

UNDER

the Resource Management Act
1991

IN THE MATTER OF

the Proposed Far North District
Plan

AND

a submission by Haititaimarangai
Marae Kaitiaki Trust

STATEMENT OF PLANNING EVIDENCE OF PHILLIP PERCY

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1. INTRODUCTION

1.1 Qualifications and experience

1. I hold a Bachelor of Resource and Environmental Planning with Honours from Massey University, specialising in physical geography. I hold a current Making Good Decisions certificate.
2. I have been practising as a planner since 1998 (approximately 26 years). This has included working as a Resource Advisor (Policy) for Greater Wellington Regional Council, a Senior Planner for Eliot Sinclair and Partners in Christchurch and as a Senior Planner for Beca in Wellington. I have also previously worked as a Planner in the United Kingdom, including in consent processing, enforcement and monitoring roles.
3. I am currently a Director of Kāhu Environmental Limited, a resource management and planning consultancy established in 2007 and which employs 19 professional and support staff.
4. I have been involved in a professional capacity in a wide range of planning matters, including applications for large-scale subdivision consents, land use consents for dwellings, commercial buildings, earthworks and infrastructure projects, including in the Palmerston North, Kapiti Coast, Wellington and Christchurch areas. I have experience in assessing proposals against both regional and district planning provisions, as well as in both urban and rural environments. I have also been involved in resource consent applications for discharges to land, water and air, and water take applications, including municipal wastewater discharges, winery waste discharges, and discharges of stormwater.
5. I have experience in the development of RMA planning documents, both at regional and district level. This includes involvement in the development of, hearings and appeals on the Horizon Regional Council's One Plan, the Proposed Greater Wellington Natural Resources Plan, and various plan changes to the Palmerston North City District Plan (including in relation to urban growth, natural hazards, and

airport plan changes). I provided overview support to Central Hawke's Bay District Council for the post-notification phase of their Proposed District Plan, and have been part of consultant teams undertaking planning and analysis for large urban growth extensions.

1.2 Code Of Conduct

6. I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note dated 1 January 2023. I have complied with the Code of Conduct in preparing this evidence and agree to comply with it while giving oral evidence. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

1.3 Background

7. I have been engaged by Haititaimarangai Marae Kaitiaki Trust (**HMKT** or **the Trust**) to prepare planning evidence for the hearing in relation to the Carrington Resort Zone provisions in the Proposed Far North District Plan.
8. I was not involved in preparing the Trust's submission or further submissions on the PDP.
9. I have previously assisted the Trust on other planning matters related to the Carrington Estate development, so I am somewhat familiar with the development site and surrounding area.

1.4 Purpose and scope of evidence

10. My evidence will address the matters raised in the submission and further submissions by the Trust in relation to the Carrington Estate Special Purpose Zone (**CAR-SPZ**) provisions in the Proposed Far North District Plan.
11. The Trust has made submissions on other chapters of the Plan, and these have largely been addressed at other hearings. I do not address

matters on those other matters, except where they specifically relate to a submission point relating to the CAR-SPZ.

1.5 Documents and materials referenced

12. In producing this statement of evidence, I have reviewed the following evidence and material:
 - (a) The Trust's submission and further submissions.
 - (b) The s42A Report for the CAR-SPZ hearing topic.
 - (c) The Proposed Far North District Plan (**PDP**).
 - (d) The General and CAR-SPZ s32 Reports.
 - (e) The land use consents for the Carrington Estate development.
 - (f) The Haititaimarangai Marae Hapū Development Plan.

2. EVIDENCE

2.1 Executive Summary

13. This statement of planning evidence focuses on the CAR-SPZ and its associated provisions. In particular, I address the matters raised in the submission and further submissions of the Trust
14. As part of my analysis, I have identified three key planning themes:
 - (a) How should the PDP interact with a set of existing resource consents that already authorise development in the CAR-SPZ. In my view, there is an issue of regulatory duplication arising from the resource consents being transposed into the PDP while the consents are still in effect.
 - (b) The need for, and appropriate extent of, the special purpose zone as a planning mechanism in the PDP. Large parts of the

current CAR-SPZ are used in a manner consistent with the Rural Production Zone, and there has been no meaningful evaluation of whether that would be a more appropriate zoning and management approach for the majority of the site that is not intended to be used for resort and tourism activities.

- (c) The lack of clarity and certainty in the drafting of the provisions impacts their efficiency and effectiveness. Policies and rules are imprecise and inconsistent, use undefined terms, and reference a design guide and development plan document which is difficult to apply in the context of the rules.
15. In my view, the issues with the CAR-SPZ provisions can be resolved in the following ways:
- (a) Remove the provisions of the CAR-SPZ that largely duplicate the existing resource consents. This will resolve the issue of the plan provisions and the resource consents both controlling the same activity (which is unnecessary from a planning perspective). The owners of Carrington Estate will be able to undertake the proposed development in reliance on their resource consents. Any deviations or alternative development options can be guided by PDP provisions that provide for the consideration of appropriate matters through the resource consent application process.
 - (b) Either remove the CAR-SPZ zoning from the entire site, or reduce its extent so that it reflects the development footprint of the consented Carrington Estate development. Doing so will resolve an issue of the PDP not giving effect to the National Planning Standards 8.3 (which only allows the use of special purpose zones in specific circumstances) and align the management framework in the PDP with the characteristics of the existing rural, farming and horticultural land uses.
16. The costs associated with these changes are likely to be low to nil, as the owners of Carrington Estate are not prevented from undertaking the

intended development in reliance on the existing resource consents. The benefits are likely to be moderate to high, as the changes will:

- (a) Remove the costs associated with managing the same activities under both the plan rules and the resource consents.
- (b) Improve certainty for the Council, the landowner and the community as to the way in which the PDP manages activities on the site.
- (c) Reduce compliance costs for the landowner as there will only be the resource consents to demonstrate compliance with.
- (d) Allow the existing development on the site to continue to operate, retaining any economic benefits to the district that may be accruing from the activity.
- (e) Retain any potential local, district or regional economic, social or environmental benefits that may be expected to arise from the further development of the site as established by the resource consents.
- (f) Ensure the PDP gives effect to higher-order planning instruments.

2.2 Haititaimarangai Marae Kaitiaki Trust submissions

- 17. The Trust made a submission (submitter number S394) and, in relation to the matters being addressed at this hearing, further submissions on the submission by Carrington Estate Jade LP and Carrington Farms Jade LP (S351).
- 18. In my evidence, I focus on the matters raised in the Trust's submission and further submissions regarding the CAR-SPZ.

2.3 Planning context

2.3.1 Carrington Estate resource consents

19. The Carrington Estate development was originally authorised by two district council land use consents granted in 1999:
 - (a) RC1990480, which is a land use consent to establish, operate and maintain a vineyard/winery complex.
 - (b) RC1990481, which is a land use consent to establish, operate and maintain a country club and associated elements
20. Subdivision consent RC1990481/A related to the country club development was granted some time after the land use consents were granted. I am not aware of the date this consent was granted.
21. The Council subsequently notified a proposed district plan, and introduced the Carrington Estate Zone into what is now the Operative District Plan. The zone effectively enshrined the consented development in the Plan. The purpose of the zone, as described in Section 8.6 of the Operative District Plan, is:
 - *to allow the previously approved development concept to be implemented with an appropriate level of flexibility; and*
 - *to set a framework under which any future changes in scope or additional development can be fully assessed in terms of environmental effects.*
22. Between the grant of the consent and the plan change, there were judicial review proceedings relating to the resource consent decisions. These resulted in a Settlement Agreement and a later Settlement Amendment Agreement between the parties, which included the then-owner of Carrington Estate, Te Runanga-a-iwi o Ngāti Kahu, the Environmental Defence Society, and the District Council. The settlement agreements required several changes to be made to the consent conditions and to the Carrington Estate provisions in the Operative District Plan (which was still proposed at the time).

