



## **SECTION 42A REPORT**

### **Hearing 15B: Rezoning Submissions**

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<b>1</b>	<b>Executive summary.....</b>	<b>3</b>
<b>2</b>	<b>Introduction .....</b>	<b>4</b>
2.1	Author and qualifications .....	4
2.1.1	Officer 1 – Jerome Wyeth (reporting officer for all rezoning requests except the Motukiekie Island Precinct) .....	4
2.1.2	Officers 2 – Kenton Baxter (reporting officer for the Motukiekie Island SPZ).....	5
2.2	Scope/Purpose of Report .....	5
2.3	Expert Advice .....	6
2.4	Code of Conduct .....	6
2.5	Procedural matters.....	6
2.5.1	Pre-hearing Engagement with Submitters.....	6
2.6	Section 32AA evaluation .....	7
<b>3</b>	<b>Consideration of submissions received.....</b>	<b>8</b>
3.1	Overview of submissions received.....	8
3.2	Officer Recommendations .....	8
3.2.1	Corrections – Special Purpose Zone (Jerome Wyeth) .....	8
3.2.2	Matakā Station Precinct (Jerome Wyeth) .....	14
3.2.3	The Landing Precinct (Jerome Wyeth).....	31
3.2.4	Wiroa Station – Special Purpose Zone (Jerome Wyeth).....	43
3.2.5	Motukiekie Island Precinct (Kenton Baxter).....	45
3.2.6	Other rezoning requests (Jerome Wyeth) .....	60
<b>4</b>	<b>Conclusion .....</b>	<b>66</b>

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

#### **Appendix 2: Officer’s Recommended decisions on submissions**

#### **Appendix 3: Recommended provisions for Corrections Special Purpose Zone, Matakā Station Precinct, The Landing Precinct, Motukiekie Island Precinct**

#### **Appendix 4: Recommended amendments to the PDP maps**

#### **Appendix 5: Technical Memos**



## Appendix 6: Pre-hearing minutes with Motukiekie Owners

### List of Abbreviations

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

Submitter Number	Abbreviation	Full Name of Submitter
S32	Motukiekie Owners	Mr Lewis Thomas Grant, Mr Jake Ryan Lockwood, Mr Luke Stephen Lockwood and Mr Stephen Graham Lockwood

**Table 2: Other abbreviations**

Abbreviation	Full Term
CE	Coastal Environment
FNDC	Far North District Council
HNC	High Natural Character
MIP	Motukiekie Island Precinct
MSP	Matakā Station Precinct
NFL	Natural Features and Landscapes
NOSZ	Natural Open Space Zone
NPS	National Policy Statement
NRCF	Northland Regional Corrections Facility
NZCPS	New Zealand Coastal Policy Statement 2010
ODP	Operative District Plan
ONC	Outstanding Natural Character
ONL	Outstanding Natural Landscape
PDP	Proposed District Plan
RLZ	Rural Lifestyle Zone
RMA	Resource Management Act 1991
RPROZ	Rural Production Zone
RPS	Regional Policy Statement for Northland 2016
SNA	Significant Natural Area
SPZ	Special Purpose Zone
TLP	The Landing Precinct



## **1 Executive summary**

1. The Far North Proposed District Plan (PDP) was publicly notified in July 2022. This report provides recommendations on submissions requesting rezoning of land to new special purpose zones and precincts<sup>1</sup>. This section 42A report should be read in conjunction with the Rezoning Submissions - Overview Report, which includes an overview of the spatial layers in the National Planning Standards.
2. This report addresses rezoning submissions requesting:
  - a. A Corrections Special Purpose Zone (SPZ)
  - b. Matakā Station Precinct
  - c. The Landing Precinct
  - d. A SPZ for Wiroa Station
  - e. Motukiekie Island Precinct
  - f. Other SPZ (Ōmarino, Henderson Bay, Tupou Ecological Area).
3. Section 3.2 of this report groups and evaluates the above categories of rezoning submissions. This report does not address submissions requesting a Waitangi SPZ or submissions requesting a Bay of Islands Marina Precinct which are addressed in separate section 42A reports for Hearing 15B.
4. This report has been prepared in accordance with section 42A of the Resource Management Act 1991 (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 RMA.
5. The key changes recommended in this report relate to:
  - a. Rezoning of the Northland Regional Corrections Facility from Rural Production Zone (RPROZ) to a Corrections SPZ

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<sup>1</sup> I note there has been refinement to the spatial layers being requested by submitters in response to feedback from Council reporting officers. This has generally resulted in a "precinct" now being the requested spatial layer rather than a special purpose zone due to the criteria in the National Planning Standards.



- b. New precincts<sup>2</sup> to be inserted into the PDP under the RPROZ heading for the Matakā Station Precinct (MSP) and the Motukiekie Island Precinct (MIP)
- c. The Landing Precinct (TLP) being supported **in principle** for inclusion in the PDP under the same RPROZ heading subject to some outstanding matters being addressed which MLP LLC (S183) have indicated will be addressed through rebuttal evidence prior to the hearing
- d. A range of recommended amendments to the provisions for the Corrections SPZ, MSP, TLP and MIP to improve workability, clarify relationship with the underlying zone and overlays, ensure these achieve the desired outcomes, and can be effectively implemented by Far North District Council (FNDC).

## **2 Introduction**

### **2.1 Author and qualifications**

#### **2.1.1 Officer 1 – Jerome Wyeth (reporting officer for all rezoning requests except the Motukiekie Island Precinct)**

- 6. My full name is Jerome Wyeth. I am a Technical Director – Planning at SLR Consulting based in Whangarei.
- 7. 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.
- 8. 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.
- 9. 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 close involvement in national direction instruments relating to highly

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<sup>2</sup> Note that the National Planning Standards (Format Standard 10.15) require that “*Precincts must be identified with 'PREC', followed by a sequential number, a space, an en-dash, a space, the precinct's unique name, a space, and 'precinct'*”, such as PREC1 – The Mataka Station Precinct. However, for the purposes of this report, specific numbering for the recommended precincts has not been identified at this point of time.



productive land, indigenous biodiversity, renewable electricity generation and electricity transmission, climate change, plantation forestry and telecommunication facilities.

10. I have been working with FNDC on the PDP since 2021. I am the reporting officer for a number of PDP topics, including other special purpose zones, coastal environment, indigenous biodiversity, earthworks, infrastructure, natural hazard and other rezoning topics. I have not been involved in any of the rezoning requests addressed in this report prior to notification of the PDP.

### **2.1.2 Officers 2 – Kenton Baxter (reporting officer for the Motukiekie Island SPZ)**

11. My full name is Kenton Robert Owen Baxter, and I am a Policy Planner in the District Planning Team at FNDC.
12. I hold the qualifications of a Master of Planning and a Bachelor of Environmental Management and Planning obtained from Lincoln University. I am an intermediate member of the New Zealand Planning Institute.
13. I have six years' experience in planning and resource management including policy development, formation of plan changes and associated s.32 assessments; s.42a report preparation and associated evidence; and the preparing of resource consent applications. This experience has been gained from working for both local government and in the private sector.
14. I have been involved as the reporting planner in previous hearings in relation to the following topics Orongo Bay, Quail Ridge, Moturoa Island, Noise, Light, Genetically Modified Organisms (GMO's) and Renewable Electricity Generation.
15. I have made recommendations on submissions in relation to Motukiekie Island and am responsible for this section of the report.

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

16. This report should be read in conjunction with the Rezoning Submissions - Overview Report, which 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 Minute 14 from the Hearing Panel.



17. This report has been prepared in accordance with section 42A of the RMA to:
  - a. Assist the Hearings Panel in making their decisions on the submissions and further submissions on the PDP
  - 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 submissions requesting rezoning of land to new SPZ and precincts that have been allocated to Hearing 15B. However, this report does not address submissions requesting the Waitangi SPZ and the Bay of Islands Marina Precinct which are addressed in separate section 42A reports for Hearing 15B.

## **2.3 Expert Advice**

19. In preparing this report, we have relied on the expert landscape advice of Ms Absolum from Melean Absolum Limited - Landscape Architects. Ms Absolum has provided landscape advice on the rezoning requests relating to Matakā Station, The Landing, and Motukiekie Island. Mr Brown from Horizon Archeology has also undertaken a peer review of the archaeological evidence provided in support of the Motukiekie Island rezoning request. These technical memos and advice are provided in **Appendix 5** to this report.

## **2.4 Code of Conduct**

20. We confirm that we have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and that we have complied with it when preparing this report. Other than when we state that we are relying on the advice of another person, this evidence is within our area of expertise. We have not omitted to consider material facts known to us that might alter or detract from the opinions that we express in this report.
21. We are authorised to give this evidence on behalf of FNDC to the Hearings Panel.
22. Wherever possible, we have provided a recommendation to assist the Hearings Panel.

## **2.5 Procedural matters**

### **2.5.1 Pre-hearing Engagement with Submitters**

23. Table 1 below provides a high-level summary of pre-hearing informal engagement with certain submitters and this is detailed further in **Appendix 1** as applicable. Pre-hearing meeting minutes with the Motukiekie Owners are also attached as **Appendix 6**.



Table 1: Pre-hearing informal engagement with submitters.

Submitter	Type of engagement	Date(s)	Summary of outcomes
Department of Corrections	Meetings and correspondence	Various	Refer Appendix 1
Matakā Residents Association	Meetings, correspondence and site visit	Various	Refer Appendix 1
MLP LLC	Meetings, correspondence and site visit	Various	Refer Appendix 1
Moutkiet Owners	Meetings, correspondence and site visit	Various	Refer Appendix 1

## 2.6 Section 32AA evaluation

24. 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.
25. The section 32AA further evaluation for recommendations consider:
  - a) The reasonably practicable options for achieving the PDP objectives
  - b) The environmental, social, economic and cultural benefits and costs of the rezoning 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.
26. The section 32AA 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.
27. We note that some submitters have provided further evaluations under section 32AA of the RMA for their requested rezoning which is referred to in the analysis of submissions below and in **Appendix 1** as applicable.



### **3 Consideration of submissions received**

#### **3.1 Overview of submissions received.**

28. A total of 42 original submissions and 29 further submissions were received on the Hearing 15B requesting a new SPZ, precinct or similar relief. This excludes rezoning submissions requesting a Waitangi SPZ and the Bay of Islands Precinct which are addressed in separate section 42A reports for Hearing 15B.
29. This report addresses substantive rezoning submissions which and are evaluated under the relevant sub-sections in section 3.2 in this report, being:
  - a. A Corrections SPZ
  - b. Matakā Station Precinct
  - c. The Landing Precinct
  - d. A SPZ for "Wiroa Station"
  - e. Motukiekie Island Precinct
  - f. Other SPZ requests (Ōmarino, Henderson Bay, Tupou).

#### **3.2 Officer Recommendations**

30. **Appendix 1** provides a table which shows where the criteria in Minute 14 from the Hearing Panel have been responded to and provides recommendations on the rezoning submissions to the Hearing Panel. Our evaluation and recommendations on submissions are provided in the relevant subsections below.
31. A full list of submissions and further submissions on Hearing 15B addressed in this report is contained in **Appendix 2 – Officer's Recommended Decisions on Submissions to this report.**

##### **3.2.1 Corrections – Special Purpose Zone (Jerome Wyeth)**

###### **Overview**

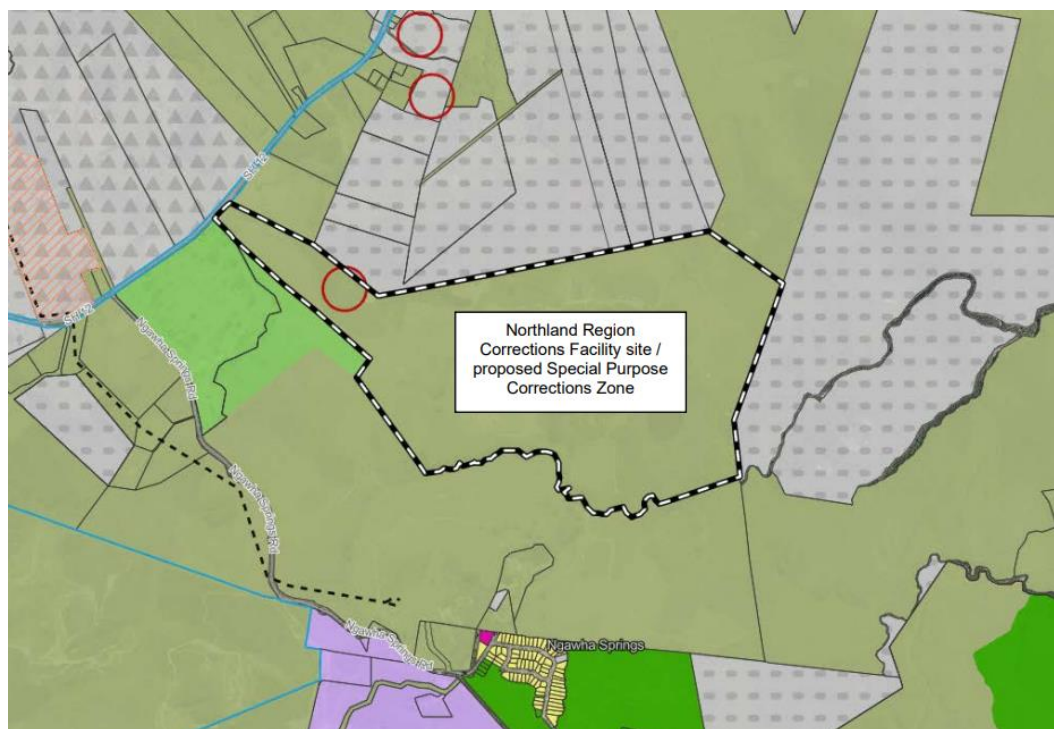
<b>Submission point</b>	<b>Notified Zoning PDP</b>	<b>Officer Recommendation(s)</b>
S158.011	Rural Production Zone (RPROZ)	Amend the zoning of land at the Northland Regional Corrections Facility to a Corrections SPZ



## Matters raised in submissions

### Summary of original submissions

32. The Department of Corrections (S158.011) requests that a Corrections SPZ be applied to the Northland Regional Corrections Facility (NRCF), as set out in Attachment 1 of its original submission. The Department of Corrections considers that the application of the R RPROZ for the site is inconsistent with modern planning practice for the management of custodial corrections sites and that a Corrections SPZ, in tandem with the existing designation, is necessary to ensure the NRCF is appropriately provided for in the PDP. The location of the NRCF and requested rezoning from the Department of Corrections submission is shown in Figure 1 below.



*Figure 1: Requested extent of the Corrections SPZ.*

### Summary of further submission

33. There is one further submission from Ngawha Generation Ltd (FS345.001) who supports the above submission point from the Department of Correction in part. Ngawha Generation supports the request a Corrections SPZ provided that the provisions in the Corrections SPZ provide adequate consideration of reverse sensitivity effects in relation to existing and consented activities in the wider area, including renewable energy generation on the adjacent Ngawha Generation land. Ngawha Generation Ltd has not lodged any evidence in support of this further submission.



34. I also note that Ngawha Generation Ltd also has a separate submission point (S432.001) requesting Light Industrial Zoning immediately south of the NRCF site which is to be considered in Hearing 15C. However, the relief sought by Ngawha Generation Ltd has now been refined to request that the Operative District Plan (ODP) Light Industrial Zone be retained and is therefore of less relevance to the consideration of this Department of Corrections submission.

Evidence received

35. The Department of Corrections choose to “opt in” to the reverse timetable for rezoning submissions set out in Minute 14 from the Hearing Panel. Accordingly, on 12 May 2025, the Department of Corrections lodged planning evidence from Mr Grace which includes:
- a. The proposed provisions for the Corrections SPZ (Appendix 1 of his evidence)
  - b. An evaluation of the rezoning proposal under section 32AA of the RMA and in accordance with the Minute 14 criteria from the Hearing Panel (Appendix 2 of his evidence).
36. The planning evidence of Mr Grace outlines the reasons a Corrections SPZ is considered appropriate for the NRCF which, in summary, is to:
- a. Recognise the NRCF as regionally significant infrastructure in accordance with the Northland Regional Policy Statement (RPS)
  - b. Provide a supportive policy framework for the existing designation that recognises the highly specific nature of NRCF activities
  - c. Align with provisions for prison sites in other district plans.
37. The planning evidence of Mr Grace also outlines the need to provide for “*non-custodial rehabilitation activities*”, “*community correction facilities*” and supporting residential activities within the Corrections SPZ. The requested provisions for the Corrections SPZ are largely based on the notified RPROZ provisions but with targeted objectives and policies for the NRCF and specific rules for the following activities:
- a. **CORZ-R2** which would provide for “*custodial correction facilities*”<sup>3</sup> as a permitted activity with no conditions (activity not provided for in the RPROZ)

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<sup>3</sup> Not defined in the PDP.



