

**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**")

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

**PLANNING**

**XX MAY 2025**

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## **1. EXECUTIVE SUMMARY**

- 1.1 MLP LLC ("**MLP**") lodged a submission (S183) to the PDP seeking recognition of its consented residential subdivision development and landscape restoration masterplan over its property at Te Tii on the Purerua Peninsula. MLP's property is referred to as The Landing. The Landing comprises approximately 395 hectares of land and consent has been granted for 46 residential lots and several other lots which are either used for farm, viticulture, heritage preservation or non-residential uses. The consent also prohibits any further subdivision and requires revegetation and ecological enhancement over parts of The Landing. For the purposes of the current PDP process the key figure is the 46 residential lots that are provided for on The Landing. The Landing Development Area will be limited to a maximum of 46 residential lots. 20 of the 46 residential lots have been created to date along with significant areas of revegetation and ecological enhancement. The Rangihoua heritage area has also been protected.
- 1.2 MLP's submission sought that its consented development rights be recognised and provided for within the PDP as the PDP proposes the change the zoning of The Landing (from General Coastal to Rural Production) and the extent of overlays (Coastal Environment, Outstanding Natural Landscape and High Natural Character) applying to The Landing. The proposed changes 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.
- 1.3 MLP sought the inclusion of a new Special Purpose Zone for The Landing. Since lodgement of the submission discussions with Council staff have resulted in The Landing being provided for as a Development Area within the District Plan. As a result, I have drafted The Landing Development Area provisions and attached them to my evidence. These provisions reflect the

consented environment provided for at The Landing and are supported by the evidence of Pip Cheshire and Gavin Lister.

1.4 I have also undertaken a Section 32AA evaluation of the Development Area provisions and have reviewed the relevant Hearing Panel minutes as well as the Council Officers Report for the Rural Production Zone relating to the matter of the proposed Horticulture Zone.

1.5 The reason for proposing the Development Area method is because a Development Area spatially identifies and manages areas where plans such as concept plans, structure plans, outline development plans, master plans or growth area plans apply to determine future land use or development. When the associated development is complete the development area spatial layer is removed. A development area should be used where there is a spatial plan that directs specific growth or development outcomes for an area. In the case of The Landing, the consented development plan directs the development outcomes for this area and can be removed once the development is complete. For these reasons, I consider that the development area method is the most appropriate method to recognise and provide for the outcomes enabled by The Landing consent.

1.6 The Landing Development Area includes objectives, policies, rules and standards that provide for consented residential development as either a controlled or restricted discretionary activity subject to meeting the architectural and landscape design guidelines.

1.7 On this basis and after undertaking an evaluation of the appropriateness of the proposed provisions, I consider that The Landing Development Area satisfies Section 32 of the RMA and accords with the sustainable management principles outlined in Part 2 of the RMA.

## **2. INTRODUCTION**

2.1 My name is Vijay Nagen Lala. I am a Director at Tattico Limited ("Tattico"), a planning consultancy in Auckland.

## **Background and experience**

- 2.2 I hold a Bachelor's degree in Planning (BPlan) from the University of Auckland, which I gained in 1992. I have been a full member of the New Zealand Planning Institute since 1996 and latterly have been a member of the interview panel for new applicants for full membership to the Institute. I am also a member of the Resource Management Law Association of New Zealand and through my company (Tattico), I am a member of the Property Council of New Zealand.
- 2.3 I have 30 years' professional experience in resource management. During my professional career I have been involved in policy formulation (district plans, plan changes and variations), resource consents (land use, subdivision and coastal consents), designations, project management and training aspects of resource management. I have held various planning roles, within both local government and private planning consultancies.
- 2.4 I have prepared submissions, further submissions, planning evidence and planning evidence in reply (to evidence from other submitters) on the Proposed AUP provisions and subsequent plan changes to the AUP. I have also prepared private plan changes and section 32 evaluations for various changes to the AUP. Additionally, I have also prepared submissions, further submissions and planning evidence in relation to policy documents that have been notified for submissions across New Zealand.
- 2.5 I was the Central Area Planning Manager for Auckland City Council from 2004 to 2006, before I set up a private planning consultancy.
- 2.6 When I worked for Auckland City Council, I had accountability for all forward planning and administrative planning functions within the city centre, including all District Plan provisions, plan changes and resources consents, including Wynyard Precinct, Britomart Precinct and Victoria Park Market.
- 2.7 Experience of particular relevance to the PDP and district plan policy formulation includes:
- (a) Joint Project Lead and Planner: Private Plan Change 88 - Beachlands South Precinct

- (b) Project Lead: and Planner: Private Plan Change 61 – Waipupuke Precinct;
- (c) Project Lead and Planner: The Hill – Ellerslie Fast Track Consent (367 residential dwellings);
- (d) Joint Project Lead and Planner: America’s Cup 2021 resource consenting (2018 - 2019);
- (e) Project Lead and Planner: Seafarers Private Plan Change – Britomart Precinct;
- (f) Primary enabler in Auckland City District Plan - Central Area Section to become operative (2005);
- (g) Specialist Adviser to the Ministry for the Environment on the implementation of the 2009 Resource Management Act amendments (Discount Policy); and
- (h) Central Area Planning Manager (former Auckland City Council) responsible for preparation and notification of the following:
  - (i) Wynyard Quarter Precinct Plan Change and Notices of Requirement;
  - (ii) Victoria Quarter Precinct (now Cook Street Depot) Plan Change;
  - (iii) Victoria Park Markets Precinct Plan Change; and Minimum Apartment Standards.

### **Code of conduct**

2.8 I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and have complied with it in preparing this evidence. My qualifications as an expert are set out above. I confirm that the issues addressed in this evidence are within my area of expertise and I have not omitted material facts known to me that might alter or detract from my evidence.

