



## **SECTION 42A REPORT**

### **Hearing 15C Urban: Rezoning Submissions**

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## **Appendix 1: Evaluation of Submissions**

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## List of Abbreviations

**Table 1: List of Submitters and Abbreviations of Submitters' Names**

Submitter Number	Abbreviation	Full Name of Submitter
S561	Kāinga Ora	Kāinga Ora Homes and Communities
S330 & S565	The Paihia Property Owners Group	Paihia Properties

**Note:** This table contains a list of submitters relevant to this topic which are abbreviated and does not include all submitters relevant to this topic. For a summary of all submitters please refer to Section 5.1 of this Report (overview of submitters). Appendix 2 to this Report also contains a table with all submission points relevant to this topic.

**Table 2: Other abbreviations**

Abbreviation	Full Term
FNDC	Far North District Council
NPS	National Policy Statement
PDP	Far North Proposed District Plan
RMA	Resource Management Act
RPS	Regional Policy Statement
ODP	Far North Operative District plan



## **1. Executive Summary**

1. The Far North Proposed District Plan ("PDP") was publicly notified in July 2022. This report provides recommendations on submissions on the zoning of land related to Rezoning Requests for all zones.
2. This Section 42A Report should be read in conjunction with the Rezoning Submissions - Overview Report.
3. The rezoning submissions addressed in this report are those submission points seeking an urban (including Hospital Zone) or Heavy Industrial Zone outside of Kerikeri/Waipapa.
4. Section 5.3 of this report groups and evaluates the rezoning submissions using the following subcategories:
  - a) Ken Lewis Limited – Donald Road and Allen Bell Drive, Kaitaia
  - b) Victoria Yorke and Andre Galvin – Lot 1 DP 53506, Haruru
  - c) Per Lugnet – Ahipara and Coopers Beach
  - d) Ed and Inge Amsler - 6 Bedggood Close, Paihia
  - e) Cavalli Properties Limited – Matauri Bay Subdivision
  - f) Doug's Boatyard - Opua Sites
  - g) Ngāwhā Generation Limited – Ngāwhā Springs Rezoning
  - h) Health New Zealand – Hospital Special Purpose Zone
  - i) Errors Submissions including Variation 1
  - j) Retain Submissions
  - k) General Residential Zone - North
  - l) General Residential Zone - West
  - m) General Residential Zone -Mid
  - n) Mixed Use Zone
  - o) Light Industrial zone
  - p) Kororareka Russell Township Zone
  - q) Other



5. This report has been prepared in accordance with Section 42A of the Resource Management Act ("RMA") and outlines recommendations in response to the issues raised in submissions. Rezoning submissions have been evaluated in this report using criteria consistent with the direction of the Hearing Panel provided in Minute 14: Rezoning Criteria and Process and Section 32AA of the Resource Management Act ("RMA"). This report is intended to both assist the Hearings Panel to make decisions on the submissions and further submissions on the PDP and also provide submitters with an opportunity to see how their submissions have been evaluated, and to see the recommendations made by officers prior to the hearing.
6. The key changes recommended in this report relate to:
  - a) Zoning errors amended
  - b) Zone and provisions amendments in relation to Matauri bay subdivision
  - c) General residential zoning for 6 Bedggood Close, Paihia
  - d) Additional parcels added to the Hospital special purpose zone
  - e) Additional Light industrial land as sought by Ngāwhā Generation Limited

## **2. Introduction**

### **2.1 Author and Qualifications**

#### **2.1.1 Officer 1 – Sarah Trinder (Reporting Officer for all Rezoning requests, except Ngāwhā Generation Limited and Health New Zealand)**

7. My full name is Sarah Trinder, and I am a Senior Policy Planner at Far North District Council. I hold the qualification of a Bachelor of Science (Honours), Majoring in Geography, from The University of Auckland in 2010. I am an Associate member of the New Zealand Planning Institute.
8. I have 13 years' experience in planning and resource management including policy evaluation and development, and associated Section 32 assessments: evidence preparation, and the processing of resource consent applications, outline plans and notices of requirement. I have worked in planning in both government authorities and a private consultancy. During this time, I was involved in the development of the Auckland Unitary Plan, and the Far North District Plan.
9. I previously worked at Barker and Associates which represents a number of clients who are submitters on the PDP. I did not work for Barker and Associates during the original submission process and was not involved with any work for the Far North Proposed District Plan for any of their clients.
10. I have prepared S42A recommendations reports across several hearing topics, including how the plan works, open space zoning, engineering standards, and urban provisions and zoning.



### **2.1.2 Officer 2 – Jerome Wyeth (Reporting Officer for Ngāwhā Generation Limited and Health New Zealand)**

11. My full name is Jerome Wyeth. I am a Technical Director – Planning at SLR Consulting based in Whangarei.
12. I hold the qualification of Bachelor of Science (Geography) and Masters of Science (Geography), with First Class Honours. I am a Full member of the New Zealand Planning Institute.
13. I have over 20 years of experience in resource management and planning with roles in central government, local government and the private sector. My primary area of work is policy planning for local and central government, and I am the New Zealand Policy Portfolio Lead at SLR Consulting. I have worked on a number of district and regional plans at various stages of the RMA Schedule 1 process and have prepared planning evidence for local authority and Environment Court hearings on a range of resource management issues.
14. I have been closely involved in the development and implementation of numerous national direction instruments under the RMA (national policy statements and national environmental standards), from the policy scoping stage through to policy decisions and drafting, the preparation of Section 32 evaluation reports and implementation guidance. This includes national direction instruments relating to highly productive land, indigenous biodiversity, infrastructure, renewable electricity generation and electricity transmission, climate change, plantation forestry and telecommunication facilities.
15. I have been working with the Far North District Council (FNDC) on the PDP since 2021. I am the reporting officer for a number of PDP topics, including special purpose zones, coastal environment, indigenous biodiversity, earthworks, infrastructure, natural hazards topics and rezoning requests being considered in Hearing 15A, 15B and 15D. I have not been involved in any rezoning requests prior to notification of the PDP.

### **2.2 Scope/Purpose of Report**

16. This report should be read in conjunction with the Rezoning Submissions - Overview Report. The Overview Report provides:
  - a) Overview information on the statutory context within which the rezoning submissions must be considered (including changes to the relevant regulatory framework) which officers have considered when making recommendations on the submissions received.
  - b) An overview of the process that officers have followed when evaluating rezoning submissions, including the criteria and process set out in Hearing Panel Minute 14.



17. This report has been prepared in accordance with Section 42A of the Resource Management Act to:
  - a) Assist the Hearings Panel in making their decisions on the submissions and further submissions on the Proposed District Plan; and
  - b) Provide submitters with an opportunity to see how their submissions have been evaluated and the recommendations being made by officers, prior to the hearing.
18. This report responds to rezoning submissions requesting an Urban Zone (General Residential, Kororareka Russell Township, Mixed Use and Light Industrial) including requests for a Hospital Special Purpose Zone. There are no requests for a Heavy Industrial Zone. It does not address Rural zones. Any cross overs between Rural and Urban zoning have been discussed with Melissa Pearson, the report writer for Rural zoning requests.

### **2.3 Expert Advice**

19. In preparing this report, I rely on the expert advice of several experts including:
  - Mr McIlrath of Market Economics, both as a peer review of evidence received and overall economic assistance to my recommendation.
  - Mr Hensely from FNDC Infrastructure department, along with input from WSP in a peer review capacity.
  - Mr Collins of Abley, as a peer reviewer of Transport reports.
  - Mr Hicks, of Geologix, as a peer reviewer of Stormwater and Flood reports.
  - Ms Absolum, of Melean Absolum Limited - Landscape Architects as a peer reviewed of Landscape reports.
20. Expert input sought and considered will be clearly referenced throughout this report in relation to the assessment of specific rezoning request submissions.

### **2.4 Code of Conduct**

21. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to us that might alter or detract from the opinions that I express in this report.
22. I am authorised to give this evidence on the Council's behalf to the Proposed District Plan hearings commissioners ("Hearings Panel").

23. Wherever possible, I have provided a recommendation to assist the Hearings Panel.

## 2.5 Procedural Matters

### 2.5.1 Pre-hearing Engagement with Submitters

24. Table 1 below summarises the pre-hearing informal engagement with the 'opt in' submitters and the outcome of these discussions specific to the submissions that are evaluated within this report.

*Table 1 Pre-hearing informal engagement with Submitters*

Submitter	Type of Engagement	Summary of Discussion and Outcomes
Victoria York and Andre Galvin (S567 and S530)	Various informal meetings, including with technical experts  Brief site visit undertaken from the road	Further information provided
Per Lugnet (S321 and S322)	Phone call and email correspondence  Brief site visit undertaken from the road for both requests	Further information provided
Ken Lewis Limited (S9)	Informal in person meeting  Brief site visit undertaken from the road	Evidence and expert reporting provided
Cavalli Properties Limited (S177)	Informal in person meeting, various email exchanges	Further information provided
Nigel Ross Surveyor Ltd (S380)	Informal Meeting with Melissa Pearson Rural report writer	Further information provided about the sites
Ed and Inge Amsler (S341)	Email requesting further information around plan enabled capacity  Brief site visit undertaken from the road	Memo response to the request





## **2.6 Section 32AA Evaluation**

25. This report group, consider and provide reasons for the recommended decisions on similar matters raised in submissions. Where changes to zoning are recommended, these have been evaluated in accordance with Section 32AA of the RMA.
26. The s32AA further evaluation for recommendations considers:
  - a) The reasonably practicable options for achieving the PDP objectives.
  - b) The environmental, social, economic and cultural benefits and costs of the zoning or requested zone changes.
  - c) The efficiency and effectiveness of the zoning or requested zone change and whether it would achieve the objectives.
  - d) The risk of acting or not acting where there is uncertain or insufficient information about the requested zone change.
  - e) Summarises the reasons for the recommendation.
27. The s32AA further evaluation contains a level of detail that corresponds to the scale and significance of the anticipated effects of the changes that have been made. Recommendations on editorial, minor and consequential changes are not re-evaluated.

## **3. Rezoning Context**

28. I have considered a wide range of factors when making recommendations on rezoning requests, but have mainly focused on:
  - a) The matters set out in Minute 14 by the Hearings Panel, being the general criteria for rezoning submissions; and
  - b) The more specific criteria set out in the Urban zoning evaluation framework.
29. I have considered all these matters to the degree appropriate when evaluating a submission requesting rezoning. I note that, in considering this broad range of matters, I have taken an overall judgement approach for each submission, based on the combination of information provided (in the original submission and/or in evidence) and the degree to which the various criteria have been met. In most cases, my response to the rezoning request is proportionate to the level of information received from the submitter in support of their rezoning request.

### **Minute 14 Matters**

30. The matters set out in Minute 14<sup>1</sup> apply to rezoning requests across the entire Far North district. They were identified by the Hearing Panel to assist submitters as the key matters to address and demonstrate in their pre-circulated evidence and hearing statements. They are also intended to be used by reporting officers in their assessment of the rezoning requests and Section 32 evaluation reporting.
31. The Minute 14 matters are high level and, in some cases, overlap with the rural rezoning criteria that I have identified as the critical matters to be considered in the rural context e.g. Minute 14 and the Urban Zoning Evaluation Framework both require consideration of alignment with intended zone outcomes, natural hazards, compatibility with existing land uses, infrastructure and reverse sensitivity effects.
32. In my analysis below I identify where I consider a rezoning proposal has not met the Minute 14 criteria or where there is a gap in the information provided on Minute 14. For the 'opt in' submitters who have already provided me with their evidence I have undertaken a review of that information against the matters listed in Minute 14, contained in **Appendix 1**.

### **Urban Zoning Evaluation Framework**

33. The Urban Zoning Evaluation Framework is set out in Table 5 of the Rezoning Overview Section 42A report. The criteria in this framework build on the matters listed in Minute 14 but focus more closely on the matters that, in my view, should be considered for rezoning requests in a rural context.
34. In the interests of efficiency, this section of my report sets out the rationale for why the Urban Zoning Evaluation Framework criteria were selected, as well as signalling how these matters have influenced the recommendations in this report. These sections will be cross referenced throughout my recommendations where submissions have common issues to avoid this analysis being repeated throughout the report.

#### **3.1 Criterion A – Location**

35. The details of this criterion are self-explanatory, within existing urban areas or adjacent to existing urban areas.
36. With respect to the term 'logical and defensible boundary' I have looked at whether granting the rezoning request would:
  - Result in a strong geographically defensible boundary i.e. a road or a river in preference to a cadastral boundary (although cadastral

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<sup>1</sup> The Minute 14 criteria can be viewed here - [https://www.fndc.govt.nz/data/assets/pdf\\_file/0018/34254/Minute-14-Rezoning-Criteria-and-Process.pdf](https://www.fndc.govt.nz/data/assets/pdf_file/0018/34254/Minute-14-Rezoning-Criteria-and-Process.pdf)

boundaries are also appropriate, provided the extension is logical, see point below). A rezoning request that extends a zone further when it already has a defensible boundary is unlikely to be supported as it may generate additional pressure for further growth/fragmentation of land in an area where there is not clear boundary to stop growth. Conversely, a rezoning request that fills in a gap between a zone and a defensible boundary may be more likely to be supported.

- Result in an illogical extension of a zone i.e. rather than 'filling in a gap', the inclusion of land in a zone would create a protrusion where land on three sides of the parcel is a different zone. As above, this is unlikely to be supported given the additional pressure it will put on development of adjacent blocks of land and further increase the likelihood of development sprawl rather than compact development.
- Create an isolated pocket of land that is not adjoining other land with the same zoning. This is unlikely to be supported as best practice is to create cohesive zones rather than fragmented or ad hoc zones.
- Achieves a well – functioning urban environment as per the NPS-UD – including good accessibility between housing, jobs and services using public or active transport, promotes a mix of uses, is resilient to climate change, supports housing affordability, and accommodates growth while respecting Te Tiriti o Waitangi principles.

### 3.2 Criterion B – Land Use

37. This criterion in the Urban Zoning Evaluation Framework is as follows:

***Land use and subdivision pattern:*** Existing land uses and subdivision pattern are consistent with the purpose of the zone (aligned with the objectives, policies and intended outcomes for the zone).

38. There are many submissions from owners of Rural zoned properties requesting a zone change to General Residential, with the core argument being that they should have zone that matches the current use of their property. In most cases, these rezoning requests would meet criterion B.
39. However, I must also consider the context of how these fragmented areas were created, which is a legacy of the ODP Subdivision provisions or earlier regulatory controls. The ODP contains a range of pathways for subdivision to create smaller lots across the Rural Production Zone. The ODP Subdivision provisions allow for:
- 20ha Controlled, 12ha Restricted Discretionary, 4ha Discretionary minimum lot sizes.
  - Some limited opportunities for Rural Lifestyle sized lots, ranging from 2,000m<sup>2</sup> to 4ha.

- Additional subdivision opportunities for titles that existed at, or prior to, 28 April 2000.
  - Environmental Benefit Lot and Management Plan Subdivisions.
40. Under this framework, extensive fragmentation of parts of the Far North rural environment has occurred.
41. I understand where these submitters are coming from and why, after a cursory examination, it would appear logical to allocate zones to properties purely based on what size those properties are now. However, in my view, the purpose of allocating a zone to a property is to send a clear signal as to what land use and subdivision opportunities should be afforded to that property looking ahead for the next ten years (being the anticipated life of the PDP under the RMA at the time of drafting this report). The PDP as notified does not have scope to reduce the fragmentation of the rural environment that has been allowed to occur under the ODP, but it can (and should) set the strategic direction for how growth should occur in the future.
42. In many cases, amending the zoning of property from a Rural zone would allow further intensification of that land such as:
- Some of the land is still in large parcels compared to the subdivision potential of the zone being requested. Rezoning this land would enable a substantial yield in locations that are either not being strategically prioritised for growth and/or would undermine intensification outcomes in adjacent zones.
  - Insufficient evidence has been provided as to why additional growth opportunities are required in the area where upzoning is requested.
43. While Criterion B is one factor to be considered, this factor alone, in my view, is not sufficient to justify the upzoning of a property. Its inclusion in the Urban Zoning Evaluation Framework is appropriate because it is one of many factors that requires consideration, but if other key criteria are not met then rezoning may not be supported.
44. As such, my recommendations in this report generally reject rezoning submissions where the key argument put forward is that the size of land parcels and existing patterns of subdivision better match an alternative zone, as this argument alone is insufficient justification for upzoning.

### **3.3 Criterion C – Site Suitability**

45. Again, much of this criterion is self-explanatory, however I have some additional comments on the matters of natural hazards/climate change.
46. Natural hazards and the future effects associated with climate change are key risks to consider when assessing requests for rezoning. The Northland Regional Council (NRC) is an 'opt in' submitter for the Rezoning topic, with respect to their submission point s359.013, specifically to remain involved

with requests for zone changes that would enable intensification in areas prone to flood and coastal hazards. The NRC submission point states that they “do not support further intensification in flood plains given storm/flood events are predicted to intensify with climate change [and that] enabling further development in areas prone to flooding is at odds with direction in the RPS Policy 7.1.2 and Method 7.1.7”. This submission point is largely being considered in Hearing 15D but is a relevant consideration in relation to other rezoning requests where intensification of land use would result in more sensitive activities being established in areas prone to natural hazards.

47. I agree with NRC that there are significant risks to life and property associated with allowing intensification in flood plains or in areas subject to coastal inundation. As such, rezoning requests that would allow for intensification of land (either through additional subdivision opportunities and/or more permissive pathways for establishing sensitive land uses) in areas subject to natural hazards are unlikely to be supported.

### 3.4 Criterion D – Infrastructure

48. Criterion D of the Urban Zoning Evaluation Framework is as follows:

*The land (and development enabled by the rezoning) is or will be supported by adequate development infrastructure servicing and existing transport infrastructure (for example funding and delivery of the infrastructure e.g. the 30-year infrastructure strategy adopted as part of the Long-Term Plan).*

49. When considering this criterion, I have relied on Council’s Infrastructure representative, Vic Hensley.

### 3.5 Criterion E – Growth Demand

50. Criterion E of the Urban Zoning Evaluation Framework is as follows:

*Growth demand: Clear evidence of growth pressure or need to provide sufficient development capacity. In the case of land within or near the Kerikeri Waipapa, the rezoning would not undermine the growth objectives of the KKWSP being met.*

51. When considering this criterion, I have relied on the advice of Mr McIlrath, and his evidence to be released with the Hearing 15D report, and technical memo provided with s42A Report 15C Rural. Mr McIlrath is clear that the PDP provisions as notified provide more than sufficient capacity for short, medium and long-term growth (over 30 years) across the Far North (outside of the Kerikeri/Waipapa Spatial Plan area).
52. Additional rezonings are not required to meet anticipated demand. The PDP already enables more than sufficient development potential across the district.
  - While submitters have requested rezoning from existing Rural zones to Residential zones, the evidence does not support a need for such changes. Upzoning broad areas of rural land risks undermining rural



character, increasing infrastructure costs, and weakening alignment with growth strategy. In contrast, retaining the PDP's proposed zoning strikes an appropriate balance between flexibility, capacity, and long-term sustainability.