23. My understanding is that the majority of the agreed changes were made to the Plan provisions, but the changes were not made to the resource consents. This has resulted in some differences between what the resource consents authorise and what the Operative District Plan authorises. The most obvious difference is that the number of accommodation units that are authorised by the consents is significantly higher than is permitted by the Operative District Plan and PDP rules; however, there are also differences between the Operative Plan and PDP. In summary:
- (a) The resource consents authorise 20 *guest beds* at the winery and 532 *rooms or units* at the country club site.
 - (b) The Operative District Plan permits a total of 343 *accommodation units*, with flexibility for 113 of those units to be at the winery or the country club.
 - (c) The PDP permits a total of 343 *accommodation units* across both sites.
24. I have set out a table in **Appendix D** that identifies the differences between the types of accommodation development that are authorised by the resource consents, the Operative Plan and the PDP.
25. This is relevant because the provisions of the Operative Plan have largely been transposed into the CAR-SPZ in the PDP (noting that there are some differences). As I discuss later in my evidence, the relationship between the existing resource consents and the PDP provisions influences the appropriateness of several matters, including the need for a special purpose zone, the extent of the CAR-SPZ, and what provisions are required in the PDP to manage activities that are already authorised by consent.
26. As explained in the s42A Report, there are current legal proceedings in relation to the status of the Carrington Estate resource consents. As these proceedings have not concluded, for the purposes of preparing this evidence, I have assumed that the landowner can continue to establish activities authorised by the consents.

2.3.2 Development already undertaken

27. Elements of the development have already been undertaken. My understanding is that the following have already been established/constructed:

- (a) On the winery site:
 - (i) A commercial winery with cellar sales, storage and a licensed restaurant.
 - (ii) Accessory buildings and car parking associated with the above.
 - (iii) Earthworks, roading works and landscaping associated with the above.
 - (iv) The manager's accommodation unit.
 - (v) Vineyards
 - (vi) The provision of infrastructure and services (power, water, telecommunications, stormwater, wastewater) associated with the above.

The consented traveller's accommodation has not been established.

- (b) On the country club site:
 - (i) The golf course, swimming pool, tennis courts and a helicopter pad.
 - (ii) Conference facilities, offices, cart storage and reception area.
 - (iii) 10 hotel units, restaurant, library, toilets and clubhouse.
 - (iv) Pro shop, billiard room, workshop, managers' accommodation, ablutions and changing areas.

- (v) 16 villas (I am not aware of how many bedrooms or accommodation units each villa contains).
- (vi) Excavation, land clearance, and roading associated with the development above.
- (vii) Provision of infrastructure and services (power, water, telecommunications, stormwater, wastewater) associated with the development above.

The balance of the 532 rooms or units authorised by the consents have not been constructed.¹

28. I have reviewed the location and extent of existing buildings on site compared with what is shown on the development plan. There appear to be several instances where development does not match the development plan. I have not investigated whether those deviations were authorised via separate resource consents.
- (a) The main resort building appears to be in a different location and orientation to that shown on the development plan.
 - (b) There is a building to the east of the main resort building that appears to be accommodation units.
 - (c) A swimming pool is west of the main resort building.
 - (d) There is a cluster of buildings in the southern corner of the site that appear to be several accommodation units.
29. I have overlaid the development plan onto an aerial photograph of the Carrington Estate site and indicated the approximate location and footprint of existing buildings on the site. See [**Appendix C**].
30. While the majority of buildings are broadly in a similar location to what is set out in the development plan, the cluster of what appear to be

¹ The list of completed development was sourced from the *Statement of planning evidence of Steven Remana Sanson in response to application for declaration*, dated 2 August 2024, in relation to an Environment Court declaration sought by Hāitaitamarangai Marae Kaitiaki Trust (ENV-2004-AKL-000047).

accommodation units in the southern portion of the site is a significant deviation from the development plan. I am not aware of the means by which these buildings were authorised; whether the Council accepted their location as being in accordance with the resource consents, or whether they were authorised by way of rules in the Operative District Plan or a separate resource consent. The s42A Reporting Planner may be able to provide advice at the hearing on that matter.

2.4 Statutory and policy context

31. The s32 Report that was notified with the PDP in 2022 includes a summary of the statutory and planning context that was relevant at that time. There have been a number of changes to the statutory and planning instruments that are relevant to the PDP in the intervening 3 years. The s42A Report for the CAR-SPZ hearing identifies some of the changes that are relevant to this topic, but several were not identified. Those other changes include:

- (a) The National Policy Statement for Freshwater Management 2020 (**NPS-FM**) was not referenced in the CAR-SPZ s32 Report, nor in the s42A Report. The NPS-FM contains relevant provisions to the consideration of the CAR-SPZ, including Objective 1, Policy 1, Policy 2, Policy 3, Policy 6, Policy 7, Policy 8, Policy 9 and Policy 15. The NPS-FM includes policies that need to be considered in district plans, including the integrated management of land use and development where it can affect freshwater, and the protection of wetlands and outstanding water bodies. While some other chapters of the PDP also address these matters, they are particularly relevant to specific zone provisions that enable development within environments where freshwater features and values are present. There are several waterbodies within the CAR-SPZ, and those water bodies connect to important coastal features such as Waimango.
- (b) The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (**NES-F**). The NES-F applies

to district councils and regional councils, and to district plans and resource consents. Clause 6 of the standard sets out the relationship between rules and the standards (rules and resource consent can be more stringent than the standards), however s44A of the RMA addresses the responsibilities of local authorities where a rule in a plan conflicts with a national environmental standard. There are several examples of rules in the CAR-SPZ that appear to deal with similar matters to those addressed in the NES-F, including CAR-R4 (which permits recreation activities, including on the surface of water and within or close to wetlands), CAR-R6 (which permits 'conservation activity' which is not defined in the plan), CAR-S2 (which appears to authorise earthworks and infrastructure close to water bodies). These provisions appear not to have been evaluated in the context of the NES-F.

2.4.1 Relevant provisions of the RPS

32. The s32 Report sets out the provisions of the Northland Regional Policy Statement (**RPS**) that the Council considered are relevant to the CAR-SPZ. Those provisions are set out on page 10 of the CAR Section 32 Report.
33. There are several relevant objectives and policies from the RPS that were not included in the s32 Report but need to be given effect in the PDP, including, where appropriate, in the CAR-SPZ. Those additional provisions include:

Reference	Provision text	Comment
Objective 3.1	Integrate the management of freshwater and the subdivision, use and development of land in catchments to enable catchment-specific objectives for fresh and associated coastal water to be met.	The CAR-SPZ enables subdivision, use and development that has the potential to affect the outcomes for freshwater and coastal water.

Reference	Provision text	Comment
Objective 3.2	<p>Improve the overall quality of Northland's fresh and coastal water with a particular focus on: (a) Reducing the overall Trophic Level Index status of the region's lakes; (b) Increasing the overall Macroinvertebrate Community Index status of the region's rivers and streams; (c) Reducing sedimentation rates in the region's estuaries and harbours; (d) Improving microbiological water quality at popular contact recreation sites, recreational and cultural shellfish gathering sites, and commercial shellfish growing areas to minimise risk to human health; and (e) Protecting the quality of registered drinking water supplies and the potable quality of other drinking water sources.</p>	<p>The CAR-SPZ enables development in close proximity to, and within catchments that enter the coastal environment, significant wetlands and areas with cultural relationships associated with mahinga kai and other values.</p>
Objective 3.12	<p>Tangata whenua kaitiaki role is recognised and provided for in decision-making over natural and physical resources.</p>	<p>As stated in the objective's explanatory text "In keeping with the partnership principles of the Treaty of Waitangi and the Resource Management Act 1991 (sections 6(e), 7(a) and 8), the regional and district councils must provide for tangata whenua involvement in resource management, particularly where it affects their taonga.</p>

Reference	Provision text	Comment
Policy 4.2.1	Improving overall water quality	One of the methods associated with this policy includes “District councils shall include methods in district plans to manage the effects of subdivision and the development of land (including notices of requirement) for the purposes of improving the overall quality of fresh and coastal waters.”
Policy 4.4.1	Maintaining and protecting significant ecological areas and habitats	This policy applies to managing subdivision, use and development both within and outside the coastal environment to manage effects on significant areas and habitats. This is relevant to the CAR-SPZ given the direct relationship with Waimango and other significant natural features and areas. It is relevant that Waimango and the coastal dune area are identified by the Northland Regional Council as habitat for many threatened species. ² It is

² See

<https://localmaps.nrc.govt.nz/localmapsviewer/?map=55bdd943767a493587323fc025b1335c>
Waimango is described as “Freshwater wetland ponded between a Holocene coastal foredune

Reference	Provision text	Comment
		likely that there will be ecological connections between this natural feature and the CAR-SPZ.
Policy 4.7.3	Improving natural character	This policy applies to activities affecting wetlands, and land adjacent to ONL, ONFLs and ONC areas.
Policy 6.1.1	<p>Regional and District Plans</p> <p><i>Regional and district plans shall:</i></p> <p><i>(a) Only contain regulation if it is the most effective and efficient way of achieving resource management objective(s), taking into account the costs, benefits and risks;</i></p> <p><i>(b) Be as consistent as possible;</i></p> <p><i>(c) Be as simple as possible;</i></p> <p><i>(d) Use or support good management practices;</i></p> <p><i>(e) Minimise compliance costs and enable audited self-management where it is efficient and effective;</i></p>	As discussed later in my evidence, the proposed provisions of CAR-SPZ do not give effect to this policy.

belt and last interglacial consolidated foredunes. Habitat for many threatened species. 46.6% is protected.”