## **3. SCOPE**

3.1 My statement of evidence will address the following:

- (a) My Involvement in the PDP Process and MLP’s Submission
- (b) Consenting History and Development of The Landing.

- (c) Provide an overview of The Landing Development Area provisions.
- (d) Assessment of Evaluation Criteria From Minute 14
- (e) Statutory Planning Assessment of The Landing Development Area;
- (f) Assessment of Relevant Environmental Effects;
- (g) Section 42A Report and Submissions;
- (h) Section 32AA Evaluation Summary; and
- (i) Consultation

#### **4. INVOLVEMENT IN PDP AND MLP'S SUBMISSION**

- 4.1 I undertook an initial planning assessment of the PDP as it related to The Landing. I subsequently provided input into MLP's submission (Submission 183) to the PDP. I also provided initial planning advice on the PDP to the Mataka Residents Association (landowner representatives of the land holding adjoining to The Landing) and to several individual Mataka landowners, and prepared submissions on their behalf. My involvement with the Mataka submitters ceased after the original submission phase.
- 4.2 MLP's submission seeks amendments to the PDP to ensure The Landing's operations, consented subdivision and residential development rights as well as its landscape, heritage and ecological restoration and protection obligations are appropriately recognised and provided for.
- 4.3 The Landing is a high-quality luxury accommodation and conservation-focused property with significant environmental enhancements, including wetland restoration, native tree planting, and heritage preservation. It has been granted resource consents for residential and non-residential development. The resource consents have either been given effect to or in the case of the residential subdivision consent, 3 of the consented 7 stages have been given effect to. 20 residential titles have been created to date. The residential subdivision consent is currently valid and has not lapsed. I have outlined the details of this consent in Section 5 of my evidence.

- 4.4 The key issues raised in MLP's submission related to the application of several overlays over The Landing (Coastal Environment, High Natural Character, Outstanding Natural Landscape) and rezoning of the land from the Coastal Zone to the Rural Production Zone. The proposed changes impose restrictions on residential development and potentially reduce development rights that have already been approved by resource consent.
- 4.5 The 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.
- 4.6 The submission emphasizes the importance of balancing environmental protection with sustainable development and maintaining the integrity of The Landing's resource consent.
- 4.7 After the submission and further submission period, I was involved in several discussions with Council officers and planners regarding the most appropriate method to recognise and provide for The Landing in the PDP. This included reference to the criteria in the National Planning Standards for Special Purpose Zones (SPZs). The evaluation criteria for SPZs are:
- (a) The activities or outcomes sought are significant to the district, region, or country.
  - (b) It is impractical to manage these activities or outcomes through another zone.
  - (c) It is impractical to manage them through a combination of spatial layers.
- 4.8 Consideration of spatial layer options under the National Planning Standards was undertaken in the Council Officer Hearing Report for the requested Horticulture Zone (HZ). While this assessment was undertaken for the HZ it provides a useful basis for considering the most appropriate planning method for the Landing.
- 4.9 An assessment of the potential methods is provided below:

- (a) Overlays – These spatially identify distinctive values, risks or other factors which require management in a different manner from underlying zone provisions. These are generally used where there is a need for a more restrictive approach to provisions compared with the underlying zone. Given there are already several overlays that apply over The Landing and a more restrictive approach is not proposed, I do not consider the Overlay approach to be the most appropriate.
- (b) Precincts - A precinct spatially 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). These are generally used where a different outcome is anticipated from the underlying zone – either more permissive or restrictive. In terms of The Landing, rural activities and landscape restoration, revegetation and protection still predominate. These activities will be complemented by residential lots scattered throughout the landholding. Therefore, while The Landing consent could be reflected through the Precinct approach, given that the underlying zone activities are still relevant and applicable, I do not consider this approach to be the most appropriate.
- (c) Specific Controls – A specific control spatially identifies where a site or area has provisions that are different from other spatial layers or district wide provisions (e.g. a verandah requirement). This approach applies to fairly narrow issues, whereas The Landing consent results in more than an amendment to a specific control and therefore I do not consider this method to be the most appropriate.
- (d) Development Areas – A development area spatially identifies and manages areas where plans such as concept plans, structure plans, outline development plans, master plans or growth area plans apply to determine future land use or development. When the associated development is complete the development area spatial layer is removed. A development area should be used where there is a spatial plan that directs specific growth or development outcomes for an area. In the case of The Landing, the consented development plan directs the development outcomes for this area and can be removed once the development is complete. For these reasons, I consider that the development area method is the most appropriate method to recognise and provide for the outcomes enabled by The Landing consent.
- (e) Special Purpose Zones – The evaluation criteria for SPZs are set out above and one of key criteria require the specific outcomes to be significant to the district, region and country and the outcomes are



impractical to be managed through other measures. In this instance, the protection of significant areas of native bush and the Rangihoua heritage area are of significance, the subdivision of 46 residential lots is more specific to The Landing location. Therefore, I consider that the SPZ method is not the most appropriate for The Landing.

- 4.10 Having considered the above and following further discussions with Council officers, it was agreed that the Development Area approach was the most appropriate method by which to reflect The Landing consent within the PDP. Subsequently MLP also agreed to 'opt in' to the hearing process approach set out in Minute 14 from the PDP Independent Hearing Panel (IHP).
- 4.11 Minute 14 outlines the process and criteria for hearing and considering rezoning submissions for the PDP. It aims to provide clarity to submitters and ensure an efficient and effective hearing process. Minute 14 also provides guidance criteria for evaluating submissions that seek rezoning. I have assessed these criteria below in my evidence.
- 4.12 I have also reviewed extract below from the Coastal Environment hearing, where the Council officer's report acknowledges situations where existing consents provide for development within the Coastal Environment and the ongoing implementation of these consents should be provided for as a controlled activity. I have adopted this approach (with appropriate modifications) in The Landing Development Area provisions attached to my evidence.