53. I appreciate that Mr McIlrath's comments are at a district wide scale and do not comment on growth needs for specific locations.

### **3.6 Other**

54. The Heavy Industrial Zone is not considered an 'Urban' zone as it is not serviced by development infrastructure. In this report, where a rezoning of a site to Heavy Industrial Zone is considered, I will not include consideration of Criterion D Infrastructure.

### **3.7 Te Pātukurea – Kerikeri / Waipapa Spatial Plan**

55. 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 Section 3.6.1 of the Rezoning Submissions Overview report.
56. It is to be noted that there will be more substantive economic and planning evidence prepared with respect to the KKWSP in Hearing 15D that may be relevant.

### **3.8 Future Work on a District Wide Spatial Strategy**

57. Working on a growth strategy for the Kerikeri/Waipapa area has been a significant focus for the Far North District Council over the past few years, as one of the area's most under pressure for a plan for growth. However, there is a need for a district wide review of other locations where additional growth may need to be provided for in the future. Although the economic evidence from Mr McIlrath discussed in Section 3.5 above indicates a significant surplus of Plan Enabled Capacity (PEC) across the urban environment as a whole, there may be location specific areas where further planning for growth is required.
58. The Far North District Council is currently in the process of initiating a District Wide Spatial Strategy project, which will seek to engage with communities and better understand where and how future growth should be provided for to help communities thrive across the district. This will help Council understand where additional capacity (if any) is needed, what form that capacity should take (i.e. urban, settlement or rural upzoning) and over what timeframe that capacity should be provided.
59. There are submissions addressed in this report, where the level of information provided does not indicate that a live upzoning is required as part of this PDP process. However, I have indicated in my analysis where an area may be considered as part of the upcoming District Wide Spatial Strategy process, which may provide a pathway for growth in the future.

## 4. Consideration of Submissions Received

### 4.1 Overview of Submissions Received

60. A total of 77 original submissions and 85 further submissions were received on the Hearing 15C: Rezoning – Urban either requesting a new zone or supporting the notified zoning for the Urban zones.
61. A number of substantive rezoning submissions were received from submitters who have 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. There submissions are summarised in Table 1 and are evaluated under the relevant sub-sections in in Section 4.2 in this report.

### 4.2 Officer Recommendations

62. **Appendix 1** provides a table which evaluates the 'Opt in' rezoning submissions and provides recommendations to the Hearing Panel. Our summary evaluation and recommendations on submissions are provided in the relevant subsections below.
63. A full list of submissions and further submissions on Hearing 15C - Urban is contained in **Appendix 2 – Officer's Recommended Decisions on Submissions to this report.**
64. Additional information can also be obtained from the Summary of Submissions (by Chapter or by Submitter) Submissions database Far North District Council ([fndc.govt.nz](http://fndc.govt.nz)) the associated Section 32 Report on this chapter [section-32-overview.pdf](#) ([fndc.govt.nz](http://fndc.govt.nz)) the overlays and maps on the ePlan Map - Far North Proposed District Plan ([isoplan.co.nz](http://isoplan.co.nz)).

#### 4.2.1 Ken Lewis Limited (S9) – Donald Road and Allen Bell Drive, Kaitaia

##### Overview

Submission	Notified PDP Zoning	Officer Recommendation(s)
S9.001	Rural Residential Zone	<ul style="list-style-type: none"> <li>Retain rural residential zoning at Donald Road and Allen Bell Drive, Kaitaia (Part Lot 1 DP 173052)</li> </ul>

##### Matters Raised in Submissions

65. Ken Lewis Limited (S9.001) seeks a General Residential zone is applied to 64ha of land at Donald Road and Allen Bell Drive, Kaitaia (Lot 1 DP 173052). 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.
66. No further submissions were received on submission point S9.001.



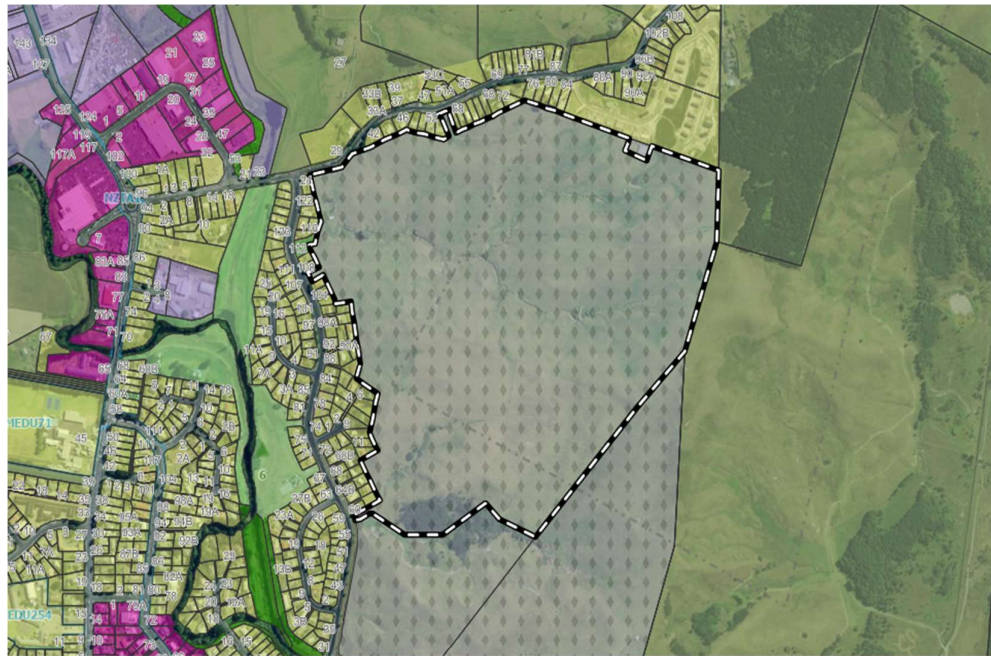


Figure 1: Part Lot 1 DP 173052

### Summary of Evidence Received

67. Ken Lewis Limited chose to “opt-in” to the process for rezoning submissions set out in Minute 14 from the Hearing Panel. Accordingly, an informal meeting was held at the Council offices on 5 May 2025 with the submitter’s representatives, and on 6 June 2025, the following evidence was provided on behalf of Ken Lewis Limited:
  - Planning evidence from Ms Robson, along with a site and master plan.
  - Transportation Assessment Report from Mr Hall.
  - Infrastructure Assessment Report from Mr Vodnala.
  - Stormwater and Flood Management Assessment from Mr Yin and Ms Rhynd.
  - Economic Assessment from Mr Health, Property Economics.
68. Following the filing of Ms Robsons primary evidence, I provided informal and without-prejudice feedback from Council’s Transport and Stormwater experts. Infrastructure and economics peer reviews were undertaken, but due to timing the submitter did not have the opportunity to respond to these before this recommendations report was to be issued.

### **Analysis**



69. The site at Donald Road and Allen Bell Drive, Kaitaia (Pt Lot 1 DP 173052) is 62ha in size and located to the northeast of the Kaitaia Township. The site is zoned Rural Residential as notified, a legacy from the Rural living zoning in the ODP.
70. I have engaged experts in Economics, Transport, Infrastructure and Stormwater and Flood management, to undertake a peer reviews of the evidence received. I have addressed the findings below.

Evidence	Comment/Conclusions
<b>Economics – Mr McIlrath</b>	<ul style="list-style-type: none"> <li>Long-term demand in Kaitaia is estimated at 210 dwellings.</li> <li>The potential scale of the relief sought (500 dwellings) is considered excessive relative to demand. Risks include: <ul style="list-style-type: none"> <li>Land banking behaviour.</li> <li>Undermining intensification efforts.</li> <li>Higher per-unit costs if lower densities are used.</li> </ul> </li> <li>Based on assumed densities and infrastructure needs: <ul style="list-style-type: none"> <li>Estimated land required: 11ha (≈18% of the site).</li> </ul> </li> <li>There is some merit in enabling development to support the local market in the short to medium term.</li> <li>However, the scale should be right sized to avoid economic inefficiencies and market distortion.</li> <li>Many of the benefits claimed (e.g., increased choice, amenities, competition) are not unique to the KLL site and could be achieved through other developments.</li> </ul>
<b>Transport – Mr Collins</b>	<ul style="list-style-type: none"> <li>Was generally supportive of the proposal concluded that he considers transport effects of the rezoning can be managed through future resource consent application - should the Council consider that urban growth in this location is appropriate.</li> </ul>
<b>Infrastructure – WSP</b>	<ul style="list-style-type: none"> <li>The site is likely serviceable for three waters in the medium term, contingent on: <ul style="list-style-type: none"> <li>Completion of FNDC's Planed infrastructure upgrades</li> <li>Alignment of development staging with available network capacity</li> <li>Ongoing coordination with FNDC to confirm servicing feasibility</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>• Overall Servicing Feasibility</li> <li>• Water Supply - The site is adjacent to FNDC's Kaitaia reservoir and connected to the Awanui River supply, supported by the Sweetwater Bore.</li> <li>• Feasible in principle, but: <ul style="list-style-type: none"> <li>○ Distribution bottlenecks exist (e.g., 580 m of 250 mm main from reservoir to Donald Road).</li> <li>○ Upgrades will likely be needed to support full rezoning yield.</li> <li>○ Detailed modelling and subdivision staging conditions are essential to confirm pressure and firefighting capacity.</li> </ul> </li> <li>• Wastewater - Feasible, supported by local reticulation and modelling. Feasible, supported by local reticulation and modelling.</li> <li>• However, downstream gravity network constraints are significant. The site spans two catchments, discharging to: <ul style="list-style-type: none"> <li>○ Pump Station SP764 (Donald Road)</li> <li>○ Pump Station SP293 (Allen Bell Drive)</li> <li>○ Both ultimately connect to overloaded gravity mains (North Road corridor and 450 mm trunk to WWTP).</li> <li>○ Staging and flow distribution flexibility exist but require careful planning.</li> </ul> </li> <li>• Stormwater - Favourable topography and established overland flow paths. Minimal flood risk per regional modelling. Preliminary strategy aligns with FNDC standards. No fatal flaws identified at rezoning stage.</li> <li>• Subdivision design must confirm: <ul style="list-style-type: none"> <li>○ Detention sizing</li> </ul> </li> </ul>
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	<ul style="list-style-type: none"> <li>○ Secondary flow conveyance</li> <li>○ Outlet capacity</li> <li>• Conclusion – Rezoning is feasible, provided: <ul style="list-style-type: none"> <li>○ Subdivision conditions require capacity confirmation, detailed modelling, and coordination with FNDC’s upgrade programme.</li> <li>○ The applicant has acknowledged the need for staging and further modelling but hasn’t specified how future capital works will align with their development.</li> </ul> </li> </ul>
<b>Stormwater Management – Mr Hicks</b>	<ul style="list-style-type: none"> <li>• The proposed rezoning appears generally feasible from a Stormwater management perspective, provided that:</li> <li>• Further analysis is conducted during the consenting stage.</li> <li>• Downstream infrastructure constraints are addressed.</li> <li>• FNDC considers potential capital costs and development limitations.</li> </ul>

71. I have responded to Ms Robsons consideration of Minute 14 matter in the **Appendix 1**, but I make the following comments with respect to the Urban Zoning Evaluation framework criteria:

- The site directly adjoins land zoned General Residential to the north and west, making it a logical and contiguous extension of Kaitia’s urban area. This adjacency supports the efficient expansion of the township and aligns with the existing urban form.
- The site is well-connected to the existing urban area via Donald Road and Allen Bell Drive, with pedestrian and cycling links already in place. It is located within walking and cycling distance of Kaitia’s town centre and key services.
- There are no other known hazards affecting the site that would preclude the land from being suitable for Residential development.

72. Mr McIlrath agrees with the spatial extent of the analysis and growth projections, which align with the Housing and Business Capacity Assessment (HBA). However, he notes that the proposed rezoning would enable more than double the long-term anticipated demand of 210 dwellings, raising concerns about inefficient land use and potential speculative behaviour (refer **Appendix 5**).

73. The infrastructure review has highlighted that the site is likely to be serviceable for three waters in the medium term, subject to completion of



FNDC's planned upgrades and alignment of development staging with available capacity.

74. While I acknowledge the merits of the rezoning proposal, the economic assessment indicates 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. As a result, I do not support the rezoning at this time.
75. If considered appropriate the submitter may wish to come back to the panel with an amended proposal.

### **Recommendation**

76. For the above reasons, I recommend that the submission S9.001 is rejected and the land at Donald and Allen Bell Drive (Lot 1 DP 173052) is retained as notified as Rural Residential Zone.

### **Section 32AA Evaluation**

77. No change is recommended at this stage. On this basis, no evaluation under Section 32AA is required.

## **4.2.2 Victoria Yorke and Andre Galvin (S567 and 530) – Lot 1 DP 53506, Haruru**

### **Overview**

<b>Submission</b>	<b>Notified PDP Zoning</b>	<b>Officer Recommendation(s)</b>
S567.004 and S530.003	Rural Production	<ul style="list-style-type: none"><li>• Retain zoning as notified for lot 1 DP 53506.</li></ul>

### **Matters Raised in Submissions**

78. Andre Galvin (S567.004) and Victoria York and Andr  Galvin (S530.003) seek a General Residential zone is applied to 3.9ha of land at Puketona Road, Haruru (Lot 1 DP 53506). Both consider that the application of General Residential zoning for this site 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.
79. Further submission FS348.227 opposed the submission S567.004 and others purely on points of administration, stating that the submissions were not made by the closing date, and therefore not a valid submission under the RMA. This 'late' submission S567 was accepted by the Hearings Panel.

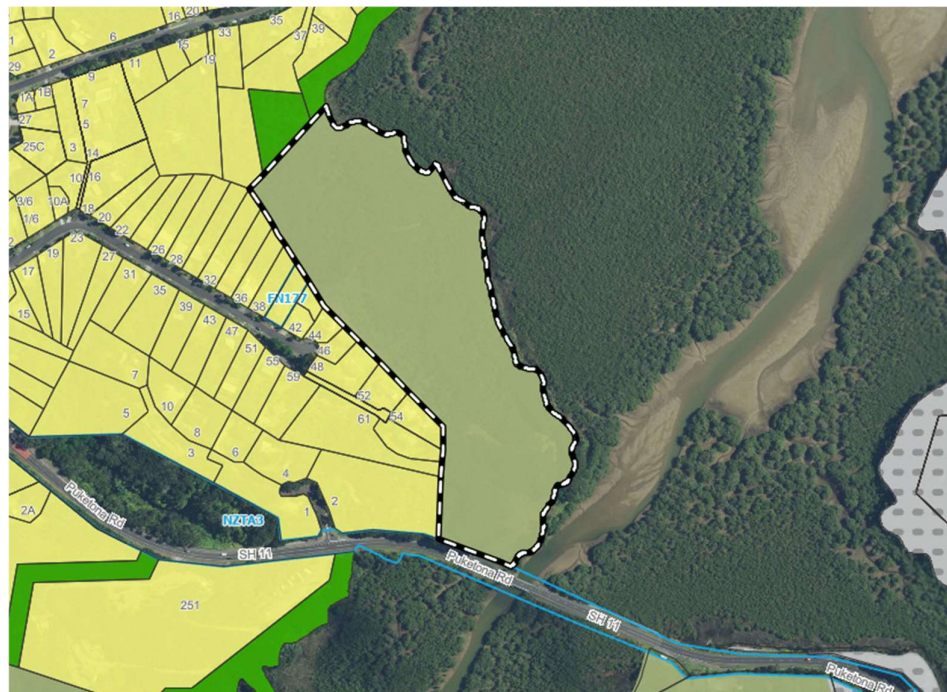


Figure 2: Lot 1 DP 53506

### Summary of Evidence Received

80. Victoria York and Andre Galvin (S567.004 and S530.003) chose to “opt-in” to the process for rezoning submissions set out in Minute 14 from the Hearing Panel. Accordingly, several informal meetings were held where it was generally considered that a Settlement zone for this location would not be appropriate (S567.001 addressed in Hearings Report 15C Rural) it should also be noted that the High Natural Character submission point (S567.002) was addressed In Hearing 4 – where no change was recommended.
81. On 17 June 2025, the following evidence was provided on behalf of the submitters:
  - High level Engineering Assessment from Mr Simmonds.
  - Transport Assessment from Mr Kelly.
  - High level zone plan from Mr Brown.
82. Following the correspondence with the submitters, a Landscape preliminary assessment of development potential was received on 7 July 2025 from Mr Brown.
83. I provided informal and without-prejudice feedback from Councils Transport and Landscape experts and requested a clear summary, along with information as per Minute 14 requirements on 28 July 2025.

84. It was agreed that the submitter would respond to the peer reviews and provide an overall assessment of the rezoning in relation to the Minute 14 criteria, as set out by the Hearings Panel. Some further information was provided on 22 August 2025 around the proposal and Minute 14 requirements with further correspondence provided from NZTA representative on 26 August 2025. A meeting was scheduled with Council's Landscape architect Ms Absolum for 28 August 2025, to further discuss the proposal. While still encouraged this timeframe did not leave me in a position to make a fully informed recommendation in time for the release of this S42A Report.