- b. **CORZ-R3** which would provide for "*non-custodial rehabilitation activity*"<sup>4</sup> as a permitted activity subject to conditions limiting vehicle movements and the operation of machinery to between 7am and 7pm on any day (activity not provided for in the RPROZ)
- c. **CORZ-R4** which would provide for "*community correction activity*"<sup>5</sup> as a permitted activity with a condition limiting hours of operation to between 7am and 7pm on any day (activity is non-complying under RPROZ-R35)
- d. **CORZ-R5** which would provide for a residential activity as a permitted activity with no conditions (compared to RPROZ-R3 which includes a condition that the site area per residential unit is at least 40ha).

### Analysis

- 38. The National Planning Standards 2019 specifically anticipate a Corrections SPZ as a "standard SPZ". The Corrections SPZ is described in the National Planning Standards as follows:

*Areas used predominantly for the efficient operation and development of prisons and associated facilities and activities and the security requirements of prisons. The zone may also be used for new and changing approaches to prisoner reintegration and rehabilitation.*

- 39. In my view, it is clear that the NRCF is aligned with this description and it is appropriate to rezone the NRCF as a Corrections SPZ to provide a targeted policy framework for the site to support the existing designation. Further, in my view, the criteria in Zone Framework 8.3 of the National Planning Standards do not need to be met for the Corrections SPZ<sup>6</sup> as those criteria apply to additional SPZ, not the "standard SPZ" set out in Table 13 of the National Planning Standards.
- 40. Accordingly, the key consideration for this rezoning submission in my view is not whether the Corrections SPZ is appropriate for the NRCF but whether the proposed provisions from the Department of Corrections provide an appropriate policy and rule framework for the activities anticipated within the NRCF site. In this respect, I largely agree with the intent of the provisions requested by the Department of Corrections to provide a more targeted objectives and policies for the NRCF, to enable specific custodial and non-custodial activities within the SPZ, and to adopt

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<sup>4</sup> Not defined in the PDP but described by Mr Grace as referring to programmes generally undertaken outside of the secure perimeter of the prison, and can involve work-skills or cultural programmes, which includes a forestry programme at NRCF.

<sup>5</sup> Defined in the PDP (and the National Planning Standards) as "*means the use of land and buildings for non-custodial services for safety, welfare and community purposes, including probation, rehabilitation and reintegration services, assessments, reporting, workshops and programmes, administration, and a meeting point for community works groups*".

<sup>6</sup> As assessed in the evidence of Mr Grace, paragraph 4.8 to 4.9.



RPROZ rules and standards to ensure activities are compatible with the character and amenity of the surrounding RPROZ.

41. However, I consider that further amendments to the Corrections SPZ are required to make the provisions more targeted to the NRCF (which is the purpose of a SPZ), including removing provisions for activities that are not anticipated or appropriate within the SPZ and ensure residential activities are ancillary to the primary purpose of the SPZ. My recommended amendments have been informed by further discussions with Mr Grace on behalf of the Department of Corrections following lodgement of the above evidence.
42. Firstly, I recommend that the following rules that mirror those in the notified RPROZ are deleted<sup>7</sup>: Rural produce retail (CORZ-R9), Farm quarry (CORZ-R11), Catteries and dog board kennels (CORZ-R12), Cemeteries / urupā (CORZ-R13), Mineral prospecting and exploration and expansion (CORZ-R16, CORZ-R18), Papakāinga housing (CORZ-R17), Rural tourism activity (CORZ-R19), intensive indoor primary production (CORZ-R20), commercial composting (CORZ-R21), and new mineral extraction activity (CORZ-R22). This is because these activities are not anticipated or appropriate within the Corrections SPZ in my view. I also recommend that COR-P2 is amended to remove specific references to these activities where applicable. In addition, I recommend that CORZ-S5 and CORZ-S6 are deleted as these standards relate to setbacks to intensive indoor primary production and mineral extraction overlays which are also not relevant to the Correction SPZ.
43. In addition, I recommend:
  - a. CORZ-P3 is deleted as the purpose and value of this policy is unclear to me. Mr Grace may wish to address this through rebuttal evidence.
  - b. CORZ-R5 is amended to include more targeted and appropriate provisions for supporting residential activities within the zone. Following correspondence with Mr Grace, it was agreed that this rule more appropriately focus on enabling "*supported residential care activities*" which is defined in the PDP as "*means land and buildings in which residential accommodation, supervision, assistance, care and/or support are provided by another person or agency for residents.*" It was also agreed that there should be a permitted cap of up to 10 of these activities within the zone above which resource consent will be required. I therefore recommend that CORZ-R5 be amended to provide for this.
  - c. A new definition of "custodial corrections facilities" be included in the PDP as follows "*means a facility where people are detained in the justice system. It includes a prison, detention centre, youth*

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<sup>7</sup> The rule references are based on the version requested by Department of Corrections dated 12 May 2025. Numbering of provisions has been updated in the section 42A version of the Corrections SPZ.



*detention centre and secure unit*". This definition is intended to assist in the interpretation of CORZ-R2, is based on the corresponding definition in the Wellington District Plan, and I understand that it is supported by the Department of Corrections.

- d. Minor amendments that I consider will provide greater clarity and workability, being an amendment to refer to "operational need" and "functional need" as defined terms in CORZ-O1 and amending CORZ-O3 to refer to the NRCF as "regionally significant infrastructure" consistent with the RPS (rather than "a nationally important facility").
  - e. Consequential amendments arising from the recommended amendments to the RPROZ chapter by the reporting officer in the right of reply for Hearing 9 (e.g. minor amendments to the rules for recreation activity and rural produce retail, amending the rule relating to forestry to align with the National Environmental Standards for Commercial Forestry 2017).
44. The revised Corrections SPZ provisions with my recommended amendments incorporated are shown in full in **Appendix 3.1**.
45. In addition, I note that numerous consequential amendments to the district-wide provisions in Part 2 of the PDP will be required as a result of a new Corrections SPZ in the PDP, specifically those rules and standards that refer to specific zones (e.g. earthworks area and volume thresholds,). In summary, I recommend that the Corrections SPZ should be listed alongside the RPROZ where applicable in the relevant district-wide provisions in the PDP (e.g. EW-S1 relating to earthworks volume and area thresholds, NOISE-S1 relating to maximum noise levels).

### **Recommendation**

46. For the above reasons, I recommend that the submission point from the Department of Corrections is accepted in part and:
- a. The NRCF site (Lot 1 DP 365989) is rezoned from RPROZ to a Corrections SPZ
  - b. The PDP is amended to include the Corrections SPZ provisions set out in **Appendix 3.1** under the 'Special Purpose Zone' heading in Part 3 of the PDP.

### **Section 32AA evaluation**

47. Mr Grace has provided a section 32 evaluation of the proposed Corrections SPZ in Appendix 2 of his evidence, and I broadly concur with that evaluation. In particular, I agree with Mr Grace's conclusion that the Correction SPZ is a more effective and efficient way of achieving the relevant PDP objectives (compared to the alternative RPROZ zoning) as it better "future proofs" the site for custodial and additional non-custodial justice sector activities and recognises the NRCF as regionally significant



infrastructure in accordance with the RPS. The additional amendments to the provisions I am recommending are intended to improve workability without any change in the underlying intent (e.g. deleting rules that relate to unanticipated activities, ensuring residential activities are limited in number and relate to the NRCF). I therefore consider that these recommended amendments are appropriate, effective and efficient way to achieve the relevant PDP objectives in accordance with section 32AA of the RMA.

### 3.2.2 Matakā Station Precinct (Jerome Wyeth)

#### Overview

Submission points	Notified Zoning	PDP	Officer Recommendation(s)
Numerous	RPROZ		Retain RPROZ as the underlying zone with a "Matakā Station Precinct" spatial layer also applying to Matakā Station

#### Matters raised in submissions

##### Summary of original submissions

48. Matakā Residents Association (S230.001) and 30 other submitters<sup>8</sup> request the inclusion of a new SPZ for a "Matakā Station Precinct". The submitters request the inclusion of a specific precinct to recognise and enable the construction of residential dwellings within buildable areas, as recognised by the "Matakā Scheme". The "Matakā Scheme" referred to in the submissions is the configuration of 30 residential allotments that have been approved through a number of resource consents<sup>9</sup>.
49. More specifically, the submitters request that objectives, policies, and rules specific to the Matakā Scheme are included to enable residential activity and buildings as a permitted activity where they are in accordance with the Matakā Scheme and located on the consented house sites and also to enable farming, conservation, recreation and common facilities where they are in accordance with the Matakā Scheme. The submitters also request that appropriate permitted activity standards be included in the Matakā Station Precinct including, but not limited to, the following:
  - a. The dwelling shall be on an identified house site location
  - b. Maximum building height = 12 m above existing ground level

<sup>8</sup> These are members of the Matakā Residents Association that raise the same general concerns and request the same general relief as the Matakā Residents Association.

<sup>9</sup> The approved Matakā Scheme scheme or "Matakā Station Site" is also included as Figure 1 in the submissions illustrating the approved allotments. The submissions also note that, to date, 10 residential units have been constructed and a further 20 are anticipated within the Matakā Scheme.





- c. Maximum building or structure coverage = 12.5%.

#### Summary of further submissions

50. There are three further submissions on the original submission from Matakā Residents Association as follows:
  - a. Paradise Found Developments (FS165.9) support the entirety of the submission and the relief sought
  - b. Nicole Way and Christopher Huljich (FS272.1) support the relief sought by Matakā Residents Association as they are a landowner within Matakā Station
  - c. Kapiro Conservation Trust (FS566.560) oppose the submission to the extent that is inconsistent with their own submission.

#### Summary of evidence received from Matakā Residents Association

51. Matakā Residents Association chose to “opt-in” to the process for consideration of rezoning submissions as set out in Minute 14 from the Hearing Panel. Accordingly, on 12 May 2025, Matakā Residents Association lodged the following evidence:
  - a. The corporate evidence of Mr Williams as board member of Matakā Residents Association and the founding shareholder and director of Matakā Station
  - b. Planning evidence from Mr Hall
  - c. Landscape evidence from Mr Goodwin.
52. The planning evidence from Mr Hall is comprehensive and includes a range of attachments, including a set of recommended provisions for the “Matakā Station Precinct” (MSP) as Attachment One. The proposed “Precinct Plan 1” referred to in the recommended provisions is included in Mr Goodwin’s landscape evidence as Figure 1.
53. The table below provides a high-level summary of the key points and conclusions in this evidence from the Matakā Residents Association followed by a summary of the recommended provisions for the MSP as set out in Mr Hall’s evidence.

Evidence	Summary of key conclusions
Corporate – Mr Williams	In his evidence, Mr Williams outlines the plans for Matakā Station, the consents and consent conditions on which the proposed MSP is based, and the implementation of the future plans for Matakā Station. Mr Williams sets out his evidence under the following headings:



	<ol style="list-style-type: none"> <li>1. Rural conservation subdivision around New Zealand</li> <li>2. Environment of Matakā Station</li> <li>3. Background to the Matakā Station Concept Plan</li> <li>4. Conservation initiatives</li> <li>5. Landscape and visual outcomes</li> <li>6. Iwi, history, archaeology, access</li> <li>7. Farm development</li> <li>8. The importance of a supportive planning framework</li> <li>9. The need for the proposed MSP.</li> </ol> <p>In summary, Mr Williams is concerned that the PDP provisions may put the outcomes sought at Matakā Station at risk and there is a need for specific planning provisions that recognise the particular characteristics of Matakā Station and the existing controls for the Matakā Station Scheme. Mr Williams considers that the proposed Precinct detailed in Mr Hall's planning evidence has been structured to complement and strengthen the existing Matakā Residents Association rules and to address issues associated with the PDP which could adversely affect the successful development of the Matakā Station.</p>
Planning – Mr Hall	<p>Mr Hall concludes that the MSP is a sound and necessary planning framework for the management of land use and development at Matakā Station.</p> <p>Mr Hall considers that the proposal MSP meets the relevant RMA statutory requirements, including those applicable to the adoption of alternative spatial layers set out in the National Planning Standards. Mr Hall considers that the Matakā Station Precinct provides appropriate recognition of the existing and consented environment at Matakā Station, including that established through the previous subdivision consents and conditions.</p> <p>Overall, Mr Hall concludes that the Matakā Station Precinct provisions and associated Precinct Plan 1 will:</p> <ul style="list-style-type: none"> <li>• Appropriately safeguard the characteristics and values of Matakā Station</li> <li>• Enable and promote ongoing conservation initiatives</li> <li>• Provide for certainty to develop in accordance with the subdivision consents and landowner expectations</li> <li>• Provide certainty of environmental outcomes.</li> </ul>
Landscape – Mr Goodwin	<p>Mr Goodwin is of the opinion that the Matakā Station Precinct provisions appropriately address the landscape issues associated with the land use and development at Matakā</p>





	<p>Station. Mr Goodwin considers that the provisions will ensure that future dwellings can be designed and any potential adverse effects mitigated to achieve good design solutions and appropriate landscape outcomes.</p> <p>In particular, Mr Goodwin notes that there are a number of specific provisions within the Matakā Station Precinct that will ensure appropriate design outcomes for new development. The overarching focus is on protection and enhancement of the landscape values and natural character of Matakā Station while enabling farming operations and limited residential development. Mr Goodwin considers that this will be achieved through the ongoing management of conservation activities, with controls on the siting and design of accessways and buildings within identified building sites.</p> <p>Overall, Mr Goodwin considers that the provisions will protect the landscape characteristics, qualities and values of the ONL, and the HNC areas within the coastal environment.</p>
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### **Summary of provisions requested in "Matakā Station Precinct"**

54. The requested provisions for the "Matakā Station Precinct" are explained in detail in the evidence of Mr Hall (refer paragraphs 91 to 221). Accordingly, this section provides a higher-level summary of those provisions, focusing on key changes from the underlying zone and overlay provisions where applicable.

#### **Relationship between Matakā Station Precinct and other PDP provisions**

55. The requested approach for the MSP is that the underlying zone (RPROZ) and overlay provisions (coastal environment and outstanding natural landscape) apply on addition to the precinct, except for specific rules and standards where the precinct provisions would prevail.
56. More specifically, in relation to the underlying RPROZ, the requested approach is for the MSP provisions to prevail over the equivalent rules with the same activity description. The requested approach is also for RPOZ-S1 (maximum height) to apply in areas of the MSP not within the outstanding natural landscape (ONL) or coastal environment (CE) overlays and RPOZ-S1 would not apply to buildings or structures on an identified house site or within "Areas 1, 2 or 3" shown on Precinct Plan 1 (which would be managed through PRECX-S1).
57. In relation to the Natural Features and Landscapes (NFL) and CE chapters in the PDP, the requested approach is for the MSP provisions to prevail over the specific rules and standards in those chapters relating to buildings and structures, earthworks and vegetation clearance, and farming. The



relevant NFL and CE provisions that the MSP provisions would prevail over are NFL-R1, NFL-R3, NFL-R6, NFL-S1, NFL-S2, NFL-S3, CE-R1, CE-R3, CE-R4, CE-S1, CE-S2, CE-S3 and CE-S4.

#### Matakā Station Precinct objectives

58. Four objectives are proposed for the MSP which broadly seek to protect and enhance the quality of the environment at Matakā Station (PRECX-O1) and for land use and development to protect and enhance the landscape values, the natural character, historic heritage and culture, the habitat for kiwi and other indigenous fauna (PRECX-O2). PRECX-O3 sets out the particular land uses that are provided for and anticipated to occur at MSP and PRECX-O4 seeks to ensure the design outcomes sought for residential units, minor residential units and buildings and structures for recreation activities are integrated with the characteristics, qualities and values of ONL and the natural character of the CE.

#### Matakā Station Precinct policies

59. Six policies are proposed for the MSP which broadly seek to:
- a. PRECX-P1 - enable development where it is in accordance with Precinct Plan 1 (i.e., the House Sites and Areas 1, 2, 3 for recreational activity)
  - b. PRECX-P2 - enable the ongoing operation of farming
  - c. PRECX-P3 - limit overall development within the Precinct to protect natural character and the characteristics, qualities and values that make ONL outstanding
  - d. PRECX-P4 – encourage and support active management of pests
  - e. PRECX-P5 – manage pets to avoid risks to indigenous flora and fauna
  - f. PRECX-P6 – manage the effects of earthworks on historic heritage and cultural values.