#### New buildings on approved building platform

246. I acknowledge the concerns of submitters about the potential implications of CE-R1 for new buildings where there is an existing subdivision consent with an approved platform. I agree that a requirement to obtain a discretionary activity or non-complying consent in this situation would be overly onerous and inappropriate. I therefore agree with the general relief sought by these submitters for a new controlled activity rule for new buildings within a building platform approved as part of an existing subdivision consent.
247. I have discussed CE-R1 with the reporting officer for the Natural Features and Landscape topic where the same relief is being requested for the equivalent rule. I have also sought landscape advice on this issue, which is addressed in section 4.12 of the MAL Report. Based on this advice, I recommend CE-R1 is amended to provide a new controlled activity rule for new buildings on an approved building platform subject to the following conditions/requirements:
- a. The approved building platform forms part of an existing subdivision consent (i.e. it has not lapsed or expired).
  - b. The new building must be a residential unit.
  - c. An expert landscape assessment was undertaken as part of existing subdivision consent to ensure landscape effects were carefully considered at the time of subdivision.
  - d. The matters of control include a reference to CE-10, which allows the consideration of any adverse effects of the characteristics, qualities and values of the coastal environment, including natural character and natural landscapes.
248. I therefore recommend a new controlled activity rule within CE-R1 as follows:

*A residential unit on a defined building platform, where the defined building platform has been identified through an expert landscape assessment and approved as part of an existing subdivision consent.*

*The matters of control are:*

*a. the matters in CE-10.*

- 4.13 Finally, my involvement in the PDP process has included the preparation of The Landing Development Area provisions, review of The Landing's expert witness' evidence and preparation of planning evidence (including the Section 32AA evaluation) in relation to the proposed Development Area for The Landing.

## **5. CONSENTING HISTORY AND DEVELOPMENT**

- 5.1 The initial resource consent granted for The Landing in 2005 approved the creation of 39 residential lots (ranging from 0.5 hectares to 5.6 hectares in size) and a large balance lot (262.2 hectares). Approximately 158.9 hectares of the balance lot is required to be protected for conservation of historic

sites, wetlands and vegetation restoration. Earthworks, the creation of an esplanade strip and some limited areas of vegetation clearance were also approved. The consent conditions also required adherence to an Ecological Management Plan (for revegetation, ongoing landscaping maintenance, pest and weed management) and Design Guidelines (to ensure the quality and location of buildings are complementary to the natural landscape and coastal environment). The consent also enabled subdivision of the residential lots to be undertaken in seven stages.

- 5.2 In addition to this, there were two existing titles which were not part of the initial resource consent. These were Lots 3 and 5 DP 202152 (held together in a single title) and Lots 4 and 6 DP 202152 (also held as a single title). This resulted in a total of 41 residential lots.
- 5.3 Subsequent to the initial resource consent, MLP purchased a large area of land adjacent to The Landing from the Mataka owners. This land was then subdivided to create a further five residential lots.
- 5.4 Therefore, a total of 46 residential lots have been consented on The Landing Development Area. At present 20 of these residential lots have been created. Several boundary adjustments have also been consented as well as extensions to consent lapse dates. Importantly, the heritage areas have been protected and significant wetland and landscape restoration, revegetation and protection has been undertaken. Much of this restoration and revegetation work has been undertaken ahead of the residential development of some of the subdivision stages.
- 5.5 Since the granting of the initial consent rural farming activities have been established on The Landing. This includes pastoral farming and the successful vineyard and winery operation.
- 5.6 As a result, The Landing has successfully combined rural farming activities with low scale residential development in a cohesive and respectful manner that is complementary to its natural landscape and coastal environment setting.

## **6. THE LANDING DEVELOPMENT AREA**

- 6.1 The proposed PDP provisions for The Landing Development Area are set out in Appendix 1 of my evidence. The proposed provisions of the District Plan that apply within the Rural Production Zone, Coastal Environment Overlay, Outstanding Natural Landscape Overlay, High Natural Character Overlay and Subdivision section of the District Plan that are applicable to The Landing Development Area are not proposed apply to residential development and subdivision that is provided for within The Landing Development Area. Non-residential activities and buildings and any residential subdivision or development not provided for within The Landing Development Area, shall be subject to the applicable provisions of the District Plan.
- 6.2 This approach enables the consented development rights to be implemented and not constrained by the changes proposed to the planning provisions in the PDP that affect The Landing.
- 6.3 I have outlined a summary of The Landing Development Area provisions below.
- (a) Objectives - The objectives enable the subdivision, use and development of The Landing in a manner that is integrated with the restoration and protection of the natural environment and the ongoing operation of rural farming activities.
  - (b) Policies – The policies provide for the subdivision, use and development of The Landing in accordance with the development area plan which reflects the consented subdivision layout of The Landing (Plan 1 of the Development Area provisions) and the 46 residential lots. The policies require the restoration of the natural areas and retention of the balance lot as a large open area. Residential development is limited to 46 residential lots and development on these lots being subject to design and landscape assessment. Provision is also made for relocation of residential lots where no additional residential lots are created and natural character and landscape values are acknowledged and respected. The policies also provide for the operation and development of rural farming activities and buildings including viticulture.
  - (c) Activity Rules – Three activity rules are proposed as follows:
    - (i) Controlled activity rule for residential buildings located on the identified building location for each lot. Restricted discretionary where compliance is not achieved.

- (ii) Restricted Discretionary activity to relocate any lot with The Landing subject to no new lots being created. Non-complying where compliance is not achieved.
- (iii) Prohibited activity for the creation of any lot exceeding the number of residential lots (46) approved on The Landing.