The Karikari coastal margin is described as “One of the best and least modified dune systems in the region. High quality and representative duneland habitat for threatened species. Important breeding area for northern NZ dotterel, banded dotterel, and variable oystercatcher. And roosting and potential breeding area for white fronted tern and caspian terns.”

Reference	Provision text	Comment
	<p><i>(f) Enable the aspects of subdivision, use and development that complies with the Regional Policy Statement; and</i></p> <p><i>(g) Focus on effects and where suitable use performance standards.</i></p>	
Policy 7.1.6	Policy – Climate change and development	This policy and associated methods direct the District Council to consider and manage natural hazards, including with 100 year time horizons.
Policies 8.1.1 to 8.1.4	Tangata whenua policies	This group of policy provides direction around the involvement of tangata whenua in plan making process, the need to integrate mātauranga Māori, and to meet the s6 and s7 RMA responsibilities.
Policies 8.3.1	<p>Kaitiaki role</p> <p>“The regional and district councils shall support tangata whenua to have a kaitiaki role in the management of their land, resources, and other taonga.”</p>	

2.5 Relevant Part 2 matters

34. The National Planning Standards set out the structure and format that district plans are required to follow.

35. Standard 8.4, which is a mandatory direction, says:

“Provisions developed for each zone must manage the use, development, and protection of natural and physical resources in it, in accordance with Part 2 of the RMA.”

36. Section 75(3)(ba) of the RMA requires that a district plan must give effect to a national planning standard.

37. The s32 Report for the CAR-SPZ only identifies sub-clauses (a), (b), (c) and (h) of Section 6 of the RMA as being directly relevant to the CAR-SPZ. In my view, the following other s6 matters are also directly relevant:

- (a) Sub-clause (d) – *the maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers.* The CAR-SPZ adjoins the coastal environment, has a number of waterbodies and waterways within or adjacent to it, including Waimango wetland and Wairahoraho Awa, both of which have significant values to tangata whenua.
- (b) Sub-clause (e) *the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.* As described in relevant iwi planning documents such as the Haititaimarangai Marae Hapū Development Plan 2015³, and set out in the evidence of Tipene Paul, there are enduring relationships, traditions and cultural connections with the whenua and natural features and processes within and around the CAR-SPZ.

38. In relation to Section 7, the s32 Report only identifies the following other matters as being relevant:

(b) The efficient use and development of natural and physical resources:

³ Pages 6 and 7 identify the area of interest for these hapū, and the Hapū Development Plan includes statements regarding the relationships and aspirations the hapū have with and for the natural environment, including waterways, within the area of the CAR-SPZ.

(c) The maintenance and enhancement of amenity values:

(d) Intrinsic values of ecosystems:

(f) Maintenance and enhancement of the quality of the environment:

(i) The effects of climate change

39. In my view, *(a) kaitiakitanga* is also relevant, particularly given the relationships, values and aspirations held by the hapū who whakapapa to Parakerake (the area of land within which the CAR-SPZ sits). Again, kaitiakitanga is clearly expressed in the Haititaimarangai Marae Hapū Development Plan.

2.6 Potential future legislation changes

40. At paragraph 16, the s42A Report provides an overview of announcements the Government has made in relation to its intentions to reform the Resource Management Act. In my view, any possible statutory reform should be given little or no regard in this current Proposed District Plan process. Bills have not yet been introduced to the House, and a public consultation and select committee process still needs to occur. Following that, the normal parliamentary process for developing new law needs to be undertaken. As such, there is very low certainty as to what form any new legislation may take, including what transitional provisions may be in place.

3. Engagement with mana whenua

41. The CAR Section 32 Report summarises the advice received from iwi authorities⁴. This section of the report does not say that the Council engaged directly with Haititaimarangai Marae or the hapū that whakapapa to the Marae.
42. Section 3.4 of the CAR s32 Report does not refer to the Haititaimarangai Marae Hapū Development Plan, which has been lodged with the

⁴

4.3.2

Council and is identified in the overarching s32 Report as an iwi planning document relevant to the District Plan process. The Hapū Development Plan is clear that the hapū expect to be engaged with, via Haititaimarangi Marae. Based on the summary in the CAR s32 Report, the Council did not engage with Haititaimarangi Marae, and did not specifically take into account the Hapū Development Plan.

43. Even without the direction in the Hapū Development Plan, the Council should have been aware of the long-standing interest that Haititaimarangi has in the Carrington Estate development, not least because the Council has been a party to previous Environment Court and High Court proceedings related to the resort. The evidence of Tipene Paul expands on the issue of engagement with the Marae.
44. The Council did not identify Māori cultural relationships and values as a resource management issue to consider in relation to the proposed CAR-SPZ. The subsequent submission from Haititaimarangi Marae Kaitiaki Trust, and the cultural evidence presented by the Trust at earlier Plan hearings, highlights that Māori values and relationships are a significant resource management issue for the topic, notwithstanding the Council's obligations under s6(e).
45. In my opinion, that left a significant gap in the Council's understanding of the resource management issues when it undertook its evaluative process in preparing the proposed CAR-SPZ. As an example, the summary of the scale and significance assessment in the CAR_SPZ Section 32 report states, *"Overall, the scale and significance of the effects from the proposal is assessed as being low. Consequently, a low level of detail is appropriate for the evaluation of the objectives and provisions for Carrington Estate in accordance with section 32(1)(c) of the RMA."* Had the Council engaged with Haititaimarangi Marae and developed an understanding of the issues the Marae and associated hapū have with the Carrington Estate development, it would have been better informed than it was when it drew its conclusions on the level of detail that it considered appropriate for the s32 evaluation, and in examining the proposed zoning approach.

46. Furthermore, the proposed objectives of the PDP, as notified, include CAR-O2, which requires development in the zone to recognise and protect a range of matters, including (b) historic heritage and cultural values. I cannot see how the Council could have undertaken an evaluation of the appropriateness of the provisions that were intended to achieve that objective without having a reasonable understanding of the cultural values that are likely to be present. The proposed CAR-SPZ provisions are generally permissive of intensive development, including in close proximity to features such as Waimango, which are well documented as having significance to local hapū.
47. Without a reasonable understanding of the nature of cultural values and the potential effects of development on those values, it is unclear how the Council could have determined that the permitted and controlled activity rules that enable the majority of development would be effective in achieving the objective of protecting cultural values.

4. ANALYSIS OF THE PROVISIONS

4.1 Extent of the CAR-SPZ

48. The submission from Carrington Estate requests that the CAR-SPZ is retained as notified (s351.001). Haititaimarangai Marae Kaitiaki Trust made a further submission opposing in part that request, stating that the Trust supports the CAR-SPZ "... to the extent that it applies to established activities – the golf course, vineyard, constructed accommodation and the restaurant." The relief sought in the further submission was to reject in part the submission point s351.001.

4.1.1 Use of SPZ - National Planning Standards

49. At paragraph 21, the s42A Report discusses the National Planning Standard, and provides a statement relating to whether the CAR-SPZ meets the criteria as a bespoke special purpose zone.
50. Standard 8.3, which is a mandatory direction, is:

“An additional special purpose zone must only be created when the proposed land use activities or anticipated outcomes of the additional zone meet all of the following criteria:

- a. are significant to the district, region or country*
- b. are impractical to be managed through another zone*
- c. are impractical to be managed through a combination of spatial layers.”*

51. The s42A Report refers to the s32 Report as providing the justification for establishing the CAR-SPZ, but does not include any additional analysis as to whether the CAR-SPZ satisfies the requirements of the National Planning Standards.
52. The Section 32 Report includes a chapter specifically addressing the CAR-SPZ. That chapter does not provide analysis against the requirements of the standard, other than saying *“It is impracticable to manage the development by way of spatial layer or through another zone proposed in the PDP. As such, the CAR is included in the PDP as a special purpose zone”*. The s32 Report does not expand on why alternative management approaches would be impractical to manage the development of the Carrington site.
53. A significant portion of the Carrington property within the CAR-SPZ is used for primary production activities or is otherwise rural in character. This is recognised in the submission from Carrington Estate Jade LP and Carrington Farms Jade LP (s351)⁵. The development plans for the CAR-SPZ that are included in the PDP clearly show the parts of the Carrington land that are intended to be developed, with no specific use shown for the balance of the land. The resource consents associated with the Carrington development do not authorise development beyond the specific areas that encompass the golf course, resorts and winery,

⁵ Appendix B of the submission explains that primary production activities are undertaken within the zone as the basis for the submitters request to amend the non-complying activity status for primary production activities.

nor do they require the land that isn't part of the winery and resort developments to be preserved in a particular way.