#### Rules

60. Ten rules are proposed for the MSP, the wording of which is generally aligned with the equivalent rules and standards in the RPROZ, NFL and CE chapters. The key difference is that the rules and standards are more enabling when they relate to identified house sites and Areas 1, 2 and 3 in the Precinct Plan 1 as summarised below.
61. **PRECX-R1 – Buildings and structures:** This rule includes provides for four permitted activities and one controlled activity as follows (non-compliance with the relevant conditions is controlled, restricted discretionary or discretionary):



- a. **PER-1** – permits new buildings and structures where these are not used for residential activity and comply with standards relating to height and GFA, with more stringent controls on height and area within the ONL or CE overlay and an additional colour and materials standard applying.
  - b. **PER-2** – permits extensions and alterations to existing buildings and structures where this complies with certain height and area standards, with additional controls within the ONL and CE overlays (i.e. the colour and materials standards and the extension being no greater than 30% of the existing GFA)<sup>10</sup>.
  - c. **PER-3 and PER-4** – permits buildings and structures for three lots that do not have a specified house site locations as part of the underlying subdivision consent and are located outside of ONL and CE overlays. Therefore, PER-3 (residential units)<sup>11</sup> and PER-4 (workers accommodation)<sup>12</sup> only require buildings and structures to comply with the relevant RPROZ standards (height, height in relation to boundary, coverage).
  - d. **CON-1 and CON-2** – are the key rules that enable a single residential unit or a minor residential unit on a house site identified on Precinct Plan 1 as a controlled activity provided this complies with the maximum height standard (PRECX-S1). The rule recognises that the suitability of the house sites has already been confirmed through previous landscape assessments at the subdivision stage. The matters of control are intended to ensure buildings are appropriately integrated with the natural environment. It is proposed that a discretionary activity status would apply for residential units located outside the identified house site (CON-1)<sup>13</sup> whereas a restricted discretionary status would apply when PRECX-S1 (building height) is not complied with.
62. **PRECX-R2 – residential activity:** permits residential activities provided that the site area per residential unit is at least 20ha to provide for at least one residential unit per lot<sup>14</sup>. This rule also provides for up to two residential units as a discretionary activity provided a net site area is at least 8ha. Mr Hall advises that this is intended to recognise that under the Matakā Association rules, a primary residential unit and a residential unit for a manager/caretaker can be erected on each lot that would normally be larger than a minor residential unit. As the suitability of this second residential unit has not been assessed through the subdivision consent

<sup>10</sup> I note that this standard refers to "Appendix X" which is a colour chart recommended by Ms Absolum through Hearing 4 and, if accepted, would be a hyperlinked PDF within the PDP.

<sup>11</sup> Applies to Lot 31 DP 367766 and Lot 35 DP 363154.

<sup>12</sup> Applies to Lot 43 DP 363154, which is the Matakā Residents Association lot.

<sup>13</sup> A discretionary activity consent would also be required to change the consent notice that requires residential units to be on the house site locations.

<sup>14</sup> Lot sizes within Matakā Station range from 20 to 57ha.



process, a discretionary activity is proposed as this allows all relevant factors to be taken into account.

63. **PRECX-R3 – minor residential unit:** is a permitted activity rule for minor residential units which is similar to the corresponding rule RPROZ-R19. However, PRECX-R3 does not adopt the requirements for a minor residential unit to be located within 15m of the main residential unit, or for the unit to be on a site greater than 1 hectare as this requirement is considered to be redundant in the context of Matakā Station. This rule is intended to provide for a minor residential unit as an activity and the buildings associated with this activity would still be subject to PRECX-R3.
64. **PRECX-R4 - earthworks or indigenous vegetation clearance:** this rule provides for earthworks and vegetation clearance not associated with the house sites and Areas 1, 2, and 3 on Precinct Plan 1 (managed by PRECX-R9). The intent is that this rule applies in addition to the rules in the Earthworks Chapter but the relevant CE and NFL rules for earthworks and indigenous vegetation clearance do not apply. This rule is similar to the rules for earthworks and indigenous vegetation clearance in the CE and NFL Chapters but with some additional exemptions that were sought by Mr Hall in Hearing 4<sup>15</sup>.
65. **PRECX-R5 – farming:** this rule permits farming without any conditions, including in HNC or ONL. This is intended to apply instead of the corresponding rules for farming (NFL-R6<sup>16</sup> and CE-R4) to recognise that farming is essential to Matakā Station as an operational sheep and cattle farm.
66. **PRECX-R6- workers accommodation:** permits worker accommodation on the Matakā Residents Association lot only (Lot 43 DP 363154) where it is associated with activities within the MSP and occupancy does not exceed 10 workers.
67. **PRECX-R7- visitor accommodation:** permits visitor accommodation where this is within a residential unit, accessory building or minor residential unit where the occupancy does not exceed 10 guests per night. This is the same as the equivalent RPROZ rule but without the requirement for visitor accommodation not to share access with another site as all sites within Matakā Station have shared access.
68. **PRECX-R8 – new buildings within Areas 1, 2, or 3:** is a restricted discretionary activity rule for new buildings structures, and extensions or alterations to existing buildings or structures within Areas, 1, 2, or 3 (i.e. the common areas at Matakā Station). This rule requires that the building

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<sup>15</sup> Namely for earthworks and vegetation removal for the maintenance of planted indigenous vegetation within domestic gardens; the formation of walking tracks within the limits specified; and for the maintenance or reinstatement of pasture through the removal of the regenerating vegetation species specified. Refer 168 to 172 of Mr Hall's evidence.

<sup>16</sup> Noting that the reporting officer for the NFL Chapter recommended this rule be deleted.



or structure is for a recreation activity<sup>17</sup> and complies with PRECX-S1 (Colours and materials) and PRECX-S4 (Setbacks from MHWS) but no specific controls on building height or GFA are proposed.

69. **PRECX-R9 - earthworks and indigenous vegetation clearance for a House Site or Area 1, 2, or 3:** this is a restricted discretionary rule for earthworks and indigenous vegetation clearance in CE or ONL overlays where this associated with the construction of a building or structure and associated curtilage within a house site or Area 1, 2, or 3 on Precinct Plan 1 and associated accessways. Mr Hall notes that this rule is intended recognise that the house sites and Areas 1, 2, and 3 have been specifically identified as suitable for location of residential units and/or recreation activities within the sensitive landscapes but that the potential for adverse effects still needs to be assessed. This rule is intended to apply instead of the ONL and CE area thresholds for earthworks and indigenous vegetation clearance which Mr Hall notes would always be exceeded and negate the purpose of the rule.
70. **PRECX-R10- Catteries and dog boarding kennels:** this is a proposed prohibited activity rule given this activity would directly conflicts with the objectives sought for Matakā Station.

#### Matakā Station Precinct standards

71. Four standards are proposed for the MSP as follows:
- a. **PREXC-S1 – Maximum height:** sets out maximum heights in relation to each of the house sites ranging from 5m to 9m. The maximum heights are based on previous assessments in the Stage 1 and Stage 2 subdivision consents, and whether the house site is located in a sensitive overlay or not (e.g. a 9m height limit is proposed for the two house sites that are not subject to an ONL or CE overlay). The standard also requires buildings to be no more than one storey (except for lots 21 and 22 that are outside of the ONL and CE overlays), while allowing for buildings to step down a slope, which has been informed by the landscape advice of Mr Goodwin. The standard also applies a default height limit of 5m to any new building or structure within ONL or the CE that is not on an identified house site or within Areas 1, 2 or 3.
  - b. **PRECX-S2 – colour and materials:** this standard applies the same requirements of the equivalent NFL and CE standards for the exterior surfaces of new buildings within ONL or CE overlay.
  - c. **PRECX-S3 – earthworks or indigenous vegetation clearance:** this standard includes thresholds for earthworks and indigenous

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<sup>17</sup> Defined in the PDP as "means the use of land, water bodies and/or buildings for the purpose of the active or passive enjoyment of organised sports (excluding motorsport), recreation or leisure, whether competitive or non-competitive, and whether a charge is made for admission or not".



vegetation clearance that align with those recommended to the equivalent CE and NFL standards in Hearing 4. These thresholds are not intended to apply to earthworks associated with the house sites or Areas 1, 2, or 3 but would apply to indigenous vegetation clearance (as reflected in RDIS-4 in PRECX-R9).

- d. **PRECX-S4 – setbacks to MHWS:** adopts the same setback from MHWS as that in the RPROZ but the matters of discretion have been refined to be more specific to Matakā Station.

## Analysis

- 72. To understand whether a bespoke spatial layer is appropriate for the “Matakā Station Precinct”, in my view the first step is to understand the anticipated outcomes at Matakā Station through the existing consents and whether the PDP would inappropriately restrict or constrain those outcomes.

### Overview of Matakā Station, existing consents and anticipated outcomes<sup>18</sup>

- 73. Matakā Station is a 30-lot residential subdivision with an operational sheep and cattle farm and a large private conservation estate totalling approximately 1075 hectares. As detailed in the evidence of Mr Williams and Mr Hall, Matakā Station is not a typical rural-residential development but rather has a number of unique characteristics<sup>19</sup>. These include:
  - a. Very low-density development with rugged, natural landscape and strong focus on conservation and indigenous biodiversity.
  - b. Complex ownership structure with one title owned collectively by Matakā Residents Association and used for purposes associated with the farm operation.
  - c. The Matakā Station “Association rules” whereby within each title, each owner is entitled to construct one residential unit together with ancillary buildings on a designated house site (subject to obtaining all applicable consents). Landowners then reserve use of their site for residential purposes and lease the balance of their property to Matakā Residents Association for farming and conservation purposes<sup>20</sup>. Each landowner is also required to belong to the Matakā

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<sup>18</sup> This summary is based on the evidence of Mr Williams and Mr Hall who provide a detailed overview of Matakā Station, the outcomes sought, its consenting history and future development and conservation plans.

<sup>19</sup> Noting that many of these are shared by The Landing and Wiroa Station discussed in section 3.2.3 and 3.2.4 of this report respectively, including all being located on the Purerua Peninsular.

<sup>20</sup> I understand that landowners may also fence off from the farmland an area of up to 4ha of land immediately adjacent to and surrounding their house site for gardens or parkland surrounding each owner’s house.



Residents Association and to observe and perform their obligations as a member.

- d. A requirement for buildings and landscaping to be in accordance with the Matakā Design Guidelines. I understand that these guidelines are used to review buildings prior to these being submitted to FNDC as part of resource consent application.
  - e. Shared “common areas” which include the existing beach lodge at Matakā Beach and the boat sheds at Whale Bay.
74. The consenting history and requirements for Matakā Station is detailed in the evidence of Mr Hall<sup>21</sup>. In summary, I understand that there were two main stages to the subdivision granted in 2001 and 2004, which were supported by landscape and archaeological assessments, plus various amendments to those consents and a final stage three subdivision in 2005.
75. Consent notices have been registered on titles in accordance with the subdivision consents and apply ongoing restrictions and obligations, including in relation to earthworks, pet keeping, pest control, landscaping and conservation. Of particular relevance, is the following conditions in the consent notice for the stage one and stage two subdivisions:
- a. *"The dwelling houses and accessory buildings shall be located as shown on the Lands and Survey plan reference 5670/12 dated 24 February 2003"*<sup>22</sup>.
  - b. *"The dwelling houses and accessory buildings shall be located and be designed in accordance with the detailed house design information as shown in the Matakā Station Stage II Subdivision, 12 Assessment of Landscape and Visual Effects report prepared by Boffa Miskell, dated May 2004"*<sup>23</sup>.
76. As of May 2025, my understanding is that nine primary residential units, one caretaker's house (associated with Lot 7), and the manager's and shepherd's houses on the Matakā Residents Association Lot have been built, but there are still 18 lots that are yet to be developed with residential units.
77. Overall, in my view, it is clear that there has been an extensive consenting process at Matakā Station whereby the location and design of building platforms has been carefully assessed, particularly from a landscape perspective. It was also clear when visiting the site with Mr Williams and Ms Absolum that that numerous conservation benefits are being realised at Matakā Station and existing residential development has been carefully considered and designed to be integrated within the existing landscape.

<sup>21</sup> Refer paragraph 38 to 55 and Attachment Three to Six of Mr Hall's evidence.

<sup>22</sup> Condition 4, consent notice 5667663.3.

<sup>23</sup> Condition 4, consent notice 6447651.5.





In this respect, I support the outcomes being sought at Matakā Station and agree that the PDP should not act as barrier to consented development that has been subject a detailed landscape assessment.

PDP provisions and potential constraints for anticipated development and outcomes at Matakā Station

78. Under the PDP, Matakā Station is zoned RPROZ and is subject to the CE, ONL and HNC<sup>24</sup> overlays and is also part of the Rangihoua Heritage Area Overlay.
79. As set out in the planning evidence of Mr Hall<sup>25</sup>, the PDP overlays present a number of potential consenting requirements challenges for the future development of Matakā Station. These primarily relate to the **notified** PDP provisions, including a non-complying activity for buildings greater than 25m<sup>2</sup> in the ONL and CE overlays which captures the majority of the consented lots with identified house sites in the existing consents.
80. In this respect, I note that a key recommendation to the CE and NFL rules during Hearing 4, which was in response to submissions from Matakā Residents Association and others, is new controlled activity pathway for:  
  
*"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"*<sup>26</sup>.
81. These controlled activity pathways were specifically intended to provide for situations such as Matakā Station where residential development is already anticipated through an approved subdivision consent but the new CE and ONL layers in the PDP would result in the residential activity on the approved lots being a non-complying activity and/or introduce consenting risk and uncertainty.
82. In my view, the controlled activity rules recommended through Hearing 4 would, if accepted by the Hearing Panel, address many of the key issues and relief sought in the submission of Matakā Residents Association and others. This includes the relief requested by these submitters to "... enable the construction of a residential dwelling within buildable areas, as authorised by the Matakā Scheme".
83. However, it cannot be assumed that these recommendations will be accepted by the Hearing Panel and Mr Hall has also identified other

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<sup>24</sup> HNC264, HNC256, HNC267, HNC268.

<sup>25</sup> Paragraph 60 to 61 and Attachment Seven of Mr Hall's evidence.

<sup>26</sup> CE-R1 CON-1 in the Coastal Environment Chapter: [Appendix-3.1-Recommended-Amendments-to-Coastal-Environment-Right-of-Reply.pdf](#) and NFL-R1 CON-1 in the Natural Features and Landscapes Chapter: [Appendix-1.1-Recommended-Amendments-to-Natural-Features-and-Landscapes-Right-of-Reply.pdf](#)





relevant rules in the CE and NFL Chapters (including with Hearing 4 recommendations) that would likely present consenting challenges and uncertainties for the anticipated future development at Matakā Station. This includes a non-complying activity status for earthworks of a scale required for building platforms or accessways to the identified house sites within a ONL and CE overlay which I understand would capture many undeveloped sites at Matakā<sup>27</sup>. In addition, I agree with Mr Hall that there are benefits in the controlled activity rule referring to specific house site locations identified on Precinct Plan 1 rather than the more generic reference to approved building platforms in the relevant CE and NFL rules referred to above.

84. Overall, I am not convinced that the potential consenting constraints under CE and NFL overlay rules (with the section 42A report recommendations) are, **of themselves**, sufficient reasons that warrant a bespoke spatial layer for Matakā Station. However, there are other reasons for considering a bespoke spatial layer at Matakā Station, including the broader, enduring conservation, ecological and landscape outcomes sought for the area and to provide certainty to landowners that development can proceed in accordance with the approved consents.

What is the most appropriate option to provide for Matakā Station?

85. Table 3 in Appendix 2 of the Rezoning Overview Section 42A Report provides an overview of spatial layers for district plans in the National Planning Standards. Through initial discussions with Mr Hall, I advised that Matakā Station was unlikely to meet the criteria for additional SPZ set out in the National Planning Standards<sup>28</sup>. Therefore, I broadly agree with Mr Hall that the main options<sup>29</sup> for planning provisions at Matakā Station are:
- a. **Option 1:** PDP with section 42A report recommendations
  - b. **Option 2:** A bespoke "Matakā Station Precinct"
  - c. **Option 3:** A bespoke "Matakā Station Development Area."
86. The table below provides a high-level analysis of the pros and cons of these options (refer to paragraph 62 to 90 of Mr Hall's evidence for this assessment of the relevant options).

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<sup>27</sup> Specifically, NFL-S3 which limits earthworks in ONL to 50m<sup>2</sup> per calendar year within the CE overlay and 100m<sup>2</sup> outside the CE overlay. The equivalent CE standard limits earthworks to 50m<sup>2</sup> per calendar year within the HNC area and 100m<sup>2</sup> outside the HNC and ONC areas overlays.

<sup>28</sup> Zone Framework 8.3. In particular, I consider that it is practicable to manage the outcomes sought for Matakā Station through alternative spatial layers. I note that this issue was considered during Hearing 9 in relation to the Horticulture SPZ (which is now recommended to be a precinct).

<sup>29</sup> I have not considered the PDP as notified as a reasonably practicable option as this would basically underline the analysis and recommendations made through Hearing 4 (and Hearing 9). Nor have I assessed a SPZ for the reasons outlined above and also note that Mr Hall reaches the same conclusion in his analysis (paragraph 72).