The controlled and restricted discretionary activities are subject to matters of control/discretion that address issues such as design, appearance or buildings, landscaping, and effects on the natural characteristics and qualities of the of the coastal environment and landscape values of the Outstanding Natural Landscape. Regard to The Landing Development Area Architectural and Landscape Design Guidelines is also required. These guidelines are included in the Development Area provisions.

- (d) Standards – One development standard is proposed which permits 9m in building height and 800m<sup>2</sup> building footprint. Restricted discretionary activity resource consent is required for non-compliance with these standards. Matters of discretion include adverse effects on the landscape values of the outstanding natural landscape and on the natural characteristics and qualities and values of the coastal environment, with particular consideration of views from the sea.
- (e) Plan 1 and Guidelines – It is also proposed to include the approved subdivision plan (Plan 1) in the Development Are provisions and the Architectural and Landscape Design guidelines.

6.4 The above approach reflects the consented approach to development that has occurred (including relocating residential lots) since 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. 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.

6.5 With regard to the location of The Landing Development Area provisions within the PDP, I understand that a separate section is to be created that includes all Development Areas. I support that approach.

## **7. ASSESSMENT OF EVALUATION CRITERIA FROM MINUTE 14**

- 7.1 Within Minute 14, the IHP have identified evaluation criteria and matters to be addressed for rezoning propositions. In my view these should also apply to proposed Development Areas and as such I have assessed them. The evaluation criteria and matters to be addressed along with my assessment is set out below.

### **Strategic Direction**

*How the rezoning request aligns with the PDP strategic direction.*

- 7.2 Assessment – In section 4.9 of my evidence above, I have addressed the various options from a strategic perspective as to the most appropriate method whereby the consented development for The Landing can be accommodated within the PDP. This assessment was undertaken in accordance with the spatial layer options that were assessed in Table 1 of the Horticulture Zone Council officer hearing report. The Development Area option has also been recommended by Council officers, following several discussions and correspondence with officers reporting on the rezoning submissions including S183 from MLP.
- 7.3 The proposed approach aligns with the strategic direction of the PDP for the following reasons:
- (a) The ongoing use of the land for rural production activities as provided for by the proposed Rural Production zone is enabled.
  - (b) The key outcomes required for the Coastal Environment Overlay, the Outstanding Natural Landscape Overlay and the High Natural Character Overlay are recognised and provided for.
  - (c) The consented development rights are also provided for in a manner that ensures design and appearance of buildings and proposed landscaping are complementary to the natural characteristics and qualities of the prevailing natural landscape and coastal environment.
- 7.4 Having undertaken the above assessment, it is my view that The Landing Development Area aligns with the strategic direction of the PDP.

### **Alignment with Zone Outcomes**

*Assessment of how the proposal aligns with the objectives, policies, and intended outcomes of the existing PDP zone.*

- 7.5 Assessment – The PDP proposes the rezone The Landing from the operative district plan General Coastal zoning to the Rural Production zone (RPZ). The objectives, policies and intended outcomes of the RPZ aim to ensure the ongoing use of the land for primary productive purposes and farming activities are not compromised by reverse sensitivity effects. Rural character and amenity is to be maintained. A key outcome is to ensure rural lifestyle development is not provided for in this zone unless an environmental benefit is obtained through the protection of indigenous biodiversity in perpetuity.
- 7.6 The Landing resource consent encompasses a holistic environmental and development approach for this particular landform. This involves protection of heritage areas and natural features including wetlands, streams, headlands, valleys and ridgelines. At the same time sensitive low intensity residential development is enabled as well as ongoing rural production activities such as viticulture and cattle farming.
- 7.7 I therefore consider that The Landing Development Area provisions align with the outcomes of the PDP RPZ.

### **Higher Order Direction**

*How the request complies with higher-order documents, including relevant national policy statements, national planning standards, and the Northland Regional Policy Statement.*

- 7.8 I have assessed the higher order national and regional planning documents in section 8 (Statutory Assessment) of my evidence below. Overall, it is my view that The Landing Development Area provisions give effect to the relevant higher order planning documents, particularly when considered in conjunction with the development outcomes granted by resource consent.

### **Reasons for the Request**

*Explanation of why the notified zoning is not appropriate for the subject land.*

- 7.9 As I have stated above in my evidence, the proposed RPZ and the Coastal Environment Overlay, Outstanding Natural Landscape Overlay, High Natural

Character Overlay will result in subdivision and residential development at The Landing either a discretionary or non-complying activity. The associated objective and policy framework and the New Zealand Coastal Policy Statement objectives and policies would make it very difficult to obtain resource consent for dwellings on the lots that have already been consented.

- 7.10 The above approach reflects the consented approach to development that has occurred (including relocating residential lots) since 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. 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.
- 7.11 In this instance, the submitter has lawfully obtained consent to enable 46 residential lots at The Landing and it is appropriate that these development rights are reflected in the PDP. Therefore, I consider the notified zoning is not appropriate for The Landing without the proposed Development Area provisions being included.

### **Assessment of Site Suitability and Potential Effects**

*Suitability of the land for rezoning, including:*

- *Risks from natural hazards.*
- *Effects on natural environment values, historic heritage, coastal environment, or other PDP overlays.*
- *Compatibility with surrounding land uses and potential reverse sensitivity effects.*

- 7.12 The inclusion of The Landing Development Area will not increase risks from natural hazards as construction techniques and methodologies will still be subject to standard building consent processes and the site has previously been assessed from a resource consent process in terms of suitability to accommodate the consented development outcomes. Furthermore, the conditions of consent require accessways to be designed to engineering certification and several lots are required to be developed in accordance with a geotechnical report (refer condition 28 for example).



