

**BEFORE THE COMMISSIONERS  
AT KAITAIA**

**IN THE MATTER**

of the Resource Management Act 1991  
**(the Act)**

**AND**

**IN THE MATTER**

of the Proposed Far North District Plan  
2022

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**LEGAL SUBMISSIONS ON BEHALF OF WAIKUA BAY FARM LIMITED**

**25 AUGUST 2025**

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## INTRODUCTION AND OVERVIEW

1. Located at 139 Tepene Tablelands Road in Matauri Bay, Kauri Cliffs is a world class facility that has been a significant contributor to the local and regional economy since 2001. Kauri Cliffs is home to a luxury Lodge, a top ten ranked David Harman designed par 72 golf course,<sup>1</sup> and a working farm.
2. Kauri Cliffs is owned by Waiaua Bay Farm Limited (**WBFL**) which has landowning interests throughout the North and South islands, and a long history and connection with New Zealand. From 2023, Rosewood Hotel Group were appointed to manage the Lodge, however the golf course, farming, and forestry operations continue to be owner-operated by the Robertson family.
3. WBFL has invested, and continues to invest, significant time, effort and expense in developing Kauri Cliffs to the high-quality world-class venture it is today.
4. The notified version of the Proposed Far North District Plan (**Proposed Plan**) provided for development in the Kauri Cliffs area. The nature of the changes sought by WBFL is that of a reconfiguration of the existing subzones within the Kauri Cliffs Zone, and clarification of the notified plan provisions.
5. The changes sought by WBFL are generally supported by the s42A Report author and supporting reports.<sup>2</sup> Where clarifications were sought by the S42A Report author, or Council peer reviewers, WBFL provided additional information and answers in reply evidence. WBFL has appreciated the Council's involvement and constructive approach throughout this matter.
6. A version of the Kauri Cliffs Zone and relevant subdivision provisions, incorporating the provisions recommended by the s42A Author and replies in response to the s42A, is included the reply of Steven Tuck.

## CHANGES SOUGHT AND CURRENT POSITION

7. WBFL seeks a reconfiguration of the Kauri Cliffs Zone and the Rural Production Zone in order to apply the Golf Living sub-zone to more appropriate areas, and to extend the Lodge sub-zone to cover an existing subdivision and enable future development complementary to the existing Lodge.
8. The evidence clearly supports that the zone reconfiguration is likely to produce improved environmental, amenity, and commercial outcomes.<sup>3</sup>

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<sup>1</sup> Ranked in the top 10 courses nationally, and currently ranked number 55 out of the World's 100 Greatest Courses by Golf Digest 2024-2025.

<sup>2</sup> S42A Report noting general agreement with the changes recommended by Mr Tuck, and noting the subsequent recommended amendments are an appropriate, efficient, and effective way to achieve the relevant Proposed Plan objectives in accordance with s32AA [116], [165], [178], [194].

<sup>3</sup> Evidence of Amy Tapper (5 May 2025) at [28] – [31]; Evidence of Steven Tuck (5 May 2025) at [180].

## Evidence

9. WBFL provided the Hearings Panel with evidence from the following witnesses in support of its position:
  - (a) Amy Tapper (Corporate). Ms Tapper confirms the Robertson family's commitment to the property, and the many actions taken to preserve and protect the area.<sup>4</sup> Ms Tapper also sets out the rationale and need for the reconfiguration from a hosting perspective.<sup>5</sup>
  - (b) Gary Bramley (Ecology). Mr Bramley's opinion is that the area proposed for reconfiguration as the Golf Living sub-zone avoids high value ecological areas,<sup>6</sup> and that any potential effects arising from future subdivision and residential development can be adequately managed through Plan provisions, a detailed ecological assessment, and resource consent conditions.<sup>7</sup>
  - (c) John Goodwin (Landscape). Mr Goodwin considers that with the proposed control measures and requirements at resource consenting stage (including preparation of a detailed landscape effects assessment), the proposed zone reconfiguration and future subdivision and development will result in no more than minor adverse landscape and visual amenity effects.<sup>8</sup> He considers the proposed amendments are appropriate.<sup>9</sup>
  - (d) Mark Child (Geotechnical). Mr Child considers the reconfigured Golf Living sub-zone is generally feasible for development subject to suitable detailed geotechnical investigations and design undertaken to support resource consent applications for future subdivision and development.<sup>10</sup>
  - (e) John Papesch (Civil Engineering). Mr Papesch considers the reconfigured Golf Living sub-zone is generally feasible for development, given the potential effects of future subdivision and development can be addressed at the resource consent stage by preparation of a detailed civil engineering assessment and implementing appropriate design solutions.<sup>11</sup> Mr Papesch considers the practical servicing requirements, including water and access requirements, can be provided.<sup>12</sup>

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<sup>4</sup> Evidence of Amy Tapper (5 May 2025) at [11]-[18].