54. For example, of the land to the east of Matai Bay Road, only the Winery and its immediate surrounds are identified for development on the development plan (see the second-to-last and last pages of the Carrington Estate Development Plan and Schedule). All of the remaining land in the CAR-SPZ on the eastern side of Matai Bay Road, including the vineyard, appears to be in rural use.
55. I have overlaid the Special Zone Boundary and the extent of development that are shown in the Carrington Estate Development Plan and Schedule with the CAR-SPZ extent (see **Appendix A**). This demonstrates the significant difference between the respective layers. The CAR-SPZ significantly exceeds the consented winery development footprint on the eastern site of Matai Bay Road, and I have not seen information to explain why this is necessary or why it is appropriate for this land to be managed via a special purpose zone.
56. The extent of the 'special zone boundary' shown in the Carrington Estate Development Plan and Schedule included in the PDP⁶ does not match the extent of the proposed CAR-SPZ. The proposed CAR-SPZ is significantly larger than that included in the Development Plan document. The s32 Report for the CAR-SPZ states that the proposed zone applies to 1,214 hectares of land⁷. This has the effect of applying the CAR-SPZ provisions to a wider area than was authorised by the historic resource consents. There is no explanation in the s32 Report why the extension of the special purpose zone is appropriate.
57. I have included a map of land uses from the Northland Regional Council's online High-Resolution Land Use Information mapping layer in **Appendix B**. This map shows the existing land use, with the majority of the CAR-SPZ on the eastern side of Matai Bay Road as being *Perennial horticulture* or *Grazing modified pasture*.

⁶ See the second page of that document.

⁷ 6.2 Evaluation of Scale and Significance, pg 16.

58. There are a number of examples within the District where vineyards and associated wine tasting facilities are managed without the use of a special purpose zone. As explained in the s42A Report, the 'farming' activities within the CAR-SPZ are consistent with what is permitted in the adjoining Rural Production Zone and the Māori Purpose Zone – Rural Zone.⁸ The explanatory text at the beginning of Rural Production chapter of the PDP says:

The purpose of this zone is to provide for primary production activities including non-commercial quarrying, farming, intensive indoor primary production, plantation forestry activities, and horticulture. The Rural Production zone also provides for other activities that support primary production and have a functional need to be located in a rural environment, such as processing of timber, horticulture, apiculture and dairy products. There is also a need to accommodate recreational and tourism activities that may occur in the rural environment, subject to them being complementary to the function, character and amenity values of the surrounding environment."

59. The PDP description of the activities intended to operate with the Rural Production Zone aligns with the existing use of the balance of the CAR-SPZ. Taking into account Standard 8.3 of the National Planning Standards, a special purpose zoning is not necessary to manage the activities on the balance of the proposed CAR-SPZ, as that can be done via an existing zone in the PDP (the Rural Production Zone).
60. In my view, there is a significant question as to whether the Carrington development site needs to be specifically zoned at all, given that:
- (a) All the development envisaged by the zone has previously been authorised by resource consents. There has been no explanation in the s32 Report or the s42A Report as to why it is necessary and appropriate to establish a zone and set of plan provisions that essentially duplicate an existing RMA approval.

⁸ Paragraph 96.

Section 9 of the Act is clear that land use does not need to be permitted by both a plan and a resource consent.

- (b) Development that is already on the site benefits from existing use rights where it was lawfully established, via Section 10 of the Act.
 - (c) The Rural Production Zone provides a policy pathway for non-rural activities within the rural environment, allowing them to be managed through resource consents. The original Carrington consents were granted when the land had a rural zoning, and the consent conditions still require compliance with the Rural A Zone permitted activity standards of the operative plan at the time.⁹
61. The Section 32 Report for the CAR-SPZ does not identify the option of zoning the site as Rural Production and relying on the resource consents to manage the Carrington Estate development activities. It only identifies and evaluates the option of using the Rural Residential Zone. Nor does the s32 Report consider other spatial layer options to demonstrate that consideration was given to Standard 8.3(c). Table 18 of the National Planning Standard includes several other spatial layer options that may be appropriate for managing the Carrington Estate site, including Precincts and Development Areas.¹⁰
62. In my view, the Council has not demonstrated that the PDP gives effect to National Planning Standard 8.3. There are practical alternative planning mechanisms to manage development within the Carrington Estate site, including using existing zones and/or other spatial layers.

⁹ See for example, Condition 2 of RC 1990481.

¹⁰ Table 18 of the National Planning Standards describes a Development Area as “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 areas spatial layer is generally removed from the plan either through a trigger in the development area provisions or at a later plan change”.

4.2 Issues with the certainty of provisions

63. There is a significant number of drafting issues with the CAR_SPZ provisions, including the associated Carrington Estate Development Plan and Schedule, that in my view make the plan provisions unclear and uncertain. As such, those provisions are not consistent with achieving Section 18A(b)(ii) of the RMA, which requires the Council to take all practicable steps to ensure the PDP is worded in a way that is clear and concise.
64. I set out below some examples of drafting issues that make the provisions unclear and uncertain:
 - (a) CAR-R1 PER-1 requires new buildings or structures to be 'sited in accordance with the Carrington Estate Development Plan and Schedule'.
 - (b) CAR-R2 PER-1 requires that a relocated building 'is within or adjoins the approved building footprint in the approved Carrington Estate Development Plan and Schedule.'
 - (c) CAR-R3 PER-1 requires that residential and visitor accommodation units 'shall be in accordance with the approved building footprint in the Carrington Estate Development Plan and Schedule.'
65. In the examples above, all of which are permitted activity rules, some degree of subjective assessment or interpretation is required. A person reading the rules needs to be able to determine whether a proposed activity is 'in accordance with' different aspects of the Carrington Estate Development Plan and Schedule.
66. In the case of CAR-R1, this relates to the siting of the building or structure. CAR-R2 also relates to the siting of buildings but, in this case, the plan user has to identify 'approved building footprints'. CAR-R2 combines elements of both of the other two, requiring a plan user to identify 'approved building footprints' and then determine whether the

siting of the building is in accordance with the approved building footprint. The flexibility the rules provide around the number and location of the 343 accommodation units also raises interpretation questions as to how much leeway there is in building placement and footprints, given the development plan was presumably drafted on a particular development scenario.

67. The plans included in the Carrington Estate Development Plan and Schedule do not identify 'approved building footprints'. The only use of the word 'approved' in the document is in the introductory paragraph that explains that the Carrington Estate Development Plan and Schedule is 'based on the development approved under' the respective resource consents. The word 'approved' in the provisions seems to be redundant.
68. There is no key or other reference to 'building footprint' so a plan user is required to interpret the plan and determine what constitutes a building footprint. In some cases, there are terraces of buildings shown on the plans, so it is not clear whether the footprint of the whole terrace is the point of reference for the permitted activity standard, or an individual unit within it. For example, does a proposed building have to be entirely within the building footprint shown on the plan or can it be partially within it to be 'in accordance'? Some of the plans included in the Carrington Estate Development Plan and Schedule are quite detailed, showing landscape planting, footpaths and design details of buildings. It is not clear whether the permitted activity standard requires precise compliance with those designs and footprints or whether there is a degree of flexibility.
69. The introductory section of the schedule says "*Council's decisions on these applications and the material contained in the applications, in particular Drawings RC1 to RC8 (Country Club) and RC3 (Winery) contained in the applicant's Design Report, are relevant to this Schedule. These are public documents and inspection can be arranged through Council's offices.*" It is unclear from this passage if the Council's decision on the resource consents, the application material and the

applicant's design report actually form part of the schedule, or are only referenced for information. If the intention is that those associated documents also form part of the schedule, this would have the effect of the resource consent decision and application documents forming part of the rules of the PDP. If nothing else, reference to a number of other documents that sit outside the PDP, but which may or may not be directly relevant to interpreting the schedule, increases the degree of uncertainty in the provisions.

