6.8 million is set aside for the Kerikeri wastewater treatment and network scheme expansion (stages 2 and 3) in the Long-Term Plan (LTP)⁴. Longer term Council have ~\$30 million allocated for the expansion of the wastewater network Stage 2, Kerikeri in years 2029-2031⁵.
- There is no clear solution for the discharge consent to accommodate any further capacity upgrade to accommodate growth for the KWTP.
- Table 13b in the LTP 2024-2027 acknowledges that Council did not achieve compliance with their resource consents for customer levels of service for wastewater⁶.
- Council delivered less than half of its 2023/2024 annual plan budget for wastewater improved levels of service and replacement of existing assets, according to the Annual report 2023/2024⁷.

PLACEMENT OF KEY INFRASTRUCTURE

37. The s42A report incorrectly frames infrastructure as a constraint to this rezoning. The Beca 3 Waters Assessment confirms that all growth scenarios for Kerikeri require significant infrastructure investment. The critical point, which seems to have been ignored, is that the GGHL submission area is the most logical and efficient location for future servicing. The infrastructure runs directly through the submission area, providing a direct and efficient future connection point. This aligns with the Beca report's "Scenario D" (Kerikeri South), which was found to have lower network upgrade costs due to its proximity to existing networks and the treatment plant.

38. I note that a new power distribution network and a tar sealed public road extension (Okura Drive) are already in place, suitable for Rural Residential density.

³ FNDC s32 Report: Urban Environment: Page 15

⁴ FNDC Te Pae Tata Three Year Long Term Plan 2024-27: Page 72

⁵ FNDC Te Pae Tawhiti Long Term Plan 2021-31: Page 72

⁶ FNDC Te Pae Tata Three Year Long Term Plan 2024-27: Page 40

⁷ FNDC Ripota a Tau Annual Report 2023/24: Page 39

CONCLUSION

39. For the reasons detailed in my primary and rebuttal evidence, it remains my professional opinion that the relief sought by GGHL is the most appropriate planning outcome for this landholding.
40. The s42A Report's recommendation appears to be based on an assessment of the site as a theoretical Rural Production area. However, the evidence demonstrates that the land's existing, lawfully consented character is more akin to Rural-Residential zone. The rezoning sought is therefore a pragmatic alignment with the established environment, rather than a speculative greenfield proposal.
41. The landholdings possess a unique combination of strategic advantages. It represents a logical and contiguous extension of Kerikeri's urban fringe, is broadly defined by a highly defensible boundary in the Waitangi Forest, and is strategically located adjacent to key infrastructure, most notably the KWTP.
42. While the KKWSP promotes a compact urban form, this remains an unfunded, non-statutory document. Providing for growth in a non-serviced, peri-urban location like this offers a realistic and efficient pathway for Council to meet its statutory obligations under s31 of the RMA to provide sufficient development capacity, without compromising the district's most productive rural land.
43. It is my view that the proposed Rural Residential zoning best reflects the site's character and strategic context and will achieve the sustainable management purpose of the RMA.
44. For these reasons I respectfully requested the Hearings Panel reject the recommendation of the s42A report and grant the relief sought in the submission from GGHL.