- 7.13 With regard to effects on natural environment values, historic heritage and the coastal environment or other overlays, these were previously considered as part of the resource consent. The consent decision recognises that the outcomes envisaged by these provisions have been achieved. The consent acknowledges that:
- (a) 47% of the property is being set aside in perpetuity for heritage and conservation purposes:
  - (b) Enhancement and protection of this important coastal and heritage landscape through ecological management and by the management regime and Trust structure for the property. This approach has led to significant restoration of the natural environment of the property to date.
  - (c) Protection of approximately 12 hectares of land with heritage values in perpetuity under a heritage covenant with Heritage NZ.
  - (d) The voluntary provision of over 19 hectares of Esplanade Strip around the majority of the coastal boundary of the property.
- 7.14 The Development Area provisions will also be complementary with the surrounding land uses which also include rural farming activities and rural residential development. The residential development sites at The Landing are well separated from neighbouring land and this will ensure there are no reverse sensitivity effects that will arise.

#### **Infrastructure (Three Waters) Servicing:**

*Adequacy of infrastructure servicing, including:*

- *Proposed connections to existing systems.*
- *On-site infrastructure provisions.*
- *Engagement with infrastructure providers.*

- 7.15 All infrastructure requirements for The Landing are addressed by the conditions of the consent and each site will be required to be serviced for water supply (by tank), wastewater by on site treatment and stormwater disposal on site. There is more than sufficient land on each site and on the rural sites to accommodate the infrastructure requirements for The Landing. Power and telecommunications will also be provided to each site as per the conditions of consent.

#### **Transport Infrastructure**

*Support from existing or proposed transport infrastructure, including access to State Highways (engagement with Waka Kotahi encouraged).*

- 7.16 The consent requires each residential lot to be able to be accessed by a formed accessway. This will connect each lot to the main sealed access road to The Landing. The development will result in limited number of additional traffic movements and given the distance from the State Highway, no effects on the state highway network are envisaged.

**Consultation and Further Submissions:**

*Details of consultation with stakeholders or tangata whenua and responses to further submissions.*

- 7.17 Details of consultation are set out in section 12 of my evidence below.

**Section 32AA Evaluation:**

*How the rezoning request is a more appropriate, effective, and efficient way to achieve PDP objectives compared to the notified zoning.*

- 7.18 A section 32AA evaluation is provided below in section 11 of my evidence and the Section 32AA evaluation attached to my evidence. This evaluation confirms that the proposed provisions are the most appropriate, efficient and effective way of achieving the PDP objectives, in my view.

**8. STATUTORY ASSESSMENT**

- 8.1 The following sections address the relevant statutory documents that apply to The Landing Development Area proposed provisions.

**New Zealand Coastal Policy Statement (NZCPS).**

- 8.2 The evidence of Mr Lister has assessed the proposed provisions against the NZCPS. Mr Lister has considered the key provisions of the NZCPS including Policy 15 with regard to avoiding adverse effects on ONL's in the coastal environment. Additionally his evidence addresses Policy 13 in relation to avoiding significant adverse effects in natural character areas in all other areas of the coastal environment.
- 8.3 Mr Lister has stated that the "development approved by the existing consent will continue to preserve natural character from the sea in the *Outer Bay of*

*Islands* through the location of identified dwelling sites, the management of building and landscape design to further reduce prominence, and the enhancement of a natural framework.” He also acknowledges that the existing consent will result in the continued restoration of the natural character of the identified coastal cliff and scarp in Wairoa Bay. Mr Lister notes that of the 10 values criteria that, the ONL was ranked ‘5’ highest for only one criterion – vividness.

8.4 Therefore, enabling development of The Landing in the manner set out in the proposed provisions is not considered to compromise the natural character of the coastal environment. Instead, recognition of the consented environment and the requirement to address the architectural and landscape design guidelines will ensure high quality development and environmental enhancement outcomes which are coherent with this locality and natural environment.

8.5 Overall, on this basis I consider The Landing Development Area will give effect to the NZCPS.

#### **Other National Policy Statements and National Environmental Standards / Regulations**

8.6 The other relevant national policy statements and environmental standards include freshwater management, highly productive land and indigenous biodiversity.

- National Policy Statement for Highly Productive Land 2022 (Amended August 2024) (NPS:HPL).
- National Policy Statement for Indigenous Biodiversity (as amended in October 2024) (NPS:IB).
- National Policy Statement for Freshwater Management 2020 (NPS:FM).

8.7 These are addressed below.

8.8 The NPS: HPL sets out the objective and policies for the management of highly productive land under the RMA 1991. The NPS: HPL classifies highly productive land as land that is zoned general rural or rural production and is either LUC 1, 2 or 3 land. As it is not proposed to rezone the land from RPZ

and productive activities can still operate from The Landing (and still are) I consider that the NPS: HPL is given effect to and is not compromised by The Landing Development Area provisions.

- 8.9 The NPS: IB requires that every territorial authority must undertake a district-wide assessment of the land in its district to identify areas of significant indigenous vegetation or significant habitat of indigenous fauna that qualify as SNAs, within a specified timeframe. The Council has not identified SNAs in accordance with the specific requirements of the NPS: IB nor incorporated those into the PDP.
- 8.10 The objective of the NPS: IB is to maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity.
- 8.11 The NPS: IB Policy 5 requires that indigenous biodiversity is managed in an integrated way, within and across administrative boundaries. The proposed development area approach will enable the continuation of the residential development if the site, protection and restoration of landscaping and ecological corridors and implementation of the architectural and landscape design guidelines. The significant biodiversity improvements that have occurred since consent was granted is significantly positive.
- 8.12 Furthermore, the proposed development area provisions do not affect the potential for SNA's to be identified under the NPS: IB.
- 8.13 NPS: IB Policy 9 provides that certain established activities are provided for within and outside SNAs. Although no SNAs are identified, it is my view that this policy recognises that certain established activities can continue.
- 8.14 NPS: IB Policy 13 requires that the restoration of indigenous biodiversity is promoted and provided for. For the reasons set out above in my evidence, The Landing has resulted in significant indigenous biodiversity identification, restoration and protection at The Landing.
- 8.15 As a result, I consider that The Landing Development Area will give effect to the NPS: IB.

