

**BEFORE THE HEARING PANEL OF COMMISSIONERS  
FOR THE FAR NORTH DISTRICT PLAN**

**IN THE MATTER** of a proposed plan under schedule 1 of the Resource  
Management Act 1991

**AND**

**IN THE MATTER** of submissions and further submissions under  
clauses 6 and 8 of schedule 1 of the Resource  
Management Act 1991

**SUBMITTER** **Neil Construction Limited**  
(Submitter no. 349; Further Submitter no. 445)

**HEARING** **15C: Rezoning General**

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**LEGAL SUBMISSIONS FOR NEIL CONSTRUCTION LIMITED  
DATED 23 SEPTEMBER 2025**

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**Solicitor acting:**

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## Introduction

- 1 Neil Construction Limited (**NCL**) seeks the rezoning of approximately 156 ha in Kerikeri from Rural Lifestyle Zone (**RLZ**) to Rural Residential Zone (**RRZ**).

## Evidence

- 2 NCL calls evidence from:
- (a) James Rigg;<sup>1</sup> and
  - (b) Philip Brown.<sup>2</sup>

## Submission Land

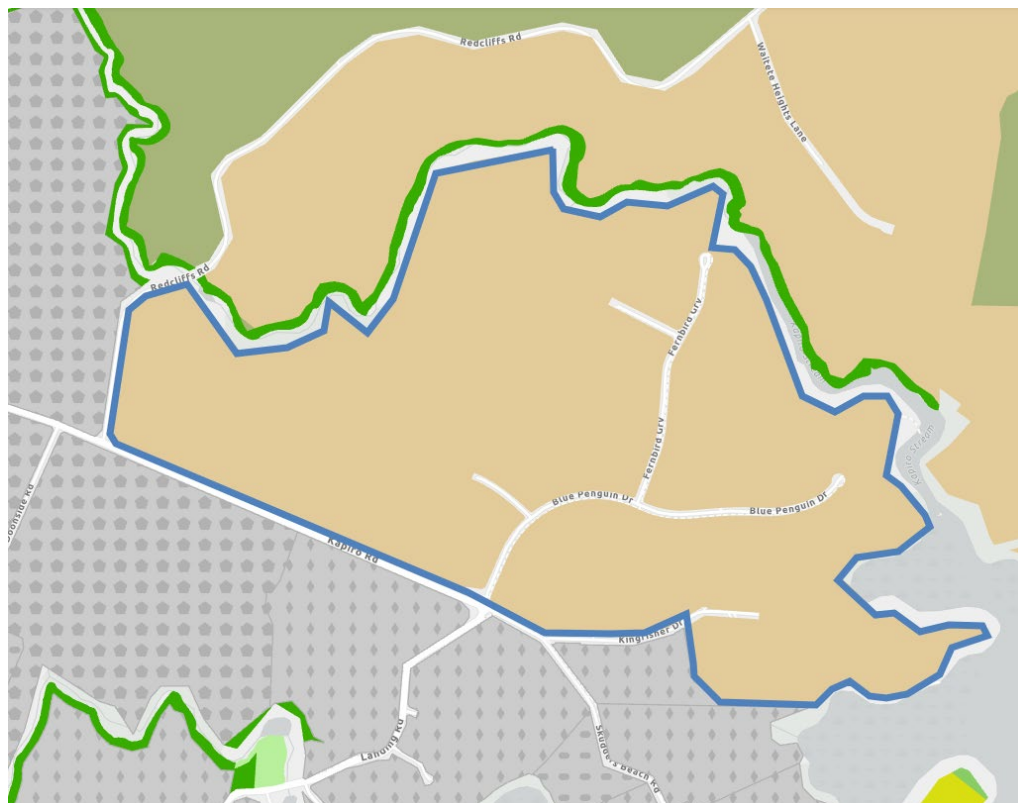
- 3 The land to be rezoned (**Submission Land**) comprises:
- (a) the residential development known as Rangitane River Park made up of:
    - (i) 33 lots developed by NCL as Stage 1 (plus an additional 3 lots created subsequently)
    - (ii) 22 lots developed by NCL as Stage 2; and
    - (iii) 115 lots to be developed by NCL as Stages 3-6 under a resource consent referenced 2200416-COM issued on 16 May 2025; and
  - (b) 17 lots at Skudders Beach Road and Kingfisher Drive.

A list of the Submission Land is set out in the schedule to these submissions and outlined in blue in the image below.