Option	Pros	Cons
1: Section 42A provisions	<ul style="list-style-type: none"> <li>Residential development still enabled through controlled activity rule</li> <li>Plan integrity – reduces the number of bespoke spatial layers in the PDP</li> <li>Less complex for Council planners</li> <li>PDP provisions have already been tested in accordance with s32 and s32AA</li> </ul>	<ul style="list-style-type: none"> <li>Less certainty for future development at Matakā</li> <li>The integrated and comprehensive nature of Matakā Station is not recognised in the PDP provisions</li> <li>Risk of more ad hoc decision-making that does not recognise the characteristics and values of Matakā Station as a whole</li> </ul>
2: Precinct	<ul style="list-style-type: none"> <li>Provides greater certainty of outcomes</li> <li>Enables the vision to be articulated through bespoke provisions</li> <li>Most of the underlying RPROZ and overlay provisions still apply (including all objectives and policies) with the exception of specified rules</li> </ul>	<ul style="list-style-type: none"> <li>Another bespoke spatial layer in the PDP adds complexity</li> <li>The National Planning Standards description for precinct is focused on modifying the underlying zone (rather than overlay)</li> </ul>
3: Development area	<ul style="list-style-type: none"> <li>Provides greater certainty of outcomes</li> <li>Enables the vision to be articulated through bespoke provisions</li> <li>A relatively simplistic spatial layer</li> </ul>	<ul style="list-style-type: none"> <li>'Development area' does not align with the broader conservation focus of Matakā Station</li> <li>Development area is more focused on transition of land use rather than enduring outcome</li> </ul>

87. Overall, I consider that a bespoke spatial layer (Option 2 or 3) is the most appropriate, effective and efficient way to achieve the outcomes sought at Matakā Station. In terms of whether a "precinct" or "development area" is most appropriate for Matakā Station, in my view, neither is a perfect fit for Matakā Station based on the descriptions of these spatial layers in the National Planning Standards. However, on balance, I consider that a precinct is the most appropriate spatial layer Matakā Station for the reasons outlined above.

88. The next step is to ensure that the proposed provisions for MSP are an appropriate way to achieve the purpose of the RMA, give effect to relevant higher order documents, and achieve the relevant PDP objectives, including those relating to the CE and ONL overlays.

#### Recommendations for the proposed provisions for Matakā Station Precinct

89. Overall, I am generally supportive of the MSP provisions proposed by Mr Hall along with the rationale for the provisions provided in his evidence.



In particular, I support the strong focus on conservation activities, the policy direction to protect and enhance landscape, natural character and indigenous biodiversity.

90. I am also supportive of the general approach for the relevant RPROZ, CE and NFL provisions to apply within Matakā Station (including all objectives and policies) except in relation to specific rules and standards which primarily relate to development in the identified house sites and common areas as anticipated in the approved subdivision consents. I note that, for completeness and to avoid doubt, Mr Hall considers that consequential amendments will also need to be made to the relevant rules in the RPROZ, NFL and CE chapters to specific when they do not apply to the Matakā Station Precinct. The approach recommended for precincts in the PDP at this point is to clearly address this relationship through the overview and advice notes which is broadly consistent with the drafting approach for the Horticulture Precinct recommended in Hearing 9<sup>30</sup>. In my view, this is preferable to avoid amending rules in other chapters for specific exemptions when these have a much broader application. However, we can consider whether consequential amendments to other chapters are required for the avoidance of doubt.
91. However, through reviewing the provisions and relevant documents I have identified a number of relatively minor questions, issues and potential amendments to the MSP provisions with the general intent of improving workability and clarity. This has been informed by the landscape advice of Ms Absolum<sup>31</sup> and further correspondence with Mr Hall. The outstanding issues are:
- a. **Location of house sites on Precinct Plan 1:** the initial memo from Ms Absolum raised a number of questions and concerns with Precinct Plan 1, in particular that it lacks the precision and detail of the house site plans included in Mr Goodwin's evidence. I discussed this with Mr Hall who noted that the more specific requirements, conditions and plans are tied to titles as consent notices as outlined above. Accordingly, it was agreed that this issue can be addressed through an advice note in rule CON-1 to make it clear that the house site location on Precinct Plan 1 is indicative and reference should be made to the consent notes. The suggested wording from Mr Hall is *"Reference should also be made to the consent notices which apply to the relevant titles, including any conditions of those consent notices relating to building location, design and any associated mitigation (including planting)"*. I support this solution and suggested wording which also satisfies Ms Absolum's concerns although I recommend that addition of the following words for "Due

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<sup>30</sup> Refer: [Microsoft Word - Appendix 1 - Officer's Recommended Amendments \(Horticulture Zone redrafted as a Horticulture Precinct, Right of Reply\)](#), noting this was limited to the overview section.

<sup>31</sup> Initial memo dated 13 June 2025, followed by a memo dated 27 June 2025 which considered a response to the earlier memo from Mr Hall, refer as part of the technical memo **Appendix 5**.



to the indicative nature of Precinct Plan 1, reference should..." to better explain the purpose of the note in CON-1, PRECX-R1. I also recommend a more general advice note above the rule table to make this clear when interpreting all the relevant MSP rules and standards that refer to Precinct Plan 1.

- b. **Overview:** in response to questions raised about how many house sites are anticipated within the precinct, Mr Hall has suggested an amendment to the overview to clarify that the precinct is intended to provide for 30 residential house sites, plus farm and workers residences. I support this amendment for clarity and recommend that the overview section is amended accordingly.
- c. **Matters of control and discretion:** while broadly supportive of the matters of control and discretion in PRECX-R1, Ms Absolum considers that the matter of control/discretion relating to "*any mitigation measures*" should be more specific on the values being protected and I agree. I therefore recommend that the relevant matters of control in PRECX-R1<sup>32</sup> and the matters of discretion in PRECX-S1 are amended to read "Whether any mitigation measures proposed appropriately manage potential adverse effects on the characteristics, qualities and values of the coastal environment and natural landscapes" and would support alternative wording that achieves the same intent.
- d. **Earthworks and vegetation clearance rule PRECX-R4:** as outlined above, the general intent for the use of precincts in the PDP is that the underlying zone and overlay rules still apply unless there is clear justification as to when the precinct provisions need to modify these/prevail. Therefore, while I understand the need for a more specific rule for earthworks and indigenous vegetation clearance associated with the house sites, common areas and associated access (PRECX-R9), I question the need for PRECX-R4 for earthworks and vegetation clearance within the CE or ONL but not related to the house sites or common areas (i.e. activities not specifically anticipated by the approved subdivision consents). The response from Mr Hall on this issue is that this is intended to allow the exemptions to apply within the broader CE and ONL, including PER-1(13) in PRECX-R4 which would allow certain vegetation to be cleared when it is less than 10 years old and 3m in height which differs from that recommended to the relevant rules in Hearing 4 which was to limit this to vegetation less than five years old<sup>33</sup>. Mr

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<sup>32</sup> I do not consider that this expanded matter is required for other parts of the rule as these values are either already sufficiently captured (i.e. when PER-1 or PER-2 is not complied with) or not relevant (i.e. when PER-3 or PER-4 is not complied with).

<sup>33</sup> Refer, CE-R3, PER-1(11) in the Coastal Environment right of reply recommended amendments: [Appendix-3.1-Recommended-Amendments-to-Coastal-Environment-Right-of-Reply.pdf](#). This enables earthworks and indigenous vegetation clearance to be undertaken as a permitted activity in the CE "for



Hall also notes that the Matakā Station Precinct provisions are based on the notified PDP rather than subsequent recommendations by reporting officers. Overall, I am not convinced that rule PRECX-R4 is needed, and my preference is for the underlying CE and ONL rules (as recommended through Hearing 4) to apply to earthworks and indigenous vegetation not associated with the house sites and common areas. Mr Hall has also not provided further justification for condition 13 in the rule being 10 years and I rely on the landscape advice from Ms Absolum who reiterates her position from Hearing 4 that *"because this will apply to 'recently colonised pasture', the maximum height and age of vegetation allowed to be removed should be 3m in height and 5 years in age."* Accordingly, I recommend that PRECX-R4 is deleted from the MSP along with consequential amendments to the overview section and advice notes.

- e. **PRECX-S4 – Setback from MHWS:** as with the rule above, I questioned the need for a specific MHWS setback standard for the MSP given that the CE-S4 already applies a 30m setback for buildings and structures to MHWS in the underlying RPROZ. The response from Mr Hall is that this specific standard is recommended to remove matters of discretion relating to *"the effectiveness of the proposed method for controlling stormwater"* as there is ample opportunity to manage stormwater and *"the impacts on existing and planned public walkways, reserves and esplanades"* as there are no publicly accessible esplanade reserves at Matakā. While I accept the rationale, my preference is still to delete PRECX-S4 and rely on CE-S4 (setbacks to MHWS) which applies across the Far North District, including in other rural areas with large lots where stormwater management is not particular issue and areas where there are no public walkways or esplanade reverses. This means those matters can be simply addressed as not relevant where resource consent may be required due to non-compliance with the MHWS setback in CE-S4. Further, my understanding is that future development at Matakā Station will generally be well setback from MHWS (with the new boat sheds being a possible exception) therefore I would not anticipate CE-S4 to impose any undue consenting issues or constraints within the MSP.
- f. **Lots referred to in PRECX-R1:** lastly, the memo from Ms Absolum raises some residual uncertainty about Lots 33 and 34 and whether houses can be anticipated on these sites in the future. However, she also states that *"Given that the location of these two lots is well inland where there is a paucity of potential development in their*

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*maintenance or reinstatement of pasture through the removal of regenerating manuka (Leptospermum scoparium var. scoparium) or kanuka (Kunzea robusta) tree ferns or scattered rushes in pasture on a farm and the vegetation to be cleared is less than 5 years old and less than 3m in height".* The corresponding provision in the NFL Chapter is NFL-R3, PER-1(15).



*vicinity, I am not overly concerned with this lingering uncertainty". I also have no concerns with residential development on these sites given they are well setback from CE or ONL overlay and the controls on residential density in PRECX-R2. However, this may be a matter that Mr Hall provides a further response to in rebuttal evidence for Hearing 15B.*

92. In addition, I recommend minor amendments with the intent of improving wording (e.g. referring to "protect" in PRECX-O4) and to address drafting issues (e.g. clarifying that a restricted discretionary activity status applies with CON-1 or CON-2 in PRECX-R1 not complied with). The recommended MSP provisions with my additional amendments outlined above are shown in full in **Appendix 3.2**.

### **Recommendation**

93. For the above reasons, I recommend that the submission of Matakā Station Residents Association and others are accepted in part by:
- a. Amending the PDP mapping of the land identified in **Appendix 4** to be subject to a "Matakā Station Precinct" in addition to the underlying RPROZ and relevant overlays (CE, NFL)
  - b. Amending the PDP to include the "Matakā Station Precinct" provisions in **Appendix 3.1** under the "Rural Production Zone" heading in Part 3 of the PDP<sup>34</sup>.

### **Section 32AA evaluation**

94. Mr Hall has provided a section 32AA evaluation of the requested MSP in Attachment Two of his evidence which I broadly concur with. In particular, I consider that the proposed MSP will deliver a number of benefits compared to alternative options, including better recognising current and anticipated activities within the precinct and providing a targeted set of provisions and support precinct plan that recognise and protect the particular characteristics and values at Matakā Station. The further amendments to the MSP that I am recommending are relatively minor and are intended to improve workability and certainty with no change in the overall intent of the MSP. I therefore consider that these recommended amendments are an appropriate, efficient and effective way to achieve the relevant objectives in accordance with section 32AA of the RMA.

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<sup>34</sup> As required by the National Planning Standards, Table 18.



### 3.2.3 The Landing Precinct (Jerome Wyeth)

#### Overview

Submission point	Notified Zoning	PDP	Officer Recommendation(s)
S183.001	RPROZ		Retain RPROZ as the underlying zone with a "The Landing Precinct" spatial layer also applying

#### Matters raised in submissions

##### Summary of original submission

95. MLP LLC (S183.001) request a new SPZ for "The Landing Precinct" to recognise and enable the construction of residential dwellings within the residential lots, as authorised by the Landing Scheme. The "Landing Scheme" referred to in the submission is the approved subdivision scheme for 46 residential lots which is provided as Figure 1 in the submission.
96. MLP LLC also requests that objectives, policies, and rules specific to The Landing Precinct to enable residential activity and buildings as a permitted activity where they are within a residential lot, and to enable farming, conservation, recreation and common facilities where they are in accordance with the Landing Scheme. The permitted activity standards requested by MLP LLC include:
  - a. The dwelling shall be located on a residential lot
  - b. Maximum height = 12 m above existing ground level
  - c. Building or structure coverage = 12.5%
  - d. Compliance with the design guidelines for new structures within the land covenants for each house site title.

##### Summary of further submissions

97. There is one further submission from Matakā Residents Association (FS143.80) in support of MLP LLC's submission point. Matakā Residents Association consider that a SPZ is appropriate to apply to subdivision and development where previous resource consents have established development rights together with considerable landscape and biodiversity benefits. Further, the outcome sought by MLP LLC is the same as that sought by the Matakā Residents Association for Matakā Station and is therefore supported.





### Summary of evidence received

98. MLP LLC chose to “opt-in” to the process for rezoning submissions set out in Minute 14 from the Hearing Panel. Accordingly, on 12 May 2025, the following evidence was provided on behalf of MPL LLC:
- a. Planning evidence from Mr Lala, including a set of provisions for “The Landing Development Area” in Appendix 1 and supporting section 32AA evaluation as Appendix 2 in his evidence
  - b. Landscape evidence from Mr Lister
  - c. Architecture evidence from Mr Cheshire.
99. I note that it was subsequently agreed with Mr Lala to change the requested spatial layer from a “development area” to a “precinct” in response to feedback and to ensure a consistent approach is adopted in the PDP to similar rezoning requests (including Mataka Staton Precinct outlined above). As such, this section refers to The Landing Precinct (TLP) rather than The Landing Development Area which is referred to in the evidence of Mr Lala, Mr Lister and Mr Cheshire.
100. The table below provides a high-level summary of the key points and conclusions in this evidence.

Evidence	Summary of key conclusions
Planning – Mr Lala	<p>Mr Lala considers that the proposed The Landing Precinct (TLP) provisions appropriately reflect the consented approach to development that has occurred (including relocating residential lots) since subdivision consent was granted. The design guidelines and conditions of the consent require consideration of the natural landscape setting and features as well as the coastal environment location of The Landing.</p> <p>Overall, Mr Lala considers that his assessment of the proposed approach for The Landing, TLP provisions and the relevant higher order policy documents, has resulted in an appropriate analysis of the potential positive and adverse effects of the TLP provisions. Mr Lala concludes from this assessment that the proposed TLP provisions will result in the most appropriate suite of provisions for the area and any adverse effects are acceptable.</p>
Landscape – Mr Lister	<p>Mr Lister confirms the analysis and findings of his 2004 assessment and evidence in support of the existing consent for development in The Landing.</p> <p>Mr Lister considers that the development has established a coherent landscape across the property of open space</p>





	<p>farmland, vineyard, and natural areas. Mr Lister notes that the restoration of natural areas has enhanced the landscape as envisaged and the dwellings built to date are visually recessive and nestle within the landscape as intended.</p> <p>Overall, Mr Lister considers the completion of the masterplan, over the long term, remains appropriate in its context and will help protect the identified landscape values of the ONL and the natural character of the coastal environment. Mr Lister also considers the TLP provisions reflect the intent of the existing consent with respect to landscape and natural character values.</p>
Architecture – Mr Cheshire	<p>Mr Cheshire outlines that the analysis, findings and evidence in 2004 in support of the existing consent for The Landing are consistent with his assessment of the TLP.</p> <p>Mr Cheshire considers that the stages of the subdivision implemented to date indicate the commitment of MLP LLC to the vision described in their original resource consent application. Mr Cheshire highlights that the dwellings built to date are sensitively located and designed so as to diminish their impact on the landscape and employ naturally weathering materials, with careful mitigation through landscape planting and visually recessive colours as intended by The Landing.</p> <p>Therefore, Mr Cheshire considers that the approved residential development within the natural and open space framework remains appropriate, will preserve the natural character of The Landing and protect the identified landscape values of the ONL.</p> <p>Overall, Mr Cheshire concludes that the TLP provisions and the mechanisms to manage effects reflect the intent and outcomes of the existing consent with respect to buildings at The Landing.</p>

### **Summary of the TLP provisions**

101. The planning evidence of Mr Lala sets out the rational for the TLP provisions (refer to section 6 of his evidence). Accordingly, this section provides a summary of the TLP provisions focusing on where these are proposed to be more enabling than the underlying zone and relevant overlays.
102. In accordance with the “opt in” rezoning process anticipated under Minute 14 from the Hearing Panel; there has been correspondence with Mr Lala on the TLP proposal and also advice and correspondence between Ms Absolum and Mr Lister to discuss and resolve issues from a landscape perspective. This has led to some refinements to the initial TLP proposal provided on 12 May 2025 and those changes are included in the summary



below as applicable. There are also a number of outstanding issues which I understand that Mr Lala intends to address through rebuttal evidence.