- 8.16 NPS: FM, and the National Environmental Standard on Freshwater, continues to apply to The Landing and will be implemented on an ongoing basis. These will continue to apply and do not need to be further repeated i=or included in the development area provisions.
- 8.17 As a result, I consider that The Landing Development Area will give effect to the NPS: FM.

### **National Planning Standards**

- 8.18 In section 4.9 of my evidence above, I have assessed the National Planning Standards and the appropriate use of planning options for areas of land as set out in the standards. My above assessment concluded that the Special Purpose Zone method was not appropriate.
- 8.19 Instead, the Development Area approach is considered appropriate for The Landing. Inclusion of The Landing planning provisions by way of the development area approach in the PDP is considered to align with the structure and provisions of the National Planning Standards and is therefore considered acceptable.

### **Northland Regional Policy Statement (RPS) and Regional Plans, including Regional Coastal Plan**

- 8.20 In accordance with section 75 of the RMA, under subsection (3) a district plan must give effect to a regional policy statement and under subsection (4) must not be inconsistent with a regional plan for any matter specified in section 30(1).
- 8.21 The RPS covers the management of natural and physical resources in the Northland Region, and provides the broad direction and framework for managing these resources.
- 8.22 The key relevant provisions for consideration of the development area are addressed below.

### *3.14 Natural Character, outstanding natural features, outstanding natural landscapes and historic heritage*

- 8.23 The RPS requires the identification and protection of the qualities and characteristics that make up the natural character of the coastal environment from inappropriate subdivision use and development and the integrity of historic heritage.
- 8.24 The development area provisions will ensure the protection of these elements. The ONL, HNC and CE overlay requirements will continue to apply except where consented residential development is given effect to. In such instances consideration of the natural characteristics and qualities of the landscape and coastal environment are still required to be taken into account. The protection (through covenant) of the historic heritage areas of the site are also considered to be a significant benefit of the development.
- 8.25 Therefore, I consider objectives and policies relating to this matter will be given effect to.

#### *3.11 Regional form*

- 8.26 The RPS requires sustainable built environments that integrate infrastructure with subdivision, use and development and have a sense of place, identity and a range of lifestyle, employment and transport choices.
- 8.27 The development area approach acknowledges the consented environment and its coherence with the underlying zone provisions. In this regard, all infrastructure for residential development will be provided along with rural production employment opportunities through the ongoing viticulture operation at The Landing. The Landing is well separated from urban areas and will not result in the establishment of a commercial centre or residential suburb. The Landing Development Area will create a sense of place and have an individual identity.
- 8.28 Therefore, I consider objectives and policies relating to this matter will be given effect to.

#### *3.4 Indigenous ecosystems and biodiversity*

- 8.29 As I have stated above in my evidence, The Landing Development Area in conjunction with the consent and design guidelines will ensure protection and restoration of significant biodiversity habitats and indigenous

ecosystems. Where practicable enhancement of indigenous ecosystems and habitats and reduction in overall threat status of threatened species will also be enhanced. Positive outcomes in these areas are evident already at The Landing and this is considered to improve as development and restoration continues.

- 8.30 Therefore, I consider objectives and policies relating to this matter will be given effect to.

### *3.5 Enabling economic well-being*

- 8.31 The RPS requires Northland's natural and physical resources are sustainably managed in a way that is attractive for business and investment that will improve the economic wellbeing of Northland and its communities. The Landing Development Area will give effect to this objective as sensitive residential development will be interspersed with an economically viable viticulture operation. The farming activities on site along with residential development creates employment opportunities for Northlanders and will ensure the locality is attractive for business and investment.

- 8.32 Therefore, I consider objectives and policies relating to this matter will be given effect to.

### *8 Tangata Whenua*

- 8.33 The provisions support opportunities for tangata whenua to participate in review, development, implementation and monitoring of plans and resource consent processes under the RMA. The Landing team have continuously engaged with Mr Hugh Rihari of Ngāti Torehina. The discussions have sought to ensure engagement with Ngāti Torehina throughout the development of The Landing. These discussions have been positive, and Mr Rihari is happy to continue engagement with The Landing into the future.

- 8.34 Therefore, I consider objectives and policies relating to this matter will be given effect to.

### *Summary*

- 8.35 Overall, based on the above analysis and the assessment within my evidence statement, I consider that The Landing Development Area provisions give effect to the RPS.

#### **Regional Plan for Northland (NRP)**

- 8.36 The NRP includes provisions for air, land, water, coastal and natural hazards. The NRP also includes processes for when analysis of effects on tangata whenua is required. The land and water sections address matters such as trade wastewater discharges, efficient use of water for irrigation and other uses. Additional provisions for natural wetlands and wetland values are also addressed.
- 8.37 Overall, none of these provisions will be affected by The Landing Development Area provisions. As a result, the proposed provisions will not be inconsistent with the NRP.

#### **District Plan**

- 8.38 I consider The Landing Development Area is consistent with the PDP strategic direction. In considering the specific objectives set out in the PDP Strategic Direction chapter, the Development Area aligns with the objectives under the headings as follows:
- 8.39 “Rural environment”, including “SD-RE-O1 Primary production activities are able to operate efficiently and effectively and the contribution they make to the economic and social well-being and prosperity of the district is recognised” and “SD-RE-O2 Protection of highly productive land from inappropriate development to ensure its production potential for generations to come”.
- 8.40 Above in my evidence, I have noted that the viticulture and other farming operations being undertaken at The Landing are compatible with the consented residential development being undertaken at The Landing.
- 8.41 “Economic prosperity”, including “SD-EP-O1 A high-earning diverse local economy which is sustainable and resilient to economic downturns, with the district's Māori economy making a significant contribution”, “SD-EP-O2 Existing industries and enterprises are supported and continue to prosper



under volatile and changing economic conditions” and “SD-EP-O3 Development and retention of highly motivated, educated and skilled people in the district”.