<sup>5</sup> Evidence of Amy Tapper (5 May 2025) at [28] – [31].

<sup>6</sup> Evidence of Dr Gary Bramley (2 May 2025) at [35].

<sup>7</sup> Evidence of Dr Gary Bramley (2 May 2025) at [39].

<sup>8</sup> Evidence of John Goodwin (5 May 2025) at [43], [48], [52].

<sup>9</sup> Evidence of John Goodwin (5 May 2025) at [53].

<sup>10</sup> Evidence of Mark Child (5 May 2025) at [11].

<sup>11</sup> Evidence of John Papesch (4 May 2025) at [33], [46].

<sup>12</sup> Evidence of John Papesch (4 May 2025) at [43]-[46].

- (f) Kim Tatton (Archaeology). Ms Tatton states that there are no direct archaeological or other historic heritage effects resulting from the reconfiguration proposal.<sup>13</sup> She considers that future resource consent processes will be appropriate to identify and manage any potential effects.<sup>14</sup>
- (g) Steven Tuck (Planning). Mr Tuck considers that appropriate consideration of the environmental effects of future activities in the reconfigured zone, including of matters significant to iwi, will be regulated by the preparation of detailed assessments to inform subdivision and development design and resource consent requirements.<sup>15</sup> Mr Tuck notes that his recommended amendments to the provisions are no more permissive than the notified Plan, and that some recommended amendments are more restrictive.<sup>16</sup> Mr Tuck considers that the proposed reconfiguration is suitable and appropriate, satisfies s75(3), and is an improvement on the notified zoning such that it is a more efficient and effective way to achieve the objectives of the Proposed Plan in terms of s32AA.<sup>17</sup>

### **Engagement with iwi**

10. WBFL consulted with representatives of Te Rūnanga o Whaingaroa, Ngāti Kura hapū, Te Rūnanga o Ngāti Rehia and Matauri X Incorporation, who identified key considerations which would need to be considered prior to resource consent applications being lodged, including the preparation of a Cultural Impact Assessment (CIA).
11. None of the iwi who chose to engage with WBFL raised any concerns about the overall feasibility of development proposed in the Master Plan,<sup>18</sup> and indeed support was expressed.

### **S42A Report**

12. There are no major areas of disagreement between WBFL's experts and Council's experts.
13. Where Council's experts requested greater clarification or suggested changes, these have been provided in Mr Tuck's reply as supported by Messrs Bramley, Goodwin, and Child.

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<sup>13</sup> Evidence of Kim Tatton (2 May 2025) at [20].

<sup>14</sup> Evidence of Kim Tatton (2 May 2025) at [26], [30], [34], [35], [36].

<sup>15</sup> Evidence of Steven Tuck, Appendix 5, S Tuck Response to Further Submissions on the Kauri Cliffs Zone, pg 7.

<sup>16</sup> Evidence of Steven Tuck (5 May 2025) at [86], [87].

<sup>17</sup> Evidence of Steven Tuck (5 May 2025) at [186].

<sup>18</sup> Evidence of Steven Tuck (5 May 2025) Appendix 6, Response to Minute 14 Rezoning Criteria, at [117].

## EVIDENCE FROM TE WHANAUNUI O WAIUAU O NGATI KURA

14. WBFL agrees that a CIA will be required. However, it considers that this (and other detailed assessments) is most appropriately completed at the resource consent stage for the following reasons:
  - (a) The purpose of a CIA is to manage effects, but the evidence shows there are no effects arising from the reconfiguration of an existing zone. The potential for effects arises for assessment at the resource consent stage;
  - (b) Other iwi parties are comfortable with a CIA being prepared when subdivision and development design is more advanced, and the CIA can be appropriately focused; and
  - (c) Resource consents will be required to authorise subdivision and development, and these consents will require a CIA.
15. WBFL thanks the submitter for the indication that six months will be properly required for the preparation of a CIA. WBFL intends to ensure that this time is provided for production of a CIA by the relevant iwi prior to lodging resource consent applications for residential subdivision in the Golf Living sub-zone.

## SUMMARY

16. Kauri Cliffs is a world class facility which has helped promote New Zealand, and more particularly Northland, as a premier international tourist destination. It has been, and remains, an important contributor to the local and regional economies. Further development planned for the site will expand that contribution.
17. The changes recommended by the s42A Report author, and those consequentially sought by WBFL, are minor refinements, supported by comprehensive expert evidence. The recommended provisions provide a future development path for WBFL which will ensure responsible environmental protection and enhancement alongside proposed development.
18. A CIA, and other detailed technical assessments, will be most appropriately prepared at the resource consenting stage.

**DATE: 25 August 2025**



Mike Holm / Nicole Buxeda  
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