#### Relationship with other PDP provisions

103. Initially, the proposed approach for the TLP was this to prevail over the PDP provisions (objectives, policies, rules) for the RPROZ, CE, ONL, HNC and subdivision in relation to residential development and subdivision within TLP. The rationale for this approach from Mr Lala was that the *"...design guidelines and conditions of the consent require consideration of the natural landscape setting and features as well as the coastal environment location. Therefore, it is not considered necessary to require consideration of the natural and coastal features sections of the PDP when assessing development at The Landing. To do so would duplicate planning assessments and lead to inefficiencies in planning processes."*<sup>35</sup>
104. However, following further correspondence with Mr Lala, MLP LLC have refined their recommended approach to be more aligned with the recommended approach for MSP. Specifically, this revised approach is for is that the underlying zone (RPROZ) and overlay provisions (CE and ONL) apply on addition to the TLP provisions, except for specific rules and standards relating to residential development and subdivision where the precinct provisions would prevail. I have recommended amendments to make this clearer in the overview section for the TLP.

#### TLP objectives

105. Two objectives are proposed for the TLP. TLP-O1 seeks to ensure subdivision, use and development within The Landing integrates development with restoration and protection of natural character and landscape values. TLP-O2 seeks to enable rural farming activities (and associated buildings and structures) at The Landing.

#### TLP policies

106. Two policies are proposed for the TLP. TLP-P1 directs that subdivision, use and development is to be provided for in accordance with TLP Plan 1 by:
- a. Retaining majority of site in common title
  - b. Continuing restoration of natural areas consistent with the approved plans
  - c. Continuing the development of the consented residential lots so that buildings are visually recessive

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<sup>35</sup> Ibid, paragraph 6.4.



- d. Limiting residential development to the 46 residential lots, each with an approved building location
  - e. Allowing for relocation of residential lots, where the number is not increased and natural character and landscape values are acknowledged and respected
  - f. Enabling development on approved residential lots subject to design and landscaping that acknowledges and respects natural character and landscape values.
107. TLP-P2 directs that the operation and development of rural farming (including viticulture) activities are to be provided for.

#### Rules

108. Three rules are proposed for the TLP as follows:
- a. **TLP-R1 – new buildings and structures associated with residential activity:** this rule provides a controlled activity pathway for any new buildings or structures, including extensions or alterations to buildings or structures, associated with a residential activity *“that are located on the GPS building location identified on TLP Plan 1”* and that comply with TLP-S1 and TLP-S2. The matters of control include design and appearance as set out in the *Ther “Landing Architectural and Landscape Design Guidelines”*, landscaping to soften and integrate buildings into the surrounding landscape having regard to the Architectural and Landscape Design Guidelines, and effects on the characteristics, qualities and values of the coastal environment, and all relevant elements in the Architectural and Landscape Design Guidelines. Non-compliance with the controlled activity rule (e.g. where the building is not located on identified building location) is proposed to be a restricted discretionary activity.
  - b. **TLP-R2 – new buildings and structures associated with residential activity outside residential lots identified in Precinct Plan 1:** a non-complying rule where residential activities are located outside the residential lots in Precinct Plan 1, except where the lot has been relocated in accordance with TLP-R3.
  - c. **TLP-R3 – relocation of lot:** provides for the relocation of any lot identified on TLP Plan 1 within The Landing, subject to no additional lots being created otherwise this would be a non-complying activity.
  - d. **TLP-R4 – subdivision creating additional lot:** is a prohibited activity rule for the creation of any lot exceeding the number of residential lots identified on TLP Plan 1 within TLP (i.e. 46).



### TLP standards

109. Two standards are proposed for the TLP as follows:

- a. **TLP-S1 – residential buildings and structures on residential lots:** this standard initially proposed a maximum footprint standard for a new building or structure (or additions or alterations to existing buildings or structures) is 800m<sup>2</sup> and a maximum height of 9m above ground level. However, based on feedback and further landscape advice from Ms Absolum and Mr Lister, this has been refined to firstly require that the dwelling on each lot *"must be situated such that no more than 60% of the dwelling's footprint extends in any direction from the GPS coordinates identified for each residential lot on TDLA Plan 1"*. Secondly, the 9m maximum building height has been retained except for residential units identified in the Architectural and Landscape Design Guidelines as only being suitable for single level buildings. It is proposed that non-compliance with these standards would be a restricted discretionary with the matters of discretion being any adverse effects on the landscape values of the ONL and effects on the natural characteristics and qualities and values of the coastal environment, with particular consideration of views from the sea.
- b. **TLP-S2 – colour and materials:** this standard is similar to the equivalent NFL and CE standards for the exterior surfaces of new buildings within ONL or CE overlay in that it requires exterior surfaces to be constructed of natural materials and/or finished to achieve reflectance value of less than 30%. However, it is proposed that there is no requirement to comply with the colour chart referred to in those standards as Mr Lala advises that *"The submitter does not support the inclusion of the restriction to colour groups A, B and C as in their view this will result in a monotonous grey on grey outcome, which is not supported at The Landing."*

### TLP Plan 1

110. Attached to the provisions is "The Landing Development Area Plan" (TLP Plan 1) which is based on the plan referred to in the original subdivision consent. In response to feedback provided and concerns about the legibility and workability of the plan, Mr Lala has advised that the plan will be updated to be at a finer scale, to also be in GIS format so as to be incorporated into the PDP maps, and to more clearly show the house sites based on the approved Master Plan. However, this map was still being finalised at the time of writing this report and I understand that Mr Lala intends to provide this through rebuttal evidence.



### The Landing Development Area Architectural and Landscape Design Guidelines

111. It is proposed that "The Landing Development Area Architectural and Landscape Design Guidelines" are incorporated into the provisions. I understand these guidelines have been jointly prepared by Mr Lister and Mr Chester and have been informed by previous landscape and architectural assessments and designs at The Landing. The guidelines set out a range of design considerations, including building form, building location, use of landscape elements and vegetation, building materials etc. along with some consideration of each site by type.
112. In response to feedback from Ms Absolum and discussions with Mr Lister, it is understood that the guidelines are to be updated to include relevant sections of the approved landscape plan, which includes reference to the house sites and where these are restricted to single level dwellings. Again, this update was not finalised at the time of writing this report and I understand that Mr Lala intends to provide this through rebuttal evidence.

### **Analysis**

113. As with Matakā Station, to determine whether a bespoke spatial layer is appropriate for The Landing, the first step in my view is to understand the anticipated development and outcomes at The Landing through the approved subdivision consents and whether the PDP would inappropriately restrict or constrain those outcomes.
114. In this respect, I note that Matakā Station and The Landing are similar in terms of their existing consents and the conservation and development outcomes they are seeking to achieve. Accordingly, adopting a consistent planning approach for these two areas under the PDP is appropriate in my view.

### The Landing – overview of site and existing consents

115. The Landing is located on the Purerua Peninsular next to Matakā Station and comprises of approximately 395ha of land. Consent has been granted for 46 residential lots and several other lots that are used for farming, viticulture, heritage preservation or other non-residential uses. The consent also prohibits further subdivision beyond the 46 residential sites and requires revegetation and restoration planting.
116. The Landing has some unique characteristics (compared to typical rural-residential developments) that are similar to Matakā Station. These include:
- a. High-quality, lower-density residential development. Many of the lots are significantly smaller than Matakā Station (e.g. many sites are less than 1ha and some less than 4,000m<sup>2</sup>) but this is offset by the large



parts of the property being managed as open space or for conservation purposes.

- b. Strong focus on conservation with significant environmental enhancements, including wetland restoration, native tree planting, and heritage preservation (47% of site is being set aside in perpetuity for conservation and heritage purposes<sup>36</sup>).
117. In terms of the consents for The Landing, I understand that the initial resource consent granted in 2005 approved 39 residential lots with subsequent additions of lots and purchasing of land from Matakā Station resulting in a total of 46 residential lots. I also understand from the landscape evidence of Mr Lister<sup>37</sup> that:
- a. The house sites were chosen so that “buildings nestle within the landscape” by avoiding prominent hilltops, being setback from coastal scarp and/or utilising land backdrop and vegetation
  - b. Approx. 85% of the site is managed as a single property, with approx. 40% of the property managed as open space and 45% managed as bush and wetlands
  - c. Residential units on each approved building site are currently subject to a restricted discretionary activity under the ODP with discretion limited to certain visual amenity matters<sup>38</sup>
  - d. Development of each residential lot is also controlled by an internal design review process by MLP LLC with the residential unit being assessed against architectural and landscape guidelines<sup>39</sup>.
118. I understand that three of the seven stages of the subdivision consents have been given effect to which has resulted in the creation of 20 of the 46 residential lots along with the construction of seven dwellings. In addition, pastoral farming and a vineyard and winery operation has been established within The Landing and extensive restoration, replanting, fencing and pest control has been undertaken.
119. Overall, in my view, it is clear that The Landing has been subject to a detailed landscape assessment through the subdivision consent process which has considered the location of each lot. It was also clear when visiting the site that numerous conservation and ecological benefits are being achieved and residential development to date has been carefully designed. In this respect, I support the outcomes being sought at The

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<sup>36</sup> Planning evidence of Mr Lala, paragraph 7.13.

<sup>37</sup> Landscape evidence of Mr Lister, paragraph 3.1 and 4.2.

<sup>38</sup> Rule 10.7.5.3 in the ODP.

<sup>39</sup> Mr Lister states that this requirement is given effect to through condition 12 and 19 of the resource consents.



Landing and agree that the PDP should not act as barrier to consented development that has been subject a detailed landscape assessment.

PDP provisions and potential constraints for anticipated development at The Landing

120. Under the PDP, The Landing is zoned RPROZ and is subject to CE, ONL and HNC overlays. The planning evidence of Mr Lala raises concerns that the PDP would affect development rights approved under the existing consents, stating that the PDP zoning and overlays "*would alter the consent status for dwellings on a number of consented residential lots from restricted discretionary to discretionary or non-complying and make the assessment against objectives and policies very difficult*"<sup>40</sup>.
121. In terms of the overlay rules, Mr Lala references the relevant paragraphs of the Coastal Environment Section 42A Report which recommended a controlled activity for residential units on defined building platforms (as discussed above in relation to Matakā Station). However, there does not appear to be any recognition of this key recommendation when assessing the options for The Landing (Appendix 2 of Mr Lala's evidence) or when demonstrating the need for a bespoke spatial layer.
122. As with Matakā Station, I am of the view that these controlled activity rules for residential units on defined building platforms in the CE and ONL in Hearing 4 would, if accepted by the Hearing Panel, address many of the issues raised in the submission of MPL LLC. However, I acknowledge that it cannot be assumed that these recommendations will be accepted by the Hearing Panel. As with Matakā Station, I also agree that there are benefits in having a targeted set of provisions for The Landing to provide clarity on the landscape, ecological and development outcomes to be achieved, more specificity on the location of building platforms, specific design guidelines to ensure high-quality developments, and to provide certainty to landowners.

What is the most appropriate option to provide for The Landing?

123. I consider that the reasonably practicable options for planning provisions at The Landing are essentially the same as Matakā Station, as are the related pros and cons. Accordingly, I therefore do not repeat that assessment here but instead conclude that the most appropriate option (spatial layer) is the same, i.e. a precinct for The Landing or "The Landing Precinct" (TLP).
124. The next step is to ensure that the proposed provisions for the TLP are an appropriate way to achieve the purpose of the RMA, give effect to higher order documents, and achieve the relevant PDP objectives, including those relating the CE and ONL overlays.

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<sup>40</sup> Planning evidence of Mr Lala, paragraph 1.2.





#### Analysis of proposed TLP provisions

125. The provisions requested for the TLP by Mr Lala are more concise and simplified compared to the proposed provisions for the MSP described above. However, they do share some key similarities as the overall intent is to appropriately provide for residential development within approved building locations that have been subject to earlier landscape assessments and subdivision consenting processes.
126. As noted above, following correspondence with Mr Lala and between Ms Absolum and Mr Lister, there have been some key changes to the TLP provisions to those originally requested in May 2025 aimed at improving workability and ensuring that these can be effectively implemented. This includes clarifying where RPROZ, CE and NFL provisions still apply to TLP, including making it clear all relevant objectives and policies in CE and NFL Chapters apply. This is an important change in my view for consistency and to ensure the TLP provisions give effect to key provisions in the NZCPS and RPS.
127. There has also been broad agreement with Mr Lala through feedback and correspondence to:
  - a. Amend the TLP Plan 1 to provide a more legible plan at a finer scale with more clearly defined building locations with GPS coordinates and to identify the approved ecological area identified in the Master Plan and incorporated into the consent conditions. This is key outstanding matter in my opinion to ensure the provisions can be effectively implemented by FNDC and that future residential units are located on approved building locations.
  - b. Amend the Architectural and Landscape Design Guidelines to include key aspects of the landscape plan that formed part of the approved subdivision consent. Once agreed, it is anticipated that these guidelines would be included in the PDP as an appendix as these form a key part of the TLP provisions.
128. However, these outstanding issues and amendments have not been finalised at the time of writing this report and I understand that Mr Lala intends to provide this through rebuttal evidence.
129. I also have concerns about the workability of proposed amendments to TLP-S1 to require buildings "*be situated such that no more than 60% of the dwelling's footprint extends in any direction from the GPS coordinates identified for each residential lot on TDLA Plan 1*". It would be helpful for Mr Lala to also demonstrate how this standard can be interpreted and applied in practice when providing the updated TLP Plan 1.
130. In addition, I have identified some further amendments that I consider are required to the TLP provisions to ensure these are fit-for-purpose and





more consistent with other PDP provisions. Those recommendations include:

- a. Replacing references to “development area” with “precinct” throughout the provisions (as agreed with Mr Lala).
  - b. Amendments to the overview and advice notes to clarify where provisions in the RPROZ, CE and NFL chapters of the PDP do/do not apply (e.g. rules and standards for earthworks and farming which are not provided for in the TLP provisions). As with the MSP, the recommended approach to clarify this relationship between the precinct provisions at this point is through the overview section and advice notes above the rules, which is broadly consistent with the Horticulture Precinct approach recommended in Hearing 9. However, we will consider whether consequential amendments to other chapters are required for the avoidance of doubt.
  - c. Amending TLP-O2<sup>41</sup> and TLP-P2 to refer to “farming” as a defined term in the PDP
  - d. Amending TLP-P1 to replace “acknowledge and respects” with language that I consider is better aligned with higher order direction and other PDP provisions (“protects and enhances”).
  - e. Amendments to TLP-R1 to focus on the buildings and structures for the residential activity (rather the residential activity per se) to be consistent with the general PDP drafting approach.
  - f. Amendments to TLP-R1 to separate out the two controlled activity conditions for clarity and to refine the matters of control and discretion to better capture relevant considerations/effects and align with other relevant provisions (e.g. “characteristics, qualities and values” of CE and ONL). I also recommended a restructuring the rule to provide a clearer activity status cascade which then means that TLP-R2 can be deleted.
  - g. Amendments to use terms defined in the PDP/more specific terms (e.g. replacing “dwelling” with “residential unit”).
  - h. Minor formatting issues.
131. In addition, I consider the subdivisions rules need further consideration and amendment. Firstly, I question the need for a prohibited activity rules for the creation of additional lots as I understand this is addressed through

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<sup>41</sup> Note that the National Planning Standards (Format Standard 10.15) require that “*Precincts must be identified with 'PREC', followed by a sequential number, a space, an en-dash, a space, the precinct's unique name, a space, and 'precinct'*”, such as PREC1 – The Landing Precinct. However, for the purposes of this report, specific numbering for the precincts has not been identified but can be recommended through right of reply.



the consent conditions. However, I do not have a strong view on this matter and Mr Lala may choose to respond to this with additional justification through rebuttal evidence. In terms of the rule enabling the relocation of lots as a restricted discretionary activity, I am generally comfortable that the matters of discretion (with my recommended amendments) are adequate to ensure that any adverse effects can be assessed and managed. However, it is unclear to me if or how a relocated lot would still ensure the residential unit is constructed on an approved building location/GPS coordinate and this requires further clarification. I also consider that non-compliance with RDIS-1, i.e. creating an additional lot, should be a prohibited activity as I understand that this is what the consent states.

132. On this basis, I support the inclusion of the TLP in the PDP **in principle** subject to these matters being appropriately addressed through rebuttal evidence. Despite these outstanding matters, I have included my recommended amendments to the TLP provisions in **Appendix 3.3** to enable MPL LLC to more efficiently respond. The draft TLP Plan 1 and Architectural and Landscape Design Guidelines are also included in Appendix 3.3 and it is anticipated that both would be incorporated into the PDP (once agreed).