- 8.42 On this matter, as I have stated above, the rural farming and residential development activities undertaken at The Landing will ensure economic opportunities for residents of Northland economic viability of the operations at The Landing.
- 8.43 “Cultural Prosperity”, specifically the objective “SD-CP-O4 The district's historic heritage is identified and managed to ensure its long-term protection for current and future generations”. In this regard, the identification and protection of the Rangihoua Heritage area is consistent with these provisions.
- 8.44 “Infrastructure and electricity”, including “SD-IE-O2 Infrastructure and renewable electricity generation activities are protected from incompatible land use, subdivision and development that may compromise their effective operation, maintenance and upgrading”. No such infrastructure will be compromised by the Development Area.
- 8.45 Also, as I have stated above, the development area provisions are consistent with the RPZ and relevant overlays. The proposed residential development has been sensitively located and will result in coherent outcomes with the zoning and overlay provisions of the PDP.
- 8.46 Overall, I consider The Landing Development Area to be consistent with the district plan and the PDP provisions.

## **9. ASSESSMENT OF RELEVANT ENVIRONMENTAL EFFECTS**

- 9.1 Given that the resource consent involved a comprehensive assessment of all environmental effects and the same outcomes are to be maintained through The Landing Development Area provisions, I have focussed my assessment on the following effects which remain relevant.

## **Character / Amenity / Built Form / Landscape**

- 9.2 Mr Pip Cheshire (architect for the original consent) has prepared architectural evidence and the architectural and landscape guidelines for The Landing. Mr Cheshire's evidence has taken into account development that has been undertaken on the site since consent was granted in 2005. Mr Cheshire states that:

*"The Landing is a balance of productive and recreational land with a rich series of valleys and hillslopes offering a range of building sites that take advantage of sea views without dominating the landscape. They achieve this by working with the natural folds in the land to settle houses within the land, rather than on higher points of the land, and making use of the extensive regenerating native planting."*

- 9.3 The built form and landscape outcomes that have created what Mr Cheshire calls a "Landing way of building" which includes a palette of self-coloured materials such as stone, timber, concrete and recessive metallic finishing materials. Landscaping in the form of significant trees, native revegetation and ecological/wetland enhancement further combine to produce high quality development outcomes for The Landing.

- 9.4 Mr Cheshire has also assessed the proposed 9m dwelling building height standard and the proposed 800m<sup>2</sup> maximum building footprint. Given that each of the residential lots are reasonably large (ranging from approximately 4,000m<sup>2</sup> to 5 hectares in size), dwellings of this scale are able to be accommodated on these large sized lots. Mr Cheshire has stated that these development standards have been based on existing development at The Landing and in his view, these examples are representative of high quality and acceptable development scale at The Landing. In addition, compliance with the architectural and landscape guidelines will ensure that development associated with residential activities will achieve high quality development outcomes that will be complementary to the character and amenity of the locality.

- 9.5 Furthermore, continuation and growth of rural production activities results in a coherently developed landscape which is complementary to the character and amenity of the locality. The overall development and activity mix for The

Landing comfortably accommodates the consented built form and landscape outcomes for this locality.

### **Landscape/Visual/Coastal**

9.6 Mr Gavin Lister (landscape architect for the original application) has prepared landscape visual evidence for the development area. Mr Lister has taken into account the existing and proposed landscape and coastal setting including the natural landscape, natural character and coastal environment. Mr Lister has considered the development area provisions against the resource consent for The Landing and has also taken into account the changes in policy context since the consent. This includes changes to the New Zealand Coastal Policy Statement 2010, the Northland Regional Policy Statement 2016 and the Outstanding Natural Landscape Overlay.

9.7 Having considered these matters, Mr Lister states the following:

*“I consider the development remains appropriate, will avoid adverse effects on the ONL values, and will contribute positively to this landscape for the following reasons:*

- (a) Recognition that it is a settled and partly modified landscape.*
- (b) The re-establishment of a natural framework on the coastal scarps and streams/wetlands.*
- (c) The location of dwelling sites so that they nestle within the landscape.*
- (d) Consistency with the characterisation and values set out in the worksheets. “*

9.8 Mr Lister has also reviewed the development area provisions and is supportive of them. He is of the view that the objectives recognise the existing development and activities that are appropriate for the land and that the policies cover the key approaches to achieving the objectives. Additionally, the rules are consistent with the conditions of the resource consent and that the controlled activity status is appropriate given the resource consent, the proposed assessment criteria and the architectural and landscape design guidelines.

9.9 I agree with Mr Lister and in my view the proposed development area provisions will result in cohesive development outcomes which are consistent

with the landscape quality outcomes and coastal environment outcomes envisaged for this locality.

## **10. SECTION 42A REPORT AND SUBMISSIONS**

- 10.1 In accordance with the approach set out for this hearing, the section 42A report will be prepared after the issue of this evidence. However I note that discussions with Council officers have occurred previously, whereby the approach set out in my evidence has been supported by the Council officers.
- 10.2 In terms of submissions, the only further submission to MLP LLC's submission is from the adjoining Mataka Resident's Association in support of MLC's submission. Mataka Resident's Association has submitted evidence in support of their own submission seeking a similar recognition of consented development rights in the PDP in a similar manner to MLP.