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<sup>1</sup> Statement of Evidence of Geoffrey James Rigg dated 9 June 2025 (**Rigg Evidence**)

<sup>2</sup> Statement of Evidence of Philip Michael Brown dated 9 June 2025 (**Brown Evidence**) and Statement of Reply Evidence of Philip Michael Brown dated 15 September 2025 (**Brown Reply**)



- 4 The Submission Land is located approximately 4 km north of Kerikeri between Kapiro Road, Redcliffs Road, the Kerikeri Inlet and the Rangitane River.
- 5 It has been developed over time for large-lot rural residential purposes. Existing, lawfully established, and consented development comprises one house per lot with varying degrees of landscaping.
- 6 NCL has developed Rangitane River Park in stages from 2013. The final stages (Stages 3-6) were consented in May 2025 and work to give effect to the consent is underway.
- 7 Across the Submission Land, lots range in size with larger lots in the Coastal Environment Overlay gradually transitioning towards smaller lots towards the centre of the Submission Land.

## Reasons for Submission

- 8 The principal reasons for the submission are:
- (a) the purpose of the RRZ more closely aligns with the consented development and lawfully established use of the Submission Land
  - (b) the RLZ enables activities that are incompatible with the consented development and lawfully established use of the Submission Land
  - (c) the development standards in the RLZ may not align with the consented development and result in otherwise unnecessary applications for resource consent; and
  - (d) zoning the Submission Land RRZ would result in a coherent pattern of zoning with natural and defensible boundaries comprising the Rangitane River and public roads (Redcliffs Road and Kapiro Road).
- 9 Put plainly, the RRZ is a better fit for the established and consented land use of the Submission Land.<sup>3</sup>

## Assessment

- 10 The rezoning is supported by the reporting planner based on the Hearing Panel's guidance criteria. She concludes at paragraph 216 of the s 42A report that: *"I do not see merit in entertaining a return to a more productive rural zone when the existing and consented character and development intensity of the land has clearly changed to a residential focus."*
- 11 When considering the proposed zoning against the statutory framework, the RRZ is the most appropriate zoning for the Submission Land.

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<sup>3</sup> Rigg Evidence at para 21

- 12 In particular, the proposed zoning of the Submission Land does not touch directly on any National Policy Statement or the Northland Regional Policy Statement:<sup>4</sup>
- (a) neither the National Policy Statement on Urban Development nor the National Policy Statement for Highly Productive Land apply to the Submission Land
  - (b) the National Policy Statement for Freshwater Management, National Policy Statement for Indigenous Biodiversity, and the New Zealand Coastal Policy Statement have been considered (where relevant) in the consenting processes that have authorised development of the Submission Land; and
  - (c) the objectives and policies in the Northland Regional Policy Statement are neutral as to the zoning of the Submission Land.
- 13 All of the Submission Land has either been developed or has consent to be developed. As such, the actual and potential effects of that development, including the effects of the development on three waters and transport infrastructure and natural hazards, have been considered and found to be acceptable.
- 14 Limited realisable opportunities (if any) exist for further subdivision:<sup>5</sup>
- ...only a small portion of lots are both large enough and sufficiently unconstrained to apply for a discretionary activity subdivision satisfies me that rezoning this land is more likely to reinforce the status quo as opposed to enable more development.
- 15 So, overall, as set out in Mr Brown's statement of evidence dated 9 June 2025: *"the RRZ would be a more efficient option for the land than the RLZ. This is primarily because the RLZ is misaligned with the approved and existing land use on the Submission Land."*

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<sup>4</sup> Brown Evidence, pp 12-13

<sup>5</sup> s 42A Report at para 213 and 214(d) and at 215

**Dated** 23 September 2025

A handwritten signature in blue ink, consisting of stylized, flowing letters, positioned above a horizontal line.