70. Similar issues are present with other rules in the PDP. For example, CAR-R7 CON-1 requires that *'the relocation of the building is identified in the Carrington Estate Development Plan and Schedule.'* I have reviewed the Carrington Estate Development Plan and Schedule and could find no reference to relocation of buildings, either within the text or on the drawings. Based on the rule drafting, I would expect to see a specific reference in the schedule to 'building relocation' or places where relocated buildings are identified. As those are not present, this rule appears to have no function. I have also assumed that this rule applies to relocated buildings (as defined in the Definitions section of the Plan¹¹) because the standard CAR-S3 associated with the rule refers to the defined term 'relocated building'. However, it is probable that CAR-R2 and CAR-R7 were supposed to replicate Rule 18.6.6.1.1 and 18.6.6.2.1 of the Operative Plan, which do provide for flexibility in the placement of new buildings in relation to the building footprints shown on the development plan.
71. In any event, allowing for a significant deviation from the development plan as a controlled activity, for which resource consent must be granted, is not, in my view, appropriate. The matters of control in CAR-R7 do not provide sufficient scope to address the matters set out in the CAR objectives and policies, in particular policies CAR-P5 and CAR-P6,

¹¹ "means a used building more than 2 years old that has been removed from a site, from within or from outside the District, and transported to another site. The definition includes used buildings that have been divided into sections for the purpose of transport and reassembly on the new site. The definition also includes alterations or additions to such buildings that occur concurrently with their initial establishment on the new site."

nor relevant higher order planning documents such as the NZCPS, NPS-FM and NPS-IB.

72. A further example of uncertainty in the provisions is CAR-R3, which relates to 'residential activity and visitor accommodation'. The rule itself seems to be controlling buildings and structures rather than residential activity (PER-1 and PER-2 relate only to structures). The rule is also unclear whether the maximum number of units relates to the CAR-SPZ as a whole, or the site on which the activity is proposed. This uncertainty may create issues where subdivision has occurred or a separate resource consent has been granted for alternatively located units (i.e the units are not in accordance with the approved building footprint in the schedule); would the use of those alternatively located units be a permitted activity under CAR-R3? I provided an example above of buildings that have been constructed on the Carrington Estate site that are not in accordance with the Carrington Estate Development Plan and Schedule. It is unclear how CAR-R3 applies to those buildings.
73. CAR-R3 includes a note that explains that residential activities may be substituted between villas/condominiums and hotel/overnight accommodation units. None of those terms are defined in the PDP, nor are they used in the Carrington Estate Development Plan and Schedule. The implication of the note is that different types of accommodation formats can be exchanged; however, it is unclear how such changes would interact with the other rules that require buildings to be in accordance with the approved building footprints. In my view, CAR-R3 is insufficiently clear or certain to be relied on to manage deviations from the building footprints shown on the Carrington Estate Development Plan and Schedule as a permitted activity.
74. Notwithstanding my comments above about the substance of the note on CAR-R3, the note itself does not form part of the rule and therefore cannot be relied on to authorise a swap of unit types. Which raises a question as to the purpose and intended effect of the note.
75. As summarised in the section of my evidence that addresses the existing resource consents, the resource consents authorise a larger

number of accommodation units than CAR-R3 does. Again, it is unclear how this rule would apply in the event that the consent holder develops the number of units authorised by the consents, but wishes to rely on the PDP rules to swap unit types.

76. The policies of the CAR-SPZ have similar drafting issues. For example, CAR-P2 is to *“Ensure that the land identified for open space and recreation activities in the Carrington Estate zone are retained for those purposes.”* (sic) The policy does not refer to the development plan as the place where land has been identified. Even if it did, the development plan does not specifically identify land for open space and recreation activities, other than perhaps the golf course. There are no open space or recreation overlays identified within the site in the PDP planning maps.
77. If the provisions of the CAR-SPZ are to be retained, they require substantial redrafting to be sufficiently clear and certain. I have not attempted to undertake this redrafting, as my recommendations later in my evidence are that a number of the provisions should be deleted from the PDP because they largely duplicate resource consents.

4.3 How should the double regulation issue be addressed?

78. The approach of provisions, including rules, in the PDP essentially mirroring the existing resource consents is, in effect, double regulation. If the Council considers that the Carrington resource consents remain in effect, then it is not clear why plan provisions that manage that same development are also necessary. That has not been explained in either the s32 Report or the s42A Report.
79. Importantly, the clear intention of the CAR-SPZ is to implement the development of Carrington Estate that has been authorised by the existing resource consents. Objective CAR-O1 is explicit that the outcome for the zone is that subdivision and development is undertaken in accordance with the development plan that represents the consented development. Any development that is not envisaged by the development plan is a discretionary activity (CAR-R9) and the CAR

policies provide very little direction as to the consideration of alternative development proposals. In essence, the CAR-SPZ policy and rule structure is designed to implement the development plan and to provide for minor deviations from it.

80. The CAR-SPZ has clearly not been established to provide for alternative development proposals – an effective policy framework intended to do so would provide substantially more direction as to outcomes, rather than simply referencing an existing development design. The Kauri Cliffs Zone provides an example in the PDP of provisions that provide direction to future development proposals rather than simply cementing already-approved development.
81. Section 9 of the RMA allows the holder of a resource consent to use land in a manner that contravenes a rule in the PDP. As such, any refinements to the management of the Carrington Estate development that the Council may wish to make via the PDP rules (such as more stringent permitted activity standards) would only be applied at the discretion of the consent holder – the resource consents would take precedence over the rules in the PDP.
82. The Carrington Estate resource consents do not contain review conditions, so the Council is not able to amend the conditions of the consents (using s128(1)(a) of the RMA) to align them with any alternative rule standards that may be included in the CAR-SPZ¹², either now or in the future to give effect to higher order planning documents.
83. As such, land use provisions in the Plan will only have an effect on development within the CAR-SPZ in the following circumstances:
 - (a) The development is not already authorised by one of the existing resource consents (i.e development additional or significantly different to what has already been approved),

¹² Section 128(1)(a) of the RMA can only be used to review the conditions of a resource consent if the consent itself specifies a time or times when the conditions can be reviewed.

- (b) The existing resource consents are surrendered, lapse or are cancelled, or
 - (c) The development is proposed by a third party that does not have the benefit of the resource consents.
84. Under all three scenarios, it would be reasonable and appropriate for the PDP to require a thorough evaluation of proposals through a resource consent process. Permitted and controlled activity rules that apply to already-consented development are superfluous. Any minor changes the consent holder may wish to make to the approved development can be addressed through requests via section 127 of the RMA to change the consent conditions.
85. On that basis, I consider the relief sought in the Trust's submission that seeks to remove or amend provisions in the PDP that mirror the existing resource consent is appropriate. It would allow the existing consents to continue to apply, and would provide a rule and policy structure to guide decision-making on any significant proposed changes to those consents or to new proposals.

5. Matters addressed in the s42A Report

86. In the following sections, I have referenced the related Key Issues that are used in the s42A Report.

5.1 Key Issue 1: General submissions

5.1.1 Include the CAR-SPZ in the Coastal Environment Overlay

87. The s42A Report addresses the Trust's submission point seeking to extend the Coastal Environment Overlay to include the CAR-SPZ. I understand this matter has also been considered in an earlier hearing topic.
88. The passage from the Council's landscape expert raises three issues that the Hearing Panel may wish to examine further.

- (a) The first is that the comment appears to be based on a landscape perspective only. Defining the extent of the coastal environment is guided by the NZCPS, particularly Policy 1, which includes consideration of a range of elements, processes and systems. As an example, the Northland Regional Council's Indicative Inanga Spawning GIS layer extends into the Carrington Estate site (see Figure 1). Similarly, the Regional Council's Coastal Flood layers extend into Carrington Estate (see Figure 2). Both layers indicate that coastal processes and ecosystems extend into the site.
 - (b) The landscape expert's quote included at paragraph 40 of the s42A Report for the CAR-SPZ does not say that adjustment of the Coastal Environment Overlay boundary is not required, only that they would be reluctant to do so without input from other experts. In my view, that statement could not be relied upon to conclude that the extent of the Coastal Environment Overlay in the PDP is accurate. The Regional Council determined the extent of the coastal environment in 2016 in the RPS. Policy 4.5.1 and Method 4.5.4 provide explicit scope for the coastal environment mapping in the RPS to be updated as part of district planning processes. It does not appear that this has been part of the PDP process.
89. The obligation in the NZCPS is for local authorities to determine the extent of the coastal environment, rather than it being the responsibility of other parties. The Trust's submission provides scope for the Council to undertake a review of the extent of the Coastal Environment in the context of the proposed CAR-SPZ, and the Council need not undertake a district-wide review. Reviewing the mapping of the coastal environment in the local context would also provide an opportunity for the Council to give effect to NZCPS Policy 2 by working with tangata whenua to identify places of value of historic, cultural or spiritual significance.