*The table below provides a high-level summary of the key points and conclusions in the evidence:*

Information	Key Points and Conclusions
<b>Infrastructure</b>	<p><b>Development will require:</b></p> <ul style="list-style-type: none"> <li>• Comprehensive geotechnical investigations to address slope stability.</li> <li>• Engineered retaining and stabilisation structures for safe access and building platforms.</li> <li>• Stormwater systems designed to manage runoff and protect the estuary.</li> <li>• Low-pressure wastewater systems with grinder pumps connecting to FNDC infrastructure.</li> <li>• Water supply via FNDC mains or on-site tanks, with firefighting provisions.</li> <li>• Further detailed engineering work is essential to support resource consent and ensure safe, sustainable development.</li> </ul>
<b>Transport</b>	<ul style="list-style-type: none"> <li>• Primary vehicle access is proposed from Puketona Road (SH11), with potential pedestrian/cyclist access from Goffe Drive.</li> </ul> <p><b>Traffic Generation</b></p> <ul style="list-style-type: none"> <li>• Estimated to generate 516 daily vehicle trips and 57 peak hour trips.</li> <li>• This level of traffic is considered to have less than minor effects on the surrounding road network.</li> </ul> <p><b>Road Environment</b></p> <ul style="list-style-type: none"> <li>• Puketona Road (SH11): Arterial Road with 7m carriageway, 60-80km/h speed limits, and approx. 5,500 vehicles/day.</li> </ul>

	<ul style="list-style-type: none"> <li>Goffe Drive and Yorke Road: Local roads with lower traffic volumes and speed limits (40km/h).</li> </ul> <p><b>Crash History</b></p> <ul style="list-style-type: none"> <li>25 crashes reported over 10+ years in the study area.</li> <li>Majority were loss-of-control incidents, with a 56% reduction in such crashes since speed limits were lowered in 2020.</li> <li>No inherent road safety concerns identified.</li> </ul> <p><b>Access Assessment</b></p> <ul style="list-style-type: none"> <li>Goffe Drive access is physically constrained and likely impractical for vehicles.</li> </ul> <p>Puketona Road access is feasible with:</p> <ul style="list-style-type: none"> <li>Sightlines of 250m east and 145–185m west (with vegetation removal).</li> <li>Potential for BAL (Basic Left Turn) intersection treatment.</li> </ul> <p>Shoulder widening may require bridge replacement or design departure. The site can be safely accessed from Puketona Road, subject to:</p> <ul style="list-style-type: none"> <li>Vegetation removal to improve sightlines.</li> <li>Intersection upgrades including BAL treatment.</li> <li>Shoulder widening, or if not feasible, bridge replacement.</li> </ul> <ul style="list-style-type: none"> <li>Goffe Drive may be suitable for pedestrian and cyclist access, improving connectivity and safety.</li> </ul>
<b>Landscape</b>	<ul style="list-style-type: none"> <li>The assessment identifies areas suitable and unsuitable for development as follows: <ul style="list-style-type: none"> <li>The ridge near existing homes on Goffe Drive is already disturbed and considered suitable for residential development.</li> <li>Cleared terraces near the Kaipatiki Stream offer potential for limited residential development, subject to strict controls.</li> <li>A low-lying coastal pocket near the Waitangi Inlet may accommodate up to two dwellings with careful design and vegetation management.</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>• Steep slopes below the water tank and the main slopes below 42–63 Goffe Drive are unsuitable for development due to erosion risks and ecological sensitivity.</li> <li>• Development would be visible from Puketona Road, Tau Henare Drive, and the Waitangi Boat Ramp. However, proposed housing is expected to be visually recessive, merging with existing dwellings and surrounding bush. Views from Waterview Place and Causeway Road would be screened by terrain and vegetation.</li> <li>• The following zoning and development recommendations are proposed: <ul style="list-style-type: none"> <li>• Extend the existing Residential Zone along the Goffe Drive ridge to include disturbed areas suitable for development.</li> <li>• Establish a small Residential Zone near the Kaipatiki Stream, limited to two or three dwellings, with bespoke design controls.</li> <li>• Introduce a Rural-Residential Zone between the two Residential Zones to facilitate access and maintain visual screening.</li> <li>• Designate a Rural-Residential Zone near the Waitangi Inlet for low-key development, potentially accommodating two dwellings.</li> <li>• Retain the High Natural Character Overlay over sensitive areas, excluding zones of significant disturbance.</li> </ul> </li> <li>• All development should be subject to strict controls on vegetation clearance, building design, materials, and visibility to ensure integration with the natural landscape and minimal ecological impact.</li> </ul>
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## Analysis

85. I have assessed the site based on the information in front of me and the peer reviews received from our experts as at 27 August 2025. Noting that a meeting is scheduled with the submitter and representatives with Council's Landscape expert for 28 August 2025.
86. I have requested Ms Absolum undertake a peer review of the Landscape assessment from Mr Brown. Ms Absolum concluded that there was too much uncertainty about what is being proposed, either in terms of the desired zoning or in terms of development, Ms Absolu states that the landowners may



wish to pursue some carefully designed, limited development, in the future, but at this stage I cannot support the submission.

87. I have also requested that Mr Collins undertake a peer review of the Transport assessment. Feedback was given to the submitter around concerns with access to the site. The submitter then sought approval for the access from NZTA. The NZTA feedback was summarised as follows by Mr Collins:
- NZTA cannot support the rezoning until its transport effects are clearly understood.
  - NZTA is concerned that upgrades discussed by the submitter's experts (e.g. bridge modifications, barrier relocation) have not been adequately assessed.
  - NZTA considers the current roading infrastructure is not considered suitable for the level of development that would be enabled by General Residential Zone.
  - NZTA requires clear documentation of necessary transport upgrades, triggers, and funding arrangements.
88. Mr Collins goes further to state he shares NZTA's concerns on these matters.
89. Infrastructure Peer review at a high level has indicated that servicing pathways exist for water supply, wastewater and stormwater, and all three water are considered feasible at this stage. The relatively low density of the proposed development means its impact on existing networks is likely to be minor, provide appropriate design and management measures are implemented.
90. To understand whether a General Residential zone is appropriate for a portion of the site, in my view it is necessary to first understand the anticipated development and outcomes and whether the PDP would inappropriately restrict or constrain those outcomes.

### **PDP Constraints on Development**

91. The site is 69,039m<sup>2</sup> in size. The site is currently vacant. The site is located adjacent to residential development (Goffe Drive). Under the PDP, the site is zoned Rural Production and is largely subject to High Natural Character Overlay (08/56) and is within the Coastal Environment Overlay.



Figure 3: Lot 1 DP 53506 zoned Rural Production, subject to High Natural Character Overlay and within the Coastal Environment Overlay

92. The provisions associated with the Rural Production zone enables people to undertake primary production activities, the submitter proposes multiple residential units at a density which would not be anticipated on a Rural Production zoned site.
93. I have, at a high level, addressed the criteria of the Urban Rezoning Evaluation Framework:
  - Location – The site is located adjacent to an existing urban area and rezoning of the site would enable a defensible boundary, with the high natural character area.
  - Land Use – Surrounding land use is consistent with an urban environment.
  - Site Suitability – The site is within the Coastal Environment Overlay and has a High Natural Character area. Ms Absolum had some concerns around clarity of the application, and the density proposed before the rezoning could be supported from a landscape perspective. The transport peer review also highlighted limitations of the access to the site.
  - Growth Demand – For the residential units has not been clearly addressed.
94. At this stage, I do not support the proposed General Residential zoning for all or part of the site, as there are gaps in the information that prevent me from making a fully informed recommendation.

## Recommendation

95. I note the onus on the submitter to provide the evidence to support and justify their rezoning request (as per Minute 14). At the time of writing this report, I have insufficient information and/or clarity in the existing supporting material to make a fully informed recommendation. Based on the insufficient information currently available, my interim recommendation is to reject the submission point and retain the Rural Production zoning (as notified). I may reconsider this position if the submitter provides the evidence to support and justify their rezoning request in accordance with the Minute 14 criteria at the hearing.

### Section 32AA Evaluation

96. No change is recommended at this stage. On this basis, no evaluation under Section 32AA is required.

## 4.2.3 Per Lugnet (S322 and S321) Ahipara and Coopers Beach

### Overview

Location	Notified PDP Zoning	Officer Recommendation(s)
Coopers Beach	Rural Residential	<ul style="list-style-type: none"> <li>Retain Rural Residential zoning</li> </ul>
Ahipara	Rural Lifestyle	<ul style="list-style-type: none"> <li>Retain rural lifestyle zoning of Albatross Alley, Poseidon Way and the end of Weka Street in Ahipara.</li> </ul>
9 Midgard Road, Coopers Beach	General Residential	<ul style="list-style-type: none"> <li>Retain the General Residential zone for 9 Midgard Road, Coopers Beach.</li> </ul>

### Matters Raised in Submissions

#### Coopers Beach

97. 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 under the notified PDP, which provides a pathway for multiple units on a site. However, this process does not allow for the issuing of a land use consent. Additional information about the proposed activity would be required to fully assess how the zone rules would apply. Furthermore, a zone change to Mixed Use at this location would result in a spot zone, which is not supported.
98. Per Lugnet (S322.001) seeks to rezone the area south of Freyja Crescent and the end of Torsby Road in Coopers Beach to Residential, so existing residential infrastructure can be utilised for Retirement housing. Stating the rezoning would be consistent with the strategic direction and would contribute to meeting growth demands for Retirement Housing by utilising existing infrastructure.

99. There are no further submissions to S322.001.

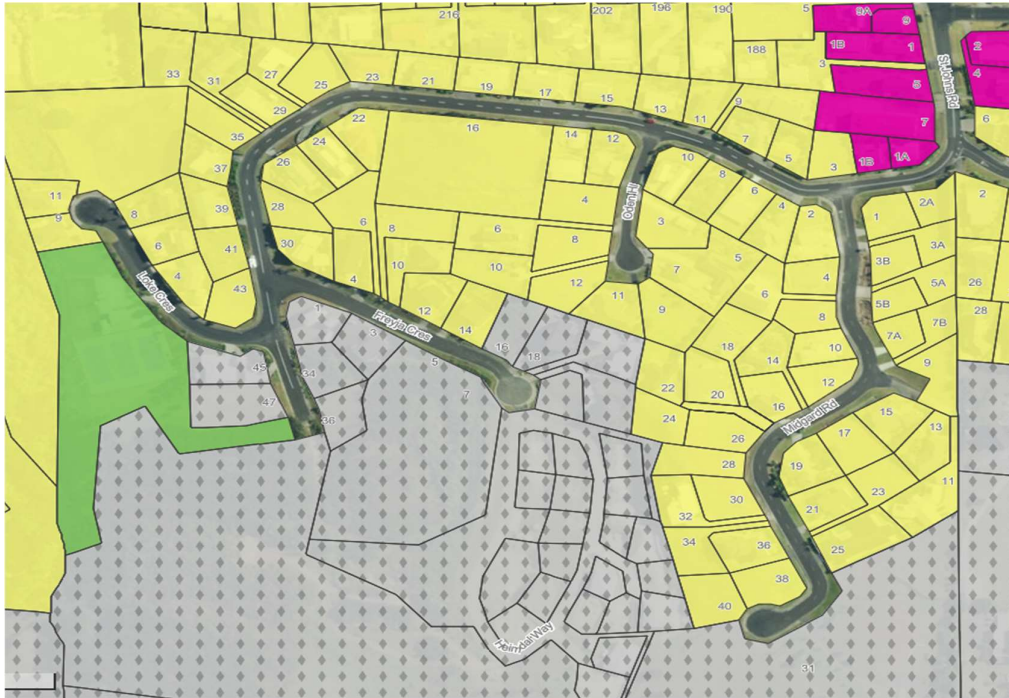


Figure 4: Properties at Freyja Crescent and Torsby Road, Coopers Beach

100. Per Lugnet chose to "opt-in" to the process for rezoning submissions set out in Minute 14 from the Hearing Panel. Accordingly, on 9 June 2025, the following information was provided by Mr Lugnet:
- Email containing information on the status of the resource consents.
  - Resource consent RC 2190696 approved plan.
101. Following the filing of Mr Lugnet's information, I have located the resource consents applicable to the rezoning request.
- Stage 1 RC2180192 – (Lots 2-21):
    - a. Amalgamated shared access lot (Lot 22) and common lots (Lots 1, 23 and 24), balance lot (Lot 25) and an amalgamated balance lot (Lot 26 and Lot 34 DP 463703). It also included the cancellation of consent notices on the underlying titles. It incorporated land use breaches for the future dwellings relating to residential intensity, stormwater management, set back from boundaries, building coverage and excavation and fill.
  - Stage 2 and 3 RC2190696- Activity A Subdivision: To subdivide to create the following:





- a. Stage 2, 19 residential lots (Lots 25-43), a common area for landscaping (Lot 45), and an access lot which will contain the privately owned road (Lot 44).
- b. Stage 3, 19 residential lots (Lots 46-64), a piece of road to vest in FNDC (Lot 65), a privately owned recreation lot (Lot 67), an access lot which will contain the private road and pedestrian link (Lot 66).
- Activity B Land Use: Consent to Construct:
  - a. Single residential dwelling on lots 25, 26, 30-43, two residential dwellings on Lot 29, and three residential dwellings on Lot 27 and 28 (Stage 2).
  - b. Consent to construct a single residential dwelling on lots 46-53, lots 55-61, lots 63-64, two residential dwellings on lot 62 and three residential dwellings on Lot 54 (Stage 3).

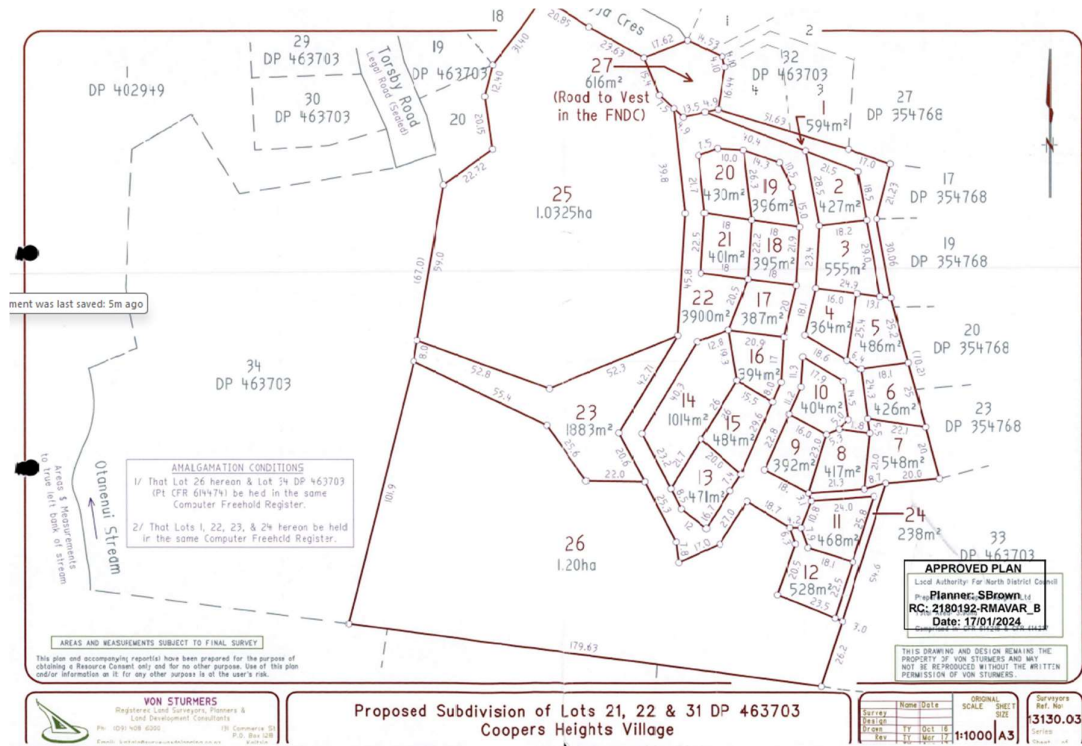


Figure 5: Stage 1 RC 2180192 Var B

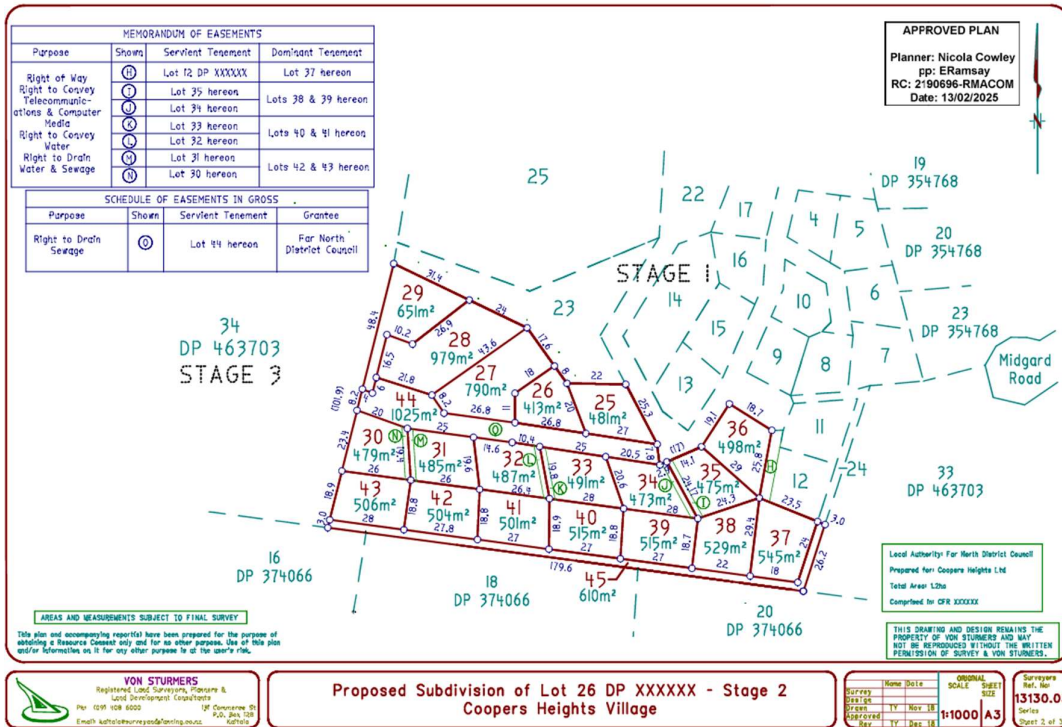


Figure 6: Stage 2 RC 2190696



Figure 7: Stage 2 RC 2190696

## Ahipara

102. Per Lugnet (S321.001) seeks to rezone the area consisting of Albatross Alley, Poseidon Way and the end of Weka Street in Ahipara to residential 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.



*Figure 8: Properties at Albatross Aly, Poseidon Way and Weka Street, Ahipara*

103. There are two further submissions that oppose the rezoning sought at Ahipara and one further submission in support. Those in opposition (FS152.1 and FS355.001) state the following reasons for their opposition:
- Resource consent was refused for this land, effects on the submitters visual amenity outlook and amenity values, such as loss of privacy and inferior living conditions. The increased traffic intensity would cause noise issues. Unsealed driveways and parking areas would cause a dust nuisance (FS152.001).
  - The subdivision is right on my boundary as such, I believe it would adversely affect my farming activities. Council Sewerage infrastructure is not up to sufficient capacity standards (FS355.001).
104. Per Lugnet chose to “opt-in” to the process for rezoning submissions set out in Minute 14 from the Hearing Panel. Accordingly, on 9 June 2025, the following further information was provided by Mr Lugnet:



- Email containing information on the status of the resource consents.
- Engineering Suitability Report for the subdivision at Weka Street, Ahipara.
- A location map of the site at Ahipara.

105. Following the filing of Mr Lugnet's information, I located the resource consents applicable to the rezoning request.

RC2300507.

- To subdivide land at Ahipara into 19 lots, to breach land use rules relating to visual amenity, stormwater management and traffic intensity, and to amend two consent notices in the Coastal Living zone. The various activities are bundled and considered as a non-complying activity. Stage 1: For 11 lots, lots 1-11 - refused Stage 2: for 8 lots, lots 12-19 granted.