V J Toan  
Counsel for Neil Construction Limited

### Schedule of Land for Rezoning to Rural Residential Zone

Legal Description	Address
<b>RANGITANE RIVER PARK STAGE 1</b>	
Lot 1 DP 494309	2 Blue Penguin Drive
Lot 2 DP 494309	4 Blue Penguin Drive
Lot 2 DP 503502	8A Blue Penguin Drive
Lot 1 DP 503502	8B Blue Penguin Drive
Lot 4 DP 494309	10 Blue Penguin Drive
Lot 5 DP 494309	12 Blue Penguin Drive
Lot 6 DP 494309	14 Blue Penguin Drive
Lot 7 DP 494309	16 Blue Penguin Drive
Lot 8 DP 494309	18 Blue Penguin Drive
Lot 9 DP 494309	20 Blue Penguin Drive
Lot 10 DP 494309	22 Blue Penguin Drive
Lot 11 DP 494309	24 Blue Penguin Drive
Lot 12 DP 494309	26 Blue Penguin Drive
Lot 33 DP 505455	28 Blue Penguin Drive
Lot 34 DP 505455	30 Blue Penguin Drive
Lot 35 DP 505455	32 Blue Penguin Drive
Lot 36 DP 505455	33 Blue Penguin Drive
Lot 37 DP 505455	31 Blue Penguin Drive
Lot 16 DP 494309	29 Blue Penguin Drive
Lot 17 DP 494309	27 Blue Penguin Drive
Lot 18 DP 494309	25 Blue Penguin Drive
Lot 19 DP 494309	23 Blue Penguin Drive
Lot 20 DP 494309	21 Blue Penguin Drive
Lot 21 DP 494309	19 Blue Penguin Drive
Lot 22 DP 494309	17 Blue Penguin Drive
Lot 23 DP 494309	2 Fernbird Grove
Lot 24 DP 494309	4 Fernbird Grove
Lot 25 DP 494309	1 Fernbird Grove
Lot 26 DP 494309	11 Blue Penguin Drive
Lot 27 DP 494309	9 Blue Penguin Drive
Lot 28 DP 494309	7 Blue Penguin Drive
Lot 29 DP 494309	2 Fantail Rise
Lot 30 DP 494309	3 Fantail Rise
Lot 31 DP 494309	3 Blue Penguin Drive
Lot 32 DP 409309	1 Blue Penguin Drive
<b>RANGITANE RIVER PARK STAGE 2</b>	
Lot 38 DP 532487	6 Fernbird Grove
Lot 39 DP 532487	8 Fernbird Grove
Lot 40 DP 532487	10 Fernbird Grove
Lot 41 DP 532487	12 Fernbird Grove
Lot 42 DP 532487	14 Fernbird Grove
Lot 43 DP 532487	16 Fernbird Grove
Lot 44 DP 532487	18 Fernbird Grove
Lot 45 DP 532487	20 Fernbird Grove
Lot 46 DP 532487	22 Fernbird Grove

Lot 47 DP 532487	24 Fernbird Grove
Lot 48 DP 532487	21 Fernbird Grove
Lot 49 DP 532487	17 Fernbird Grove
Lot 50 DP 532487	15 Fernbird Grove
Lot 51 DP 532487	13 Fernbird Grove
Lot 52 DP 532487	11 Fernbird Grove
Lot 53 DP 532487	9 Fernbird Grove
Lot 54 DP 532487	7 Fernbird Grove
Lot 55 DP 532487	5 Fernbird Grove
Lot 56 DP 532487	3 Fernbird Grove
Lot 57 DP 532487	4 Spoonbill Drive
Lot 58 DP 532487	5 Spoonbill Drive
Lot 59 DP 532487	3 Spoonbill Drive
<b>RANGITANE RIVER PARK STAGES 3-6</b>	
Lot 1001 DP 532487	Lot 1001 Kapiro Road
<b>KINGFISHER DRIVE</b>	
Lot 2 DP 135938	15 Skudders Beach Road
Lot 1 DP 379081	11 Kingfisher Drive
Lot 2 DP 379081	23 Kingfisher Drive
Lot 3 DP 379081	Lot 3 Kingfisher Drive
Lot 2 DP 359913	29 Kingfisher Drive
Lot 1 DP 359913	37 Kingfisher Drive
Lot 1 DP 208740	43 Kingfisher Drive
Lot 5 DP 317854	53 Kingfisher Drive
Lot 2 DP 311542	55 Kingfisher Drive
Lot 1 DP 317854	65A Kingfisher Drive
Lot 3 DP 333063	65B Kingfisher Drive
Lot 2 DP 333063	65C Kingfisher Drive
Lot 1 DP 333063	65D Kingfisher Drive
Lot 1 DP 425491	48 Kingfisher Drive
Lot 2 DP 425491	44 Kingfisher Drive
Lot 2 DP 345848	Lot 2 Kingfisher Drive
Lot 3 DP 425491	Kingfisher Drive