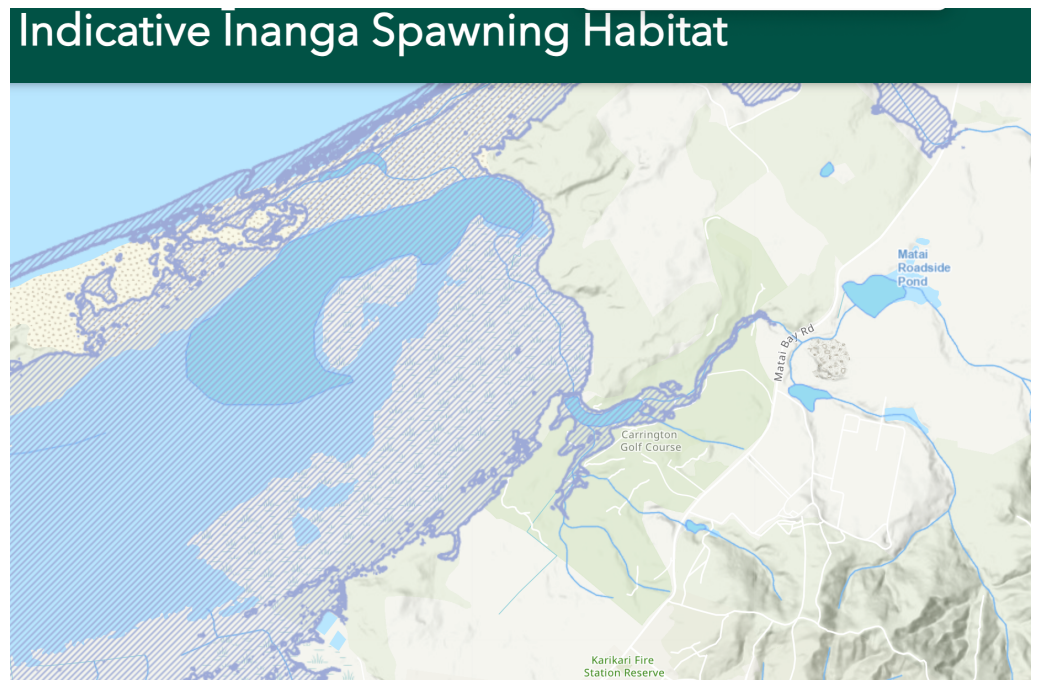


Figure 1 Indicative inanga spawning habitat. Source: NRC online maps

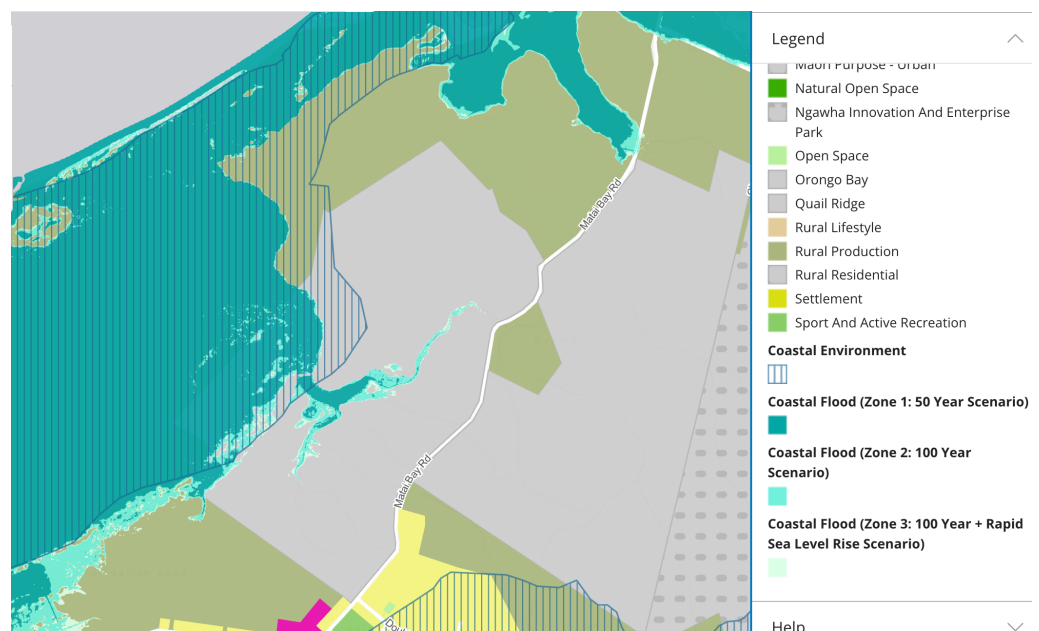


Figure 2 Coastal flood extent Source: NRC online maps

5.2 Key Issue 2: Objectives

5.2.1 CAR-O1

90. CAR-O1, as notified is: *Land use and subdivision of Carrington Estate is undertaken in general accordance with the approved Carrington Estate Development Plan and Schedule.*

91. The Trust's submission requests that this objective be deleted.
92. The s42A Report recommends that the objective should be retained for the following reason: *"This is because the Carrington Estate Development Plan and Schedule is central to the purpose of the CAR-SPZ and helps guide land use and development within the zone through listing the activities, design guidelines and various plans under the approved consents."*¹³
93. I disagree with the s42A Report reasoning. The development plan and schedule are implemented through the existing resource consents that established them. There is no resource management reason for an objective of the PDP to require that activities authorised by a specific set of consents are to be undertaken in accordance with those consents. The Council can ensure compliance with the resource consents without an objective in the PDP.
94. Permitted activity rules that authorise the activities already authorised by the Carrington resource consents are not required in the PDP. As such, an objective that relates only to the development plan that is associated with an existing resource consent is also unnecessary. Objectives for the zone should describe the outcomes to be achieved (which CAR-O2 more readily does), rather than referencing a specific set of drawings and a (very) general design statement. They should also assist in giving effect to the higher-order statutory documents.
95. It is also relevant that the Carrington Estate resource consents and the original Carrington Estate Zone that were introduced to the Operative Plan were established before the modern suite of higher-order policy documents were in place. For example, the current New Zealand Coastal Policy Statement came into effect in 2010 (consents were granted in 1999, and I understand that the Operative District Plan was made fully operative in 2009). If an objective is to be included in the PDP that expressly enables development that was designed prior to the current national and regional policy setting coming into effect, a

¹³ Paragraph 55

comprehensive evaluation of the development against the contemporary policy setting should occur. Based on my reading of the s32 Report, that comprehensive evaluation has not been undertaken by the Council.

96. If reference to the development plan and schedule is to remain, it would be more appropriate as a policy. Managing resource consent applications that seek to allow for development to deviate from the development plan (existing resource consents), should have regard to the development plan alongside a fresh effects assessment that addresses Māori cultural matters and the current environmental characteristics. This would provide guidance for subdivision consent applications that may be proposed to enable different ownership arrangements of the development. CAR-P6 largely does this already.
97. In my opinion, CAR-O1 is unnecessary and I recommend that it be deleted.

5.2.2 CAR-O2

98. CAR-O2, as notified, is: *Land use and subdivision within the Carrington Estate zone is carried out in a manner that recognises and protects:*
 - a. the natural character of the coastal environment;*
 - b. historic heritage and cultural values;*
 - c. natural watercourses;*
 - d. existing vegetation; and*
 - e. any part of the site subject to an SNA , ONL or high natural character area.*
99. The Trust's submission asks for the objective to be amended clause (e) so that the recognition and protection extends to the whole SNA, ONL or high natural character area, rather than just the portion of the area that is within an application site.

100. The s42A Report does not recommend making changes to the drafting of CAR-O2, but recommends adding explanatory text to make it more explicit that other provisions in sections that deal specifically with the overlays also apply. The s42A Report also includes the point that other provisions related to overlays tend to focus on outcomes for effects, rather than the broader ‘protect’ outcome in CAR-O2.
101. I agree with the s42A Report recommendation to include additional explanatory text to make the relationship between provisions in different plan sections clearer. While I understand the position in relation to not expanding clause (e) of the objective because other plan provisions already address outcomes for the overlay areas, retaining the ‘recognise and protect’ outcome only for parts of overlay areas that are within a development site leaves a gap in the objective. The effects of subdivision and development of a particular site are not necessarily limited to the boundaries of that site. The values and characteristics of overlay areas and features typically transcend property boundaries, and are vulnerable to effects generated from activities undertaken outside of their physical footprint. In my opinion, amending clause (e) as requested in the Trust’s submission would better align the objective with the outcome of looking after the whole of the overlay features, and would be consistent with other provisions in the PDP, which focus on managing effects affecting the whole of the overlay features.