### **Recommendation**

133. For the above reasons, I support the requested TLP **in principle** subject to the outstanding matters identified above being appropriately addressed by MLP LLC through rebuttal evidence.

### **Section 32AA evaluation**

134. Mr Lala has provided a section 32AA evaluation of the requested TLP in Attachment 2 of his evidence which I broadly concur with. In particular, I consider that the proposed MSP will deliver a number of benefits compared to alternative options, including better recognising current and anticipated activities within the Precinct and providing a targeted set of provisions that achieve the conservation and residential development outcomes sought for The Landing. The further amendments to the TLP provisions that I am recommending are intended to improve workability, ensure the provisions are better aligned with other relevant PDP provisions, and ensure all relevant effects can be appropriately assessed and managed (noting that there are a number of issues outstanding). I therefore consider that these recommended amendments are an appropriate, efficient and effective way to achieve the relevant PDP objectives in accordance with section 32AA of the RMA.



### 3.2.4 Wiroa Station – Special Purpose Zone (Jerome Wyeth)

#### Overview

Submission points	Notified PDP Zoning	Officer Recommendation(s)
S346.001, S346.004	RRPOZ	Retain notified zoning

#### Matters raised in submissions

##### Summary of original submissions

135. Paradise Found Developments (S346.001, S346.004) request that the PDP is amended to explicitly provide for the activities and land uses that are authorised under existing resource consents for Wiroa Station, 40 McKenzie Road, Purerua Peninsula, Kerikeri (Lots 1-21, DP 497523). To address this, Paradise Found Developments request the inclusion of a new SPZ or structure plan together with appropriate provisions (objectives, policies, and rules) that enable residential development and activities authorised by the existing consents as permitted activities, regardless of the overlay provisions in the PDP relating to the CE or Coastal Flood Hazard Areas.
136. Paradise Found Developments is requesting this relief on the basis that the PDP fails to recognise and provide for the development and subdivision enabled by the consents at Wiroa Station. Paradise Found Developments is concerned that the PDP provisions will restrict the development of the property in a manner that is inconsistent with the existing resource consents and the integrated and comprehensive development authorised by those consents. Further, Paradise Found Developments is concerned that the CE provisions in the PDP have not been evaluated properly under section 32 of the RMA as this evaluation has not considered approved, but unimplemented, developments such as Wiroa Station.

##### Summary of further submissions

137. There are four further submissions on the Paradise Found Developments submission points as follows:
  - a. Matakā Residents Association (FS143.76, FS143.79) consider that a SPZ or structure plan is appropriate to apply to subdivision and development where previous resource consents have established development entitlements together with considerable landscape and biodiversity benefits.
  - b. Kapiro Conservation Trust (FS566.019, FS566.022) oppose the submissions from Paradise Found Developments to the extent that it is inconsistent with their original submissions.



## **Analysis**

138. Firstly, I acknowledge that the notified provisions in the CE Chapter and supporting section 32 evaluation may not have explicitly considered consented, unimplemented residential development that may be impacted by the CE overlay controls. However, as discussed above, this issue was considered in some detail during Hearing 4 in response to submissions from Matakā Residents Association and others raising similar concerns. As outlined above, the recommendation in response to this issue is a new controlled activity pathway for residential units on approved building platforms that have been subject to a landscape assessment (i.e. CON-1 in CE-R1 and NFL-R1).
139. In March 2025, I advised Paradise Found Development of this recommendation to help understand if this would address the concerns raised in the submissions. I also advised that the criteria for additional SPZ in the National Planning Standards was a high “bar” to meet, this would need to be supported by sufficient evidence, and there are alternative spatial layers that may be more appropriate to address the relief sought.
140. Paradise Found Development contacted me in May 2025 but choose not to “opt in” to the reverse process for rezoning submission set out in Minute 14. As such, there is no specific evidence, provisions, section 32AA evaluation, or assessment against the Minute 14 criteria to support their request for a SPZ.
141. Therefore, while I appreciate Wiroa Station has very similar issues and is requesting similar relief as Matakā Station and The Landing (including being located on the same peninsular), there is insufficient information and evidence in their submission for me to support the relief for a SPZ (or alternative spatial layer). I understand from recent discussions with Paradise Found Development that they are still considering their position on this matter which I anticipate will be confirmed through rebuttal evidence and/or prior to the hearing.

## **Recommendation**

142. For the above reasons, I recommend that the submission points from Paradise Found Development requesting a SPZ for Wiroa Station are rejected. 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**

143. I am not recommending any change to the zoning or other spatial layers at Wiroa Station therefore no evaluation under section 32AA of the RMA is required.



### 3.2.5 Motukiekie Island Precinct (Kenton Baxter)

#### Overview

#### Overview

Submission point	Notified Zoning	PDP	Officer Recommendation(s)
S183.001	NOSZ		Rezone RPROZ as the underlying zone and apply a "Motukiekie Island Precinct" spatial layer

#### Matters raised in submissions

##### Summary of original submission

144. Mr Lewis Thomas Grant, Mr Jake Ryan Lockwood, Mr Luke Stephen Lockwood and Mr Stephen Graham Lockwood "Motukiekie Owners" (S32.001 and S32.002) oppose the Natural Open Space Zone (NOSZ) for Motukiekie Island as it does not achieve the purpose and principles of the RMA. The submission states that it is an inappropriate zone because the Island is privately owned and therefore this zone is considered overly restrictive. The submitter requests the Moturoa Island Zone is amended to include appropriate references to Motukiekie Island; or a new Motukiekie Island SPZ is created that is consistent with the approach taken for the Moturoa Island Zone. The Motukiekie Owners request a 'Development Plan' for the Island with an appropriate number, extent and location for identified building platforms and appropriate areas reserved for conservation activities.

##### Summary of further submissions

145. There is four further submission points from the Motukiekie Owners (FS344.001, FS344.002, FS344.003 and FS344.004) in support of the original submission points with additional supporting information. The additional information includes amendments to the Motorua Island zone provisions to include Motukiekie Island. A Motukeikie Island Development Plan to be inserted into the District Plan along with "further other relief" and/or "alternative consequential amendments" where required to the PDP.

##### Summary of evidence received

146. The Motukiekie Owners chose to "opt-in" to the process for rezoning submissions set out in Minute 14 from the Hearing Panel. Accordingly, on 12 May 2025, the following evidence was provided on behalf of the Motukiekie Owners:
- Planning evidence from Mr Hook, including a set of provisions for a special purpose zone "Motukiekie Island zone" in Attachment 2, and



a supporting section 32AA evaluation as part of his planning evidence.

b. Landscape evidence from Mr Farrow.

147. Following the filing of Mr Hook's primary evidence, I provided informal and without-prejudice feedback on behalf of Council along with supporting feedback from Councils landscape and archaeology experts. A key aspect of the planning feedback was concern that the proposed Special Purpose Zone was inconsistent with the spatial planning framework set out in the National Planning Standards, which limit the use of such zones and guide the structure of district plans.
148. In response, Mr Hook undertook a further review of the methods available under the National Planning Standards to address the fundamental planning issues raised by the Submitters.
149. As a result of this review, an alternative approach has been developed and outlined within Mr Hook's supplementary evidence. This involves applying the Rural Production Zone to Motukiekie Island, supplemented by a set of precinct provisions specifically tailored to the Island. These provisions are intended to provide for the continued conservation and ecological restoration efforts of the landowners, while enabling limited future development in a way that is consistent with the Island's landscape, natural character, and ecological values.
150. The following finalised additional evidence was provided on the 7 July 2025 on behalf of the Motukiekie Owners
  - a. Supplementary planning evidence from Mr Hook including a set of provisions for a Motukiekie Island Precinct (MIP) and a supporting section 32AA evaluation as part of his planning evidence.
  - b. Supplementary ecology evidence from Mr Farrow
  - c. Archaeology evidence from Mr Carpenter
151. The table below provides a high-level summary of the key points and conclusions in the evidence.

Evidence	Summary of key conclusions
Primary Planning – Mr Hook	Mr Hook considers that the proposed Motukiekie Island Zone provisions appropriately reflect the Island's unique features, land use history, and wholly private ownership, and are more suitable than other zones within the PDP. The provisions manage land use activities in a way that complements the Island's natural and landscape values, preserves and protects its natural characteristics, and enhances its ecological qualities, while also enabling ongoing use and development.

	<p>Overall, Mr Hook considers that his assessment of the proposed approach for Motukiekie Island, along with the relevant higher order policy documents, provides a robust analysis of the potential positive and adverse effects of the proposed zone. He concludes that the Motukiekie Island Zone provisions represent the most appropriate planning framework for the area, and that effects are appropriately managed.</p>
Supplementary Planning – Mr Hook	<p>The proposed precinct provisions include specific objectives and policies that support ongoing conservation while enabling limited development, including up to three additional buildings within identified areas.</p> <p>Five permitted activities are provided for, alongside one discretionary activity for new buildings. Development is subject to design guidelines and must include ecological, cultural, and visual assessments.</p> <p>The updated approach also includes rezoning the underlying zone from NOSZ to RPROZ along with site-specific precinct provisions which offers a more appropriate planning response than the notified NOSZ. This approach better aligns with national and regional planning instruments and achieves the sustainable management purpose of the RMA.</p>
Landscape – Mr Farrow	<p>Mr Farrow considers Motukiekie Island to be a highly sensitive and valued part of the Bay of Islands seascape, appropriately recognised as an ONL and an area of HNC. He notes that the island is in the later stages of transitioning from historic pastoral use to one dominated by diverse indigenous vegetation, with the Lockwood family's conservation efforts playing a key role in this process.</p> <p>Mr Farrow supports the proposed Development Plan, which identifies an additional three future small, defined building areas that have been carefully selected to avoid wider adverse effects. He considers the identification of these areas, combined with surrounding vegetation retention requirements, provides a high degree of certainty as to the location and containment of any future development.</p> <p>He further notes that any future buildings will be subject to a discretionary activity consent process, informed by Special Information Requirements and Building Guidelines, which will ensure development is appropriately designed and assessed. Mr Farrow considers that these measures will result in low-impact, visually recessive buildings that are sympathetic to the Island's natural and landscape values.</p> <p>Overall, Mr Farrow concludes that any landscape, visual, natural character, and ecological effects resulting from the proposed development will be less than minor. He considers the proposal to</p>





	<p>be consistent with the relevant objectives and policies of the NZCPS, the RPS, and the Regional Coastal Plan in terms of protecting the natural character of the coastal environment and outstanding landscape values.</p>
Supplementary Ecology – Mr Farrow	<p>In relation to ecology Mr Farrow concludes the proposed new building areas and solar array expansion are ecologically compromised due to past development or exotic planting and do not hold heightened ecological value.</p> <p>No significant flora species are present in these areas, and the habitat is unlikely to be favoured by native lizards, birds, or bats.</p> <p>Development guided by the proposed Principles and Building Guidelines will minimise impacts on indigenous vegetation and help preserve the island’s natural values.</p> <p>Any ecological effects from development in Building Areas 2–4, if following the guidelines, are expected to be very limited and less than minor.</p> <p>The selection of already-compromised areas for development reflects a deliberate effort to avoid ecological impacts.</p>
Archaeology – Mr Carpenter	<p>Mr Carpenter concludes an archaeological assessment of Motukiekie identified four recorded sites: two pā and two terraced sites. Three were revisited; the fourth was observed from a distance due to inaccessibility.</p> <p>Building Area 2 overlaps with a mislocated recorded site but the area has been heavily modified by previous uses, such as a nursery and hen house.</p> <p>Building Areas 3 and 4 are unlikely to have archaeological effects, although Area 4 is near an unrecorded historic or early modern site.</p> <p>Two existing archaeological sites have already been modified by modern infrastructure (helipad, water tank).</p> <p>The archaeological significance of the sites under the Heritage New Zealand Act is assessed as low to moderate due to their degraded condition and limited features, although they may hold high cultural value for Mana Whenua.</p> <p>Under the RMA, the sites have limited physical or aesthetic significance but may have moderate to high social and Mana Whenua value.</p> <p>Overall, the proposed zoning and provisions are appropriate for managing any potential archaeological and heritage effects of future development.</p>



### **Summary of the MIP provisions**

152. The planning evidence of Mr Hook sets out the rational for the MIP provisions and underlying Rural Production zone (refer to supplementary statement of evidence). This evidence provides a summary of the Rural Production rezone and MIP focusing on where the provisions will be more enabling than the underlying zone and relevant overlays.

### **Relationship with other PDP provisions**

153. Following correspondence with Mr Hook, the Motukiekie owners have recommended an approach that is also more aligned with the recommended approach for Matakā Station and 'The Landing' outlined above. Specifically, this approach is for all relevant PDP objectives and policies to apply to Motukiekie Island (including those relating to the CE and NFL) with the MIP provisions only prevailing over specific rules and standards relating to residential development.

### **MIP objectives**

154. Three objectives are requested for the MIP. PRECX-O1 seeks to ensure that land use is of a scale and type that complements and aligns with the Island's natural and landscape values. PRECX-O2 seeks to maintain and enhance the coastal character, natural values, and environmental quality of the Island for the benefit of current and future generations. PRECX-O3 seeks to protect and enhance the ecological values of Motukiekie Island.

### **MIP policies**

155. Five policies are proposed for the MIP:
- a. PRECX-P1 seeks to enable the development of no more than three additional residential units (in addition to the existing dwelling and consented caretaker's dwelling), provided the development is appropriately scaled and located within the defined building areas on the MIP Plan.
  - b. PRECX-P2 seeks to provide for minor additions and external alterations to existing lawful buildings and structures, where significant adverse effects are avoided and other adverse effects are appropriately avoided, remedied, or mitigated.
  - c. PRECX-P3 seeks to ensure that all development is consistent with the MIP Plan and the associated Building Guidelines.
  - d. PRECX-P4 seeks to encourage the enhancement of ecological and natural values by enabling continued conservation activities on Motukiekie Island.



- e. PRECX-P5 seeks to manage land use and subdivision by requiring consideration of a range of matters where relevant to a resource consent application, including compliance with the Precinct Plan, effects on natural character, ecological and archaeological values, the scale and design of development, infrastructure needs, earthworks, natural hazards, and wastewater, stormwater, and water supply provisions.

### Rules

156. Seven rules are proposed for the MIP as follows:

- a. **PRECX-R1 – Extensions or alterations to existing buildings or structures up to 20% of GFA:** This rule permits extensions or alterations of up to 20% of the GFA for lawfully established buildings or structures, where such work is located within a defined building area (including the solar array extension area) as shown on the MIP Plan. The activity must be associated with a permitted activity and must comply with relevant standards including stormwater and effluent disposal (PRECX-S1), maximum height (CE-S1 and NFL-S1), colours and materials (CE-S2 and NFL-S2), and earthworks and indigenous vegetation clearance (CE-S3 and NFL-S3).
- b. **PRECX-R2 – Residential activity:** This rule permits residential activities where the residential unit is located within a defined building area identified on the MIP Plan, and where the total number of residential units on the Island does not exceed five (including up to two units within Building Area 1).
- c. **PRECX-R3 – Conservation activity:** This rule permits conservation activities limited to planting, pest and weed control, and the introduction of native fauna.
- d. **PRECX-R4 – Visitor accommodation:** This rule permits visitor accommodation where it is located within a residential unit, accessory building, or minor residential unit situated within the building areas identified on the Council-approved MIP Plan. Occupancy must not exceed 10 guests per night per residential unit (including any associated accessory or minor residential unit located within the same building area).
- e. **PRECX-R5 – Helicopter movements:** This rule permits up to five helicopter movements (landings and take-offs) per day, excluding those required for emergency services (including civil defence).
- f. **PRECX-R6 – New buildings or structures and extensions or alterations exceeding 20% of GFA:** This rule applies discretionary activity status to any new buildings or structures, or extensions and alterations to existing lawfully established buildings



or structures where the increase in GFA exceeds 20%. The development must be located within a building area identified on the MIP Plan and comply with standards relating to stormwater and effluent disposal (PRECX-S1), special information requirements (PRECX-S2), and colours and materials (CE-S2 and NFL-S2).

- g. **PRECX-R7 – Activities otherwise not listed:** Any activity not otherwise provided for in the rules of the MIP is a non-complying activity.

#### MIP standards

157. **PRECX-S1 – Stormwater and effluent disposal:** This standard requires that each residential unit on Motukiekie Island must have an exclusive area of at least 3,000m<sup>2</sup> dedicated to the disposal and treatment of stormwater and effluent.
158. **PRECX-S2 – Special Information Requirements:** This standard requires that any application for a new building or structure under rule PRECX-R6 must include an AEE addressing a range of matters including: ecological effects of vegetation removal and establishment; archaeological and cultural values with mana whenua consultation; landscape and visual effects on coastal, natural character and landscape values; geotechnical site suitability; earthworks and landform modification; the location, height, form, and massing of proposed buildings relative to precinct building areas; site servicing infrastructure (access, electrical supply, water, stormwater, wastewater); construction materials and finishes; consistency with Motukiekie Island Building Guidelines; and all matters set out in policy PRECX-P5 such as natural character, earthworks, vegetation clearance, and design considerations.

