

**BEFORE THE INDEPENDENT HEARINGS PANEL
OF FAR NORTH DISTRICT COUNCIL**

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

AND

IN THE MATTER of Far North Proposed District Plan ("**PDP**")

**STATEMENT OF REPLY EVIDENCE OF VIJAY NAGEN LALA ON BEHALF OF
MLP LLC**

PLANNING

25 AUGUST 2025

1. INTRODUCTION

1.1 My name is Vijay Nagen Lala. I confirm my position, qualifications and experience as set out in my previous evidence in chief submitted for this hearing and confirm that I agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023.

1.2 I have reviewed the following documents in preparation of my reply evidence:

- (a) The landscape memos from Melean Absolum for the Council as referenced in the reply evidence of Mr Gavin Lister;
- (b) The Council s42A report in relation to The Landing and the Council's proposed Precinct provisions for The Landing;
- (c) The reply evidence from Mr Gavin Lister on behalf the submitter; and
- (d) The updated version of The Landing Precinct – Plan 1 prepared by Donaldsons Surveyors on behalf of the submitter.

1.3 Having considered the above documents, I have prepared an updated version of The Landing Precinct provisions which includes further amendments to the Council s42A Report version. The further amendment proposed by the MLP LLC are highlighted blue in the provisions included in Attachment One to my reply evidence.

2. PLANNING PROVISIONS

2.1 The following sections of my evidence address the changes to the planning provisions proposed for The Landing by the Council officers in their s42A report and the subsequent amendments proposed by Mr Lister as a result of his discussions with Ms Absolum.

2.2 With regard to the other changes proposed by Council is paragraph 130 of the s42A report, I support those recommendations except as addressed below in my evidence.

Development Area vs Precinct

2.22.3 Following discussions with Mr Jerome Wyeth (Council's planner addressing MLP LLC's submission) I received advice that the Council proposed district plan team had determined that Precincts (rather than Development Areas) are the most appropriate spatial layer to use for a number of proposals being considered in Hearing 15B (including Opuia Marina, Motukiekie Island, Mataka Station and The Landing) based the descriptions in the National Planning Standards.

2.32.4 MLP LLC's original submission requests that the overall development and environmental restoration plan that was approved by resource consent be recognised and provided for in the PDP through the creation of a Special Purpose Zone for "The Landing Precinct" to enable the consented residential, farming, conservation, and recreational activities to be established. The submission also sought any other alternative provisions that give effect to the submission.

2.42.5 In my evidence in chief, I considered that The Landing was best provided for as a Development Area within the PDP as it spatially identifies and manages areas for future development. However, this is closely aligned to a Precinct which identifies and manages an area where additional place-based provisions apply to modify or refine aspects of the policy approach or outcomes anticipated in underlying zone(s).

2.52.6 There is little difference between Development Areas and Precinct in my view and therefore I support Council's preference to consider The Landing as a Precinct. In addition I have proposed a clarification to the subdivision rule proposed in TLP R2 by including the word 'subdivision. This will ensure that the consented subdivided lots will be able to be establish at any time in the future, which is the basis upon which this Precinct has been generated.

Policies 5 & 6 – 'Acknowledge' and 'Respect'

2-62.7 The s42A report recommends changes to policies 5 and 6 by replacing the originally proposed wording of ‘acknowledge’ and ‘respect’ with ‘protect’ and ‘enhance’. I do not support these changes and consider the terminology I originally proposed (acknowledge and respect) as the most appropriate. This is because in The Landing Precinct, these policies relate to providing and enabling residential development. In my view, the establishment of residential development and associated residential structures cannot be expected to protect and enhance the natural character and landscape values of the locality.

2-72.8 Furthermore, the Matters of Control/Discretion and the Architectural and Design Guidelines proposed for The Landing Precinct are specifically aimed at ensuring that residential development is carefully designed and established so that the resulting development outcomes are respectfully embedded into the landscape. This approach is reflected by the development that currently exists at The Landing.

Amendments to Lot Numbering and Residential Dwelling Locations

2-82.9 As part of the discussions between the landscape architects and in response to Ms Absolum’s queries regarding the clarity of proposed The Landing Precinct (TLP) Plan 1, MLP LLC has reviewed, updated and clarified the details of this Plan. This has resulted in the renumbering of the residential lots and subsequent changes to TLP Plan 1 and several of the proposed precinct provisions (where lot numbers are referred to), including the Architectural and Landscape Guidelines.

2-92.10 The total number of residential lots is now **45** (reduced from the 46 originally proposed).

2-102.11 Furthermore, the majority of the residential lots on TLP Plan 1 include a red dot which signifies the approved building location for the future residential developments. TLP Plan 1 also includes the GPS coordinates of the approved building locations. Residential development that complies with the proposed precinct provisions and building location rule is a controlled activity. However, several residential lots do not have an identified building location. On these lots, residential development is a restricted discretionary

activity. I consider the proposed approach to be appropriate as it will enable a more thorough assessment of the proposed residential development location, given that this assessment was not comprehensively undertaken as part of any previous resource consent application process.

[2.112.12](#) With regard to the 60% residential development footprint standard, this has been taken from the existing resource consent condition and is currently used for developments at The Landing. It is proposed to continue the approved approach by including it as a standard within the Precinct. Mr Cheshire, has prepared an example of how this approach is used in practice.

Landscape Design Guidelines and Residential Building Height

[2.122.13](#) Following discussions between the landscape experts, it was clarified that the landscape assessment and associated Landscape Guidelines approved as part of the resource consent for the subdivision and development of The Landing identified several lots where it was recommended that houses be single storey or designed in a way that hugs the landform. The Landscape Guidelines are now proposed to be included within The Landing Precinct provisions.

[2.132.14](#) It is also proposed to reflect the single storey (or designed to hug the landform) recommendations of the Landscape Guidelines within proposed standard TLP – S1.2 and TLP – S1.3. The affected lots are lots 2, 3, 4, 5, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39 and 40. The proposed standard states that a new building or structure, or addition or alteration to an existing building or structure on lots 2, 3, 4, 5, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39 and 40 shall be limited to a single level or greater than a single level where designed to hug the landform, subject to a maximum height of 9m above ground level. Buildings or structures on these lots shall be subject to The Landing Precinct Architectural and Landscape Guidelines which specify specific outcomes to be achieved for each of these lots.

[2.142.15](#) The proposed approach provides the required flexibility for future development of these lots as a blanket restriction to a single level does not accurately reflect the outcomes envisaged in the landscape assessment and landscape guidelines. This approach is supported in the reply evidence of Mr

Lister where he retains the view that the height of buildings on these sites is best addressed and resolved through the subsequent resource consent process.

2.152.16 I support the approach proposed by Mr Lister and the associated proposed planning provisions that enable this outcome.

3. CONCLUSION

- 3.1 In summary, my evidence and the proposed amended provisions address the matters that have been raised in the s42A report and in the discussions between the landscape architects.
- 3.2 Overall, I continue to hold the view that the provisions proposed in Attachment 1 to my evidence will result in greater benefits than costs, are efficient and effective and are the most appropriate.
- 3.3 For the above reasons, I consider that The Landing Precinct accords with the sustainable management principles outlined in Part 2 of the RMA and satisfies Section 32AA of the RMA.

Vijay Nagen Lala
25 August 2025

Attachment 1 – The Landing Development Area Provisions – Reply Version