5.3 Key Issue 3: Policies

102. The Trust’s submissions asked that Policies CAR-P1 and CAR-P3 be deleted because they specifically relate to implementing the existing resource consents. The s42A Report considers that the policies should be retained¹⁴.
103. In my view, CAR-P1 and CAR-P3 are largely redundant because resource consent applications will generally relate to development proposals that deviate from the approved development plan. Policy direction to such applications would be more effective if it provided explicit guidance around what development proposals should do to both

¹⁴ Paragraph 71.

achieve good design outcomes and to address potential adverse effects. To a large extent, policies CAR-P4, P5 and P6 already do that, however they are not instructive on design outcomes.

104. Unfortunately, the design guide included in the Carrington Estate Development Plan and Schedule is very general in nature and does not provide much guidance as to design outcomes for development. If the Carrington Estate Development Plan and Schedule did provide sufficient design guidance to be useful, retaining reference to it in the policies may assist in focusing the policies. However, significant additional work would need to be done on the design statement to ensure the outcomes it describes are appropriate for the environmental, cultural and policy setting.
105. Given the more directive nature of CAR-P6, CAR-P1 and CAR-P2 seem to serve little purpose and, in my view, can be removed.
106. In relation to the Trust's requested changes to Policy CAR-P5, I support the s42A Report recommendation to include a reference to 'sites and areas of significance to Māori', in the policy. However, the submission specifically sought the inclusion of a reference to values in the policy. Values and relationships are not confined to identified sites and areas of significance to Māori. As has been established by the cultural evidence presented by the Trust prior PDP hearings, and reiterated in the evidence of Tipene Paul for this hearing, the relationships and values that local hapū have with this area are significant. Consideration of those relationships and values is therefore a relevant and important part of the evaluation of development proposals within the Carrington Estate. In my opinion, reference to 'values' should be added to the policy, as sought in the Trust's submission. Doing so is consistent with giving effect to the policies in the RPS, national policy documents including the NZCPS, and meeting the obligations of s6(e) of the RMA.
107. In relation to the recommendations in the s42A Report regarding CAR-P6, I understand the desire to maintain consistent cross-referencing throughout the PDP. However, the issue raised in the submission is that consideration of matters relevant to the values and relationships of

tangata whenua is not confined to the matters set out in TW-P6. In that respect, making clause (f) inclusive rather than exclusive, as requested by the submitter, would achieve that outcome. While having consistency across the PDP is desirable, the CAR-SPZ applies to a discrete site with clear interest and concern from hapū regarding relationships and values connected to the site. As such, it is my opinion that amending the policy as requested by the submitter would be appropriate.

5.4 Key Issue 4: Rules

5.4.1 Alignment of plan rules with resource consents

108. In relation to the s42A Report recommendation¹⁵ to remove the car parking schedule from the Carrington Estate Schedule and Development Plan, I consider this highlights the fundamental issue with the PDP rules being used to duplicate the resource consents. As the statutory and policy context evolves over time and the PDP has to keep pace with it, there will likely be more and more divergence between the plan provisions and the resource consents. The reasoning at paragraph 86 in the s42A Report highlights that the consent holder can rely on the resource consents at any time where there is an inconsistency with the plan provisions. If the rules of the PDP are amended to be less stringent than the resource consents, that allows the consent holder to meet the lesser PDP standard where that is considered beneficial. It also emphasises that including lesser standards in the PDP than are in the resource consents will make the Council's ability to enforce the consent conditions significantly more difficult.

5.4.2 Allowing primary production

109. The submission of Carrington Estate Jade LP and Carrington Farms Jade LP seeks changes to the rules to enable primary production activities in the CAR-SPZ. I disagree with the s42A Report recommendation to allow for 'farming' as a permitted activity in the CAR-SPZ.

¹⁵ Paragraphs 83 to 86

110. In my view, the submitter's request highlights that the CAR-SPZ has been applied to land that is intended to be used for primary production activities rather than tourism and resort activities. A more appropriate way to resolve the matter is to adjust the CAR-SPZ zone so that it does not capture land that is used for rural purposes. The Rural Production Zone is intended to enable and manage farming and other primary production activities.

5.5 Key Issue 5: Rezoning

111. I agree with the s42A Report recommendation not to accept the rezoning requests made by Carrington Estate Jade LP and Carrington Farms Jade LP, including for the reasons provided in the s42A Report. The submitter has not supplied supporting evidence to demonstrate that a significant change to land use, including a substantial expansion of the urban area, is appropriate. Nor, in my view, is it appropriate to establish a mining-focussed zoning over the existing quarry, which I understand is only used to supply the Carrington Estate property.