#### MIP Plan 1

159. Attached to the provisions is MIP Plan 1 which provides specific building area locations on the Island.
160. As part of the informal feedback i provided on behalf of Council I expressed concern in terms of the difficulty identifying the exact location of the building areas. The submitter has indicated they will provide a shapefile using surveyed data to address the accuracy concern.

#### Motukiekie Island Building Guidelines

161. It is proposed that “Motukiekie Island Building Guidelines” are incorporated into the provisions. These guidelines have been developed by Mr Farrow and have been informed by his landscape assessment of Motukiekie Island and the MIP Plan. The guidelines promote low-impact, well-integrated development within defined Building Areas. Buildings should be single-storey, modest in height, and use low-reflectivity



materials in colours that complement the island's natural landscape. Earthworks and lighting must be minimised to reduce visual and environmental effects.

162. Vegetation is to be retained where possible, with indigenous planting encouraged to maintain ecological values and visual screening. Access should use existing service tracks to limit disturbance, and careful management of surrounding vegetation is required to balance screening with fire safety and long-term maintenance needs.

### **Analysis**

163. As with Matakā Station and The Landing, to understand whether a bespoke spatial layer is appropriate for Motukiekie Island, in my view it is necessary to first understand the anticipated development and outcomes on the Island and whether the PDP would inappropriately restrict or constrain those outcomes.
164. In this respect, I note that Motukiekie Island differs from Matakā Station and The Landing, as it is held in a single title and does not have existing consents for the future development provided for in the MIP Plan, aside from the existing residential building and the consented caretaker's residence. However, some of the environmental and residential development outcomes being sought are similar. Accordingly, a consistent planning approach, with some important differences to reflect the unique circumstances of this site, is in my view both necessary and appropriate under the PDP.

#### Motukiekie Island – overview of site and existing consents

165. Motukiekie is a privately owned 29ha Island located in the eastern Bay of Islands. Motukiekie is situated to the north of Te Rahwhiti Inlet between Urupukapuka and Moturua Islands. Motukiekie has a single dwelling and jetty located on the western side of the Island that is used by the Lockwood Family. Resource consent has also been granted for a caretaker's dwelling which is located near the main dwelling.
166. Over the past 15 years, the Lockwood Family has self-funded extensive ecological restoration on Motukiekie Island, including the planting of over 20,000 native seedlings and ongoing weed and pest control. A full-time caretaker lives on the island and is responsible for conservation work such as maintaining bird feeding and water stations to support native bird recolonisation.
167. Motukiekie is now predator-free and forms part of Project Island Song, a pest-free wildlife sanctuary in the eastern Bay of Islands.

#### PDP constraints for anticipated development at Motukiekie Island



168. Under the PDP, Motukiekie Island is zoned NOSZ and is subject to multiple overlays, including the CE, HNC, and ONL overlays. The planning evidence of Mr Hook raises concerns that the combined effect of these provisions heavily restricts the use of the island so that the Lockwood Family considers there is no "reasonable use" available to them under the PDP. Motukiekie Island's classification as HNC is consistent with much of the Bay of Islands and its surrounding islands, and it forms part of a broader ONL area that extends along much of the coastline and out to Cape Brett.
169. The application of the NOSZ to Motukiekie Island differs with the zoning of other privately owned islands or parts of islands within the Bay of Islands, which are predominately zoned Rural Production. As outlined in the zone overview, the NOSZ *"generally applies to public land that is administered by government agencies and includes a variety of parks and historic reserves. In most cases, these areas have a high degree of biodiversity requiring active management."* This suggests that the zone is generally not appropriate for private landholdings. However, it appears that the zoning was carried over from the ODP where it was zoned Conservation which then became NOSZ in the PDP. This may have occurred because the Island was leased to the Department of Conservation for 26 years by the previous owners before the current owners purchased it in 2000. Whereas the other privately owned parts of Islands which are zoned Rural production in the PDP were zoned General Coastal in the ODP.
170. The provisions associated with the NOSZ are restrictive, with most activities not directly related to conservation requiring resource consent. Mr Hook notes that *"notably there is no provision for Residential Activity in the zone. Its activity status would therefore be Discretionary."* While the existing residential use on Motukiekie Island benefits from existing use rights, the zone does not support such activities. Also, any new activity which requires a resource consent would need to be assessed against the NOSZ objectives and policies that prioritise the protection and enhancement of ecological, cultural, historic, and natural character values. Land use in that zone must complement conservation purposes, and public access is supported where appropriate. Incompatible activities are to be avoided. In my opinion this policy direction is not appropriate for Motukiekie Island.
171. In Mr Hook's primary evidence, he has outlined some notified provisions of the relevant overlays relating to the island. I have included this information below while also noting Hearing 4 recommendations where these differ from the notified provisions. However, I acknowledge that it cannot be assumed that these recommendations will be accepted by the Hearing Panel.
172. Mr Hook states that under the CE provisions, buildings larger than 25m<sup>2</sup> must comply with strict standards relating to height (a maximum of 5 metres), as well as the use of recessive colours and materials. Non-



compliance with these standards triggers a discretionary activity status. The Hearing 4 recommendations, if accepted by the Hearing Panel, would amend these provisions to permit a building or structure up to 50m<sup>2</sup> within a HNC.

173. Mr Hook also outlines that earthworks within the Coastal Environment are currently limited to 50m<sup>2</sup> within a 10-year period, with any greater area requiring consent as a non-complying activity, subject to the gateway tests under section 104D of the RMA. The Hearing 4 recommendations, if accepted, would amend this provision to permit a total earthworks area of 50m<sup>2</sup> per calendar year, rather than over a 10-year period. It is also recommended that non-compliance with the earthworks or indigenous vegetation clearance rule (CE-R3), outside an ONC, be classified as a Restricted Discretionary Activity.
174. Mr Hook further notes that the ONL overlay imposes similar standards for building height, colour, and materials. However, buildings over 25m<sup>2</sup> not associated with farming activities are classified as Non-complying Activities under NFL-R1. While the Hearing 4 recommendations would allow for buildings up to 50m<sup>2</sup> within the ONL in the Coastal Environment, where the activity is not residential, the activity would remain non-complying where the standard is not met. Mr Hook also notes that earthworks within the ONL are limited to 50m<sup>2</sup> over the life of the District Plan, with any exceedance resulting in Non-complying Activity status under NFL-S3. The Hearing 4 recommendations propose that earthworks of up to 50m<sup>2</sup> be permitted per calendar year; however, exceeding this threshold would continue to result in Non-complying Activity status.
175. As with Matakā Station and The Landing, I also agree that there are benefits in having a targeted set of provisions for Motukiekie Island to provide clarity on the landscape, ecological and development outcomes sought along with more specificity on the location of building platforms and design guidelines.
176. As outlined elsewhere in this report I agree with the opinion that consenting constraints in the PDP overlay rules (with the section 42A report recommendations) are not, of themselves, sufficient reasons that warrant a bespoke spatial layer for Motukiekie Island. However, there are other reasons for considering a bespoke layer as outlined above. As such, the next step is to consider the most appropriate, effective and efficient way to provide for the outcomes sought at Motukiekie Island in a way that best gives effect to higher order direction and the relevant PDP objectives (including those relating to the CE and NFL overlays).

What is the most appropriate option to provide for Motukiekie Island?

177. In Mr Hook's primary evidence the three zoning options he considered were the NOSZ, RPROZ and a special purpose zone. However, as mentioned above I provided feedback that a special purpose zone was not





appropriate as it is inconsistent with the spatial planning framework prescribed in the National Planning Standards.

178. In Mr Hook’s supplementary evidence, he provided an alternative MIP precinct with a RPROZ underlying zone in response to Council feedback. I consider that the reasonably practicable options for planning provisions at Motukiekie Island are similar to Matakā Station and The Landing, as are the related pros and cons outlined in the table below. However, it is necessary to repeat the assessment here as there are some key differences including an assessment of options for the underlying zone.
179. Therefore, I have assessed the main options for planning provisions at Motukiekie Island are:
- a. **PDP with section 42A overlay report recommendations**
  - b. **Natural Open Space zone**
  - c. **Rural Production zone**
  - d. **A bespoke “MIP”**
  - e. **A bespoke “Motukiekie Island Development Area”**
180. The table below provides a high-level analysis of the pros and cons of these options, which should be read together with Mr Hook’s primary and supplementary evidence.

Option	Pros	Cons
1: Section 42A overlay provisions	<ul style="list-style-type: none"> <li>Plan integrity – reduces the number of bespoke spatial layers in the PDP</li> <li>Less complex for Council planners</li> <li>PDP provisions have already been tested in accordance with s32 and s32AA</li> </ul>	<ul style="list-style-type: none"> <li>Less certainty for future development on Motukiekie Island</li> <li>The integrated and comprehensive nature of the Island’s development and restoration is not specifically recognised</li> <li>Risk of ad hoc decision-making that does not account for the unique characteristics of the Island</li> </ul>
2. NOSZ	<ul style="list-style-type: none"> <li>Aligns with the Island’s existing conservation and ecological restoration objectives</li> <li>Strongly protects natural character, landscape and biodiversity values</li> </ul>	<ul style="list-style-type: none"> <li>Does not provide for residential activities, development or built form associated with the Island’s Development Plan</li> <li>Is not generally an appropriate zone for private land</li> <li>Could constrain ongoing use of the Island</li> </ul>



3. RPROZ	<ul style="list-style-type: none"> <li>• PDP provisions are existing and well understood</li> <li>• Enables limited residential activity</li> <li>• Potentially compatible with existing use of parts of the Island</li> </ul>	<ul style="list-style-type: none"> <li>• Primary focus on production land uses.</li> <li>• Does not reflect the values associated with the Island including the conservation, and ecological focus</li> <li>• Enables a range of rural and other activities which may not be appropriate on the Island</li> </ul>
4: Precinct	<ul style="list-style-type: none"> <li>• Provides greater certainty of outcomes</li> <li>• Enables the vision to be articulated through bespoke provisions</li> <li>• Most of the underlying zone and overlay provisions still apply (including all objectives and policies) with the exception of specified rules</li> </ul>	<ul style="list-style-type: none"> <li>• Another bespoke spatial layer in the PDP adds complexity</li> <li>• The National Planning Standards description for precinct is focused on modifying the underlying zone (rather than overlay)</li> </ul>
5: Development area	<ul style="list-style-type: none"> <li>• Provides greater certainty of outcomes</li> <li>• Enables the vision to be articulated through bespoke provisions</li> <li>• A relatively simplistic spatial layer</li> </ul>	<ul style="list-style-type: none"> <li>• 'Development area' may not align with the conservation-led purpose of activities on Motukiekie Island</li> <li>• Focused on land use transition rather than long-term integrated outcomes</li> </ul>

181. Overall, I consider that the most appropriate approach is to amend the underlying zoning to RPROZ. While the Island is not used for traditional rural production activities, this zone is consistent with other privately owned Islands or parts of Islands within the Bay of Islands, and in particular provides for residential activities in a manner that the NOSZ does not. Given the limited zoning options available within the planning standards and PDP, this is considered the most appropriate underlying zoning.
182. I also consider that a bespoke spatial layer (Option 4 or 5) in addition to RPROZ is also the most appropriate, effective and efficient way to achieve the outcomes sought at Motukiekie Island and address the limitations associated with the RPROZ. In terms of whether a "precinct" or "development area" is most appropriate for Motukiekie Island, in my view, neither is a perfect fit for the Island based on the descriptions provided in the National Planning Standards. However, on balance, I consider that a precinct is the most appropriate spatial layer Motukiekie Island for the reasons outlined above.
183. The next step is to ensure that the provisions for the MIP are an appropriate way to achieve the purpose of the RMA, give effect to higher



order documents, and achieve the relevant PDP objectives including those relating to the CE and ONL overlays.

Analysis of proposed provisions

184. The provisions sought for the MIP by Mr Hook are comparatively more concise and simplified than those proposed for the Matakā Station Precinct and are more similar in structure to those developed for 'The Landing'. Notwithstanding this, the provisions do share key similarities with both developments in the way they provide for residential development within identified housing sites or building platforms. The primary distinction is that the MIP represents a new development proposal, whereas both Matakā Station and The Landing involve existing approved building platforms that have previously undergone detailed landscape assessment through earlier subdivision consent processes.
185. This context is reflected in the proposed discretionary activity status for new buildings and structures within approved building areas under the MIP, which enables full assessment of such proposals without constraint. This approach is considered appropriate in order to ensure high-quality outcomes are achieved within this sensitive environment.
186. The proposed building platforms identified in the MIP Plan have been assessed by Mr Farrow, with the assessment peer-reviewed and supported by Ms Absolum on behalf of the Council.
187. Ms Absolum's memo requested that the principles identified in Mr Farrow's evidence be included in the overview provisions of the MIP. These have since been incorporated into the Motukiekie Island Building Guidelines by the submitter, which in my opinion is appropriate. However, Ms Absolum did not have the opportunity to amend her memo to reflect this change before this report was published.
188. However, Ms Absolum did not have the opportunity to review this amendment before this report was published.
189. In response to discussions with Mr Hook, several key amendments have been agreed to, with the intent of ensuring the MIP provisions are more robust and better aligned with those for The Landing and Matakā Station. These amendments include the removal of the management plan subdivision rule and alignment of the proposed policies with relevant district-wide policy frameworks, particularly those relating to the CE and NFL. However, I consider that minor further amendments are necessary to the recommended MIP provisions to ensure consistency with other parts of the PDP. These amendments would also reflect previous recommendations to the Hearing Panel.
190. Those recommendations include:



- a. **Overview** – Other District Plan Provisions that apply to the precinct  
- The recommended amendment clarifies that the exemption from CE-R3 and NFL-R3 applies only where PRECX-R6 is triggered, rather than applying to any discretionary activity located within an Identified Building Area on the Precinct Plan. While the original drafting could be interpreted more broadly, my understanding is that PRECX-R6 is the only discretionary activity to which this exemption could realistically apply. PRECX-R6 relates to new buildings or structures, relocated buildings, or extensions or alterations to existing buildings or structures by more than 20% of the GFA. In these cases, associated earthworks and vegetation clearance can be assessed without requiring separate consent under CE-R3 or NFL-R3. Other activities, such as the construction of accessways or infrastructure, would not be exempt unless they form part of a PRECX-R6 application. In my opinion, specifying PRECX-R6 in the exemption provides greater certainty and ensures the rule operates as intended.
- b. **PRECX-P5** - The function of this policy as a 'consideration policy' vs assessment criteria have been considered in a number of previous hearings on the PDP. For example, in the Coastal Environment Section 42A Report it stated in relation to the corresponding policy in that chapter: *"I note that CE-P10 functions as a 'consideration' policy, which is an approach that has been adopted consistently at the end of the policies across the PDP chapters to provide a consistent way of ensuring all relevant matters can be assessed when resource consent is required under the relevant chapter. I consider that this is an appropriate drafting approach to achieve consistency across the PDP and recommend that CE-P10 is retained on that basis."* The recommended amendments to the chapeau of CE-P10 are equally applicable to PRECX-P5 and other consideration policies in the PDP. On that basis, I recommend that PRECX-P5 is amended as a 'consideration policy', consistent with other PDP chapters, and the chapeau is amended to be clearer on its purpose and application
- c. **PRECX-R5** – Amendments to remove the reference to emergency services (including civil defence) being excluded from the limited number of helicopter movements permitted within the MIP. The recommended temporary activity rule TA-R5 permits unlimited aircraft and helicopter movements for emergency services (including civil defence) and military activity. In my opinion, this district-wide rule already adequately addresses the matter, and it is therefore unnecessary to duplicate and specify it within PRECX-R5.
- d. **PRECX-R6** – Amendments to include reference to relocated buildings. As it has been discussed in other zone topic section 42A



reports<sup>42</sup>, I consider that the definition of 'building' in the PDP already covers relocated buildings, even if the words 'relocated buildings' is not used in the definition. As such, I do not recommend the insertion of a specific rule for relocated buildings. However, I also agree with the other reporting officers that existing R1 rules or R6 in this case in the MIP can provide additional clarity by amending the description to include specific reference to relocated buildings.

- e. **Other minor amendments to the chapter to reflect previous hearing recommendations** – For example the removal of reference to (N.B. RPROZ-S4 Setback from MHWS applies) in the "*Other District Plan Provisions that Apply to the Precinct*". Which was recommended to be deleted and this standard is recommended to be contained within the CE chapter as CE-S4.