## **11. SECTION 32AA SUMMARY**

- 11.1 I have undertaken a Section 32AA evaluation of The Landing Development Area provisions and this is attached to my evidence (**Attachment 2**).
- 11.2 Section 32(1)(a) of the RMA requires an evaluation to examine the extent to which the objectives of the proposed provisions are the most appropriate way to achieve the purpose of the Act. As I have noted above, an assessment of this requirement has been undertaken in the evaluation I have undertaken at Attachment 2. Overall, I consider The Landing Development Area satisfies this requirement.
- 11.3 Section 32(1)(b) of the RMA requires an evaluation to examine whether the provisions (policies and methods) in the plan change request are the most appropriate way to achieve its objectives by:
- (a) Identifying other reasonably practicable options for achieving the objectives;
  - (b) Assessing the efficiency and effectiveness of the objectives; and
  - (c) Summarising the reasons for deciding on the provisions.

11.4 A summary of this assessment is provided below.

*Other reasonably practicable options*

11.5 In determining whether the proposed provisions (policies and methods) are the most appropriate way to achieve the objectives of The Landing Development Area, consideration has been given to the following other reasonably practicable options when assessed against the provisions themselves.

- (a) Option 1: Create a Special Purpose Zone for The Landing.
- (b) Option 2: Create an Overlay for The Landing.
- (c) Option 3: Create a Precinct for The Landing.
- (d) Option 4: Establish Specific Controls for The Landing.
- (e) Option 5: Create a Development Area for The Landing
- (f) Option 6: Do nothing - i.e. no changes to the PDP (status quo) and rely on the consent only.

11.6 These options are addressed in the evaluation undertaken in Attachment 2 to my evidence. Based on that evaluation I consider that Option 5 is the most appropriate. That is to create a Development Area for The Landing. I consider Option 5 to be the most appropriate.

**Costs, Benefits, Efficiency and Effectiveness of the Provisions**

11.7 The costs, benefits, efficiency and effectiveness of The Landing Development Area policies and methods have been assessed in addition to whether they are the most appropriate way to achieve the objectives of The Landing Development Area.

11.8 I consider that the anticipated effects are acceptable and that the policies and other provisions are the most appropriate way of achieving the objectives.

### **Risks of Acting or Not Acting**

- 11.9 Section 32(2)(c) of the RMA requires this evaluation to assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions. I consider that sufficient information has been gathered to justify proceeding with the development are under s 32(2)(c). There has been a significant level of analysis and assessment of The Landing Development Area and particular consideration given to the existing consent that enables development of The Landing, while at the same time requires environmental improvement outcomes.
- 11.10 The analysis confirms that it is more appropriate to amend the PDP and by including a Development Area for The Landing. The other options are not considered to meet the National Planning Standards or will not fit within the overall framework of the PDP. Further, the 'do nothing' option is not considered to be the most appropriate as the subsequent stages of the yet to be given effect to consent will potentially lapse. Further, the changes to the zoning and overlays that apply to the Landing will impose more restrictive activity rules (restricted discretionary to either discretionary or non-complying) than the current district plan. Therefore, it is appropriate to retain the same or similar activity rules into the PDP. Given that the consented development has been approved as being appropriate for The Landing, it is considered appropriate to include these provisions in the PDP.
- 11.11 Therefore, the alternative options to option 5 outlined above are not the preferred options.

### **Section 32 Analysis Conclusion**

- 11.12 Option 5 is considered to be the most appropriate way of achieving the purpose of the Act, being a Development Area which includes specific provisions for The Landing is considered to be the most efficient and effective means of facilitating the use and development as well as environmental restoration of the subject land into the foreseeable future.

## **12. CONSULTATION**

- 12.1 As stated above in my evidence, I have attended several engagement sessions with Council officers to discuss the most appropriate options for including planning provisions within the PD that provide for the consented development outcomes for The Landing. These discussions resulted in confirmation with the Council officers that the Development Plan approach was the most appropriate method to provide for The Landing in the PDP.
- 12.2 Mr Peter Jones from MLP has undertaken consultation with several parties regarding the proposed planning approach to recognise the consented situation for The Landing within the PDP. The following discussions have been undertaken.
- 12.3 Discussions with the Department of Conservation and Heritage NZ have been undertaken and they have expressed an interest to engage further. They indicated they would need more certainty regarding the proposed provisions before taking it further. They both seem supportive of the direction we are taking given the track record of MLP in terms of positive heritage and environmental outcomes achieved to date. Now that the draft plan provisions have been developed. These further discussions can be progressed.
- 12.4 Mr Jones has undertaken discussions with Hugh Rihari of Ngāti Torehina. These discussions have been positive, and he is happy to support the proposal once formal provisions are presented to him.
- 12.5 Discussions have also been had with Mataka Station, The Marsden Cross Trust Board, and Jeremy Priddy, all as neighbours. All are supportive of the planning approach proposed for The Landing.

## **13. CONCLUSION**

- 13.1 The above assessment has evaluated the relevant planning documents, including the resource consent for The Landing, the proposed development area provisions, the relevant minutes from the IHP and the relevant strategic planning documents. An assessment of the relevant effects relating to

character, amenity, coastal and landscape/visual has also been taken into account.

- 13.2 This has resulted in an appropriate analysis of potential positive and adverse effects of the proposed planning provisions where it is concluded that The Landing Development Area provisions will result in the most appropriate suite of provisions for the area and any adverse effects are considered to be acceptable.
- 13.3 An assessment against the provisions of Section 32AA of the RMA has been undertaken. The evaluation concludes that The Landing Development Area provisions included in my evidence at **Attachment 1** are the most appropriate.
- 13.4 For the above reasons, I consider that The Landing Development Area accords with the sustainable management principles outlined in Part 2 of the RMA and satisfies Section 32AA of the RMA.

**Vijay Nagen Lala**

**13 May 2025**



## **Attachment 1 – The Landing Development Area Provisions**

## **Attachment 2 – The Landing Development Area Section 32AA Evaluation**