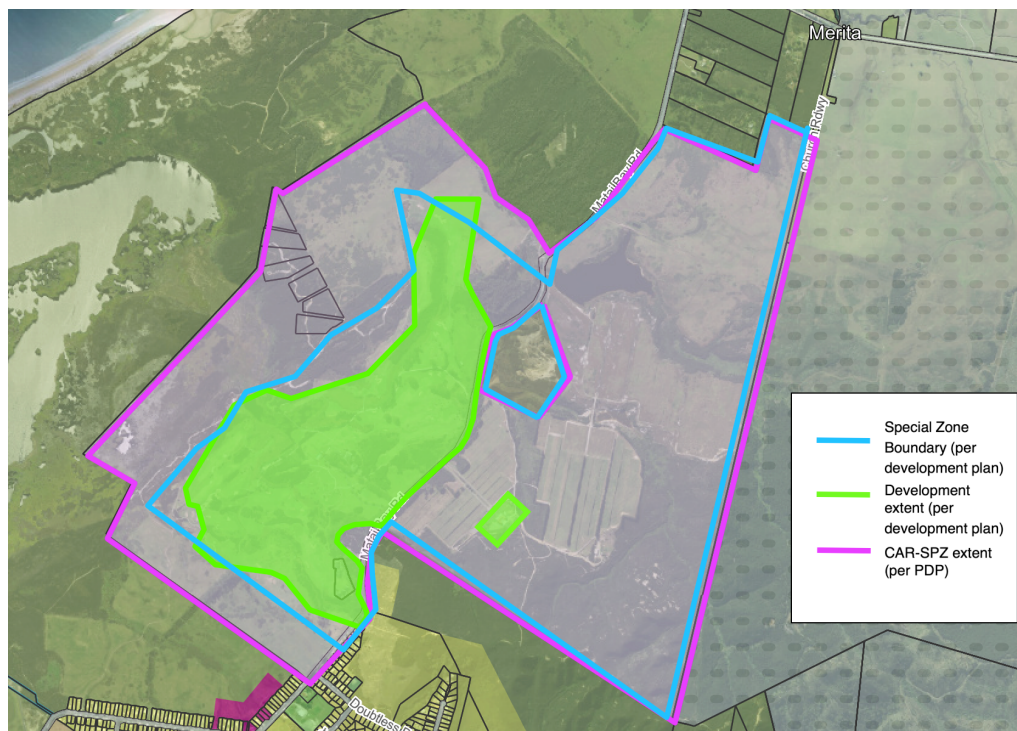


Phillip Percy

Dated 11 August 2025

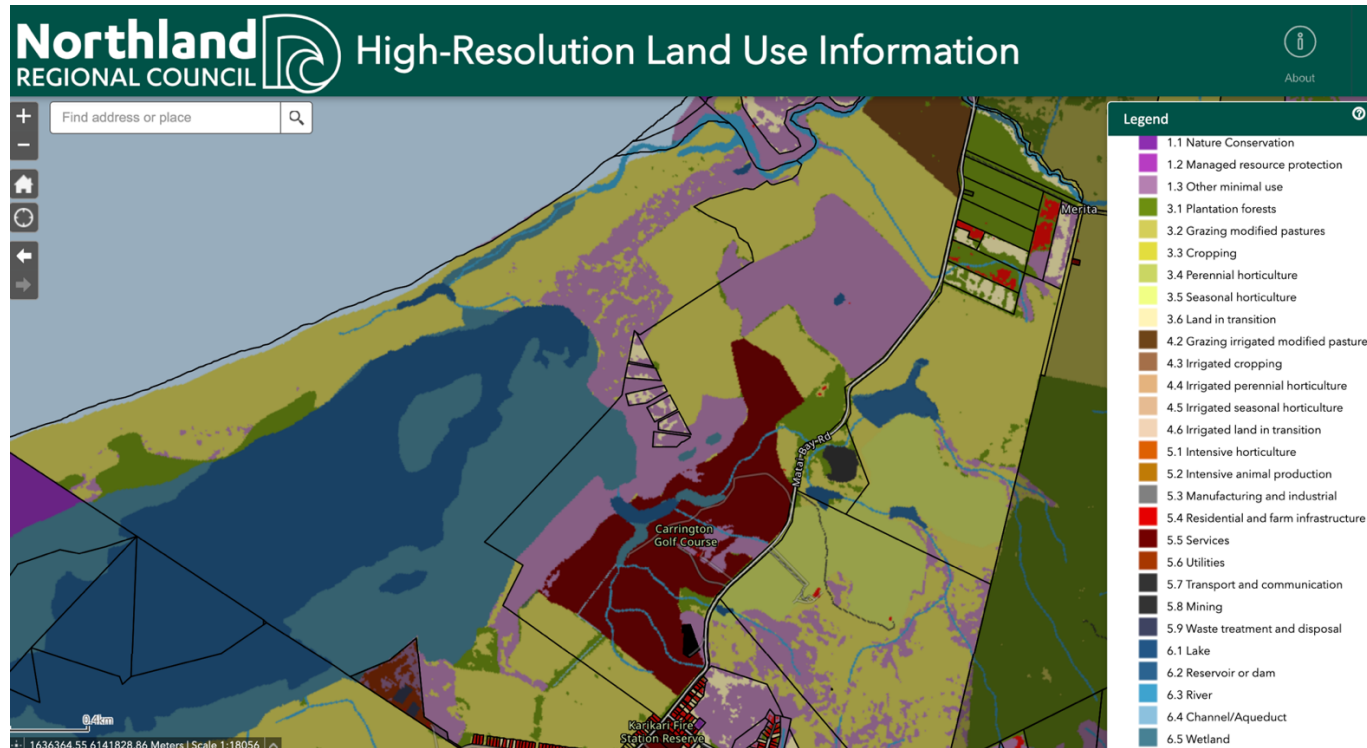
6. APPENDICES

6.1 Appendix A – zone and development plan layers



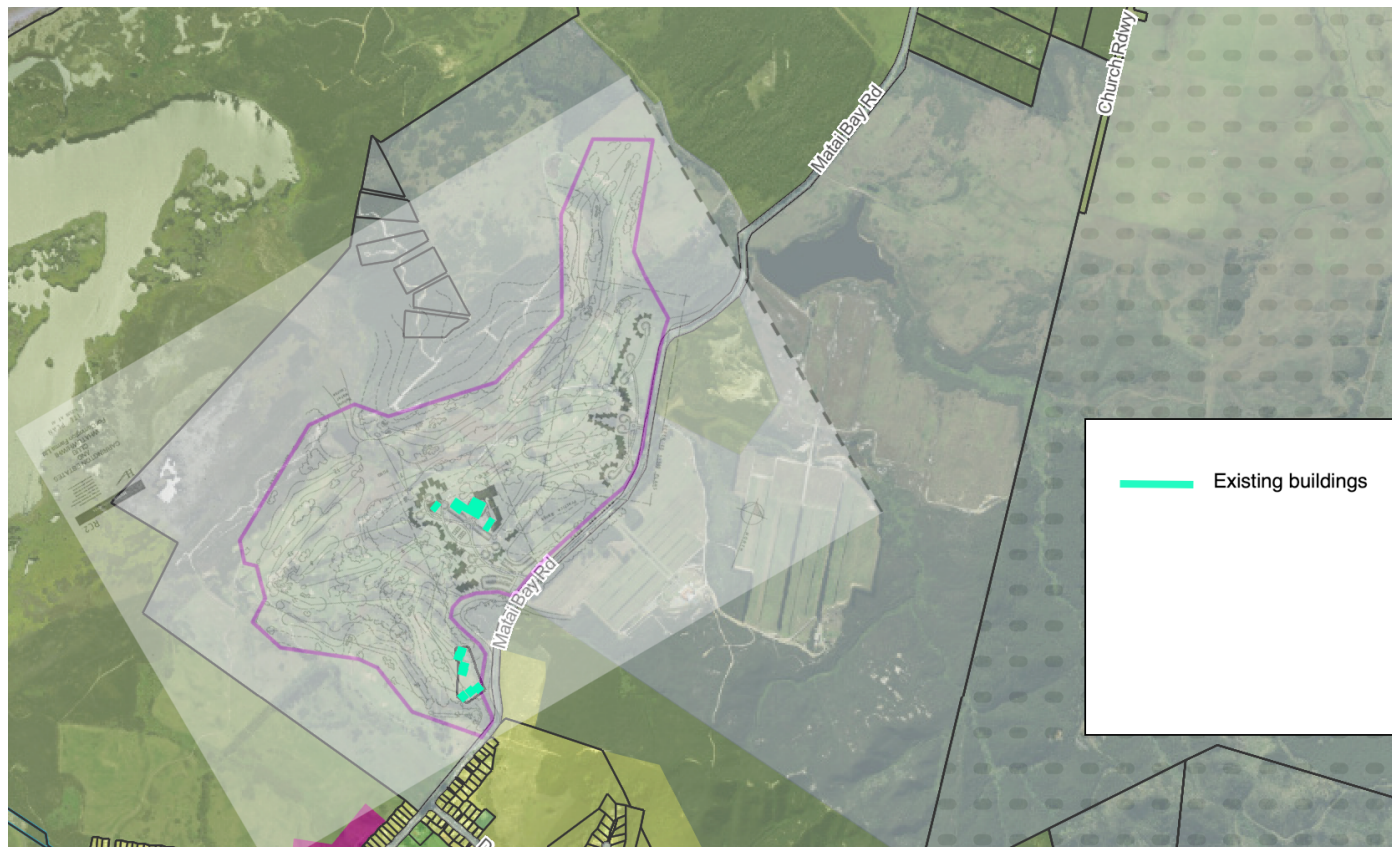
The layers included in this image have been taken directly from the plans in the Carrington Estate Development Plan and Schedule and have been transposed onto a screenshot of the CAR-SPZ zone extent from the PDP map viewer.

6.2 Appendix B – NRC High-Resolution Land Use Information



Source: Northland Regional Council online maps

6.3 Appendix C – Existing buildings on the Carrington



An image of the plan of the resort part of the Development Plan is overlaid on a aerial photograph of the Carrington Estate area. The black squares on the Development Plan overlay represent buildings intended as part of the development.

6.4 Appendix D – Comparison table of authorised accommodation

		Winery consent (RC 1990480)	Country club consent (RC 1990481)	Operative Plan (permitted activity)		Proposed Plan (permitted activity)	Comments
Number of guest beds (travellers accommodation)	Winery	20					
	Country club						
Number of accommodation rooms (hotel)	Winery						The number of beds or occupancy capacity of a room is not specified.
	Country club		150				
Number of accommodation units	Winery				113 ¹⁶	343 ¹⁷	The number of beds, rooms or occupancy capacity per accommodation unit is not specified in the Operative Plan, PDP or the resource consents.
	Country club		384	230 ¹⁸			

¹⁶ Rule 18.6.6.1.2 permits 230 accommodation units adjacent to the golf course and an additional 113 'travellers' accommodation units' at the country club and winery. The combined total accommodation units is 343.

¹⁷ CAR-R3, PER-1 permits 343 units but does not specify any particular arrangement.

¹⁸ Rule 18.6.6.1.2

		Winery consent (RC 1990480)	Country club consent (RC 1990481)	Operative Plan (permitted activity)	Proposed Plan (permitted activity)	Comments
Totals	Winery	20 guest beds		Up to 113 accommodation units	343 accommodation units	
	Country club		150 accommodation rooms plus 382 accommodation units Total: 532 rooms and units	Between 230 and 343 accommodation units		
Ability to exchange types of accommodation		No	No	Yes “These residential intensity levels may be substituted between villas/condominiums and hotel/overnight accommodation units within the Country Club and Winery on a basis of one	Potentially yes (see discussion in my evidence regarding the status of a note on a rule) “These residential activities may be	The note in the PDP refers to ‘residential activities’, which is defined in the Plan as ‘the use of land and building(s) for people’s living accommodation’. This is wider than the

		Winery consent (RC 1990480)	Country club consent (RC 1990481)	Operative Plan (permitted activity)	Proposed Plan (permitted activity)	Comments
				villa/condominium unit equalling three hotel/overnight accommodation units for each villa/condominium unit.”	substituted between villas/condominiums and hotel/overnight accommodation units within the Country Club and Winery on a basis of one villa/condominium unit equaling three hotel/overnight accommodation units for each villa/condominium unit.	reference to specific types of visitor accommodation in the Operative Plan.