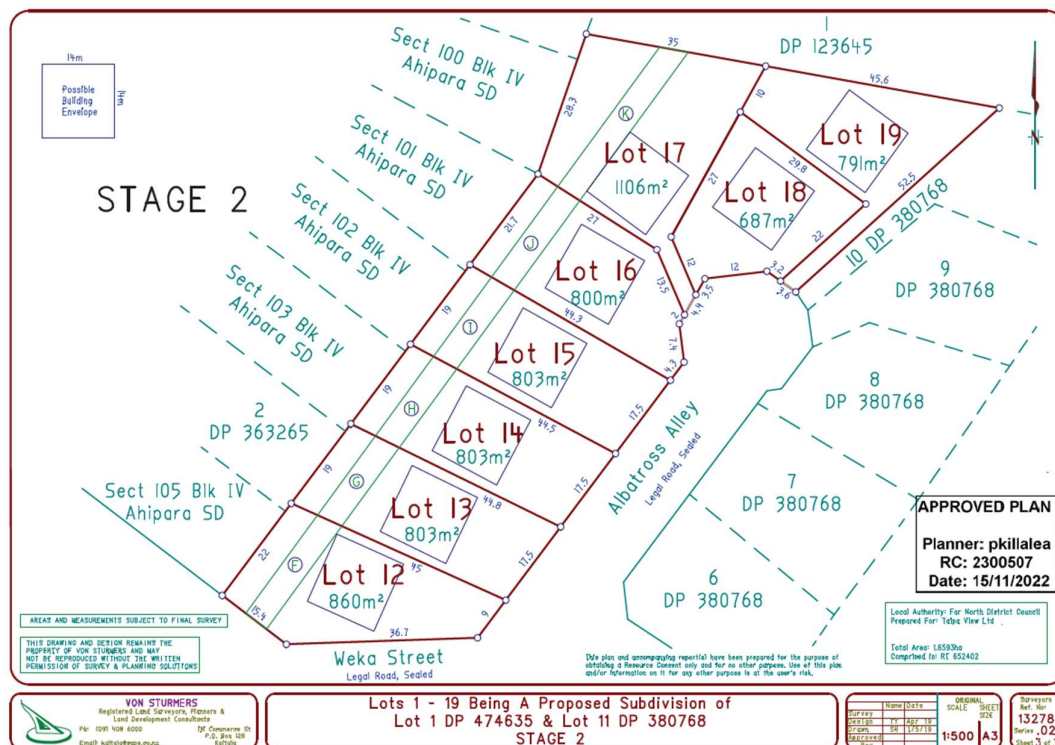


Figure 9: Scheme Plan Stage 2 RC 2300507



## **Analysis**

### Coopers Beach

106. The proposed rezoning of land at Freyja Crescent and the end of Torsby Road in Coopers Beach as sought by Mr Lugnet, has also been subject to Resource consent applications. Resource consent has been granted for stages 1-3 both land use and subdivision. The actual and potential effects of the resource consent were demanded acceptable. Some of the key reasons for this included:
- The proposal is consistent with the surrounding suburban landscape and will appear as a logical extension of the existing residential zone. Effects on rural character and visual amenity are assessed as low.
  - A professional assessment by Simon Cocker confirms low rural character and visual amenity effects. Landscaping will 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 are assessed as acceptable, and conditions are in place to manage road construction.
  - The proposal 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.
107. While no formal consideration of the Minute 14 requirements has been provided. I have undertaken a high-level assessment of the Urban rezoning evaluation criteria as follows:
- Location – The sites are not directly adjacent to the General Residential zone, and the proposed rezoning would create an isolated area of Rural Residential zoning (lot 1, 2,3 and 4 DP 520030).
  - Land Use – The approved lots are between 364-1014m<sup>2</sup> with the larger lots having land use consent for multiple dwellings. Stage 1/2/3 - Consent notices at the time of Section 224 including restrictions of number of occupants in a dwelling, bulk and location controls including impermeable surfaces. With Stage 1 already titled.
  - Site Suitability – An assessment of the site's suitability has been undertaken at the time of consent.
  - Infrastructure - As per the approved consent Stormwater attention is proposed by onsite tanks. Wastewater is to be disposed via connection to

the reticulated system, as confirmed the site is within the area of benefit. The future lot owners will have the option of connecting to the water supply or providing their own in the form of water tanks.

- Growth Demand – The consented activity is a retirement village, the rezoning would confirm the consented activity.

108. While the proposed rezoning meets several criteria within the Urban Zoning Evaluation Framework, it would result in an isolated pocket of Rural Residential zoning. The development across all stages has already been consented, with land use matters addressed to enable the proposed activity without the need for further resource consents. Therefore, I do not consider the notified zoning to present a constraint on development, and I do not support the proposed rezoning.

#### Ahipara

109. The land covering Albatross Alley, Poseidon Way, and the end of Weka Street in Ahipara is zoned as notified Rural Lifestyle, a legacy of its Coastal Living zone under the ODP. Mr Lugnet has applied for resource consent on the sites that include the land subject to the rezoning. With Stage 1 refused consent and Stage 2 approved.

110. I do not support rezoning the land subject to S321.001—covering Albatross Alley, Poseidon Way, and 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 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 Albatross Alley subdivision has 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 for Stage 2, but both the existing pump station and wastewater treatment plant have limited available capacity.
- Land use consent 2300507 granted for Stage 2 includes the following conditions:
  - A maximum impervious surface area of 340m<sup>2</sup> per site within Stage 2.
  - Landscaping requirements for Lots 17 and 19, in accordance with the approved Landscaping Report.



- The common trigger for residential dwellings in the Proposed District Plan Rural Lifestyle Zone is the building coverage rule, which this land use consent exempts. The site is not subject to the coastal environment overlay rules.
111. I could possibly consider the rezoning of the lots in Stage 2 approved by the Resource consent, but due to the larger lot sizes there could be potential of further subdivision and or additional dwellings under the General Residential framework, in an area with known infrastructure limitations.
112. In looking at the proposed development for these lots a General Residential zoning is unnecessary, as the proposed activities on these sites are likely able proceed under the existing land use consent 2300507, without any restrictions of the zoning of the site.

### **Recommendation**

113. For the above reasons, I recommend that the submission S321.001 is rejected and the land is to be retained as Rural Residential zone.
114. For the above reasons, I recommend that the submission S322.001 is rejected and the land is to be retained as Rural Lifestyle zone.
115. For the above reasons, I recommend that the submission S324.001, S324.002 is rejected and the land is to be retained as General Residential zone.

### **Section 32AA Evaluation**

116. For the above reasons, the recommended amendments are considered to be more appropriate in achieving the purpose of the RMA than the notified version of the Proposed District Plan.

#### **4.2.4 Ed and Inge Amsler (S341) 6 Bedggood Close, Paihia**

##### **Overview**

<b>Submission</b>	<b>Notified PDP Zoning</b>	<b>Officer Recommendation(s)</b>
S341.001	Rural Lifestyle	<ul style="list-style-type: none"><li>• Amend Zone 6 Bedggood Close (Lot 2 DP 119719) to General Residential zone.</li></ul>

##### **Matters Raised in the Submissions**

117. Ed and Inge Amsler (S341.001) sought to amend the zone of their property at 6 Bedgood Close (Lot 2 DP 119719) from Rural lifestyle zone to General Residential zone.

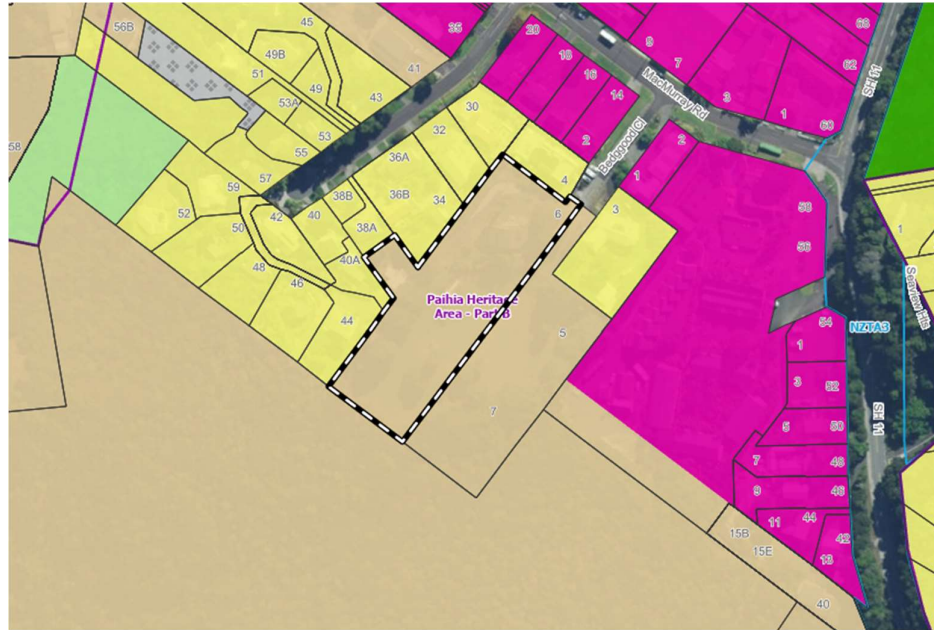


Figure 10: 6 Bedgood Close (Lot 2 SP 119719)

118. 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.
119. Ed and Inge Amsler chose to “opt-in” to the process for rezoning submissions set out in Minute 14 from the Hearing Panel. Accordingly, on 6 June 2025, the following evidence was provided on behalf Ed and Inge Amsler:
- Planning evidence from Mr Sanson.
120. Following the filing of Mr Sanson’s primary evidence, I provided informal and without-prejudice feedback on behalf of Council seeking further details around potential development yields in relation to infrastructure connections. This information also contributed to work around district wide plan enabled capacity.
121. Further information was received on 28 July 2025, detailing potential development yields for the site, including indicative numbers for potential wastewater and potable water connections.
122. There are no further submitters.

### Analysis

123. I have responded to Mr Sanson’s consideration of the Minute 14 matters in **Appendix 1** of this report, but I make the following comments with respect to his key arguments and the urban Rezoning Evaluation Framework criteria:
- 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, the use and site size are not representative of the Rural Lifestyle zone.
  - 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 applicant’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 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.

124. Overall, I consider that the most appropriate zone for 6 Bedggood Close, Paihia is a General Residential zone.

### Recommendation

125. For the above reasons, I recommend that the submission 341.001 is accepted and the land at 6 Bedggood Close, Paihia is zoned General Residential.

### Section 32AA Evaluation

126. Mr Sanson has provided a Section 32AA evaluation of the proposed rezoning in his evidence, and I broadly concur with that evaluation. I agree with Mr Sanson's conclusion that the General Residential zoning on this site is a more effective and efficient way of achieving the purpose of the RMA than the notified version of the Proposed District Plan.

## 4.2.5 Cavalli Properties Limited (S177)

### Overview

Submission	Notified PDP Zoning	Officer Recommendation(s)
S177.001 & S169.001	Settlement and Māori Purpose Rural	<p>Rezone</p> <p>Lot 11 Deposited Plan 451540</p> <p>Lot 14 Deposited Plan 451540</p> <p>Lot 15 Deposited Plan 451540</p> <p>Lot 35 Deposited Plan 451540</p> <p>Lot 46 Deposited Plan 451540</p> <p>Lot 50 Deposited Plan 451540</p> <p>Lot 51 Deposited Plan 451540</p> <p>Lot 52 Deposited Plan 451540</p> <p>Lot 53 Deposited Plan 451540</p> <p>Lot 54 Deposited Plan 451540</p> <p>Lot 58 Deposited Plan 451540</p> <p>From Māori purpose – rural to Settlement Zone.</p> <p>Retain the Settlement Zone of all other properties in the Matauri Bay subdivision.</p>

### Matters Raised in Submissions

127. Cavalli Properties Limited (S177.001) sought to zone the companies 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.



128. 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 zone General Residential.



Figure 11: Matauri Bay Subdivision

129. 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.
130. Since the notification of the PDP Council have meet 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.
131. There are no further submissions.
132. Cavalli Properties Limited chose to "opt-in" to the process for rezoning submissions set out in Minute 14 from the Hearing Panel. Accordingly, on 3 July 2025, the following evidence was provided on behalf:
- Planning evidence from Mr Putt.
  - Memo detailing the suggested relief for the Submitter's Request.

133. As detailed in Mr Putts evidence:

- Stage 1 subdivision was fully completed with titles issued in 2008 (RC 25060901); 11 sections are now held in private ownership with the other 77 sections owned by Cavalli.
- A wastewater treatment plant was built at Matauri Bay designed to service the subdivision and surrounding areas.
- In 2009, a formal agreement was made for Council to take ownership and operate the plant, allowing it to levy rates for its use. Despite the agreement and ownership transfer, the Council never commissioned or operated the plant. In 2017, after ownership of the land transferred to Cavalli, the Council denied responsibility for the plant, creating a major obstacle for land sales and development.
- Around June 2023 Council accepted responsibility for commissioning and operating the Innoflow system. As I understand the position, the Council now accepts the subdivision is properly serviced by a wastewater system.

134. As detailed in the Memorandum - Suggested relief for the submitter's request Mr Putt states the following:

- Rezone the 11 sites in Stage 1 Matauri Bay subdivision which has been zoned Māori Purpose zone – Rural to Settlement zone.
- Although the submitter requested a General Residential zone for the Stage 1 and 2 lots in the approved subdivision, it is accepted that Settlement zone is appropriate provided a new dwelling or structure on any approved lot would be a permitted activity subject to compliance with relevant bulk and location provisions.
- To achieve this, an amendment is proposed to RSZ-R3 to add the words:

*"Except at Matauri Bay where any existing approved lots shall meet the permitted standard".*

- Amendment is proposed to the Overview for the Settlement zone, adding a second sentence to the second paragraph:

*"It is acknowledged that at Matauri Bay there is a Council Owned and operated reticulated wastewater network which services all approved lots in the stage 1 and 2 Matauri Bay subdivision".*

- Amendment is proposed to rule CE-R1 to acknowledge the issues to be assessed in the Coastal Environment, have already been fully considered at the time resource consent was granted. Amend CE-R1 PER-1 to read:

*" if a new building or structure is located in an Urban Zone or in the Settlement zone at Matauri Bay, it is .....".*





- A consequential amendment to Rule CE-R1 PER-2 to read:

*"If a new building or structure is not located in an Urban zone or the Settlement Zone at Matauri Bay, it is..."*

## **Analysis**

### Matauri Bay Subdivision

135. The subdivision referred to by the submitter is located back from the beach front on elevated terraces at Matauri Bay. The subdivision, granted under RC 2060901 comprised of two stages, Stage 1, 88 lots and Stage 2, 44 lots. Titles were issued for the Stage 1 subdivision in 2008, with 11 sections held in private ownership, and the rest owned by Cavalli properties. Stage 2 is yet to be titled. As notified 77 lots had a Settlement zone and 11 Lots a Māori Purpose - Rural zone.
136. The resource consent imposes conditions amongst others relating to Building height restrictions.
137. Consent notices on the titles include:
- Further subdivision of lots 1-81 and 190 is prohibited.
  - Adherence to design guidelines.
  - External cladding of all buildings and accessory buildings shall have an exterior colour within the BS5252 standard colour palette range and a reflectance value of 30% or less or constructed of natural materials which fall within this range.

### Relief Sought

138. As stated in the Memorandum - Suggested relief for the submitter's request, the submitter after various meetings with Council staff has agreed to pursue a Settlement zone for all the sites in the subdivision, with amendments to the Settlement zone and Coastal Environment Chapter to accommodate development on these sites.

### Māori Purpose - Rural Zoning

139. Theresa Burkhardt, Senior Policy Planner, has contacted and discussed the properties that are the subject of submissions S177.001 and S169.001 namely the 11 sites at Matauri Bay identified by Cavalli Properties Ltd, with Kath Taurau, Pae Manawa / Principal Liaison Officer, Te Kooti Whenua Māori/ Māori Land Court. Clarification on the status and history has been sought.
140. The 11 properties located in the Matauri Bay subdivision which are the subject of submissions, are identified by the legal descriptions below:



- Lot 11 Deposited Plan 451540 Lochhead Acceptances Ltd.
  - Lot 14 Deposited Plan 451540 Roger Charles Allison, Coleen Marie Allison.
  - Lot 15 Deposited Plan 451540 Cavalli Properties Ltd.
  - Lot 35 Deposited Plan 451540 Lochhead Acceptances Ltd.
  - Lot 46 Deposited Plan 451540 Pat Fergusson Durham, Leonie Gayle Leslie Durham.
  - Lot 50 Deposited Plan 451540 Pat Fergusson Durham, Leonie Gayle Leslie Durham.
  - Lot 51 Deposited Plan 451540 Cavalli Properties Limited.
  - Lot 52 Deposited Plan 451540 Malcolm Stuart Dick, Adrian Jeffrey Dick.
  - Lot 53 Deposited Plan 451540 Malcolm Stuart Dick, Adrian Jeffrey Dick.
  - Lot 54 Deposited Plan 451540 Malcolm Stuart Dick, Adrian Jeffrey Dick.
  - Lot 58 Deposited Plan 451540 Brian William Putt, Suzanne Linda Ashmore.
141. Information obtained from the Māori Land Court indicates that while the properties have been alienated and are no longer in Māori ownership, they still retain the status of Māori Freehold Land under TTWM Act and as such have had the Māori Purpose zone applied. The Court record identifies that the other properties previously owned by Matauri Bay Properties Ltd and Strategic Properties Ltd, which were also alienated by way of sale to Cavalli Properties Ltd, also retain the Māori Freehold Land status. However, these properties have not been included in the Pataka Whenua GIS Database and therefore have not had the Māori Purpose zone applied. The reasons for this are unclear as this is a matter for the Māori Land Court.
142. It is the intention of the Māori Purpose zone to identify Māori Freehold Land and Māori Customary Land under TTWM Act. However, it is considered that in the case of these 11 properties, as they are no longer in Māori ownership, in the interests of pragmatism and consistent zoning with the other properties that were created by the original subdivision and to enable consistent development on the properties, they could be re-zoned.

#### Settlement Zoning

143. As stated above, the Matauri Bay subdivision was predominantly zoned Settlement as notified. The zoning as notified was the result of a number of things including size of lots, uncertainty around the adequate development infrastructure, the subdivisions' location in the coastal environment, and its spot zoning away from other services.

144. The settlement zone overview states that:

*"National Planning Standards have identified the Settlement zone as being appropriate for 'areas used predominantly for a cluster of residential, commercial, light industrial and/or community activities that are located in rural areas or the coastal environment'".*

145. Although the Overview goes on to state that settlements neither support, nor plan to be supported by a Council reticulated wastewater network, this zoning is agreed to be the best fit to provide for the residential activities approved under resource consent 2060901 for these sites.