### Recommendation

- 191. For the above reasons, I recommend that the submission of the Motukiekie Island owners is accepted in part by:
  - a. Amend the zoning from NOSZ to RPZ.
  - b. Amending the PDP mapping of the land identified in **Appendix 4** to be subject to the "MIP" in addition to the underlying RPROZ and relevant overlays (CE, HNC).
  - c. Amending the PDP to include the "MIP" provisions in **Appendix 2** under the "Rural Production Zone" heading in Part 3 of the PDP<sup>43</sup>.

### Section 32AA evaluation

- 192. I concur with the S.32AA evaluation provided in Mr Hook's supplementary evidence (paragraph 60-64). In particular, I consider that the proposed underlying RPROZ and MIP will deliver a number of benefits compared to alternative options, including better recognising current and anticipated activities on the Island and providing a targeted set of provisions that achieve the conservation and residential development outcomes sought for Motukiekie Island. The further amendments to the MIP provisions that I am recommending are intended to improve workability, ensure the provisions are better aligned with other relevant PDP provisions, and ensure all relevant effects can be appropriately assessed and managed. I therefore consider that these recommended amendments are an appropriate, efficient and effective way to achieve the relevant PDP objectives in accordance with section 32AA of the RMA.

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<sup>42</sup> For example, in paragraphs 62-68 of section 42A report for Moturoa Island, prepared by Kenton Baxter, dated 20 May 2024. These paragraphs provide a more detailed explanation for this position.

<sup>43</sup> As required by the National Planning Standards, Table 18.



### 3.2.6 Other rezoning requests (Jerome Wyeth)

#### Overview

Submission points	Notified PDP Zoning	Officer Recommendation(s)
Bentzen Farm	RPROZ	Retain RPROZ zoning at Ōmarino
Mark Spaans and others	RPROZ	Retain RPROZ zoning at Henderson Bay
Green Inc Ltd	RPROZ	Retain RPROZ zoning at Tupou

#### Matters raised in submissions

##### Ōmarino Rezoning Request – original and further submissions

193. Bentzen Farm (S167.109) oppose the RPROZ zoning apply to properties at Ōmarino where a subdivision consent was granted in 2006 and the property was subsequently subdivided into lots no smaller than 4ha.
194. Bentzen Farm are particularly concerned that the RPROZ does not recognise existing and future rural residential opportunities, where this does not compromise rural production activities. To address this concern, Bentzen Farm requests that the Ōmarino properties are either rezoned Rural Lifestyle Zone (RLZ) or a new SPZ is created for Ōmarino with appropriate objectives, policies and rules to enable residential activity and associated buildings as a controlled activity where they are in accordance with resource consents granted for Ōmarino.
195. There are two further submissions on the Bentzen Farm submission point:
  - a. Matakā Residents Association (FS143.75) support Bentzen Farm's submission to rezone Ōmarino for the same reasons as their further submissions on other rezoning requests outlined above.
  - b. Kapiro Conservation Trust (FS566.471) oppose the submission to the extent that it is inconsistent with their original submission

##### Henderson Bay Rezoning Requests – original and further submissions

196. There are three original submissions requesting the rezoning of Henderson Bay or exemptions for Henderson Bay from the RPROZ zoning as follows.
  - a. Mark Spaans (S402.001) requests that Henderson Bay has its own unique SPZ. Mark Spaans is concerned that the permissive nature of activities in the RPROZ will have adverse effects on the natural character of Henderson Bay. In particular, Mr Spaans is concerned that the use of land at Henderson Bay has an effect on the coastline due to the contour of the land and streams that run off into Henderson Bay.



- b. Antoinette Pot (S405.001) opposes the RPROZ zoning for Henderson Bay for similar reasons to Mark Spaans. Antoinette Pot requests that Henderson Bay have exclusions that restrict and limit any primary production to activities that do not adversely affect the natural character of Henderson Bay. However, Antoinette Pot does support the low-density development enabled under the RPROZ as this protects Henderson Bay from further subdivision.
  - c. Dr Lynn Kincla (S505.004) raises similar issues that Henderson Bay is unique and considers more thought should have been put into creating a SPZ that protects the area. As such, Dr Lynn Kincla requests that a SPZ for Henderson Bay is considered instead of the RROZ in the PDP.
197. The three submitters above have also provided further submissions on their original submissions that reiterate the concerns raised in their original submissions. In addition, Warren McKay (FS311.1, FS311.6, FS311.7, FS311.8) supports the above original submissions relating to Henderson Bay. Warren McKay agrees with these submitters that the RPROZ is not the right zone for many properties in Henderson Bay as most blocks are bush and are not suitable for farming activities.

#### Tupou Rezoning Request – original and further submissions

198. Green Inc Ltd (S164.001) raise concerns that, as drafted, the PDP creates a strong disincentive to restoring indigenous ecosystems as this is likely to result in those areas becoming Significant Natural Areas (SNA) with associated restrictive controls.
199. Accordingly, Green Inc Ltd request that the zoning for Tupou is amended from RPROZ to a new SPZ, such as a “managed ecological zone” or SPZ to enable their “vision” for Tupou. The “vision” for Tupou as set out in Green Inc’s submission, is to enable the landowner to retain pasture and food and wool production on the flatter, higher quality soils of the property and return the steep, erodible hill country to native ecosystems. The restored native ecosystems will then be managed as functioning native ecosystems that can generate carbon and biodiversity credits with the intent that this can then be used for ecotourism. Pest and weed control are also integral part of Green Inc Ltd plan for Tupou.
200. Green Inc. consider its plan for restoration and enhancement of indigenous biodiversity at Tupou should be “promoted and enabled” (as per IB-O5) in a way that allows ongoing development. In particular, Green Inc Ltd considers that small areas of vegetation clearance, erection of buildings and formation of roads and tracks should be permitted activities in the PDP so long as they are justified through “net biodiversity gains”. More specifically, the key outcomes sought by Green Inc. for a SPZ are:
- a. Clearance to a certain level is a permitted activity for buildings, roads and tracks





- b. Enhancing accommodation offerings is a permitted activity
  - c. Pest control is a required activity
  - d. Archaeological and taonga sites for local hapū are not modified
  - e. All actions fit under an umbrella of “net biodiversity gain”.
201. There are four further submissions on the Green Inc Ltd submission all in support as follows:
- a. Carly McIlroy (FS112.1) supports the Green Inc Ltd submission as it will result in a large “net biodiversity gain” and this should be promoted and enabled, rather than restricted.
  - b. Harold Corbett (FS58.3) supports the Green Inc Ltd submission for similar reasons, including that a SPZ is the most appropriate tool to enable Tupou to achieve the native ecosystem restoration vision for the property.
  - c. Neil Mitchell (FS83.1) provides extensive reasoning for his support for Green Inc Ltd submission, including that it would enable Green Inc Ltd to effectively manage the biodiversity on their property without all of the restrictions that are imposed by SNA provisions.
  - d. Dr John Craig (FS28.004) raises similar concerns that the PDP would result in a large area of the land at Tupou potentially becoming SNA. Dr John Craig considers that net biodiversity gain should be promoted and there needs to be flexibility for future potential land uses which an SNA would prohibit.

## Analysis

### Ōmarino Rezoning Request

202. I contacted Mr Hall on behalf of Bentzen Farms to understand if the submitter is still seeking to pursue the request for a SPZ (or alternative relief for RLZ) through Hearing 15B. On 28 May 2025, Mr Hall advised that *“Bentzen Farm considers that its primary relief can be addressed through the provisions dealt with at Hearing 4. Accordingly, it is not presenting a case for a Special Purpose Zone at Hearing 15B, nor for a Rural Lifestyle Zoning at Hearing 15C. Bentzen Farm however wishes to keep this submission point (S167.109) live, should the decisions for Hearing 4 go in an unexpected direction”*.
203. My understanding is that Mr Hall is referring to the controlled activity pathway for residential units on approved building platforms recommended through Hearing 4 (CE and NFL Chapters) that has been discussed throughout this report. Accordingly, I do not recommend any amendments to the zoning for the relevant properties at Ōmarino on the

basis their primary relief will, if accepted by the Hearing Panel, be addressed through the recommended amendments to the relevant CE and NFL rules in Hearing 4.

#### Henerson Bay - Special Purpose Zone

204. Overall, the submitters requesting a SPZ for Henderson Bay are concerned that the RPROZ zoning is not appropriate for this area and consider that bespoke provisions are required to protect the natural character of Henderson Bay, including restricting further subdivision.
205. The map below shows the PDP zoning and overlays that apply at Henderson Bay. At a broad level, these show that the landward extent of Henderson Bay is subject to two ONC areas (ONC36, ONC37), two HNC overlays areas in the south-east (HNC62, HNC63) and another HNC overlay area (HNC67) on the harbour side, along with the broader CE overlay. The underlying zoning is RPROZ with one large lot occupying much of the backdrop to Henderson Bay with some smaller lots to the north, refer to Figure 2 below<sup>44</sup>.



*Figure 2: PDP zoning and natural environment overlays at Henderson Bay.*

206. As outlined throughout this report, the PDP provisions to protect the natural character of the CE were considered in detail in Hearing 4. In short, new subdivision and development in the area of Henderson Bay above would face substantial consenting challenges through the ONC,

<sup>44</sup> I understand that Michael Winch (S67) is requesting Rural Lifestyle Zoning for this area, which is being considered at Hearing 15C and is opposed in further submissions by the submitters on this issue.



HNC and CE overlays as applicable with subdivision/new residential development most likely being a non-complying or discretionary activity with the directive policies to avoid adverse effects on the natural character of the CE applying (CE-P2, CE-P3). In my view, these directive and more stringent provisions in the CE Chapter of the PDP are appropriate to protect the natural character of the CE in the Far North District, including Henerson Bay.

207. So, while I understand the concerns from these submitters that the underlying RPROZ zoning may not seem appropriate for Henderson Bay, this needs to be considered together with the provisions in the CE Chapter of the PDP to protect the natural character of the CE, which apply to Henderson Bay as outlined above. The RPROZ is also the most appropriate underlying zoning in my view given this is generally more restrictive for subdivision compared to alternative zones in the PDP (e.g. the RLZ being requested by Michael Winch (S67) for properties in the north of Henderson Bay and due to be considered as Hearing 15C). I therefore do not recommend any changes to the zoning at Henderson Bay in response to these submissions but anticipate the provisions in the CE Chapter of the PDP may address their concerns to some extent.

#### Tupou - Rezoning Request

208. Dr John Craig on behalf of Green Inc Ltd presented at Hearing 4 in relation to the Ecosystems and Indigenous Biodiversity Chapter<sup>45</sup>. I subsequently met with Mr Craig to discuss his intentions to pursue the primarily relief for a Managed Ecological Zone or SPZ for Tupou. While Mr Craig indicated at that meeting that he still intends to pursue this primarily relief, he has not "opted in" to the process for rezoning submissions set out in Minute 14 from the Hearing Panel. As a consequence, there are no proposed provisions for the Tupou SPZ, supporting evaluation under section 32AA of the RMA, or assessment of the SPZ against the criteria in Minute 14 from the Hearing Panel.
209. In short, I support the ecological outcomes sought to be achieved at Tupou by Green Inc Ltd and agree that these restoration and enhancement efforts should be encouraged and incentivised rather than restricted. However, there is simply not sufficient information, reasoning or evidence in the Green Inc Ltd submission for me to recommend a SPZ (or alternative spatial layer) for Tupou. As outlined in Minute 14 from the Hearing Panel, there are a number of key criteria that should be considered as part of rezoning requests and additional criteria that need to be assessed for SPZ requests, including the criteria in Zone Framework Standard 3.3 in the National Planning Standards. These criteria have not been assessed by Green Inc Ltd, although the submitter may take the opportunity to do this through rebuttal evidence and at the hearing.

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<sup>45</sup> Refer: [Craig-Submission-on-FNDP-Wednesday.pdf](#)



210. Further, in relation to the more specific relief sought by Green Inc and others for Tupou, I note that:
- a. The underlying RPROZ land at Tupou provides for “conservation activity” as a permitted activity without conditions. Conservation activity is defined as “*means the use of land for activities undertaken for the purposes of maintaining, protecting and/or enhancing the natural, historic and/or ecological values of a natural or historic resource. It may include activities which assist to enhance the public’s appreciation and recreational enjoyment of the resource and includes: a) planting; b) pest and weed control; c) plant and tree nurseries; and d) track construction.*” My understanding is that this rule (RPROZ-R4) would permit many of the activities undertaken at Tupou and sought to be provided for in the SPZ. The main exception would appear to be “accommodation offerings” which would likely to be subject to the visitor accommodation rule in the RPROZ (RPROZ-R4), which is appropriate in my view as it is unclear what type of accommodation is anticipated at Tupou.
  - b. My recommendations to the Ecosystems and Indigenous Biodiversity Chapter through Hearing 4 are to remove references to SNAs from the PDP on the basis that the NPS-IB provisions relating to SNAs, including district-wide mapping, should be given effect to in full through a future plan change process. This may address the concerns from Green Inc and others that the restoration undertaken at Tupou will make areas of land a SNA and then restrict the use of that land.
  - c. My Right of Reply for the Ecosystems and Indigenous Biodiversity Chapter addresses relevant submission points from Green Inc and other submission points requesting incentives for restoration of indigenous biodiversity. In that Right of Reply, I recommend amendments to a new Policy IB-PX to consider enabling subdivision and land use “...where this will achieve positive, secure and long-term benefits for indigenous biodiversity through active and ongoing restoration and enhancement activities”<sup>46</sup>. My understanding is that this policy direction would be of relevance to the conservation and restoration activities being undertaken at Tupou.
  - d. In my view, it is not feasible at this point of the process for the PDP to provide a system to recognise “biodiversity credits” and enabling land use and development under an umbrella of “net biodiversity gains”. In this respect, I note that central government is currently consulting on options for scaling up “voluntary nature credits”<sup>47</sup> and

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<sup>46</sup> Paragraph 75 to 79: [S42A-Report-Writers-Right-of-Reply-Ecosystems-and-Indigenous-Biodiversity.pdf](#)

<sup>47</sup> Refer: [Scaling Up Voluntary Nature Credits Market Activity in New Zealand | Ministry for the Environment](#)



has been considering biodiversity credits for some time<sup>48</sup>. Further work is therefore required at a central and local government level in my view to understand how such a biodiversity credits system will work in practice and how it may be supported through district plan provisions.

211. In summary, I support the ecological and restoration outcomes sought by Green Inc Ltd and the vision for Tupou. However, I do not consider that a SPZ is necessary or appropriate to achieve those outcomes based on the information available and there is insufficient information in the submission for me to support the rezoning. Therefore, I do not recommend any amendments in response to this submission from Green Inc Ltd, but I may reconsider this position based on any further evidence and information provided by Green Inc Ltd before Hearing 15B.

### **Recommendation**

212. For the above reasons, I do not recommend any changes to the PDP zoning in response to the submissions from:
- a. Bentzen Farm in relation to the zoning of specific properties at Ōmarino
  - b. Mark Spaans, Antoinette Pot. Lynn Kincla in relation to Henderson Bay
  - c. Green Inc Ltd in relation to Tupou.

### **Section 32AA evaluation**

213. No amendments to the PDP zoning are recommended in response to the submissions above there no evaluation is required under section 32AA of the RMA.

## **4 Conclusion**

214. This report has provided an assessment of submissions received in relation to rezoning requests relevant to Hearing 15B (excluding the requested Waitangi SPZ and the requested Bay of Islands Marina Precinct). The primary amendments that we have recommended are:
- a. Rezoning of the Northland Regional Corrections Facility from RPROZ to a Corrections SPZ
  - b. New precincts to be inserted into the PDP under the RPROZ heading for the MSP and the MIP
  - c. TLP being supported **in principle** for inclusion in the PDP under the same RPROZ heading subject to some outstanding matters being

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<sup>48</sup> For example, refer: [Helping nature and people thrive – Exploring a biodiversity credit system for Aotearoa New Zealand - Ministry for the Environment - Citizen Space](#)



addressed which MLP LLC have indicated will be addressed through rebuttal evidence prior to the hearing

- d. A range of recommended amendments to the provisions for the Corrections SPZ, MSP, TLP and MIP to improve workability, clarify relationship with the underlying zone and overlays, ensure these achieve the desired outcomes, and can be effectively implemented FNDC.
215. Section 5.3 considers and provides recommendations on the decisions requested in submissions. We consider that the submissions relating to rezoning requests in Hearing 15B should be accepted, accepted in part, or rejected, as set out in **Appendix 2** of this report.
216. 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:** Jerome Wyeth, Technical Director – Planning, SLR Consulting, Kenton Baxter, Policy Planner, Far North District Council

**Approved by:** Tammy Wooster, Manager – Integrated Planning, Far North District Council.

**Date:** 4 August 2025