146. I consider that the amendment proposed to the Settlement zone Overview to include:

*"It is acknowledged that at Matauri Bay there is a Council Owned and operated reticulated wastewater network which services all approved lots in the Stage 1 and 2 Matauri Bay subdivision under RC2060901".*

147. Are appropriate to acknowledge that the Settlement zoning in this location is different in its regard to servicing.

148. I consider the amendment proposed by Mr Putt to RSZ-R3 Residential activity to include:

*"Except at Matauri Bay where any existing approved lots shall meet the permitted standard" is appropriate subject to some amendments".*

149. It is noted in this rule, that this rule does not apply to a single residential unit located on a site less than 3,000m<sup>2</sup>. This would cover the sites in the subdivision that are already titled, but not those in Stage 2 that are yet to be titled. A clear exemption is appropriate, but we need to tie this to the lots consented under RC2060901. I recommended the following wording under this rule, does not apply to:

*"a Single residential unit located on a site approved by RC2060901 at Matauri Bay."*

RSZ-R3	Residential Activity	
Settlement Zone	<b>Activity Status: Permitted</b>  <b>Where:</b>  <b>PER-1</b> The site area per residential unit is at least 3,000m <sup>2</sup>  <b>This rule does not apply to:</b>	<b>Activity status where compliance not achieved with PER-1: Discretionary</b>  <b>Where:</b>  <b>DIS-1:</b> The site area per residential unit is at least 1,500m <sup>2</sup>

RSZ-R3	Residential Activity	
	<ul style="list-style-type: none"> <li>A single residential unit located on a site less than 3,000m<sup>2</sup></li> <li>A minor residential unit constructed in accordance with rule RSZ-R10</li> <li><u>a single residential unit located on a site approved by RC 2060901 at Matauri Bay</u></li> </ul>	<b>Activity status where compliance not achieved with DIS-1: Non-complying</b>

### Coastal Environment

150. In Hearing 4, report writer Jerome Wyeth, recommended amendments to rule CE-R1 to provide a 'carve out' of the Coastal Environment provisions to recognise zones that have or are intended to have a more predominantly 'urban' character. This 'carve out' includes six specific coastal towns/settlements in addition to those 'urban zoned'. Mr Putt has sought that the Matauri Bay Subdivision is also included within PER-1 in this rule.
151. This will allow building or structures in this location to be up to 300m<sup>2</sup> in size subject to standards CE-S1, S2, S4 as a permitted activity. This will allow a standard house to be built on the sites as anticipated by the resource consent. Otherwise, construction of a residential unit on these sites would be a controlled activity under CE-R1, PER-2.
152. I recommend PER-1 include the following wording:
- "if a new building or structure is located in..... Matauri bay subdivision approved under RC 2060901....".*
153. There is no need to include the proposed amendments to CE-R1, PER-2 as a result of the recommendation through Hearing 4 – whereby this performance standard only applies to those not covered by PER-1. I have spoken with Mr Wyeth, who indicates his support for this recommendation.

CE-R1	New Buildings or Structures, and Extensions or Alterations to existing Buildings or Structures	
Coastal Environment	<b>Activity Status: Permitted</b>  <b>Where:</b>  <b>PER-1</b> If a new building or structure is located in the <u>General Residential Zone, Mixed Use Zone, Light</u>	<b>Activity status where compliance not achieved with PER-1 and PER-2: Controlled</b> <del>Discretionary (inside a high natural character area)</del> <del>Non-complying (inside an outstanding natural character area)</del>

CE-R1	New Buildings or Structures, and Extensions or Alterations to existing Buildings or Structures
	<p><u>Industrial Zone, Russell / Kororareka Special Purpose Zone, Māori Purpose Zone – Urban, Oronga Bay Zone, Hospital Zone, or Kauri Cliff SPZ</u></p> <p><u>- Golf Living Sub-Zone,<sup>33</sup> <b>Matauri Bay subdivision approved by RC2060901</b></u> an urban zone it is:</p> <ol style="list-style-type: none"> <li>1. <u>is no greater than 300m<sup>2</sup>; and</u></li> <li>2. <u>is located outside high or outstanding natural character areas; and</u></li> <li>3. <u>complies with:</u> <ol style="list-style-type: none"> <li>a. <u>CE-S1 Maximum height;</u></li> <li>b. <u>CE-S2 Colour and materials; and</u></li> <li>c. <u>CE-S4 Setbacks from MHWS.</u></li> </ol> </li> </ol> <p><b>PER-1(1) does not apply to:</b> the <u>Mixed-Use Zone, Light Industrial Zone, Māori Purpose Zone – Urban and Hospital Zone within the following settlements: Coopers Beach, Mangonui, Opuā, Paihia and Waitangi, Rawene, and Russell / Kororareka.<sup>34</sup></u></p> <p><b>PER-2</b> If a new building or structure is <u>not located within any of the zones referred to in PER-1</u> an urban zone it is:</p> <ol style="list-style-type: none"> <li>a. <u>ancillary to farming activities (excluding a <u>is not used for a residential activity unit</u>);<sup>35</sup> is no greater than:</u></li> </ol> <p><b>CON-1</b> <u>The building is a residential unit or a minor residential unit on a defined building platform, where the defined building platform has been identified through a professional landscape assessment and approved as part of an existing or implemented subdivision consent.</u></p> <p><b>CON-2</b> a. <u>The building is for a residential unit or a minor residential unit within the Māori Purpose Zone or Treaty Settlement Overlay; and</u> b. <u>It is located outside an outstanding natural character area or a high natural character area.<sup>38</sup></u></p> <p><u>The matters of control are:</u></p> <p><b>Activity status where compliance not achieved with DIS-1: Non-complying</b></p>

### Consequential Changes

154. No consequential changes are needed elsewhere in the plan as result of the recommendations.

### Recommendation

155. For the above reasons, I recommend that the submission S177.001 is accepted in part and that the following lots are rezoned from Māori purpose – Rural to Settlement zone.



- Lot 11 Deposited Plan 451540
  - Lot 14 Deposited Plan 451540
  - Lot 15 Deposited Plan 451540
  - Lot 35 Deposited Plan 451540
  - Lot 46 Deposited Plan 451540
  - Lot 50 Deposited Plan 451540
  - Lot 51 Deposited Plan 451540
  - Lot 52 Deposited Plan 451540
  - Lot 53 Deposited Plan 451540
  - Lot 54 Deposited Plan 451540
  - Lot 58 Deposited Plan 451540
156. For the above reasons, I recommend that the submission 169.001 is accepted in part and the land at Lot 58 DP 451540 is rezoned from Māori purpose - rural to Settlement zone.
157. I recommend the changes to the Settlement zone overview and RSZ-R3 as shown in **Appendix 3**.
158. I recommend the changes to CE-R1 Coastal environment chapter as shown in **Appendix 3**.

### **Section 32AA Evaluation**

159. A Section 32AA evaluation for the recommendation to change the zone of 11 lots from Māori purpose rural is included in the analysis above.
160. Overall, the zone is to remain as notified. However, changes are proposed to the rules within the Settlement Zone and Coastal Environment to enable the implementation of already consented activities on these sites. This approach is more efficient and effective, as it avoids unnecessary consenting processes and provides greater certainty for landowners and developers.

#### **4.2.6 Doug's Boatyard (S21)**

##### **Overview**

Submission	Notified PDP Zoning	Officer Recommendation(s)
S21.001	Rural Production	<ul style="list-style-type: none"> <li>Amend zoning of Lot 1 DP 59479 to have a spilt zone<sup>2</sup>.</li> </ul>
S21.002	Mixed Use	<ul style="list-style-type: none"> <li>Retain zoning of 1 Richardson Street, Opuia (Pt Section 1 Blk XXXII TN OF Opuia and Section 2 and 3 Block XXXII TN OF Opuia) to Light Industrial zone.</li> </ul>

### Matters Raised in Submissions

161. Doug's Opuia Boatyard (S21.001) requests to amend the zoning of 1/5 Beechey Street, Opuia and states the property is supported by pilings over the coastal marine area.



Figure 12: 1/5 Beechey Street, Opuia

162. Doug's Opuia Boatyard (S21.002) requests that 1 Richardson Street, Opuia 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 Opuia, previously zoned Industrial, have been zoned as Light Industrial in

<sup>2</sup> Addressed in Hearing 15A Microsoft Word - S42A Report Re-Zoning Open Space S303.001



the PDP. As such, the submitter considers the Mixed Use zoning inappropriate for this location.

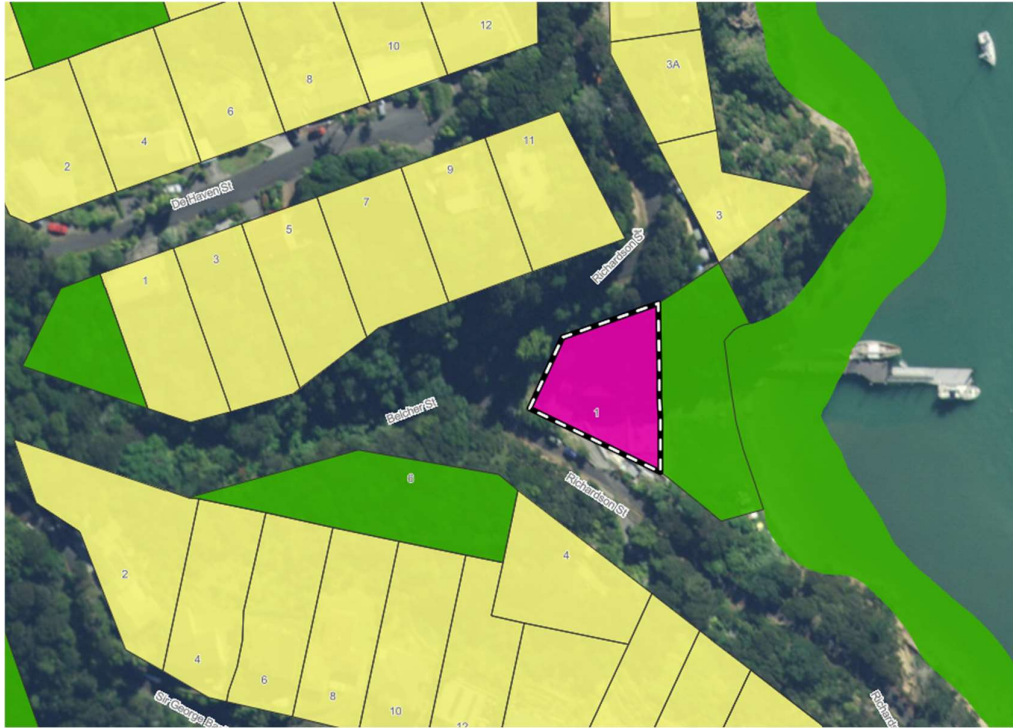


Figure 13: 1 Richardson Street, Opua

163. There are no further submissions.

### Analysis

164. Doug's Opua Boatyard chose to "opt-in" to the process for rezoning submissions set out in Minute 14 from the Hearing Panel. Accordingly, on 1 May 2025, the following evidence was provided on behalf Doug's Opua boatyard:

- Planning evidence from Mr Hood, in relation to CMA zoning and open space zoning not the zoning sought for 1 Richardson Street, Opua.

165. In regard to 1/5 Beechey Street Opua, (Lot 1 DP 59479), the whole site is zoned Rural Production as notified. As per the recommendation in relation to S303.001 by Ms Mackay in her Section 42A Report for Hearing 15A, this property is partially in the CMA. Ms Mackay states:

*"... 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 above 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."*





166. The property at 1 Richardson Street, Opuia 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. No additional information has been provided in support of the rezoning request, aside from concerns about the incompatibility of current activities with the Mixed Use zone and a suggestion that the site aligns more closely with the Light Industrial zone in Opuia. However, Resource Consent 2300681 (with variations), granted in 2021, approved the reconstruction of a dwelling on the site, and residential activities are generally not anticipated in the Light Industrial zone. In addition, the extent of the Mixed Use zoning is the single site meaning that there are no other activities that are likely to establish in conflict with the submitters existing operation without their express consent. Given the mix of activities occurring on the site, a Mixed Use zone remains the most appropriate zoning in my opinion.

### **Recommendation**

#### **1/5 Beechey Street**

167. For the above reasons, I recommend that the submission S21.001 is accepted in part and Lot 1 DP59479 is partially zoned Mixed Use zone.

#### **1 Richardson Street S21.002**

168. I note the onus on the submitter to provide the evidence to support and justify their rezoning request (as per Minute 14). Although, in my view there is merit in the rezoning submission(s), at the time of writing this report I have insufficient information to make a fully informed recommendation. Based on the insufficient information currently available, my interim recommendation is to reject the submission point and retain the Mixed Use zoning (as notified). I may reconsider this position if the submitter provides the evidence to support and justify their rezoning request in accordance with the Minute 14 criteria at the Hearing.

### **Section 32AA**

169. A Section 32AA evaluation for the recommendation to change the zone from Rural Production to partial Mixed Use zone is not necessary as it is considered that this change is rectifying an error and is addressed by Hearing 15A Report writer Ms Mackay.

#### 4.2.7 Ngāwhā Generation Limited (S432) – Ngāwhā Springs Rezoning (Jerome Wyeth)

##### Overview

Submission	Notified PDP Zoning	Officer Recommendation(s)
S432.001, S432.029	Rural Production Zone (RPROZ)	<ul style="list-style-type: none"> <li>Amend the zoning of Ngāwhā Generation Limited's land holdings at Ngāwhā Springs to Light Industrial zone (LIZ) to be consistent with the ODP.</li> </ul>

##### Matters Raised in Submissions

##### Summary of Original Submissions

170. 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.
171. The location of the requested rezoning from NGL in its original submission is shown in Figure 14 below.

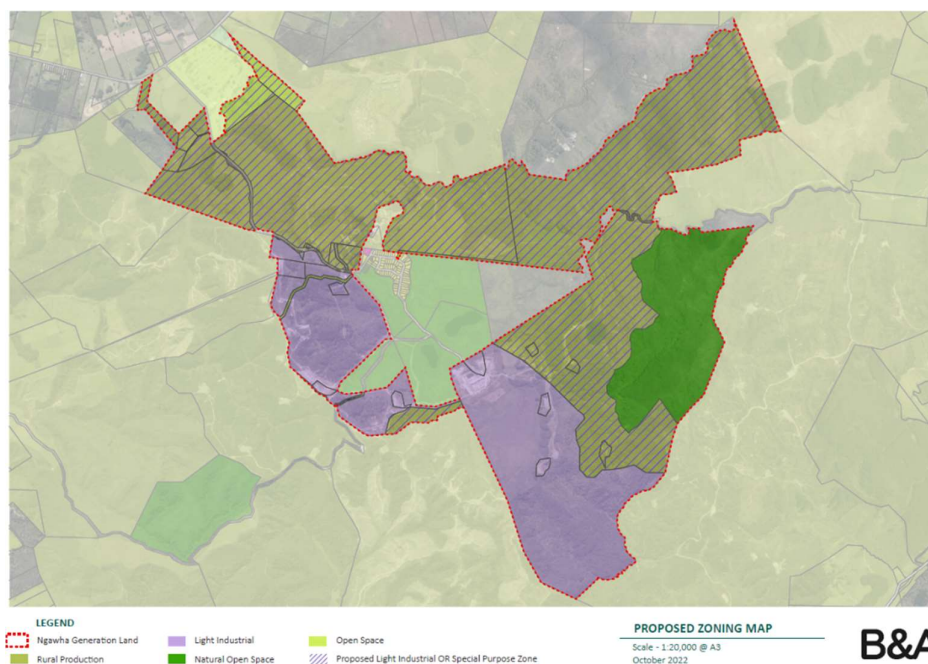


Figure 54: Requested extent of the Light Industrial or SPZ at Ngāwhā Springs in the original submissions from NGL (diagonal hatching).

### Summary of Further Submissions

172. There are two further submissions from the Department of Corrections (FS571.001, FS571.002), who 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 Regions Corrections Facility.
173. 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.

### Evidence Received

174. NGL subsequently chose to “opt in” to the process set out for rezoning submissions in Minute 14 from the Hearing Panel. Accordingly, on 9 June 2025, NGL lodged planning evidence from Mr Badham which sets out revised relief for the rezoning. Importantly, the revised relief from NGL 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. The area that NGL are now requested be rezoned LIZ is shown below in Figure 15.

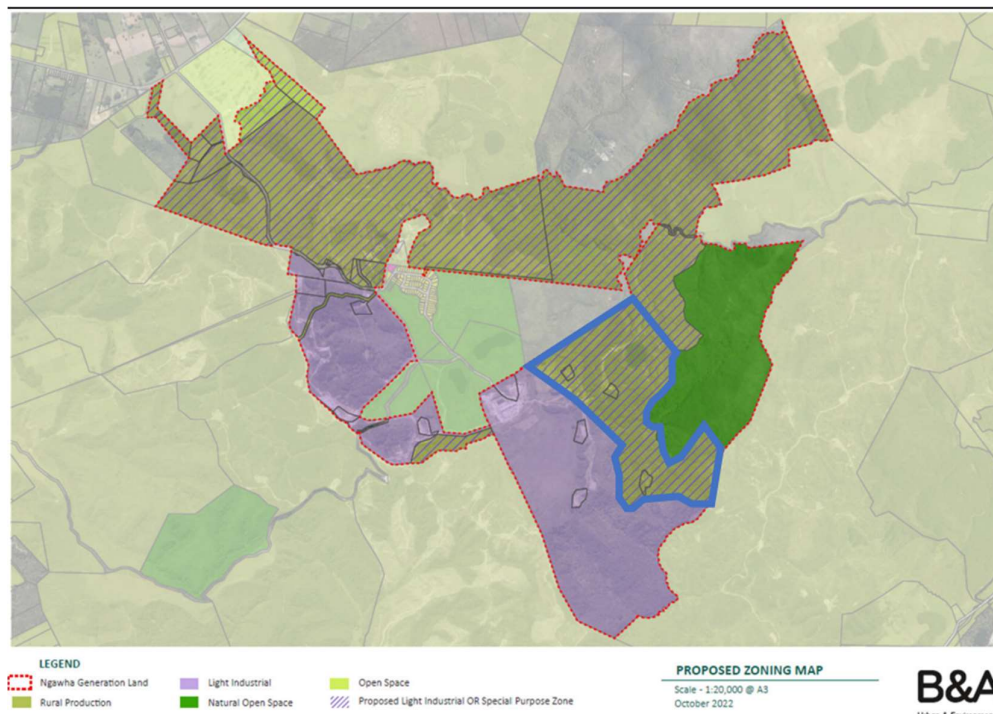


Figure 15: Revised extent of the Light Industrial Zone sought at Ngāwhā Springs (blue outline).

175. The planning evidence of Mr Badham sets out the reasons why he considers that rezoning the land to LIZ is appropriate and an assessment of the rezoning request against the criteria in Minute 14 from the Hearing Panel. In summary, the evidence of Mr Badham states:

*"The land now requested to be rezoned LIZ is zoned Industrial in the ODP. There is no explanation in the Section 32 evaluation report as to why the land was "downzoned" to RPROZ in the PDP".*

176. A LIZ would be consistent with the PDP strategic direction through better enabling renewable electricity generation activities and industrial activities, contributing to beneficial economic and social outcomes.
177. The rezoning aligns with the outcomes sought for the LIZ in the PDP, and any adverse effects of its development can be appropriately managed through the policy and rule framework of that zone.
178. The site is suitable for industrial development, including in relation to natural hazard risks, historic, cultural and natural environment values. The revised land adjoins other land holdings owned by the submitter, and the risk of reverse sensitivity effects is therefore low.
179. The site is not serviced by three waters infrastructure, however on-site servicing solutions for any proposed development can be addressed at building or resource consent stage. There are no identified transport infrastructure constraints.

### **Analysis**

180. The revised relief from NGL significantly reduces the extent of LIZ zoning requested for its landholdings to simply align with the ODP Industrial zoning. I support this revised relief as it will avoid the potential interface issues with the Northland Region Correction Facility, and I can also see no clear justification as to why the land was rezoned from Industrial in the ODP to RPROZ in the PDP.
181. Further, I understand that NGL intends to utilise the land for renewable energy generation and infrastructure-related activities. I consider that the LIZ would more effectively facilitate such activities than the notified RPROZ, noting that the specific provisions for renewable electricity generation are located in the Renewable Electricity Generation Chapter of the PDP<sup>3</sup> and this does not include specific enabling for these activities within the LIZ.
182. Lastly, I note that the Department of Corrections has filed a statement as a further submitter in response to the revised relief from NGL. This states:

*"I confirm that the matters of concern to Corrections in its further submission are now addressed. The rezoning sought by NGL adjacent to the prison is not*

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<sup>3</sup> I understand that NGL have a submission point requesting that renewable electricity generation activities being included within the definition for light industrial activities, which is due to be considered in Hearing 17.

*now being pursued by NGL. As a result, no evidence will be filed by Corrections as a further submitter to the NGL submission. That rezoning issue can now be noted in the section 42A report as resolved, however Corrections maintains an interest in any future development of this land by NGL".*

183. On this basis, I note that the Department of Corrections opposition to the NGL submission has been resolved.

### Recommendation

184. For the above reasons, I recommend that the submission points from Ngāwhā Generation Limited are accepted in part and the revised land (as shown in Figure 15 above/on the planning maps in **Appendix 4**) is rezoned from RPROZ to LIZ.

### Section 32AA Evaluation

185. Mr Badham has provided a Section 32AA evaluation of the proposed rezoning in Section 12 of his evidence, and I concur with that evaluation. In particular, I agree that 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. I therefore conclude that 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.

## 4.2.8 Health New Zealand (S42) – Hospital Special Purpose zone (Jerome Wyeth)

### Overview

Submission	Notified PDP Zoning	Officer Recommendation(s)
S42.017	Rural <b>Residential Zone (RRZ)</b> and <b>General Residential Zone (GRZ)</b>	<ul style="list-style-type: none"> <li>Amend the zoning of land at the Bay of Islands Hospital Campus to Hospital Special Purpose Zone (HOSZ) as per Figure 7 in the planning evidence of Mr Badham.</li> </ul>

### Matters Raised in Submissions

#### Summary of Original Submissions

186. Health New Zealand – Te Whatu Ora (Health NZ) (S42.017) requests that the PDP planning maps be amended so that the following landholdings are rezoned to HOSZ:
- Section 25 SBRS S of Kawakawa (CT NA807/182)
  - Part Section 13 Block XVI Kawakawa SD (CT NA431/283)



- Lot 1 DP 79488 (NA36B/547)
- Lot 1 DP 65762 BLK XIV MANGAMUKA SD
- PT LOT 1 DP 36075 SECS 75-78 PTS 79 82 83 RAWENE SUBS BLK XIV MANGAMUKA SD
- ~~Part Section 20 SBRS OF Kawakawa~~
- ~~Lot 1 DP 63855~~
- ~~Lot 2 DP 63855~~
- ~~Part Section 20 SBRS OF Kawakawa~~

#### Summary of Further Submissions

187. Four further submissions were received on the original submissions from Health NZ:

- Ngā Kaingamaha o Ngāti Hine Charitable Trust (FS307.001) in support.
- Vision Kerikeri 3 (FS570.034); Kapiro Conservation Trust 2 (FS566.048) and Vision Kerikeri 2 (FS569.070) all oppose the submission to the extent that the submission is inconsistent with their original submissions.

#### Evidence Received

188. Health NZ chose to “opt in” to the process for rezoning submissions set out in Minute 14 from the Hearing Panel. Accordingly, on 9 June 2025, Health NZ lodged planning evidence from Mr David Badham which states that Health NZ no longer wish to pursue all changes in its original submission and instead are requesting revised relief, as follows:

- At Bay of Islands Hospital, apply the HOSZ to NA36B/547,<sup>4</sup> NA431/283 and part of NA807/182. In relation to NA807/182, Health NZ advise that they have Ministerial approval to commence partial disposal of approximately 3.7ha of land and is no longer pursuing the rezoning of this land<sup>5</sup>. The land now sought to be rezoned at the Bay of Islands Hospital is shown in Figure 7 of Mr Badham’s evidence and is reproduced as Figure 16 below.

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<sup>4</sup> Referred to as NA807/182 in the body of evidence but this reference is understood to be in error

<sup>5</sup> Health NZ also advise that it *does not* withdraw this aspect of submission, however, no longer seeks to pursue the relief sought at this stage.



- At Hauora Hokianga Hospital, which is owned and operated by Hokianga Health, Health NZ is no longer pursuing the relief sought at this stage.



Figure 66: Revised extent of the HOSZ sought at the Bay of Islands Hospital.

189. The planning evidence of Mr Badham sets out the reasons why rezoning the identified land to HOSZ is considered to be appropriate and an assessment of the rezoning request against the criteria in Minute 14 from the Hearing Panel. In summary, the evidence of Mr Badham states:
- Health NZ has clear future growth and development aspirations for the Bay of Islands Hospital campus, with an established master plan in place. The additional land, all owned by Health NZ and adjacent to the notified HOSZ, is required for this future growth and development.
  - The Bay of Islands Hospital is regionally significant infrastructure under the RPS. Applying a single bespoke SPZ to recognise and provide for critical health services will ensure integrated and efficient management of this resource and give effect to the RPS. The notified RRZ and GRZ zoning does not adequately facilitate hospital development and activities.
  - The rezoning is consistent with the PDP strategic direction because it will promote social and economic prosperity and recognise and provide for the benefits of infrastructure.
  - The additional land is part of the existing hospital facilities and is therefore aligned with the objectives, policies and intended outcomes of the HOSZ.



- The additional land is not subject to natural hazards or any natural or sensitive environment overlays.
- Three waters servicing connections are available to adequately provide for expected servicing demands. Existing transport arrangements serving the hospital land are adequate.

### **Analysis**

190. There are three sites in the Far North District that are within the HOSZS, none of which are designated in the PDP. I support the revised relief from Health HZ and broadly agree that this rezoning is appropriate for the reasons outlined above from Mr Badham. In particular, I agree that 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. Given the additional land is all owned by Health NZ and managed as part of the hospital, I agree that a single expanded HOSZ will better enable the integrated management of the facility.
191. As the rezoning originally requested at the Hauora Hokianga Hospital is no longer being pursued by Health NZ, I recommend no changes to the notified zoning.
192. No further submitter has lodged any evidence in support or opposition to the original submissions from Health NZ.

### **Recommendation**

193. For the above reasons, I recommend that the submission point from Health NZ is accepted in part as follows:
194. 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 shown in Figure 16 above/on the planning maps in **Appendix 4**).
195. No changes to the zoning Hauora Hokianga Hospital.

### **Section 32AA Evaluation**

196. Mr Badham has provided a Section 32AA evaluation of the proposed rezoning in Section 12 of his evidence and I broadly concur with that evaluation. In particular, I agree that the Bay of Islands hospital is critical to people and communities' wellbeing and will be better provided for through application of the HOSZ to the entire campus. I therefore consider that rezoning the additional land owned by Health NZ to HOSZ is the most appropriate, effective and efficient way to achieve the relevant PDP objectives in accordance with Section 32AA of the RMA.

## 4.2.9 Errors Submissions including Variation 1

### Overview

Submission	Notified PDP Zoning	Officer Recommendation(s)
S74.002	Mixed Use	<ul style="list-style-type: none"> <li>Amend zoning of land at 152-154 Marsden Road, Paihia to Open space Zone.</li> </ul>
S412.001 and S374.001	Sport and Active Recreation	<ul style="list-style-type: none"> <li>Zoning amended under Variation 1 of 8 (Lot 4 DP 73952) and 9 (lot 5 DP 73952) enterprise Street, (Lot 6 DP 73952) Kaikohe to Light industrial Zone.</li> </ul>
S398.001	Sport and Active Recreation	<ul style="list-style-type: none"> <li>Zoning amended under Variation 1 of 7 (Lot 6 DP 73952) Enterprise Street Kaikohe to Light Industrial zone.</li> </ul>
S431.025 and S179.107	General Residential	<ul style="list-style-type: none"> <li>Zoning amended under Variation 1 of 24B and 24C Florance Avenue and 16, 26A and 26B Gould Street, Russell to Kororāreka Russell Township.</li> </ul>
S86.001	Māori Purpose Zone – Urban	<ul style="list-style-type: none"> <li>Amend zoning of 62 Albert Street, Kawakawa to General Residential zone.</li> </ul>
S380.001	Rural Production	<ul style="list-style-type: none"> <li>Amend zoning of 15 to 49 Kokohuia Road, Omapere (being Lots 5 to 8 DP130479, and Lots 1 and 2 of DP 75761) to General Residential.</li> </ul>

### Matters Raised in Submissions

197. 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. As this site is a Reserve and should be zoned as one of the Open Space or Recreation zones to ensure appropriate protection and treatment.
198. 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 (Lot 6 DP 73952, Lot 4 DP 73952 and lot 5 DP 73952). These submitters state that this zoning is a mapping error.
199. 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 as they have similar characteristics to the surrounding Russell Township zoned lands.

200. Nathaniel John Jull (S86.001) seeks to amend the zone 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 Te Ture Whenua Māori Act 1993.
201. 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.

### Analysis

202. In relation to the Brownie Family Trust submission, I undertook an investigation into the legal status of the site and consulted with FNDC Reserves Planner, Robin Rawson. The site is identified as the Lucy Elizabeth Williams Scenic Reserve, which was gifted to FNDC in June 2013. Ms Rawson has confirmed in her assessment that the site should be zoned Open Space, rather than Mixed Use. I consider the Mixed Use zoning to be an error and recommend that the site be rezoned to Open Space zone.
203. In response to the group of submitters identifying mapping errors on Enterprise Street, Kaikohe, I confirm 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.
204. 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.
205. In regard to the zoning of 62 Albert Street Kawakawa, Nathaniel John Jull has provided a copy of his property title, confirming that the site is held in General Title.
206. Theresa Burkhardt, Senior Policy Planner, has contacted and discussed the status of this property with Kath Taurau, Pae Manawa / Principal Liaison Officer, Te Kooti Whenua Māori / Māori Land Court. Clarification on the status and history has been sought.
207. Investigations of the public record reveal that 62 Albert Street, Kawakawa is identified in the Te Kooti Whenua Māori/Māori Land Court records as having the status General Land owned by Māori. As such it is included in the Pataka Whenua GIS database and therefore has had the Māori Purpose Zone applied.
208. It is the intention of the Māori Purpose zone to capture Māori Freehold Land and Māori Customary land under Te Ture Whenua Māori Act. It is not the intention of the MPZ to capture General Land owned by Māori.

209. Section 129 of TTWM Act describes all land to have a particular status for the purposes of the Act. Section 129 (2)(c) describes in further detail that land that is beneficially owned by a Māori or by a group of persons of whom a majority are Māori, has the status of General land owned by Māori.
210. In the case of 62 Albert Street, Kawakawa, Pataka Whenua does not provide ownership details for the block. The submitter provides a Record of Title that identifies the owners and states the owners are not Māori. The Record of Title also does not identify the land as being Māori Freehold Land or Māori Customary Land. Therefore, I conclude that the property should be zoned General residential.
211. Nigel Ross Surveyor Ltd opted into the Minute 14 timetable process. Through this process, Mr Ross provided further information indicating that the zoning of Lots 1 and 2 DP 75761 and Lots 5–8 DP 130479 as Rural Production was an error. He notes:
- "In 1988, the Hokianga County Council subdivided each side of Kokohuia Road—formerly areas of closed road—into residential sections for sale to the public. At the same time, the Council approved an amendment to their district plan (Scheme Change No.15), designating land east of Kokohuia Road as Residential 1, the same zoning as land on the western side. It appears that this change in zoning was missed when the first Far North District Plan was formulated, reverting this land back to Rural Production."*
212. I have reviewed planning documents from 1988 and found reference to Scheme Change No.15, which zoned these sites Residential 1. I also note that the sites were subsequently zoned General Rural in the Proposed Plan (October 1996). These properties are serviced by both wastewater and water. Based on this information, I consider it appropriate that Lots 1 and 2 DP 75761 and Lots 5–8 DP 130479 be zoned General Residential.

### **Recommendation**

213. For the above reasons, I recommend that the submission S74.002 is accepted and the land at 152-154 Marsden Road, Paihia is zoned General Residential.
214. For the above reasons, I recommend that the submission S86.001 is accepted and the land at 62 Albert Street, Kawakawa (Section 126 Block XVI Kawakawa SD is zoned General Residential.
215. For the above reasons, I recommend that the 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.

## Section 32AA Evaluation

216. The recommended amendment is to correct identified mapping errors; and therefore, no further assessment is required.

### 4.2.10 Retain Submissions

#### Overview

Submissions	Notified Zoning	PDP	Officer Recommendation(s)
S419.002 and S413.002	General Residential		<ul style="list-style-type: none"> <li>Retain Zoning of 164 and 166 Broadway Kaikohe and 45 Tawanui Road, Kaikohe (Lots 2 and 3 DP 165788 and Lot 2 DP 343569) as General Residential.</li> </ul>
S565.006	Mixed Use		<ul style="list-style-type: none"> <li>Retain zoning extent of Paihia as Mixed Use zone.</li> </ul>
S565.007 and S330.005	General Residential		<ul style="list-style-type: none"> <li>Retain zoning extent of Paihia as General Residential zone.</li> </ul>
S336.008	Mixed Use		<ul style="list-style-type: none"> <li>Retain the zoning at 45 Broadway, Kaikohe, 141-145 Commerce Street Kaitaia, 70 State Highway 10, Taipa and 4 Station Road, Kawakawa as Mixed Use zone.</li> </ul>
S336.023	Light Industrial		<ul style="list-style-type: none"> <li>Retain the zoning at Caltex Awanui Truck Stop – State Highway, Awanui.</li> </ul>
S559.006	Mixed Use		<ul style="list-style-type: none"> <li>Retain the extent of Mixed Use zoning.</li> </ul>

#### Matters Raised in Submissions

217. LMD Planning Consultancy (S419.002) and Roman Catholic Bishop (S413.002) are supportive of the General residential zone as notified, stating that the existing sties 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.
218. Z Energy Limited (S336.008) supports the Mixed Use zoning as notified of 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 were 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.
219. Z Energy Limited (S336.023) supports the Light Industrial zoning as notified at Caltex Awanui Truck Stop, State Highway 1, Awanui. No reasons are stated.



220. Te Rūnanga O Ngāti Rēhia (S559.006) supports in part Mixed Use zone as notified generally stating that there are climate change mitigation and adapting response relevant to the district planning that could be set out now. Te Rūnanga O Ngāti Rēhia supports the greater use of Mixed Use zones and enabling greater density in urban centres.
221. Paihia Properties (S565.006, S565.007, S330.006) seeks to retain the underlying urban zones as they apply to Paihia Township, with minimal overlays and restrictions.

### **Analysis**

222. The properties at 164 and 166 Broadway, Kaikohe, and 45 Tawanui Road, Kaikohe (Lots 2 and 3 DP 165788 and Lot 2 DP 343569) are zoned General Residential in the notified Proposed District Plan (PDP). Three further submissions oppose submission S419.002, all of which oppose the LMD Planning Consultancy submission in its entirety. No other submissions have sought changes to the zoning of these properties. I recommend that the General Residential zoning be retained.
223. Z Energy Limited operates service station and truck stop sites across the district, which are zoned either Mixed Use or Light Industrial in the notified Proposed District Plan (PDP). There have been no further submissions or requests for additional zoning changes relating to these sites. I recommend that the notified zoning of these properties be retained.
224. In relation to Te Rūnanga o Ngāti Rēhia's submission supporting, in part, the Mixed Use zoning, I make the following comments. Mixed Use zones across the district are located in urban areas and are intended to enable greater density of development within those areas. As part of Hearing 14 on Urban Zones, I recommended the introduction of a Town Centre zone for Kerikeri to better reflect its urban character and function. The Proposed District Plan (PDP) includes objectives, policies, and rules across various chapters that address climate change mitigation. Additionally, strategies outside the PDP—such as the Climate Change Roadmap 2020 and the Climate Action Policy (December 2023) - outline a broader approach to climate change, including goals and guiding principles. This submission is accepted in part.
225. 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.

### **Recommendation**

226. For the reasons above, I recommend that the submissions S419.002 and S413.002 are accepted.
227. For the reasons above, I recommend that submissions S336.008 and S336.023 are accepted.

228. For the above reasons, I recommend that the submission S559.006 is accepted in part.
229. For the above reasons, I recommend that the submission S565.006, S565.007 and S330.006 are accepted in part.

### Section 32AA Evaluation

230. No change is recommended at this stage. On this basis, no evaluation under Section 32AA is required.

## 4.2.11 General Residential Zone - North

### Overview

Submission	Notified PDP Zoning	Officer Recommendation(s)
<b>Kohukohu</b>		
S478.001 S453.001 S459.001	Mixed Use	<ul style="list-style-type: none"> <li>Retain the zoning of the 1368 Kohukohu road (Part Allot 22 SBRS OF Kohukohu) as Mixed Use.</li> </ul>
<b>Ahipara</b>		
S572.001	Rural Production	<ul style="list-style-type: none"> <li>Retain zoning as notified of 14 Wharo Way (Lot 16 DP 381292) as Rural Production.</li> </ul>
284.010	Rural Residential	<ul style="list-style-type: none"> <li>Retain zoning as notified of 1-45 Kokopu Street and 6-25 Karawaka Street (Kokopu Subdivision) as Rural Residential.</li> </ul>
S288.012 S284.012	Rural Production	<ul style="list-style-type: none"> <li>Retain Rural Production zoning at:               <ul style="list-style-type: none"> <li>11 Wharo Way (Lot 5 DP 381292)</li> <li>13 Wharo Way (Lot 17 DP 381292)</li> <li>14 Wharo Way (Lot 16 DP 381292)</li> <li>15 Wharo Way (Lot 7 DP 381292)</li> <li>16 Wharo Way (Lot 15 DP 381292)</li> <li>17 Wharo Way (Lot 8 DP 381292)</li> <li>19 Wharo Way (Lot 9 DP 381292)</li> <li>21 Wharo Way (Lot 10 DP 381292)</li> <li>23 Wharo Way (Lot 11 DP 381292)</li> <li>25 Wharo Way (Lot 12 DP 381292)</li> <li>27 Wharo Way (Lot 13 DP 381292)</li> <li>29 Wharo Way (Lot 14 DP 381292)</li> </ul> </li> </ul>

Submission	Notified PDP Zoning	Officer Recommendation(s)
		<ul style="list-style-type: none"> <li>• 31 Wharo Way (Lot 15 DP 381292)</li> <li>• 18 Highfields (Lot 1 DP 207792)</li> <li>• 29 Reef View Road (Part Lot 3 DP 58562)</li> <li>• 31D Reef View Road (Lot 1 DP 127888)</li> <li>• 39 Reef View Road (Lot 3 DP 493618)</li> <li>• 59 Reef View Road (Lot 2 DP 185309)</li> <li>• 41 Tasman Heights (Lot 3 DP 108257)</li> <li>• 51 Tasman Heights (Lot 2 DP 108257)</li> <li>• 63 Tasman Heights (Lot 1 DO 547517)</li> </ul>
S54.001	Rural Production	<ul style="list-style-type: none"> <li>• Retain zoning as notified of 31 Wharo way (Lot 15 DP 381292), Ahipara and Rural Production</li> </ul>
S502.103	Rural Production	<ul style="list-style-type: none"> <li>• Retain zoning along Wreck Bay Road, Ahipapa as Rural Production: <ul style="list-style-type: none"> <li>• Te Kohanga 26, Foreshore Road (Te Kohanga 26 Block)</li> <li>• Wreck Bay Road (Te Kohanga 25 Block)</li> <li>• Lot 23, Wreck Bay Road (Te Kohanga 23 Block)</li> <li>• Te Kohanga 20, Wreck Bay Road (Te Kohanga 20 Block)</li> <li>• Wreck Bay Road (Te Kohanga 19 Block)</li> <li>• Te Kohanga 18, Foreshore Road (Te Kohanga 18 Block)</li> <li>• 40 Wreck Bay Road (Te Kohanga 17 Block)</li> </ul> </li> </ul>
S85.001	General Residential	<ul style="list-style-type: none"> <li>• 9 Wharo Way (Lot 4 DP 381292)</li> </ul>
S52.001	Rural Production	<ul style="list-style-type: none"> <li>• 19 Wharo Way (Lots 9 and 19 DP 381292)</li> </ul>
S502.104 S85.002 S22.001	Rural Production	<ul style="list-style-type: none"> <li>• Retain zoning as Rural Production: <ul style="list-style-type: none"> <li>• 11 Wharo Way (Lot 5 DP 381292)</li> <li>• 13 Wharo Way (Lot 17 DP 381292)</li> <li>• 14 Wharo Way (Lot 16 DP 381292)</li> <li>• 15 Wharo Way (Lot 7 DP 381292)</li> <li>• 16 Wharo Way (Lot 15 DP 381292)</li> <li>• 17 Wharo Way (Lot 8 DP 381292)</li> <li>• 19 Wharo Way (Lot 9 DP 381292)</li> </ul> </li> </ul>

Submission	Notified PDP Zoning	Officer Recommendation(s)
		<ul style="list-style-type: none"> <li>21 Wharo Way (Lot 10 DP 381292)</li> <li>23 Wharo Way (Lot 11 DP 381292)</li> <li>25 Wharo Way (Lot 12 DP 381292)</li> <li>27 Wharo Way (Lot 13 DP 381292)</li> <li>29 Wharo Way (Lot 14 DP 381292)</li> <li>31 Wharo Way (Lot 15 DP 381292)</li> </ul>
<b>Awanui</b>		
S519.033 S358.032 S543.031 S547.031 S464.033 S472.033 S357.042 S485.033	Rural Production	<ul style="list-style-type: none"> <li>Retain zoning as notified for area wireless road, Kaitaia/ Awanui</li> </ul>
S319.001	Rural production	<ul style="list-style-type: none"> <li>Retain Rural Production zoning as notified: <ul style="list-style-type: none"> <li>State Highway 1, Southern Aupouri (Lot 2 DP 547587)</li> <li>126 State Highway 1, Southern Aupouri (Lot 3 DP 547587)</li> </ul> </li> </ul>
<b>Kaitaia</b>		
S582.001	Rural Residential	<ul style="list-style-type: none"> <li>Retain zoning as notified for 97 Okahu road, Kaitaia (Part Allot 99 PSH OF Ahipara) as Rural Residential</li> </ul>
S502.107	Rural Residential	<ul style="list-style-type: none"> <li>Retain Rural Residential zoning at: <ul style="list-style-type: none"> <li>192 Pukepoto Road (Lot 1 DP 47618)</li> <li>194 Pukepoto Road (Lot 2 DP 47618)</li> <li>196 Pukepoto Road (Lot 3 DP 47618)</li> <li>198 Pukepoto Road (Lot 1 DP 64773)</li> <li>206 Pukepoto Road (Lot 2 DP 60368)</li> <li>208 Pukepoto Road (Lot 1 DP 592240)</li> <li>210-216 Pukepoto Road (Lot 4 DP 600633)</li> <li>218 Pukepoto Road (Lot 2 DP 600633)</li> <li>220 Pukepoto Road (Lot 3 DP 600633)</li> <li>222 Pukepoto Road (Lot 1 DP 88209)</li> <li>224 Pukepoto Road (Lot 2 DP 88209)</li> </ul> </li> </ul>

Submission	Notified PDP Zoning	Officer Recommendation(s)
		<ul style="list-style-type: none"> <li>• 226 Pukepoto Road (Lot 1 DP 49527)</li> <li>• 228 Pukepoto Road (Lot 3 DP 49527)</li> <li>• 230 Pukepoto Road (Lot 5 DP 49527)</li> <li>• 232 Pukepoto Road (Lot 6 DP 49527)</li> <li>• 234 Pukepoto Road (Lot 9 DP 49527)</li> <li>• 236 Pukepoto Road (Lot 2 DP 45199)</li> <li>• 238 Pukepoto Road (Lot 3 DP 45199)</li> </ul>
S284.007	Rural Production	<ul style="list-style-type: none"> <li>• No zoning changes as a result of this submission point</li> </ul>
<b>Cable Bay</b>		
S288.017 S284.017	Rural Lifestyle	<ul style="list-style-type: none"> <li>• Retain zoning at               <ul style="list-style-type: none"> <li>• 66 Stratford Drive (Lot 43 DP 384236)</li> <li>• 68 Stratford Drive (Lot 44 DP 384236)</li> <li>• 70 Stratford Drive (Lot 45 DP 384236)</li> <li>• 72 Stratford Drive (Lot 46 DP 384236)</li> <li>• 74 to 177 Stratford Drive, 19 to 52 Dudley Crescent and 3 to 26 Sunrise Place (inferred) as Rural Lifestyle</li> </ul> </li> </ul>
S288.016 S284.016	Rural Residential	<ul style="list-style-type: none"> <li>• Retain Rural Residential zoning at:               <ul style="list-style-type: none"> <li>• 1 Pekama Drive, Mangonui (Lot 4 DP 357719)</li> <li>• 2 Pekama Drive, Mangonui (Lot 5 DP 357719)</li> <li>• 3 Pekama Drive, Mangonui (Lot 8 DP 357719)</li> </ul> </li> </ul>

## Matters Raised in Submissions/Analysis

### Kohukohu

#### Submissions

231. 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 submissions 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.



Figure 77: 1368 Kohukohu Road

### Analysis

232. A group of submitters has requested a General Residential zone for the property at 1368 Kohukohu Road, Kohukohu, which is currently zoned Mixed Use in the notified PDP. 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 argue that commercial activity at this location would unreasonably affect neighbouring residents.
233. My understanding is that the property is owned by the Kohukohu Community Arts and Creative Trust and looks to be a hall. The Mixed Use zoning is a rollover from the Commercial zone under ODP. In the absence of consultation with the property owner and without further details regarding the site's current or intended use, I recommend that the site retain its Mixed Use zoning. If further information is provided at or prior to the hearing I may reconsider my position.

## **Ahipara**

### Submissions

234. Several submitters, including Dave and Nisha Clark (S572.001) and Jacqueline and Timothy Partington (S54.001), request rezoning of Wharo Way and adjacent properties, as outlined above, from Rural Production to General Residential. They argue 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.





- 235. Trent Simpkin (S284.010) seeks to amend the zoning of land at 1-45 Kokopu Street and 6-25 Karawaka Street (Kokopu Subdivision) from Rural Residential zone to General Residential zone, siting that the land is already subdivided and is Residential in nature.
- 236. 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

- 237. The properties located on Wharo Way, Ahipara are zoned Rural Production in the notified Proposed District Plan (PDP), with a Coastal Environment overlay. This zoning reflects a rollover from the General Coastal zone under the Operative District Plan (ODP). The properties (Lot 5–20 DP 381292) range in size from 393m<sup>2</sup> to 1,670m<sup>2</sup> and are serviced by reticulated wastewater and stormwater.
- 238. 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).
- 239. While the properties may meet some of the urban rezoning criteria, such as location, land use, subdivision pattern, and infrastructure, I am not satisfied that the access constraints, due to significant coastal and river hazards, support rezoning. The current lot sizes mean that there could be additional subdivision opportunities which may have their access affected by those hazards outlined above. Additionally, there is insufficient evidence of demand for growth in this location.
- 240. The properties sought to be rezoned as part of the Kokopu subdivision are zoned Rural Residential in the notified PDP. While the properties may meet some of the urban rezoning criteria. Lot sizes between 710-1,524m<sup>2</sup> means that there appears to be additional subdivision/residential intensity development potential. 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.
- 241. The resource consent granted for the Kokopu subdivision RC 2140098, also included land use consent to increase the impermeable surfaces from 15-50%, to reduce the minimum building setback from road, and internal building setback in order to adequately provide for development in the operative zone. As a result of the resource consent there should be no additional consenting requirements for the construction of a single residential dwelling and or accessory building(s) on the sites.

242. The properties along Wreck Bay Road, Ahipara are zoned Rural Production in the notified PDP. Rural Production zoning was given to those sites that were zoned Coastal Residential under the ODP that were not serviced or located within a 'Settlement'. There was also consideration of alignment with the adjoining Māori Purpose – Rural zoned properties in this location. A General Residential zone would not be appropriate due to the absence of reticulated infrastructure. If further information was to be provided prior to or at the hearing I may consider if there is an alternative zone that could be applied.

## **Awanui**

### Submissions

243. Elbury Holdings (S519.033), Leah Frieling (S358.032) and other submitters<sup>6</sup> seek an amendment to the Planning Maps to remove the Rural Production zone from areas such as Wireless Road, Kaitaia, and 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 argue 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.
244. 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 limited 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 districts urgent need for additional residential capacity.

### Analysis

245. As per the Urban rezoning evaluation framework, infrastructure alone is not the only criteria to determine an Urban zone. Wireless road is disconnected from the Kaitaia urban area to the North of the town. Wireless road, zoned Rural Production appears to still be a rural environment with some large land holdings, enabling greater density in this location could create reserve sensitivity implications. This submitter has not 'opted in' and further information would be needed to understand the merits of rezoning these properties.
246. With regard to FNR Properties submission for General Residential zone in Awanui, the site located at Lot 2 and 3 DP 547587 is to the north of what I would consider is the Awanui Town, it is contiguous to the existing urban area, of which is serviced. Awanui is generally subject to extensive

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<sup>6</sup> S357.042, S464.033, S472.033, S543.031, S547.031

areas of identified flood hazard, although this property is not. If the site is able to be serviced and there is demand for growth at this location a zone change may have merit, further information would need to be provided around the additional capacity. However, at this time I recommend this rezoning is rejected.

## **Kaitaia**

### Submissions

247. 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 argues that the hillside location, being outside known flood-prone areas, makes the site suitable for future development in light of climate change and natural hazard considerations.
248. 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 expresses that 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 argues that the current zoning is inconsistent with the area's character and restricts appropriate development potential.
249. 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. They argue 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

250. The HBA<sup>7</sup> states that Kaitaia is projected to accommodate 2.5% of the total district wide household growth in the next 30 years. This would be 181 additional households by 2053. With the short-term and medium-term growth (to 2033) being 90 households. Plan enabled capacity identified more than sufficient capacity, but the potential development capacity is severely constrained in the short and medium term due to affordability and feasibility gap which does not respond to the provision of additional PEC.
251. The property at 97 Okahu Road is a large 25.9-hectare site located to the south of Kaitaia. It is zoned Rural Residential in the notified Proposed District Plan (PDP), reflecting its position on the fringe of the district's

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<sup>7</sup> HBA Report\_FINAL.pdf



settlements and acting as a transition to the surrounding Rural Production zones. While there appears to be a wastewater pipe running past the site's access on Okahu Road, and the submitter notes that the site is outside identified flood hazard areas, further assessment is required to determine whether the site meets the full criteria of the urban rezoning evaluation framework. At this stage, a live urban zone would not be appropriate without additional supporting information regarding servicing amongst other criteria.

252. The properties at 192–238 Pukepoto Road are zoned Rural Residential in the notified PDP. It appears that a wastewater pipe runs along Pukepoto Road, which may support future servicing. However, further information is required in line with the Minute 14 criteria to enable a site-by-site assessment against the urban rezoning evaluation framework. This information has not been provided by the submitter at this point in time.

### **Cable Bay**

#### Submissions

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

#### Analysis

254. Tristan and Trent Simpkin have requested that properties in Cable Bay, which are serviced by reticulated wastewater, be rezoned to General Residential. While infrastructure is a critical enabling factor, as acknowledged in the urban rezoning evaluation framework, zoning decisions must consider a broader set of criteria. Each site would need to be assessed on its own merits to determine whether it is suitable for Urban zoning. This information has not been provided by the submitter at this point in time.

### **Recommendation**

#### S478.001, S453.001, S459.001

255. As outlined in Minute 14, the onus is on the submitter to provide sufficient evidence to support and justify their rezoning request. At the time of writing this report, I do not have adequate information to make a fully informed recommendation. Based on the information currently available, my recommendation is to reject the submission point and retain the Mixed Use zoning as notified.

#### S54.001, S85.001, S52.001, S504.104, S85.002 and S22.001



256. As outlined in Minute 14, the onus is on the submitter to provide sufficient evidence to support and justify their rezoning request. At the time of writing this report, I do not have adequate information to make a fully informed recommendation. Based on the information currently available, my recommendation is to reject the submission point and retain the Rural Production zoning as notified.

S284.010

257. As outlined in Minute 14, the onus is on the submitter to provide sufficient evidence to support and justify their rezoning request. At the time of writing this report, I do not have adequate information to make a fully informed recommendation. Based on the information currently available, my recommendation is to reject the submission point and retain the Rural Residential zoning as notified.

S502.103

258. As outlined in Minute 14, the onus is on the submitter to provide sufficient evidence to support and justify their rezoning request. At the time of writing this report, I do not have adequate information to make a fully informed recommendation. Based on the information currently available, my recommendation is to reject the submission point and retain the Rural Production zoning as notified.

S357.042, S464.033, S472.033, S543.031, S547.031, S519.033 and S358.032

259. As outlined in Minute 14, the onus is on the submitter to provide sufficient evidence to support and justify their rezoning request. At the time of writing this report, I do not have adequate information to make a fully informed recommendation. Based on the information currently available, my recommendation is to reject the submission point and retain the zoning as notified.

S319.001

260. As outlined in Minute 14, the onus is on the submitter to provide sufficient evidence to support and justify their rezoning request. At the time of writing this report, I do not have adequate information to make a fully informed recommendation. Based on the information currently available, my recommendation is to reject the submission point and retain the rural Production zoning as notified.

S582.001

261. As outlined in Minute 14, the onus is on the submitter to provide sufficient evidence to support and justify their rezoning request. At the time of writing this report, I do not have adequate information to make a fully informed recommendation. Based on the information currently available, my recommendation is to reject the submission point and retain the Rural Residential zoning as notified.



#### S502.107

262. As outlined in Minute 14, the onus is on the submitter to provide sufficient evidence to support and justify their rezoning request. At the time of writing this report, I do not have adequate information to make a fully informed recommendation. Based on the information currently available, my recommendation is to reject the submission point and retain the Rural residential zoning as notified.

#### S284.007

263. As outlined in Minute 14, the onus is on the submitter to provide sufficient evidence to support and justify their rezoning request. At the time of writing this report, I do not have adequate information to make a fully informed recommendation. Based on the information currently available, my recommendation is to reject the submission point and retain the zoning as notified.

### **Section 32AA Evaluation**

264. No change is recommended at this stage. On this basis, no evaluation under Section 32AA is required.

## **4.2.12 General Residential Zone - West**

### **Overview**

Submissions	Notified PDP Zoning	Officer Recommendation(s)
<b>Ōmāpere</b>		
S299.001 S223.001	Rural Production	• 72 Kokohuia Road (Lot 1 DP 100456)
S248.001	Rural Lifestyle	• 341 Hokianga Harbour Drive (Lot 1 DP 38393)

### **Matters Raised in Submissions/Analysis**

#### Submissions

265. 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.
266. 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.



### Analysis

267. In response to Stephen Manley's submission regarding the zoning of 72 Kokohuia Road, Ōmāpere, I note that the site is 6,797m<sup>2</sup> in size and is zoned Rural Production in the notified PDP. The submitter states that the site is serviced by wastewater and stormwater and is connected to the Kokohuia waterline. Mr Manley has undertaken a brief assessment of the objectives and policies of both the Rural Production and Rural Residential zones and has clearly outlined the reasons for his rezoning request.
268. Applying a General Residential zone to this site would enable significantly more development capability on the site. The submitter notes that the plan would allow for a controlled activity subdivision of up to 11 lots and has provided some detail regarding servicing. However, there is no clear evidence of growth pressure or a demonstrated need for additional development capacity in this location. Further information and evidence are required to confirm whether upzoning would achieve appropriate urban outcomes, including a more robust assessment of infrastructure provision.
269. The property at 341 Hokianga Harbour Drive, Ōmāpere is 25,040m<sup>2</sup> in size and is zoned Rural Lifestyle in the notified PDP. The servicing status of the site is currently unknown. Mr Palmer, the submitter, 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.
270. Applying a Mixed Use or General Residential zone to this site would enable significantly more development. Under the General Residential zone, the controlled activity subdivision size could see up to 41 lots. 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 are required to confirm that upzoning would achieve appropriate urban outcomes for this site.

### **Recommendation**

#### S223.001 and S229.001

271. I note the onus on the submitter to provide the evidence to support and justify their rezoning request (as per Minute 14). At the time of writing this report I have insufficient information to make a fully informed recommendation. Based on the insufficient information currently available, my recommendation is to reject the submission point and retain the Rural Production zoning (as notified).

#### S248.001

272. I note the onus on the submitter to provide the evidence to support and justify their rezoning request (as per Minute 14). At the time of writing

this report I have insufficient information to make a fully informed recommendation. Based on the insufficient information currently available, my recommendation is to reject the submission point and retain the Rural Lifestyle zoning (as notified).

### Section 32AA Evaluation

273. No change is recommended at this stage. On this basis, no evaluation under Section 32AA is required.

### 4.2.13 General Residential Zone - Mid

#### Overview

Submission	Notified PDP Zoning	Officer Recommendation(s)
<b>Paihia</b>		
S74.001	Mixed Use	<ul style="list-style-type: none"> <li>Retain Mixed Use zoning at: <ul style="list-style-type: none"> <li>132 Marsden Road, Paihia (Lot 13 DP 15984)</li> <li>134 Marsden Road, Paihia (Part Lot 12 DP 15984)</li> <li>136 Marsden Road, Paihia (Lot 1 DP 425795)</li> <li>138 Marsden Road, Paihia (Lot 10 DP 15984)</li> <li>140 Marsden Road, Paihia (Lot 9 DP 15984)</li> <li>150 Marsden Road, Paihia (Lot 8 DP 15984)</li> </ul> </li> </ul>
<b>Kaikohe</b>		
S561.124	Mixed use	<ul style="list-style-type: none"> <li>Amend the zoning for 14 Park Road, Kaikohe (Lot 2 DP 155115) from Mixed Use to General Residential.</li> <li>Retain Mixed Use zoning at: <ul style="list-style-type: none"> <li>17 Mangakahia Road, Kaikohe (Lot 1 DP 151420)</li> <li>19 Mangakahia Road, Kaikohe (Lot 4 DP 151420)</li> <li>21 Mangakahia Road, Kaikohe (Lot 2 DP 151420)</li> <li>23 Mangakahia Road, Kaikohe (Lot 12 DP 38215)</li> <li>25 Mangakahia Road, Kaikohe (Lot 1 DP 196707)</li> <li>27 Mangakahia Road, Kaikohe (Lot 2 DP 196707)</li> <li>2A Guerin Street, Kaikohe (Lot 3 DP 151420)</li> <li>3 Guerin Street, Kaikohe (Lot 10 DP 38215)</li> <li>4A Guerin Street, Kaikohe (Lot 1 DP 204078)</li> </ul> </li> </ul>

Submission	Notified PDP Zoning	Officer Recommendation(s)
		<ul style="list-style-type: none"> <li>4B Guerin Street, Kaikohe (Lot 1 DP 204078)</li> <li>Guerin Street, Kaikohe (Lot 9 DP 38215)</li> <li>8 Guerin Street, Kaikohe (Lot 6B DP 50726)</li> <li>10 Guerin Street, Kaikohe (Lot 7B DP 50726)</li> </ul>
S4.001	Rural Production / general residential	<ul style="list-style-type: none"> <li>Retain zoning as notified of 9 Harold Avenue, Kaikohe (Section 67 Block XV Omapere SD) as spilt Rural Production and General Residential.</li> </ul>
<b>Kawakawa</b>		
S555.001	Rural residential	<ul style="list-style-type: none"> <li>Retain zoning of 11 Greenacres Drive (Section 22 SBRS of Kawakawa) and the adjoining site to the south Section 25 SBRS OF Kawakawa) as Rural Residential.</li> </ul>

## Matters Raised in Submissions

### Paihia

#### Submissions

274. 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. 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

275. The properties located on Marsden Road, Paihia are zoned Mixed Use in the notified Proposed District Plan (PDP), reflecting a rollover from the Commercial zoning under the Operative District Plan (ODP). These properties currently support a mix of commercial and residential uses. During Hearing 14 on Urban zones, I heard substantial evidence in support of permitting residential activity at ground floor level within the Paihia Mixed Use zone. In my Right of Reply, I recommended adopting this approach. Allowing residential development at ground floor level would ensure compatibility with the surrounding residential context. As noted in the urban rezoning evaluation framework, existing land use is only one of several criteria considered when assessing a change in zoning. In my opinion, it is appropriate to retain flexibility in the type of land use in this area over time in order to provide for a range of activities in what is a geographically confined area. As such, I believe rezoning of the is unnecessary.

### Kaikohe

## Submissions

276. Kāinga Ora (S561.124) requests rezoning of the specified Kaikohe properties from Mixed Use to General Residential, 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 argues 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.
277. Northland Proprietors Trust (S4.001) requests a zoning amendment for 39 Harold Avenue, Kaikohe, proposing that the portion of the site that's currently zoned Rural Production be changed to General Residential. The submitter expresses that the site is split between the two zones, despite having sewer infrastructure that runs through the Rural Production portion.

## Analysis

278. Kāinga ora properties in Kaikohe as listed in the overview table above have a Mixed use zone as notified. The property at 14 Park was zoned residential in the ODP. In the PDP as notified the zone is mixed use. It appears that this property zoning was picked up in error when the adjoining properties were rezoned to Mixed use. I consider that the zoning at 14 Park Road, Kaikohe is an error, and I recommend the zoning be amended to General Residential.
279. With regard to the other Kāinga ora properties at Mangakahia road and Guerin Street, Kaihoke, it is my understanding that these properties were upzoned from Residential to Mixed Use as part of the notified PDP. The Urban s32 report indicated that in the medium term there was the need for an additional 1.51 ha of commercial zoning in Kaikohe. An Additional area of 1.8 hectares of residential land under the ODP was zoned Mixed Use along Mangakahia road, including Guerin Street.
280. Residential activity is still able to be undertaken in the Mixed Use zone, through my recommendations in Hearing 14. My S42A report recommended that residential activity outside the pedestrian frontage be a restricted discretionary activity. For this reason, I do not support the change of zone sought by the Kāinga Ora submission.
281. The property at 39 Harold Avenue is split-zoned General Residential and Rural Production. The site is approximately 7.6 hectares, with around half zoned General Residential in the notified PDP, reflecting a rollover from the ODP. The site appears to have two access points, a river boundary, and is currently used for farming. A wastewater line runs up to the site's boundary.
282. If demand exists and the site is able to be serviced through the Infrastructure Acceleration Fund project, it may be a suitable



candidate for additional residential zoning. However, until further information is provided, particularly regarding infrastructure and development feasibility, I do not support the proposed rezoning of this site.

## **Kawakawa**

### Submissions

283. 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. 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

284. Ngā Kaingamaha o Ngāti Hine Charitable Trust opted into the Minute 14 hearings process. However, while I have exchanged several emails with the site's representative, no further information has been provided. It is acknowledged that significant infrastructure investment is required to enable development of this site. The submitter has indicated that the Infrastructure Acceleration Fund may support servicing of the lots. Until there is greater certainty around infrastructure provision, alongside other relevant criteria, I am unable to support the proposed rezoning of this site.

## **Recommendation**

### S74.001

285. I note the onus on the submitter to provide the evidence to support and justify their rezoning request (as per Minute 14). At the time of writing this report I have insufficient information to make a fully informed recommendation. Based on the insufficient information currently available, my recommendation is to reject the submission point and retain the Mixed Use zoning (as notified).

### S561.124

286. I note the onus on the submitter to provide the evidence to support and justify their rezoning request (as per Minute 14). At the time of writing this report I have insufficient information to make a fully informed recommendation. Based on the insufficient information currently available, my recommendation is to reject the submission point and retain the Mixed Use zoning (as notified).

### S4.001

287. I note the onus on the submitter to provide the evidence to support and justify their rezoning request (as per Minute 14). Although in my view there is merit in the rezoning submission(s), at the time of writing this report I have insufficient information to make a fully informed





recommendation. Based on the insufficient information currently available, my interim recommendation is to reject the submission point and retain the Rural Production/General Residential zoning (as notified). I may reconsider this position if the submitter provides the evidence to support and justify their rezoning request in accordance with the Minute 14 criteria at the Hearing.

#### S561.124

288. For the above reasons, I recommend that the submission S561.124 is accepted in part and the land at 14 Park Road (Lot 2 DP 155115) is zoned General Residential. All other properties are to be retained as Mixed Use zone as notified.

#### S555.001

289. I note the onus on the submitter to provide the evidence to support and justify their rezoning request (as per Minute 14). At the time of writing this report I have insufficient information to make a fully informed recommendation. Based on the insufficient information currently available, my recommendation is to reject the submission point and retain the Rural Residential zoning (as notified).

### **Section 32AA Evaluation**

290. A Section 32AA evaluation for the recommendation to change the zone from mixed use zone to General residential zone for 14 Park Road, Kaikohe is not necessary as it considered that this change is rectifying an error.

## **4.2.14 Mixed Use Zone**

### **Overview**

Submission	Notified PDP Zoning	Officer Recommendation(s)
<b>Opua</b>		
S251.016	General Residential	<ul style="list-style-type: none"><li>Retain zoning of 14 Baffin Street Opua (Section 9 Block XXII TN OF Opua)</li></ul>

### Matters Raised in Submission

291. New Zealand Maritime Parks Ltd (S251.016) requests that 14 Baffin Street, Opua 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 Opua'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.

### **Analysis**

292. The site at 14 Baffin Street, Opuia is 1,179m<sup>2</sup> in size and is zoned General Residential in the notified PDP. This zoning reflects a rollover from the Coastal Residential zone under the Operative District Plan (ODP), where sites with servicing were transitioned to General Residential. 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 unclear why one urban use would be more appropriate than another based on the hazards that affect the site. However, the submission lacks a detailed assessment to support and justify the rezoning request.

### Recommendation

293. As outlined in Minute 14, the onus is on the submitter to provide sufficient evidence to support and justify their rezoning request. While I consider there may be merit in the rezoning submission, I currently lack the necessary information to make a fully informed recommendation. Based on the information available at this time, my interim recommendation is to reject the submission point and retain the General Residential zoning as notified. I may reconsider this position if the submitter provides adequate supporting evidence in accordance with the Minute 14 criteria at the Hearing.

### Section 32AA Evaluation

294. No change is recommended at this stage. On this basis, no evaluation under Section 32AA is required.

## 4.2.15 Light industrial Zone

### Overview

Submission	Notified PDP Zoning	Officer Recommendation(s)
<b>Mangonui</b>		
S372.001	Rural residential	<ul style="list-style-type: none"> <li>Retain zoning of 8 waterfront Drive, Mangonui (Lot 2 DP 385878) as Rural Residential zone.</li> </ul>
S392.001	Rural residential	<ul style="list-style-type: none"> <li>Retain zoning of 6 waterfront Drive, (Lot 1 DP 174109) Mangonui as Rural Residential zone.</li> </ul>
<b>Haruru</b>		
S45.001	Rural Production	<ul style="list-style-type: none"> <li>Retain zoning of 759 State Highway 10, Oromahoe (Lot 1 DP 170731).</li> </ul>

### Mangonui

#### Submissions

295. 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.

#### Analysis

296. Grant Alan Billington & Georgina McGarry (S372.001) and Kaizen Management Limited (S392.001) sites at 6 and 8 Waterfront Drive, Mangonui are zoned Rural Residential as notified. There are two further submitters that oppose the Light Industrial rezoning. Without a detailed analysis the proposed rezoning of these properties would be in line with the criterion listed in the Urban rezoning evaluation framework. However, further details would need to be provided in line with the Minute 14 criteria before I could make a more informed recommendation. Therefore, I do not recommend the rezoning at this time.

#### **Haruru**

#### Submissions

297. 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 argues that Light Industrial zoning would allow the site to be used more appropriately without requiring special provisions.

#### Analysis

298. The submission by Puketona Business Park Limited 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, and is zoned Rural Production in the notified PDP, as described in the submission.
299. 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. 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. Without this detail, I am unable to recommend a zone change.

#### **Recommendation**



#### S372.001 & S392.001

300. As outlined in Minute 14, the onus is on the submitter to provide sufficient evidence to support and justify their rezoning request. While I consider there may be merit in the rezoning submission(s), I currently lack the necessary information to make a fully informed recommendation. Based on the information available at this time, my interim recommendation is to reject the submission point and retain the Rural Residential zoning as notified. I may reconsider this position if the submitter provides adequate supporting evidence in accordance with the Minute 14 criteria at the Hearing.

#### S45.001

301. I note the onus on the submitter to provide the evidence to support and justify their rezoning request (as per Minute 14). At the time of writing this report I have insufficient information to make a fully informed recommendation. Based on the insufficient information currently available, my recommendation is to reject the submission point and retain the Rural Production zoning (as notified).

#### **Section 32AA Evaluation**

302. No change is recommended at this stage. On this basis, no evaluation under Section 32AA is required.

### **4.2.16 Kororareka Russell Township Zone**

#### **Overview**

<b>Submission</b>	<b>Notified PDP Zoning</b>	<b>Officer Recommendation(s)</b>
S315.001	Rural Production	<ul style="list-style-type: none"><li>Retain zoning as notified 34 Pukematu Lane, Russell (Lot 1 DP 487296) as Rural Production zone</li></ul>
S44.001	Rural Production	<ul style="list-style-type: none"><li>Retain Zoning as notified of 19 (Part Section 9 Block I Russell SD) and 24 (Lot 1 DP 149970) James Street, and 34 (Lot 1 DP 487296) and 36 (Lot 2 DP 487296) Pukematu Lane, Russell as Rural Production</li></ul>

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

##### Russell

303. Colwyn Shortland (S315.001) and Des Lorraine Morrison (S44.001) seek to rezone 19 and 24 James Street and 34 and 36 Pukematu Lane Russell from Rural Production to Kororāreka Russell Township Zone. The submitters argue the land is unsuitable for Rural Production due to terrain, size and lack of productive use, and note it aligns with

surrounding residential character and is serviceable by existing infrastructure.

### **Analysis**

304. The sites at 19 and 24 James Street, and 34 and 36 Pukematu Lane, Russell, were zoned Rural Production in the notified Proposed District Plan (PDP), with lot sizes ranging from 11,466m<sup>2</sup> to 32,815m<sup>2</sup>. The submission provides site-specific details and argues that the Kororāreka Russell Township zone would be more appropriate. Although the land is not currently connected to the town's wastewater system, 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 are entirely within the Coastal Environment overlay.
305. 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. It is my understanding that infrastructure within Kororāreka Russell has a very limited design capacity. Significantly more information and supporting evidence are required to confirm whether upzoning would result in appropriate urban, landscape and coastal outcomes. This would need to include a more robust assessment of infrastructure provision to support future development amongst other criteria. As such, I do not recommend rezoning of this property at this time.

### **Recommendation**

306. As outlined in Minute 14, the onus is on the submitter to provide sufficient evidence to support and justify their rezoning request. At the time of writing this report, I do not have adequate information to make a fully informed recommendation. Given the current lack of supporting evidence, my recommendation is to reject the submission point and retain the Rural Production zoning as notified.

### **Section 32AA Evaluation**

307. No change is recommended at this stage. On this basis, no evaluation under Section 32AA is required.

#### 4.2.17 Other

##### Overview

Submission	Notified PDP Zoning	Officer Recommendation(s)
S288.015 & S284.015	Various	<ul style="list-style-type: none"> <li>No zoning changes as a result of this submission point.</li> </ul>
S184.026	Rural Residential	<ul style="list-style-type: none"> <li>No zoning changes as a result of this submission point.</li> </ul>

##### Matters Raised in Submissions

308. Tristan Simpkin (S288.015) and Trent Simpkin (S284.015) proposes 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 argue this change will support further development and the creation of additional sites.
309. 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.

##### Analysis

310. 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. I make the following comments:
311. Uncertainties around detail in all networks and bulk capacity of infrastructure locations around the district.
- Legacy of inconsistencies of approvals for connection to wastewater.
  - Sites sizes could be large enabling potentially significant plan enabled development and hence demand on connections.
  - No clear demand for growth in all areas throughout the district.
312. 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.
313. In regard to the submission point from FNDC (Transport), the zoning approach near urban centres reflects sound planning principles that balance growth management, land use efficiency, and transport outcomes.
314. I consider that the zoning pattern, particularly that recommended for the district's fastest growing area 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.

### **Recommendation**

#### S288.015 and S284.015

315. I note the onus on the submitter to provide the evidence to support and justify their rezoning request (as per Minute 14). At the time of writing this report I have insufficient information to make a fully informed recommendation. Based on the insufficient information currently available, my recommendation is to reject the submission point and retain the various zonings (as notified).

#### S184.026

316. I note the onus on the submitter to provide the evidence to support and justify their rezoning request (as per Minute 14). At the time of writing this report I have insufficient information to make a fully informed recommendation. Based on the insufficient information currently available, my recommendation is to reject the submission point and retain the various zonings (as notified).

### **Section 32AA Evaluation**

317. No change is recommended at this stage. On this basis, no evaluation under Section 32AA is required.

### **4.3 Conclusion**

318. This report has provided an assessment of submissions received in relation to rezoning requests relevant to Hearing 15C Rezoning Urban. The primary amendments that we have recommended are:

- Zoning errors amended
- Zone and provisions amendments in relation to Matauri bay subdivision
- General residential zoning for 6 Bedggood Close, Paihia
- Additional parcels added to the Hospital special purpose zone
- Additional Light industrial land as sought by Ngāwhā Generation Limited

319. Section 4.2 considers and provides recommendations on the decisions requested in submissions. We consider that the submissions relating to rezoning requests in Hearing 15C Rezoning Urban should be accepted, accepted in part, or rejected, as set out in Appendix 1 and 2 and my recommendations of this report.



320. We consider that the amendments recommended to zoning of the PDP will be efficient and effective in achieving the purpose of the RMA, the relevant objectives of the PDP and other relevant statutory documents, for the reasons set out in the Section 32AA evaluations undertaken.

**Recommended by:** Sarah Trinder, Senior Policy Planner, Far North District Council

**Recommended by:** Jerome Wyeth, Technical Director – Planning, SLR Consulting.

**Approved by:** James R Witham – Team Leader District Plan, Far North District Council

**Date:** 1/09/2025